

ORDINANCE 1044

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ZONING CODE PROVISIONS OF THE CITY, AMENDING SECTIONS AND SUBSECTIONS 16.03.050, 16.06.050, 16.12.020, 16.12.035, 16.13.020, 16.13.035, 16.15.050, 16.18.040, 16.23.080, 16.24.100, 16.24.125A, 16.37.020G, 16.39.060, 16.40.080G, 16.41.020B, 16.41.050, 16.61.040, 16.61.050A, 16.63.120, 16.72.050A, 16.80.090A, 16.84.010 AND TABLE 16T.06.2 DIVISION F/G AS ADOPTED BY REFERENCE BY SECTION 16.24.020(1); REPEALING SECTIONS 16.06.100, 16.27.120 AND 16.39.080 AND ADOPTING NEW SECTIONS 16.06.100, 16.27.120 AND 16.39.080, ALL OF THE LACEY MUNICIPAL CODE (LMC) AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the staff of the community development department of the city has recommended that certain modifications, clarifications and corrections be made to the city's zoning code which recommendations were developed from experience with interpreting and applying such code and the planning commission has considered said recommendations after work sessions and public hearing and has recommended the changes set forth in the this ordinance, and

WHEREAS, the planning commission has considered and recommended, after public hearing, modification to the coverage allowance and landscaping requirements in the light industrial and commercial zone, and

WHEREAS, the planning commission has further recommended, after public hearing, amendment to the allowance for professional services uses within the business park district, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Action on Section 1 was tabled 11-7-96. CJ
Section 1. Section 16.03.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.050 Permitted intrusions into required yards.

A. Cornices, eaves and other similar architectural features may project from the foundation wall into any minimum yard setback requirement a maximum distance of two and one-half feet.

B. Open, unwallled and uncovered steps, ramps, not more than four feet in height may extend into the required front or rear yard setback requirement not more than five feet.

C. Decks and patio covers may be permitted to encroach into all residential district rear yard area setbacks, provided a minimum setback of ~~five~~ three feet is retained, and provided such deck be not more than sixteen inches above existing natural grade measured at deck floor from the highest point, and provided that such deck and patio cover is not enclosed in any manner. A building permit is required.

D. Porches may be permitted to encroach within the front yard setback up to 60% of the setback distance. Steps to a porch may encroach up to 100% within a required setback.

E. Awnings and marquees may be allowed within required front yards and over sidewalks or public right-of-way in commercial and industrial zones if all the following requirements are satisfied:

1. The director of the department of community development and the director of the department of public works or their designees determine that placement of the awning or marquee within the setback areas or over the public sidewalk does not impede vehicular or pedestrian traffic flow or create any other type of hazard to the public.

2. The awning or marquee is specifically designed to benefit pedestrians by the providing of shelter and creating a friendlier pedestrian environment.

3. That development of an awning or marquee within the setback area or over public sidewalk is consistent with goals of the comprehensive development plan, the standards of the specific zone in which it is proposed to be located and consistent with the character of the surrounding neighborhood.

4. Uniform Building Codes and Uniform Fire Codes are satisfied for the structure and location.

Section 2. Section 16.06.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.06.050 Accessory building ~~or use~~.

"Accessory building ~~or use~~" means a ~~use~~, building, or structure, or portion of a building, devoted to an activity or use

subordinate to the principal use of the premises, but located on the same lot as the principal use.

Section 3. Section 16.06.100 of the Lacey Municipal Code is hereby repealed.

Section 4. There is hereby added to the Lacey Municipal Code a new Section 16.06.100 to read as follows:

16.06.100 Alley

"Alley" means a public or private way or easement having a width of not more than twenty feet, nor less than ten feet, which affords a secondary access to abutting property generally running down the middle of a block of lots and is not intended for primary access from a dedicated street, and is not intended for general traffic circulation.

Section 5. Section 16.12.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.12.020 Permitted uses.

