

ORDINANCE NO. 1220

CITY OF LACEY

AN ORDINANCE MAKING TECHNICAL AMENDMENTS TO THE CITY'S ZONING AND CONSTRUCTION CODES, PROVIDING A PROCEDURE IN CASES OF CONTINUING NON-COMPLIANCE WITH SITE PLAN REVIEW CONDITIONS, ADDING ADDITIONAL REFERENCES IN THE CITY'S SEPA SUBSTANTIVE AUTHORITY ADOPTION: AMENDING SECTIONS 14.24.160, 15.16.010, 16.09.010, 16.10.050, 16.12.050, 16.13.050, 16.14.050, 16.15.050, 16.18.040, 16.22.010, 16.22.020, 16.22.030, 16.22.060, 16.22.080, 16.23.010, 16.23.020, 16.23.030, 16.23.060, 16.23.080, 16.24.060, 16.25.020, 16.25.030, 16.25.060, 16.25.070, 16.25.090, 16.25.100, 16.25.110, 16.25.140, 16.27.020, 16.27.040, 16.27.050, 16.27.060, 16.27.070, 16.34.080, 16.36.050, 16.36.070, 16.36.080, 16.37.070, 16.37.080, 16.39.020, 16.39.080, 16.40.020, 16.43.050, 16.44.010, 16.44.030, 16.44.040, 16.45.040, 16.48.050, 16.57.040, 16.60.040, 16.67.030, 16.72.030, 16.80.030, 16.81.010, 16.84.010, 16.84.080, 16.84.110, TABLE 16T-09, TABLE 16T-13; REPEALING TABLES 16T-24 AND 16T-25; ADDING NEW TABLES 16T-24 AND 16T-25 AND ADDING A NEW SECTION, 16.84.105, ALL OF THE LACEY MUNICIPAL CODE; AND APPROVING A SUMMARY FOR PUBLICATION.

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

Section 1. Section 14.24.160 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.160 Substantive authority.

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.
- B. The city may attach conditions to a permit or approval for a proposal so long as:
 1. Such conditions are necessary to mitigate specific probably significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
 2. Such conditions are in writing;
 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
 4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
 5. Such conditions are based on one or more policies in subsection 14.24.160(D) and cited in the license or other decision document.

- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
 3. The denial is based on one or more policies identified in subsection 14.24.160(D) and identified in writing in the decision document.
- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural, and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
 2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
 3. The city adopts by reference the policies in the following city codes, ordinances and plans:
 - a. Lacey zoning ordinance;
 - b. Lacey ~~e~~Comprehensive ~~p~~Plan and associated elements;
 - c. Lacey platting and subdivision ordinance;
 - d. Lacey ~~S~~six-year street plan;
 - e. Shoreline master program for the Thurston region;
 - f. Thurston Regional Transportation system ~~p~~Plan for the Thurston metropolitan area;

- g. The City of Lacey Buildings and Construction ~~Uniform Building~~ Codes as set forth in LMC Chapters 14.02 through 14.20.
 - h. Lacey bikeway plan;
 - i. ~~Comprehensive plan for outdoor recreation~~ The City's Traffic Mitigation and Concurrency Regulations as set forth in LMC Ch. 14.21;
 - j. The City of Lacey's environmental regulations as set forth in LMC Chapter 14.26 (Shoreline Master Program), LMC Chapter 14.28 (wetlands protection), LMC Chapter 14.30 (removal of topsoil), LMC Chapter 14.31 (drainage discharge), LMC Chapter 14.32 (tree and vegetation protection and preservation), LMC Chapter 14.33 (habitat conservation areas protection), LMC Chapter 14.34 (flood hazard prevention), LMC Chapter 14.36 (critical aquifer recharge areas protection) and LMC Chapter 14.37 (geologically sensitive areas protection) ~~Land clearing code (Chapter 14.32 of Lacey Municipal Code);~~
 - k. City of Lacey Development Guidelines and Public Works Standards as adopted by LMC Chapter 12.28; ~~Wetlands protection ordinance (Chapter 14.28 of Lacey Municipal Code).~~
 - l. The Capital Improvement Plan of the North Thurston Public Schools and means for mitigating impacts upon such plan;
 - m. The transportation plans of Thurston County, the City of Olympia and the City of Tumwater, and allowed means of mitigating impacts of development upon such plans;
 - n. The City's requirements for the undergrounding of communication facilities as set forth in LMC Chapter 12.22.
4. The city establishes the following additional policies: The city may apply any mitigation conditions necessary to properly mitigate identified adverse environmental impacts associated with license or permit applications. In implementation of this policy for each individual license application the city shall review all of the elements of the environment listed in WAC 197-11-444 and shall attempt to apply conditions as appropriate to mitigate identified adverse environmental impacts under all elements of the environment. Mitigation conditions may include but shall not be limited to: timing and scheduling of construction and operation, modification of site design, project design or location, modification of the physical environment, installation of physical and vegetative improvements, mitigation of pollution sources, installation of pollution abatement equipment or safety equipment or improvements, providing of or upgrading of on- and off-site infrastructure improvements, preservation or protection of specified habitat and species of flora and fauna, provision for buffers and open spaces, layout and design of open space including centralization and consolidation, provision of safe and attractive pedestrian improvements, provision of bus stop improvements to Intercity Transit and North Thurston School District Standards, site restoration and improvements after surface mining or mineral extraction or other activity, provision for lot owners or homeowners maintenance associations, and requiring of conditions identified in a wetlands mitigation plan or report for protection of wetlands or wetland buffers.

E. The legislative appeals authorized by RCW 43.21C.060 are eliminated from this chapter.

Section 2. Section 15.16.010 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.010 Submission.

Within five years after approval or within one year following extension of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof) as approved, and submit it to the department of community development.

Section 3. 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 ~~4-81-9~~, Woodland District, 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 4. 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~~ two 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 5. 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~~ two hundred ~~twenty~~ square feet, the following setbacks are permitted:

Front yard, fifteen feet,

Side yard, five feet,

Rear yard, three feet.

Section 6. 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~~ two hundred ~~twenty~~ square feet, the following setbacks are permitted:

Front yard, fifteen feet,

Side yard, five feet,

Rear yard, three feet.

Section 7. Section 16.14.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.14.050 Lot area.

The size and shape of lots shall be as follows, provided they adhere to ~~the~~ a density requirements of 2.5 units per acre:

- A. Minimum lot area, seventeen thousand four hundred twenty four square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum front yard, fifteen feet;
- D. Minimum side yard, five feet on each side;
- E. Minimum rear yard, fifteen feet for main house; five feet for accessory dwelling unit and accessory structures;
- F. Maximum building coverage, fifty percent;
- G. Maximum development coverage, sixty five percent;
- H. Maximum height of buildings:
 - 1. Main building and accessory dwelling, thirty five feet;
 - 2. Accessory building, sixteen feet.

Section 8. 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:

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~~ two 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 9. 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:

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;

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~~ two 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 10. Section 16.22.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.22.010 Intent.

- A. Over time, gradually develop into a mixed use, moderate density residential and commercial area where people enjoy walking, shopping, working and living.
- B. Provide for a mixed use arterial corridor zone encouraging moderate density residential development and new commercial development opportunities along portions of Sleater Kinney and Pacific Avenue. Mixed moderate density corridors should take advantage of marketing opportunities provided by the surrounding planning area and adjacent neighborhoods.
- C. The Sleater Kinney corridor should emphasize medical activities and support services given its proximity to Lilly Road and hospital but also provide for other professional services, office uses and small retail opportunities.
- D. The Pacific Avenue corridor should emphasize smaller professional services and retail opportunities to complement the neighborhood commercial zone to the east and provide an expanded range of services to adjacent residential neighborhoods.
- E. Allow for select commercial uses and residential development in a way that serves the needs of the neighborhood and the community and enhances the appearance and identity of the mixed moderate density corridor.
- F. Provide for a type, configuration, and density of development that will entice pedestrian shoppers to frequent the area, encourage pedestrian traffic between businesses, facilitate efficient mass transit, and require less reliance on motor vehicles.
- G. Encourage a variety of businesses which offer retail goods or consumer services that appeal to pedestrians and/or serve the needs of the surrounding neighborhood.
- H. Integrate new development with existing uses to achieve a better environment for pedestrians and to maintain or enhance the livability of the mixed residential uses and adjacent residential neighborhood.
- I. Provide development standards which require direct, convenient pedestrian and vehicular access to businesses.
- J. Balance the needs of motorists and businesses serving a community-wide market with the needs of local pedestrians and neighborhood residents.

Section 11. Section 16.22.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.22.020 Permitted uses.

A. Commercial uses. The following commercial uses as classified in the Standard Industrial Classification Index 1987 edition and/or the North American Industry Classification Code 2002 edition are permitted as an allowed use or by conditional use permit as noted.

1. Limited retail trade uses under Division G provided the square footage of the use is no more than 10,000 square feet and no outside storage is required.
2. Finance, insurance and real estate uses under Division H provided the square footage of the use is under 10,000 square feet. The site plan review committee may waive the square footage requirement for uses it considers consistent with the stated intent of the zone and compatible and complementary to surrounding uses.
3. Service uses under Division I and J provided the square footage of the use is under 10,000 square feet. The site plan review committee may waive the square footage requirement for any service use it considers consistent with the emphasis of the particular corridor.

B. Residential uses. All residential uses are permitted with a density between eight and twelve units per acre. Additional density may be obtained by purchase of transfer of development rights; low income housing density bonuses or other incentive density bonuses as may be available or determined in the best interest of the community by the site plan review committee.

Section 12. Section 16.22.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.22.030 Similar or related uses.

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

- A. Uses similar to, or related to, those listed in subsection 16.22.020(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 Comprehensive Land Use Plan ~~land development plan~~.
- B. The criteria for such finding of similarity shall include but not be limited to the following:
1. The proposed use is appropriate in this zone given the emphasis on pedestrian orientation, mass transit and mixed use;
 2. The development standards for permitted uses can be met by the proposed use;
 3. The proposed use will be compatible and complementary to adjacent uses and uses within the corridor in general;
 4. The public need is served by the proposed use. (Ord. 1024 §37, 1995).

Section 13. Section 16.22.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.22.060 Site area.

- A. Lots may contain more than one use and will be a shape, size and design appropriate to the zone and intended uses as determined by the city.
- B. No minimum setback. The maximum setback shall be fifteen feet from the fronting right-of-way unless the site plan review committee determines it is appropriate for the specific use to have a greater setback finding that other techniques can be used to promote pedestrian emphasis and that the use with application of other techniques will be compatible and complementary to surrounding uses and intent of the zone.
- C. Sideyard setback minimum of ten feet. unless waived by the Site Plan Review Committee pursuant to the policies of this chapter.
- D. Rear yard setback fifteen feet.
- E. Maximum building coverage: thirty-five percent, however, this may be increased up to a maximum of eighty-five percent if the following bonuses are used or the project is on a lot in a subdivision or binding site plan that has met all the requirements of Chapter 14.23.
 1. Projects containing mixed uses: five percent bonus.
 2. Projects with three story building: five percent bonus.
 3. Projects providing a pedestrian oriented plaza or area of at least one hundred fifty square feet along a pedestrian walkway at an intersection corner, bus stop or other key pedestrian area approved by the city. Such areas shall contain seating for at least four people, a trash receptacle and three or more of the following: a pedestrian shelter, a drinking fountain, a bike rack, pedestrian scale lights, pavers on the walkway surfaces, a kiosk, a street vendor station providing food or beverages, trees, an appropriately sized statue or sculpture, or a public restroom.

Interior courtyards with these amenities qualify if they would be readily apparent and accessible to pedestrians on adjoining sidewalks: twenty percent bonus.
 4. Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the city: ten percent bonus.
 5. Projects providing at least fifty percent of their required parking underground or within the building: forty-five percent bonus.

