

ORDINANCE NO. 1179

CITY OF LACEY

AN ORDINANCE MAKING CERTAIN HOUSEKEEPING CHANGES TO THE CITY OF LACEY'S ZONING LAWS, AMENDING LACEY MUNICIPAL CODE SECTIONS 16.10.050, 16.12.050, 16.13.050, 16.15.050, 16.24.020, 16.24.040, 16.24.090, 16.25.020, 16.27.020, 16.80.020, 16.80.080, AND 16.80.090, REPEALING TABLES 16T-05 AND 16T-07, ADDING NEW TABLES 16T05 AND 16T-07, AND APPROVING A SUMMARY FOR PUBLICATION.

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

Section 1. Section 16.10.050 of the Lacey Municipal Code is hereby amended to read as follows:

**16.10.050 Lot area.**

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

1. Minimum lot area, four thousand five hundred square feet where alleys are utilized; five thousand square feet where alleys are not provided;
2. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided;
3. Minimum front yard:

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.

On front yard flanking 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, as part of the approval process, undergone design review;
- b. The site utilizes alleys with the majority of units using alleys for access;
- c. Reserved.

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

B. Lots intended for attached single family development or condominiums shall be served by sewer and reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and reviewed and approved subject to design requirements of Chapter 14.23.

C. Other lot standards for all uses on sewer:

1. Maximum building area coverage, sixty percent;
2. Maximum developmental coverage, seventy five percent;
3. Maximum height:

Main building and accessory dwelling, thirty-five feet,

Accessory building, sixteen feet;

4. Accessory buildings. All accessory buildings must comply with the 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, same as required for main structures,

Side yard: five feet,

Rear yard, three feet.

D. The size and shape and restrictions for lots not on sewer shall be as follows:

1. The lots shall be clustered and located in a configuration that will provide the opportunity for future redivision and for easier servicing of sewer once sewer is provided to the site;
2. Maximum lot area shall be the minimum amount of land required for an included lot with septic tank drainfield system provided one reserve lot (a parcel reserved for future subdivision when sewer is available) is allowed with no maximum size restriction;
3. Minimum lot area five thousand square feet;
4. Maximum density is one unit per five acres;
5. The size of lots may require a community drainfield. The community system must meet all Thurston County Health Department requirements and should be designed and installed in a way to provide the opportunity for easier conversion in the event sewer becomes available to the site at a later date;
6. Subdivisions and short subdivisions shall be approved with a condition stated both on the face of the plat or short plat and in protective covenants that once sewer becomes available to any exterior boundary of the plat or short plat sewer shall be

required to be installed to serve all lots at lot owners' cost. This condition may be accomplished by waiver of LID protest performed in conjunction with final plat approval, lot sales, or issuance of building permits, whichever the city determines is most effective.

Section 2. Section 16.12.050 of the Lacey Municipal Code is hereby amended to read as follows:

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

A. Minimum lot area, four thousand five hundred square feet where alleys are utilized and five thousand square feet where alleys are not provided;

B. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided;

C. Minimum front yard:

Ten feet with ten-foot planter strip between the street and sidewalk when alleys are provided for rear access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access;

On front yard flanking streets, ten feet;

D. Minimum side yards:

Minimum on one side, five feet,

Minimum total both sides, ten feet;

E. 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;

F. Maximum building coverage, fifty percent;

G. Maximum development coverage, sixty-five percent;

H. Maximum height of buildings:

Main building and accessory dwelling, thirty-five feet,

Accessory building, sixteen feet;

I. 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, fifteen feet,

Side yard, five feet,

Rear yard, three feet.

Section 3. Section 16.13.050 of the Lacey Municipal Code is hereby amended to read as follows:

**16.13.050 Lot area.**

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

1. Minimum lot area, four thousand five hundred square feet where alleys are utilized; five thousand square feet where alleys are not provided;
2. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided;
3. Minimum front yard:

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;

On front yard flanking 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 as part of the approval process undergone or will undergo design review.
  - 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 development shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of Section 14.23.080.