A. Specific types permitted in the low-density residential district:

1. Single-family detached structures on individual lots up to four dwelling units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.12.035;

2. Planned residential developments as provided in Chapter 16.60;

3. Townhouse developments as provided in Chapter 16.61;

4. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of vocational interests;

2. Agricultural uses not involving retail sales on the premises;

3. Home occupations as provided in Chapter 16.69;

4. Accessory-dwelling as defined in Section 16.06.055;
5. Special uses as provided in Chapter 16.66 of this title, subject to site plan review;
6. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
7. Family day care homes as provided in Chapter 16.65.

Section 6. Section 16.12.035 of the Lacey Municipal Code is hereby amended to read as follows:

16.12.035 Density

Densities of up to four units per acre are permitted. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots.

Section 7. Section 16.13.020 of the Lacey Municipal code is hereby amended to read as follows:

16.13.020 Permitted uses.

A. Specific types permitted in the low density residential district:

1. Single-family structures on individual lots with a density of not less than three nor more than six units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.13.035;
2. Planned residential developments as provided in Chapter 16.60;
3. Townhouse developments as provided in Chapter 16.61;
4. A limited percentage (up to five percent of total lots) of two and three family units provided design requirements of Section 14.23 are satisfied. Duplex and triplex units should not

be placed adjacent to one another, but scattered throughout the development;

5. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex;

2. Agricultural uses not involving retail sales on the premises;

3. Home occupations as provided in Chapter 16.69 of this title;

4. Accessory dwelling as defined in Section 16.06.055;

5. Special uses as provided in Chapter 16.66 of this title, subject to site plan review;

6. The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;

7. Family day care homes as provided in Chapter 16.65.

Section 8. Section 16.13.035 of the Lacey Municipal code is hereby amended to read as follows:

16.13.035 Densities.

Densities may range from not less than three to no more than six units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots.

Section 9. Section 16.15.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.050 Lot area.

A. The size and shape of lots for detached single family shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, three thousand square feet where alleys are utilized, four thousand square feet if alleys are not provided;

2. Minimum lot width, thirty feet when alleys are utilized, forty feet where alleys are not provided;

3. Minimum front yard+ on all streets:
Ten feet with a ten foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access;

4. Minimum side yards:
Minimum on one side, five feet;
Minimum total both sides, ten feet;
Provided a zero lot line concept may be approved if the following standards are met;

a. The site is a part of a subdivision or a PRD where a zero lot line concept has been approved and the site has undergone or will undergo design review as part of the approval process;

b. The site utilizes alleys with the majority of units using alleys for access.

5. Minimum rear yard, fifteen feet, provided garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley;

B. Lots intended for attached single family, condominiums and multifamily shall be reviewed and approved through a subdivision, townhouse, PRD, site plan review, or building plan review process where such concept is identified and the project is designed and conditioned subject to design requirements of Section 14.23.

C. Development of lots not on sewer. Areas without sewer must be developed in a manner that maintains long term potential to achieve minimum required densities and efficient provisions of sewer once sewer becomes available. Areas developing without sewer must meet the following requirements;

1. The Health Department must review and approve plans for alternative sewage disposal;

2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development;

3. Clustered lots must be between 4,000 and 10,890 square feet;

4. Excluding the reserve parcel, clustered lots must meet density requirements of Section 16.15.020;

5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards for all uses:

1. Maximum building area coverage, seventy percent;

2. Maximum development coverage, eighty-five percent;

3. Maximum height:
Main building and accessory dwelling, forty feet,
Accessory building, sixteen feet;

4. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than one hundred twenty square feet, the following setbacks are permitted:

Front yard, ten feet,
Side yard, three feet,
Rear yard, five feet, or three feet to rear yard line
alley easement or paved surface if adjacent to an alley.

Section 10. Section 16.18.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.040 Lot area.