Note: These bonuses are to be added to the base allowable building coverage.
- F. Maximum development coverage: Maximum coverage by impervious surfaces sixty percent, unless increased up to a maximum of ninety-five percent if the following bonuses are used or the project is on a lot in a subdivision or binding site plan that has met all the requirements of Chapter 14.23.
 1. Projects providing a pedestrian oriented area consistent with building coverage bonuses: thirty percent bonus;
 2. Projects containing mixed uses: five percent bonus;
 3. Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the city: fifteen percent bonus.

Note: These bonuses are to be added to the base allowable impervious surface coverage. The provisions of the Drainage Design and Erosion Control Manual, landscaping requirements and design review requirements may further limit impervious surfaces.

- G. Building height: not more than forty-five feet within one hundred feet of a prior existing single family detached subdivision.

Section 14. Section 16.22.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.22.080 Landscaping.

- A. ~~The landscaping Requirements of Chapter 16.80 and the Development Guidelines and Public Works Standards 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.~~
- 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 35 feet on center.~~

Section 15. Section 16.23.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.010 Intent.

- A. Over time, that portion of the Martin Way designated Mixed Use High Density is intended to gradually change from an area dominated by strip commercial development, light industry, warehousing, and other low intensity or non-pedestrian uses into mixed use, high density residential and commercial area where people enjoy walking, shopping, working and living.
- B. To create three mixed high density corridor zones designed to reflect a desire to move away from traditional commercial strip development to a mixed high density corridor. The three zones are intended to reflect an emphasis on existing uses which are already established within the area to help promote a healthy business climate for existing uses.
- C. Create a specific mixed high density corridor zone for the eastern portion of Martin Way between Marvin and Meridian that will make the transition away from strip commercial auto-oriented development. Low intensity and motor-vehicle-oriented uses are not desirable within this area. Low intensity and motor vehicle-related uses are considered to be those which are relatively large in scale and which primarily serve patrons arriving by motor vehicle because:
1. The uses primarily sell products of such size or weight as to require motor transport by necessity, such as boats; and/or
 2. They require substantial areas for outdoor storage of product or equipment or they are not pedestrian-oriented at all, such as warehousing or light industry;

3. Exception may be made for food and general merchandise stores where design of the site is integrated to serve local pedestrian traffic and compatible and complementary to adjacent uses.
- D. Create a mixed high density corridor zone for the western portion of Martin Way generally between Hensley and Carpenter Road that will make the transition away from classic strip commercial development to a full range of commercial uses with attractive street fronts, multimodal improvements and a design which is compatible in an environment where residential uses and commercial uses are located adjacent to one another.
- E. Create a mixed high density corridor zone as a transition between the east and west zones between Hensley and Marvin Road. This zone would recognize some automobile-related uses but only through a conditional use permit process.
- F. Allow for commercial uses and other mixed use development in a way that serves the needs of the neighborhood and the community and enhances the appearance and identity of the mixed high density corridor.
- G. Provide for a type, configuration, and density of development that will entice pedestrian shoppers to frequent the area, encourage pedestrian traffic between businesses, facilitate efficient mass transit, and require less reliance on motor vehicles.
- H. Encourage a variety of businesses which offer retail goods or consumer services that appeal to pedestrians and/or serve the needs of the surrounding neighborhood.
- I. Integrate new development with existing uses to achieve a better environment for pedestrians and to maintain or enhance the livability of the adjacent residential neighborhood.
- J. Provide development standards which require direct, convenient pedestrian and vehicular access to businesses.
- K. Balance the needs of motorists and businesses serving a community-wide market with the needs of pedestrians and neighborhood residents.

Section 16. Section 16.23.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.020 Permitted uses in all mixed high density corridor zones.

- A. Commercial uses and public administration. The following uses are permitted as an allowed use or by conditional use permit as noted if they have a gross floor area of no more than 15,000 square feet and require no outside storage. The square footage limitation may be waived by the site plan review committee for general merchandise stores, food stores, hotels and motels, rooming houses, educational services, and museums and gardens. To waive this requirement the site plan review committee must find that the proposed use can conform to other requirements of the high density corridor, is designed to accommodate the pedestrian emphasis and is compatible and complementary to surrounding uses in the zone. Noted conditional uses may also be approved with a greater or lesser square footage under the same conditions of pedestrian emphasis, compatibility and complementary design.

Uses allowed include:

1. Retail uses. Preferred retail activities are those that promote a shopping experience for pedestrians and can accommodate design that is easily integrated into the corridor's mixed use vision. Preferred retail uses include activities such as:
 - a. general merchandise
 - b. food
 - c. apparel and accessories
 - d. eating and drinking establishments
 - e. drug and proprietary
 - f. shopping goods stores
2. Finance, insurance and real estate. Preferred uses include finance, insurance and real estate servicing needs of surrounding neighborhood and community residents. Such uses will have a design that promotes the immediately surrounding mixed use high density corridor. Such uses include:
 - a. finance depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts and security and commodity exchanges;
 - b. insurance, including carriers of all types of insurance and insurance agents and brokers;
 - c. real estate, including owners, lessors, lessees, buyers, sellers, agents and developers of real estate.
3. Services. Preferred service uses are establishments primarily engaged in a variety of services for individuals, business and government establishments and other organizations and have a design promoting the service needs of the mixed uses within the corridor.

Preferred service uses include activities such as:

- a. hotels and lodging places;
- b. personal services: laundry, photo studios, beauty shops, shoe repair and funeral service;
- c. business services: advertising agencies, commercial art and computer programming;
- d. repair services: radio and TV repair;
- e. motion pictures: theaters and video tape rental stores;
- f. amusement and recreation: physical fitness facilities and health clubs;
- g. health services: office and clinics of doctors, dentists, health practitioners, veterinarian clinics and medical laboratories;
- h. educational services: establishments involved in academic and technical instruction and libraries;
- i. social services: childcare and residential care;
- j. museums, art galleries and botanical and zoological gardens;
- k. membership organizations;

1. engineering, accounting, research, management and related services.
4. Public administration. Preferred uses include activities involving the executive, legislative, judicial, administrative and regulatory activities of federal, state, local and international governments. However, activities of the State of Washington shall be allowed only if such location and use also conform with the State's current Preferred Leasing Areas Plan provided said Preferred Leasing Areas Plan meets the City's adopted goals and policies and further is endorsed by the City of Lacey.

Preferred public administration uses are those promoting the mixed use of the corridor by servicing the residents of the neighborhoods and within the corridor. Such uses include activities like a post office, satellite police stations and fire stations.

5. Transportation activities. Preferred uses are transportation activities which promote a multi-modal environment or can be easily integrated into the mixed use vision for the corridor. Such uses include activities such as:
 - a. bus terminals,
 - b. taxi cab services,
 - c. transportation services,
 - d. travel agencies,
 - e. tour operators,
 - f. commercial parking facilities may be allowed provided they are limited to twenty five cars. Commercial parking facilities shall be prohibited on corner lots.

B. Residential uses. All residential uses are permitted with a minimum density of at least twelve units per acre. No density maximum shall be imposed provided any density beyond twenty units per acre shall be obtained by purchase of transfer of development rights; low income housing density bonuses or other incentive density bonuses as may be available or determined in the best interest of the community by the site plan review committee.

Section 17. Section 16.23.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.030 Similar or related uses.

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

- A. Uses similar to, or related to, those listed in subsection 16.23.020(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 Comprehensive Land Use Plan ~~land development plan~~;
- B. The criteria for such finding of similarity shall include but not be limited to the following:
 1. The proposed use is appropriate in this zone given the emphasis on pedestrian orientation, mass transit and mixed use;
 2. The development standards for permitted uses can be met by the proposed use;
 3. The proposed use will be compatible and complementary to adjacent uses and uses within the zone in general;

4. The public need is served by the proposed use.

Section 18. Section 16.23.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.060 Site Area.

- A. Lots may contain more than one use and will be a shape, size and design appropriate to the zone and intended uses as determined by the city.
- B. No minimum setback. The maximum setback shall be fifteen feet from the fronting right-of-way unless the site plan review committee determines it is appropriate for the specific use to have a greater setback finding that other techniques can be used to promote pedestrian emphasis and that the use with application of other techniques will be compatible and complementary to surrounding uses and intent of the zone.
- C. Sideyard setback, minimum of ten feet, unless waived by the Site Plan Review Committee pursuant to the policies of this chapter.
- D. Rear yard setback, fifteen feet.
- E. Maximum building coverage: thirty-five percent, however, this may be increased up to a maximum of eighty-five percent if the following bonuses are used or the project is on a lot in a subdivision or binding site plan that has met all the requirements of Chapter 14.23.
 1. Projects containing mixed uses: five percent bonus.
 2. Projects with three or four story building: five percent bonus.
 3. Projects providing a pedestrian oriented plaza or area of at least one hundred fifty square feet along a pedestrian walkway at an intersection corner, bus stop or other key pedestrian area approved by the city. Such areas shall contain seating for at least four people, a trash receptacle and three or more of the following: a pedestrian shelter, a drinking fountain, a bike rack, pedestrian scale lights, pavers on the walkway surfaces, a kiosk, a street vendor station providing food or beverages, trees, an appropriately sized statue or sculpture, or a public restroom.

Interior courtyards with these amenities qualify if they would be readily apparent and accessible to pedestrians on adjoining sidewalks: twenty percent bonus.
 4. Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the city: ten percent bonus.
 5. Projects providing at least fifty percent of their required parking underground or within the building: forty-five percent bonus.

Note: These bonuses are to be added to the base allowable building coverage. The provisions of the Drainage Design and Erosion Control Manual, open space, landscaping and design review requirements may further limit building coverages.

- F. Maximum development coverage: Maximum coverage by impervious surfaces sixty percent, unless increased up to a maximum of ninety-five percent if the following bonuses are used or the project is on a lot in a subdivision or binding site plan that has met all the requirements of Chapter 14.23.

1. Projects providing a pedestrian oriented area consistent with building coverage bonuses: thirty percent bonus.
2. Projects containing mixed uses: five percent bonus.
3. Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the city: fifteen percent bonus.

Note: These bonuses are to be added to the base allowable impervious surface coverage. The provisions of the Drainage Design and Erosion Control Manual, open space, landscaping and design review requirements may further limit impervious surfaces.

- G. Building height: not more than forty-five feet within one hundred feet of a prior existing single family detached subdivision.

Section 19. Section 16.23.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.23.080 Landscaping.

- A. ~~The landscaping R-requirements of Chapter 16.80 and the Development Guidelines and Public Works Standards 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.~~

Section 20. Section 16.24.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.24.060 General site planning standards.

A. Site standards.

1. Minimum lot size. The lot size shall be sufficient to accommodate the use(s) and requirements of the Lacey Municipal Code and Development Guidelines and Public Works Standards.
2. Setbacks.

Maximum front setback; ten feet for at least fifty percent of the building's front façade. The remaining portions of the front façade may be stepped back a maximum of twenty feet more than the established maximum setback for the purpose of accommodating pedestrian open space or recessed building entrances. *See Table 16T-09.*

Minimum side setback; ten feet unless waived by the Site Plan Review Committee pursuant to the policies of this chapter.

Minimum rear setback; fifteen feet

3. Building height. Pursuant to *Table 16T-08*.
4. Building coverage. The building coverage shall be sufficient to accommodate the use(s) and requirements of the Lacey Municipal Code and Development Guidelines and Public Works Standards.
5. Site development shall meet all applicable requirement of Chapter 14.23.082, 14.23.084, 14.23.086 and 14.23.087.
6. For sites over two acres in size, ten percent of the site shall be developed in commercial open space pursuant to the requirements of Chapter 14.23.088. Mixed-use developments shall comply with the open space requirements of Section 16.24.090.E.