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 provision 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 5,000 and 10,890 square feet;
4. Excluding the reserve parcel, clustered lots must meet density requirements of Section 16.13.020;
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, sixty percent;
2. Maximum developmental coverage, seventy-five percent;
3. Maximum height:  
Main building and accessory dwelling, thirty-five 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, fifteen feet,  
Side yard, five feet,  
Rear yard, three feet.

Section 4. 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;

On front yard flanking 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 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 5. Section 16.24.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.24.020 Permitted uses.**

**A. Commercial uses.**

Apparel and accessory stores

Books and stationary

Convention centers and conference centers

Cultural, entertainment and recreation

Daycare facilities

Department stores

Drug stores and pharmacies

Eating and drinking establishments

Fabric stores

Financial institutions when designed as a subordinate use to the primarily retail use. No more than fifty percent of the floor area may be devoted to primarily financial institution space.

Florists

General merchandise

Gifts/specialty

Grocery stores

Hobby/special interest

Home furnishings

Home improvement stores/garden supplies

Hotels/motels

Jewelry

Liquor

Personal services

Professional, business, and educational services when designed as a subordinate use to the primarily retail use. No more than fifty percent of the floor area may be devoted to office space.

Other similar and related uses consistent with the intent of the zone as determined by the site plan review committee.

- B. Employment core. The following uses are permitted in that portion of the Woodland District known as the Employment Core and designated in *Table 16T-10*. The focus of this area is to provide a predominant work environment with opportunities for personal services. Uses within the Employment Core area must comply with the standards in Section 16.24.080.

All uses listed within Section 16.24.020.A

Business offices

Corporate/regional/administrative offices

Educational services

Financial institutions

Professional offices

Other similar and related uses consistent with the intent of the zone as determined by the site plan review committee.

- C. Residential. Residential is permitted throughout the core area. Residential uses must meet the standards found in Section 16.24.090.

Section 6. Section 16.24.040 of the Lacey Municipal Code is hereby amended to read as follows:

**16.24.040 Prohibited uses.**

- A. Uses with physical and operational requirements generating substantial:



Truck traffic

Dust

Glare

Heat or vibration

Noise

Odors

- B. Uses of a character which are either not compatible with the high aesthetic standards of the area, will not enhance the marketability of the core area, or will adversely impact the city's economic development strategies for this zone. These uses shall include, but are not limited to:

Activities entailing movement of heavy equipment on and off the site except during construction;

Auto or truck storage ~~or repair~~ as a primary use;

Cemeteries and crematoria;

Machine shops;

Motor freight terminals;

Park and ride lots;

Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills;

Stand-alone warehouse and distribution facilities.

Section 7. Section 16.24.090 of the Lacey Municipal Code is hereby amended to read as follows:

**16.24.090 Residential use.**

Residential is permitted in all areas of the Woodland District provided the following standards are satisfied:

- A. Residential use shall be part of a mixed-use development.
- B. Residential use shall be above the first story in a mixed-use structure with retail or office use on the ground floor.
- C. Residential use may be provided at any density where all other applicable standards and requirements can be satisfied, such as parking and utilities.
- D. Residential development shall meet applicable design requirements of Sections 14.23.080, 14.23.084, and 14.23.086 of the Lacey Municipal Code.

- E. Where residential density exceeds six units per acre, twenty percent of the lot's area shall be open space. Open space shall be designed for the needs of the mixed-use development and should be apportioned accordingly. Standards of Sections 14.23.087.H4 and 14.23.088 shall be used as a guide for open space amenities. Amenities provided on a rooftop such as garden space, sun bathing area and similar facilities. Additionally, balconies usable for outdoor use may count towards open space requirements for residential use.

