

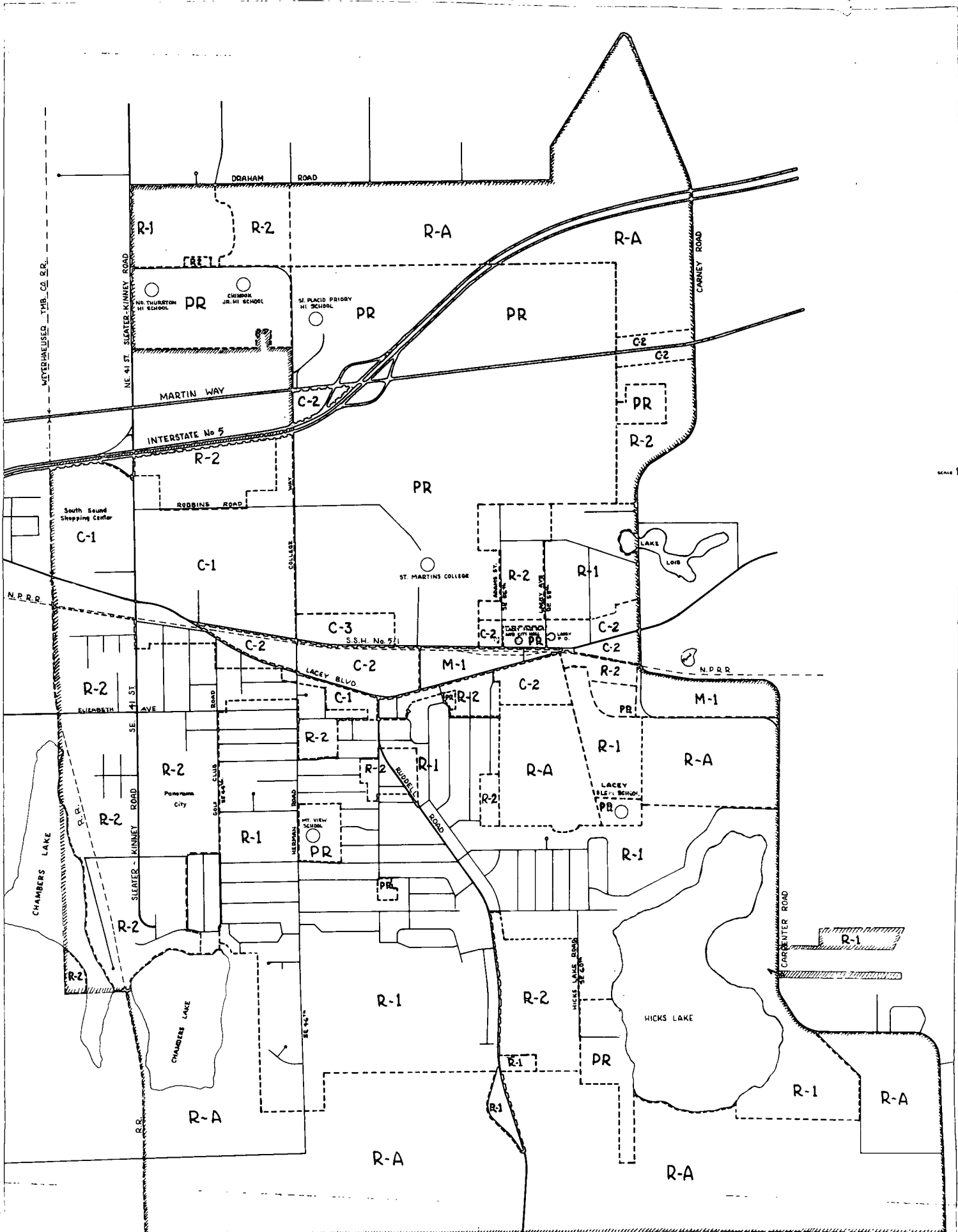
ORDINANCE NO. 125

INTERIM ZONING ORDINANCE

INTERIM
ZONING ORDINANCE
CITY OF LACEY

CITY OF LACEY
WASHINGTON

FEBRUARY 1969



SCALE

PROPOSED ZONING ORDINANCE

CITY OF LACEY

Prepared by

Lacey Planning Commission

with Staff Assistance

By Thurston Regional Planning Council

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1	Title	1
2	Establishment of Zone Districts and Zoning Map	2
3	Interpretation of Zone District Boundaries	2
4	Definitions	3
5	Single Family Residential District (R-1)	8
6	Multi-Family Residential District (R-2)	10
7	Residential Agriculture (R-A)	12
8	Retail Commercial (C-1)	15
9	General Commercial (C-2)	17
10	Arterial Commercial (C-3)	19
11	Light Industry District (M-1)	21
12	Heavy Industry District (M-2)	25
13	Public Reserve District	27
14	Off-Street Parking	29
15	Off-Street Parking Standards	31
16	Service Station Standards	33
17	Mobile Home Park Standards	35
18	Signs	38
19	Special Road Setback	40
20	Planned Residential Developments	41
21	Non-Conforming Uses, Structures, Lots	47
22	Administration & Enforcement, Building Permits	50
23	Amendments and Rezones, Conditional Use, Variance, Appeals	51
24	Provisions of Ordinance - Minimum	55
25	Fees	55
26	Violation and Penalties	55
27	Severance	56
28	Repeal of Conflicting Ordinances	56

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INTERIM ZONING REGULATIONS FOR THE CITY OF LACEY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF R. C. W. 35-63;

WHEREAS, the R. C. W. 35-63 empowers the City to enact a zoning ordinance and provide for its administration, enforcement, and amendment; and

WHEREAS, the City of Lacey, recently incorporated (December 5, 1966), and without any regulatory land use controls, the City Council therefore deems it necessary for the purpose of promoting health, safety and general welfare of the City of Lacey, to enact an Interim Zoning Ordinance, thus preventing the disruption of comfort, safety, quiet enjoyment and general welfare of the City of Lacey residents by indiscriminate urban growth and development; and

WHEREAS, the Planning Commission has established such interim zones and classifications of districts as will afford broad protective controls as may be deemed appropriate and necessary to serve public and private interest, and as a member of the Thurston Regional Planning Council is presently working in good faith toward the completion of a detailed comprehensive plan and zoning ordinance, it therefore deems it advisable to enact an Interim Zoning Ordinance;

NOW, THEREFORE, after careful consideration and after public hearings by the City of Lacey Planning Commission and City Council, and after due public notice,

THE CITY COUNCIL OF THE CITY OF LACEY DOES ORDAIN AS FOLLOWS:

SECTION 1 - TITLE

This ordinance shall be known as the Interim Zoning Ordinance of the City of Lacey.

SECTION 2 - ESTABLISHMENT OF ZONE DISTRICTS AND ZONING MAP:

2.1 - ZONE DISTRICTS:

For the purpose of promoting the public health, safety, morals and general welfare of the City of Lacey, the City is divided into the following zone districts:

R-1 - Single-Family Residential

R-2 Multi-Family Residential

R-A Residential Agriculture

C-1 Retail Commercial

C-2 General Commercial

C-3 Arterial Commercial

M-1 Light Industrial

M-2 Heavy Industrial

P-R Public Reserve

2.2 - ZONING MAP:

Said districts are bounded as shown on a map entitled "Interim Zoning Map City of Lacey" and identified by the approving signatures of the Mayor and City Clerk, and is hereby adopted by reference and declared to be a part of this Ordinance and shall be located on file in the Office of the City Clerk.

If changes are made on the Interim Zoning Map, such changes shall be entered on the Interim Zoning Map within five (5) days after amendment has been approved by the City Council. No amendment shall become effective until such change has been entered upon the Interim Zoning Map.

SECTION 3 - INTERPRETATION OF ZONE DISTRICT BOUNDARIES:

When uncertainty exists as to the boundaries as shown on the Interim Zoning Map, the Board of Adjustment shall interpret the boundaries as provided for in the Board of Adjustment Bylaws section pertaining to Boundary Interpretation.

SECTION 4 - DEFINITIONS:

- 4.1 - Accessory Use or Building - A subordinate use, structure, building or portion of building located on the same parcel of land as the main use or building to which it is accessory.
- 4.2 - Administrative Official - The Building Inspector, or other Council-authorized official, who is authorized to administer and enforce the provisions of the Ordinance. The term "administrative official" shall not include the Board of Adjustment.
- 4.3 - Basement - That portion of a building between floor and ceiling, which is partly below and partly above the finished grade, but so located that the vertical distance from the finished grade to the floor below is less than the vertical distance from the finished grade to the ceiling. If a basement has a ceiling height of seven (7) feet or more, it shall be considered a story unless it is used exclusively for parking, storage, and/or housing of mechanical or central heating equipment.
- 4.4 - Billboards - Any board, fence, sign or structure upon which any advertisement is shown, or whereupon any poster, bill, printing, painting, device or other advertising matter of any kind whatsoever may be placed, stuck, tacked, pasted, printed, or fastened.
- 4.5 - Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.
- 4.6 - Building Line - A line parallel with the property line located on the inside border of the required yard. Normally considered the outside of the foundation wall.
- 4.7 - Buildable Area - That portion of the land that remains after the required yards have been excluded from the building site.