B. Pedestrian amenities. All development must meet applicable standards of Chapter 14.23.

C. Parking

1. Parking lots

- a. All new parking areas shall be designed to the rear or side of the building. No parking areas shall be built between the building and the street.
- b. If parking is placed to the side of a project, it shall be designed to the standards in Section 14.23.087.A.3.

2. Parking structures

- a. Standard requirements. The site plan review committee shall review and approve, approve with conditions, or deny a proposal for a parking structure through the site plan review process in Chapter 16.84 of the Lacey Municipal Code. The site plan review committee may approve the parking structure only if:
 - (1) Driveway openings are limited and the number of access lanes in each opening are minimized.
 - (2) Ground level screening of parked vehicles by landscaping, or by a wall or other screening, is provided if pedestrian-oriented frontage is not developed at the ground level.
 - (3) The dimension of the parking structure abutting pedestrian areas is minimized, except where pedestrian-oriented frontage is provided.
 - (4) Whenever practicable, pedestrian-oriented uses are provided for at the street frontage.
 - (5) A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is proved at all above grade levels of the parking structure.
 - (6) A safe pedestrian linkage system between the parking structure and the principal use exists.
 - (7) The upper surface of underground parking structures shall not exceed a height of three and one-half feet above the average grade of the abutting public sidewalk and

no parking shall be permitted on top of that portion of an underground parking structure which is above the established grade.

- (8) Above ground parking structures shall not front on 6th Avenue or any arterial street unless they are visually compatible with the principal use structure and the character of development within the Woodland District.
- (9) Parking areas or garages shall be designed to provide for off-street vehicle circulation to adjoining property and parking areas where physically feasible, except that driveways and parking aisles should not cross pedestrian linkages in the Woodland Districts.

b. Specific Requirements.

- (1) Parking structures that front on the major pedestrian corridor shall comply with the requirements in Section 14.23.087.H.
- (2) Parking structures shall comply with the blank wall limitation requirements in Section 14.23.086.C.4, with the exception of transparent walls, if a pedestrian-oriented retail component is not designed into the facility.

3. The requirements in Section 16.72 shall be met.

D. Building Standards. Commercial and mixed-use structures shall meet all applicable standards of Chapter 14.23.082, 14.23.084, 14.23.086, and 14.23.087.

Section 21. Section 16.25.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.020 Permitted uses.

- A. Specific categories of permitted uses are listed, by land use district, in *Table 16T-06*. In addition to such listing, child day care centers will be allowed subject to the provisions of Chapter 16.65 of the Lacey Municipal Code as a permitted use in sub-areas 4 through 8.
- B. ~~Any person owning property in the city, agent of such person or resident of the city may appeal the determination of the enforcing officer and/or site plan review committee to the hearings examiner, following procedures and requirements specified in Chapter 16.84. Any decision of the Community Development Department or the Site Plan Review Committee may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.~~
- C. *Table 16T-06* an explanation thereof shall be used in determining generalized land uses in the city of Lacey's Central Business District.

Section 22. Section 16.25.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.030 Similar or related uses.

- A. Uses similar to, or related to, those listed in Section 16.25.020 are permitted upon a finding of the enforcing officer and/or the site plan review committee that a particular unlisted use is consistent with the intent of this the Chapter ~~16.25~~ and compatible with the policies of the Lacey

Comprehensive Land Use Plan. The officer and/or committee shall make the determination according to the characteristics of the operation of the proposed use and based upon ~~the officer's and/or committee's interpretation of a Standard Land Use Coding Manual and/or the Standard Industrial Classification Manual and/or the North American Industry Classification System.~~

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

1. The proposed use is appropriate in this area.
2. The development standards for a similar or related use can meet those of a permitted use.
3. The public need is served by the proposed use.

C. ~~Any person owning property in the city, agent of such person or resident of the city may appeal the determination of the enforcing officer and/or site plan review committee to the hearings examiner, following procedures and requirements specified in Chapter 16.84. Any decision of the Community Development Department or the Site Plan Review Committee may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.~~

Section 23. Section 16.25.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.060 Dimensional requirements.

Area and dimensional requirements by land use district are identified in *Table 16T-07*. Any specific exemptions or variations to the requirements in the chart are given in Section 16.25.060.A. All parcels and structures shall conform to these requirements. In addition to the requirements of *Table 16T-07*, the following additional standards shall also apply:

A. Upper-level setbacks. An upper-level setback of ten to twenty feet from all street property lines shall be required for all buildings between forty and sixty feet in height and an additional upper level setback of ten to twenty feet for each additional ~~again in~~ forty-foot to sixty-foot intervals shall be required, ~~provided, that buildings fronting on the major pedestrian corridor must be set back at forty feet.~~

Additional upper-level setbacks may be imposed at the discretion of the enforcing officer and/or site plan review committee to preserve significant views and vistas. An owner/developer may appeal such a decision to the hearings examiner following procedures and requirements specified in Chapter 16.84.

B. Dimensional requirements in CBD Districts. See *Table 16T-07*.

C. Maximum building heights. See *Table 16T-08*.

Section 24. Section 16.25.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.070 Environmental performance standards.

- A. It shall be the responsibility of the operator and/or the proprietor of any proposed use to provide such evidence and technical data as the enforcing officer and/or site plan review committee may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Failure of the enforcing officer and/or site plan review committee to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of the Lacey Municipal Code.

- B. An environmental ~~impact assessment~~ determination shall be made by the responsible official site plan review committee in accordance with the procedures contained in Chapter 14.24 of the Lacey Municipal Code.

Section 25. 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 provide ~~ensure the provision of~~ a safe and convenient pedestrian circulation linkage system as described in this Section 16.25.090 and consistent with meeting the pedestrian circulation requirements set forth in Section 14.23.086. ~~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.~~

- CD. 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.

- DE. 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.

- EF. 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.

FG. 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.

GH. 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.

HI. 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.

IJ. 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.

JK. 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.

KL. 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.

LM. 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.

MN. Where a linkage system adjoins a public street, the system's width shall be measured from the edge of the existing or proposed curb.

NO. ~~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 this Chapter 16.25 and the City of Lacey Development Guidelines and Public Works Standards. In no case shall the width be less than the standards under Section 14.23.087.H and Table 14T-16.~~

OP. 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 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*.

PQ. 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.

QR. 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.

RS. The property owner shall install street trees, in addition to any other landscaping requirements, in accordance with the City of Lacey Development Guidelines and Public Works Standards. *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 by Section 14.23.086. Street trees must be planted as specified in Section 16.25.090.U.~~

ST. Outdoor exhibits, displays, sales, service of food 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 26. Section 16.25.100 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.100 Landscaping requirements.

- A. The provisions of Chapter 16.80 and ~~Table 14T-16~~, 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.

Section 27. Section 16.25.110 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.110 Off-street parking.

- A. The provisions of Chapter 16.72, except as they conflict with Section 16.25.110, apply to development in the CBD land use districts.
- B. The site plan review committee shall review and approve, approve with conditions or deny a proposal for a parking structure through the site plan review process in Chapter 16.84. The site plan review committee may approve the parking structure only if:
 - 1. General
 - a. Driveway openings are limited and the number of access lanes in each opening are minimized.
 - b. Ground level screening of parked vehicles by landscaping, or by a wall or other screening, is provided if pedestrian-oriented frontage is not developed at the ground level.
 - c. The dimension of the parking structure abutting pedestrian areas is minimized, except where pedestrian-oriented frontage is provided.
 - d. Whenever practicable, pedestrian-oriented uses are provided for at the street frontage.

- e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above grade levels of the parking structure.
- f. A safe pedestrian linkage system between the parking structure and the principal use exists.
- g. The upper surface of underground parking structures shall not exceed a height of three and one-half feet above the average grade of the abutting public sidewalk and no parking shall be permitted on top of that portion of an underground parking structure which is above the established grade.

2. Requirements of specific locations. In addition to the requirements of Subsection 16.72.030.D.3.a., pedestrian-oriented frontage is required at ground level of a parking structure along any street in a CBD land use district if the parking garage is located at the zero front setback line and/or at the zero side setback line of a corner lot.

~~a. Along Sleater Kinney, College, 6th and 7th Avenues, if the parking garage is located within fifty feet of those streets, and is between Martin Way and Pacific Avenue;~~

~~b. Along any street in a CBD land use district if the parking garage is located at the zero front setback line and/or at the zero side setback line if a corner lot.~~

C. Parking areas or garages shall be designed to provide for off-street vehicle circulation to adjoining property and parking areas where physically feasible, except that driveways and parking aisles should not cross pedestrian linkages in CBD land use districts.

D. An owner/developer may elect to provide off-street parking by entering a voluntary agreement with the city to pay a fee-in-lieu of constructing or otherwise causing the provision of off-street parking facilities as provided for in Section 16.25.110.A. and Chapter 16.72 of the Lacey Municipal Code. Such contributions shall be at a rate as determined by the city engineer, adjusted annually by a construction cost price index. All contributions shall be deposited in a “downtown parking reserve fund.” The fund shall be administered by the city and proceeds shall be used to further the objective of expanding the supply of off-street parking spaces and facilities.

Priorities for construction of parking facilities shall be identified in a comprehensive parking plan and capital improvements program approved by the city council. The plan shall take into consideration the amount of available off-street parking within an area, the need for concentration of public parking facilities to prevent proliferation of private parking lots alternating with buildings, the visual and traffic impacts of parking areas or garages and the degree to which the parking areas or structures will encourage pedestrian circulation.

All moneys voluntarily contributed by an owner/developer shall be spent or loaned by the city within twenty years on public parking areas or structures within the same CBD land use district from which the contribution originated.

Section 28. Section 16.25.140 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.140 Woodland Creek protection.

All developments and uses proposed for lands bordering Woodland Creek in sub-areas 6 and 7 shall be required to maintain a two-hundred-foot in depth natural buffer from the ordinary high water mark on

both sides of the creek. Within this buffer area, no development or use shall be permitted except for natural open spaces, trails, passive recreational activities, streets and utility services. Stormwater runoff directed to Woodland Creek shall be pretreated to mitigate water quality impacts as approved by the city.

Section 29. 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.
- 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 Comprehensive Land Use Plan. 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 30. Section 16.27.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.040 Environmental performance standards.

- A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title. Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.
- B. An environmental determination ~~impact assessment~~ shall be made by the responsible official ~~site plan review committee~~ in accordance with the procedures contained in Chapter 16.84 of this title.

Section 31. Section 16.27.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.050 Site area. The Mminimum size of any parcel to be developed in this district shall be ten thousand square feet.

~~The size and shape of sites shall be as follows:~~

- ~~A.~~
- ~~B. Maximum building coverage shall be thirty percent.~~

Section 32. Section 16.27.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.060 Building location.

Location of buildings or structures on site, if adjacent parcels are in same zoning district or in another commercial or industrial district, shall be as follows:

- A. Setbacks from side property lines, fifteen feet;
- B. Setbacks from rear property lines, fifteen feet;
- C. Setbacks from front property lines fifteen feet.

Setbacks required by this Section may be waived by the Site Plan Review Committee pursuant to the policies of this chapter.

Section 33. Section 16.27.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.070 Adjacent areas.

Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, ~~in addition to the rear or side setbacks required in Section 16.27.060 or Section 16.27.110,~~ provide a ~~ten-foot~~ fifteen foot strip for landscaping along said common boundary in accordance with Section 16.80.030.

Section 34. Section 16.34.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.34.080 Landscaping.

- A. All landscaping requirements of ~~Chapter 16.25 and~~ Chapter 16.80 shall be satisfied.
- ~~B. Yard Setback Landscaping. All required minimum yard setback areas shall be landscaped with suitable ground cover and deciduous or evergreen trees, not to be less than:~~
 - ~~1. Side yard(s), six feet,~~
 - ~~2. Rear yard, six feet.~~

BC. Adjacent Areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, ~~in lieu of the rear or side yard setbacks required in Section 16.34.060,~~ provide a ~~sixteen-~~fifteen foot strip for landscaping along said common boundary in accordance with Section 16.80.030.