A. The size and shape of single family detached lots shall be as follows:

1. Minimum lot area, two thousand square feet where alleys are utilized, three thousand five hundred square feet if alleys are not provided;

2. Minimum lot width, thirty feet when alleys are utilized, forty feet if alleys are not provided;

3. Minimum front yard on all streets: ten feet;

4. Minimum side yards:

Minimum on one side, five feet;

Minimum total both sides, ten feet;

Provided a zero lot line concept may be approved if the following standards are met:

a. The site is part of a subdivision or PRD where a zero lot line concept has been approved and the site has undergone or will undergo design review as part of the approval process;

b. The site utilizes alleys.

5. Minimum rear yard, fifteen feet, provided garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley.

B. Lots intended for attached single family, condominium and multi-family shall be reviewed and approved through a subdivision, townhouse, planned residential development, site plan review or building plan review process where such concepts are identified and the project is designed and conditioned subject to design requirements of Chapter 14.23.

C. Other lot standards for all uses:

1. Maximum building coverage, seventy percent;

2. Maximum development coverage, eighty-five percent;

3. Maximum height of buildings:

Main building and accessory building, eighty feet or eight stories,

Accessory building, sixteen feet;

4. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less

than one hundred twenty square feet, the following setbacks are permitted:

Front yard, ten feet;
Side yard, three feet;
Rear yard, five feet, three feet to rear yard line or paved surface if adjacent to an alley.

Section 11. Section 16.23.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.080 Landscaping.

- A. Requirements of Chapter 16.80 shall be satisfied.
- B. All required side and rear yard areas shall be landscaped with a Type Two landscaping including lawn, shrubs, flowers, and deciduous and evergreen trees and other living ground cover.
- C. The perimeters of all parking areas shall be landscaped in such a way as to create a separation between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the site.
- D. Significant emphasis shall be placed on streetscape, pedestrian paths and enhancement of key pedestrian areas. Street frontage shall have a minimum twelve-foot planter strip with street trees planted thirty-five feet on center. (Ord. 1024 §38, 1995).

Section 12. Section 16.24.100 of the Lacey Municipal Code is hereby amended to read as follows:

16.24.100 Landscaping requirements.

- A. The provisions of Chapter 16.80, except as they conflict with this section, apply to development in the CBD land use districts.
- B. It shall be the responsibility of the property owner/developer to ensure the provision of healthy, growing landscaping as described in 16.24.100(C) and consistent with the descriptions *Table 16T-11*, unless otherwise designated on *Table 16T-12*.
- ~~C. Landscaping shall be provided in CBD Land Use Districts according to the Landscape Development Requirements as shown in~~

~~Table 16T-11 and in accordance with Chapter 16.80. (Ord. 965, §§8 and 9, 1993; Ord. 871 §2 (part), 1989).~~

Section 13. Subsection 16.24.125.A of the Lacey Municipal Code is hereby amended to read as follows:

16.24.125 Public transportation and pedestrian requirements.

A. Site Access.

1. Projects shall maximize public transportation access for buses and ride share vehicles by providing for the physical requirements of public transportation vehicles and for the physical and ~~psychological~~ needs of their users. For development to be accessible, the following criteria shall be met:

a. Public transportation vehicles shall be accommodated on the road network to service the development.

b. Roads shall be designed to accommodate heavyweight and large vehicle requirements.

c. Public transportation facilities, such as bus pullouts, shall be considered in the initial design.

2. Streets adjacent to a development shall have sidewalks and other pedestrian facilities, such as bus shelters. Pedestrians shall be provided with convenient and safe access between a transit facility or street with a bus stop and entrance to a building or cluster of buildings.

Section 14. Section 16.27.120 of the Lacey Municipal Code is hereby repealed.

Section 15. There is hereby added to the Lacey Municipal Code a new Section 16.27.120 to read as follows:

16.27.120 Landscaping.

All requirements of Chapter 16.80 shall be satisfied.

