

**Ruston, Washington**  
**Middle Housing Code Update**  
**TITLE 25 & 29**  
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**TITLE 25**  
**ZONING**

Chapters:

**Chapter 25.01 ZONING**

Sections:

**25.01.010 Purpose and regulatory compliance.** (No changes needed)

**~~25.01.020 Definitions.~~**

~~[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~"Accessory dwelling" or "accessory living quarters" means a separate additional living unit including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single family lot.~~

~~(a) Attached. Attached auxiliary dwelling units, contained within a single family home, are usually known as mother in law or accessory apartments or second units. Attached auxiliary dwelling units usually involve renovation of a basement, attached shed or garage, or similar space in single family home.~~

~~(b) Detached. Detached auxiliary dwelling units are structurally independent from the primary single family dwelling and are a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation.~~

~~"Accessory structure" means a structure incidental to a permitted principal use; provided, that such use or structure shall be located on the same lot as the principal structure. If an accessory structure meets the definition of "accessory dwelling" or "accessory living quarters," then regulations and standards for "accessory dwelling" or "accessory living quarters" will apply.~~

~~"Accessory use" means a use, which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including private garages, storage sheds, and greenhouses.~~

~~"Adjacent districts" means one use district is considered adjacent to another if they share a property line or touch at a common point. Use districts are also considered adjacent if they are across a street or alley from one another and within 100 feet of each other. When adjacency applies across a street or alley, the conditions associated with being adjacent shall apply to the first 100 feet of the district in question as measured from the right of way line.~~

~~"Adult arcade" means a commercial establishment containing individual viewing areas or booths where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.~~

**Commented [KP1]:** Definitions are not being deleted. They are being moved to a new location in Chapter 25.99.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult day care" or "community care facility for adults" means a facility, licensed by the City, State, or County, that cares for at least 16 individuals, 18 years or older, with functional disabilities, which, in addition to providing food and shelter, may also provide some combination of assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010. Such facility may provide additional services such as social counseling services and transportation.

"Adult entertainment" means:

- (a) Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
- (b) Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facility" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home" means a family abode, licensed by the City, State or County, or a person or persons who are providing assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010, room and board to more than one but not more than six adults, 18 years or older, with functional disabilities who are not related by blood or marriage to the person or persons providing the service.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- (a) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, DVDs, Blu-Ray disks, digital video files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from any location outside of the establishment that advertises the availability of this type of sexually oriented materials; or
- (b) Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as one of its principal business purposes offers for sale or rent, for any form of consideration, any one or more of the following:

- (a) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are

distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

(b) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all non-sexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for non-sexually oriented materials.

"Airport, heliport or air field" means any runway, landing area or other facility whether publicly or privately owned and operated, which is designed, used, or intended to be used either by public carriers or by private aircraft, for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces, but not including manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith.

"Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots and is not designed for general traffic circulation.

"Alteration" means any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy.

"Amendment" means a change in the wording, context or substance of this zoning code, or change in the zone boundaries on the zoning map that must be adopted by the City Council as an ordinance.

"Apartment" means a building or a portion of a building arranged or designed to be occupied by three or more families living independently of each other.

"Automobile repair, major" means rebuilding or reconditioning of motor vehicles or trailers including trucks over one and one-half tons capacity; collision service including body, frame or fender straightening or repair; overall painting or paint shop; automobile wrecking when within an enclosed building.

"Automobile repair, minor" means general motor repair, replacement of new or reconditioned parts to passenger automobiles and trucks not exceeding one and one-half tons capacity, but not including any operations specified under "automobile repair, major."

"Automobile service station" means a use which provides for the servicing of passenger automobiles and trucks not exceeding one and one-half tons capacity and operations incidental thereto, but not including body repair, painting, or automobile wrecking.

"Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Automotive fuel dispensing facility" means any facility that is used for the sale of gasoline or other motor fuels, oil, lubricants and auto accessories, and may or may not include washing, lubricating and other minor services. Painting and/or body work activities are not allowed.

"Average lot grade." See "lot grade."

"Basement" means a story of a building that is greater than 50 percent underground.

"Best management practices" means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, to circulation patterns, and to the chemical, physical, and biological characteristics of wetlands.

"Buffer" means a unit of land, together with a specified type and amount of landscaping, which may be required between land uses to eliminate or minimize conflict between them.

"Buffer, wetland" means an area which is an integral part of a stream or wetland ecosystem or which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion as necessary to minimize public harm suffered when the functions and values of wetlands are degraded.

"Building" means any structure for the support, shelter or enclosure of persons, animals, mechanical devices, or property of any kind.

"Building, enclosed" means a building enclosed on all sides with wall and roof and having no openings other than closeable, glazed windows and doors and vents.

"Building envelope" means the area of a lot that delineates the limits of where a building would be placed on the lot as defined by the setback requirements.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this zoning code. A building site may be comprised of one lot, a combination of lots, or a combination of lots and fractions of lots.

"Bulk" means the size and location of buildings and structures in relation to the lot. Bulk regulations generally include height of building, lot area, front, side and rear yards, and lot coverage.

"Church" means an establishment which is principally devoted to religious worship, which may include accessory uses such as Sunday school rooms, religious education classrooms, assembly rooms, a library and residences on site for clergy. The definition of "church" also includes temple, mosque, synagogue, or other similar religious facility.

"Classification" means defining categories to which natural resource lands and critical areas are assigned.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only, but not including the sale of drugs or medical supplies.

"Commercial (business)" means the purchase, sale, or offering for sale services, substances or commodities in office buildings, offices, structures or premises.

"Commercial child care, day care centers, preschools, nurseries, or kindergarten centers" means a state-licensed facility operated by any person, firm, association, or other business entity which regularly provides day care only in other than a family setting to a group of 13 or more persons whether for compensation or not.

"Commercial parking lot" means an off street parking area, a majority of which is available to the public, and such parking is the primary use of the site.

"Commercial shopping center" means a master planned development, approved commercial site plan, binding site plan, or commercial subdivision, comprised of one or more parcels of land which is at least one acre in area and which also contains commercial uses as the primary use of the site.

"Commercial vehicle" means any vehicle, trailer, boat, tractor or other heavy equipment, or shipping container which meets one or more of the following criteria: 1) Is licensed and/or is designed to obtain a gross vehicle weight of 11,500 pounds or more, 2) Has a total height of more than eight feet, six inches. Government and utility service vehicles are not included within this definition.

"Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the City Council and the granting of a conditional use permit which review shall ensure that the use, if approved, will be compatible with other permitted uses in the same vicinity and zone.

"Condominium" means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW.

"Convenience store" means any retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches or freshly prepared foods, such as salads, for off-site consumption.

"Country club" means an incorporated or unincorporated association of persons organized for social and recreational purposes, such as golf clubs, tennis clubs, etc.

"Critical aquifer recharge area" means those areas that have been identified as having a critical recharging effect on aquifer use for potable water in community water systems.

"Critical areas" means one or a combination of wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

"Dedication" means the transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee simple interest or of a less than fee interest, including an easement.

"Designation" means formal adoption of a policy statement which establishes for planning purposes: the classification scheme; the general distribution, location and extent of the uses of land, where appropriate, for agriculture, forestry, and mineral extraction; and the general distribution, location and extent of critical areas.

"Development" means the construction or reconstruction of a structure or other modifications of the natural landscape above and below ground or water on a particular site.

"Director" means the City of Ruston Planning and Community Development Director or designee.

"Drive-in facility" means a use or occupancy of commercial premises where all or a substantial portion of the business will consist of consumption of food or beverage in or about motor vehicles temporarily parked on the premises.

"Drive-through facility" means a use or occupancy of commercial premises where the purchaser of the goods or services offered will operate a motor vehicle on the premises in the course of receiving the same.

"Dwelling" means any building or portion thereof which is designed or used for residential purposes.

"Dwelling, accessory" or "accessory living quarters" see "accessory dwelling" above.

"Dwelling, duplex" means a detached building containing two dwelling units.

"Dwelling, multiple-family" means a building or portion thereof containing two or more dwelling units and does not include auxiliary dwelling units or accessory living quarters.

"Dwelling, single family" means a detached building containing one dwelling unit.

"Dwelling, triplex" means a detached building containing three dwelling units.

"Dwelling unit" means a room or rooms located within a building, designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent of any other family. The existence of a food preparation/sanitation area within such room or rooms shall be evidence of the existence of a dwelling unit.

"Easement" means the authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

"Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing,

and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or occupancy agreement.

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

"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost, or surface water flow.

"Excavation" means any action by which any rocks, sand, gravel, stone, earth, topsoil, peat, minerals or other natural resources are removed for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future.

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Exterior storage" means the storage of fuel, raw materials, products, and equipment outside of an enclosed building.

"Family" means one or more persons, either related or unrelated, occupying a dwelling unit and living together as a single housekeeping unit.

"Family day care home" means a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

"Fence" means a wall or a barrier composed of any living or nonliving materials including, but not limited to, posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land from each other and from the public right-of-way, but not including retaining walls.

"Fill" means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

"Fish and wildlife habitat conservation areas" means all lands with priority species, priority habitats and habitats of species of local importance as defined by the Washington Department of Wildlife; naturally occurring ponds over one-half acre and their wildlife habitat; lakes, ponds, streams, and rivers planted with game fish defined by RCW 77.09.020.

"Frequently flooded areas" means floodplains and other areas subject to a one percent or greater chance of flooding in any given year also known as a "100-year flood."

"Front yard." See "Yard, front."

"Frontage, street." See "Street frontage."

"Garage" means a building or portion of it designed and used for storage of tools, building materials, and miscellaneous items and storage and repair or service of motor vehicles.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to development.

"Government facilities" means schools, libraries, police stations, fire stations and other governmental or public offices or institutions serving nearby residents.

"Grading" means the movement of earth or soil or other activity which is intended to create a building grade.

"Gross floor area" means all interior building areas, excluding parking and mechanical areas.

"Height (of a building or structure)" means the vertical distance measured from the lot grade to the highest point of the roof surface, and from this point drawn horizontally and not along the contours of the lot.

"Heliport." See "Airport."

"Home occupation" means any business, profession, occupation, or trade located entirely within a residential building, or structure accessory thereto, which use is incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

"Homeowner's association" means a group of persons organized as an association, corporation or other entity which represents homeowners residing in a subdivision or other development entity. A homeowner's association need not have any official status as a separate legal entity under the laws of the State of Washington.

"Hospital" means an institution, whether a building or group of buildings, designed and used for the medical and surgical diagnosis and treatment (temporary and emergency services included) and housing of persons under the care of doctors and nurses providing general medical care, as distinguished from treatment of mental and nervous disorders and alcoholics, and specifically excluding rest homes, nursing homes, and convalescent homes.

"Hotel" means a building or portion thereof designed or used for the lodging with or without meals of six or more persons for compensation. A central kitchen and dining facility and accessory shops and services catering to the general public may be provided. Institutions housing persons under legal restraint or requiring medical attention or care shall not be considered hotels.

"Impervious surface" means a surface which does not absorb water, including buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

"Infrastructure" includes water, sanitary sewer, roads (including sidewalks), storm sewer, electrical systems, street lighting and similar systems.

"Interior lot line" means the boundary line of a lot which separates one lot from another.

"Light industrial" developments involve research and technological processes and the processing and handling, and creating of products all of which are distinguished from heavy industrial fabrication since they are largely devoid of nuisances or hazards.

"Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by the zoning code, which has direct legal access to a street or has access to a street over an easement approved by the City.

"Lot area" means the area within the boundary lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings, including all structures greater than three feet in height.

"Lot grade" means the average level of the undisturbed native soil at the outermost corners of the building envelope shall be considered lot grade (sum of the elevations at the corners of the building envelope divided by the number of corners). For the purposes of this section, the U.S. EPA Superfund Cleanup finished excavation, fill, final grading and completion of land work shall be considered existing native soil for the purpose of building height requirements as specified by the City of Ruston. (Refer to Section 25.01.040, Illustration A, Determination of Lot Grade.)

"Lot line" means the boundary lines of a lot.

"Lot of record" means a single platted lot which is a part of a plat which has been recorded as required by the laws of the State of Washington, in the office of the Auditor of the County of Pierce.

"Manufactured home" means a dwelling unit constructed after June 15, 1976, in accordance with United States Department of Housing and Urban Development requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

"Maps (critical areas)" means those maps maintained by the City of Ruston for the purpose of graphically depicting the boundaries of resource land and critical areas.

"Mayor" means the Mayor of the City of Ruston or the Mayor's designee.

"Mineral lands" means lands of long term commercial significance for the extraction of aggregate and mine resources, including sand, gravel, and valuable metallic substances.

"Mixed use occupancy (or structure)" means a building designed or intended to be used for more than one type of principal use, e.g., retail and office uses.

"Mobile home" means a dwelling unit transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling unit and constructed before June 15, 1976.

"Mobile home park" means a parcel of land designed and improved to accommodate two or more mobile homes on a permanent basis.

"Modular home" means a dwelling unit constructed in a factory in accordance with the International Building Code and bearing the appropriate fold insignia indicating such compliance. The term includes "pre-fabricated," "panelized" and "factory-built" units.

"Motel" means a group of attached or detached buildings containing individual sleeping units, a majority of such units open individually and directly to the outside, including tourist courts, motor courts, and motor lodges.

"Multiple use project" means a development containing two or more principal uses located in one or more structures.

"Nonconforming building" means a building which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nonconforming use" means a use which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nursery or garden center" means an enterprise which conducts the retail and wholesale sale of plants, as well as accessory items directly related to plant care and maintenance (excluding farm equipment).

"Nursery school." See "Preschool."

"Nursing, convalescent or retirement home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. The nursing or retirement home does not provide surgical or obstetrical services, nor shall a hospital or sanitarium be construed as a nursing or retirement home.

"Office building" means a building primarily designed for professional office uses.

"Open space" means generally a portion of the area of a site, other than required yards, which is required by this zoning code to be maintained free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the open space).



"Open space, common" means that area permanently owned in common or held for use by more than one individual property owner or resident for recreational use, landscape buffering, preservation of sensitive areas or other publicly beneficial uses. Common open space does not include the uncovered portions within any road right-of-way.

"Open space, dedicated" means that area permanently dedicated to the City and held for public use or interest as part of the City's comprehensive open space system.

"Open space, parcel" means the sum of the common and private open spaces within a given development parcel.

"Open space, private" means that open space within a privately owned lot.