~~The exterior edge(s) of the common boundaries shall be densely planted with a Type One vegetation having a minimum height of four feet at the time of planting.~~

~~D. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion 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.~~

CE. Landscaping Plan. A plan of all proposed landscaping shall be submitted along with the site plan for review by the site plan review committee.

Section 35. Section 16.36.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.36.050 Building size. The size of buildings shall be as follows:

- A. Maximum gross floor area of building for single use, ten thousand square feet;
- B. Maximum gross floor area of building for combination use, forty thousand square feet;
- C. Maximum building coverage, fifty percent;
- D. Maximum development coverage, seventy percent;
- E. Maximum building height, thirty-five feet;
- F. Setbacks:
 - 1. Front, maximum ten feet, ~~minimum zero feet~~;
 - 2. Rear, minimum fifteen feet;
 - 3. Side, minimum ten feet.

Section 36. Section 16.36.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.36.070 Parking.

- A. ~~One parking space for each five hundred square feet of gross floor area shall be required. The number of parking spaces required shall be in accordance with Chapter 16.72 and Table 16T-06.~~
- B. Parking spaces may be used for loading zones in this district, provided that loading operations shall not obstruct driveways.
- C. Off-street parking spaces are to be so arranged as to make it unnecessary for vehicles to back out into the public right-of-way.
- D. Parking shall be provided to the rear or side of the structure. No parking shall be permitted between the building and the right-of-way.
- E. All design, parking and pedestrian requirements for mixed use zones in Chapter 14.23 shall also be satisfied.

Section 37. Section 16.36.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.36.080 Landscaping.

- A. Requirements of Chapter 16.80 shall be satisfied.
- ~~B. All required yard areas shall be landscaped with a Type Two landscaping including lawn, shrubs, flowers, and deciduous and evergreen trees, not to be less than forty percent of each yard area and the sum total of which must equal fifteen percent of the site.~~
- ~~—The exterior edges of yards abutting residential properties shall be densely planted with a Type One site screening vegetation having a minimum height of four feet at the time of planting.~~
- ~~C. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion 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. Street frontage shall have a minimum six foot planter strip with street trees planted thirty five feet on center.~~
- ~~E. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times.~~
- BF. A plan of all proposed landscaping shall be submitted along with the site plan for review by the site plan review committee.

Section 38. Section 16.37.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.070 Design standards.

- A. Relationship between buildings. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- B. Interior circulation. Development proposals shall include the following components:
 - 1. Location and number of access points to the public streets.
 - 2. Sidewalks that provide continuous pedestrian and bicycle access along public, state, or private access roads and to primary uses within the development.
 - 3. General interior circulation.
 - 4. Separation of pedestrian and vehicular traffic, via strategically located, clearly defined pedestrian corridors through parking lots and other means of clearly differentiating pedestrian areas from vehicle areas. The number and location of pedestrian corridors shall be determined by the city based on the size and scale of the development.
 - 5. Arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and the neighboring properties.
- C. Access. Connection to arterials shall be made at city determined locations. Full access to arterials may be restricted by the city where necessary to facilitate efficient traffic circulation.
- D. Transit. Buildings shall be located so as to encourage and facilitate the use of transit and other forms of transportation alternatives to the single occupancy vehicle.

- E. Signs. The size, location, design, color, texture, lighting and materials of all signs shall not detract from the design of proposed buildings and structures and shall comply with Chapter 16.75.
- F. Parking. All parking areas and structures shall comply with the standards of Chapter 16.72.
- G. Utilities. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility facilities, except fire hydrants, shall be landscaped and screened with sight-obscuring vegetation.
- H. Standards for convenience stores and service stations.
1. Must be sized and designed to be compatible with the Hawks Prairie Business District zone.
 2. Convenience stores and service stations shall not be permitted on any parcel adjacent to an intersection.
 3. Special attention must be given to assure compliance with the standards for the area. The site plan review committee may require revisions to the proposed layout in order to achieve such consistency.
 4. Maximum front building setback shall be fifteen feet.
 5. ~~On-premises~~ Signs must be consistent with the ~~on-premises~~ sign regulations contained in Chapter ~~16.75~~ 16.80.
 6. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.
- I. Standards for restaurants with drive through windows.
1. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.
 2. Drive through lanes and parking areas may not be located between the building and any public street.
 3. Restaurants with drive through windows shall not be permitted on any parcel adjacent to an intersection.
- J. Mixed use occupancies. Residential units and retail business or office uses shall be permitted within the same structure, subject to the following limitations:
1. The nonresidential uses must have vehicular access via a business street or arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.
 2. Business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.
 3. Business and residential portions of the building must be separated by a soundproofed concrete or wood floor, insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration or requiring regular access.
- K. Design review. All development in the Hawks Prairie Business District shall be consistent with the appropriate provisions of Chapter 14.23 of the Lacey Municipal Code.

Section 39. Section 16.37.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.080 Site plan requirements.

- A. All developments in the Hawks Prairie Business District shall require site plan review and approval pursuant to Chapter 16.84.
- B. Development proposals contiguous to undeveloped parcels shall show conceptually how the adjacent property may be developed in relationship to the lot or parcel proposed for development. The plan should generally indicate how open space, parking, driveways, walkways, etc., will relate or connect to adjacent parcels.
- C. The site plan review committee may require changes in proposed development plans in order to ~~ensure~~^{insure} consistency with the vision and intent of the Hawks Prairie Business District as set forth in this chapter and *Tables 16T-67 through 16T-70* and incorporated herein.

Section 40. Section 16.39.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.39.020 Permitted uses.

- A. Specific types of uses permitted in the light industrial/commercial district include:
 1. Light industrial activities involving the manufacture, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;
 2. Such goods or products may include, but are not limited to:
 - a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,
 - b. Electrical and electronic equipment or products,
 - c. Warehousing and storage of equipment, commodities and products.
- B. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:
 1. Uses similar to, or related to, or compatible with those listed or described in Section 16.39.020.A of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan. ~~Lacey development plan.~~
 2. The criteria for such finding of similarity, etc., 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.
 3. Commercial uses or activities which complement the permitted uses such as:
 - a. Service stations,

- b. Hardware stores.
 - 4. Commercial uses which, although not essential to the successful functioning of these areas, do not create significant interference or conflict with the permitted activities. They may include:
 - a. Restaurants, including drive-in,
 - b. Motels,
 - c. Business, professional and personal services (e.g., banks, accounting services, barber shops),
 - d. Taxidermy,
 - e. Veterinary clinics (limited to small animals).
 - 5. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises.
 - 6. Firemen's sleeping quarters in fire houses.
- C. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.
- 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 Chapter 70.105.210 of the Revised Code of Washington.

Section 41. Section 16.39.080 of the Lacey Municipal Code is hereby amended 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.~~
- CD. 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.
- DE. All requirements of Chapter 16.80, Landscaping, shall be met.

Section 42. Section 16.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.40.020 Permitted uses.

- A. Specific types permitted in the light industrial district include:
 - 1. Light industrial activities involving the manufacture, assembly, repair, servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community.

Such goods or products may include, but are not limited to:

 - a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,

- b. Electrical and electronic equipment or products;
- 2. Light industrial activities involving the assembly of manufactured products and processing of materials.

Such products may include, but are not limited to:

- a. Sheet metal, cans, cable,
 - b. Cloth, paper,
 - c. Commercial bakery goods,
 - d. Cosmetics,
 - e. Dairy products,
 - f. Scientific, medical and precision instruments and equipment;
- 3. Other uses:
 - a. Warehousing and storage of equipment, commodities and products,
 - b. Laundry and dry cleaning plants,
 - c. Mineral extraction subject to Chapter 16.45 of the Lacey Municipal Code,
 - d. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises,
 - e. Firemen's sleeping quarters in fire houses;
 - 4. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area);

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

- 1. Uses similar to, or related to, or compatible with those listed or described in Section 16.40.020.A of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan ~~Lacey development plan~~;
- 2. The criteria for such finding of similarity, etc., 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. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.

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 light industrial uses, enhances the marketability of the light industrial zone 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 Chapter 70.105.210 of the Revised Code of Washington.

Section 43. Section 16.43.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.050 Development standards. Site development plans shall conform with the following standards:

A. Relationship of PID Site to Adjacent Areas. The design of a PID shall take into account the relationship of the site to the surrounding areas. The perimeter of the PID shall be so designed as to minimize undesirable impact of the PID on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PID.

B. Site Acreage. The minimum site for a planned industrial development shall be ten acres.

~~C. Access to Public Right of Way. Access serving the PID shall be subject to Chapter 16.73.~~

CD. Lot Size. The minimum lot size provisions of other chapters of the zoning title are waived in a planned industrial development.

DE. Setback and Side Yard Requirements. Setbacks from the exterior boundary line of the PID area shall be comparable to or compatible with those of existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than fifteen feet.

EE. Off-Street Parking. Off-street parking shall be provided in a PID in the same ratios for types of buildings and uses as required for the underlying zoning district and as described in Chapter 16.72 of this title.

FG. Height Limits. Height limits will be imposed if necessary to prevent detrimental effects upon the surrounding properties.

GH. Transportation Terminals. Transportation terminals shall not be located within one thousand feet of any residential district, and any newly constructed roads or drives accessing terminal areas shall not be located within five hundred feet of any residential district.

HI. Landscaping.

1. Yard Setback Landscaping. All exterior minimum yard setback areas shall be landscaped with suitable ground cover and deciduous or evergreen trees, not to be less than:

- a. Front yard, fifteen feet,
- b. Side yard(s), five feet,
- c. Rear yard, five feet;

The sum total of the site shall have no less than twenty percent landscaping. Landscaping must be included within the interior of the lot. Suitable ground cover may be grass, ivy, bark, river rock, and the like. 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. All deciduous trees shall have a minimum of one-and-one-half inch caliper measured six inches above existing grade and all evergreen trees shall be six to eight feet tall at time of planting.

2. Adjacent Areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, in lieu of the exterior boundary setback required in Section 16.43.050~~(S)~~, provide a twenty-five foot strip for landscaping along said common boundary. *S cut*

The exterior edge(s) of the common boundaries shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting.

3. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion 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.

4. Refuse.

- a. Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high.
- b. No refuse container shall be permitted between a street and the front of a building.
- c. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

5. Plot Plan.

SEE ORDINANCE 1208 CNT

~~a. A plot plan of the proposed landscaping and screening shall be submitted before building permits are issued. The plan may be incorporated into plans submitted for site plan review or hearings examiner review.~~

~~b. Plan Requirements. The site plan shall be accurately drawn, using an appropriate engineering or architect scale, and showing the following:~~

- a. (1) Boundaries and dimensions of the site;
- b. (2) Location and identification of all streets, alleys and easements on or abutting the site;
- c. (3) Location and approximate dimension of all conforming structures within one hundred feet of the site on abutting properties;
- d. (4) Proposed location and dimensions of all on-site buildings;
- e. (5) Existing and proposed topography at a maximum of five-foot contours, or by an alternate method approved by the City manager;
- f. (6) Proposed landscaping including location, species and size at time of planting;
- g. (7) Existing vegetation in general and identifying all evergreen and deciduous trees four inches and greater in diameter measured at twenty-four inches above grade level;
- h. (8) Details of any proposed architectural barriers;
- i. (9) Location of existing and proposed driveways and parking surfaces, curbs and sidewalks.

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6. Installation and Security Requirements.