Section 16. Subsection 16.37.020.G of the Lacey Municipal Code is hereby amended to read as follows:

G. Retail/Commercial.

General merchandise, food and food service (no drive-in windows permitted), clothing and shoes, home furnishing, home

appliances/music, building material/ garden, automotive supplies, hobby/special interest, gifts/specialty, jewelry and cosmetic, liquor, drugs, proprietaries, pharmacies, personal services, professional services, and convenience stores and service stations, subject to the provisions of Subsection ~~16.37.070.I~~ 16.37.070.J.

Section 17. Section 16.39.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.39.060 Building allowance. Maximum building allowance shall be as follows:

A. Development coverage, ~~seventy~~ eighty percent of site;

B. Height:

Lot Area	Max. Bldg. Height
Less than 1 acre	35 feet
1 to 2 acres	45 feet
More than 2 acres	60 feet;

C. Floor area, one square foot of floor area per foot of land area.

Section 18. Section 16.39.080 of the Lacey Municipal Code is hereby repealed.

Section 19. There is hereby added to the Lacey Municipal Code a new Section 16.39.080 to read as follows:

16.39.080 Landscaping

A. All areas of the site not developed with impervious surfaces shall be landscaped.

B. All landscaping shall be irrigated.

C. Type II landscaping, densely planted, shall be installed at the perimeter of the site.

D. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

E. All requirements of Chapter 16.80, Landscaping, shall be met.

Section 20. Subsection 16.40.080.G of the Lacey Municipal Code is hereby amended to read as follows:

G. Maintenance and Enforcement. All landscaped areas required by this code shall be planted according to accepted practice in good soil with a water source within seventy-five feet (except for self-sustaining natural-type growth commonly occurring in the vicinity of the development), and maintained with respect to pruning, trimming, watering or other requirements to create an attractive appearance and a healthy growing condition. Dead, diseased, stolen or vandalized plantings shall be replaced within three months. Property owners shall keep the planting area reasonably free of weeds and trash. Lack of maintenance shall constitute a violation of this code. The enforcing officer shall have the authority to enforce the standards set forth in this chapter and the conditions attached to all permits for development pursuant to application of this chapter, in accordance with the provisions of Chapter 16.102 of this title. Landscaped areas shall be irrigated according to requirements of Section 16.80.080.

Section 21. Subsection 16.41.020.B of the Lacey Municipal Code is hereby amended to read as follows:

B. Secondary Uses. Secondary uses are uses that complement the primary uses, but do not conflict with the primary use. Secondary uses cannot be used to justify the need for additional secondary uses. Specific secondary types of uses allowable include:

1. Warehousing and distribution facilities and the storage of goods or products clearly subordinate to, and an integral part of, the primary permitted use;

2. Engineering, development, administrative or executive offices which are part of a primary use;

3. Retail. Retail development may be permitted where it can be demonstrated that the business park will be clearly and primarily benefited by the convenience of such retail facilities. The total square footage devoted to retail development shall not exceed ten percent of the developable floor area of the business park district. The total square footage of a retail use may not exceed five thousand square feet or, if incorporated within a building, the square footage may not exceed twenty-five percent of the building gross floor area, and an individual retail use may not exceed five thousand square feet. A building containing a retail use may not be located closer than one hundred feet to an arterial street or four hundred feet if the retail use stands

alone. Signs for retail uses shall be visible only within the business park area and attached to the building wall. Retail uses include:

- a. Convenience stores, such as food and drug stores, banks and office supplies,
- b. Personal services such as barber and beauty shops, dry cleaning, laundry,
- c. Business services, such as printing and copying, photo processing, postal/mail, word processing, travel agencies,
- d. Delicatessen,
- e. Restaurants, except drive-ins,
- f. Recreation facilities, (exceptions: mechanical or electronic games, theaters (live and movie) and games of skill such as bowling),
- g. Day care centers,
- h. Museums and art galleries;

4. Professional Services. The following professional service uses are allowed:

a. Offices and clinics for businesses such as medical, dental, chiropractic, optical, etc:

b. Professional offices offering direct business or professional services to consumer/clients, including but not limited to: real estate and security agents and brokers, accountants, attorneys, engineers, planners, architects, etc.