"Other adult entertainment facility" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration; provided, however, that a public library, and a school, university, or similar educational or scientific facility shall not be considered an adult entertainment facility. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access is provided for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Park" means land in public use and ownership that is used for active and passive recreation including, but not limited to, local and regional parks, playgrounds, ball fields, water access facilities and nonmechanical boat launches.

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

"Permitted use" means a use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations and regulations of such zone.

"Plat" means the map or representation of a subdivision.

"Preschool" or "nursery school" means a public or private school for children from ages two to six, including accessory playgrounds and athletic fields.

"Primary school" means a public or private Washington State approved K – 8 school, including accessory playgrounds and athletic fields.

"Professional office" means a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are provided by qualified professionals and are generally professional, educational, administrative, financial or governmental in nature. Some examples include accountants, architects, dentists, doctors, engineers, financial advisors, health care providers, and lawyers.

"Public and private schools" means a public or private Washington State approved primary or secondary school, including athletic fields; vocational and trade schools; and colleges or universities.

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof, including water supply, electrical power, gas and transportation, telephone, and other transmission services.

"Qualified professional" means a person licensed in the applicable occupation, or any other person or combination of people, with a level of education, experience and expertise in the field or discipline appropriate for the relevant subject matter as determined by the Mayor and the City Council.

"Residential use" means a type of, or an intended use of, a building or structure designed to provide a place of abode for human beings, but not including hotels or motels.

"Recreational facility" means a country club, golf course, tennis club, swimming club, archery club, or other similar athletic club; bowling alleys, arcades, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters, but specifically excluding adult entertainment facilities.

"Restaurant" means an establishment that prepares and serves food and beverages.

"Required yard" means the area between the lot line and required setback.

"Sales level 1" means retail sales such as grocery stores, convenience stores, hardware stores, variety stores, antique stores, nurseries, pharmacies, bakeries, flower shops, and similar general retail uses, except those uses listed in sales level 2.

"Sales level 2" means sales of automobiles, trucks, motorcycles, recreational vehicle, boats, trailers, heavy equipment sales and rentals, outdoor bulk sales of building and landscaping supplies, and pawnshops.

"Secondary school" means a public or private Washington State approved 9—12 school, including athletic fields.

"Services level 1" means businesses engaged in servicing, repair or maintenance of small personal items such as shoes, small appliances, computers, watches and clocks, jewelry and clothing, or which provide specialized services or skills such as barber shops, hair salons, nail salons and all professional office services, except those listed in services level 2 or 3.

"Services level 2" means minor automobile repair, major automobile repair, automobile service stations, automotive fuel dispensing facilities, tattoo parlors, and body piercing shops.

"Services level 3" means automobile wrecking facilities, bail bonds service and payday loan facilities.

"Setback" means the distance that buildings must be removed from their lot lines.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Short term rental" means a residential dwelling unit used for short-term transient occupancy (for periods less than 30 days). The residential dwelling unit may be either a single family home or an approved accessory dwelling unit.

"Site area" means that area of land associated with a certain development application.

"Site plan." See Section 25.01.140.

"Specified anatomical areas" means and includes any of the following:

(a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(b) Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activities" means and includes any of the following:

- (a) The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, except that the highest story is that portion of the building included between the highest floor surface and the ceiling above.

"Street frontage" means the boundary of a lot separating such lot from an abutting street.

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means the division or re-division of land into two or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. (Note: For purposes of this zoning code, the term, "subdivision" includes the short subdivision of land as described in RCW 58.17.020).

"Temporary Encampment" means a transient or interim gathering or community comprised of temporary enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided, that this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" means tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy.

"Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

"Townhouse" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot lines.

"Transitional Housing" means a facility that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

"Transportation and utility facility" means public or private facilities which include bus terminals; taxi headquarters; maintenance garages; principal use parking facilities; park and ride facilities; radio and television stations; telephone exchanges; cable television facilities; other communication facilities; water and distribution and storage facilities; electric substations; sewage collection, pumping and treatment facilities; rail right-of-way and natural gas distributions.

"Unclassified use" means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone as set forth in this zoning code.

"Utility" means services such as water supply, electric power, natural gas, communication, and sanitary sewers and the provider of such services.

"Utility line" means pipe, conduit, cable, and other similar means or facilities by which utility services are conveyed.

"Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

"Variance" means an adjustment in the specific regulation of this title regarding a particular piece of property as provided in Section 25.01.140.

"Washington State Wetland Rating System" means the four tier rating system developed by the State Department of Ecology and included in its "Model Wetlands Protection Ordinance" of 1990.

"Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

"Yard" means any front, rear or side yard.

"Yard, front" means a yard extending the full width of the front of a lot between the front street line and the front building line.

"Yard, rear" means the yard extending the full width of the lot in the area between the rear lot line and the rear building line.

"Yard, side" means a yard extending the full length of the lot in the area between a side lot line and a side building line.

(Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1289, § 1, June 15th, 2009; Ord. 1385 § 1, Dec. 18th, 2012; Ord. 1409, § 1, June 4th, 2013; Ord. 1505, § 1, Feb. 5th, 2019; Ord. 1530 § 2, June 2nd, 2020; Ord. 1551 §§ 2, 3, Oct. 5th, 2021)

## 25.01.0230 Purpose and establishment of zones.

- (a) Purpose of Use Classifications (Zones). Use classifications are adopted to enhance the lifestyle of citizens of Ruston and the region by:
- (1) Regulating the locations of land uses;
  - (2) Ensuring that different land uses are compatible and mutually beneficial;
  - (3) Making possible efficient and economical public services, including streets, sewers, drainage systems, schools, and other public buildings;
  - (4) Requiring orderly arrangements to facilitate movement of people and goods; and

(5) Protecting natural and cultural resources.

(b) List of Zones Established. The Town of Ruston is hereby divided into four types of use districts as follows:

Zone	Use Classification
RES	Residential
COM	Commercial
COM-P	Commercial - Pearl
MPD	Master Planned Development

Commented [ZT2]: These are changing, right?

(c) Official Ruston Zoning Map.

Commented [IM3]: Work provided by city staff, awaiting implementation.

## Official Zoning Map



(Ord. 991 § 2, July 28th, 1997; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1382 § 1, Feb. 5th, 2013).

## 25.01.0340 Residential (RES) District Zone.

- (a) Illustrations and Intent. The residential district is represented by Ruston's traditional residential-style buildings with small front, side and rear yards along tree-lined streets. Structures are one to two stories in height with front porches and pitched roof forms. Neighborhoods **predominantly** include single-family homes, with **limited** instances of two-family and multi-family homes. Home occupations and accessory dwellings are encouraged where impacts to nearby residential uses are minimized. Pedestrian-oriented street-side facades with clear entries and front porches are a high priority. Vehicle access is limited to on-street parallel parking and alleys where available.

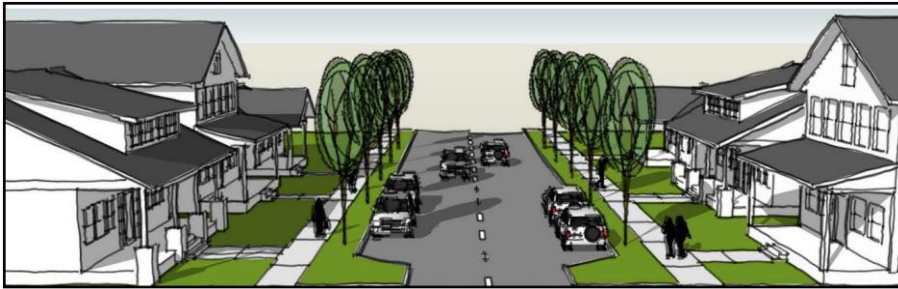


Figure 1 - Typical Residential District Form

Note: The illustrations in this section are advisory only. Refer to the standards in the following sections for the specific requirements of the Residential District.

- (b) Permitted Uses. Refer to RMC 25.07 for uses permitted in the **RES Residential District zone**.
- (c) Conditional Uses. Refer to RMC 25.07 for uses conditionally permitted in the **Residential District RES zone**.
- (d) Minimum Lot Area and Width. Every lot in the **Residential District RES zone** shall provide a lot area of at least 4,400 square feet with a minimum width of 45 feet. No lot which is less than the area and width specified herein may be developed unless meeting the requirements for a nonconforming lot as set forth in **RMC 25.01.120. D**.
- (e) **Unit density. The maximum permitted unit density in the RES zone is two primary units per lot or a single primary unit and two accessory dwelling units. This standard does not apply to lots after subdivision below 1,000 square feet, which will have a maximum permitted unit density of one unit per lot.**
- (e) Setback Requirements and Build-to Zone (BTZ).

**Commented [ZT4]:** Since the Zones are changing, these will also need edits. This can be the standard model for residential zones though

**Commented [ZT5]:** We may want to change/update these illustrations

**Commented [ZT6]:** Double Check reference

**Commented [IM7]:** Required, pursuant to SMO section 5 (would "two primary dwelling units" be better? Maybe this would more clearly allow the addition of accessory dwelling units as well.)

**Commented [ZT8R7]:** I've edited language for per the minimum requirement of HB 1110 and HB 2321. It is a policy call for the City to make as to whether they want to go higher with unit density or not.

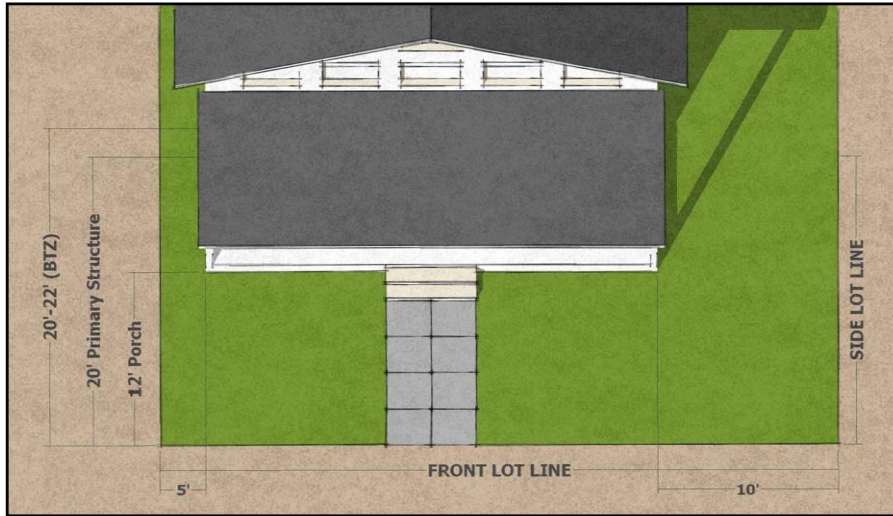


Figure 2 - Primary Structure Setbacks

(1) Front Yard.

- (A) The primary structure minimum setback is 20 feet from the front lot line. The primary structure (BTZ) is located between 20 and 22 feet from the front lot line. At least 50 percent of the ground floor front facade of the primary structure must be located within the BTZ.
- (B) Porches may be located as close as 12 feet from the front lot line, provided that the finished floor elevation of the primary structure is at least 18 inches above the average elevation of the front lot line, as described in subsection (f) below.
- (C) Garages and accessory structures must be set back at least 26 feet from the front lot line, subject to subsection (k) of this section.

Commented [ZT9]: Check

(2) Rear Yard.

- (A) Primary structure minimum setback is 25 feet from the rear lot line.
- (B) Garages and accessory structures must be set back a minimum of three feet from the rear lot line, subject to subsection (k) of this section.

Commented [ZT10]: check

(3) Side Yards.

- (A) Primary structures, attached garages and porches, must be set back a minimum of five feet from the side yard, with a combined total of 15 feet of setback space for both side yards. Existing lots of record which do not comply with the minimum lot width may reduce the combined total side yard width to no less than ten feet.
- (B) Detached garages and accessory structures, three feet from the side yard lot line, subject to subsection (k) of this section, and RMC 25.01.090.

Commented [ZT11]: Check

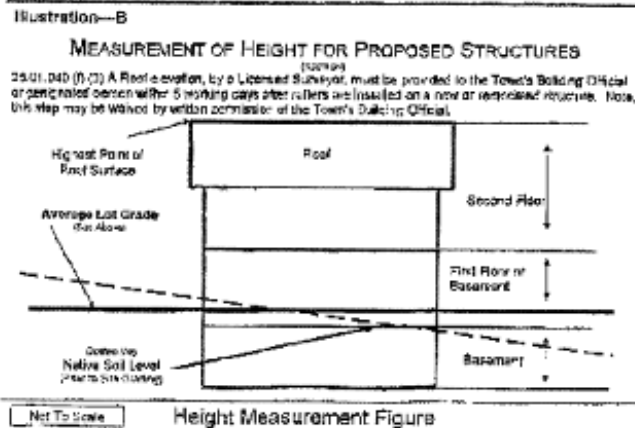
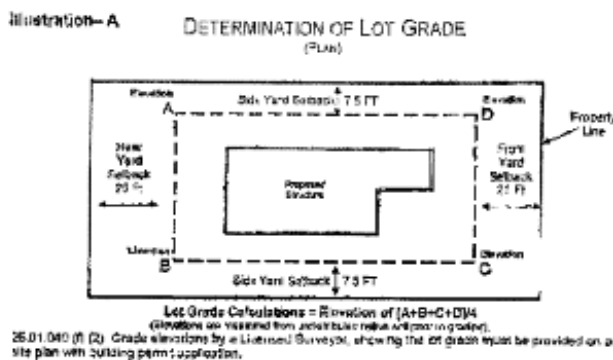
(f) Permitted Height.



- (1) No structure shall exceed 25 feet in height as measured from the lot grade as defined in Section 25.01.020 (lot grade definition); provided, that the ridge of the roof runs parallel to the view corridor and a minimum eight-foot (rise)/12-foot (run) roof pitch, with no dormers is proposed, permitted height shall be allowed to be no more than 30 feet from the lot grade.
- (2) Grade elevations by a licensed surveyor showing the lot grade must be provided on a site plan with building permit application (refer to Illustration A).
- (3) A roof elevation must be provided by a licensed surveyor to the City Building Official or designated person within five working days after rafters are installed on a new or remodeled structure. This requirement may be waived by written permission of the City Building Official for structures that are clearly more than 24 inches below maximum permitted height.
- (4) No accessory building, including detached garages, shall exceed 18 feet in height as measured from the lot grade. For the accessory buildings, lot grade will be determined by the corners of the rear yard building envelope defined in subsection (k) of this section. The following diagram illustrates subsection (f) of this section:

**Commented [IM12]:** Does this language include ADU's? If so, recommend adjusting height limit to 35 feet, or stating that ADU's are exempt from this limit, and have their own limit of 35 feet.