Section 8. Section 16.25.090 of the Lacey Municipal Code is hereby amended to read as follows:

**16.25.090 Pedestrian circulation requirements.**

- A. It shall be the responsibility of the property owner/developer to ensure the provision of a safe and convenient pedestrian circulation linkage system as described in Section 16.25.090 and consistent with the designation identified on Table 16T-10 and Table 14T-16.
- B. The pedestrian linkage system is a network including the major pedestrian corridor, landscaped walkways and perimeter sidewalks. It is established to provide safe pedestrian routes; enhance the appearance of buildings and their settings; provide a unified design element to offset varying architectural styles; and to soften the appearance of parking lots and service storage areas.
- C. The various components of the linkage system shall be provided as property is developed or redeveloped by the property owner/developer as noted on Table 16T-10 and Table 14T-16.
- D. When zero foot setbacks are utilized, landscaping requirements for planter strips may require sidewalks to be located outside of the normal right of way. In such cases, an unrestricted easement across sidewalks shall be granted to the city.
- E. To maximize a pedestrian-friendly environment by providing an adequate separation between pedestrians and automobile traffic, development of a planter strip with street trees and grass between the curb and sidewalk shall be a primary goal and shall be required unless specifically stated otherwise below.
- F. In cases where a sidewalk exists adjacent to the curb, the sidewalk must be moved back to accommodate a new planter strip, provided that improvements to the property necessitating site plan review and requiring conformance with this title exceed twenty-five percent of the fair market value of existing improvements at the site and the site has one hundred feet or more of lineal feet of frontage. In cases where only minor improvements to a project site are requested that do not exceed twenty-five percent of the fair market value of existing improvements at the site or the site has less than one hundred feet of frontage, the requirement for moving the sidewalk shall not be mandatory, provided, however, that in consideration of the twenty-five percent threshold all improvements at the site since the effective date of this provision shall be

included in calculating the total value. The twenty-five percent value shall be determined using the valuation tables of the Uniform Building Code for proposed improvements and assessors office values for current structures.

- G. Where adjacent properties do not have a planter strip and the sidewalk abuts the street, the new sidewalk shall be meandered to interconnect with the existing sidewalk and will provide the required planter strip for the project's street frontage.
- H. In cases where provision of a planter strip would necessitate removal or moving of a building, provision of a planter strip shall not be required unless the site is to be redeveloped and the building removed and reconstructed as part of the proposal.
- I. In cases where parking must be removed to provide the planter strip and landscaping, this shall be required, provided it leaves the site with at least seventy-five percent of the number of parking stalls required by the city zoning code or parking can be obtained on an adjacent site.
- J. In cases where a minimum six and one-half foot planter strip area cannot be provided because of limitations discussed above, options for different dimensions of the planter area discussed below under Section 16.25.090.U., Street Tree Planting Requirements, may be used if approved by the department of Community Development. Minimum planter strip requirements may not be reduced when a zero foot front setback is proposed. Where the zero foot front yard setback is proposed, the front of the building shall have a main pedestrian entrance.
- K. Because of identified financial impacts of requirements to move existing sidewalks, the city of Lacey shall establish a local grant program for very small businesses that would otherwise not be able to afford to move the sidewalk. Very small businesses shall be defined as those businesses with less than four employees. The grant program shall provide that the city will share up to fifty percent of the costs of landscaping and sidewalk improvements. The grant may be in the form of cash, city labor, city services or other real contribution resulting in cost reduction to the recipient. The director of community development is authorized to develop administrative policies and procedures in carrying out the intent and requirements of Section 16.25.090.
- L. Where a linkage system exists or is required outside of a public right of way, an easement to the city of Lacey shall be required to provide continuity of public access to adjoining properties.
- M. A structure may extend into or over a required linkage system or walkway only when:
  - 1. The encroachment is integrated into the linkage system by providing a covered walkway, arcade, marquee, etc. or it otherwise complements pedestrian activities; and
  - 2. The required width of the linkage system is maintained or when compensation is provided at another location.