- a. Landscaping required pursuant to this chapter must be installed to the satisfaction of the enforcing officer, in accordance with the approved site plan, no later than three months after issuance of a certificate of occupancy for the project. The enforcing officer may extend the time limit for compliance up to six months after issuance of a certificate of occupancy when circumstances beyond the control of the applicant warrant an extension.
- b. The enforcing officer may require performance bonds or other appropriate security, including letters of credit and set aside letters, to ensure ~~insure~~ landscaping will be installed and maintained for one year, according to the approved plan and specifications.

7. 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.

Section 44. Section 16.44.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.010 Intent.

The purpose of the planned community process is to protect and improve the public health, safety and welfare by pursuing the following objectives:

- A. To ensure that future growth and development which occurs as the result of a planned community is in accord with the Comprehensive Land Use Plan ~~development plan~~ and ~~the~~ other planning policies of the city;
- B. To provide for large-scale projects that incorporate a full range of land uses, including major employment centers, with supporting housing, commercial services, and other facilities and services for the employees and residents of the project;
- C. To encourage innovations and creativity for the safe, efficient and economic use of land;
- D. To ensure and facilitate the provision of adequate public services such as transportation, water, sewage, storm drainage, electricity and open space;
- E. To encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation, increased public access to mass transit, bicycle routes and other alternative modes of transportation;
- F. To improve the design, quality and character of new development so as to reduce energy consumption and demand and to minimize adverse environmental impacts including degradation of wildlife habitat and important natural features in the area;

- G. To foster and ensure a rational pattern of relationship between residential, business and industrial uses so as to complement and minimize impacts on existing neighborhoods;
- H. To ensure coordination of commercial and industrial building designs which will be harmonious and blending with each other and the natural environment.

Section 45. Section 16.44.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.030 General steps for review and approval.

The review and approval of a planned community shall consist of three steps:

- A. Conceptual approval of the planned community through Comprehensive Land Use Plan development plan and zoning map amendments, with the zoning map amendments not effective until approval of the master plan for the site;
- B. Adoption of the master plan for the site;
- C. Approval of subdivisions or planned residential developments as may be appropriate.

Section 46. Section 16.44.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.040 Conceptual approval.

- A. Purpose. The purpose of conceptual approval is to establish general land use policies to guide detailed planning for and development of the planned community. The conceptual plan shall identify the generalized land uses and services proposed for the site. Prior to site development, a master plan shall be approved consistent with the policies and conditions of conceptual approval.
- B. Review. Conceptual approval shall consist of an amendment to the Comprehensive Land Use Plan development plan and an amendment to the official zoning. Pursuant to the legislative review procedures contained in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. Notice of hearings on conceptual approval will be provided to all property owners within one thousand feet of the subject site. The zoning map amendment shall be in conformance with the Comprehensive Land Use Plan development plan and shall be limited by the conditions in subsections 16.44.040.D and .E of the Lacey Municipal Code.
- C. Form and Contents of Application for Conceptual Approval of the Planned Community. An application for conceptual approval shall include:
 - 1. Textual Information.
 - a. Name, address, zip code and telephone number of applicant,
 - b. The names, addresses, zip codes and telephone numbers of all landowners within the subject property,
 - c. The names and addresses of all property owners within one thousand feet of the site,
 - d. The legal description and tax parcel number(s) of the subject property,
 - e. The existing zoning and plan designation on the subject property,

- f. The acreage contained within the proposed planned community; the number of dwelling units permitted and proposed; and the number of dwelling units per acre of land permitted and proposed,
 - g. The total acreage of nonresidential uses permitted and proposed, by type of use,
 - h. Applicable school district(s), fire district(s) or departments, and other special purposes districts,
 - i. The means by which the proposed planned community meets the objectives of Section 16.44.010 of the Lacey Municipal Code,
 - j. Proposed amendatory language for the applicable subarea plan,
 - k. Anticipated phasing of development,
 - l. General description of options for source(s) of water supply, method(s) of sewage disposal, methods of stormwater control, and means to handle hazardous materials and hazardous waste if applicable,
 - m. When no environmental impact statement is provided, identify potential major anticipated adverse environmental impacts and general mitigating measures, including off-site improvements, which may be incorporated in a subsequent master plan,
 - n. An explanation of all features not readily identifiable in map form;
2. Conceptual Plan and Supporting Maps.
- a. A vicinity map showing the location of the site and its relationship to surrounding areas, including existing streets and major physiographic features such as railroads, lakes, streams, shorelines, schools, parks or other prominent features,
 - b. Parcel boundaries,
 - c. Freeways, highways and streets servicing and abutting the area and parcel,
 - d. The existing zoning and development plan designation for all areas of the planned community,
 - e. Generalized proposed land uses including:
 - (1) Potential uses,
 - (2) Range of densities and housing types,
 - (3) Phasing of development,
 - (4) Any proposed zoning or development plan changes,
 - f. Vehicular circulation plans, with points of ingress and egress, and correlation to existing and proposed area transportation facilities,
 - g. Existing site conditions including water courses, wetland area, flood plains, unique natural features, forest cover, and elevation contours of appropriate intervals to indicate the topography of the entire tract for a reasonable distance beyond the boundaries of the proposed development to include adjacent or nearby lands where project impacts are relevant.

- D. Effect of Conceptual Approval. Upon conceptual approval, the planned community boundaries, proposed use districts and case file number shall be identified upon the official zoning map. These districts shall only be effective upon approval of a master plan meeting the requirements of conceptual approval and of this chapter.
- E. Development Prior to Master Plan Approval. Unless specifically authorized at the time of conceptual approval, no development permit may be issued prior to master plan approval except for:
1. Recreational facilities, including golf courses;
 2. Transportation facilities;
 3. Public utilities; and
 4. Public facilities, including schools.

Preexisting uses shall be regulated as specified in Chapter 16.93 of the Lacey Municipal Code.

Section 47. Section 16.45.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.45.040 Future uses.

- A. Whenever mineral extraction sites are exhausted or their extraction ceases to be economically justified, or are discontinued for any other reason, the site shall be restored to a condition which will:
1. Support regeneration of natural vegetative growth by the reintroduction of topsoil and appropriate seeding and fertilizing;
 2. Eliminate or reduce to a reasonable minimum level the erosion of soil by the action of winds or water runoff.
- B. Future use of such sites shall be subject to site plan review and environmental review impact assessment, and may require an environmental impact statement. The review and assessment shall take into account:
1. The overall needs of the community;
 2. The use of land and zoning in the general vicinity of the site;
 3. The adaptability of the site for the proposed use;
 4. The availability of utilities, adequate traffic ways;
 5. Such other factors as the site plan review committee and/or the hearings examiner may recognize as being reasonably related to the proposal for a new use of the site.

Section 48. Section 16.48.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.48.050 Environmental impact.

- A. ~~An Environmental assessment review shall be made conducted by the responsible official site plan review committee of all new construction, additions or expansions in areas designated environmentally sensitive/critical and/or for which SEPA review is normally required. for which a building permit is required.~~ Toward this end an environmental checklist shall be required in connection with all applications for building permits requiring such environmental review. ~~in this district.~~
- B. If the environmental assessment results in a declaration of nonsignificance, and no environmental impact statement is required, the enforcing officer may, nevertheless, make reasonable requirements designed to mitigate potentially undesirable or hazardous effects identified in the environmental checklist.
- C. If the environmental assessment results in the requirement of an environmental impact statement, the procedure and review process provided for in Chapter 14.24 of the Lacey Municipal Code shall be followed.

Section 49. Section 16.57.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.57.040 Emissions.

- A. Air Pollution. Air pollution shall be controlled by the operator and/or the proprietor of any land use or activity permitted by this chapter.
- The ambient air quality standards specified in Regulation I of the ~~Olympia Air Pollution Control Agency, (OAPCA),~~ Olympic Region Clean Air Agency (ORCAA) shall apply to all air contaminants listed therein.
- B. Toxic Substances. Toxic substances shall be kept to concentrations not exceeding one-fiftieth of interior standards by use of the best available control methods and technology in all phases of plant operation and handling of materials, and by an active commitment to good housekeeping practices.
- Toxic substances not listed in Regulation I of ORCAA ~~OAPCA~~, but released into the air shall be limited in accordance with the most current publication entitled "Threshold Limit Values," of the American Conference of Governmental Hygienists.
- C. Sewer Use. Liquid wastes shall be disposed of through local sanitary sewer systems only upon approval of affected public sewer authorities.
- D. Waste Disposal. Liquid or solid wastes unacceptable to public sewer authorities shall be disposed of on a regular basis in keeping with the best operating characteristics of the industry, and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in waste disposal and environmental health and safety.
- E. Heat and Glare. Any operation producing intense heat or glare shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.
- F. Radioactive Materials and Radiation Devices. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the regulatory jurisdiction and control of the Radiation Control Agency of the Washington State Department of Social and Health Services as amended.

G. Vibration and Concussion. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity. Such temporary construction activity shall be restricted to the hours between 7:00 a.m. and 9:00 ~~6:00~~ p.m.

Section 50. Section 16.60.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.040 Types of uses permitted.

A. Specific Types Permitted. In a planned residential development, the following uses are permitted, provided that they meet the standards and criteria established in this title:

1. Those uses permitted as a matter of right in the underlying zone;
2. Residential developments of all types as defined in this chapter;
3. As a secondary use, the following neighborhood commercial uses may be permitted in a PRD subject to the limitations set forth in Section 16.60.130 of the Lacey Municipal Code and shall be located within the interior:
 - a. Grocery store,
 - b. Drug store,
 - c. Barber/beauty shop,
 - d. Laundromat,
 - e. Other, unlisted, similar or related uses, provided the enforcing officer and/or the site plan review committee makes the determination that:
 - (1) The particular unlisted use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan Lacey Development Plan,
 - (2) The use is appropriate in the development, and
 - (3) The development is served by the proposed use;

B. Other or Related Uses Permitted. Other or related uses permitted include:

1. Accessory uses specifically geared to the needs of the residents of the PRD such as motor vehicle or boat storage structures, or structures related to open space use, subject to the building and development coverage limitations of the underlying zone;
2. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code;
3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code.

Section 51. Section 16.67.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.67.030 Adult entertainment facilities permitted in certain land use zones subject to certain restrictions and standards.

A. Adult entertainment facilities falling under the definitions of adult bookstores, adult novelty stores, adult video stores or other similar adult uses may be permitted in the following zones subject to the standards and requirements of Section 16.67.040 and spacing requirements identified below:

1. Land use zones permitted:

~~a. Central Business District 2;~~

~~b. Central Business District 3;~~

ae. General Commercial; and

bd. Light Industrial.

2. Spacing and buffering requirements:

a. No such adult entertainment facility shall be located closer than three hundred thirty feet from another adult entertainment facility, whether such other facility is located within or outside the city limits;

b. No such adult entertainment facility shall be located closer than three hundred thirty feet from any sensitive land use or land use zone identified in Section 16.67.050, whether such zone or use is located within or outside the city limits.

3. General standards. All the standards of Section 16.67.040 shall apply.

B. Adult arcades and adult live entertainment facilities shall be permitted in the following zones subject to the standards and requirements of Section 16.67.040 and the spacing and buffering requirements identified below:

1. Land use zones permitted: Light Industrial.

2. Spacing and buffering requirements:

a. No adult arcade or adult live entertainment center shall be located closer than six hundred sixty feet from another adult arcade or adult live entertainment center nor closer than three hundred thirty feet from any other adult entertainment facility, whether such other business is located within or outside the city limits.

b. No adult arcade or adult live entertainment center shall be located closer than six hundred sixty feet from any sensitive land use or land use zone identified in Section 16.67.050, whether such zone or use is located within or outside the city limits.

3. General standards. All standards of Section 16.67.040 shall apply.

Section 52. Section 16.72.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.72.030 District Parking requirements.

A. The requirements for any use not listed herein shall be those of the listed use most similar to the unlisted use. When similarity is not apparent, the enforcing officer and/or the site plan review committee shall determine the minimum and maximum for the unlisted use.