**Commented [ZT13R12]:** Need to double check 1337 on this





(g) Minimum Open Space. A minimum amount of open space equal to at least 50 percent of the total lot area shall be required with the exception of Cottage Housing, in which a minimum amount of open space equal to at least 20 percent of the total lot area shall may be required allowed. For the purposes of this section, open space shall include areas such as landscaping, patios and decks. Additionally, up to 25 percent of the required minimum open space may include private porches, balconies and rooftop gardens. Impervious driveway and vehicle parking areas shall not be included as open space.

(h) Site Plan Requirements. Site plan approval is required under Section 25.01.140 of more than four residential units.

(i) Yard Variation on Corner Properties. The City may issue special permits under the variance procedures contained in RMC 25.01.110 allowing variations of positions of side, front and rear entrances of houses to be built on corner properties formed by the intersection of two or more streets. Such approvals may result in substitution of front and/or rear yard depths for side yard depths and vice versa, but shall not otherwise result in placing any house in a position which would be illegal. No such approval shall be granted if the resulting setback does not harmonize with other residential buildings in the same block. Every application for a variance under this subsection shall be accompanied by complete plans showing all entrances to the house, and a sketch map showing accurately the location of the house on the property and locations of other residential buildings in the same block, and any other requirements under the variance procedures contained in RMC 25.01.110.

(j) Accessory Dwellings. Accessory dwellings may be conditionally allowed following review and approval by the City Hearing Examiner subject to the following conditions:

(1) A lot may have no more than two one accessory dwellings.

(2) The owner must occupy either the principal structure or the accessory dwelling.

(3) Parking must meet the requirements of Section 25.01.090.

(4) Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design or it shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.

(5) Enforcement. If a unit cannot be legalized because it fails to meet the standards herein and the unit cannot or will not be brought into conformance with these standards, the use will have to be discontinued. The City may cite owners of illegally occupied units who do not apply for legalization. Owners who do not apply for a permit will be subject to civil penalties and other enforcement penalties under Chapter 25.03 of this Code.

(k) Garages, Surface Parking, Driveways and Accessory Structures. Garages, surface parking, driveways and accessory structures are permitted within the rear yard setback, subject to the following provisions:

(1) When alley access is available, garages, surface parking and driveways are prohibited from accessing the site through front or side yards. If alley access is not available, then side yard access shall be utilized. If neither alley nor side yard access is available, then the following standards will apply to all garages, surface parking and driveways:

(A) Side-loaded garages are preferred over front-loaded garages when access is provided through front yards.

(B) Front-loaded garages with vehicle doors facing the front lot line that are attached to the primary structure shall include habitable space above the garage with windows facing the street, (habitable space must also meet International Building and Fire Code egress standards for bedrooms). The area of habitable space shall be at least 50 percent of the area of the garage.

**Commented [ZT14]:** Under HB 1110, the definition of cottage housing is:

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

Cottage housing is the only exception that needs to be allowed to fall below the 50% requirement.

**Commented [IM15]:** Required, pursuant to HB 1337

**Commented [IM16]:** Required, pursuant to HB 1337

**Commented [ZT17]:** Review - flagging for numbering

**Formatted:** Highlight

**Commented [ZT18]:** Per HB 1337, will need to edit to allow for garage conversions into ADUs.

- (C) Driveways and surface parking areas located within ten feet of the front lot line shall have a maximum width of ten feet and shall either contain a three-foot wide grass strip along its center (perpendicular to the right-of-way or access street) or be paved with grass pavers.
- (l) Fences—Height Restrictions. See Section 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries.
- (1) Fence in required front yard: 60 inches maximum height.
  - (2) Fence in required side yard: 72 inches, 60 inches within 15 feet of the front property line.
  - (3) Fence in required rear yard: 72 inches.
  - (4) On corner lots, fences shall be limited to 42 inches in height for a distance of 15 feet from the intersection of the property lines abutting the street and to 60 inches in height for the remainder of the required front yard facing on both streets; except that fences may be permitted to a maximum height of 72 inches from the ground in the front and/or side yard on a flanking street.
- (m) Projections into Yard Setbacks. Steps and patios are permitted within setbacks. Steps providing access to a second story or higher may not be located within three feet of any side lot line. Also see Section 25.01.110(d)(3) for other allowable projections into yard setbacks.
- (n) Architectural Standards. All development within the ~~RES-zone~~ Residential District is subject to the architectural standards contained within Chapter 25.06 RMC.
- (o) Alley Access and Parking. Lots with existing alley access shall not be modified to eliminate such access. Any newly created lot shall provide alley access, except where provision of such access is not physically feasible due to extreme topography, as determined by the City Engineer. In cases where newly created or modified lots cannot feasibly provide alley access, then access shall be provided by easement or lot configuration to the nearest side street as illustrated in Figure 3 below. If access to a side street is not available, then provision of shared side yard access shall be required as illustrated in Figure 4 below.

Lots which include both (1) the provision of vehicle access via an alley; and (2) are adjacent to on-street public parking, may decrease the total number of required parking stalls for the lot by one stall for every 20 lineal feet of street frontage providing on-street parking.



Figure 3 - Example Providing Access to Side Street via Easement/Lot Configuration



Figure 4 - Example Providing Access to Front via Shared Driveway

;hn0; (Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1409, § 2, June 4th, 2013; Ord. 1440, § 1, Aug. 5th, 2014; Ord. 1459, § 1, Dec. 1st, 2015).

**25.01.0450 Commercial (COM) zone.** *(No changes needed)*

**25.01.0451 The COM-P zone.** *(No changes needed)*

**25.01.0455 Occupancy Standards.** *(No changes needed)*

**25.01.0560 Master planned development (MPD) zone.** *(No changes needed)*

**Commented [ZT19]:** Will need changes per zoning update

## 25.01.0561 Point Ruston Master Development Plan (PRMDP).



### Point Ruston Master Development Plan (PRMDP)

- (a) Overall Goals. Point Ruston will be developed as a balance of residential, commercial, light industrial and open space uses that create a fiscally sound community while maintaining the character of the City.

Point Ruston will build upon the rich heritage of Ruston to create a neighborhood of distinctive character and quality.

Point Ruston will be developed as a "Built Green" community embracing sustainable design and environmental principles.

Point Ruston will offer a compact concentration of employment, shopping and housing.

Point Ruston will be a regional destination for shopping, art and visitor attractions.

Point Ruston will have numerous publicly accessible open spaces such as parks, plazas, waterfront promenade, tree-lined streets and view corridors.

Point Ruston will encourage a number of transportation choices, including walking, bus transit, and bicycles.

Point Ruston will be developed in a manner that encourages public use of the shoreline that has been closed to the public for over a century.

- (b) General Policies. Point Ruston should be developed in a manner that establishes its own character, mixture of uses and intensity within the parameters of Ruston's Comp Plan.

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Development at Point Ruston shall reinforce pedestrian activity at the street level, present an attractive and varied profile on the skyline, and provide opportunities for artistic expressions all contributing to the unique character of the City.

Parking supply, including both on-street and off-street facilities, should be managed to ensure adequate supply for residents, employees, shoppers and visitors.

Parking facilities should be designed to contribute to an attractive appearance of the streetscape and to provide convenient access.

(c) Point Ruston Master Development Plan (PRMDP) Regulations. (Please refer also to Ruston Municipal Code, Section 25.01.060)

(d) Purpose. The Point Ruston mixed-use neighborhood is intended to focus on residential, office, street level shops, hotels, restaurants, entertainment, live-work units and various public services built within a compact area, featuring a generous walkable area adjacent to the shoreline, and supported by transit service.

The PRMDP sets forth allowable land uses and building heights, designated views and view corridors, level of service for public access, parks and open space, signage standards, level of service for public services, including fire, police, and utilities, transportation and traffic improvements, and development and design standards.

(e) Applicability. The provisions of the PRMDP shall apply to all uses and development within the project, and replace and supersede Ruston Ordinance 1002 (Asarco Master Development Plan).

When these regulations are found to be in conflict with Ruston's Municipal Code, comp plan or zoning code, the provisions of the PRMDP shall apply.

An approved development plan shall be kept on file by the City, and if no construction has begun within 36 months of the approval of the plan, the plan shall lapse and be of no further effect. The City Council may extend the period for the beginning of construction prior to the expiration date if requested by the applicant.

Review by the City Planner for compliance with the PRMDP and all other applicable codes is required prior to building permit issuance.

(f) Intent. The PRMDP is written in a manner intended to:

Implement goals and policies of Ruston's Comprehensive Plan Implement goals of the Growth Management Act and County-wide and multi-county planning policies.

Create a commercial, mixed-use and residential setting matching scale and intensity of use to the location and in keeping with the analysis contained in the Point Ruston Final Supplemental Environmental Impact Statement (FSEIS) dated March 27, 2008.

Attract private investment in commercial and residential development.

Provide for predictability in the expectations for development projects.

Allow for creative design, flexibility of uses and building placement, percentage of open spaces, public uses and enjoyment of open spaces.

Provide for consistency with Section 25.01.060 of Ruston's Zoning Code and zoning designation, "Master Planned Development" (MPD).

Provide for a phased development of the site that allows for a logical construction schedule and sequence based on market conditions. Provision of amenities such as open space, parks, view corridors, and mitigation as described in the 2008 FSEIS will be based on the permitting schedule for each building.

Ensure completion of all improvements within a district prior to the issuance of a certificate of occupancy for the final building built in each district.

(g) Land Uses.

(1) The following land uses are allowed as defined in the Ruston Municipal Code, Section 25.01.020:

Accessory building;  
Accessory living quarters;  
Adult day care or community care facility for adults;  
Adult family home;  
Apartment;  
Automobile service station;  
Boardinghouse;  
Church;  
Clinic;  
Commercial (business);  
Condominium;  
Convenience store;  
Country club;  
Day care centers, nurseries, kindergarten centers;  
Drive-in facility;  
Drive-through facility;  
**Dwelling, multiple-family;**  
Fast-food restaurant;  
~~Fourplex;~~  
Garage;  
Home occupation;  
Hospital;  
Hotel;  
Light industrial;  
~~Middle housing~~  
Mixed use occupancy or structure;  
Motel;  
Multiple-use project;  
Nursery or garden center;  
Nursing, convalescent or retirement home;  
Office building;  
Office use;

**Commented [IM20]:** Required to allow at least Duplexes, Stacked Flats, Cottage Housing, and Courtyard apartments, pursuant to SMO Section 6. Recommend simply saying “middle housing” to allow additional flexibility. (If this is acceptable)

**Commented [KP21R20]:** We will likely recommend rather than adding the term “middle housing”, instead include the terms for the middle housing types selected, such as “duplex or “stacked flats” etc.

**Commented [ZT22R20]:** We don’t need to state beyond “residential use” highlighted below. But, we can split by dwelling types if preferred - see “dwelling, multiple family”

Public utility;

Residential use;

Townhouse; and

Triplex.

- (2) The following additional land uses would be allowed, as defined below:

"Marinas and boat launch facilities" means any publicly or privately owned and operated facility which is designed, used, or intended to be used either by public or private pleasure craft, boats or marine vessels for permanent or transient mooring, dry dock, or storage but does not include floating homes, meaning a structure designed and operated substantially as a permanently-based structure and not as a vessel and typically characterized by permanent utilities and a semi-permanent anchorage/moorage design and by the lack of adequate self-propulsion to operate as a vessel.

"Marine repair, major" means rebuilding or reconditioning of marine vehicles or trailers, including collision service; in-water finishing work, body work or bottom cleaning; frame straightening or repair; overall painting; and marine wrecking when conducted within an enclosed building.

"Marine repair, minor" means general repair, replacement of new or reconditioned parts, painting and refinishing work that does not require in-water operations, and other work that can be considered minor and is not specified under "marine repair, major."

"Marine service station" means a marine sales and service use in which fuel for boats is sold; and where accessory uses including, but not limited to, towing or minor vessel repair may also be provided.

"Marine sales and service" means commercial use which includes one or more of the following uses: sale or rental of boats; marine service station; major or minor vessel repair.

"Marine research and development laboratories" means any publicly or privately owned and operated facility which is designed and used to collect data, conduct experiments, or apply scientific research in a marine environment.

"Outdoor food sales, kiosks, sidewalk vendors" means temporary or semi-permanent portable outdoor mobile and relocatable food service facilities that range from small snack stands to extensive full-service kitchens. The outdoor mobile food service facilities may be fully contained or may be connected to utilities, and must be built to meet local health and fire codes. The outdoor food service facilities may have the look of a permanent structure.

"Theater" means a theater for movies or performing arts with a stage or up to two screens.

"Multiplex theater" means a movie theater complex with more than three and less than 14 screens.

- (h) Development Standards.

- (1) Building Heights.

FSEIS District	Height Limit
Baltimore District	35'
Marina District	60'
Promenade District	60'



FSEIS Figure 4 Districts

(2) Height Limits.

- (A) Building height will be measured consistent with WA State WAC 173.27.030 and Title 25 of the Ruston Municipal Code except as modified herein.
- (B) Elevations are based on City of Tacoma survey datum.
- (C) The following elements may extend beyond the prescribed heights so long as the total area does not exceed 25 percent of the roof area and the height of the element is capped at ten feet:

- Parapets;
- Mechanical penthouses;
- Elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs).





9 A, B, C	Regional Wellness Center/Residential and Commercial over Retail	Promenade	45'	60'	Multi-Family Residential: 1 stall for studio units; 1.5 stalls for one-bedroom units; 2 stalls for units with two or more bedrooms
10 A, B	Commercial or Retail	Baltimore	up to 35'	35'	
11 A, B	Retail/Residential	Promenade	45'	60'	
12	Commercial/Retail	Baltimore	up to 25'	35'	
14	Structured parking with Commercial or Retail	Marina	60'	60'	Office: 5/stalls/1,000 sq. ft.
15	Residential	Marina	60'	60'	
16	Residential over Retail/Commercial	Promenade	45'	60'	Commercial/Other: 4 stalls/1,000 sq. ft.
18 A, B	Retail (freestanding restaurants)	Promenade	30' - 45'	60'	
17	Hotel with restaurant, conference meeting rooms	Promenade	60'	60'	1 stall per room inclusive of all accessory uses

(i) Parking.

(1) Parking Requirements.

- (A) Multi-family residential development, with the exception of middle housing, shall be required to provide one stall for studio units; 1.5 stalls for one-bedroom units; two stalls for units with two or more bedrooms. Special needs housing, including, but not limited to, seniors, assisted living, congregate, licensed care or group care homes may provide less than two stalls per residence upon a showing that a lesser parking requirement will reasonably provide adequate parking for residents, staff and visitors, subject to the approval of the City Engineer.