- 4.8 - Cellars - That portion of a building between floor and ceiling which is wholly or partly below the finished grade, and is so located that the vertical distance from the finished grade to the floor below is equal to, or greater than the vertical distance from the finished grade to the ceiling.
- 4.9 - Conditional Uses - Certain uses because of special requirements, unusual character, size of shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons are classified as "conditional uses." These uses may be allowed in certain Use Districts by the granting of a conditional use permit by the Planning Commission who is responsible for the administration of conditional use procedure.
- 4.10 - Density - The permissible number of dwelling units that may be developed on a specific amount of land area, measured in dwelling units per acre. Where "low density" shall mean 1 to 5 dwelling units (d. u.) per acre, "medium density" shall mean 6 to (14) d. u. per acre, and "high density" shall mean (15) to (25) per acre.
- 4.11 - Dwelling - A building, or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple family or apartment dwellings and mobile homes.
- 4.12 - Dwelling Unit - A building or portion thereof designed exclusively for residential purposes providing complete housekeeping services for one (1) family.
- 4.13 - Floor Area - The sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, cellars, unroofed

areas, roofed areas open on two sides, areas having ceiling height of less than seven (7) feet and basements used exclusively for storage or housing of mechanical or central heating equipment.

4.14 - Floor Area Ratio - Is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

4.15 - Hotel - Any building containing six (6) or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite.

4.16 - Land Area - The total amount of square feet of ground area enclosed within the property lines of a parcel of land.

4.17 - Lot Width - The mean horizontal distance between side lot lines measured at right angles to the lot depth.

4.18 - Mobile Home - A vehicular, portable structure(s) built on a chassis designed to be used as a residential dwelling, and which is not designed to be permanently affixed to a foundation.

4.19 - Mobile Home Park - An area designed to provide space for two or more residential mobile homes, including water, sewer and power hookups; off-street vehicle parking; landscaping and open space for each mobile home space so provided.

4.20 - Motel - A building or group of buildings containing guest rooms which may or may not contain cooking facilities, and where lodging with or without meals is provided for compensation. Motels are designed to accommodate the automobile tourist or

"4.22A: Individual Professional Offices - A building or buildings used for the dispensation of professional services where no more than five (5) persons are employed, consisting of the following: beauty, barber, medical, legal, real estate, engineering, architectural or other similar professions which generally require licensing by the State of Washington."

transient, and parking spaces or garages are conveniently located near each guest room.

4. 21 - Non-Conforming Building or Structure - A building, structure, or portion thereof that was legally in existence, either constructed or altered at the time of passage of the Ordinance or amendments thereto, which does not conform with this Ordinance or amendments thereto.

4.22A

4. 22 - Non-Conforming Use - An activity in a structure or on a tract of land that was legally in existence at the time of passage of the Ordinance or amendments thereto, which does not conform with the use regulations of the Use District in which it is located.

4. 23 - Signs - A permanent structure consisting of a lettered board or other display used to identify or advertise a place of business.

4. 24 - Trailer House - See "Mobile Home".

4. 25 - Use District - A specific zoned area or district designated on the official zone map. Such area is subject to all the regulations applicable to the district that are contained in the Ordinance.

4. 26 - Variance - A modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, the literal enforcement of the ordinance would pose undue hardship unnecessary in carrying out the spirit of the Ordinance.

4. 27 - Yard - An open space unoccupied to the sky of uniform depth or width which lies between the property line and building line. The inside boundary shall be considered parallel to the nearest property line.

- 4.28 - Yard, front - A yard extending across the full width of the lot from one property line to another and measured as to depth at the least horizontal distance between street line and the exterior wall.
- 4.29 - Yard, rear - A yard extending from one property line to another except in the case of corner building sites when the rear yard shall extend from the interior side property line to the opposite side yard. Yard is measured as to depth at the least horizontal distance between the rear site line and the exterior wall.
- 4.30 - Yard, side - A yard extending from the front yard to the rear yard except in the case of corner building sites when the side yard on the flanking street shall extend to the rear property line.

