

Subject: Ordinance #1591 – Middle Housing Land Use Update

Dept. Origin: Planning Department

Prepared by: Jennifer Robertson, City Attorney's Office

For Agenda of: June 17, 2025

Exhibits: Ordinance #1591 and Agenda Memo from K. Peterson with Attachments

Proposed Council Action:

This is on for Second Reading and Action.
Adopt Ordinance No. 1591.

	Initial & Date
Concurred by Mayor:	_____
Approved by City Planner:	_____
Approved as to form by City Atty:	6-12-25/JSR
Approved by Finance Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

The City is required to update its land use code in compliance with the Middle Housing¹ and Accessory Dwelling Unit² Legislation. The deadline for adopting compliance legislation is **June 30, 2025**. This means that you will need to adopt conforming legislation no later than the June 17th Council meeting in order to have the legislation in effect prior to the June 30th deadline. The attached Technical Memo from Kirsten Peterson of SCJ Alliance walks the Council through the legislation. The legislation has been prepared and/or reviewed by SCJ Alliance, Ruston Planning, and the City Attorney's Office.

If the City does not have compliance legislation in place before June 30th, then portions of the land use code would be pre-empted and the Model Code prepared by the Washington State Department of Commerce would automatically take effect. City staff recommend passage.

FISCAL CONSIDERATION

None.

ATTACHMENTS

A. Ordinance No. 1591 – Middle Housing Ordinance

¹ HB 1110 and HB 2321.

² HB 1337.

RECOMMENDATION / MOTION

This is on for second reading and action. Adopt Ordinance No. 1591.

MOTION: I move to adopt Ordinance No. 1591 relating to zoning, revising Title 25 of the Ruston Municipal Code (RMC) to make consistent with the middle housing laws (to incorporate requirements in ESSHB 1110 and ESSB 2321 and accessory dwelling unit requirements in EHB 1337); making revisions to the following sections of the RMC: 25.01.030, 25.01.040, 25.01.090, 25.06.020, 25.07.010, 29.02.010, deleting 25.01.020, 25.01.051, and 25.01.061, adding new RMC section 25.06.025 and a new chapter 25.99 RMC “definitions”; providing for enforcement, severability and corrections; and establishing an effective date.

ORDINANCE NO. 1591

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON RELATING TO ZONING, REVISING TITLE 25 OF THE RUSTON MUNICIPAL CODE (RMC) TO MAKE CONSISTENT WITH THE MIDDLE HOUSING LAWS (TO INCORPORATE REQUIREMENTS IN ESSHB 1110 AND ESSB 2321 AND ACCESSORY DWELLING UNIT REQUIREMENTS IN EHB 1337); MAKING REVISIONS TO THE FOLLOWING SECTIONS OF THE RMC: 25.01.030, 25.01.040, 25.01.090, 25.06.020, 25.07.010, 29.02.010, DELETING 25.01.020, 25.01.051, AND 25.01.061, ADDING NEW RMC SECTION 25.06.025 AND A NEW CHAPTER 25.99 RMC “DEFINITIONS”; PROVIDING FOR ENFORCEMENT, SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted legislation regarding middle housing (ESSHB 1110 and ESSB 2321) and imposed requirements on cities to bring their land use codes into compliance with that legislation; and

WHEREAS, Ruston is classified as a “Tier 3 city” under the middle housing legislation and is required to have a compliant code by June 30, 2025; and

WHEREAS, the State legislature also adopted requirements for accessory dwelling units in EHB 1337 and imposed requirements on cities to bring their land use codes into compliance with that legislation by June 30, 2025; and

WHEREAS, under the middle housing legislation, Ruston is required to allow two dwelling units on any lot that is zoned for residential development; and

WHEREAS, under the accessory dwelling unit legislation, Ruston is required to allow up to two accessory dwelling units on certain residential lots with single-family homes, but only up to the density requirements in the middle housing legislation; and

WHEREAS, in order to ensure consistency between state law and the Ruston Municipal Code (RMC), certain updates are required; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 30-day review on May 9, 2025 which was granted on June 3, 2025; and

WHEREAS, on May 9, 2025, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and per RCW 36.70A.636, SEPA appeals are not permitted; and

WHEREAS, the Ruston Planning Commission held five study sessions on this Ordinance and the Ruston City Council held multiple meetings where middle housing, accessory dwelling units, and/or this Ordinance was discussed; and

WHEREAS, following deliberation, the Planning Commission voted to recommend approval of this Ordinance to the City Council; and

WHEREAS, the City issued a Notice of Public Hearing for the proposed code amendment at least 15 days prior to the public hearing before the Ruston City Council which was published in the City's official newspaper and provided to the public in accordance with RMC Title 19; and

WHEREAS, the City Council reviewed this Ordinance along with the recommendation from the Planning Commission as first reading during its regular meeting on June 3, 2025; and

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance on June 3, 2025, and

WHEREAS, the City Council adopted this Ordinance at a second reading during its regular meeting on June 17, 2025; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to update its code as required by State law and as set forth in this Ordinance; **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 25.01.020, Definitions, of the Ruston Municipal code is hereby repealed and relocated in its entirety to new Section 25.99.

Section 2. Section 25.01.030 is hereby amended to read as follows:

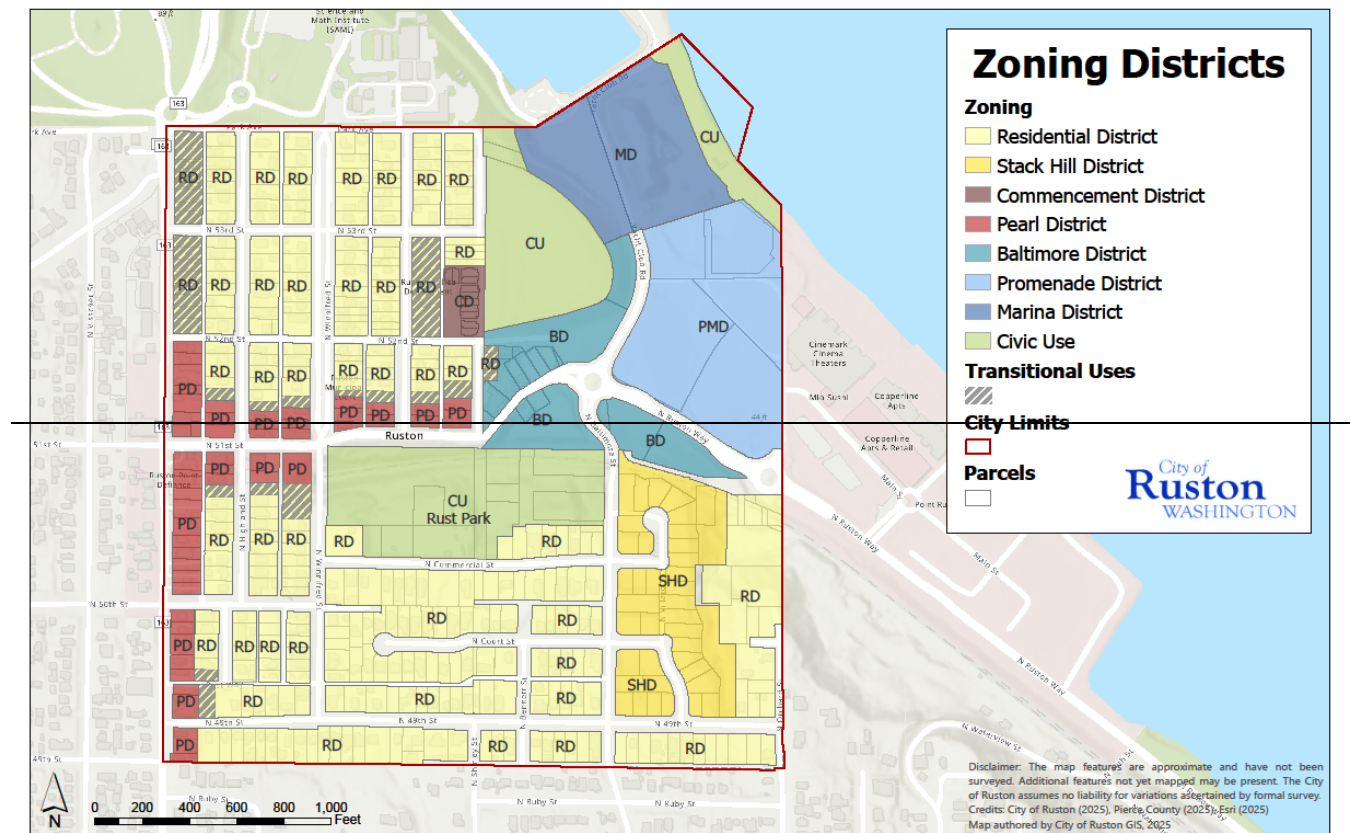
25.01.030 ~~Purpose and e~~Establishment of ~~zones~~Zoning Districts.

- (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~~City of Ruston is hereby divided into ~~four~~ eight types of use districts as follows:

<u>Zoneing District</u>	Use Classification
<u>RES RESIDENTIAL DISTRICT</u>	Residential
<u>COM</u>	<u>Commercial</u>
<u>COM-P</u>	<u>Commercial - Pearl</u>
<u>MPD</u>	<u>Master Planned Development</u>

<u>STACK HILL DISTRICT</u>	<u>Residential</u>
<u>COMMENCEMENT DISTRICT</u>	<u>Residential</u>
<u>PEARL DISTRICT</u>	<u>Mixed Use</u>
<u>BALTIMORE DISTRICT</u>	<u>Mixed Use</u>
<u>CIVIC USE DISTRICT</u>	<u>Public Use and Open Space</u>
<u>PROMENADE DISTRICT</u>	<u>Mixed Use</u>
<u>MARINA DISTRICT</u>	<u>Mixed Use</u>

(c) Official Ruston Zoning Map.



Section 3. Section 25.01.040 of the Ruston Municipal Code is hereby amended to read as

follows:

25.01.040 Residential District (RES) zones.

- (a) Illustrations and Intent. The Residential District is zoned primarily for residential district uses. ~~is~~ This districts 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, ~~limited instances of two-family and multi-family homes,~~ middle housing units, and accessory dwelling units. 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.

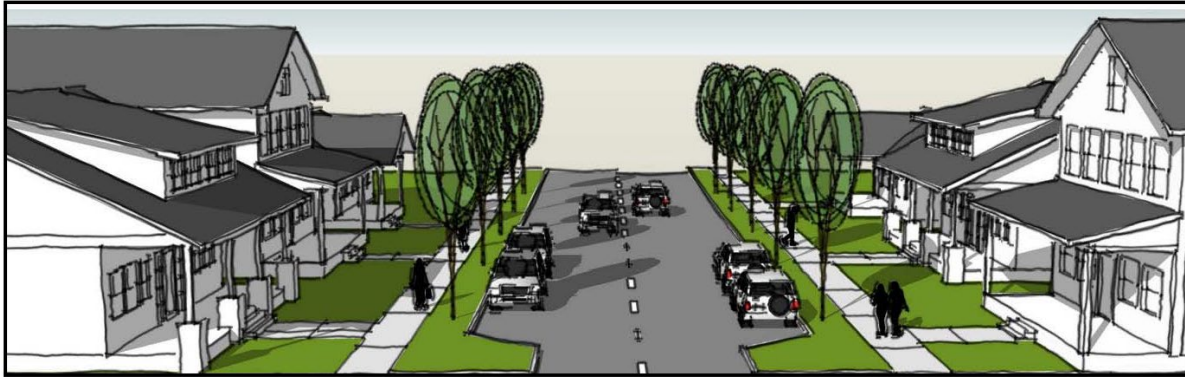


Figure 1 - Typical Residential District Form

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 zone.
- (c) Conditional Uses. Refer to RMC 25.07 for uses conditionally permitted in the RES zone.
- (d) Minimum Lot Area and Width. Every lot in the 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.
- (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.
- (f) Setback Requirements and Build-to Zone (BTZ).