(B) Middle Housing shall:

i. be required to provide one off-street parking space per unit on lots smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits, and two off-street parking spaces on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits.

ii. not require off-street parking within one-half mile walking distance of a major transit stop.

**Commented [ZT23]:** Required. See RCW 36.70A.635(6)

- (B) Non-residential development shall be required to provide a minimum of four stalls per 1,000 square feet of commercial/other space and five stalls per 1,000 square feet of office space per RMC 25.01.090.
- (C) Hotels shall be required to provide one stall per room inclusive of all accessory uses.
- (D) Telecommunications exchange facilities may provide less than the required parking stalls upon a showing that a lesser parking requirement will reasonably provide adequate parking for operational, vendor and transient service staff, subject to the approval of the City Engineer.
- (E) Parking requirements for any project within the Point Ruston development may be met by providing parking located in adjacent buildings, surface lots or on-street parking as long as the parking stalls are located within an 800-foot radius of the project being built.

(2) Parking Space Standards.

- (A) Standard parking spaces shall have a minimum width of eight and one-half feet, a minimum length of 16.5 feet. The minimum clearance above the parking space shall be consistent with the Building Code.

- 
- (B) Compact parking spaces shall have a minimum width of seven and one-half feet and a minimum length of 15 feet. The minimum clearance above the parking space shall be consistent with the Uniform Building Code. A maximum 30 percent of the total parking spaces provided may be composed of compact stalls. Aisleway widths shall conform to the requirements of full-size parking. All compact stalls shall be clearly marked, "COMPACT."
  - (C) Tandem parking stalls are allowed and count as one stall only.

(j) Street Standards.

- (1) The public streets will be developed to the City of Tacoma standards, and include Ruston Way, Yacht Club Road, Baltimore Street and North 51st Street.
- (2) The internal circulation and non-motorized access will be designed as private roads and will be built to conform to the City of Tacoma parking lot standards but treated as public streets with regard to landscaping requirements.
- (3) Internal circulation will be designed to meet the International Fire Code requirements for Fire Department access.
- (4) The traffic mitigation and project phasing is prescribed in the 2008 FSEIS for the project and will be provided at time of development.
- (5) The public and private streets, parking lots and internal circulation are generally as shown on the site plan (FSEIS Figure 6). Final locations and alignments will be determined during the project design development phase and compliance with the stated standards will be reviewed as a part of the building permit review process.

(k) Design Standards.

- (1) All rooftop mechanical shall be screened by either a high parapet or a stepped or sloped roof form that is part of the architecture of the building and is at least as high as the equipment being screened. Fencing is not acceptable. The function of the HVAC equipment may not be compromised by the screening requirement. This standard shall apply to all construction and to replacement of mechanical equipment on a roof. Existing mechanical equipment may be replaced with new equipment without additional screening so long as the new equipment is no higher than the existing equipment being replaced.
- (2) Plant materials shall be compatible with the climate of the area and trees shall be selected from Ruston's recommended planting list established by the City's Tree Committee. If the plant materials are selected from the recommended planting list, there shall be no further approval required by the City's Tree Committee.

Landscaping should give color, scale, and interest to major gathering areas. Plant groupings can be used to help define pedestrian circulation patterns, form spaces, and complement proposed buildings. Streetscape plantings should be used to define and unify streets.

Note: The landscape plan shall meet design standards outlined herein and shall be prepared by a licensed landscape architect. Compliance with landscape requirements shall be deemed having been met when the landscaping plan is stamped by a licensed landscape architect and approved by the City Planner.

- (3) Street trees shall be provided; no fewer than three trees per 100 linear feet of frontage, and may include above-ground plantings or trees planted in tree grates as may be allowed per EPA remediation standards. This standard, in its entirety, shall apply to all new construction, additions, and substantial alternations.
- (4) Required street trees can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. In no case shall the number of required street trees be reduced.

- 
- (5) For surface parking lots containing greater than 20 stalls, at least 15 percent of the interior area shall contain trees and shrubs in either containers or planted in surface tree grates. For purposes of landscape requirements, the top of a parking structure is not considered a surface parking lot.
  - (6) All trees shall have a minimum caliper of 1.75 inches at the time of planting.
  - (7) Permanent irrigation is required for all landscaping within the project. Alternatively, a Xeriscape plan may be designed by a licensed landscape architect for review and approval by the City Planner.
  - (8) Internal private roads, even though built to parking lot standards, will meet the landscape requirements for streets rather than landscape standards for parking lots.
  - (9) Parking garages shall be designed to screen the view of parked cars. Where commercial or residential space is not provided to accomplish this, features such as planters, decorative grilles, or works of art shall be used.
  - (10) Any sidewalk level façade of a building or addition to a building that faces the street shall have at least 20 percent of the area located between two feet above grade and 12 feet above grade in transparent windows and doors.
  - (11) All driveways on a street shall be equipped with a caution system or mechanism to warn pedestrians of exiting vehicles.
  - (12) Roofs of all new or substantially altered buildings shall incorporate one or more of the following features:
    - (A) Pitched roof form(s) with a minimum slope of 3:12.
    - (B) Terraced roof forms that step back at the uppermost floors.
    - (C) Parapets with overhanging cornices.
  - (13) Orient vehicle drive-through driveways and service and delivery areas away from Main Street and Grand Avenue street frontages. Restaurant or bank-style drive-through driveways and service and delivery bays/loading docks may not be located within building facades facing on either Main Street or Grand Avenue.
  - (14) Coordinate all common area and street frontage outdoor lighting fixtures, benches, trash receptacles and tree grates. All pole light fixtures, benches, trash receptacles and tree grates within common areas and upon street frontages shall be of a common and substantially similar design. All outdoor lighting shall be downward directional with recessed light source to reduce unnecessary glare to adjacent properties and the night sky. This requirement does not preclude individual tenants to utilize their own outdoor furnishing[s] within customer seating areas that protrude out into common areas and street frontages.
  - (15) Provide continuous pedestrian links between buildings, sites, promenade, open spaces and public rights-of-way within and adjacent to the Point Ruston project. Pedestrian path layouts shall be designed to provide convenient connections between common areas, public greens, building entrances, shorelines, and the public right-of-way. This may require pedestrian paths between buildings or through parcels in addition to typical street-side walkways. Where walkways cross vehicle driveways or roads they shall be illuminated and constructed of paving materials that are visually distinct from asphalt paving.
  - (16) Provide a minimum of 25 percent of the total façade lengths of buildings upon Main Street and Grand Avenue with covered walkways. Twenty-five percent of all walkways adjacent to buildings along both Main Street and Grand Avenue shall have coverings to provide for pedestrian protection from the weather, (i.e., 100 lineal feet of façade length would require 25 lineal feet of covered walkway).

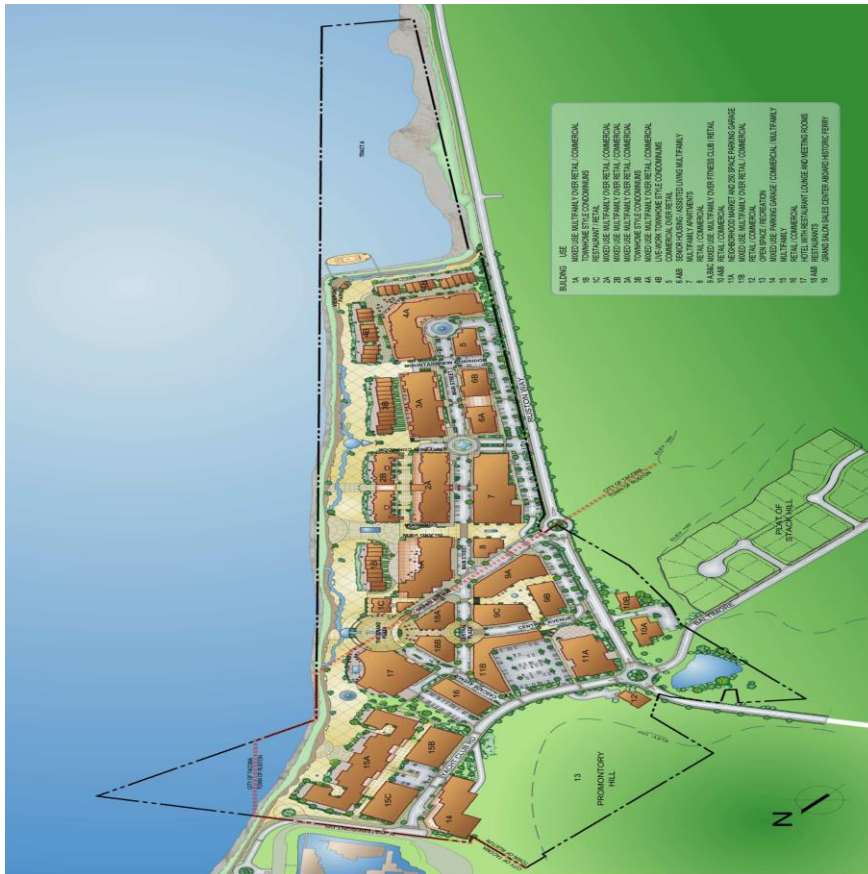
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Particular attention should be given to building entrances and storefront window displays. Projecting signs limited to the size requirements stated in PRMDP subsection 25.01.061(p)(1) are encouraged below awnings and covered walkway areas.

- (17) Nonfunctional and back-lit awnings are not allowed. Awnings shall be limited to traditional locations over windows, walkways, and entrances or over other architectural features where weather protection is needed. Awnings may not be back-lit or otherwise illuminated from behind unless the awning fabric is completely opaque so that it blacks out all light.

(l) Views and View Corridors.

- (1) The PRMDP provides viewing opportunities and public access as shown on the Point Ruston site plan:
- (A) Grand Avenue/Grand Plaza - views, vehicular and pedestrian access.
    - Grand Avenue including sidewalks approximate width: 71 feet.
    - Grand Plaza approximate diameter: 200 feet (see FSEIS).
  - (B) Central Avenue/Grand Plaza - views, vehicular and pedestrian access; approximate width including sidewalks: 33 feet.
  - (C) Cascade Avenue/Grand Plaza - views, vehicular and pedestrian access; approximate width including sidewalks: 65 feet.
  - (D) Open space between Buildings 15 and 16/17 - views and pedestrian access; approximate width: 68 feet.
  - (E) Yacht Club Road terminus between Point Ruston and Metro Parks property views, vehicular and pedestrian access; triangle-shaped corridor measuring approximately 40 feet at the T-intersection and widening out to approximately 143 feet at the shoreline.
- (2) View corridors may move in location but must maintain established dimensions as stated above. Weather protection features, public art, or areas provided for public access such as viewing towers and pedestrians bridges, landscaping and vehicular and pedestrian roads and paths and landscaping are allowed in the view corridors. Buildings not exceeding 20 feet in height may be placed in the view corridors so long as they are disguised to appear as underground structures as viewed from areas to the west of the site and looking toward the water. Green roofs or other public amenities will be provided for structures in these instances.
- (3) A combination of conformance with height limits, a variety of building heights, view corridors through the site, landscaping, and building design will be used to reduce building dominance within the Point Ruston neighborhood.
- (4) Prior to occupancy of building 17, a 50-foot-wide path shall be constructed along the shoreline connecting the future Peninsula Park with the Tacoma waterfront park on Ruston Way. The remainder of the promenade shall be constructed as depicted on the conceptual site plan and in accordance with phasing of the project as outlined in subsection 25-01-061(f).
- (5) The Point Ruston project shall recognize the important function that Yacht Club road makes to public access of the future Peninsula Park, Point Defiance Park, promenade, and the Tacoma waterfront park on Ruston Way.



(m) Public Access, Parks and Open Space. Parks and open spaces in the PRMPD (and FSEIS) include:

- Shoreline Promenade (Point Ruston Waterwalk).
- Grand Plaza.
- Park-like open space between Buildings 15 and 16/17.
- Promontory Hill Park.

TABLE 9-1

Park or Open Space	Classification	Improvements/Features
Shoreline Promenade	Regional Park	Hard- and soft-surface walkway averaging 100 feet in width built along the entire extent of Ruston's shoreline (800 LF) to be used by

		walkers, joggers, and cyclists. Amenities include street lighting, street furniture, gathering places, fountains, public art and other public attractions such as kiosks and fire pits.
Grand Plaza	Regional/Local Park and Open Space	Highly-stylized public gathering area with central fountain, public seating areas, view terraces, outdoor restaurant seating areas, access to hotel, commercial, restaurant and retail area.
Open space between Buildings 15 and 16/17	Open Space	Grassy area with trees and landscaping with a sidewalk or trail leading from Yacht Club Road to the shoreline promenade
Promontory Hill Park	Neighborhood Park and Open Space	Children's play area, large open field, picnic shelters, interpretive signage, open grass field suitable for a sports field, and other general site enhancements

(n) Public Services.

- (1) Utilities. To provide for ease and continuity of service, it is the intention of the City of Ruston that the Point Ruston development be served by the same public and private utility providers serving that portion of Point Ruston located within the City of Tacoma.

This would include both public and private utility providers as follows: Tacoma Public Utilities (water, power and Click! telecommunication services); Tacoma Public Works Utilities (sanitary sewer and stormwater facilities, and streetlights in public rights-of-way); Ruston (solid waste); Puget Sound Energy (natural gas); and possible additional private telecommunications or utility providers.

Utilities will be designed in accordance with the appropriate utility providers' design standards.

- (2) Fire and Police. As Point Ruston is built out, it is assumed there will be an increased need for equipment and personnel to meet the City's needs, and that the nature of the increases will be made based on risk management analysis completed by the City. In accordance with Ruston's Comp Plan, revenues from property and other taxes are expected to pay for incremental fire and police services.

Police and fire services were analyzed in the 2008 FSEIS according to current level of service standards (LOS). The FSEIS indicated that needed improvements would be paid by Point Ruston on a shared, pro-rata basis.

- (o) Transportation and Traffic. The PRMDP incorporates traffic mitigation measures identified in the Point Ruston Final Supplemental Environmental Impact Statement (FSEIS) dated March 27, 2008. The FSEIS analysis states that with the recommended mitigation measures in place, the Point Ruston development would not result in significant adverse impacts. Traffic improvements will take place in both Ruston and Tacoma and are outlined in the FSEIS.

Schedule for Making Improvements. Point Ruston has committed to providing the identified frontage improvements on Ruston Way and Baltimore Street by the time the project generates 450 PM peak-hour trips (30 percent of the total trips forecasted). All other improvements will be in place by the time the project site generates

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600 PM peak-hour trips (40 percent of the total trips forecasted). This commitment will ensure that all of the mitigation is in place by the time 40 percent of the forecasted PM peak-hour project-generated trips materialize.

