

ORDINANCE 1080

(See Storage Tube in Vault for Maps)

Maps pertaining to this
ordinance are rolled
in a container and in
the City Clerks vault;
second floor; City Hall.
CM Taylor

ORDINANCE NO. 1080

CITY OF LACEY

AN ORDINANCE ENACTING ANNUAL MODIFICATIONS TO THE CITY'S COMPREHENSIVE PLAN AND ZONING AND REGULATORY ORDINANCES, CHANGING THE CONDITIONS ON A CERTAIN LIMITED REZONE, REZONING ADDITIONAL PROPERTIES DESCRIBED HEREIN, ADOPTING A NEW WATER COMPREHENSIVE PLAN, ADOPTING A SUMMARY FOR PUBLICATION AND ADOPTING NEW CHAPTERS 16.14 AND 16.49 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 14.23.082, 16.03.015, 16.09.010, 16.09.020, 16.24.010, 16.24.090, 16.34.020, 16.34.060, 16.66.010, 16.80.050 AND 16.84.010 AND TABLES 16T-06, 16T-9 AND 16T-11 AND FIGURE 16.24.010(1) OF SAID CODE.

WHEREAS, the City's Planning Commission has conducted its annual review of the City's Comprehensive Plan and Zoning Ordinances and has conducted public hearings in the process of such review, and

WHEREAS, a portion of said review has been the consideration of modifying the limited zone provisions of certain property in the vicinity of 37th Avenue and College Street and has included a positive recommendation on rezoning certain properties located generally between Martin Way and the I-5 freeway and lying westerly of the Hawks Prairie Mall, and

WHEREAS, such review has included study of the City's new Water Comprehensive Plan, and

WHEREAS, the Planning Commission has recommended approval of the plans, zone designations and code modifications set forth in this ordinance and has determined that such adoptions and modifications are in the best interest of the citizens of the City of Lacey,

NOW, THEREFORE,

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

Section 1. The limitations on the neighborhood commercial limited zoning for those certain parcels of real property located west of College Street and north of 37th Avenue SE and identified as tax parcel Nos. 11829410301, 11829410102, 11829410101 and 11829410200 are modified to allow all uses in said neighborhood commercial district except service stations and mini-markets.

Section 2. The zoning designation of that certain real property lying northerly of Martin Way, southerly of Interstate 5 and westerly of the Hawks Prairie Shopping Center and designated as the "subject property" on Exhibit "A" attached hereto is changed from moderate density and high density residential to general commercial.

Section 3. That certain Water Comprehensive Plan for the City of Lacey completed and approved by the Washington State Department of Health in 1997 is hereby adopted as the City's Water Comprehensive Plan.

Section 4. Section 16.03.015 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.015 Lacey Comprehensive Land Use Plan. That certain series of documents identified as City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, Housing Element for the City of Lacey and the Lacey Urban Growth Area, Transportation Element for the City of Lacey and the Lacey Urban Growth Area, Capital Facilities Element for the City of Lacey and the Lacey Urban Growth Area, Utilities Element for the City of Lacey and the Lacey Urban Growth Area, City of Lacey Comprehensive Plan for Outdoor Recreation, Water Comprehensive Plan for City of Lacey, City of Lacey Transportation Improvement Program and Economic Development Element for the City of Lacey together with the Comprehensive Plan Downtown Element and the Northeast Area Plan constitutes the Lacey Comprehensive Plan and all regulatory and zoning ordinances of the city shall be construed to be consistent with said plan as adopted or hereafter amended.

Section 5. Section 16.09.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.09.010 Land use or zoning districts established. To carry out the purpose of this title, the city is divided into the following districts: Agricultural, McAllister Springs Geologically Sensitive Area Residential District, Low-Density Residential 0-4, Low Density Residential 3-6, Lacey Historical Neighborhood, Moderate-Density Residential 6-12, High-Density Residential 6-20, Mixed Use Moderate Density Corridor, Mixed Use High Density Corridor, Hawks Prairie District, Village Center, Neighborhood Commercial, Community Commercial, General Commercial, Central Business Districts 1-9, Office Commercial, Light Industrial/Commercial, Business Park, Light Industrial, Industrial, Mineral Extraction, Open Space/Institutional, Cemetery, Environmentally Sensitive Areas (overlay), Limited Zone (overlay), Planned Industrial Park Development (overlay).