SECTION 5 - SINGLE FAMILY RESIDENTIAL DISTRICT (R1)

5.1 - Intent: The R-1 Single Family Residential District is designed for low density, (four dwelling units per net residential acre) single-family use. The district shall be for use in existing development which may meet this density and for application to land proposed for this type of development.

5.2 - Permitted Uses:

Uses that are permitted as a matter of right -

- 1. Residential single-family

5.3 - Accessory Uses: Accessory buildings not exceeding twelve (12) feet in height located in the rear yard of the building to which they are accessory, provided that:

A private garage or accessory building shall be situated:

- From the property line in front -- Minimum 25 feet
- From the side lot line " 5 feet

5.4 Storage or Parking: Auxiliary to a residential use on the same lot, the minimum parking shall be as provided for in Section 14 and shall prohibit storage and parking other than as below.

5.4:1 - Three (3) vehicles, one of which may be a truck not to exceed three-quarter (3/4) ton (manufacturer's specifications) capacity; and

5.4:2 - One housetrailer and one camper; and

5.4:3 - Pleasure boats kept for other than gain or sale;

5.4:4 - Wrecked vehicles or industrial vehicles and equipment are PROHIBITED.

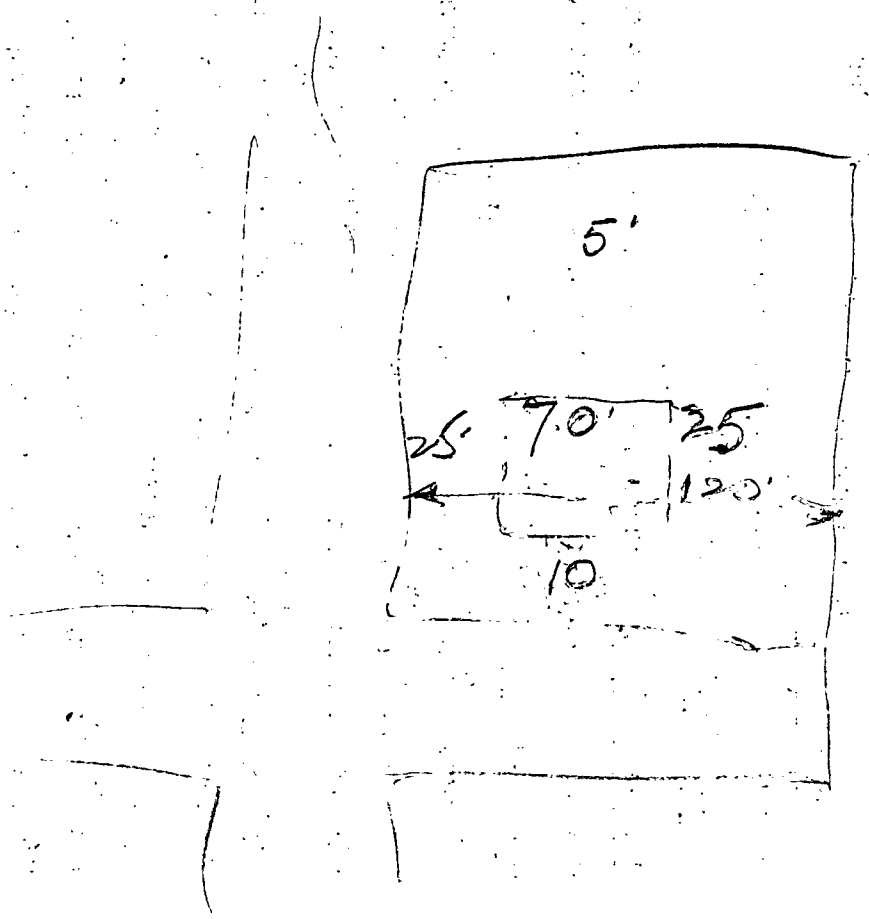
5.5 - Conditional Uses: Uses permitted by a conditional use permit --

5.5:1 - Schools

5.5:2 - Churches

5.5:3 - Public Utilities

5.5:4 - Planned Residential Developments, as provided for in Section 20.



5.5:5 - Duplexes, provided the lot area and yard setbacks are as in Section 6.5.1 and 6.5.2.