Table 11-1  
Traffic - Level of Service (LOS) Definitions

LOS	Seconds of Delay		Operational Characteristics		
	Signalized	Unsignalized	Maneuverability	Driver Comfort	Average Travel Speed
A	≤10	≤10	Almost completely unimpeded	High	Speed limit
B	>10 and ≤20	>10 and ≤15	Only slightly restricted	High	Close to speed limit
C	>20 and ≤35	>15 and ≤25	Noticeably restricted	Some tension	
D	>35 and ≤55	>25 and ≤35	Severely limited	Poor	Some slowing
E	≥55 and ≤80	>35 and ≤50	Extremely unstable	Extremely poor	Significantly slower than speed limit
F	>80	>50	Almost none		

Source: Highway Capacity Manual (HCM) maintained by the Transportation Research Board (TRB), which falls under the National Academy of Sciences and represent the national standards used to evaluate transportation facilities.

Ruston Comp Plan, Section 5.3

- Level of Service A is defined as free flow with low volumes and high speeds.
- Level of Service B is defined as stable flow, but speeds are beginning to be restricted by traffic conditions.
- Level of Service C is defined as stable flow, but most drivers can select their own speed.
- Level of Service D is defined as approaching unstable flow, and drivers have little room in which to maneuver.
- Level of Service E is defined as unstable flow with short stoppages.
- Level of Service F is defined as forced flow at slow speeds; lines of vehicles at certain intersections.

Source: Highway Capacity Manual (HCM)

(p) Reserved. (See RMC 25.01.100)

(q) Definitions. Definitions not specifically defined herein can be found in RMC Title 25. Webster's Unabridged Dictionary will be used for definitions not found either in this document or RMC Title 25.

"Base elevation" or "native soil", as defined in Ruston's Municipal Code, Section 25.01.060, "The U.S. EPA Superfund Cleanup finished excavation, fill, final grading and completion of land work shall be considered existing native soil for the purpose of building height requirements as specified by the City of Ruston. See also description found in subsection 25.01.061(h) of this plan and Table 4-1.

"Building height", see description in subsection 25.01.061(h) of this plan.

"Building", as defined by the Building Code.



"Decorative grille" means an open framework of metal, wood or other material arranged in a pattern that effectively obscures the views of parked cars in an off-street parking structure from the street.

"Development" means all improvements on a site including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

"District(s)" means informal area for infrastructure phasing and general marketing purposes and used to describe and distinguish areas analyzed in the 2008 SEIS; does not constitute a zoning overlay.

(Ord. 1264 § 2(Att. 2), Sept. 2nd, 2008; Ord. 1363, April 2nd, 2012).

#### **25.01.0670 Natural systems.** *(No changes needed)*

#### **25.01.0790 Erosion and sedimentation control, storm water retention and groundwater discharge.** *(No changes needed)*

#### **25.01.0890 Parking requirements.**

- (a) **Parking Spaces Required.** Every building erected after adoption of this code shall have parking and loading spaces required by this chapter permanently maintained and used only for those purposes. Additions to structures require additional parking if needed to meet the required parking for the addition or the required parking for the expanded facility, whichever is smaller.
  - (1) **Required Parking for Specific Uses.**
    - (A) Bowling lanes: five parking spaces per lane.
    - (B) Churches: one parking space for each five seats in the principal place of assembly. Where fixed seats consist of pews or benches, the seating capacity shall be based on 20 inches of pew or bench length per seat. If there are no fixed seats, then one parking space for each 40 square feet of floor area in the principal place of assembly.
    - (C) Hotels: one parking space for each bedroom.
    - (D) Hospitals: one parking space for each bed.
    - (E) Public libraries: one parking space for each 250 square feet of gross floor area.
    - (F) Motels: one parking space for each sleeping unit.
    - (G) Offices: one parking space for each 200 square feet of gross floor area.
    - (H) Rest homes, nursing homes, retirement homes, and institutions: one parking space for each four beds.
    - (I) Elementary schools: one parking space for each employee and each faculty member. (Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.)
    - (J) Schools: one parking space for each 10 students and one for each employee. (Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.)
    - (K) Sports arenas, auditoriums, (including school auditoriums) other places of public assembly (other than churches): one parking space for each three fixed seats. Where fixed seats consist of

benches, or if there are no fixed seats, seating capacity shall be computed as for churches.  
(Where places of public assembly and schools are on the same site, the required school parking facilities shall be considered as contributing to the public assembly parking requirement).

- (L) Storage and warehousing, freight terminals (when comprising the only activity on the premises): one parking space for each two employees on a maximum working shift.
- (M) Theaters, taverns, restaurants, and adult entertainment facilities: one parking space for each three seats.

- (2) All commercial buildings (except as set forth in subsection (a)(1) of this section) hereafter erected shall be so designed as to make provision for off-street automobile parking equivalent to four parking stalls for each 1,000 square feet (or major fraction thereof) of gross floor area, which is defined to include all interior building area without deduction for any reason.

- (3) All multiple unit dwellings, with the exception of middle housing, hereafter erected or structurally altered shall be so designed as to make provision for off-street automobile parking equivalent to two parking stalls for each residential unit therein.

- (4) Middle Housing shall be required to provide one off-street parking space per unit on lots smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits, and two off-street parking spaces on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits.

- (5) One parking space for each three employees on the largest working shift for all scientific and research laboratories, light manufacturing and distribution uses.

- (6) Single-family residential (and additions and structural alterations over 50 percent of the house's square footage) shall make provision for off-street parking for two automobiles.

- (7) Parking facilities must be an accessory use to an allowed use of a site and shall not be the primary use of any lot except as provided in subsection (a)(7) below.

- (8) While shared parking is allowed under this section, off-premises parking that is the primary use of any lot is prohibited even under a "shared parking" arrangement. This prohibition notwithstanding, the City may allow a lot to be primarily used for interim off-site or shared parking for a period not to exceed four years with a maximum extension time of two additional years if requested by the property owner in writing at least 60 days prior to expiration of the initial four years as part of an approved development phasing plan whereby the parking will cease to be a primary use and will convert to an accessory or subordinate use of an allowed use at the end of the phasing period.

- (b) Parking for Common Facilities. The amount of off-street parking required may be reduced by an amount approved by the City when common parking facilities are developed for two or more uses and:

- (1) The total parking area exceeds 5,000 square feet;
- (2) The reduction is based on expected cooperative uses of parking facilities during times when not all uses are operating and the normal hours of operation are separated by at least one hour;
- (3) The number of off-street parking spaces provided for common facilities must equal the sum of the required parking spaces for each of the various uses if computed separately. The sum of required parking spaces applies for the hours during which operations of different uses overlap;
- (4) A covenant recorded among the cooperating property owners is approved by the City; and
- (5) Uses sharing parking must be located within 800 feet of each other.

- (c) Size of Parking Spaces. Each off-street parking space shall have at least 180 square feet, exclusive of drives and aisles, and be at least nine feet wide; except that in facilities of more than 20 parking spaces, up to 30

**Commented [ZT24]:** We may just want to rephrase this to be apartment or multi-family above a certain density

**Commented [ZT25]:** Required. See RCW 36.70A.635(6)

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percent of the total may be at least 128 square feet, exclusive of drives and aisles, and at least eight feet wide, if identified as compact spaces. Each space must have adequate ingress and egress.

(d) Location of Parking Spaces.

- (1) Required off-street parking shall be located as follows, with distances measured from the nearest point of the parking area to the nearest door of the building served:
  - (A) For residential dwellings, parking shall be on the site.
  - (B) For churches in the RES zones, parking shall be on-site. For churches located in other zones, parking shall be no farther than 150 feet and not in a RES zone.
  - (C) For hospitals, homes for the aged, boarding houses and club facilities, parking shall be no farther than 150 feet from the building and not in a RES zone.
  - (D) The off-street parking herein provided shall be on the same premises as the commercial or multiple unit dwelling to which it is appurtenant (except as provided below in subsection (d)(3) of this section).
- (2) No motor vehicles or trailers may be parked or stored in any required front yard except in driveways. Driveways may cross required yards or landscaped areas to provide access between the off-street parking and the street. Driveways serving single-family dwellings may be used for parking and may be considered to provide the two required parking spaces.
- (3) Whenever required parking is located off site, safe, durable and adequate pedestrian facilities shall be provided to the building served. Off-site parking must be located within 800 feet of the building served and is subject to the limitations contained in this section.
- (4) Alley Access. Garages and parking spaces may be located adjacent to alleys only if the following standards are met:
  - (A) For alley access to parking spaces to be allowed, the alley to be used must have a right-of-way width of at least 16 feet.
  - (B) The alley must have, or be provided with, an unobstructed surface at least 12 feet in width within the public right-of-way.
  - (C) For parking spaces and garages proposed at right angles to the alley, at least 22 feet must be available from the back edge of the required parking space or wall of proposed garage structure to any obstruction which will inhibit maneuvering or to the far edge of the alley right-of-way, whichever is nearest.
  - (D) For parking spaces and garages parallel to the alley right-of-way, the entire parking space must be located on the applicant's property and all space for maneuvering must occur on the applicant's property or on public right-of-way.
- (5) Parking of commercial vehicles is prohibited in residential zones, except as specifically allowed through the approval of a conditional use permit when associated with either a permitted or conditional use. Commercial vehicles that are parked for brief periods of time, as is necessary in their normal course of business, while performing a service or delivering a product are exempt.

(e) Definitions for the purposes of this Title 25. The following definitions shall apply:

- (1) "Parking structure" or "parking garage" is defined as any public or private facility for the covered or partially covered parking of automobiles. It may be a stand-alone facility or may be located in a building also used for other purposes. It includes facilities which may or may not offer spaces for rent or other fee to the general public, and facilities which offer automobile parking space solely to building

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tenants, customers, or the general public or any combination thereof. The definition excludes structures or garages which offer fewer than four automobile spaces.

- (2) "Parking lot" is defined as an outdoor area used for the parking of more than four motor vehicles. "Parking lot" does not include driveways for single-family residential development.
- (3) "Parking facility" is any development that meets the definition of parking structure, parking garage or parking lot.

- (f) Parking developed under this section shall comply with the City's design standards in Chapter 25.06 RMC.
- (g) Existing Building and Uses. Existing buildings and uses with parking lawfully established at the effective date of the ordinance codified in this chapter shall be permitted. A change to a more intense use that requires additional parking shall require application for a conditional use permit.

(Ord. 991 § 2, July 28th, 1997; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1289, § 2, June 15th, 2009; Ord. 1385 § 2, Dec. 18th, 2012; Ord. 1429, § 1, Dec. 23rd, 2013).

**25.01.9100 Signs.** (No changes needed)

**25.01.9101 Fences, retaining walls and rockeries.** (No changes needed)

**25.01.9102 Plant material in right-of-way.** (No changes needed)

**25.01.9103 Outdoor lighting.** (No changes needed)

**25.01.1010 Conditional uses, unclassified uses and variances.** (No changes needed)

**25.01.1120 Nonconforming buildings, lots of record and uses.** (No changes needed)

**25.01.1125 Curb and sidewalk construction.** (No changes needed)

**25.01.1230 Rezones.** (No changes needed)

**25.01.1340 Administration, site plans, appeals and amendments.** (No changes needed)

## **Chapter 25.02 PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES\***

(No changes needed)

## **Chapter 25.03 ENFORCEMENT OF ZONING REGULATIONS**

(No changes needed)

## **Chapter 25.04 MEDICAL CANNABIS (Repealed by Ord. 1472)**

(No changes needed)

## Chapter 25.05 ADULT ENTERTAINMENT FACILITIES

*(No changes needed)*

## Chapter 25.06 ARCHITECTURAL STANDARDS<sup>1</sup>

**25.06.010 Intent.** *(No changes needed)*

**25.06.020 Applicability.**

The requirements of this chapter apply to all proposals to subdivide land under the provisions of RMC Title 29 and to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public, [quasi-public](#) or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials. Any development subject to this chapter shall be reviewed for compliance and processed under the site plan approval process as described in RMC [Title 1925-01-140](#).

(Ord. 1407, § 1, June 4th, 2013; Ord. 1428, § 1, Dec. 23rd, 2013).

**25.06.030 Building Design—Pedestrian-Oriented Frontages.**

Except for single-family residences, ~~or~~ accessory buildings to single-family residences, [or middle housing residences](#), when any building is located on a pedestrian-oriented frontage, as listed in RMC 25.06.050(a), building facades must meet the following requirements:

- (a) Facades over 25 feet wide must provide a five-foot setback for 50 percent of the total facade length. The five-foot-wide area must include street furniture available to the public such as benches and trash receptacles.
- (b) At least 60 percent of the first floor facade must be glass.
- (c) The remaining percentage of the first floor facade material must be brick, copper, or natural stone.
- (d) Awnings must be provided for over 50 percent of the depth and length of sidewalk area but no greater than seven feet in depth or closer than four feet to the curb.
- (e) Buildings over one story must provide retail or commercial space for the entire first floor open to the public on the ground floor fronting Pearl Street or 51st Street.
- (f) Lights must be provided capable of lighting the sidewalk in front of the property. Building wall-mounted lights must provide soft "pedestrian friendly" character and environment.

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<sup>1</sup>Editor's note(s)—Ord. 1458, § 1, adopted Dec. 1st, 2015, changed the title of Chapter 25.06 from "Design standards" to "Architectural standards".

(Ord. 1428, § 2, Dec. 23rd, 2013).

Editor's note(s)—Ord. 1428, § 2, adopted Dec. 23rd, 2013, amended § 25.06.030 in its entirety to read as set out herein. Former § 25.06.030 pertained to building design—commercial zones and derived from Ord. 1407, § 1, adopted June 4th, 2013.

#### 25.06.040 Building architectural standards.

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- (a) General Applicability. The design standards of this section are required to implement the goals of the City of Ruston for all development in the City. The building design standards apply to all new development in the City except as follows:
- (1) Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
  - (2) Temporary. Temporary structures are exempt from the design standards of this section. Temporary structures require review under the building code. Temporary structures, regardless of International Building Code (IBC) classification shall be required to comply with the standards of this chapter if they occupy a site for more than 180 calendar days.
  - (3) Remodel. Interior remodel projects valued below 60 percent of the building value, as determined by the Building Code, are exempt from the design standards of this section.
  - ~~(4) Existing Single Family Residential. Existing single family structures not proposing to increase gross floor area are exempt from the design standards of this section.~~
  - ~~(45)~~ Single-family residences and accessory buildings to single-family residences are not subject to non-residential these design standards included in this chapter.
  - ~~(56)~~ All lots designated as "prominent places", regardless of their underlying zoning designation or use, are subject to the development standards contained in RMC 25.06.045, Prominent Places and Landmark Buildings.

