

**ORDINANCE NO. 1408**

**AN ORDINANCE OF THE CITY OF RUSTON, RELATING  
TO LAND USE AND ZONING, CREATING A NEW  
CHAPTER 25.07 OF THE RUSTON MUNICIPAL CODE TO  
ESTABLISH A LAND USE MATRIX TO CONSOLIDATE  
THE USES IN THE ZONING CODE INTO A SINGLE  
LOCATION FOR EASE OF USE BY THE PUBLIC, AND  
ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City of Ruston is a community of fewer than 800 people which is primarily residential in nature; and

WHEREAS, the City is a family-oriented residential and business community with attendant community standards; and

WHEREAS, the City is a non-charter code city under the Constitution and statutes of the State of Washington, its population as of the 2010 Census is approximately 749 and more than 20% of its population is under the age of 18 years; and

WHEREAS, the City occupies an area of approximately 0.56 square miles and within its boundaries has approximately 355 dwelling units; and

WHEREAS, approximately 27.6% of the land area within the City is publicly held open space, community facilities, and public right-of-way, and the remaining 260 acres is land potentially available for private development; of that private land, approximately 57% is zoned for residential use (RES), approximately 2.5% is zoned for Commercial (COM), approximately 3.5% is zoned for Commercial-Pearl (COM-P), approximately 29.7% is zoned for Master Development Plan (MDP), and no property is zoned intensive commercial/light industrial; and

WHEREAS, this City of Ruston is located next to Commencement Bay which is a regional tourist and recreational destination; and

WHEREAS, the City of Ruston is also located immediately adjacent to a ferry landing and Tacoma's Point Defiance Park, both of which bring tourist and recreational traffic to and through the City of Ruston; and

WHEREAS, given its small size, highly residential nature, small commercial area and location as a recreational and tourist area, certain uses and standards are more appropriate for the City's residential and commercial areas; and

WHEREAS, cities have the right and duty to enact laws for the protection of public health, safety, general welfare, and morals; and

WHEREAS, the City Council is committed to protecting the general welfare of the City through the creation and enforcement of appropriate zoning and development standards; and

WHEREAS, the City of Ruston has previously established a zoning code which establishes permitted uses throughout the City; and

WHEREAS, in order to make the zoning code easier to read, the addition of a new chapter 25.07 of the Ruston Municipal Code which provides a Land Use Matrix should be created; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on May 16, 2013; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Community, Trade and Economic Development with a request for expedited review on May 16, 2013; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, on May 22, 2013, the Ruston Planning Commission held a public hearing on certain revisions to the City's Zoning Code, including establishing this new chapter with a land use matrix including further defining allowed and conditional uses; and

WHEREAS, following the public hearing the Planning Commission deliberated on this issue; and

WHEREAS, the Planning Commission recommends the addition of the land use code matrix chapter as contained in Ordinance 1408; and

WHEREAS, after a full deliberation and consideration, the Planning Commission recommends that the City Council adopt this Ordinance; and

WHEREAS, on June 4, 2013 the City Council by super-majority vote waived the first reading of this Ordinance and voted to move immediately to second reading; and

WHEREAS, on June 4, 2013, the City Council adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 25.07 entitled "Land Use Matrix" is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 25.07 – Land Use Matrix**

**Sections**

**25.07.010 Interpretation of land use matrix.**

**25.07.020 Land Use Matrix.**

**25.07.010 Interpretation of land use matrix.**

(A) The land use matrix in this chapter identifies uses permitted in each individual zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of this matrix.

(B) If a dash appears in the box at the intersection of the column and the row, the use is not permitted in that district.

(C) If the letter “P” appears in the box at the intersection of the column and the row, the use is permitted in that district.

(D) If the letter “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.

(E) 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.

(F) 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.

#### **25.07.020 Land Use Matrix.**

| <b>Uses</b>                           | <b>RES</b>     | <b>COM</b>      | <b>COM-P</b>    |
|---------------------------------------|----------------|-----------------|-----------------|
| Dwelling, Accessory                   | C              | P <sup>1</sup>  | P <sup>1</sup>  |
| Dwelling, Single-Family               | P              | P <sup>1</sup>  | P <sup>1</sup>  |
| Dwelling, Duplex                      | C              | P <sup>1</sup>  | P <sup>1</sup>  |
| Dwelling, Triplex                     | C              | P <sup>1</sup>  | P <sup>1</sup>  |
| Dwelling, Multi-Family                | C              | P <sup>1</sup>  | P <sup>1</sup>  |
| Automotive Fuel Dispensing Facility   | -              | C <sup>2</sup>  | C <sup>2</sup>  |
| Adult Daycare                         | -              | P <sup>9</sup>  | P <sup>9</sup>  |
| Adult Entertainment Facility          | -              | -               | C <sup>3</sup>  |
| Adult Family Home                     | P              | P               | P               |
| Airport, Heliport or Airfield         | -              | -               | -               |
| Church                                | C <sup>4</sup> | P               | P               |
| Collective Gardens (Medical Cannabis) |                | P <sup>10</sup> | P <sup>10</sup> |
| Commercial Parking Lot                | C <sup>5</sup> | C <sup>5</sup>  | C <sup>5</sup>  |
| Commercial Child Care                 | -              | P <sup>9</sup>  | P <sup>9</sup>  |
| Drive-Through Facility                | -              | C <sup>6</sup>  | C <sup>6</sup>  |
| Family Day Care Home                  | C              | -               | -               |
| Government Facilities                 | C              | P               | P               |

|  |   |                |                |
|--|---|----------------|----------------|
| Home Occupation                          | P | P              | P              |
| Hospital                                 | - | C              | C              |
| Hotel                                    | C | P              | P <sup>7</sup> |
| Light Industrial                         | - | C              | C              |
| Mobile/Manufactured Home                 | C | -              | -              |
| Mobile Home Park                         | C | -              | -              |
| Motel                                    | C | P              | P              |
| Nursing, Convalescent or Retirement Home | - | P <sup>8</sup> | P              |
| Park                                     | P | P              | P              |
| Professional Office                      | C | P              | P              |
| Public and Private Schools               | - | P              | P              |
| Recreational Facility                    | - | P              | P              |
| Restaurant                               | - | P              | P              |
| Sales Level 1                            | - | P              | P              |
| Sales Level 2                            | - | -              | -              |
| Services Level 1                         | - | P              | P              |
| Services Level 2                         | - | C              | C              |
| Services Level 3                         | - | -              | -              |
| Transportation and Utility Facilities    | C | C              | C              |
| Accessory Uses and Structures            | P | P              | P              |

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

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

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

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

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

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

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

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

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

<sup>10</sup> Subject to Chapter 25.04 RMC—Medical Cannabis.

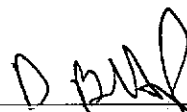
**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Effective Date.** This Ordinance shall be effective 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 4th day of June, 2013.

APPROVED by the Mayor this 4th day of June, 2013.



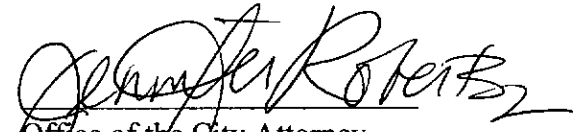
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:

  
Office of the City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

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