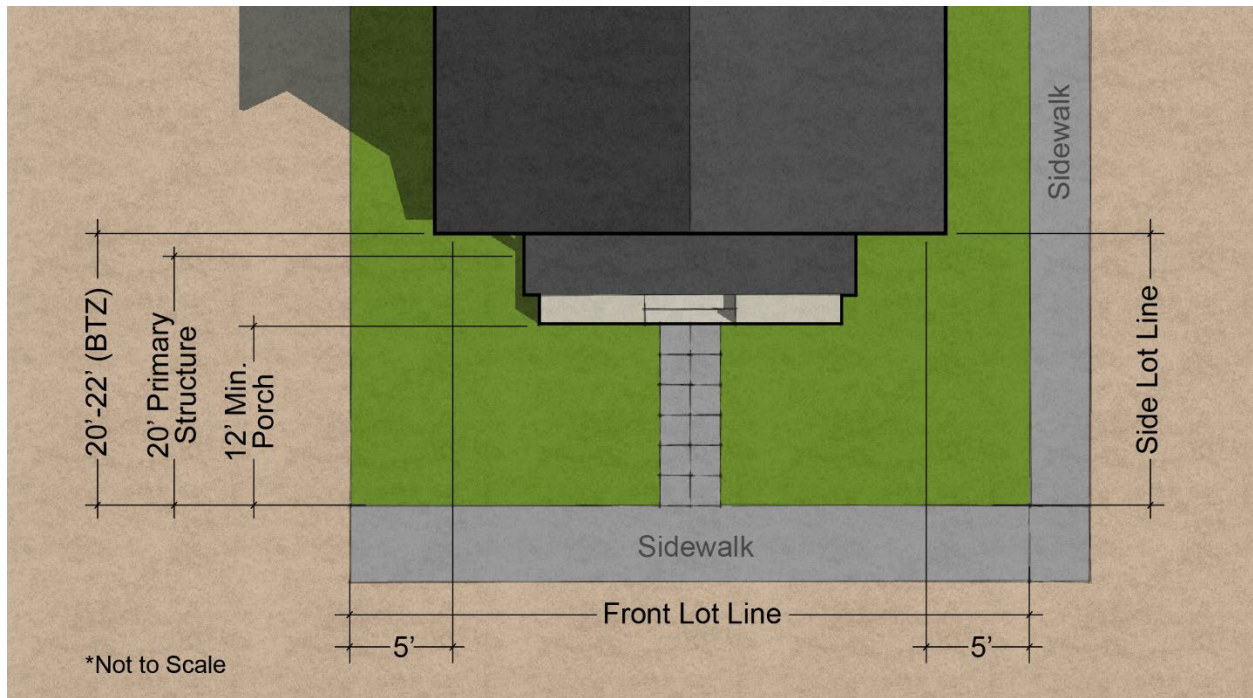


Figure 2 - Primary Structure Setbacks

(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 (k₁) of this section.

(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 (k₁) of this section. (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~~10 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 (k₁) of this section, and RMC 25.01.090.

(4) Setback Requirement Exception:

(A) Detached Accessory Dwelling Units may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snow plows.

(fg) 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. See illustration B below. 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. This height limitation does not apply to accessory dwelling units. 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:

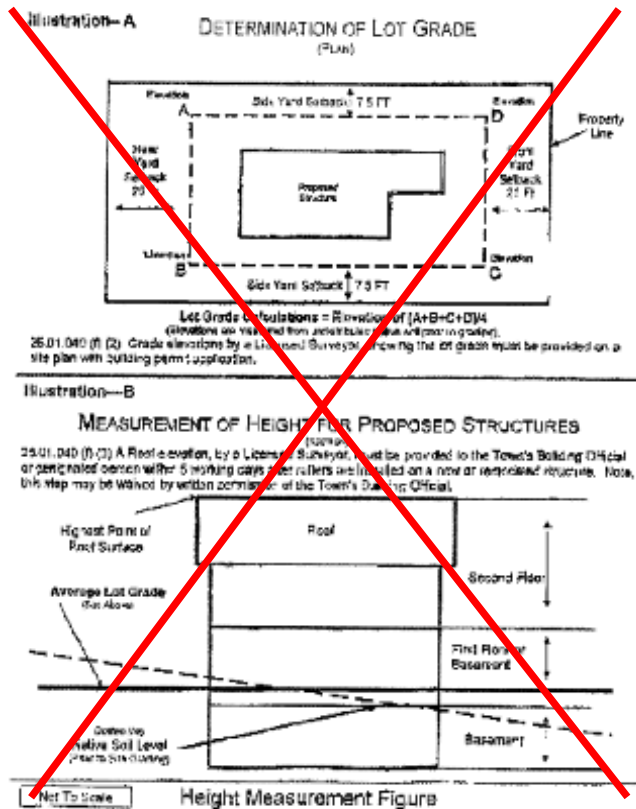
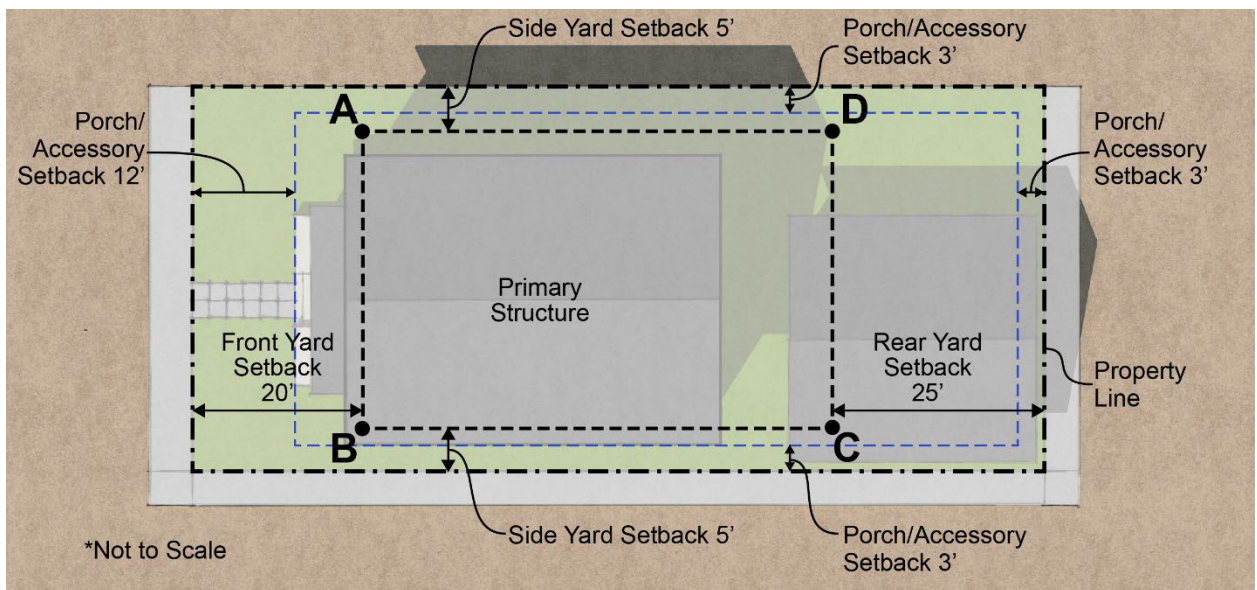
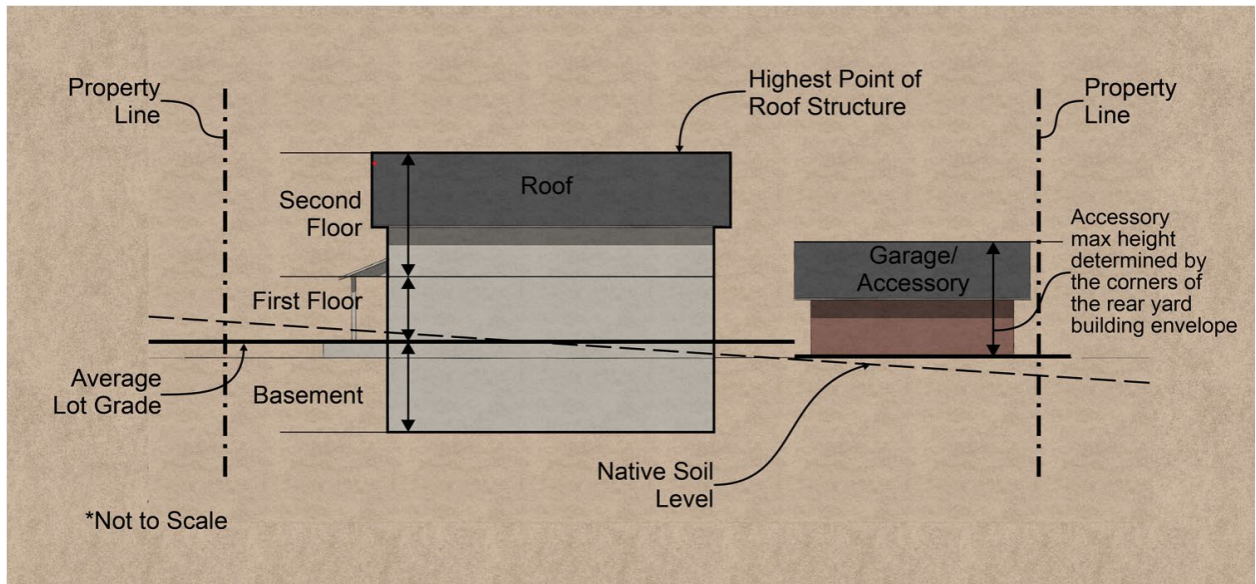


Illustration A – Determination of Lot Grade



$$\text{Lot Grade Calculations} = \text{Elevation of } (A+B+C+D)/4$$

Illustration B – Measurement of Height for Proposed Structures



Height Measurement Figure

- (gh) Minimum Open Space. A minimum amount of open space equal to at least 50 percent of the total lot area shall be required, provided that for cottage housing, the minimum amount of open space shall be equal to at least 20 percent of the total lot area. 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.
- (hi) Site Plan Requirements. Site plan approval is required under Section 25.01.140 ~~of~~ for a development of more than four residential units.
- (ij) 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 one accessory dwelling.~~
 - ~~(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.
 - (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.
 - (D) See RMC 25.01.065 for provisions related to the conversion of garage space into an Accessory Dwelling Unit.
- (m) 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.

- (n) 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.
- (o) Architectural Standards. All development within the ~~RES zone~~ residential district is subject to the architectural standards contained within Chapter 25.06 RMC.
- (p) 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.