#### (b) Residential Design Standards. The design standards of this section are applicable to all residential development.

##### (1) Weather Protected Entries.

- a. General Requirement. Every residential unit must have at least one weather-protected pedestrian entry that is visible from and faces the street.
- b. Multiple Unit Developments. These developments may offer a shared common entry, such as a front porch or courtyard leading to a shared lobby with internal entries to individual units.
- c. Sidewalk Connection. Each entry must be connected to the nearest public sidewalk along the property frontage by a pedestrian sidewalk that is at least five feet wide and made of brick, stone, or concrete. For Accessory Dwelling Units (ADU) located in the rear yard and providing pedestrian access via a rear alley, access to the alley is permitted instead of the frontage sidewalk. This access must be incorporated into a private outdoor space, designed as a courtyard enclosed by a six-foot-high wall with a gate. The enclosure must be constructed of concrete with stucco, split-face masonry blocks, brick, or stone and must also comply with the requirements for private outdoor open space.
- d. Size and Usage. Each weather-protected entry must be at least 50 square feet per unit. This space can also count towards the requirement for common outdoor open space, when shared by multiple units.

(2) Private outdoor open space.

- a. Minimum Requirement. Each residential unit must have at least 100 square feet of private outdoor open space.
- b. Examples of Compliant Spaces. Acceptable private outdoor spaces include porches, balconies, rooftop or ground-level patios, stoops, or similar structures.
- c. Exclusive Use and Location. The private outdoor open space must be solely for the use of the individual unit and must be located directly adjacent to the unit's pedestrian entry.
- d. Separation of Adjacent Spaces. In developments where multiple private outdoor spaces are required, each space must be visually and functionally separated from the others.

(3) Common Outdoor Open Space.

- a. Minimum Requirement. All residential development must provide at least 100 square feet of common outdoor space per unit.
- b. Examples of Compliant Spaces. Suitable common outdoor open spaces include main entry porches, entry courtyards, patios with outdoor gathering structures (e.g., benches, tables, fireplaces, barbecues, gazebos), community gardens with raised garden beds, greenhouses, and similar structures.
- c. Combining Space. Where feasible, the required square footage for common outdoor spaces should be combined into larger areas.
- d. Landscaping. Landscaping such as planters and lawns may be included within the common outdoor open space but does not count toward the square footage requirements.

**Commented [IM26]:** Recommended, provided by city staff.

- (c**b**) Mass Reduction. The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

Mass Reduction Requirements	a. Buildings under 7,000 square feet; gross floor area are not required to provide mass reduction.
	b. Buildings from 7,000 square feet; gross floor area to 30,000 square feet gross floor area shall provide at least one mass reduction feature from the mass reduction choices listed in the next section.
	c. Buildings over 30,000 square feet; gross floor area shall provide at least two mass reduction features from the choices listed in the mass reduction choices listed in the next section.
Mass Reduction Choices	a. Upper story. Building with a maximum footprint of 7,000 square feet gross floor area, that do not exceed 14,000 square feet gross floor area, may count use of a second story as a mass reduction feature.
	b. Upper story setback. An eight-foot minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of two elevations.
	c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum two feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.
	d. Public plaza. A public plaza of at least 800 square feet of gross floor area or five percent of gross floor area, whichever is greater shall be required. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain

	a minimum of a bench or other seating, tree, planter, bike rack, or artwork for each 200 square feet of gross floor area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza.
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- (de) **Rooflines.** These requirements are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

1. Roofline Choices (All buildings shall use one or more of the roofline options)	a. Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.
	b. Modulated roof. Use of features such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated. Parapet walls shall be designed in such a way as to prevent the back side of the parapet wall from being visible from outside the building footprint.
	c. Corniced roof. A cornice of two parts with the top projecting at least six inches from the face of the building and at least two inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings ten feet or less in height; 18 inches for buildings greater than ten feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.

- (ed) **Windows and Openings.** These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

1. Street Level	a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 60 percent of the area of the ground level wall area, which is defined as the area between two feet and eight feet above the sidewalk on a minimum of two such building elevations. The window and opening requirements shall be reduced to 40 percent of the ground level wall area for building elevations that are impacted by steep grades, as outlined below in the steep grade exemption section. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.
	b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks.
	c. Limited alternatives. Alternatives of decorative grilles, artwork, or similar features can be substituted for those portions of uses where the provision of



	natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light-sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.
2. Upper Levels	<p>a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of two such building elevations.</p> <p>b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>c. For purposes of this requirement, a window type is either a grouping of windows, or a window size, or a window shape.</p>
3. Exemptions	<p>a. Steep grades. The window and opening requirement shall not apply to that portion of a facade where the grade level of the sidewalk of the abutting street is four feet or more above or below the adjacent floor level of the building.</p> <p>b. Residential privacy. On sides where COM or COM-P district boundaries adjoin residential district boundaries, structures within the COM or COM-P district that are set back at least seven feet from the property line and screened by landscaping to a minimum height of six feet are exempt from the window and opening requirements on the effected side.</p>

(fe) Facade Surface. These requirements are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of facade materials and/or treatment and to encourage more active consideration of the surrounding setting.

1. Blank Wall Limitation	<p>a. Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least one foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</p> <p>b. COM and COM-P district facades. Pedestrian access to uses above or below street level shall not exceed a maximum of 25 percent of the width of the structure's front facade.</p>
2. Facade Variety	<p>a. Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.</p> <p>b. Buildings from 2,000 square feet gross floor area to 30,000 square feet gross floor area shall use at least two different materials, textures, or patterns on each building elevation.</p> <p>c. Buildings over 30,000 square feet gross floor area shall use at least three different materials, textures, or patterns on each building elevation.</p> <p>d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of ten percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.</p>

3. Building Face Orientation	a. The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.
	b. This requirement applies to a maximum of two building elevation on any given building.

(g~~f~~) Pedestrians. These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

1. Customer Entrances	a. Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only one elevation.
	b. Non-residential or mixed-use buildings shall provide at least one direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of gross floor area, the maximum distance is increased to 60 feet.
2. Street Level Weather Protection	a. Weather protection shall be provided to cover a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along facades containing customer and/or public building entries or facing public street frontage.
	b. Weather protection may be composed of awnings, canopies, overhangs, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.
	c. Weather protection must cover at least 50 percent of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, streetlights, bay windows, or similar building accessories to not less than three feet in width.
	d. Irrespective of above requirements, the weather protection shall not extend closer than four feet to the curb.

(h~~g~~) Screening and Mechanical Equipment. These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

1. Mechanical Equipment Screening	a. Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form, or an equivalent architectural feature, which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. The function of the HVAC equipment may not be compromised by the screening requirement. Building height requirements include utility screening.
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	<p>b. All ground level mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed four feet in height must use fencing, structure, or other form of screening, beyond landscaping.</p> <p>c. Small ground level items that do not exceed four feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within three years of planting.</p> <p>d. Chain link fencing, with or without slats, is prohibited for required screening.</p>
2. Fencing Type	<p>a. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to either a public street or to an adjacent residential use.</p> <p>b. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. Chain link fencing, when allowed, shall be black or brown color coated only.</p> <p>c. Electrified. The use of electrified fencing is prohibited.</p> <p>d. Fencing between the front of the building line and sidewalk may not be higher than 36 inches and shall have ornamental design and be made of material such as wrought iron or metal chain with bollards or glass and frame.</p>

(ih) Residential Compatibility Standards. The following items apply when any nonresidential zone or use is located adjacent to residential zones. The standards are required to help ensure compatibility between nonresidential development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of green space, and visual separation:

1. Upper Story Setback	a. Structures with frontage along Pearl Street and N. 51st Street shall not intercept a 25° daylight plane inclined into the residential district measured at a height of 25 feet above existing grade from the rear building line setback of the commercial lot.
2. Storage Parking and/or Service	<p>a. Vehicle parking, and building loading or service areas shall be screened from any residentially zoned property.</p> <p>b. Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage along Pearl Street and N. 51st Street.</p> <p>c. Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas</p>
3. Lighting	a. As required by RMC 25.01.103

(ij) Off Street Parking Requirements. Three on-site parking spaces are required for every 25 feet of arterial frontage. The minimum dimensions for the first three on-site spaces is eight feet by 19 feet. Additional parking shall comply with RMC 25.01.090, except that one business and three units of housing may be developed without providing additional on site parking between N. 50th and N. 52nd Streets. One business and two units of housing may be developed without providing additional parking on site south of 50th Street and north of N. 52nd Street.

Parking must comply with RMC 25.01.090 for development over the levels listed in the previous paragraph; except that, multiple unit residential units may provide one parking space per unit.

Commercial space existing at the time of this Code amendment may be remodeled for any commercial use without providing additional parking. Building enlargements will require additional parking at rates set forth in this section. Parking must be located in the rear yard if alley access is available. If additional on site parking is required, it may not be located within 20 feet of the front lot line and must be screened from view.

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Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage; garbage and loading areas.

(k) Fences. See RMC 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries; and RMC 25.06.030(g), herein, regulating fencing for screening of utilities.

- (1) Fences less than 20 feet from front property line: 36 inches maximum height. Fences must be made of material such as wrought iron or metal chain with bollards or glass and frame. Chain link fencing is prohibited in any yard abutting Pearl Street or N. 51st Street.
- (2) Fences in required side yard: 72 inches maximum height, 36 inches maximum height within 20 feet of the front property line.
- (3) Fences in required rear yard: 72 inches maximum height.
- (4) Chain link fencing, when permitted, must be black or brown color coated.

(Ord. 1407, § 1, June 4th, 2013; Ord. 1428, § 3, Dec. 23rd, 2013; Ord. 1458, § 3, Dec. 1st, 2015).

Editor's note(s)—Ord. 1458, § 3, adopted Dec. 1st, 2015, changed the title of § 25.06.040 from "Building design standards" to "Building architectural standards".

**25.06.045 Prominent places and landmark buildings.** *(no changes needed)*

**25.06.050 Parking Design Standards.** *(no changes needed)*

## Chapter 25.07 LAND USE MATRIX

### 25.07.010 Interpretation of land use matrix.

- (a) The land use matrix in this chapter identifies uses permitted in each individual zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of this matrix.
- (b) If a dash appears in the box at the intersection of the column and the row, the use is not permitted in that district.
- (c) If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in that district.

(d) If the letter "T" appears in the box at the intersection of the column and the row, the use is permitted as a transitional use only if one of the following criteria are met: 1) The proposed use is upon a lot that has alley access and shares a common lot line with a lot of the Pearl district, 2) The proposed use is upon a lot that shares a common lot line with a lot in the Baltimore district, 3) The proposed use is upon a lot that is within 150 feet to the north or to the west of the Commencement district, 4) The proposed use is upon a lot that fronts on N Pearl Street.

(e) If the letter "C" appears in the box at the intersection of the column and the row, the use is conditionally permitted subject to the conditional use permit review procedures and criteria specified in RMC 25.01.110.

(f) If a footnote appears in the box at the intersection of the column and the row, the use may be permitted subject to the appropriate review process indicated above and the specific conditions indicated by the corresponding footnote.

**Commented [IM27]:** Recommended, provided by city staff.

- (g<sup>f</sup>) All applicable requirements shall govern a use whether or not they are cross-referenced in the matrix. To determine whether a particular use is allowed in a particular zoning district and location, all relevant regulations must also be consulted in addition to this matrix.
- (h<sup>g</sup>) Any use that is not specifically permitted or conditionally permitted under the Ruston Municipal Code shall be prohibited, unless state or federal law mandates otherwise.
- (i<sup>h</sup>) The Master Planned Development Zone (MDP) requirements are contained in Chapter 25.08 RMC. Uses allowed in the MDP zone are not included in the Land Use Matrix in RMC 25.07.020 as any and all uses which are allowed in a particular MDP zone must be approved as part of the Master Development Plan process. Once a Master Development Plan has been approved, only the land uses contained in the approved Master Development Plan may be located on the property subject to the Master Development Plan. However, for purposes of an approved MDP, transitional housing and permanent supportive housing may be conditionally permitted under a Conditional Use Permit wherever multi-family housing, hotels or motels are allowed in the Master Development Plan. Furthermore, emergency housing and emergency shelters may be conditionally permitted under a Conditional Use Permit wherever hotels or motels are allowed in the Master Development Plan. Emergency housing, emergency shelters, permanent supportive housing, and transitional housing are subject to all of the development standards in the approved Master Development Plan and are subject to the occupancy limitations contained in RMC 25.01.055.

(Ord. 1408, § 1, June 4th, 2013; Ord. 1426, § 1, Nov. 19th, 2013; Ord. 1551 § 5, Oct. 5th, 2021).

#### 25.07.020 Land use matrix.

**Commented [KP28]:** See new land use matrix as Exhibit #3.

Uses	RES	COM	COM-P
Dwelling, Accessory	€	P <sup>1</sup>	P <sup>1</sup>
Dwelling, Single-Family	P	P <sup>1</sup>	P <sup>1</sup>
Dwelling, Duplex	€	P <sup>1</sup>	P <sup>1</sup>
Dwelling, Triplex	€	P <sup>1</sup>	P <sup>1</sup>
Dwelling, Multi-Family	€	P <sup>1</sup>	P <sup>1</sup>
Automotive Fuel Dispensing Facility	-	C <sup>2</sup>	C <sup>2</sup>
Adult Day-Care	-	P <sup>9</sup>	P <sup>9</sup>
Adult Entertainment Facility	-	-	C <sup>3</sup>
Adult Family Home	P	P	P
Airport, Heliport or Airfield	-	-	-
Church	C <sup>4</sup>	P	P
Commercial Parking Lot	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>
Commercial Child-Care	-	P <sup>9</sup>	P <sup>9</sup>
Drive-Through Facility	-	C <sup>6</sup>	C <sup>6</sup>
Emergency Housing	-	C <sup>12</sup>	C <sup>12</sup>
Emergency Shelter	-	C <sup>12</sup>	C <sup>12</sup>
Family Day-Care Home	€	-	-
Government Facilities	€	P	P
Home Occupation	P	P	P
Hospital	-	€	€
Hotel	€	P	P <sup>7</sup>
Light Industrial	-	€	€
Mobile/Manufactured Home	€	-	-
Mobile Home Park	€	-	-

Motel	C	P	P
Nursing, Convalescent or Retirement Home	-	P <sup>8</sup>	P
Park	P	P	P
Permanent Supportive Housing	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>
Professional Office	C	P	P
Public and Private Schools	-	P	P
Recreational Facility	-	P	P
Restaurant	-	P	P
Sales Level 1	-	P	P
Sales Level 2	-	-	-
Services Level 1	-	P	P
Services Level 2	-	C	C
Services Level 3	-	-	-
Transitional Housing	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>
Transportation and Utility Facilities	C	C	C
Temporary Encampment	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>
Accessory Uses and Structures	P	P	P
Short Term Rental	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>

<sup>1</sup> Single and multiple-unit dwellings are permitted in the COM and COM-P zones provided that they are located above retail space occupying the entire first floor and have separate, direct access to the sidewalk.