B. For conditional uses, as identified and described in Chapter 16.66 of the Lacey Municipal Code, the parking requirement shall be as provided in that chapter or as determined by the site plan review committee.

C. Residential District. Off-street parking requirements for residential districts are located in *Table 16T-13*.

D. Commercial, Business Park and Industrial Uses.

1. General Parking Standards

Parking standard table:

a. In the several commercial, industrial, business park, and mixed use districts, off-street parking requirements shall be as shown in Table 16T-13, provided that all of the property is controlled by a single person or corporation, or written agreements for shared parking, acceptable to the city, are filed with the enforcing officer.

b. Phased reduction of maximum parking standards:

The maximum parking requirements shall be reduced over time as provided for in the following schedule:

2002+ Reduce all maximum values identified in *Table 16T-13* by "1". Provided no maximum values will be reduced below "1".

Prior to the scheduled decrease of maximum off-street parking requirements taking effect, the planning commission shall conduct a review and assessment of the adequacy of the parking requirements by land use type and by individual land use district. The Planning Commission may hold a public hearing on the matter and shall make a recommendation to the city council. The scheduled maximum parking requirements shall become effective automatically unless acted upon by ordinance of the city council. Development applications granted preliminary approval prior to action by the city council shall be vested and allowed maximum values under the then existing off-street parking requirement.

c. Reducing minimum standards and increasing maximum standards:

The site plan review committee may reduce the minimum amount of parking pursuant to requirements of Section 16.72.030.D.3 of the Lacey Municipal Code and/or the mixed use parking reduction standards in *Table 16T-13* of Chapter 16.72.

Additionally, the maximum parking standards may be increased if the site plan review committee finds compelling reasons to do so. Such determination shall be at the sole discretion of the committee based upon such factors as unique site or use requirements, historical data of a particular use or other relevant factors indicating additional parking is necessary to properly serve a use or uses at a site.

Shared parking agreements are encouraged if the physical relationship between the premises makes such sharing possible.

2. If more parking spaces than the maximum permitted by *Table 16 T-13* exist on the subject property, an owner/developer may lease those excess spaces until conformance with *Table 16 T-13* is reached.

If fewer parking spaces than the minimum required by *Table 16 T-13* exist on the subject property, no parking space existing on the effective date of Ordinance 1130 may be eliminated unless it is replaced by another parking space serving the use or techniques are applied to allow such reduction pursuant to Chapter 16.72 of the Lacey Municipal Code.

The minimum automobile and bicycle parking requirements specified in *Table 16 T-13* may be adjusted by the enforcing officer and/or site plan review committee under the following conditions: when in their opinion an adjustment will be in accord with the purposes of Chapter 16.72 of the Lacey Municipal Code, and will not create an adverse impact on existing or potential uses adjoining the subject property, or in the general vicinity of the subject property. Covenants, guarantees or agreements shall be required as necessary to ensure continued compliance with Chapter 16.72 of the Lacey Municipal Code.

- a. Two or more uses may share a parking area or garage if:
 - (1) The total number of parking spaces provided is at least equal to the sum of the minimum number of spaces required for each use less the mixed use parking reduction standard, if permitted, and no greater than the sum of the maximum number of spaces permitted for each use; or
 - (2) The uses are operating during different hours and the number of parking spaces is at least equal to the minimum number of spaces required for all uses operating at the same time less the mixed use parking reduction standards, if permitted, and no greater than the maximum number of spaces permitted for all uses operating at the same time.
- b. Where adjoining parking facilities of two or more ownerships are developed and designed as one parking facility, a reduction of required parking spaces may be permitted based upon the increased potential opportunity for shared parking and other parking reduction techniques. Parking reduction allowed will be commensurate with parking techniques utilized.
- c. The continuation of joint or shared facilities shall be assured by a sufficient legal document such as a covenant or reciprocal easement agreement or by participation in a local improvement district or parking association. Joint or shared parking associated with multi-tenant retail and commercial uses will be considered to be a shared parking facility. Lease agreements will satisfy the requirement for a sufficient legal document. However, any new tenant whose parking requirement reduces the total parking available in the shared parking facility below seventy-five percent of the requirements for all uses sharing the facility, will be required to provide additional parking.
- d. For large projects where a traffic study is required under Chapter 14.21 (Traffic Mitigation and Concurrency) of the Lacey Municipal Code and the proposal has one hundred or more employees, a comprehensive TDM strategy may be proposed for a reduction in required minimum parking. Upon demonstration to the enforcing officer and/or site plan review committee that effective alternatives to automobile access are in effect, they may reduce, by not more than fifty percent, in increments the amount of parking prescribed for any use, or combination of uses on the same or adjoining sites. Additionally, a bonus credit towards transportation impact fees may be awarded for reducing parking area pursuant to Section 16.72.030 of the Lacey Municipal Code. The reduction in parking permitted and the incentive bonus shall be commensurate with the permanence, effectiveness and

demonstrated reduction in off-street parking demand effectuated by such alternative programs.

Alternative programs that may be considered by the enforcing officer and/or site plan review committee under this provision include, but are not limited to the following:

- (1) Private vanpool operation;
 - (2) Transit/vanpool fare subsidy;
 - (3) Imposition of a charge for parking;
 - (4) Provision of subscription bus services;
 - (5) Flexible work hour schedule;
 - (6) Capital improvements for transit services;
 - (7) Preferential parking for carpools/vanpools;
 - (8) Participation in the ride-matching program;
 - (9) Reduction of parking fees for carpools and vanpools;
 - (10) Establishment of a transportation coordinator position to implement carpool, vanpool and transit programs;
 - (11) Bicycle parking facilities including associated shower and changing facilities;
 - (12) Compressed work week;
 - (13) Telecommuting.
- e. Anyone proposing a parking reduction under this Section 16.72.030.D.3 of the Lacey Municipal Code must provide information regarding the administration of the program to the site plan review committee. The information must include:
- (1) Address each individual TDM strategy as part of the transportation impact analysis;
 - (2) Provide the city with an estimate of peak hour employees as part of their site plan review application and traffic impact analysis;
 - (3) Provide estimated parking occupancy rates for the development as part of the transportation impact analysis showing average weekday use;
 - (4) Demonstrate how TDM strategies will be used to minimize the need for parking.

E. Transportation Demand Management Incentives.

The site plan review committee shall determine whether the applicant can receive a traffic impact mitigation fee reduction for implementation of TDM strategies that reduce parking needs. Such incentives will be as listed in the following schedule as well as any traffic mitigation credit allowed under Section 14.21.030 of the Lacey Municipal Code. The incentive bonus is as follows:

- a. Any developer who builds at the minimum amount of parking allowed shall receive a five percent trip reduction in the calculation of traffic impacts.

- b. Any developer who builds at or below the minimum and includes significant strategies from Section 16.72.030.D.3.d. of the Lacey Municipal Code is eligible for an additional five percent trip reduction bonus.
- c. Additional bonuses will be allowed under the provisions of Section 14.21.030 of the Lacey Municipal Code.

Section 53. Section 16.80.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.80.030 Special requirements.

- A. The following uses require Type I landscaping on all sides when located above ground and not housed within a building or accessory to another use, and if located outside a public right-of-way:
 - 1. Utility substation
 - 2. Sewage pumping station
 - 3. Water distribution facility
 - 4. Communication relay station.
- B. Whenever a non-residential activity is proposed adjacent to a residential zone or use a minimum fifteen-foot buffer area of Type I landscaping shall be provided along the property boundary between the uses.
- C. The following uses require Type III landscaping along the street frontage and throughout the required front yard area and Type II landscaping between the required front yard area and improvements on the property and along interior property lines unless a more stringent requirement is specifically identified in a land use district:
 - 1. Church
 - 2. Commercial or public parking lot or structure not serving a primary use.
 - 3. Government service building
 - 4. Community club
 - 5. School
 - 6. Hospital.
- D. An area around the base of each utility pole, groundmounted sign or similar fixtures must be landscaped to improve the overall appearance of the area. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, or decorative framing. All refuse storage container areas shall be constructed and landscaped in accordance with Tables 16T-24 and 16T-25.
- E. In front yard areas required to be landscaped under city requirements, a minimum of sixty percent of the required area shall be landscaped in grass or other approved ground cover. This grass area may also contain trees, shrubs, and other permitted plant materials; however, the grass area shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering.

Section 54. Section 16.81.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.81.010 Generally.

An enforcing officer designated by the city manager shall administer and enforce this title. If the enforcing officer finds that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this title to ensure ~~insure~~ compliance with or to prevent violation of its provisions.

Section 55. Section 16.84.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.010 Site plan review required, application and committee membership.

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.
2. A change of land use at an existing site or structure when the new activity requires either 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 development conditions to comply with existing 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 fifty percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in ~~Section~~ ^{CHAPTER} 14.04.015 of the Lacey Municipal Code. ^{Adopting the Building Code.} The value of existing structures shall be the most recent value assigned by the County Assessor. The fifty percent threshold shall be cumulative over the most recent five years, including calculations of all previously exempt remodels, but shall not include life/safety improvements or normal maintenance not requiring a building permit. 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 of the Lacey Municipal Code.

B. An application, in completed form, shall be filed for site plan review and approval with the department of community development ~~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 of the Lacey Municipal Code.

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 56. Section 16.84.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.080 Amendment of site plan.

A site plan granted approval by the SPRC, hearings examiner or by the city council may be amended. If, in the opinion of the director of community development, the modifications are considered minor, no additional review process shall be required. If the modifications are considered significant by the director of community development, then the site plan shall be modified by the same procedures provided under Section 16.84.020.A of the Lacey ~~Municipal~~ Municipal Code.

Section 57. There is hereby added to the Lacey Municipal Code, a new Section, 16.84.105 to read as follows:

16.84.105 Noncompliance-Penalty.

If the enforcing officer determines that there has been continuing noncompliance with the conditions of site plan review approval previously granted by the Site Plan Review Committee, such officer may schedule a meeting before such committee for purposes of determining whether such approval shall be revoked, suspended or modified. Notice of such meeting shall be provided to the current land owner and the applicant whose project has been approved. At the conclusion of such meeting, the Site Plan Review Committee may revoke, suspend or modify a site plan review approval previously granted for the project or uses listed, if such committee determines that there has been continuing noncompliance with the conditions of such permit or other regulations governing such use.

Section 58. Section 16.84.110 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.110 Division of Land Pursuant to Final Binding Site Plan.

A. If the owner of commercial or industrial land wishes to legally divide such land in accordance with a preliminary binding site plan approved pursuant to the terms of this chapter, such owner shall, within the time limits set forth in Section 16.84.100, file with the city a final binding site plan containing the following information, requirements and conditions:

1. Identification of the scale to which the drawing is prepared;
2. Identification and illustration of the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by the site plan review committee in approving the preliminary binding site plan;
3. Inscriptions or attachments setting forth the limitations and conditions for use of the land as have been established by the site plan review committee in approval of the preliminary binding site plan;

4. An appropriate statement or provision requiring that any development on such land be in conformity with the conditions of the site plan approval;
 5. A proper legal description of each lot contained within the site;
 6. Be accompanied by a plat certificate no more than thirty days old from a title company showing interest of the persons signing the declaration of binding site plan and showing restrictions encumbering the land.
- B. There shall accompany and be referenced on said final binding site plan a lot owners association agreement and protective covenants containing at a minimum the following provisions:
1. Membership in the lot owners association will be mandatory for all lot owners.
 2. The lot owners association shall have the power to levy fees and dues necessary to successfully maintain all common areas, including, but not limited to, utilities, shared parking facilities, open space, landscaped areas and streets;
 3. Such agreement shall provide for the collection of attorney fees extended in collecting delinquent assessments from lot owners;
 4. The responsibility of the lot owners association in relationship to the maintenance of the various common facilities and areas shall be detailed;
 5. The amount of the initial fees or dues shall be established and be subject to approval of the city;
 6. All agreements and requirements for shared parking shall be set forth;
 7. All protective covenants and declarations applicable to the properties within the site shall be subject to approval of the city.
- C. All public works improvements required by the approval of the preliminary binding site plan shall be installed and approved or proper financial security provided for such installation and approval prior to submitting the application for final binding site plan approval. Such public works improvements shall include landscaping for all common areas of the full site. Landscaping for each individual lot may be completed and approved or financial security provided therefore prior to the issuance of a building permit for such lot.
- D. Upon receipt of the final binding site plan application and any accompanying documents, the community development director or the director's designee shall review the plan and documents to determine that the plan conforms with the conditions of the preliminary binding site plan approval and is otherwise in compliance with the ordinances of the city. The director or such designee may go upon the property for purposes of verifying the accuracy of the final binding site plan map. If the director determines that the final binding site plan and accompanying documents are in full compliance with the preliminary conditions and all applicable ordinances, the signature of the director shall be affixed to such final binding site plan document prior to the same being recorded with the Thurston County Auditor.