The total square footage devoted to professional service activities shall not exceed fifteen percent of the developable floor area of the business park district.

5. Multi-family Residential. Fifteen percent of the total acreage of a business park district may be developed with multi-family residential units for the purposes of providing a transition buffer.

Multi-family residential developments will be reviewed and designed using the following sections of this chapter and Chapter 16.18 high density residential district:

- a. 16.41.050(G) Transitional Buffer,

- b. 16.41.050 (H) Height Limitation,
- c. 16.41.070 Landscaping,
- d. 16.18.020 Permitted Uses,
- e. 16.18.030 Environmental Performance Standards,
- f. 16.18.040 (A through G) Lot Area, and
- g. 16.18.050 Off-Street Parking.

Section 22. Section 16.41.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.41.050 Site requirements. Minimum requirements shall be as follows:

- A. Minimum site acreage, ten acres;
- B. Lot area, twenty thousand square feet;
- C. Lot depth, two hundred feet;
- D. Lot width, one hundred feet;
- E. Maximum building coverage .4 FAR;
- F. Yards:

1. Front Yard. The front yard shall be a minimum of forty-five feet ~~percent of lot depth but need not be more than sixty feet.~~ In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to thirty feet. In addition to the setback reduction for location of parking and service areas out of the front yard the setback may be further reduced to 15 feet if a pedestrian plaza is developed.

2. ~~Side Yard on Flanking Street or Corner Lot. The side yard shall be fifteen percent of the lot depth but need not be more than fifty feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to twenty-five feet.~~

Yard area on flanking street or corner lot. The yard area on a corner lot shall be the same as the front yard under 16.41.050.F.1 including all permitted reductions.

3. Side Yards. The side yards shall be a minimum of fifteen feet. ~~have an aggregate width of ten percent of the lot width but the aggregate width need not be more than forty feet. There shall be a minimum of ten feet on each side except where the property line passes through the entire depth of the building. In those cases the total side yard requirement shall be fifteen percent of the combined lot width but need not exceed forty times the number of lots. There shall be a minimum of twenty feet on each side.~~

4. Streets. Along all arterial streets there shall be a minimum setback of thirty-five feet.

5. Rear Yards. None required except as a transition buffer to residential uses.

G. Transitional Buffer. Transitional buffer shall exist when a nonresidential use in the business park adjoins residential development. A yard of not less than fifty feet shall be provided. The yard shall be landscaped with Type II landscape.

H. Height Limitation. Building heights are limited to four stories or sixty feet. Provided, however, that when a building exceeds two stories or thirty-five feet there shall be added one additional foot of yard setback on all sides for each one foot of additional building height.

Section 23. Section 16.61.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.61.040 Development standards.

A. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.

B. Density Increase. The city may approve an increase in the dwelling unit density of up to:

1. Fifteen percent in the Low Density District;
2. Twenty percent in the Moderate Density District;

3. Twenty-five percent in the High Density District; rounded to the nearest whole number, provided that four of the five following environmental and recreational amenities are met:

a. Develop and equip significant recreational areas within the common open space with such features as, but not limited to, swimming pools, tennis courts, bike or pedestrian path systems, children's play areas,

b. Substantial retention of natural ground cover, brushes and trees,

c. Landscape the on-site drainage retention facility,

d. Provide significant access to a lake, river, stream or other natural water body,

e. Provide substantial and exceptional landscaping treatment either as an adjunct to or in natural landscaping beyond the minimum required.

C. Lot Area and Width of Each Townhouse Unit. A townhouse lot shall contain a minimum area of one thousand six hundred square feet and a minimum lot and building width of twenty feet.

D. Height. The maximum height of any townhouse shall not exceed that allowed in the district in which the development is located.