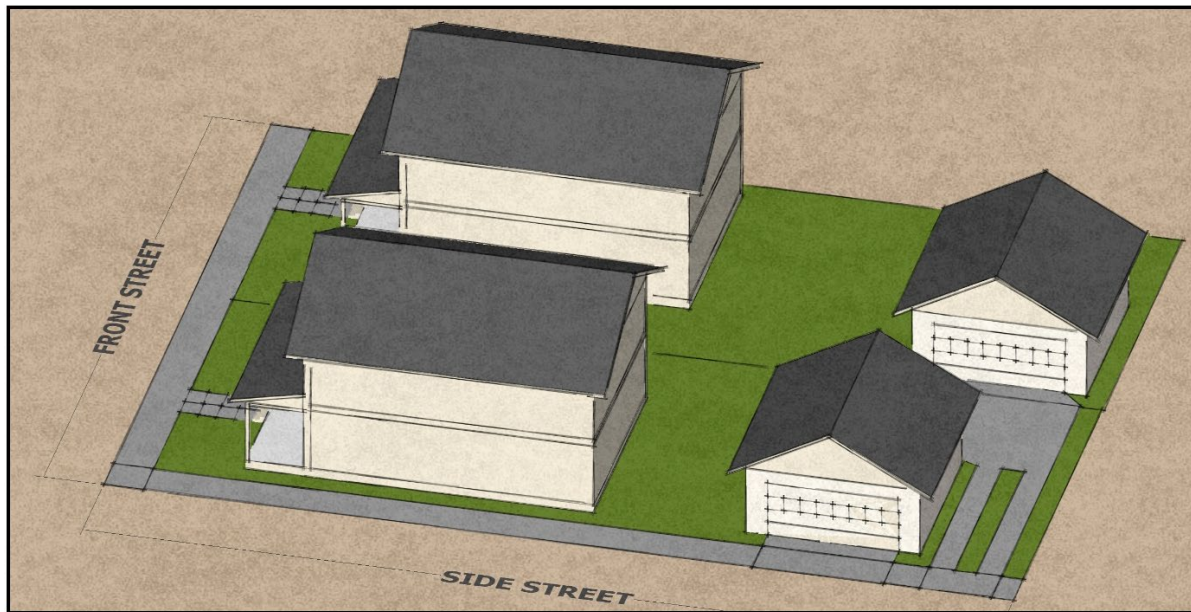


Figure 3 - Example Providing Access to Side Street via Easement/Lot Configuration



Figure 4 - Example Providing Access to Front via Shared Driveway

Section 4. Section 25.01.050 of the Ruston Municipal Code is amended to read as follows:

25.01.050 ~~Commercial (COM)~~ Baltimore District (BD).

- (a) Purpose. The ~~commercial zone (COM)~~Baltimore District (BD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near ~~Pearl~~Baltimore Street, Ruston Way, Yacht Club Road, and 51st Street. ~~Upper~~Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the ~~COM zone~~Baltimore District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the ~~COM zone~~Baltimore District.
- (d) Minimum Lot Area. There is no minimum lot area in the ~~COM zone~~Baltimore District.
- (e) Permitted Height. No structure in the Baltimore District shall exceed ~~25~~35 feet in height; ~~provided, that if the ridge of the roof runs parallel to the view corridor and a minimum eight feet (rise)/12 feet (run) roof pitch with no dormers is proposed, structures shall be allowed to be no more than 30 feet in height and no more than two stories, including all mechanical equipment, except that structures with frontage on 51st Street shall have additional height allowed so that no structure shall exceed 45 feet in height and no more than three stories, including all mechanical equipment. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.~~
- (f) Setback and Buffer Requirements.
 - (1) Yard Setback Requirements.

- (A) Front yard: 0 feet to property line.
- (B) Rear yard: 25 feet to property line.
- (C) Side yards: 0 feet to property line.
- (D) Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.
- (g) Off-Street Parking Requirements. Off-street parking shall comply with Section 25.01.090 and the City's design standards contained within Chapter 25.06 RMC.
- (h) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development within the COM zone.
- (i) Design Standards. All development within the ~~COM zone~~ Baltimore District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

Section 5. Section 25.01.051 of the Ruston Municipal Code is hereby amended to read as follows.

25.01.051 The ~~COM-P~~ Pearl District.

- (a) Purpose. The ~~COM-P~~ Pearl District is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Pearl Street. Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the ~~COM-P~~ Pearl District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the ~~COM-P~~ Pearl District.
- (d) Minimum Lot Area. There is no minimum lot area in the ~~COM-P~~ Pearl District.
- (e) Permitted Height. No structure within the ~~COM-P~~ Pearl District shall exceed 35 feet in height and no more than two stories, including all mechanical equipment, except that structures located between 50th Street and 52nd Street shall have additional height allowed so that no structure shall exceed 45 feet in height and no more than three stories, including all mechanical equipment.
- (f) Setback and Buffer Requirements.
 - (1) Yard setback requirements:
 - (A) Front yard: 0 feet to property line.
 - (B) Rear yard: 25 feet to property line.

- (C) Side yards: 0 feet to property line.
- (g) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development within the ~~COM-P~~ Pearl District.
- (h) Design Standards. All development within the ~~COM-P zone~~ Pearl District is subject to the design standards contained within Chapter 25.06 RMC.

Section 6. A new Section 25.01.052 is hereby to the Ruston Municipal Code to read as follows:

25.01.052 The Marina District.

- (a) Purpose. The Marina District (MD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Yacht Club Road, Dune Peninsula Park and the Point Defiance Marina. Upper floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This Marina District is intended to promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the Marina District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the Marina District.
- (d) Minimum Lot Area. There is no minimum lot area in the Marina District.
- (e) Permitted Height. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (f) Setback and Buffer Requirements. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.140 for any development within the Marina District.
- (h) Design Standards. All development within the MD zone is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

Section 7. A new Section 25.01.053 is hereby added to the Ruston Municipal Code to read as follows:

25.01.053. The Promenade District.

- (a) Purpose. The Promenade District (PMD) is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian-oriented commercial/retail development along or near Ruston Way, Central Avenue, Main

Street, Grand Loop, and Grand Plaza. Upper floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This Promenade District is intended to promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.

- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the Promenade District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the Promenade District.
- (d) Minimum Lot Area. There is no minimum lot area in the Promenade District.
- (e) Permitted Height. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (f) Setback and Buffer Requirements. Lots located within the Point Ruston Master Development Plan must comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.140 for any development within the Promenade District.
- (h) Design Standards. All development within the MD zone is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.

Section 8. A new Section 25.01.054 is hereby added to the Ruston Municipal Code to read as follows:

25.01.054 Stack Hill District.

- (a) Purpose. The Stack Hill District is zoned primarily for residential uses. This 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 include single-family homes, with allowances for Tier 3 middle housing units. 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.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the Stack Hill District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the Stack Hill District.
- (d) Minimum Lot Area. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.
- (e) Permitted Height. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.

- (f) Setback and Buffer Requirements.
 - (1) Yard setback requirements. Lots located within the Stack Hill District must comply with the requirements of Ordinances 1224, 1261, and 1268.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.140 for any development within the Stack Hill District.
- (h) Design Standards. All development within the Stack Hill District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Stack Hill District must also comply with the requirements of Ordinances 1224, 1261, and 1268.

Section 9. Section 25.01.055, Occupancy Standards of the Ruston Municipal Code is hereby relocated to Section 25.01.07. The new RMC 25.01.055 has been added to read as follows:

25.01.055 The Commencement District.

- (a) Purpose. The Commencement District (CD) is zoned primarily for high rise multi-family residential uses in accordance with the master development plan approved under Ordinance 1155.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the Commencement District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the Commencement District.
- (d) Minimum Lot Area. There is no minimum lot area in the Commencement District.
- (e) Permitted Height. Lots located within the Commencement District must comply with the requirements of Ordinance 1155.
- (f) Setback and Buffer Requirements. Lots located within the Commencement District must comply with the requirements of Ordinance 1155.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.140 for any development within the Commencement District.
- (h) Design Standards. All development within the Commencement District is subject to the design standards contained within Chapter 25.06 RMC. Lots located within the Commencement District must also comply with the requirements of Ordinance 1155.

Section 10. A new Section 25.01.056 is hereby added to the Ruston Municipal Code to read as follows:

25.01.056 The Civic Use District.

- (a) Purpose. The Civic Use District (CU) is intended to provide designated areas within Ruston that prioritize the development and preservation of civic uses for public benefit. This District aims to foster the creation and maintenance of government buildings, public parks, open spaces, and other essential facilities that serve the community at large.
- (b) Permitted Uses. Refer to Chapter 25.07 RMC for uses permitted in the Civic Use District.
- (c) Conditional Uses. Refer to Chapter 25.07 RMC for uses conditionally permitted in the Civic Use District.
- (d) Minimum Lot Area. There is no minimum lot area in the Civic Use District.
- (e) Permitted Height. No structure within the Civic Use District shall exceed the maximum height established for the Residential District.
- (f) Setback and Buffer Requirements. The Civic Use District does not require setbacks for civic or open space uses, except that lots located within the Point Ruston Master Development Plan must also comply with the requirements of Ordinance 1264.
- (g) Site Plan Requirements. Site plan approval is required under RMC 25.01.140 for any development within the Civic Use District.
- (h) Design Standards. All development within the Civic Use District is subject to the design standards contained within Chapter 25.06 RMC.

Section 11. Section 25.01.061, Point Ruston Master Planned Development Zone (MPD) of the Ruston Municipal Code is hereby deleted from the Ruston Municipal Code as a distinct zoning district. Provided, however, that the Ordinance(s) which were previously codified as RMC 25.01.061 remain in effect as an approved entitlement but will no longer be codified.

Section 12. Section 25.01.040(j) pertaining to accessory dwelling units has been relocated to new subsection 25.01.065 to the Ruston Municipal Code with renumbered subsections and amended to read as follows:

25.01.065 Accessory Dwelling Units.

- (a) Accessory Dwellings Units. Accessory dwellings units may be ~~conditionally~~ allowed following review and approval by the community development director subject to the following conditions:
 - (1) ~~A lot may have no more than one accessory dwelling.~~ Up to two accessory dwelling units may be permitted on a lot per each single-family dwelling located on the same lot, provided that the unit density set forth in RMC 25.01.040(e) for that lot is not otherwise

- exceeded. If a lot is developed with a duplex, or with two units meeting the definition of middle housing, then no accessory dwelling unit is permitted on that lot.
- (2) The owner must occupy either the principal structure or the accessory dwelling.
Accessory dwelling units shall comply with the development standards of the zoning district in which the accessory dwelling unit is located, including but not limited to, minimum lot coverage, setbacks, etc.
- (3) The maximum gross floor area for an accessory dwelling unit is 1,000 square feet.
- (4) Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal unit under the code. In addition, for any lot which is the result of a subdivision or a lot split and which is below the minimum lot size for the zone, no additional dwelling units, including accessory dwelling units, shall be allowed.
- (5) The maximum roof height for an accessory dwelling unit is no more than twenty-five (25) feet, or the maximum height allowed for the primary unit on the lot, whichever is lower.
- (6) Accessory dwelling units shall not be allowed on any lot that contains critical areas or buffers or that is not connected to a public sewer system.
- (7) Accessory dwelling units shall not be allowed within the shoreline jurisdiction.
- (38) Parking for accessory dwelling units must meet the requirements of Section RMC 25.01.090.
- (9) Garage space and other accessory buildings may be converted into an accessory dwelling unit provided that the unit density set forth in RMC 25.01.040(e) is not exceeded. However, if the converted accessory building contained parking, the minimum parking standards for both the principal unit and any accessory dwelling unit must be replaced elsewhere on the property. Nonconforming use rules as set forth in RMC 25.01.120 apply to any accessory buildings that are converted which are not consistent with the applicable codes at the time of conversion.
- (10) An ADU may be sold as a condominium unit or as a separate piece of property through the unit lot subdivision process.
- (11) Detached ADUs may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snow plows.
- (412) 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. Compliance with Chapter 25.06.040, Architectural Standards is required.
- (513) 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.