Section 6. Section 16.09.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.09.020 Zoning map.

A. The districts are bounded as shown on a map entitled Zoning Map for the Lacey Urban Growth Area, revised 1997, identified by the approving signatures of the mayor and city clerk, and adopted by reference and declared to be a part of this title and shall be located on file in the office of the city clerk.

B. The zoning map shows zoning for the entire Lacey Urban Growth Area. This area includes both incorporated and unincorporated land. The City of Lacey in adopting this zoning map adopts that portion inside the city as its city zoning. The zoning for the area outside the city in unincorporated county is adopted as extraterritorial zoning for the purpose of future annexation.

The County, in adopting this map, adopts that portion that is unincorporated as its zoning for the Lacey Urban Growth Area.

C. If changes are made on the zoning map, such changes shall be entered on the zoning map after such changes are approved by the Lacey city council if inside the City of Lacey or after approved through a joint planning process by both the Lacey city council and the Board of County Commissioners if the change is outside the City of Lacey. No amendment shall become effective until such change has been entered upon the zoning map.

Section 7. Section 14.23.082B. is hereby amended to read as follows:

B. Site Design Guidelines.

1. For structures proposed on corner lots, consideration shall be made to incorporate a special design feature. This can be done with distinctive entryways annual flower arrangements, planter boxes, or other landscaping materials, decorative tile at entryways, banners, or even artwork.

2. Service areas should not be located between the building area and the street unless there is no possible alternative location. Screening in the form of landscaping shall be used to diminish public visibility. Service areas should not be located to face a residential area.

3. For those commercial uses that utilize outdoor seasonal display items, they shall be located so they do not impede pedestrian access to the building or required fire lanes. Such stored items shall be stacked in an orderly manner. Furthermore, aisle way widths shall meet the requirements of the Americans with Disabilities Act, and building and fire codes. Truck containers used for storage are prohibited.

4. Site features such as fences, walls, refuse and recycle enclosures, and light fixtures should be deigned to be consistent with the scale and aesthetic character of the building. These features should also be designed to contribute towards a pedestrian environment.

5. Any mechanical equipment that is not attached to a structure shall be enclosed within an enclosure that is an aesthetic amenity to the building. For mechanical equipment attached to the building, it shall be enclosed within the roof form or within a screening structure.

6. To enhance the pedestrian environment, commercial uses should consider pedestrian amenities such as large windows, outdoor eating areas, street furniture such as benches, bike racks and trash receptacles.

7. Meet all applicable requirements of Sections ~~14.23.100 and 14.23.110.~~ 14.23.084 and 14.23.086.

Section 8. There is hereby added to the Lacey Municipal Code a new chapter, 16.14 entitled Lacey Historical Neighborhood to read as follows:

Chapter 16.14

Lacey Historical Neighborhood

Sections:

- 16.14.010 Intent
- 16.14.020 Permitted uses
- 16.14.030 Prohibited uses
- 16.14.035 Density
- 16.14.040 Environmental performance standards
- 10.14.050 Lot area
- 16.14.060 Off street parking
- 16.14.070 Landscaping
- 16.14.080 Stormwater runoff
- 16.14.090 Special historical neighborhood design standards

16.14.010 Intent. The intent of this chapter is to provide for single family residential uses in close proximity to the Central Business District and protection and preservation of structures and properties possessing historical significance.

16.14.020 Permitted uses.

A. Single family detached structures on individual lots meeting design requirements of Chapter 14.23.074.

B. Other 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 avocation interests;

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

3. Home occupation as provided in Chapter 16.69;

4. Accessory dwelling as defined in Section 16.06.055 and meeting design criteria of Chapter 14.23.071;

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

16.14.030 Prohibited uses.

A. Kennels are prohibited.

B. Uses other than those identified or described in Section 16.14.020 are prohibited.

16.14.040 Environmental performance standards.

A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of quality or quantity not normally associated with residential use.