~~E. Maximum Parcel Size. The parcel size for development exclusively of townhouses shall be no more than two acres. Developments with a mix of dwelling unit types including single family detached, townhouses and other dwelling types has no maximum parcel size. Provided no dwelling unit type other than detached single family can represent more than fifty percent of the mix.~~

FE. Setback Variation. No more than two abutting townhouses or townhouse cluster within the townhouse project site shall have a common front building setback. Variations in the setback of front building faces shall be at least four feet.

GF. Right-of-Way Setback. No townhouse dwelling unit shall be located closer than twenty-five feet to any public right-of-way nor within fifteen feet of a private drive, access road or common open parking area to the front or rear of such a dwelling unit.

HG. Rear Yard Requirements. The minimum rear yard requirement shall be fifteen feet to the rear property line. Provided

townhouses with a rear load may have garages within three feet of the rear lot line or paved alley.

H. Private Yard Area. Every lot containing a townhouse must provide a private yard of at least three hundred square feet, oriented to either the building rear or side, enclosed visually by fences or walls at least five feet in height or plantings to screen first level views from adjacent units.

I. Side Yard Requirements. The minimum side yard requirement shall be the same as the underlying zone.

J. Minimum Distances Between Townhouse Groups. No portion of a townhouse, accessory structure or other building type in or related to one group or cluster of contiguous townhouses shall be nearer than ten feet to any portion of a townhouse or accessory structure of another townhouse building or cluster.

K. Access. When the only driveway is from the street, each pair of units must share a common curb cut.

L. Conversion. Conversion of existing structures to a townhouse project will be permitted provided all townhouse development standards as outlined in this section can be satisfied.

Section 24. Subsection 16.61.050.A of the Lacey Municipal Code is hereby amended to read as follow:

16.61.050 Review and approval procedure. Townhouse developments shall be approved pursuant to the regulations and procedures established in the platting and subdivision ordinance, as modified below, and the standards of this chapter.

A. Review. The site plan review committee shall review and approve the creation of ~~four~~ nine or fewer townhouse lots. The site plan review committee approval does not involve a public hearing, but will be subject to notification of adjacent property owners. The decision of the site plan review committee is subject to the appeal process as identified in Chapter 16.84.

The hearings examiner will review the creation of ~~five~~ ten or more lots as provided for through the subdivision process.

Section 25. Section 16.63.120 of the Lacey Municipal Code is hereby amended to read as follows:

16.63.120 Mobile/manufactured home park design standards--Site requirements. The size and shape of individual

mobile/manufactured home sites shall be in accordance with the following:

- A. Minimum space area, four thousand square feet;
- B. Minimum width, forty feet;
- C. Minimum depth, eighty feet;
- D. Minimum setback from street or access road, ten feet with a ten foot planter and rear load access; fifteen feet with standard planter and no alleys;
- E. Maximum development coverage of space, fifty percent;
- F. Side yard setback five feet.
- G. Rear yard setback fifteen feet.

Section 26. Subsection 16.72.050.A of the Lacey Municipal Code is hereby amended to read as follows:

- A. Parking lot construction shall comply with Section ~~14.16.030~~ 14.19.030 of the Lacey Municipal Code.

Section 27. Subsection 16.80.090.A of the Lacey Municipal Code is hereby amended to read as follows:

16.80.090 Performance assurance.

- A. ~~The required landscaping must be installed prior to issuance of the certificate of occupancy unless the enforcing officer, site plan review committee and/or hearings examiner determines that a performance assurance device, for a period of not more than one year, will adequately protect the interest of the city.~~
Prior to issuance of a building permit a performance assurance device such as assignment of savings, letter of credit or performance bond shall be required to assure completion of required landscaping. Landscaping is expected to be completed prior to occupancy. In no case may the property owner/developer delay performance for more than one year after occupancy.