- N. Where a linkage system adjoins a public street, the system's width shall be measured from the edge of the existing or proposed curb.
- O. Construction standards for the major pedestrian corridor, walkways, sidewalks and landscaping shall be as specified by the city engineer or as otherwise provided for in Chapter 16.25. In no case shall the width be less than the standards under Section 14.23.087.H and Table 14T-16.
- P. A pedestrian-oriented facility may utilize a zero foot front yard setback if it meets all of the following criteria:
1. Use is pedestrian-oriented as determined by the director of community development of his or designee;
  2. Façade has pedestrian-friendly features, such as awnings, main entrances, and pedestrian scale;
  3. Pedestrian entrance is direct to building with no parking or vehicle access lane between sidewalk and the main pedestrian entrance to the building;
  4. A planter strip is provided between the street and the sidewalk which meets requirements of Section 14.23.087.H and Table 14T-16.
- Q. Each segment of walkways, perimeter sidewalks and landscaping shall be maintained by the property owner, unless a special assessment district is duly established for the specific purpose of maintaining a portion of or all such pedestrian linkage and landscaping improvements. The city shall maintain the intersections of all public streets adjoining any portion of the pedestrian linkage system.
- R. A plot plan of all proposed pedestrian linkage improvements identifying all dimensions and pedestrian features shall be submitted along with the site plan for review to the city.
- S. The property owner shall install street trees, in addition to any other landscaping requirements, in accordance with Table 14T-16 and as follows:
- Where a six and one-half foot planter strip is to be provided, 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 two inches in caliper measured six inches above existing grade must be planted not more than 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 Section 16.25.090.U.
- T. Outdoor exhibits, displays, sales, service of foot or drinks, or other activities may be conducted in pedestrian open space and linkage systems, including plazas, whether or not such facilities or activities are customarily accessory to the adjacent principal use; provided, free pedestrian movement through the area without unreasonable interruption by such facilities or activities is available and provided, said activities comply with the city's regulations for street merchants. Areas, activities and facilities so approved may be used for regular, intermittent, or temporary special events without further permitting

under these zoning regulations, but shall not be exempted hereby from requirements for other permits.

- U. The volume of exploitable soil in the pit of an urban street tree planting spot is critical to the long-term survival and health of the tree. Due to increased bulk density and difficulty for roots to penetrate the interface between the planting media placed in the pit and the surrounding subsurface soils, many tree's roots do not effectively utilize growing space beyond the pit. Therefore, total pit volume and exposed surface area are the two most important elements of pit design.

In consideration of these points, the following pit design is required for Lacey street trees:

Minimum surface area shall be six-foot by six-foot with a depth excavated to at least four feet and replaced with appropriate soil media. Variations in the shape of the surface opening are acceptable, however the total pit volume achieved by the six-foot by six-foot by four-foot pit design (one hundred forty-four cubic feet) shall not be compromised; see Tables 16T-24 and 16T-25.

A six-inch layer of gravel shall be placed in the bottom of the pit for drainage and a layer of fabric placed over the top of the gravel. The pit should then be filled with planting media and the media firmed before setting the balled and burlapped tree. A four-inch diameter perforated PVC percolator tube shall be placed vertically in the pit to allow deep irrigation penetration. The top of the root ball shall be set just above the surface of the planting media, two to three inches. Barriers shall be installed at an angle near the pit edges by sidewalks to deflect the roots downward to prevent heaving of the concrete. These barriers may be made from sheet metal, tin, fiberglass sheets, or wood.

The top of the pit shall be covered with two inches of pea gravel to prevent soil disturbance while irrigating. A two-inch lip shall be cut in the surrounding concrete to allow placement of metal grates with perforations.

Another option allowed is to place a four-inch bed of sand over the planting media and lay brick pavers that would be at the same level as the sidewalk. This technique also allows for aeration of the tree's root system.