Section 13. Section 25.01.090 of the Ruston Municipal Code is hereby amended to read as follows:

25.01.090 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 a unit density that exceeds the density limits set forth in RMC 25.01.040(e) and which is hereafter erected or structurally altered after June 30, 2025, shall be so designed as to make provision for off-street automobile parking equivalent to two parking stalls for each residential unit therein.
- (4) Off-street parking for each middle housing dwelling unit and each accessory dwelling unit shall be provided as follows:
- (A) No off-street parking shall be required for middle housing units within one-half mile walking distance of a major transit stop.
- (B) A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
- (C) A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
- (54) One parking space for each three employees on the largest working shift for all scientific and research laboratories, light manufacturing and distribution uses.
- (65) 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.
- (76) 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)(78) below.
- (87) 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. The four-year limitation may be extended for 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-year 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 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~~ a residential zoning district, 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~~ residential zoning district.
 - (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~~ residential zoning district.
 - (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~~ section are found in RMC 25.99.160 and Chapter 25.99 RMC. 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 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.

Section 14. Section 25.06.020 of the Ruston Municipal Code is hereby amended to read as follows:

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 Title 19 RMC 25.01.140.

Section 15. Section 25.06.030 of the Ruston Municipal Code is hereby amended to read as follows:

25.06.030 Building Design—Pedestrian-Oriented Frontages.

Except for single-family residences, ~~or~~ accessory buildings to single-family residences, middle housing residences, or accessory dwelling units, 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.

Section 16. Section 25.06.040 of the Ruston Municipal Code is hereby amended to read as follows:

25.06.040 Building architectural standards.

- (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.~~
 - (5) ~~Single-family residences, and accessory buildings to single-family residences, middle housing residences, and accessory dwelling units are not subject to the 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, including middle housing and accessory dwelling units, regardless of size or type.

(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. 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. 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.

- 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.

(b~~c~~) 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.

(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.
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(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	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.
	b. Upper level windows shall be a different type than the ground level windows on the same elevation.
	c. For purposes of this requirement, a window type is either a grouping of windows, or a window size, or a window shape.
3. Exemptions	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.
	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.
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- (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	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.
	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.
2. Facade Variety	a. Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.
	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.
	c. Buildings over 30,000 square feet gross floor area shall use at least three different materials, textures, or patterns on each building elevation.
	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.
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) 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) 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
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	equipment may not be compromised by the screening requirement. Building height requirements include utility screening.
	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.
	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.
	d. Chain link fencing, with or without slats, is prohibited for required screening.
2. Fencing Type	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.
	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.
	c. Electrified. The use of electrified fencing is prohibited.
	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.

(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	a. Vehicle parking, and building loading or service areas shall be screened from any residentially zoned property.
	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.
	c. Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas
3. Lighting	a. As required by RMC 25.01.103

- (j) 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.

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.

Section 17. Section 25.07.0130 of the Ruston Municipal Code is hereby amended to read as follows:

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.

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- (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. A transitional use refers to a land use that is not otherwise permitted in a given zone, but may be allowed on lots that provide a physical or functional transition between zoning districts, subject to specific locational criteria intended to promote compatibility between different land uses. Please refer to the official zoning map in RMC 25.01.010(c) for specific locations designated for Transitional Uses.
 - (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.
 - (fe) 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.
 - (gf) 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.
 - (hg) 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.
 - (ih) 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.

Section 18. Section 25.07.020 of the Ruston Municipal Code is hereby amended to read as follows:

25.07.020 Land use matrix.

Uses	RES	COM	COM-P
Dwelling, Accessory	C	P ⁺	P ⁺
Dwelling, Single Family	P	P ⁺	P ⁺
Dwelling, Duplex	C	P ⁺	P ⁺
Dwelling, Triplex	C	P ⁺	P ⁺

Dwelling, Multi Family	€	P ¹	P ¹
Automotive Fuel Dispensing Facility	-	€ ²	€ ²
Adult Day Care	-	P ⁹	P ⁹
Adult Entertainment Facility	-	-	€ ³
Adult Family Home	P	P	P
Airport, Heliport or Airfield	-	-	-
Church	€ ⁴	P	P
Commercial Parking Lot	€ ⁵	€ ⁵	€ ⁵
Commercial Child Care	-	P ⁹	P ⁹
Drive Through Facility	-	€ ⁶	€ ⁶
Emergency Housing	-	€ ¹²	€ ¹²
Emergency Shelter	-	€ ¹²	€ ¹²
Family Day Care Home	€	-	-
Government Facilities	€	P	P
Home Occupation	P	P	P
Hospital	-	€	€
Hotel	€	P	P ⁷
Light Industrial	-	€	€
Mobile/Manufactured Home	€	-	-
Mobile Home Park	€	-	-
Motel	€	P	P
Nursing, Convalescent or Retirement Home	-	P ⁸	P
Park	P	P	P
Permanent Supportive Housing	€ ¹²	€ ¹²	€ ¹²
Professional Office	€	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	-	€	€
Services Level 3	-	-	-
Transitional Housing	€ ¹²	€ ¹²	€ ¹²
Transportation and Utility Facilities	€	€	€
Temporary Encampment	P ¹¹	P ¹¹	P ¹¹
Accessory Uses and Structures	P	P	P
Short Term Rental	€ ¹⁰	€ ¹⁰	€ ¹⁰

Zoning District	RES	COM	COM-P	Residential District	Stack Hill District	Pearl District	Baltimore District	Marina District	Promenade District	Commencement District	Civic Use District
Uses											
Dwelling, Accessory	€	P ¹	P ¹	P	P	P	-	-	-	-	-
Dwelling, Single-Family	P	P ¹	P ¹	P	P	-	-	-	-	-	-
Dwelling, Duplex	€	P ¹	P ¹		-	-	-	-	-	-	-
Dwelling, Duplex - Stacked	-	-	-	P	P	-	-	-	-	-	-
Dwelling, Duplex - Side by Side	-	-	-	P	P	-	-	-	-	-	-
Dwelling, Triplex	€	P ¹	P ¹	€	€					-	-
Dwelling, Multi-Family	€	P ¹	P ¹	-	-	-	-	-	-	-	-
Dwelling, Fourplex	-	-	-	€	€						-
Dwelling, Cottage Housing	-	-	-	P	P	-	P	P	P	-	-
Dwelling, Rowhouse	-	-	-	T/C	-	-	P	P	P	-	-
Dwelling, Fiveplex	-	-	-	T/C	-	-	P	P	P	-	-
Dwelling, Sixplex	-	-	-	T/C	-	-	P	P	P	-	-
Dwelling, Courtyard Building	-	-	-	P	P	-	P	P	P	-	-
Dwelling, High-Rise Multifamily Building	-	-	-	-	-	-	P	P	P	P	-
Automobile Service Station	-	-	-	-	-	-	P	P	P	-	-
Automotive Fuel Dispensing Facility	-	€ ²	€ ²	-	-	C ²	-	-	-	-	-
Adult Day Care	-	P ⁹	P ⁹	-	-	P ⁸	P ⁸	P ⁸	P ⁸	-	-
Adult Entertainment Facility	-	-	€ ²	-	-	C ³	-	-	-	-	-
Adult Family Home	P	P	P	P	P	P	P	P	P	-	-
Airport, Heliport or Airfield	-	-	-	-	-	-	-	-	-	-	-
Church	€ ⁴	P	P	€ ⁴	€ ⁴	P	P	P	P	€ ⁴	€ ⁴
Commercial Parking Lot	€ ⁵	€ ⁵	€ ⁵	C ⁵	C ⁵	C ⁵	-	-	-	C ⁵	C ⁵
Commercial Child Care	-	P ⁹	P ⁹	-	-	P ⁸	P	P	P	-	P ⁸
Drive-Through Facility	-	€ ⁶	€ ⁶	-	-	C ⁶	P ⁶	P ⁶	P ⁶	-	-
Emergency Housing	-	€ ¹²	€ ¹²	-	-	C ¹¹	-	-	-	-	-
Emergency Shelter	-	€ ¹²	€ ¹²	-	-	P ¹¹	-	-	-	-	-
Family Day Care Home	€	-	-	C	C	-	-	-	-	-	-
Government Facilities	€	P	P	C	C	P	P	P	P	P	P
Home Occupation	P	P	P	P	P	P	P	P	P	P	-
Hospital	-	€	€	-	-	C	P	P	P	-	-
Hotel	€	P	P ⁷	T/C	-	P	P	P	P	-	-
Live-Work Units	-	-	-	T/C	-	P	P	P	P	-	-
Light Industrial	-	€	€	-	-	C	P	P	P	-	-
Marine-Related Uses	-	-	-	-	-	-	P	P	P	-	-
Mixed-Use Buildings	-	-	-	T/C	-	P ¹	P	P	P	-	-
Mobile/Manufactured Home	€	-	-	C	-	-	-	-	-	-	-
Mobile Food Vending	-	-	-	-	-	-	P	P	P	-	-
Motel	€	P	P ⁷	-	-	P	P	P	P	-	-
Nursing, Convalescent or Retirement Home	-	P ⁸	P	-	-	P ⁷	P	P	P	-	-
Park	P	P	P	P	P	P	P	P	P	P	P
Permanent Supportive Housing	€ ¹²	€ ¹²	€ ¹²	C ¹¹	C ¹¹	C ¹¹	-	-	-	-	-

Zoning District	RES	COM	COM-P	Residential District	Stack Hill District	Pearl District	Baltimore District	Marina District	Promenade District	Commencement District	Civic Use District
Uses											
Professional Office	€	P	P	<u>I/C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
Public and Private Schools	-	P	P	<u>I/C</u>	-	<u>P</u>	-	-	-	-	-
Recreational Facility	-	P	P	<u>I/C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Restaurant	-	P	P	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
Sales Level 1	-	P	P	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
Sales Level 2	-	-	-	-	-	-	-	-	-	-	-
Services Level 1	-	P	P	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
Services Level 2	-	€	€	-	-	<u>C</u>	-	-	-	-	-
Services Level 3	-	-	-	-	-	-	-	-	-	-	-
Transitional Housing	€ ¹²	€ ¹²	€ ¹²	<u>C</u> ¹¹	<u>C</u> ¹¹	<u>C</u> ¹¹	-	-	-	-	-
Transportation and Utility Facilities	€	€	€	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Temporary Encampment	<u>P</u> ¹¹	<u>P</u> ¹¹	<u>P</u> ¹¹	<u>P</u> ¹⁰	<u>P</u> ¹⁰	<u>P</u> ¹⁰	-	-	-	-	-
Accessory Uses and Structures	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Short Term Rental	€ ¹⁰	€ ¹⁰	€ ¹⁰	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	-	-	-	-	-

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

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

³ Subject to Chapter 25.05 RMC, Adult Entertainment Facilities.

⁴ 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.

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

⁶ 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.

⁷ ~~Hotels may not have more than 15 rooms.~~

⁸⁷ Facilities may have no more than 30 beds.