Section 28. Section 16.84.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.010 Generally--Committee membership. Site Plan review required, application and committee membership:

~~A. Site plan review and approval shall be required prior to the use of land for the location of any commercial, industrial or public building or activity, and for the location of any building in which more than two dwelling units would be contained. Additionally, site plan review shall be required for any allowed, regulated or conditional use activity on lands containing a wetland or wetland buffer areas pursuant to the requirements of Chapter 14.28.~~

Site plan review and approval shall be required for any of the following activities.

1. The use of land for the location of any commercial, industrial or public building or activity, and for the location of any building containing more than two dwelling units.

2. A change of land use at an existing site or structure when the new activity requires wither a change of occupancy according to the Uniform Building Code or is a change of land use according to the Standard Industrial Classification code and, in the opinion of the Community Development Director, results in an intensification of land use and will require new planning conditions to comply with existing planning regulations. This provision may not apply to malls (buildings with ten or more tenants sharing common parking where original conditions to establish the mall complex anticipated a range of tenants and existing facilities and where it can be shown existing infrastructure can accommodate the new intensified use.

3. Expansion of an existing commercial, industrial, public or multifamily structure or use. Provided residential duplexes are exempt.

4. A remodel of an existing structure where the remodel is 25% or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in LMC 14.04.015. The value of existing structures shall be the most recent value assigned by the County Assessor. The 25% threshold shall be cumulative, including calculations of all previously exempt remodels. Remodels of residential duplex triplex and quadraplex shall be exempt from site plan review.

5. Uses and activities within designated environmentally sensitive areas or their buffers pursuant to the requirements of Chapter 14.

B. An application, in completed form, shall be filed for site plan review and approval with the department of public works. An application shall not be in completed form under this section if

it fails to contain any of the information and material required under Section 16.84.060.

C. The site plan review committee shall consist of the following members: Lacey staff planner, who shall serve as chairman; city manager; and the city director of public works, or their designees in their temporary absence.

Section 29. Table 16T.06.2 Division F/G as adopted by reference by LMC Section 16.24.020(1) is hereby amended to read as follows:

DIVISION F/G. WHOLESALE & RETAIL TRADE (all uses subject to note ~~2~~ 1)

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 a	CBD4 b	CBD5	CBD6	CBD7	CBD8	CBD 9
501	Motor Vehicles, Parts & Supplies					P	P	P			
502	Furniture & Home Furnishings	P	P	P		P	P	P			
503	Lumber & Construction Materials					P	P				
504	Professional & Commercial Equipment	P	P	P		P	P	P			
505	Metals & Minerals Except Petroleum					P					
506	Electrical Goods	P	P	P		P	P	P			
507	Hardware, Plumbing Heating Equipment			P		P	P	P			
508	Machinery, Equipment & Supplies	P	P	P		P	P	P	P		
509	Misc Durable Goods	P	P	P		P	P	P	P		
511	Paper & Paper Products	P	P	P		P	P	P	P		
512	Drugs Proprietarys & Sundries	P	P	P		P	P	P	P		
SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 a	CBD4 b	CBD5	CBD6	CBD7	CBD8	CBD 9
513	Apparel, Piece Goods, & Notions	P	P	P		P	P	P	P		
514	Groceries & Related Products	P	P	P		P	P	P	P		

Table 16T-06 5

Section 30. The summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 7TH day of NOVEMBER, 1996.

CITY COUNCIL

By Nancy Peterson
Mayor

Attest:

Approved as to form:

Carol Titler
City Clerk

[Signature]
City Attorney

Published: 11-12-96

SUMMARY FOR PUBLICATION

ORDINANCE 1044

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on NOVEMBER 7, 1996, Ordinance No. 1044 entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO THE ZONING CODE PROVISIONS OF THE CITY, AMENDING SECTIONS AND SUBSECTIONS 16.03.050, 16.06.050, 16.12.020, 16.12.035, 16.13.020, 16.13.035, 16.15.050, 16.18.040, 16.23.080, 16.24.100, 16.24.125A, 16.37.020G, 16.39.060, 16.40.080G, 16.41.020B, 16.41.050, 16.61.040, 16.61.050A, 16.63.120 16.72.050A, 16.80.090A, 16.84.010 AND TABLE 16T.06.2 DIVISION F/G AS ADOPTED BY REFERENCE BY SECTION 16.24.020(1); REPEALING SECTIONS 16.06.100, 16.27.120 AND 16.39.080 AND ADOPTING NEW SECTIONS 16.06.100, 16.27.120 AND 16.39.080, ALL OF THE LACEY MUNICIPAL CODE (LMC) AND APPROVING A SUMMARY FOR PUBLICATION."

A section by section summary of this Ordinance is as follows:

Section 1 was a proposal to amend Lacey Municipal Code (LMC) 16.03.050 to reduce the required setbacks for decks, patio covers and porches. Action on this section was tabled until further public involvement can be facilitated. Passage of the remaining provisions of the ordinance did not include this section.

Section 2 amends LMC 16.06.050 to remove the term "use" from the definition of accessory building or use.

Section 3 repeals LMC 16.06.100. Section 4 replaces the repealed section with a new definition of "Alley."

Sections 5 and 6 amend LMC 16.12.020 and 16.12.035 relating to the Low Density Residential District and Sections 7 and 8 amend LMC 16.13.020 and LMC 16.13.035 relating to the Low Density Residential District of that chapter. The purpose of these amendments is to provide for averaging of adjacent lot size to guide density calculations for infill projects of less than one acre and to clarify the relationship between density and permitted lot size, making lot size the determining factor.

Section 9 and 10 amend LMC 16.15.050 relating to the Moderate Density Residential District and 16.18.040 relating to the High Density Residential District to provide, in each case, that the minimum front yard set back applies to the set back required for all abutting streets.

Section 11 amends LMC 16.23.080 to allow living ground cover other than those specific types listed to be used in landscaping.

Section 12 amends LMC 16.24.100 to remove a repetitive subsection.

Section 13 amends LMC 16.24.125A to remove "psychological needs" as a test for approving public transportation access.

Section 14 repeals LMC 16.27.120 and Section 15 replaces it with a reference for landscaping to chapter 16.80 which deals with that subject.

Section 16 amends LMC 16.37.020G to reflect a proper section reference number.

Section 17 amends LMC 16.39.060 to increase the allowable site coverage in the Light Industrial Commercial Zone from 70% to 80%.

Section 18 repeals LMC 16.39.080 and Section 19 replaces that section to provide differing requirements and references regarding landscaping in the Light Industrial Commercial Zone.

Section 20 amends LMC 16.40.080G to reflect a reference to LMC Chapter 16.80 as it relates to irrigation requirements for landscaped areas.

Section 21 amends LMC 16.41.020B to allow certain types of professional service activities within the Business Park District provided those activities do not exceed 15% of the floor area within a development.

Section 22 amends LMC 16.41.050 to modify the yard set back requirements within the Business Park District.

Section 23 amends LMC 16.61.040 relating to townhouse regulations by repealing the maximum parcel size regulation in order to make the mixed use threshold more consistent with the moderate density and high density threshold requirements.

Section 24 amends LMC 16.61.050A to specify that the creation of nine or fewer townhouse lots will be reviewed by the site plan review committee and ten or more by the hearings examiner.

Section 25 amends LMC 16.63.120 relating to mobile/manufactured home park design standards to specify a rear yard set back of 15 feet.

Section 26 amends LMC 16.72.050A to correct a section reference number.

Section 27 amends LMC 16.80.090A to require that the performance assurance device for landscaping be filed prior to the issuance of a building permit.

Section 28 amends LMC 16.84.010 to clarify the requirements by specifying which projects and under which conditions site plan review will be necessary.

Section 29 amends Table 16T.06.02 Division F/G as adopted by reference by LMC 16.24.020(1) to correct a foot note reference contained in such table.

Section 30 approves this summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: 11-12-96, 1996.