Section 9. Section 16.27.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.27.020 Permitted uses.**

- A. Specific types of uses permitted in this district are those commercial activities which are more dependent on direct vehicular access than the activities permitted in other districts, including the following:
  - 1. Retail and Commercial establishments such as:
    - a. Food stores and drug (variety) stores;
    - b. Building, hardware, and garden materials;

- c. Auto supply stores;
  - d. Gasoline service stations;
  - e. Liquor stores;
  - f. Used good retail stores;
  - g. Sporting goods and related stores;
  - h. Books and stationery, video, and art supply stores;
  - i. Hobby toy and game shops;
  - j. Photographic and electronics stores;
  - k. Fabric stores;
  - l. Florists;
  - m. Pet shops;
  - n. Bulk retail stores;
  - o. Personal services;
  - p. Professional and business services;
  - q. Banks and financial offices;
  - r. Greenhouses and garden materials;
  - s. Other similar retail, professional and business uses as approved by the site plan review committee.
2. Sales and/or servicing of:
    - a. Appliances and home furnishings,
    - b. Automotive equipment,
    - c. Boats and marine equipment,
    - d. Building contractors, including plumbing, electrical, etc.,
    - e. Campers, mobile homes and trailers,
    - f. Car washes and service stations,
    - g. Farm equipment and supplies,
    - h. Lumber yards and hardware,
    - i. Laundry and dry cleaning, both commercial and self-service;
  3. Eating and drinking places, including drive-ins;
  4. Commercial recreation, such as:

- a. Personal amusement or recreation establishments such as those featuring mechanical or electronic games, games of skill such as billiards, bowling, table tennis, and the like, and
  - b. Drive-in theaters;
5. Recycling centers for the collection and temporary storage of materials; provided, that the storage and collection operation is conducted within an enclosed building having a maximum gross floor area of four thousand square feet. All recycling centers must be reviewed and approved prior to operation by the site plan review committee;
  6. Recreational vehicle parks subject to the following standards:
    - a. The minimum lot size requirement shall be two acres, and a minimum recreational vehicle site of one thousand square feet in area,
    - b. No structure or recreational vehicle site shall be closer than twenty-five feet to any property line. The area created by such setback shall be used for landscaping to screen the recreational vehicles from adjoining properties,
    - c. Permitted improvements include restroom facilities; picnicking areas; boating; fishing; swimming; outdoor games and activities, including miniature golf courses or any mechanical amusement device; and other uses customarily incidental to the operation of the park,
    - d. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park;
  7. Child day care centers as provided in Chapter 16.65.
- B. Similar or related uses permitted as follows:
1. Distributive business establishments such as wholesaling, warehousing, including for example:
    - a. Mail order warehouses,
    - b. Automotive parts wholesalers,
    - c. Hotels and motels, and
    - d. Transient facilities for short-term stay (e.g., overnight, two weeks) of recreational vehicles, ~~and;~~
    - e. ~~Mobile home parks;~~
  2. Other, unlisted, similar or related uses, and criteria for determination of similarity or relatedness, as follows:
    - a. Uses similar to, or related to, those listed in subsection 16.27.020(A) are permitted upon a finding of the enforcing officer and/or the site plan review

committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the Lacey development plan.

- b. The criteria for such finding of similarity shall include but not be limited to the following:
  - (1) That the proposed use is appropriate in this district,
  - (2) That the development standards for permitted uses can be met by the proposed use,
  - (3) That 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.

As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent retail uses, enhances the retail environment and will not adversely impact the city's economic development strategies for the zone.

D. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

Section 10. Section 16.80.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.80.020 General requirements.**

- A. A plot plan of the proposed landscaping and screening shall be prepared by a licensed landscape architect, Washington-certified nurseryman, or Washington-certified landscaper and incorporated into plans submitted for preliminary plat, site plan review, administrative design review or building permit review.
- B. Landscaping plans shall be drawn to scale, including dimensions and distances, and clearly delineate existing and proposed parking spaces or other vehicular use area, access aisles, driveways, the location, size and description of all landscape materials (new and existing), setback lines, buildings (structures)--proposed and existing--and identify existing significant trees and/or other landscape features and topographic elevations.

The applicant shall utilize tree protection techniques approved by the enforcing officer, site plan review committee and/or hearings examiner in order to provide for the continued healthy life of retained significant trees including during land alteration and construction.