B. The construction of accessory buildings shall be required in such a manner as to make them complementary to the basic architectural character of the main building on the lot, appropriate to the accessory use, and consistent with historical character of the zone.

C. Agricultural uses shall be limited as follows:

On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.

D. Special uses shall comply with the development standards described for such uses in Chapter 16.66 of this title.

E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title.

16.14.050 Lot area. The size and shape of lots shall be as follows, provided they adhere to the density requirements:

A. Minimum lot area, seventeen thousand four hundred twenty-four (17,424) square feet;

B. Minimum lot width, fifty (50) feet;

C. Minimum front yard, fifteen (15) feet,

- D. Minimum side yard, five (5) feet on each side;
- E. Minimum rear yard, fifteen (15) feet for main house; five (5) feet for accessory dwelling unit and accessory structures;
- F. Maximum building coverage, fifty (50) percent;
- G. Maximum development coverage, sixty-five (65) percent.
- H. Maximum height of buildings:

Main building and accessory dwelling, thirty-five (35) feet;

Accessory building, sixteen (16) feet.

16.14.060 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title.

16.14.070 Landscaping. Landscaping is required for the purpose of minimizing surface water runoff and diversion, preventing soil erosion, and promoting the aesthetic character of the community. Natural vegetation, ground cover, stands of trees or shrubs existing prior to development of the site may be acceptable to meet the landscaping requirement. Areas which have been cleared of vegetation or ground cover prior to or during construction, and which are not otherwise developed, shall be landscaped with trees, shrubs and suitable ground cover. Suitable materials for ground cover are those which permit rain water infiltration of the soil and may include sod, ivy, bark, noncompacted gravel and the like.

16.14.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to this review and approval and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities.

16.14.090 Special Historical Neighborhood design standards. All design requirements of Chapter 14.23.074 shall be satisfied.

Section 9. Section 16.24.010 is amended to repeal subsection (I.) thereof.

Section 10. Section 16.24.090.U. is hereby amended to read as follows:

U. The property owner shall install street trees, in addition to any other landscaping requirements, for his or her section of Type I, II and III pedestrian linkages as follows:

Where an eight and one-half foot planter strip is to be provided in a Type I pedestrian corridor street trees must be planted four and one-half feet back from curb edge located between the street improvement and the walkway or other segment of the pedestrian linkage system. Where a six and one-half foot planter strip is to be provided in a Type II or III pedestrian corridor, street trees must be planted four feet back from the curb edge between the street and walkway. Trees may be protected by a decorative metal grate or some other protective device. Street trees at least ~~three~~ two inches in caliper measured six inches above existing grade must be planted not more than ~~twenty-five~~ thirty five feet on center. A street tree planting area may also include decorative paving other plant materials and street furniture as required. Street trees must be planted as specified in 16.24.090(X).

Section 11. Section 16.34.020 is hereby amended to read as follows:

16.34.020 Permitted uses.

A. The following uses are permitted provided they meet all design review criteria for commercial and mixed use zones of Chapter 14.23:

- Answering service
- Antique store
- Bakery
- Banks and other financial services
- Bar and cocktail lounge (c)
- Barber shop
- Beauty salon
- Book store
- Business and professional offices
- Business support services
- Cafes
- Cafeterias
- Camera store
- Clothing store
- Coffee shop
- Colleges and trade schools
- Confection stores
- Cultural facilities

Day care
Deli
Drugstore
Dry cleaner
Fabric and dry goods store
Florist
Food and liquor store
Gallery
Gas station
Gift store
Graphics arts and printing services
Grocery and produce
Hardware store and garden supply
Health club, gym
Home furnishings
Instruction studio
Jewelry
Laundromat
Meat and fish shops
Medical and dental services
Music and dance studios
Novelty
Nursery and garden supply
Office supplies
Personal services
Pet store
Photo shop
Post office
Pre-existing residences
Professional offices
Radio, TV, music store
Residential; mixed use concepts compatible with commercial goals of the zone as determined by the site plan review committee
Restaurant including drive-through lanes

Schools-commercial
Shoe and shoe repair stores
Small appliance and electronic equipment repair
Soda fountain
Specialty food
Sporting goods
Supermarket
Stationery store
Tailor
Telecommuting services
Testing laboratories and facilities (c)
Theater, over 50 seats (c)
Toy store
Travel and other agencies
Variety store
Veterinarian
Video rental

(c)=Conditional uses, subject to conditional use review and approval.