⁹⁸ Facilities may not exceed a maximum occupancy of 50 persons.

¹⁰⁹ Short Term Rental regulations are contained in Chapter 25.10 RMC.

¹¹⁰ Temporary Encampment regulations and permitting requirements are contained in Chapter 25.11 RMC.

¹²¹¹ 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.

Section 19. Section 25.01.020 of the Ruston Municipal Code has been relocated to become a new Chapter 25.99 RMC entitled “Definitions” and is hereby amended to read as follows:

Chapter 25.99 Definitions

Sections:

25.99.001	Definitions Generally
25.99.010	“A” Definitions
25.99.020	“B” Definitions
25.99.030	“C” Definitions
25.99.040	“D” Definitions
25.99.050	“E” Definitions
25.99.060	“F” Definitions
25.99.070	“G” Definitions
25.99.080	“H” Definitions
25.99.090	“I” Definitions
25.99.100	“J” Definitions
25.99.110	“K” Definitions
25.99.120	“L” Definitions
25.99.130	“M” Definitions
25.99.140	“N” Definitions
25.99.150	“O” Definitions
25.99.160	“P” Definitions
25.99.170	“Q” Definitions
25.99.180	“R” Definitions
25.99.190	“S” Definitions
25.99.200	“T” Definitions
25.99.210	“U” Definitions
25.99.220	“V” Definitions
25.99.230	“W” Definitions
25.99.240	“X” Definitions
25.99.250	“Y” Definitions
25.99.260	“Z” Definitions

25.99.001 Definitions Generally.

The following words, terms, and phrases, when used in Title 25 of the Ruston Municipal Code, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future; the singular tense includes the plural, and the plural the singular; the feminine includes the masculine and the masculine includes the feminine; the term “shall” or “must” is always mandatory and the term “may” denotes a use of discretion in making a decision.

25.99.010 “A” Definitions

"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~~ residential lot.

- (a) Attached. Attached auxiliary dwelling units, contained within a ~~single-family home~~ primary residential unit, 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 a ~~single-family home~~ residential unit.
- (b) Detached. Detached auxiliary dwelling units are structurally independent from the primary ~~single-family dwelling~~ residential unit 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.

"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 pre-decision 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 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."

25.99.020 "B" Definitions.

"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.

25.99.030 "C" Definitions.

"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.

25.99.040 "D" Definitions.

"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.

"Development regulations" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"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, 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.

"Dwelling, courtyard building" means attached dwelling units arranged on two or three sides 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.

"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.

"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.

"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.

25.99.050 "E" Definitions.

"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.

25.99.060 "F" Definitions.

"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."

25.99.070 "G" Definitions.

"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.

25.99.080 "H" Definitions.

"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.

25.99.090 “I” Definitions.

"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.

25.99.100 “J” Definitions. *Reserved.*

25.99.110 “K” Definitions. *Reserved.*

25.99.120 “L” Definitions.

"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.

"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.

25.99.130 “M” Definitions.

“Major transit stop” means:

- (a) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 8.104 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.

"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 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.

25.99.140 "N" Definitions.

"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.

25.99.150 "O" Definitions.

"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.

25.99.160 "P" Definitions.

"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.

"Parking facility" is any development that meets the definition of parking structure, parking garage or parking lot.

"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.

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

"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.

25.99.170 “Q” Definitions.

"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.

25.99.180 “R” Definitions

"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.

25.99.190 "S" Definitions

"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.

"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.

"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).

25.99.200 "T" Definitions.

"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.

"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.

“Transitional Use” means a land use that is not otherwise permitted in a given zone, but may be allowed on lots that provide a physical or functional transition between zoning districts, subject to specific locational criteria intended to promote compatibility between different land uses.

"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.

25.99.210 “U” Definitions.

"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.

25.99.220 “V” Definitions.

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

25.99.230 “W” Definitions.

"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.

25.99.240 “X” Definitions. *Reserved.*

25.99.250 “Y” Definitions.

"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.

25.99.260 "Z" Definitions. *Reserved.*

Section 20. Section 29.02.010 of the Ruston Municipal Code is hereby amended to read as follows:

29.02.010 Filing and acceptance of subdivisions.

- (a) The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the State and by the ~~Town~~ City of Ruston to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and other public requirements; to provide for proper ingress and egress; to provide for protection of natural systems and critical areas; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.
- (b) As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:
 - (101) "Block" is a group of lots, tracts or parcels within well-defined and fixed boundaries.
 - (112) "~~Town~~City Engineer" is the person assigned such duties by the ~~Town~~City of Ruston.
 - (3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the ~~Town~~ City Council of the ~~Town~~ City of Ruston.
 - (4) "Easement" is the designation of land for restricted or limited public or private use, the owner reserving for himself all rights other than such as are specifically stated on the subdivision final plat or by separate agreement.
 - (65) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth

in this chapter and State law, including approval by the ~~Town~~City Council of the ~~Town~~City of Ruston, and containing all required signatures.

- (96) "Lot" is a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, except for unit lots approved in accordance with this Chapter. The term shall include tracts or parcels.
- (7) "Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.
- (8) "Lot split" means a legal lot which is divided into the number of new lots equal to the unit density under middle housing. At least one of the new lots may be smaller than the required minimum lot size. Lots which are split by a "lot split" may not be split nor subdivided a second time.
- (9) "Lot, unit" means a lot created from a parent lot and approved through the unit lot subdivision process.
- (~~4~~210) "Planning Commission" means the ~~Town~~City Engineer Planning Commission created pursuant to Chapter 35.63 RCW.
- (~~2~~11) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- (~~5~~12) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
- (~~8~~13) "Short plat" is the term or representation of a short subdivision.
- (~~7~~14) "Short subdivision" is the division of land into four or ~~less~~fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease. While a short unit lot subdivision is a type of short subdivision, it is limited to the creation of no more than the number of lots established as the maximum unit density set forth in RMC 25.01.040(e) for the purposes of middle housing.
- (~~4~~15) "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all re-subdivision of land.
- (17) "Subdivision, short unit lot" means a type of subdivision that allows a parent lot to be divided into no more than the number of lots established as the maximum unit density set forth in RMC 25.01.040(e) within a development that also includes common areas and that is approved through the unit lot subdivision process. A unit lot subdivision is a type of short subdivision that is created for the purpose of splitting a single residential lot into lots for the construction of middle housing. A short unit lot subdivision is a type of lot split.

- (17) “Subdivision, zero lot line” means a type of short unit lot subdivision whereby there is reduced building setbacks from the new lot line. The standards set forth in RMC 29.02.028 apply to zero lot line subdivisions.
- (c) Every subdivision shall comply with the provisions of this chapter and the State law. Every short subdivision or unit lot short subdivision as defined in this chapter shall comply with the provisions of this chapter.
- (d) The provisions of this chapter shall not apply to:
- (1) Cemeteries and other burial plots while used for that purpose.
 - (2) Divisions of land into lots or tracts, none of which are smaller than 20 acres and not containing a dedication.
 - (3) Divisions made by testamentary provisions, the laws of descent, or upon court order.
- (e) The provisions of this chapter apply to short subdivisions, short unit lot subdivisions, and short plats, except that surveys and monumentations and a filing of a short plat or short unit lot subdivisions for record in the office of the County Auditor are not required unless there is a dedication. Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat for such further subdivision. Land in short unit lot subdivisions may not be further divided in any manner.
- (f) The Mayor or his designee is charged with the responsibility of administering the provisions of this chapter.
- (1) The Mayor or his designee shall be responsible for the summary approval of short ~~plats subdivisions and unit lot short subdivisions and short subdivisions~~ or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations are adopted by this chapter. A short ~~plats subdivisions and unit lot short subdivisions and short subdivisions~~ may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short ~~plats subdivision or unit lot short subdivision~~, or alteration or vacation thereof, for record in the office of the County Auditor; provided, that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. The granting of a short unit lot subdivision in conditioned upon there being no further division in any manner. A survey shall be completed and filed with the application for approval of the short subdivision or unit lot short subdivision.
 - (2) Ruston shall consider provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- (g) Upon receipt of an application for preliminary plat approval, the Clerk-Treasurer process the application consistent with the procedures in Title 19 and shall set a date for a public hearing

to be held by the Planning Commission. Notice of such hearing shall be given by publication of at least one notice not less than 10 days prior to the hearing in a newspaper of general circulation within Pierce County. Additional notice of such hearing will be given by mail to the owners of property within the proposed subdivision, to ~~Town~~City of Ruston residents within 150 feet of the perimeter of the proposed subdivision and to government agencies as required by law.

- (h) A preliminary plat of proposed subdivisions, short subdivisions, or unit lot short subdivision and dedications of land shall be filed with the Planning Commission. The Planning Commission shall review the same to assure conformance of the proposed subdivision to the general purposes of the Comprehensive Plan, zoning ordinance, and to planning standards and specifications adopted by the ~~Town~~City Council, hold hearings thereon, and make recommendations to the ~~Town~~City Council as to approval or disapproval. Such recommendation shall be submitted to the ~~Town~~City Council not later than 14 days following action by the Planning Commission. A record of all public meetings and public hearings shall be kept and shall be open to public inspection.
- (i) Each and every preliminary plat submitted for final approval of the ~~Town~~City Council shall be accompanied by the following agencies' recommendations for approval or disapproval:
 - (1) Health Department/~~Town~~City Engineer — as to adequacy of the proposed means of sewage disposal and water supply.
 - (2) Ruston Planning Commission — as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication, and any proposed conditions thereon.
 - (3) ~~Town~~City Engineer.
- (j) Upon receipt of the recommendation on any preliminary plat the ~~Town~~City Council shall, at its next public meeting, set the date for the public meeting where it may adopt or reject the recommendations of the Planning Commission. If, after considering the matter at a public meeting, the ~~Town~~City Council desires to modify the Planning Commission's recommendations approving or disapproving any preliminary plat, such modification of the Planning Commission's recommendation shall not be made until the ~~Town~~City Council shall conduct a closed record public hearing thereon, after which the Council may approve or disapprove the preliminary plat with such modification as it may then deem appropriate. ~~Such public hearing may be held before a committee constituting a majority of the Town Council. If the hearing is before a committee, the committee shall report its recommendations on the matter to the Town Council for final action.~~ At any public meeting or hearing under this chapter, the ~~Town~~City Council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made in the subdivision for, but not limited to, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the plat makes appropriate provisions for public health, safety and general welfare and for such drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school playgrounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved with the appropriate conditions.

The ~~Town~~City Council shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood inundation, critical area, or swamp conditions. Construction of protective improvements shall be noted on the final plat. Final action taken by the ~~Town~~City Council will be shown on the face of the preliminary plat and certified by the Town Clerk-Treasurer as a part of the official record.