- ~~C. The applicant shall submit the information required in subsection 16.80.020(B). In addition, the applicant shall provide a list of addresses including all property owners~~



~~and all residents of property which abuts, or is across a street or access easement from the subject property.~~

Section 11. Section 16.80.080 of the Lacey Municipal Code is hereby amended to read as follows:

**16.80.080 Maintenance of plant materials.**

- A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B. Unless entirely landscaped with significant trees preserved under Section 16.80.040 of this chapter, all areas where new landscaping is being required shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryman~~person~~, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection 16.80.080(A).
- C. The city shall require a maintenance assurance device for a period of one year from the completion of planting in order to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device.
- D. The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington- certified nurseryman~~person~~, or Washington- certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection 16.80.080(B).
- E. If a maintenance assurance device or evidence of a similar device is required under subsections 16.80.080(B,C), the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.
- F. Upon completion of the one-year maintenance period, and if maintenance is not required, the city shall promptly release the maintenance assurance device or evidence thereof.
- G. All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner.

Section 12. Section 16.80.090 of the Lacey Municipal Code is hereby amended to read as follows:

**16.80.090 Performance assurance.**

- A. 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.
- B. The city may accept, as an alternative to a performance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington- certified nurseryman person, or Washington- certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection 16.80.090(A).
- C. If a performance assurance device or evidence of a similar device is required under subsections 16.80.090(A,B), the enforcing officer shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the approved landscaping plan. The value of this device must equal one hundred fifty percent of the estimated cost of the landscaping to be performed, and shall be utilized by the city to perform any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.
- D. If a performance assurance device or evidence of a similar device is required under subsections 16.80.090(A,B), the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.
- E. Upon completion of the required landscaping by the property owner, at or prior to expiration of the assurance device, the city shall promptly release the performance assurance device or evidence thereof.

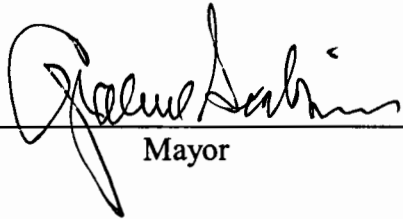
Section 13. Tables 16T-05 and 16T-07 of the Lacey Municipal Code are hereby repealed.

Section 14. There is hereby added to the Lacey Municipal Code Tables 16T-05 and 16T-07 in the form attached to this Ordinance.

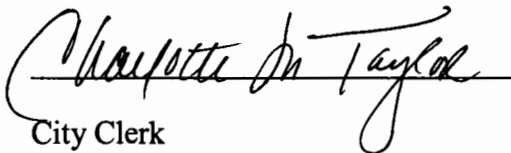
Section 15. The Summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, this 28<sup>th</sup> day of February, 2002.

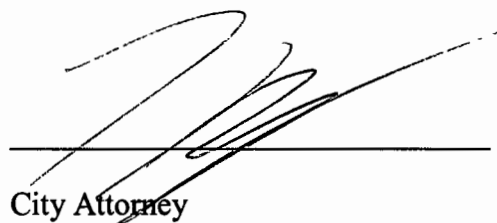
CITY COUNCIL

By   
Mayor

Attest:

  
City Clerk

Approved as to form:

  
City Attorney

Published: March 4, 2002  
Summary on Monday

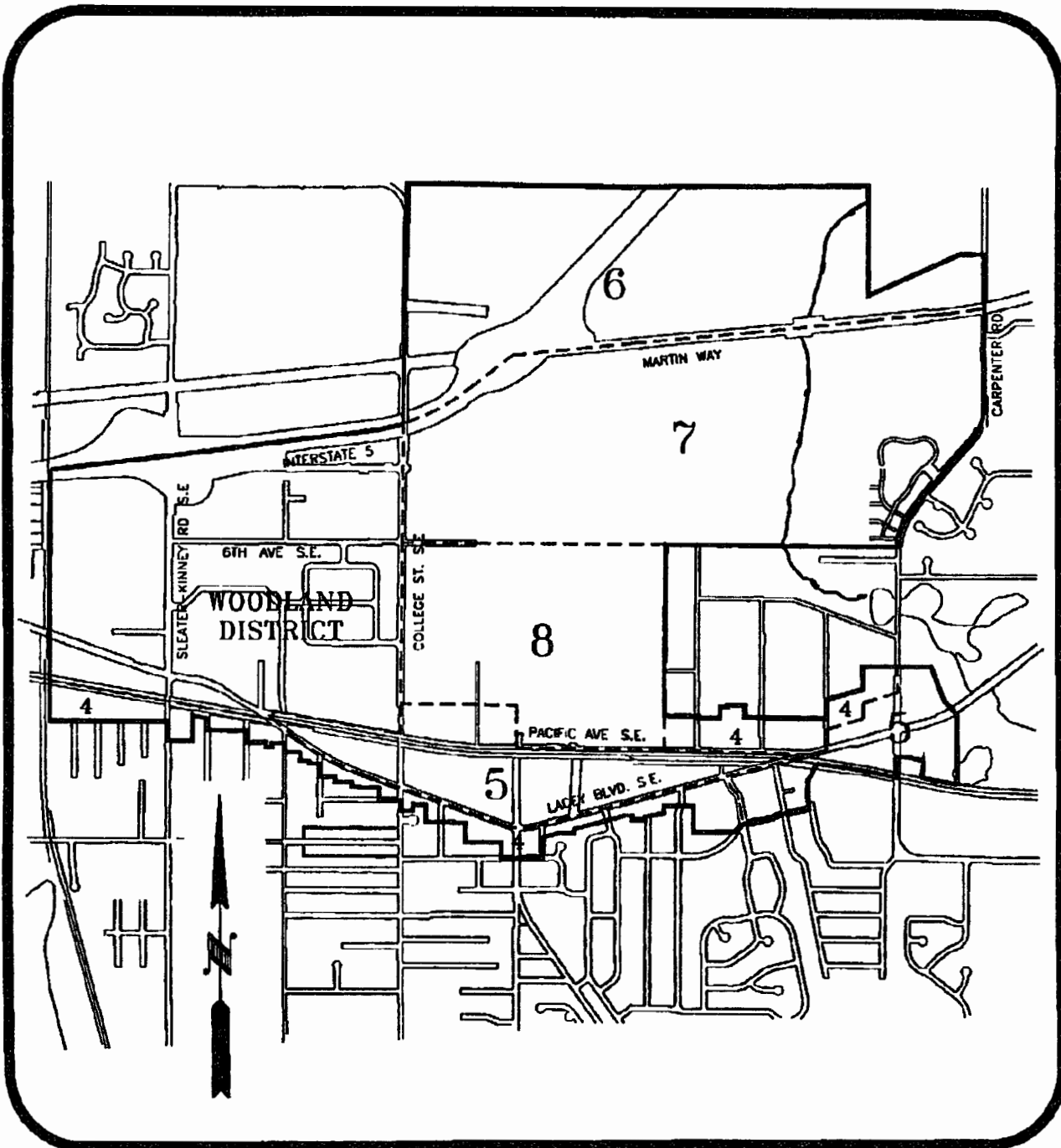


Table 16T-05



CITY OF LACEY  
CENTRAL BUSINESS DISTRICT

DOWNTOWN ELEMENT

SUB-AREA BOUNDARIES

Amended by Ordinance 1152  
Sec. 1, 2001; Ordinance 1135  
Sec. 3, 2000; Ordinance 1080  
Sec. 17, 1998

Figure 16.24.010(1)

Lacey 09/00

## DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS

Amended by Ordinance 1135 §2, 2000; Ordinance 1131 §9, 2000; Ordinance 1098 §21, 1999; Ordinance 1080 §17, 1998