5.6 - General Provisions:

5.6:1 - Lot Area Requirements

	<u>Lot Area (sq. ft.)</u>	<u>Lot Width (feet)</u>
Single Family Dwelling		
- Public sewer & public water (public sewer & individual water)	7,200 *	60 *
- Individual sewer & public water	<u>7,200 *</u>	<u>60 *</u>
- Individual sewer & individual water	<u>9,600 *</u>	<u>80 *</u>

5.6:2 - Required Yards -

Front Yard -

From the property line:

When abutting a designated arterial road or highway - 35 feet,
as specified in Section 19.

When abutting a minor access street or road . . . - 25 feet

Side Yard - Twelve (12) feet in total from the side property line with a minimum of five (5) feet on one side. Side yard on corner site: Ten (10) feet for the side yard on the flanking street.

Rear Yard - Twenty-five (25) feet from the rear property line.

5.6:3 - Site Coverage for Single Family Houses -

Buildings, including those housing accessory uses -

Maximum of 35% of the lot area.

5.6:4 - Height for Single Family Houses - No building or structure shall exceed two (2) stories or thirty-five (35) feet in height, whichever is less.

* Subject to Health Department Regulations and Approval

a new conditional use defined as follows:

"6.4:6: Individual Professional Offices located on an arterial where it can be shown such use will not detract from the residential character of adjacent properties and where the proposed use will not cause similar strip development."

SECTION 6 - R-2 MULTI-FAMILY RESIDENTIAL DISTRICT (or RM)

6.1 - Intent: The R-2 Multi-Family Residential District is designed to accommodate moderate to medium density development in areas of the City which can accommodate the higher intense use of such development as to circulation, utilities, and proximity to employment, educational and commercial centers.

6.2 - Permitted Uses: Uses that are permitted as a matter of right -

6.2:1 - Single family use

6.2:2 - Duplexes

6.2:3 - Dormitories, fraternities & sorority houses

6.2:4 - Multi-Family Residences

6.2:5 - Boarding and rooming houses

6.3 - Accessory Uses - Any use or structure accessory to R-2 residential buildings -

6.3:1 - Shall not exceed a height of 12 feet;

6.3:2 - Shall not together occupy more than 15% of the lot area;

6.3:3 - Shall be sited not less than five (5) feet from any other building or structure.

6.4 - Conditional Uses:

6.4:1 - Churches

6.4:2 - Public Utilities

6.4:3 - Schools

6.4:4 - Planned Residential Developments

6.4:5 - Mobile Home Parks as per Section 17

← 6.4:6

6.5 - General Provisions for Multi-Family Residential:

6.5:1 - Lot Area Requirements: Each lot shall have a minimum of 10,000 sq. ft. and a width of not less than 100 feet.

6.5:2 - Building Setback Line: From property line -

- Front Yard:

When abutting a designated arterial road or highway - 35 feet,
as specified in Section 19.

When abutting a minor access street or road 25 feet

- Side Yard - A side yard shall be provided on each side of
the building of not less than ten (10) feet.

- Rear Yard - A rear yard shall be provided of not less than
twenty-five (25) feet.

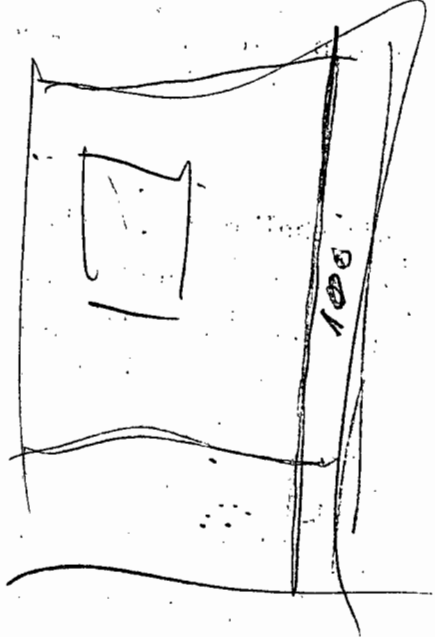
6.5:3 - Floor Area Ratio

The maximum Floor Area Ratio shall be 0.5. The maximum site coverage shall be 40%; however, if the required parking is provided inside or under the principal building (excluding an accessory building which has become part of the principal building by reason of its attachment to the principal building) or underground (where the roof of the underground parking area is not above the finished grade), an amount may be added to the floor area ratio equal to 0.15 multiplied by the ratio of such parking spaces to the total required parking spaces.