<sup>2</sup> An automotive fuel facility may not be located closer than 500 feet from another automotive fuel facility.

<sup>3</sup> Subject to Chapter 25.05 RMC, Adult Entertainment Facilities.

<sup>4</sup> Provided that buildings do not cover more than 20 percent of the lot; and no buildings, active play area or parking lot is closer than 20 feet to any residential lot.

<sup>5</sup> Commercial parking lots are allowed only as an accessory to another permitted or conditional use and must be located below grade.

<sup>6</sup> Drive-through facilities are not permitted between the front of a structure and any right of way and must have one point of access from an alley.

<sup>7</sup> Hotels may not have more than 15 rooms.

<sup>8</sup> Facilities may have no more than 30 beds.

<sup>9</sup> Facilities may not exceed a maximum occupancy of 50 persons.

<sup>10</sup> Short Term Rental regulations are contained in Chapter 25.10 RMC.

<sup>11</sup> Temporary Encampment regulations and permitting requirements are contained in Chapter 25.11 RMC.

<sup>12</sup> Emergency Housing, Emergency Shelters, Permanent Supportive Housing, and Transitional Housing shall comply with the occupancy and spacing requirements applicable to all housing as set forth in RMC 25.01.055.

(Ord. 1408, § 1, June 4th, 2013; Ord. 1472, § 2, Nov. 17th, 2015; Ord. 1505, § 2, Feb. 5th, 2019; Ord. 1531 § 2, June 2nd, 2020; Ord. 1551 § 6, Oct. 5th, 2021).

## Chapter 25.08 MASTER PLANNED DEVELOPMENT (MPD) ZONE

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(Supp. No. 12/23)

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(no changes needed)

## Chapter 25.09 SIGN CODE

(no changes needed)

## Chapter 25.10 SHORT-TERM RENTALS

(no changes needed)

## Chapter 25.11 TEMPORARY ENCAMPMENT PERMIT

(no changes needed)

## Chapter 25.99 Definitions

**Commented [KP29]:** New chapter section, moving definitions from Chapter 25.

### Sections:

#### **25.99.010 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Accessory dwelling" or "accessory living quarters" means a separate additional living unit including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot.

- (a) Attached. Attached auxiliary dwelling units, contained within a single-family home, are usually known as mother-in-law or accessory apartments or second units. Attached auxiliary dwelling units usually involve renovation of a basement, attached shed or garage, or similar space in single-family home.
- (b) Detached. Detached auxiliary dwelling units are structurally independent from the primary single-family dwelling and are a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation.

"Accessory structure" means a structure incidental to a permitted principal use; provided, that such use or structure shall be located on the same lot as the principal structure. If an accessory structure meets the definition of "accessory dwelling" or "accessory living quarters," then regulations and standards for "accessory dwelling" or "accessory living quarters" will apply.

"Accessory use" means a use, which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including private garages, storage sheds, and greenhouses.

"Adjacent districts" means one use district is considered adjacent to another if they share a property line or touch at a common point. Use districts are also considered adjacent if they are across a street or alley from one another and within 100 feet of each other. When adjacency applies across a street or alley, the conditions

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associated with being adjacent shall apply to the first 100 feet of the district in question as measured from the right-of-way line.

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

"Adult arcade" means a commercial establishment containing individual viewing areas or booths where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult day care" or "community care facility for adults" means a facility, licensed by the City, State, or County, that cares for at least 16 individuals, 18 years or older, with functional disabilities, which, in addition to providing food and shelter, may also provide some combination of assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010. Such facility may provide additional services such as social counseling services and transportation.

"Adult entertainment" means:

- (a) Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
- (b) Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facility" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home" means a family abode, licensed by the City, State or County, or a person or persons who are providing assistance with activities of daily living ("ADL"), as defined in WAC 388-78A-010, room and board to more than one but not more than six adults, 18 years or older, with functional disabilities who are not related by blood or marriage to the person or persons providing the service.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- (a) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDs, Blu-Ray disks, digital video files, slides, or other visual representations that are distinguished or characterized by a

**Commented [KP30]:** Definition required pursuant to E2SHB 1110



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predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from any location outside of the establishment that advertises the availability of this type of sexually oriented materials; or

(b) Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or

(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as one of its principal business purposes offers for sale or rent, for any form of consideration, any one or more of the following:

(a) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

(b) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all non-sexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for non-sexually oriented materials.

"Airport, heliport or air field" means any runway, landing area or other facility whether publicly or privately owned and operated, which is designed, used, or intended to be used either by public carriers or by private aircraft, for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces, but not including manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith.

"Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots and is not designed for general traffic circulation.

"Alteration" means any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy.

"Amendment" means a change in the wording, context or substance of this zoning code, or change in the zone boundaries on the zoning map that must be adopted by the City Council as an ordinance.

"Apartment" means a building or a portion of a building arranged or designed to be occupied by three or more families living independently of each other.

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"Automobile repair, major" means rebuilding or reconditioning of motor vehicles or trailers including trucks over one and one-half tons capacity; collision service including body, frame or fender straightening or repair; overall painting or paint shop; automobile wrecking when within an enclosed building.

"Automobile repair, minor" means general motor repair, replacement of new or reconditioned parts to passenger automobiles and trucks not exceeding one and one-half tons capacity, but not including any operations specified under "automobile repair, major."

"Automobile service station" means a use which provides for the servicing of passenger automobiles and trucks not exceeding one and one-half tons capacity and operations incidental thereto, but not including body repair, painting, or automobile wrecking.

"Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Automotive fuel dispensing facility" means any facility that is used for the sale of gasoline or other motor fuels, oil, lubricants and auto accessories, and may or may not include washing, lubricating and other minor services. Painting and/or body work activities are not allowed.

"Average lot grade." See "lot grade."

"Basement" means a story of a building that is greater than 50 percent underground.

"Best management practices" means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, to circulation patterns, and to the chemical, physical, and biological characteristics of wetlands.

"Buffer" means a unit of land, together with a specified type and amount of landscaping, which may be required between land uses to eliminate or minimize conflict between them.

"Buffer, wetland" means an area which is an integral part of a stream or wetland ecosystem or which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion as necessary to minimize public harm suffered when the functions and values of wetlands are degraded.

"Building" means any structure for the support, shelter or enclosure of persons, animals, mechanical devices, or property of any kind.

"Building, enclosed" means a building enclosed on all sides with wall and roof and having no openings other than closeable, glazed windows and doors and vents.

"Building envelope" means the area of a lot that delineates the limits of where a building would be placed on the lot as defined by the setback requirements.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this zoning code. A building site may be comprised of one lot, a combination of lots, or a combination of lots and fractions of lots.

"Bulk" means the size and location of buildings and structures in relation to the lot. Bulk regulations generally include height of building, lot area, front, side and rear yards, and lot coverage.

"Church" means an establishment which is principally devoted to religious worship, which may include accessory uses such as Sunday school rooms, religious education classrooms, assembly rooms, a library and residences on site for clergy. The definition of "church" also includes temple, mosque, synagogue, or other similar religious facility.

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"Classification" means defining categories to which natural resource lands and critical areas are assigned.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only, but not including the sale of drugs or medical supplies.

"Commercial (business)" means the purchase, sale, or offering for sale services, substances or commodities in office buildings, offices, structures or premises.

"Commercial child care, day care centers, preschools, nurseries, or kindergarten centers" means a state-licensed facility operated by any person, firm, association, or other business entity which regularly provides day care only in other than a family setting to a group of 13 or more persons whether for compensation or not.

"Commercial parking lot" means an off-street parking area, a majority of which is available to the public, and such parking is the primary use of the site.

"Commercial shopping center" means a master planned development, approved commercial site plan, binding site plan, or commercial subdivision, comprised of one or more parcels of land which is at least one acre in area and which also contains commercial uses as the primary use of the site.

"Commercial vehicle" means any vehicle, trailer, boat, tractor or other heavy equipment, or shipping container which meets one or more of the following criteria: 1) Is licensed and/or is designed to obtain a gross vehicle weight of 11,500 pounds or more, 2) Has a total height of more than eight feet, six inches. Government and utility service vehicles are not included within this definition.

"Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the City Council and the granting of a conditional use permit which review shall ensure that the use, if approved, will be compatible with other permitted uses in the same vicinity and zone.

"Condominium" means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW.

"Convenience store" means any retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches or freshly prepared foods, such as salads, for off-site consumption.

"Country club" means an incorporated or unincorporated association of persons organized for social and recreational purposes, such as golf clubs, tennis clubs, etc.

"Critical aquifer recharge area" means those areas that have been identified as having a critical recharging effect on aquifer use for potable water in community water systems.

"Critical areas" means one or a combination of wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

"Dedication" means the transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee-simple interest or of a less than fee interest, including an easement.

"Designation" means formal adoption of a policy statement which establishes for planning purposes: the classification scheme; the general distribution, location and extent of the uses of land, where appropriate, for agriculture, forestry, and mineral extraction; and the general distribution, location and extent of critical areas.

"Development" means the construction or reconstruction of a structure or other modifications of the natural landscape above and below ground or water on a particular site.

"Director" means the City of Ruston Planning and Community Development Director or designee.

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"Drive-in facility" means a use or occupancy of commercial premises where all or a substantial portion of the business will consist of consumption of food or beverage in or about motor vehicles temporarily parked on the premises.

"Drive-through facility" means a use or occupancy of commercial premises where the purchaser of the goods or services offered will operate a motor vehicle on the premises in the course of receiving the same.

"Dwelling" means any building or portion thereof which is designed or used for residential purposes.

"Dwelling, accessory" or "accessory living quarters" see "accessory dwelling" above.

"Dwelling, cottage housing" means a group of six small, detached, house-scaled buildings typically up to one and a half stories in height, arranged to define a shared entry court that is open to, visible, and accessed from the street.

"Dwelling, courtyard building" means a detached or attached, house-scaled building typically up to two and a half stories in height that consists of attached units with individual entrances off a central courtyard that faces and is accessed from the street.

"Dwelling, duplex - stacked" means a small-to-medium sized, detached house-scaled building consisting of two stacked dwelling units which both face and are accessed from the street and are contained within a single building, typically up to two and a half stories in height.

"Dwelling, duplex – side by side" means a small-to-medium sized, detached, house-scaled building consisting of two side-by-side dwelling units which both face and are accessed from the street and are contained within a single building, typically up to two and a half stories in height.

"Dwelling, fourplex" means a small-to-medium sized, detached, house-scaled building typically up to two and a half stories in height, consisting of four dwelling units, two on each floor. All four units either share a common entry, or groups of two units may share a common entry. All entries must face and be accessed from the street.

"Dwelling, fiveplex" means a small-to-medium sized, detached, house-scaled building consisting of five units within a single building, typically up to two and a half stories in height. These units have either a shared common entry or individual entries. All entries must face and be accessed from the street or a shared forecourt.

"Dwelling, high-rise multifamily" means a medium-to-large sized, multifamily building consisting of four or more habitable stories. These units typically have a shared common entry. All entries must face and be accessed from the street or a shared forecourt.

"Dwelling, single-family" means a detached building containing one dwelling unit that has an entry that faces and is accessed from the street.

"Dwelling, sixplex" means a small to medium sized, detached, house scaled building typically up to two and a half stories in height, consisting of six units, three on each floor. These units share a common entry that faces and is accessed from the street.

"Dwelling, rowhouse" building means a small sized, attached, house-scaled building consisting of at least three individual units with common walls. Each townhouse unit is typically two to three stories in height and has its own entry that faces and is accessed from the street.

**Commented [KP31]:** Definition required pursuant to E2SHB 1110

**Commented [KP32]:** Definition required pursuant to E2SHB 1110

**Commented [KP33]:** This definition is modification to the existing RMC definition for duplex.

**Commented [KP34]:** Duplex is undefined in state legislations. The City has the ability to adopt its own definition. This is a new definition.

**Commented [KP35]:** New definitions proposed by Staff and Commission

**Commented [KP36]:** New definition proposed by Staff, not required by State legislation.

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"Dwelling, stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot which each floor may be separately rented or owned.

**Commented [KP37]:** New definition required pursuant to E2SHB 1110

"Dwelling, townhouse", means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

"Dwelling, triplex" means a small-to-medium sized, detached, house-scaled building consisting of three dwelling units which are entered from the street and are contained within a single building, typically up to two and a half stories in height.

**Commented [KP38]:** Definition proposed by City Staff, not required by legislation.

"Dwelling unit" means a room or rooms located within a building, designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent of any other family. The existence of a food preparation/sanitation area within such room or rooms shall be evidence of the existence of a dwelling unit.

"Easement" means the authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

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

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

"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost, or surface water flow.

"Excavation" means any action by which any rocks, sand, gravel, stone, earth, topsoil, peat, minerals or other natural resources are removed for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future.

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Exterior storage" means the storage of fuel, raw materials, products, and equipment outside of an enclosed building.

"Family" means one or more persons, either related or unrelated, occupying a dwelling unit and living together as a single housekeeping unit.

"Family day care home" means a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

"Fence" means a wall or a barrier composed of any living or nonliving materials including, but not limited to, posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land from each other and from the public right-of-way, but not including retaining walls.

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"Fill" means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

"Fish and wildlife habitat conservation areas" means all lands with priority species, priority habitats and habitats of species of local importance as defined by the Washington Department of Wildlife: naturally occurring ponds over one-half acre and their wildlife habitat; lakes, ponds, streams, and rivers planted with game fish defined by RCW 77.09.020.

"Frequently flooded areas" means floodplains and other areas subject to a one-percent or greater chance of flooding in any given year also known as a "100-year flood."

"Front yard." See "Yard, front."

"Frontage, street." See "Street frontage."

"Garage" means a building or portion of it designed and used for storage of tools, building materials, and miscellaneous items and storage and repair or service of motor vehicles.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to development.

"Government facilities" means schools, libraries, police stations, fire stations and other governmental or public offices or institutions serving nearby residents.