Land Use District	Building Type	Building Setback <sup>3</sup>			Minimum Lot Area	Minimum Lot Dimension	Maximum Building Coverage	Maximum Building Height
		Front <sup>1</sup>	Rear	Side				
CBD-4	Nonresidential <sup>0</sup> or 15'	25'	15'	10'	10,000 sq.ft.	50' front	50%	refer to map for CBD heights
	Residential <sup>0</sup>	15'	15'	10'	10,000 sq. ft	50' depth	75%	
	Parking *	15'	15'	10'	10,000 sq.ft.	50' depth	50%	
CBD-5	Nonresidential <sup>0</sup> or 15'	15'	15'	10'	10,000 sq.ft.	50' front	50%	
	Residential <sup>0</sup>	15'	15'	10'	10,000 sq. ft	50' depth	75%	
	Parking *	15'	15'	10'	10,000 sq ft	50' depth	50%	
CBD-6	Nonresidential <sup>0</sup> or 15'	15'	15'	10'	10,000 sq.ft.	75' front	50%	
	Residential <sup>4</sup> 0 <sup>5</sup> or 25'	15'	15'	10'	1 acre	75' front	75%	
	Parking *	15'	15'	10'	10,000 sq.ft.	50' depth	50%	
CBD-7	Nonresidential <sup>0</sup> or 15'	15'	15'	10'	10,000 sq.ft.	75' front	50%	
	Residential <sup>4</sup> 0 <sup>5</sup> or 25'	15'	15'	10'	10,000 sq ft	75' front	75%	
	Parking *	15'	15'	10'	10,000 sq ft.	50' depth	50%	
CBD-8	Nonresidential <sup>0</sup>	15'	15'	10'	10,000 sq.ft.	75' front	50%	
	Residential <sup>0</sup>	15'	15'	10'	10,000 sq.ft.	75' front	75%	
	Parking <sup>0</sup>	15'	15'	10'	10,000 sq.ft.	50' depth	50%	

**NOTES: DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS**

1. Setback measured from the property side edge of the sidewalk. To accommodate 0' setback landscaping requirements for planter strips, sidewalks may be located out of right-of-way, in which case an unrestricted easement for sidewalk shall be granted to the City.
2. The 0' front yard setback is a minimum. However, regardless of the setback used, no parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building. Additionally, all of the requirements of Section 16.25.090QP shall be satisfied if the setback used is less than 15'.
3. Minimum setbacks are subject to required landscape development (see Section 16.25.100). See Section 16.25.060(A) for additional height setbacks. Where 0 lot line front yard setbacks are utilized, required landscaping shall be provided in a planter strip area between the street and sidewalk.)
4. Hotels and motels shall be considered as residential structures.
5. A 0' front yard setback is optional if a proposal meets all of the requirements of Section 16.25.090QP. Parking and vehicle access lane is required to be located to the side or behind structures when 0' front yard setback is applied.

\* Parking and vehicle access lane is required to be located to the side or behind structures when 0' front yard setback is applied.

dimen.dct

SUMMARY FOR PUBLICATION ✓

ORDINANCE 1179

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on ~~February 28, 2002~~ Ordinance No. 1179, entitled "AN ORDINANCE MAKING CERTAIN HOUSEKEEPING CHANGES TO THE CITY OF LACEY'S ZONING LAWS, AMENDING LACEY MUNICIPAL CODE SECTIONS 16.10.050, 16.12.050, 16.13.050, 16.15.050, 16.24.020, 16.24.040, 16.24.090, 16.25.020, 16.27.020, 16.80.020, 16.80.080, AND 16.80.090, REPEALING TABLES 16T-05 AND 16T-07, ADDING NEW TABLES 16T05 AND 16T-07."

The main points of the Ordinance are described as follows:

1. The City Planning Staff and Planning Commission have reviewed the existing provisions of the City's Zoning Ordinance and have discovered that non-substantive changes need to be made to this Title of the Lacey Municipal Code in order to either clarify, correct or carry out the intent of its provisions. This Ordinance makes those necessary housekeeping changes.

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: March 4, 2002.

Monday