B. Similar or related uses permitted and criteria for determination of similarity or relatedness are as follows:

1. Uses similar to, or related to, those listed in subsection 16.34.020(A) are permitted upon a finding of the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan;

2. The criteria for such finding of similarity shall include but not be limited to the following:

- a. The proposed use is appropriate in this area;
- b. The development standards for permitted uses can be met by the proposed use;
- c. The public need is served by the proposed use.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title.

Section 12. Section 16.34.060 is hereby amended to read as follows:

16.34.060 Site area. The site shall contain more than one use and have a design and shape as follows:

- A. Minimum site zone size, ten acres ~~maximum site size, twenty-five acres~~;
- B. Minimum lot width, two hundred feet;
- C. Minimum setback from property line for side yard, fifteen feet;
- D. Minimum setback from property line rear yard, fifteen feet;
- E. Minimum setback from property line front yard, fifteen feet provided the front yard setback may be reduced to zero feet to accommodate pedestrian-friendly design;
- F. Maximum building coverage, fifty percent;
- G. Maximum development coverage, seventy percent;
- H. Maximum building height, forty feet.

Section 13. There is hereby added to the Lacey Municipal Code a new Chapter 16.49 to read as follows:

Chapter 16.49

CEMETERY

Sections:

- 16.49.010 Intent
- 16.49.020 Permitted uses
- 16.49.030 Prohibited uses
- 16.49.040 Site requirements
- 16.49.050 Approval required

16.49.010 Intent. To provide a reserved zone for uses contemplated under RCW Chapter 68 for cemeteries, morgues and human remains.

16.49.020 Permitted uses. All uses allowed under the definition of cemetery business as described in RCW Chapter 68.

16.49.030 Prohibited uses. Those uses not contemplated under cemetery business as defined in RCW Chapter 68.

16.49.040 Site requirements. Cemetery uses shall be conducted under the requirements of RCW Chapter 68.

16.49.050. Approval required. New cemetery uses proposed and not previously approved under a conditional use permit prior to adoption of the zone shall require site plan review approval pursuant to Chapter 16.84.

Section 14. Section 16.66.020 is hereby amended to read as follows:

16.66.020 Permitted uses. Specific uses permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the city, are categorized and identified as follows:

A. Personal or community service facilities such as:

1. Nursery schools and preschools,
2. Child day care centers when proposed in those districts specified in Chapter 16.65,
3. Funeral parlors, mortuaries and crematoria, provided these are permitted uses in the Cemetery zone,
4. Senior citizen centers,
5. Nursing homes, convalescent care facilities, and
6. Cemeteries; provided once a cemetery is approved the property shall be designated as cemetery on the city's zoning map.

B. Places of public assembly, including:

1. Churches (or other places of worship),
2. Sports arenas or stadia,
3. Fraternal organizations and lodges, and
4. Private clubs;

C. Public utilities and their appurtenances, such as:

1. Electrical substations,
2. Pumping, lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks for any of the above, including water towers,
3. Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills, and
4. Radio, television or telephone stations, ~~exchanges, transmitting, receiving or relay structures~~; Commercial wireless communication facilities are subject to the requirements as specified in Chapter 16.68.