- (k) Final plats of any proposed subdivision, short subdivision or dedication must conform to the preliminary plat approved by the ~~Town~~City Council.
- (l) Each and every plat, or replat, of any property filed for record is required to:
 - (1) Contain a statement of approval from the ~~Town~~City Engineer as to survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures.
 - (2) Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 5,000 feet. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.
 - (3) Be acknowledged by the person filing the plat before the auditor of the County in which the land is located, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.
 - (4) Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
 - (5) No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought, shall examine and approve such plats on behalf of the ~~Town~~City of Ruston.
- (m) No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of this chapter, or until all requirements of this chapter have been met.
- (n) Permanent control monuments shall be established at each and every controlling corner of the boundaries of the parcel of land being subdivided. The ~~Town~~City Engineer shall determine the number and location of permanent control monuments within the plat, if any.
- (o) Every final plat or short plat of a subdivision or short subdivision or short unit lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision or short unit lot subdivision has been made with the free consent and in

accordance with the desires of the owner or owners. If the plat or short plat or unit lot short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat or short plat or unit lot short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. Every plat, unit lot short plat, and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantees as aforesaid. When the ~~Town~~City Council finds that the public use and interest will be served by the proposed subdivision, and that said subdivision meets the requirements of State law and this chapter, it shall direct its approval to be suitably inscribed upon the face of the final plat, signed by the Clerk-Treasurer, with the ~~Town~~City Seal affixed. The original of the plat shall be filed for record with the County Auditor. One reproducible copy shall be filed with the County Assessor. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing.

- (p) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved or returned to the applicant for modification or correction within 60 days from the date of filing thereof unless the applicant consents to an extension of such time period. Final plats, unit lot short plats, and short plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period. Approval given to any preliminary plat will expire 12 months from date of approval by the ~~Town~~City Council for a period not to exceed 12 months unless extended further by the Council.

Section 21. Section 29.02.020 of the Ruston Municipal Code is hereby amended to read as follows:

29.02.020 Development of subdivisions.

- (a) The provisions of this chapter shall apply to all subdivisions, including those platted before annexation to the ~~Town~~City. Developers of areas platted prior to annexation to the ~~Town~~City shall comply with all requirements of this chapter and other pertinent laws of the ~~Town~~City own before further development is commenced.
- (b) All the requirements of subsections (d) through (i) of this section shall be installed under the supervision and according to the specifications of the ~~Town~~City Engineer or other authorized officer of the ~~Town~~City, and shall be installed and constructed at the expense of the owner or developer of said subdivision. Road construction shall be in accordance with ~~Standard Plans and Standard Specifications for Road, Bridge and Municipal Construction, latest edition, by~~

~~the Washington State Department of Transportation~~ the City's adopted public works standards as set forth in Chapter 12.09 RMC.

- (c) In lieu of the completion of the actual construction of any improvements required by this chapter, prior to the approval of a final plat, the owner or developer may request the ~~Town~~City Council to accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, provided for and securing to the ~~Town~~City the actual construction and installation of such improvements within a period specified by the ~~Town~~City Council and expressed in the bonds. Streets, sewers and water systems shall be designed and certified by or under the supervision of a registered engineer and approved by the City Engineer prior to acceptance of such improvements.
- (d) Land being prepared for subdivision must be free of stumps, logs, limbs and other buried debris along the entire width and length of every proposed street right-of-way and utility easement, to a minimum depth of five feet.
- (e) All streets shall be not less than 60 feet in width and the paved area between the curbs shall be not less than 30 feet. Cul-de-sacs shall have a minimum radius at the property line of 55 feet, and a minimum radius for the paved area of 40 feet. At least 10 feet between the curb and property line shall remain unpaved, and shall be reserved for utilities on all streets and cul-de-sacs. All streets shall be graded from property line to property line. Street grade will not be less than one-half of one percent to permit free flow of storm water or greater than 15 percent to avoid excessively steep slopes. Streets will be graded to avoid low pockets and the minimum grade will be maintained at every point. Maximum permitted grade will be computed for segments of a street having irregular slopes. Maximum street grade limitations may be exceeded only when prior approval is obtained from the ~~Town Superintendent of Streets~~City Engineer in special cases where the terrain will not permit installation of streets within specified limits. Grade of roadbed and placement of streets in accordance with plat plan will be inspected by the ~~Superintendent of Streets~~City Engineer before utility trenches are dug. Where a plat borders or abuts upon unimproved streets not included within the limits of the plat, the developer, pursuant to written agreement with the ~~Town~~City, shall set aside in trust such sum per lot as the ~~Town~~City shall determine is the fair share of each bordering lot in the ultimate cost of improving such street. The trust funds shall be applied to the cost of the ultimate improvement of such streets if improved within 15 years from the date of such agreement, or at the expiration of such 15-year period shall be refunded to the then owners of the lot or lots for which such trust fund is created. The surface of roadway shall be true to lien, grade and section indicated on the plans, and thoroughly compacted, before bank run gravel is placed. ~~Bank run gravel shall not be placed until:~~
 - (1) The ~~Town Superintendent of Streets~~City Engineer has inspected and approved the material and the grade upon which it is to be placed.
 - (2) The sidewalk areas, the earth curbs, side streets and driveway approaches, where indicated, have been shaped, dressed and ballast subgrade entirely completed consistent with the City's public works standards.
 - (3) Under-the-street utilities ~~are~~ shall be installed consistent with the City's public works standards. ~~Bank run gravel will have a minimum compressed depth of six inches and will extend under the curb lines. Roadway top course will be crushed rock compressed to two inches minimum. Surface of roadway will be asphaltic concrete pavement, two~~

~~inches compressed minimum. Roadway will be inspected by the Town Superintendent of Streets during and after installation of crushed rock and again after surfacing with asphaltic concrete.~~

- (f) All sidewalks shall be constructed in accordance with applicable ~~Town laws governing the use, construction or repair of Town sidewalks~~ public works standards. ~~Sidewalks shall be required on all streets.~~
- (g) After curbs are installed, area from curbs for a distance of 10 feet to property line will be filled to curb level consistent with applicable public works standards. Power, gas, telephone and CATV main lines and stubs may be installed after back fill behind curbs is accomplished consistent with public works standards. ~~Bank run gravel will be used as backfill in trenches to base of curb.~~
- (h) All water mains and sanitary sewers shall be installed with service connections to the property line consistent with applicable public works standards. All storm sewers shall be installed consistent with applicable public works standards and the storm water standards set forth in Chapter 20.02 RMC. All utilities shall be installed prior to grading or paving of streets consistent with applicable public works standards.
- (i) All electrical and telephone distribution systems and service installed in those areas which shall be subdivided and developed within the corporate limits of the ~~Town~~City, shall be placed underground and in accordance with all other applicable laws of the ~~Town~~City.

Section 22. A new Section 29.02.025 is hereby added to the Ruston Municipal Code to read as follows:

29.02.025 Unit Lot Short Subdivisions.

- a. Unless expressly modified by this section, all provisions applicable to short subdivisions in this chapter are also applicable to short unit lot subdivisions.
- b. General Requirements.
 - (1) Unit lots shall be subject to all applicable requirements of the City's zoning code, except as otherwise modified by this section.
 - (2) Subdivision of middle housing units on a single lot. A short unit lot subdivision proposed for a residential lot shall be limited such that the maximum number of lots shall be no greater than the maximum number of dwelling units on a lot as set forth in RMC 25.01.040(e). In addition, each unit lot shall be entirely outside of a critical area and shoreline buffers, and building setbacks shall be required from any critical area buffer consistent with Title 30 of the Ruston Municipal Code.
 - (3) Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements; provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements and the density requirements for the underlying zone. The overall development of the parent lot must meet the development and design standards of the underlying zone, including the maximum density. The maximum lot coverage for the

underlying zone shall apply collectively to all properties within the unit lot subdivision based on the maximum lot coverage for the parent lot prior to subdivision. In addition, if the lot maximum is increased under RMC 25.01.040(e) based on the development of one or more accessory dwelling units, then the usage of those lots shall be permanently restricted to use for an accessory dwelling unit and may not be converted for use for a different type of dwelling unit.

- (4) Within the parent lot, required parking for the dwelling units may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the County Recorder's Office.
- (5) 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.
- (6) A short unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent lot as necessary to comply with all applicable development standards. Such easements shall be recorded with the County Recorder's Office.
- (7) Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the County Recorder's Office.
- (8) If the development includes zero lot line residential development, the performance standards contained in RMC 29.02.028 will also apply.

c. Notes on Plat. Notes shall be placed on the plat recorded with the County Recorder's Office to state the following:

- (1) The title of the plat shall include the phrase "Short Unit Lot Subdivision."
- (2) The individual unit lots are not separate buildable lots. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
- (3) Approval of the design and layout of the development was granted by the review of the development as a whole on the parent lot.
- (4) Additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, addition, or changes in use shall comply with conditions of approval of the short unit lot subdivision and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.
- (5) Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot nor create any additional lots.
- (6) Additional divisions of land which create a new lot shall not be permitted in this Short Unit Lot Subdivision.

d. 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 City Engineer. All development shall be subject to any conditions imposed by the City on preliminary approval.

- e. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision

Section 23. A new Section 29.02.028 is hereby added to the Ruston Municipal Code to read as follows:

29.02.028 Lot segregations – Zero-lot-line development.

In any zone where zero-lot-line development is permitted, interior setbacks may be modified during the short unit lot subdivision review as follows:

a. If a building is proposed to be located within a normally required interior setback:

- (1) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
- (2) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
- (3) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
- (4) The final short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

b. In the residential district zones, setbacks on existing individual lots may be modified; provided, that the standards set forth in subsection (a)(1) of this section are met.

Section 24. Section 29.03.020 of the Ruston Municipal Code is hereby amended to read as follows:

29.03.020 Approval criteria.

- (a) The Mayor's designee shall review and approve, approve with conditions, or disapprove boundary line revisions. The Mayor's designee shall make written findings that the declaration of boundary line revision shall not:
 - (1) Increase the number of lots nor diminish in size open space or other protected environments;
 - (2) Diminish the size of any lot so as to result in a lot of less area or width than prescribed by zoning or other regulations;
 - (3) Diminish any easement or deprive any parcel of access or utilities;
 - (4) Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot;

- (5) Increase the nonconforming aspects of an existing nonconforming lot or create non-conformity in the parent lot for a property that was previously divided under the unit lot subdivision procedures;
- (6) Replat or vacate a plat or short subdivision; or
- (7) Amend the conditions of approval for a previously platted property.

Section 25. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 26. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 27. Corrections. Upon the approval of the City Attorney, the City Clerk, and/or the Code Publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 28. Effective Date. This Ordinance shall be effective as of 12:01 AM on July 1, 2025 which is more than five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this ____ day of _____, 2025.

APPROVED by the Mayor this ____ day of _____, 2025.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Mario Ortega
City Clerk

APPROVED AS TO FORM:



Jennifer S. Robertson
City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1591

Middle Housing Update Deadlines

(six months after GMA Update)

June 30, 2025		June 30, 2026		December 31, 2026	December 31, 2027
OVER 75,000 Population		25,000 - 75,000 Population		Less than 25,000 Population, within a contiguous UGA with largest city	
Auburn	77,245	Bothell	48,161	Algona	3,290
Bellevue	151,854	Bremerton	43,505	Arlington	19,868
Everett	110,629	Burien	52,066	Beaux Arts	317
Federal Way	101,830	Des Moines	32,888	Black Diamond	4,697
Kent	136,588	Edmonds	42,853	Brier	6,560
Kirkland	92,175	Issaquah	40,051	Clyde Hill	3,126
Renton	106,785	Lake Stevens	35,630	Covington	20,777
Seattle	737,015	Lakewood	63,612	DuPont	10,151
Tacoma	219,346	Lynnwood	38,568	Edgewood	12,327
Bellingham	91,482	Maple Valley	28,013	Fife	10,999
Vancouver	190,915	Marysville	70,714	Fircrest	7,156
Kennewick	83,921	Mercer Island	25,748	Hunts Point	457
Pasco	77,108	Puyallup	42,937	Kenmore	23,914
Spokane	228,989	Redmond	73,256	Lake Forest Park	13,630
Spokane Valley	102,976	Sammamish	67,455	Medina	2,915
Yakima	96,968	SeaTac	31,454	Mill Creek	20,926
		Shoreline	58,608	Milton	8,697
		University Place	34,866	Mountlake Terrace	21,286
		Camas	26,065	Mukilteo	21,538
		Lacey	53,526	Newcastle	13,017
		Mount Vernon	35,219	Normandy Park	6,771
		Olympia	55,382	Pacific	7,235
		Tumwater	25,573	Port Orchard	15,587
		Richland	60,560	Ruston	1,055
		Walla Walla	34,060	Steilacoom	6,727
		Wenatchee	35,575	Sumner	10,621
		Moses Lake	25,146	Tukwila	21,798
				Woodinville	13,069
				Woodway	1,318
				Yarrow Point	1,134
				Washougal	17,039
				Airway Heights	10,757
				Liberty Lake	12,003
				Millwood	1,881

Notice of Public Meeting

The City of Ruston will hold a public meeting before the City Council on June 3rd, 2025, at 7:00 pm, regarding Ordinance 1591 – Middle Housing Update.