The final binding site plan shall be approved, disapproved or returned to the applicant for modification in accordance with the full administrative review process and timelines outlined in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards ~~within thirty days from the date of filing the same with the city, unless the applicant has consented to an extension of such time period.~~

Section 59. Table 16T-09 of the Lacey Municipal Code is hereby amended to read as attached hereto.

Section 60. Table 16T-13 of the Lacey Municipal Code is hereby amended to read as follows:

Use	Unit Measure	Min	Max	Required Bicycle Parking Spaces
BUSINESS PARK				
General Business Park ¹	Per 1,000 square foot	2	4	See offices
COMMERCIAL				
Banks	Per 1,000 gross square feet	2	3	See offices
Billiard Halls	Per table	1	2	1 per 20 auto stalls. Minimum of 4
Bowling Alleys	Per alley	3	5	1 per 20 auto stalls. Minimum of 4
Commercial recreation	Per 1,000 s.f.	3	5	1 per 20 auto stalls. Minimum of 4.
Daycare, preschools, nursery schools	Per teacher plus one drop off loading area per 7 students	0.5	1	1 per 25 auto stalls. Minimum of 1
Hotels, motels	Per room or suite	1	2	See retail
Medical and dental clinic and offices	Per 1,000 S.F. of GFA	2	4	See offices
Mini storage	Per 100 units or a minimum of 3 spaces plus 2 for permanent on-site managers	1		None
Mortuaries, funeral homes	Per 4 seats	1	2	None
Neighborhood Commercial Shopping Area	Per 1000 square feet	1	2	See retail
Office building	Per 1,000 GFA • With on-site customer service • Without on-site customer service	2 1.5	4 3	1 per 15 auto stalls. Minimum of 2.
Regional shopping centers, food and drug stores	Per 1,000 square feet of GFA	3	6	See retail
Restaurants	Per 100 square feet of dining area	1	4	See retail
Retail	Per 1,000 gross square feet	3	6	1 per 20 auto stalls. Minimum of 2

¹ The Site Plan Review Committee may lower the ratio to as little as five-tenths per 1,000 GFA if a covenant is attached to the property that limits the occupancy load to 95% of the parking stalls available. In addition, the SPRC may authorize a parking ratio up to 5 spaces per 1,000 GFA if the need can be demonstrated. In no case shall the number of permitted allowable occupants exceed the number of parking stalls without a special permit.

Use	Unit Measure	Min	Max	Required Bicycle Parking Spaces
Retail in mixed use development ²	Per 1,000 gross square feet	2	4	See retail
Service Stations (mini marts are retail uses)	Per employee plus per service bay	0.5	1	None
INDUSTRIAL				
General Industrial	Greatest number of employees on a single shift plus one S.F. of parking for each s.f. of display area plus one space for each vehicle owned, leased or operated by the company	0.5 ³	1	See offices
Warehouse	Per 1000 GFA plus Per 400 GFA used for office or display area	1 1		None
INSTITUTIONAL				
Convalescent facilities, nursing homes	Per 2 patient beds	1	3	See offices
Hospital	Per bed	0.5	1	See offices
Libraries	Per 200 S.F. of GFA	0.5	1	1 per 20 auto stalls. Minimum of 2.
Schools, elementary and junior high	Per classroom and office	1	1.5	1 per classroom
Schools, senior high	Per classroom and office plus per each 5 students of designated capacity	1	2	1 per five auto stalls. Minimum of 2
PLACES OF ASSEMBLY				
Places of assembly without fixed seats	Per 1000 GFA ⁴	10	11	1 per 25 auto stalls. Minimum of 2.
Places of worship	Per 4 seats	1	2	1 per 40 auto stalls. Minimum of 4.
Stadiums, auditoriums, gymnasiums, theaters ⁵	Per 4 seats of the permitted assembly occupants.	1	1.5	1 per 25 auto stalls. Minimum of 4.

² If retail space in a mixed-use development exceeds 40 percent of the gross floor area of the development, the retail use parking requirements of this section applies to the entire space.

³ This ratio may be used if considerable Commute Trip Reduction strategies are employed to the satisfaction of the Site Plan Review Committee.

⁴ Gross square feet does not include enclosed or covered areas used for off-street parking or loading, mechanical floor areas or covered public spaces as identified in Section 16.24.090.

⁵ School and/or public facility parking spaces may be used provided the facilities are on the same or contiguous parcels within 300 feet of the theater or auditorium.

Use	Unit Measure	Min	Max	Required Bicycle Parking Spaces
RESIDENTIAL				
Accessory Dwelling Unit	Per dwelling unit	1		None
Single Family	Per dwelling unit	2		None
Duplexes	Per dwelling unit	2		None
Multifamily Structures	Per dwelling unit	1.5		1 per 10 auto stalls. 2 minimum per building.
Mobile Home Subdivision	Per dwelling unit	2		None
Mobile Parks ⁶	Per dwelling unit	1.5		None
Rooming houses, lodging houses, bachelor or efficiency units	Per occupant	1	3	None
Senior citizen apartments	Per 3 dwelling units	1	2	See multifamily

The following notes apply to all of the above uses:

- The minimum requirements of this chart may be reduced by Section 16.24.080, 16.24.060.D. and/or 16.72.030.D.
- Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a 5% parking reduction for two uses, 10% parking reduction for three uses and 15% parking reduction for four or more uses.
- Parking spaces provided as part of the above/below grade parking amenity identified in **Table 14T-12** shall be exempt from all maximum parking requirements.
- All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least 5% of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.

Section 61. Tables 16T-24 and 16T-25 of the Lacey Municipal Code are hereby repealed.

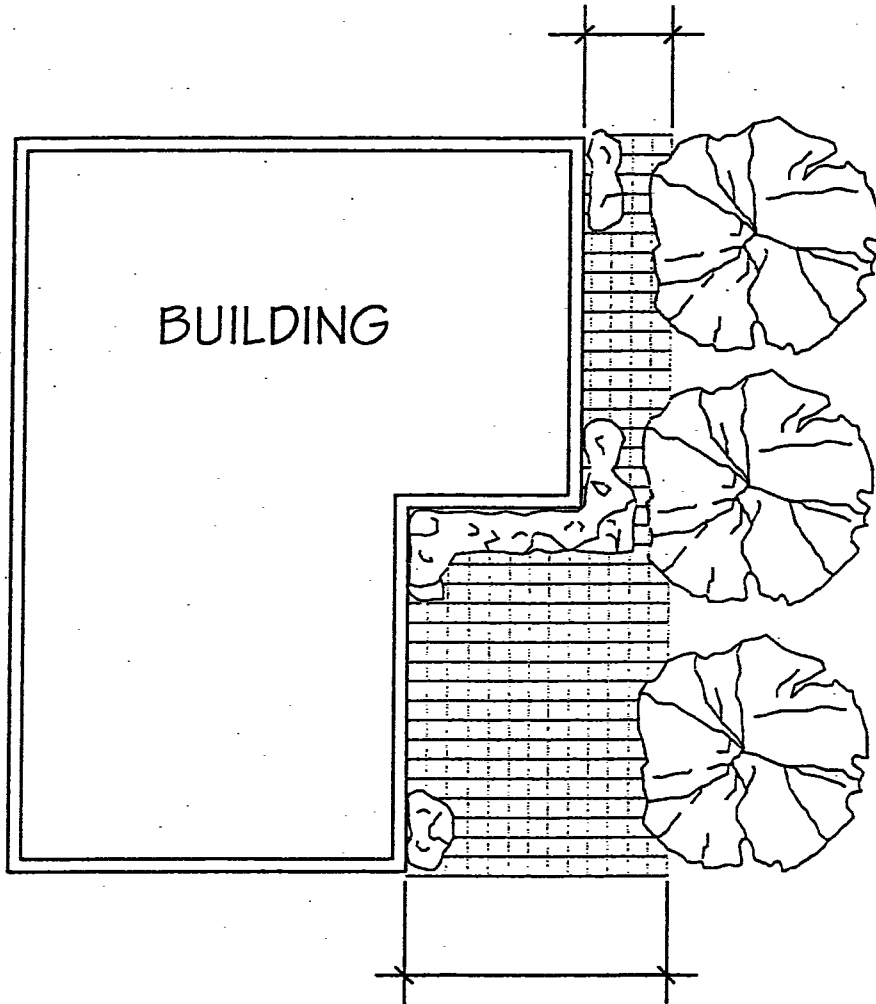
Section 62. There is hereby adopted new Tables 16T-24 and 16T-25 as attached hereto.

Section 63. The Summary attached hereto is hereby approved for publication.

⁶ In mobile home parks, the parking spaces in excess of one per mobile home may be grouped in shared parking areas.

TABLE 16T-09

MAXIMUM
~~MINIMUM~~ FRONT
YARD SETBACK

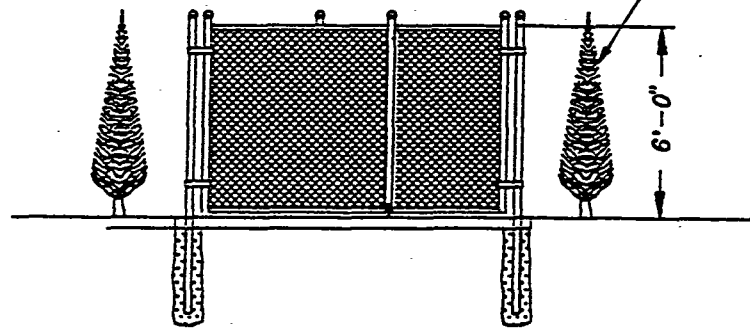
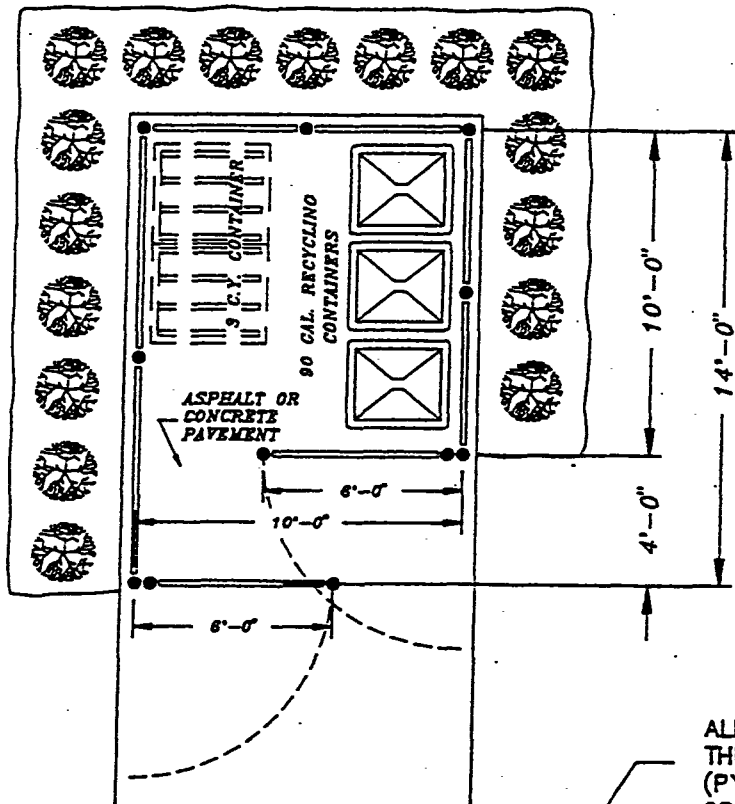