D. Public safety and emergency response facilities, including:

1. Police stations,
2. Fire stations,
3. Emergency medical centers, and
4. Hospitals;

E. Public and private transport/ maintenance facilities, including:

1. Airports, landing strips, heliports or helipads, including waterborne craft,

2. Marinas, docks, piers, or breakwater devices, regardless of size or purpose,

3. Railroad terminals, switching facilities, maintenance or repair shops, and spurs,

4. Bus terminals, storage or maintenance facilities,

5. Automobile parking facilities or structures other than those specifically required in Chapter 16.72 in connection with permitted uses,

6. Corporation yards;

F. Uses which are similar or related to those uses described in subsections 16.66.020(A-E).

Section 15. Section 16.66.010E^{80,050E entaylor} is hereby amended to read as follows:

E. Type IV.

1. Purpose. To provide visual relief and shade in parking areas.

2. Description.

a. Required Amount

1) If the parking area contains no more than twenty-five parking spaces, at least thirty-five square feet of landscape development must be provided for each parking stall proposed.

2) If the parking area contains more than twenty-five spaces, at least fifty square feet of landscape development must be provided for each parking stall proposed.

3) The above requirements are considered a minimum. Additional landscape area may be necessary to meet design requirements below.

b. Design

1) Each area of landscaping must contain at least one hundred square feet of area and must be at least ~~six~~ eight feet in any direction.

2) Each planting area must contain at least one tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type. Deciduous trees shall have a minimum size of two inches in caliper measured six inches above the base. Evergreens shall have a minimum height of eight feet at planting.

3) Live ground cover shall be provided throughout each landscaping area. Ground cover may be any combination of grass, shrubs and trees that provide the desired effect of providing visual relief and green space within the parking area. Grassed

areas are recommended. Utilization of beauty bark shall be discouraged and shall not substitute for live ground cover. Ground cover shall be selected and maintained so that the entire landscaped area will be covered within three years.

Section 15.16 Section 16.84.010A.1. is hereby amended to read as follows:

A. 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 or lot with more than one residential structure other than a permitted accessory dwelling.

Section 16.17 Tables 16T-06, 16T-9, 16T-11 and figure 16.24.010(1) are all amended to delete all references to zone district CBD9.

Section 17.18 The summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 26th day of February, 1998.

CITY COUNCIL

BY: Nancy Peterson
Mayor

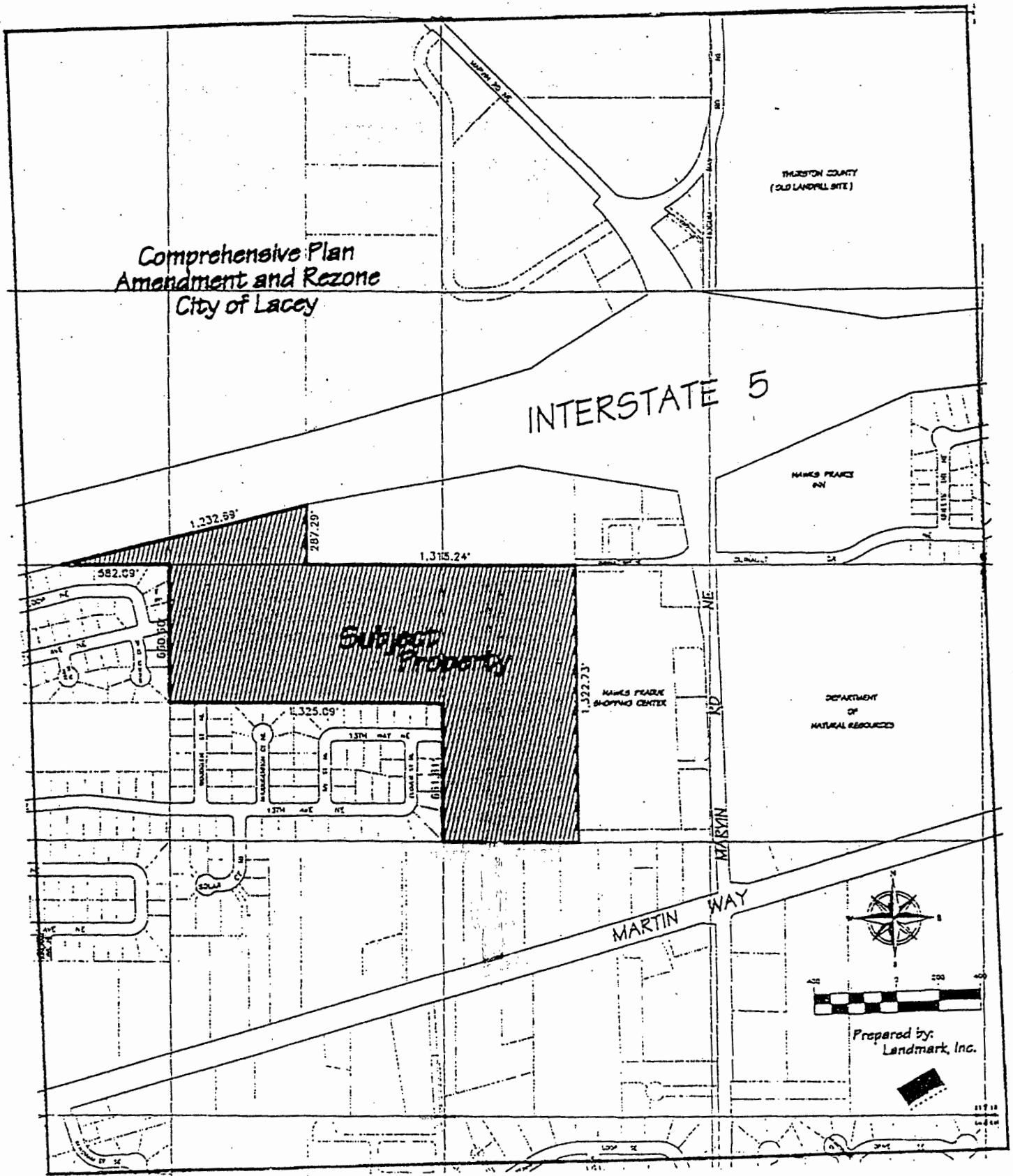
Attest:

Charlotten Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: March 2, 1998
Monday



SUMMARY FOR PUBLICATION

ORDINANCE 1080

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on February 26, 1998, Ordinance No. 1080 entitled "AN ORDINANCE ENACTING ANNUAL MODIFICATIONS TO THE CITY'S COMPREHENSIVE PLAN AND ZONING AND REGULATORY ORDINANCES, CHANGING THE CONDITIONS ON A CERTAIN LIMITED REZONE, REZONING ADDITIONAL PROPERTIES DESCRIBED HEREIN, ADOPTING A NEW WATER COMPREHENSIVE PLAN, ADOPTING A SUMMARY FOR PUBLICATION AND ADOPTING NEW CHAPTERS 16.14 AND 16.49 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 14.23.082, 16.03.015, 16.09.010, 16.09.020, 16.24.010, 16.24.090, 16.34.020, 16.34.060, 16.66.010, 16.80.050 AND 16.84.010 AND TABLES 16T-06, 16T-9 AND 16T-11 AND FIGURE 16.24.010(1) OF SAID CODE."

The main points of the ordinance are described as follows:

1. The ordinance changes the limiting conditions on the neighborhood commercial limited zone applicable to certain properties lying northerly of 37th Avenue and westerly of College Street to allow all uses within the neighborhood commercial zone except service stations and mini-marts.
2. The ordinance changes the zoning of certain parcels of real property lying north of Martin Way, south of Interstate 5 and west of the Hawks Prairie shopping center from zone districts "moderate density and high density residential" to zone district "general commercial."
3. The ordinance adopts the City's Water Comprehensive Plan which has been reviewed and approved in 1997 by the State Department of Health.
4. The ordinance makes a number of technical changes to the City's zoning ordinance including the addition of a separate chapter for the Lacey Historical Neighborhood and a separate chapter relating to cemeteries.
5. The ordinance updates the contents of the City's Comprehensive Plan to reflect the actions taken and updates the City's Comprehensive Plan and Zoning Map.

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: Monday, March 2, 1998.

Chayotte Jr. Taylor
City Clerk