"Grading" means the movement of earth or soil or other activity which is intended to create a building grade.

"Gross floor area" means all interior building areas, excluding parking and mechanical areas.

"Height (of a building or structure)" means the vertical distance measured from the lot grade to the highest point of the roof surface, and from this point drawn horizontally and not along the contours of the lot.

"Heliport." See "Airport."

"Home occupation" means any business, profession, occupation, or trade located entirely within a residential building, or structure accessory thereto, which use is incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

"Homeowner's association" means a group of persons organized as an association, corporation or other entity which represents homeowners residing in a subdivision or other development entity. A homeowner's association need not have any official status as a separate legal entity under the laws of the State of Washington.

"Hospital" means an institution, whether a building or group of buildings, designed and used for the medical and surgical diagnosis and treatment (temporary and emergency services included) and housing of persons under the care of doctors and nurses providing general medical care, as distinguished from treatment of mental and nervous disorders and alcoholics, and specifically excluding rest homes, nursing homes, and convalescent homes.

"Hotel" means a building or portion thereof designed or used for the lodging with or without meals of six or more persons for compensation. A central kitchen and dining facility and accessory shops and services catering to the general public may be provided. Institutions housing persons under legal restraint or requiring medical attention or care shall not be considered hotels.

"Impervious surface" means a surface which does not absorb water, including buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

"Infrastructure" includes water, sanitary sewer, roads (including sidewalks), storm sewer, electrical systems, street lighting and similar systems.

"Interior lot line" means the boundary line of a lot which separates one lot from another.

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"Light industrial" developments involve research and technological processes and the processing and handling, and creating of products all of which are distinguished from heavy industrial fabrication since they are largely devoid of nuisances or hazards.

"Live-Work Unit" means a two to three story residential-scale mixed-use building designed to accommodate both residential living and commercial activities within the same premises. These units are intended to provide a flexible environment where residents can live and conduct business activities, such as operating a home office, studio, or small-scale retail space. Typically, commercial activity occurs on the ground floor, with residential use above.

**Commented [KP39]:** New definition provided by City Staff.

"Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by the zoning code, which has direct legal access to a street or has access to a street over an easement approved by the City.

"Lot area" means the area within the boundary lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings, including all structures greater than three feet in height.

"Lot grade" means the average level of the undisturbed native soil at the outermost corners of the building envelope shall be considered lot grade (sum of the elevations at the corners of the building envelope divided by the number of corners). For the purposes of this section, the U.S. EPA Superfund Cleanup finished excavation, fill, final grading and completion of land work shall be considered existing native soil for the purpose of building height requirements as specified by the City of Ruston. (Refer to Section 25.01.040, Illustration A, Determination of Lot Grade.)

"Lot line" means the boundary lines of a lot.

"Lot of record" means a single platted lot which is a part of a plat which has been recorded as required by the laws of the State of Washington, in the office of the Auditor of the County of Pierce.

"Major transit stop" means:

- (a) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 18.104 RCW;
- (b) commuter rail stops;
- (c) stops on rail or fixed guideway systems;
- (d) and stops on bus rapid transit routes, including those stops that are under construction.

**Commented [KP40]:** Definition required pursuant to RCW

"Manufactured home" means a dwelling unit constructed after June 15, 1976, in accordance with United States Department of Housing and Urban Development requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

"Maps (critical areas)" means those maps maintained by the City of Ruston for the purpose of graphically depicting the boundaries of resource land and critical areas.

"Marine-Related Uses" includes the following:

1. "Marinas and boat launch facilities" means any publicly or privately owned and operated facility which is designed, used, or intended to be used either by public or private pleasure craft, boats or marine vessels for permanent or transient mooring, dry dock, or storage but does not include floating homes, meaning a structure designed and operated substantially as a permanently-based structure and not as a vessel and

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typically characterized by permanent utilities and a semi-permanent anchorage/moorage design and by the lack of adequate self-propulsion to operate as a vessel.

2. "Marine repair, major" means rebuilding or reconditioning of marine vehicles or trailers, including collision service; in-water finishing work, body work or bottom cleaning; frame straightening or repair; overall painting; and marine wrecking when conducted within an enclosed building.
3. "Marine repair, minor" means general repair, replacement of new or reconditioned parts, painting and refinishing work that does not require in-water operations, and other work that can be considered minor and is not specified under "marine repair, major."
4. "Marine service station" means a marine sales and service use in which fuel for boats is sold; and where accessory uses including, but not limited to, towing or minor vessel repair may also be provided.
5. "Marine sales and service" means commercial use which includes one or more of the following uses: sale or rental of boats; marine service station; major or minor vessel repair.
6. "Marine research and development laboratories" means any publicly or privately owned and operated facility which is designed and used to collect data, conduct experiments, or apply scientific research in a marine environment.

"Mayor" means the Mayor of the City of Ruston or the Mayor's designee.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

"Mineral lands" means lands of long-term commercial significance for the extraction of aggregate and mine resources, including sand, gravel, and valuable metallic substances.

"Mixed use building" means a building designed or intended to be used for more than one type of principal use, e.g., retail and office uses, with or without residential uses above or behind the primary ground-level sales, service or office use.

"Mobile Food Vending" means temporary outdoor food sales, kiosks, sidewalk vendors or semi-permanent portable outdoor mobile and relocatable food service facilities that range from small snack stands to extensive full-service kitchens. The outdoor mobile food service facilities may be fully contained or may be connected to utilities, and must be built to meet local health and fire codes. The outdoor food service facilities may have the look of a permanent structure.

"Mobile home" means a dwelling unit transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling unit and constructed before June 15, 1976.

"Mobile home park" means a parcel of land designed and improved to accommodate two or more mobile homes on a permanent basis.

"Modular home" means a dwelling unit constructed in a factory in accordance with the International Building Code and bearing the appropriate fold insignia indicating such compliance. The term includes "pre-fabricated," "panelized" and "factory-built" units.

"Motel" means a group of attached or detached buildings containing individual sleeping units, a majority of such units open individually and directly to the outside, including tourist courts, motor courts, and motor lodges.

"Multiple-use project" means a development containing two or more principal uses located in one or more structures.

**Commented [KP41]:** New definition provided by City staff.

**Commented [KP42]:** Definition pursuant to RCW 36.70A.030

**Commented [KP43]:** Revised definition provided by City Staff.

**Commented [KP44]:** New definition provided by City Staff.



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"Nonconforming building" means a building which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nonconforming use" means a use which was lawfully established and maintained but which, because of the application of this zoning code, no longer conforms to the use regulations of the zone in which it is located.

"Nursery or garden center" means an enterprise which conducts the retail and wholesale sale of plants, as well as accessory items directly related to plant care and maintenance (excluding farm equipment).

"Nursery school." See "Preschool."

"Nursing, convalescent or retirement home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. The nursing or retirement home does not provide surgical or obstetrical services, nor shall a hospital or sanitarium be construed as a nursing or retirement home.

"Office building" means a building primarily designed for professional office uses.

"Open space" means generally a portion of the area of a site, other than required yards, which is required by this zoning code to be maintained free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the open space).

"Open space, common" means that area permanently owned in common or held for use by more than one individual property owner or resident for recreational use, landscape buffering, preservation of sensitive areas or other publicly beneficial uses. Common open space does not include the uncovered portions within any road right-of-way.

"Open space, dedicated" means that area permanently dedicated to the City and held for public use or interest as part of the City's comprehensive open space system.

"Open space, parcel" means the sum of the common and private open spaces within a given development parcel.

"Open space, private" means that open space within a privately owned lot.

"Other adult entertainment facility" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration; provided, however, that a public library, and a school, university, or similar educational or scientific facility shall not be considered an adult entertainment facility. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access is provided for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Park" means land in public use and ownership that is used for active and passive recreation including, but not limited to, local and regional parks, playgrounds, ball fields, water access facilities and nonmechanical boat launches.

"Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is

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paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

"Permitted use" means a use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations and regulations of such zone.

"Plat" means the map or representation of a subdivision.

"Preschool" or "nursery school" means a public or private school for children from ages two to six, including accessory playgrounds and athletic fields.

"Primary school" means a public or private Washington State approved K—8 school, including accessory playgrounds and athletic fields.

"Professional office" means a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are provided by qualified professionals and are generally professional, educational, administrative, financial or governmental in nature. Some examples include accountants, architects, dentists, doctors, engineers, financial advisors, health care providers, and lawyers.

"Public and private schools" means a public or private Washington State-approved primary or secondary school, including athletic fields; vocational and trade schools; and colleges or universities.

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof, including water supply, electrical power, gas and transportation, telephone, and other transmission services.

"Qualified professional" means a person licensed in the applicable occupation, or any other person or combination of people, with a level of education, experience and expertise in the field or discipline appropriate for the relevant subject matter as determined by the Mayor and the City Council.

"Residential use" means a type of, or an intended use of, a building or structure designed to provide a place of abode for human beings, but not including hotels or motels.

"Recreational facility" means a country club, golf course, tennis club, swimming club, archery club, or other similar athletic club; bowling alleys, arcades, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters, but specifically excluding adult entertainment facilities.

"Restaurant" means an establishment that prepares and serves food and beverages.

"Required yard" means the area between the lot line and required setback.

"Sales level 1" means retail sales such as grocery stores, convenience stores, hardware stores, variety stores, antique stores, nurseries, pharmacies, bakeries, flower shops, theatres, and similar general retail and entertainment uses, except those uses listed in sales level 2

"Sales level 2" means sales of automobiles, trucks, motorcycles, recreational vehicle, boats, trailers, heavy equipment sales and rentals, outdoor bulk sales of building and landscaping supplies, and pawnshops.

"Secondary school" means a public or private Washington State-approved 9—12 school, including athletic fields.

**Commented [KP45]:** Revised definition provided by City Staff.

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"Services level 1" means businesses engaged in servicing, repair or maintenance of small personal items such as shoes, small appliances, computers, watches and clocks, jewelry and clothing, or which provide specialized services or skills such as barber shops, hair salons, nail salons and all professional office services, except those listed in services level 2 or 3.

"Services level 2" means minor automobile repair, major automobile repair, automobile service stations, automotive fuel dispensing facilities tattoo parlors, and body piercing shops.

"Services level 3" means automobile wrecking facilities, bail bonds service and payday loan facilities.

"Setback" means the distance that buildings must be removed from their lot lines.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, CDs, DVDs, Blu-Ray disks, digital files, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Short term rental" means a residential dwelling unit used for short-term transient occupancy (for periods less than 30 days). The residential dwelling unit may be either a single family home or an approved accessory dwelling unit.

"Single-family zones" means those zones where single-family detached residences are the predominant land use.

"Site area" means that area of land associated with a certain development application.

"Site plan." See Section 25.01.140.

"Specified anatomical areas" means and includes any of the following:

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activities" means and includes any of the following:

- (a) The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, except that the highest story is that portion of the building included between the highest floor surface and the ceiling above.

"Street frontage" means the boundary of a lot separating such lot from an abutting street.

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**Commented [KP46]:** Need to review against RCW requirements

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"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means the division or re-division of land into two or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. (Note: For purposes of this zoning code, the term, "subdivision" includes the short subdivision of land as described in RCW 58.17.020).

"Temporary Encampment" means a transient or interim gathering or community comprised of temporary enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided, that this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" means tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

"Townhouse" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot lines.

"Transitional Housing" means a facility that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

"Transportation and utility facility" means public or private facilities which include bus terminals; taxi headquarters; maintenance garages; principal use parking facilities; park-and-ride facilities; radio and television stations; telephone exchanges; cable television facilities; other communication facilities; water and distribution and storage facilities; electric substations; sewage collection, pumping and treatment facilities; rail right-of-way and natural gas distributions.

"Unclassified use" means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone as set forth in this zoning code.

"Utility" means services such as water supply, electric power, natural gas, communication, and sanitary sewers and the provider of such services.

"Utility line" means pipe, conduit, cable, and other similar means or facilities by which utility services are conveyed.

"Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

"Variance" means an adjustment in the specific regulation of this title regarding a particular piece of property as provided in Section 25.01.140.

"Washington State Wetland Rating System" means the four-tier rating system developed by the State Department of Ecology and included in its "Model Wetlands Protection Ordinance" of 1990.

"Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes,

**Commented [KP47]:** Definition moved to "dwelling, townhouse".

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bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

"Yard" means any front, rear or side yard.

"Yard, front" means a yard extending the full width of the front of a lot between the front street line and the front building line.

"Yard, rear" means the yard extending the full width of the lot in the area between the rear lot line and the rear building line.

"Yard, side" means a yard extending the full length of the lot in the area between a side lot line and a side building line.

(Ord. 991 § 2, July 28th, 1997; Ord. 1031 § 1, May 3rd, 1999; Ord. 1178 § 1, Nov. 21st, 2005; Ord. 1289, § 1, June 15th, 2009; Ord. 1385 § 1, Dec. 18th, 2012; Ord. 1409, § 1, June 4th, 2013; Ord. 1505, § 1, Feb. 5th, 2019; Ord. 1530 § 2, June 2nd, 2020; Ord. 1551 §§ 2, 3, Oct. 5th, 2021)

## TITLE 29 PLANNING

Chapters:

### Chapter 29.01 COMPREHENSIVE PLAN

*(No changes needed)*

### Chapter 29.02 PLATS AND SUBDIVISIONS

Sections:

**29.02.010 Filing and acceptance of subdivisions.** *(no changes needed)*

**29.02.020 Development of subdivisions.** *(no changes needed)*

**29.02.030 Unit Lot Subdivisions.**

(a) Unit Lot Subdivisions. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.

(1) Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.

**Commented [IM48]:** Required, pursuant to SB 5258

**Commented [ZT49R48]:** For background, this deals with navigating ownership and the sale of duplex units. Will need to refer to latest Commerce guidance on this subject.

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- (2) Applicability. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.
- (3) Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.
- (4) Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
- (5) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking, solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.
- (6) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit for which the park serves, as long as the right to use the parking is included in notes on the face of the plat or short plat or formalized by an easement recorded with the county auditor.
- (7) Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.
- (8) Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:
- i. The title of the plat shall include the phrase "Unit Lot Subdivision."
  - ii. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
- (9) Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on preliminary approval.
- (10) Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision
- (11) Definitions.
- i. "Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.
  - ii. "Lot, unit" means a subdivided lot, that allows up to one dwelling unit, created from a parent lot and approved through the unit lot subdivision process.
  - iii. "Unit lot subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

**29.02.0430 Enforcement.** (no changes needed)

## **Chapter 29.03 BOUNDARY LINE REVISIONS**

(no changes needed)