The public meeting will be held at the Mary Joyce Community Center located at 5219 North Shirley Street, Ruston, WA 98407. All members of the public may provide testimony during the public comment period, or you may submit written comments. Additional information can be found on the City of Ruston website at: www.rustonwa.org/middle-housing-update

Public comments or questions may be submitted in writing to Mario Ortega, City Clerk by e-mail at townclerk@rustonwa.org, or by mail at 5219 North Shirley, Ruston, WA 98407. Verbal testimony will be accepted at the public meeting.

DETERMINATION OF NONSIGNIFICANCE

City of Ruston
File Number: ORD 1591
Middle Housing Update

To: All Departments and Agencies with Jurisdiction

Subject: Determination of Non-Significance (DNS)

In accordance with WAC 197-11-340, a copy of the Determination of Non-Significance (DNS) for the project described below is transmitted:

Applicant: City of Ruston
5219 N Shirley Street
Ruston, WA 98407

Proposal: The City of Ruston proposes to amend its code to implement the middle housing requirements of the Growth Management Act under RCW 36.70A.636.

Location: The proposal is applicable city-wide.

Lead Agency: City of Ruston

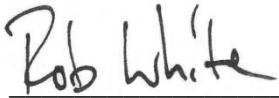
Contact: Rob White
Community Development Director
5219 North Shirley
Ruston, WA 98407
robw@rustonwa.org

The lead agency for this proposal has determined that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(9c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2). The City will not act on this proposal for 14 days from the date of issue. Comments must be submitted by 5:00 p.m. by the closing of the comment deadline. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely,

withdraw the DNS. If the DNS is retained, it will be final after the expiration of the comment deadline.

Responsible Official: Rob White, Community Development Director

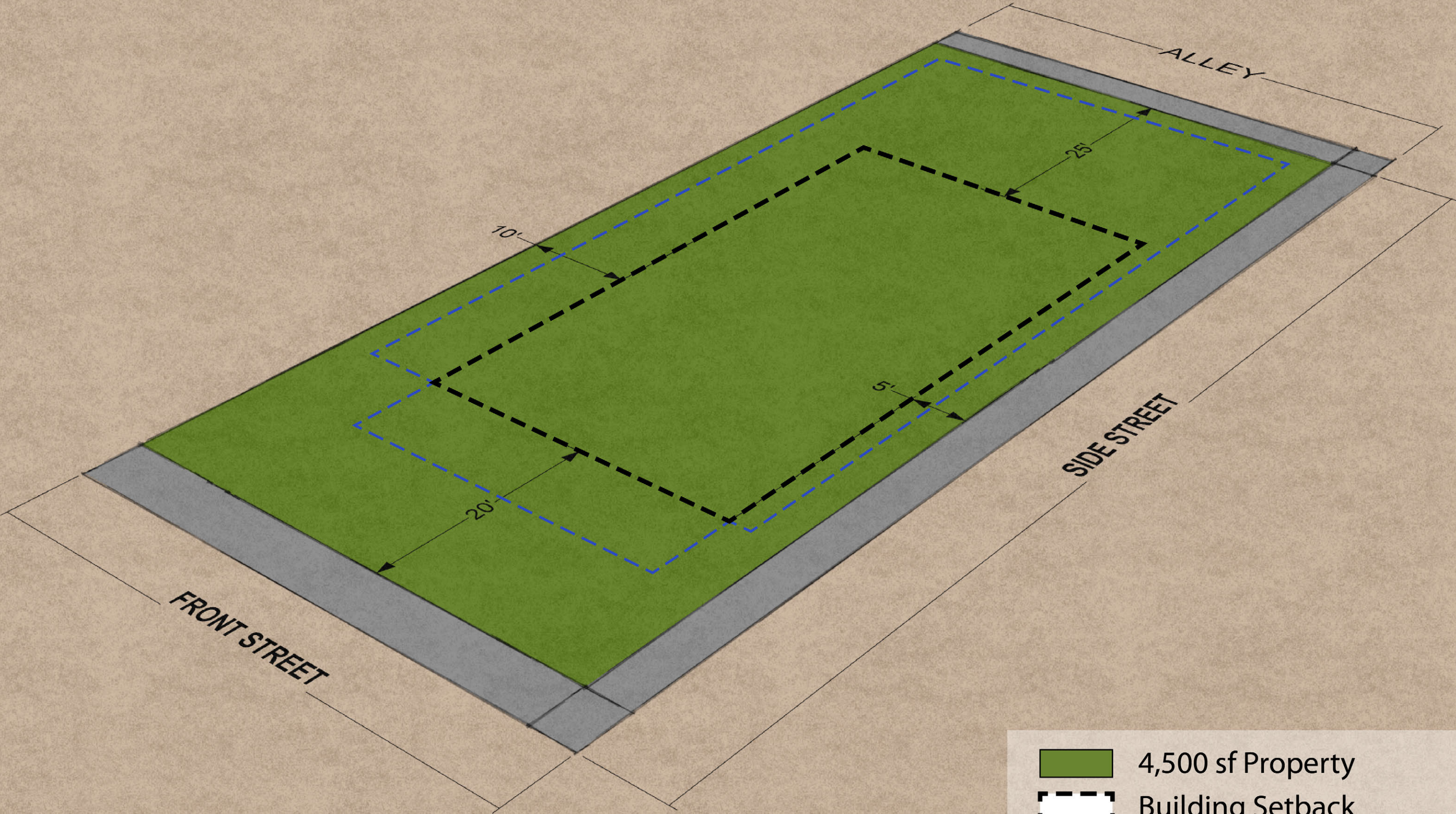
SEPA Official Signature: _____

Issue Date: May 9, 2025

14-Day Comment Deadline: 5:00 p.m., May 23, 2025.

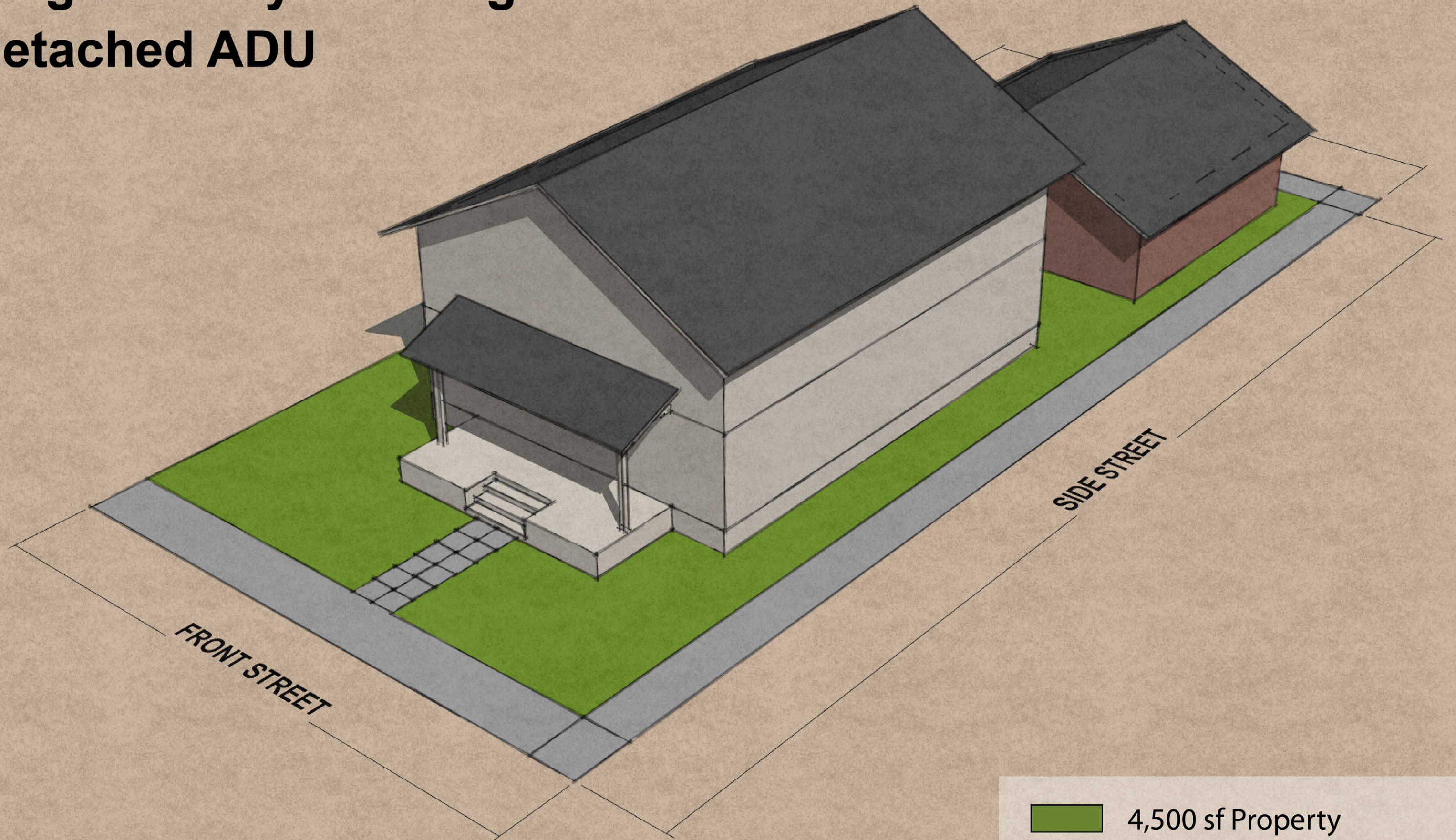
NOTE: The issuance of this Determination of Non-Significance (DNS) does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Ruston and other agencies with jurisdiction prior to receiving construction permits.