ADDITIONAL SETBACK ALLOWED
FOR PORTION OF FRONT FACADE

ORDINANCE 1135 SECTION 3, 2000

TABLE 16T-09

09/00



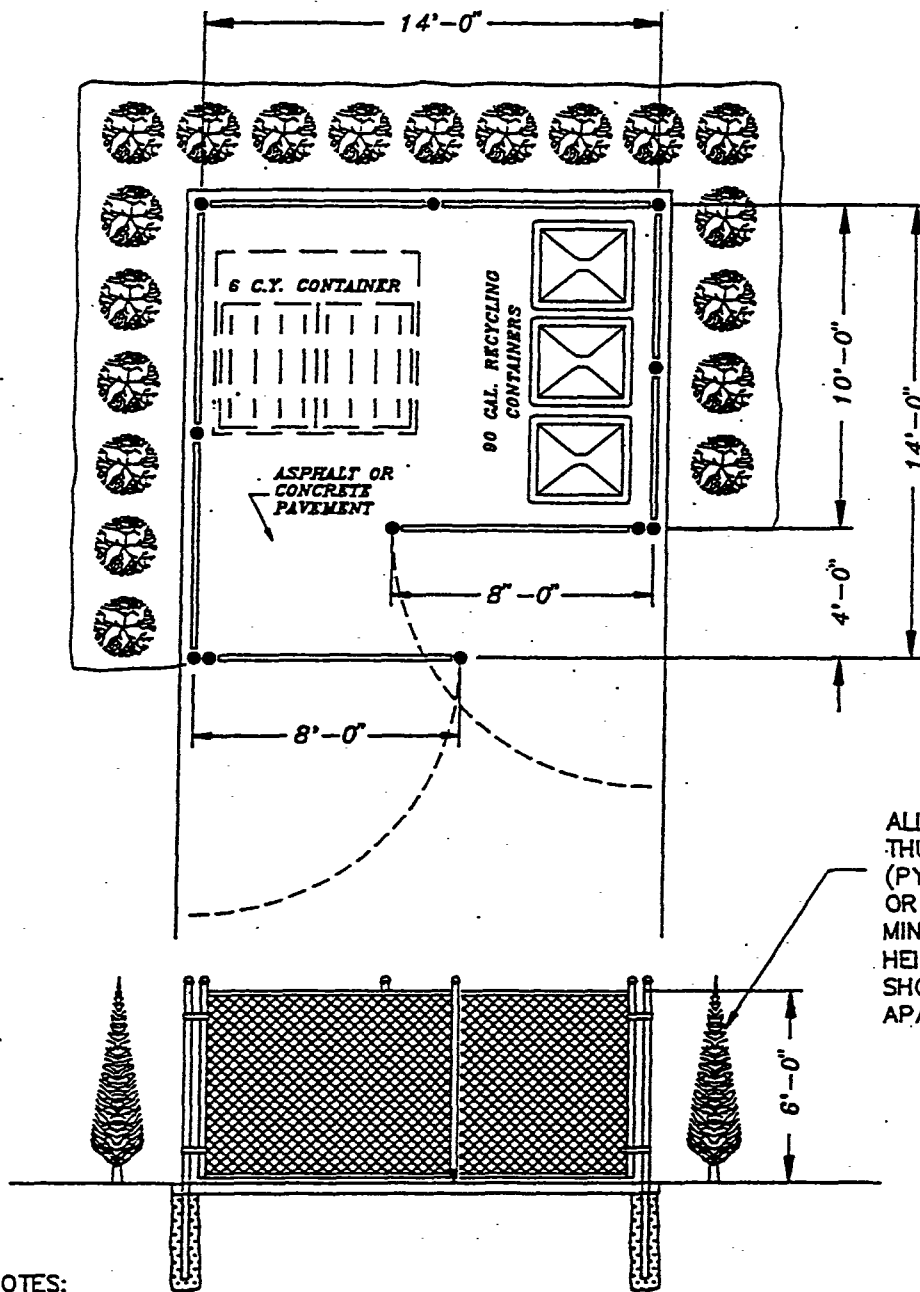
ALL SHRUB TREES TO BE THUJA OCCIDENTALIS PYRAMIDAL (PYRAMIDAL EASTERN ARBORVITAE) OR EQUAL. TREES MUST BE A MINIMUM OF 3 TO 5 FEET IN HEIGHT AT TIME OF PLANTING AND SHOULD BE SPACED 2 TO 2.5 FEET APART FROM EACH OTHER.

NOTES:

1. 6' HIGH CHAIN LINK FENCE TO BE CONSTRUCTED OF GALVANIZED 9 GAUGE CORE WIRE WITH 2" MESH OR WALLS. MAY BE CONSTRUCTED OF CONCRETE BLOCK OR BRICK.
2. PROVIDE CASTERS AND VERTICAL LOCKING DEVICES AT FREE ENDS OF DOORS.
3. DOORS MUST SWING OPEN AT LEAST 90 DEGREES FROM CLOSED POSITION.
4. DOORS MUST SWING FREELY AND BE ABLE TO BE LOCKED IN OPEN POSITION.
5. PROVIDE A MINIMUM OF 50 FEET "STRAIGHT-IN" APPROACH TO FRONT OF ENCLOSURE.
6. AREA MUST BE FREE OF OVERHEAD OBSTACLES, SUCH AS POWER LINES, BUILDING OVERHANGS, ETC.
7. CONTAINERS MUST BE PLACED ON A HARD LEVEL SURFACE, EITHER ASPHALT OR CONCRETE.
8. CONTAINERS MUST BE COVERED.
9. FENCE POST TO BE SET IN CONCRETE TO A DEPTH OF 36" BELOW FINISHED GROUND LEVEL.
10. CONTACT PACIFIC DISPOSAL FOR APPROPRIATE SIZE OF THE CONTAINERS.

TABLE 16T-24

CITY OF LACEY, WASHINGTON			
DEPT. OF COMMUNITY DEVELOPMENT			
10' X 10'			
REFUSE CONTAINER			
STORAGE AREAS			
APPROVED <i>John P. New</i> BUILDING OFFICIAL		DATE 5-6-92	DWG. NO. R-2
DES. GGW	DWN. GGW	CKD. JN	DATE 4/30/92



ALL SHRUB TREES TO BE THUJA OCCIDENTALIS PYRAMIDAL (PYRAMIDAL EASTERN ARBORVITAE) OR EQUAL TREES MUST BE A MINIMUM OF 3 TO 5 FEET IN HEIGHT AT TIME OF PLANTING AND SHOULD BE SPACED 2 TO 2.5 FEET APART FROM EACH OTHER.

NOTES:

1. 6' HIGH CHAIN LINK FENCE TO BE CONSTRUCTED OF GALVANIZED 9 GAUGE CORE WIRE WITH 2" MESH OR WALLS MAY BE CONSTRUCTED OF CONCRETE BLOCK OR BRICK.
2. PROVIDE CASTERS AND VERTICAL LOCKING DEVICES AT FREE ENDS OF DOORS.
3. DOORS MUST SWING OPEN AT LEAST 90 DEGREES FROM CLOSED POSITION.
4. DOORS MUST SWING FREELY AND BE ABLE TO BE LOCKED IN OPEN POSITION.
5. PROVIDE A MINIMUM OF 50 FEET "STRAIGHT-IN" APPROACH TO FRONT OF ENCLOSURE.
6. AREA MUST BE FREE OF OVERHEAD OBSTACLES, SUCH AS POWER LINES, BUILDING OVERHANGS, ETC.
7. CONTAINERS MUST BE PLACED ON A HARD LEVEL SURFACE, EITHER ASPHALT OR CONCRETE.
8. CONTAINERS MUST BE COVERED.
9. FENCE POST TO BE SET IN CONCRETE TO A DEPTH OF 36" BELOW FINISHED GROUND LEVEL.
10. CONTACT PACIFIC DISPOSAL FOR APPROPRIATE SIZE OF THE CONTAINERS.

TABLE 16T-25

CITY OF LACEY, WASHINGTON			
DEPT. OF COMMUNITY DEVELOPMENT			
14' X 10'			
REFUSE CONTAINER			
STORAGE AREAS			
APPROVED <i>John P. [Signature]</i>		DWG. NO. R-1	
BUILDING OFFICIAL		DATE 5-6-92	
DES. GGW	DWN. GGW	CKD. JN	DATE 4/30/92

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this
26th day of February, 2004.

CITY COUNCIL

By Dir. S. Clark
Mayor

Approved as to form:

[Signature]
City Attorney

Attest:

Carol Fitter
Deputy City Clerk

Published: March 1, 2004

SUMMARY FOR PUBLICATION

ORDINANCE 1220

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on 2/26/04, Ordinance No. 1220, entitled "AN ORDINANCE MAKING TECHNICAL AMENDMENTS TO THE CITY'S ZONING AND CONSTRUCTION CODES, PROVIDING A PROCEDURE IN CASES OF CONTINUING NON-COMPLIANCE WITH SITE PLAN REVIEW CONDITIONS, ADDING ADDITIONAL REFERENCES IN THE CITY'S SEPA SUBSTANTIVE AUTHORITY ADOPTION: AMENDING SECTIONS 14.24.160, 15.16.010, 16.09.010, 16.10.050, 16.12.050, 16.13.050, 16.14.050, 16.15.050, 16.18.040, 16.22.010, 16.22.020, 16.22.030, 16.22.060, 16.22.080, 16.23.010, 16.23.020, 16.23.030, 16.23.060, 16.23.080, 16.24.060, 16.25.020, 16.25.030, 16.25.060, 16.25.070, 16.25.090, 16.25.100, 16.25.110, 16.25.140, 16.27.020, 16.27.040, 16.27.050, 16.27.060, 16.27.070, 16.34.080, 16.36.050, 16.36.070, 16.36.080, 16.37.070, 16.37.080, 16.39.020, 16.39.080, 16.40.020, 16.43.050, 16.44.010, 16.44.030, 16.44.040, 16.45.040, 16.48.050, 16.57.040, 16.60.040, 16.67.030, 16.72.030, 16.80.030, 16.81.010, 16.84.010, 16.84.080, 16.84.110, TABLE 16T-09, TABLE 16T-13; REPEALING TABLES 16T-24 AND 16T-25; ADDING NEW TABLES 16T-24 AND 16T-25 AND ADDING A NEW SECTION, 16.84.105, ALL OF THE LACEY MUNICIPAL CODE; AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are as follows:

1. Most of the Ordinance makes various technical amendments to Titles 15 and 16 of the Lacey Municipal Code relating to zoning and subdivisions.
2. The section of the Municipal Code relating to the substantive authority of the City under the State Environmental Policy Act is amended to reference additional requirements and plans, previously considered but not specifically listed in this portion of the Lacey Municipal Code.
3. The Ordinance specifically authorizes the City's enforcement officer to bring before the Site Plan Review Committee those projects where there has been continuing noncompliance with the conditions of approval so that the committee may determine whether to revoke, suspend or modify the previous approval action.
4. The Ordinance 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: MARCH 1, 2004.