Lot Standards - 4,500 SF



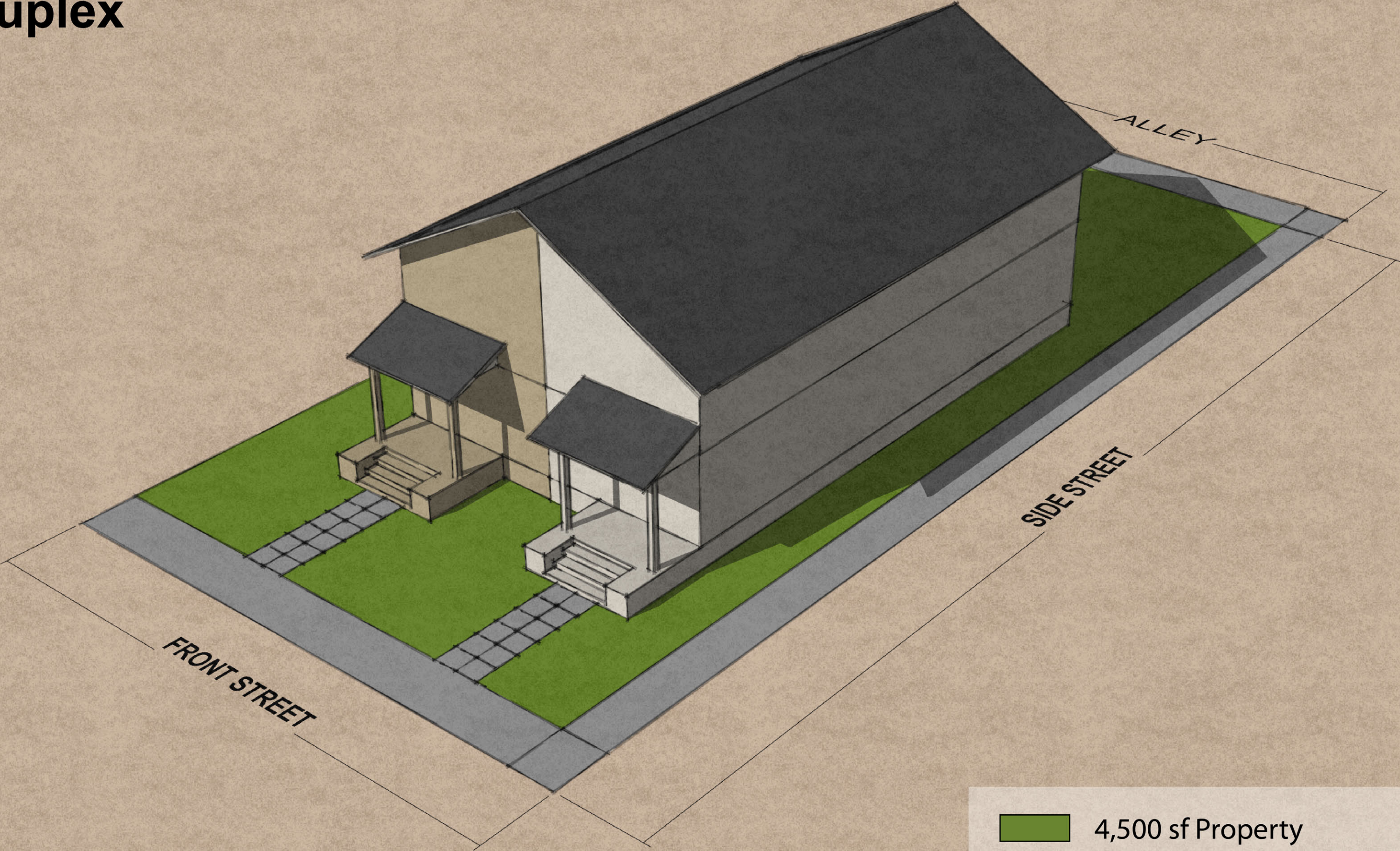
-  4,500 sf Property
-  Building Setback
*side yards to be 15' total. 5' min. on one side.
-  Porch/Accessory Setbacks

Single Family Dwelling + Detached ADU



-  4,500 sf Property
-  Single Family Dwelling
-  Accessory Dwelling Unit




Duplex



- 4,500 sf Property
- Middle Housing Unit 1
- Middle Housing Unit 2




Stacked Flats



-  4,500 sf Property
-  Middle Housing Unit 1
-  Middle Housing Unit 2

Cottage Homes



-  4,500 sf Property
-  Middle Housing Unit 1
-  Middle Housing Unit 2

Courtyard Apartments



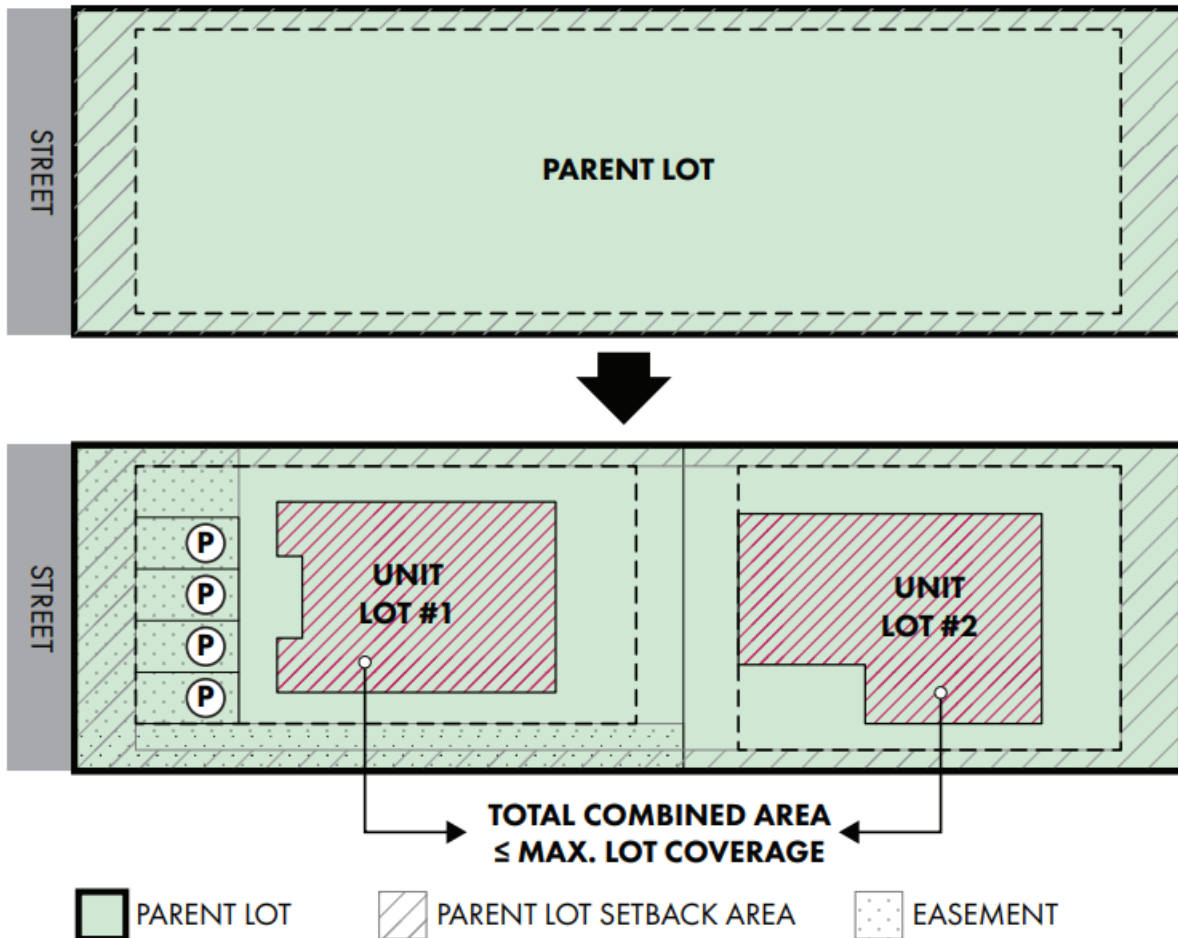
- 4,500 sf Property
- Middle Housing Unit 1
- Middle Housing Unit 2

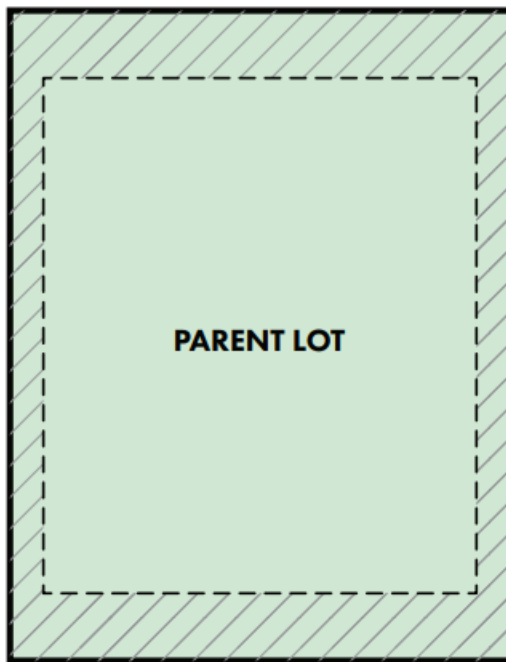
EXHIBIT 5

Example Graphics Depicting Unit Lot and Zero Lot Line Subdivision Allowances

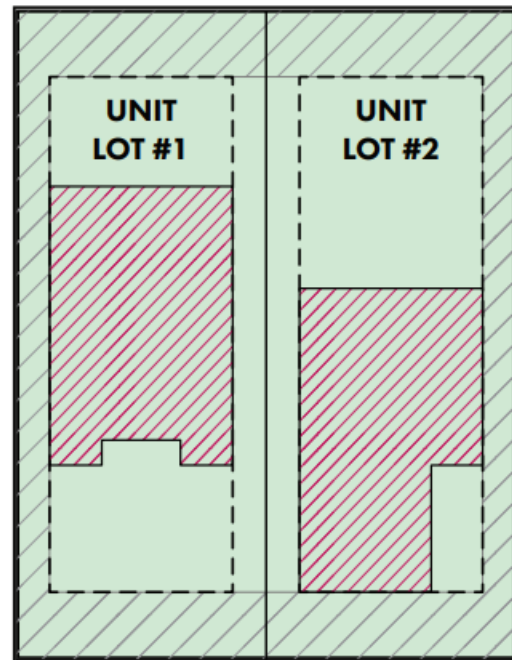
Please note that these graphics are intended for illustrative purposes only.

SUBDIVISION - GENERAL REQUIREMENTS

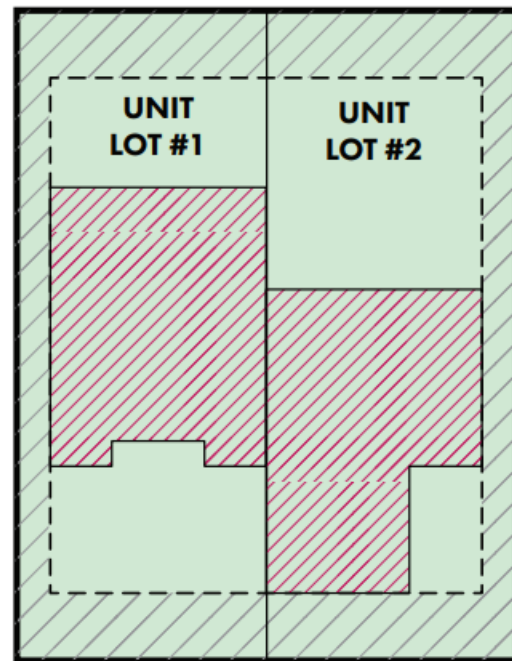




SUBDIVISION



ZERO LOT LINE SUBDIVISION



ZERO LOT LINE SUBDIVISION - LOT SEGREGATIONS