6.5:4 - Height - The height of the building shall not exceed thirty-five (35) feet or two (2) stories, whichever is less, except by special permit as issued by the Planning Commission.

6.5:5 - Open Space - Usable open space shall be provided on the site at the rate of not less than five hundred (500) square feet for each three (3) bedroom unit and not less than three hundred (300) square feet for each two (2) bedroom unit contained in the apartment building.

6.5:6 - Off-Street Parking - For off-street parking requirements see Section 14. See Section 15 for development standards.



SECTION 7 - R-A RESIDENTIAL AGRICULTURE

7.1 - Intent: The Residential-Agriculture district is intended for those parts of the City now undeveloped and where there is mixed use consisting of scattered residential and agriculture lands, which in the future will become predominantly low density residential areas. The district thus allows a transition zone area which shall be rezoned as demand may dictate and as a means of providing a green belt area between adjacent urban development.

7.2 - Permitted Uses: Uses that are permitted as a matter of right -

- All agriculture uses
- Single family residences
- Golf courses
- Parks
- Commercial orchards or truck gardens
- Commercial greenhouses, nurseries
- Riding stables
- Planned Residential Developments as provided for in Section 20.
- Duplex Residences

7.3 - Accessory Uses:

Accessory Buildings -

A building accessory to permitted uses shall be situated:

From the property line on front street	minimum 40 ft.
From the property line on flanking street	" 25 ft.
Side Yard	" 5 ft.
Rear Yard	" 5 ft.
Buildings housing animals and birds:	
From front street line	" 100 ft.
From side property line & flanking street line	" 50 ft.

7.4 - Storage and Parking

7.4:1 - Off-street parking and storage shall be provided for each dwelling unit in accordance with the general requirements for off-street parking in Section 14.

7.4:2 - Additional off-street parking and storage shall be provided for all other vehicles equal to the number of vehicles used.

7.5 - Conditional Uses: Uses that may be permitted by Conditional Use Permit as per Section 23.2 -

7.5:1 - Cemeteries

7.5:2 - Churches

7.5:3 - Community Centers

7.5:4 - Duplex Residences

7.5:5 - Mobile home on individually owned lot for temporary residential use, not to exceed two (2) years.

7.5:6 - Mobile home parks as per Section 17.

7.5:7 - Public utilities

7.5:8 - Schools

7.6 - General Provisions

7.6:1 - Lot Area Requirements:

Single-Family Dwelling -

- Public sewer & public water
(public sewer & individual water)

Lot Area
(sq. ft.)

Lot Width
(feet)

7,200 *

60 *

- Individual sewer & public water

7,200 *

60 *

- Individual sewer & individual water

9,600 *

80 *

Duplex Residences

10,000 *

100 *

7.6:2 - Required Yards -

Front Yard -

From the property line:

When abutting a designated arterial road or highway - 35 feet
as specified in Section 19.

When abutting a minor access street or road 25 feet

* Subject to Health Dept. Regulations and Approval

Side Yard - Twelve (12) feet in total from the side property line with a minimum of five (5) feet on one side. Side yard on corner site: Ten (10) feet for the side yard on the flanking street.

Rear Yard - Twenty-five (25) feet from the rear property line.

7.6:3 - Site Coverage

Buildings, including those housing accessory uses -
Maximum of 35% of the lot area.

7.6:4 - Building Height

No building or structure shall exceed thirty-five (35) feet in height except by special permit.

SECTION 8 - RETAIL COMMERCIAL (C-1)

- 8.1 - Intent: The intent of the Retail Commercial (C-1) District is to provide a core area of retail and financial facilities.
- 8.2 - Permitted Uses: Uses permitted as a matter of right:
- 8.2:1 - Retail stores and shops except the following:
- Automobile and truck sales
 - Heavy farm and construction equipment
 - Service stations
 - House trailers and mobile home sales
 - Lumber yards except as incidental to a hardware or other department store
 - Feed, grain and farm stores
- 8.2:2 - Banks and other financial institutions
- 8.2:3 - Offices
- 8.2:4 - Professional, personal and business services
- 8.2:5 - Eating and drinking establishments except drive-in restaurants
- 8.2:6 - Small appliance, clock and watch shop repair, not employing more than 5 persons.
- 8.2:7 - Clothing service shops - shoe repair, tailoring and alterations.
- 8.2:8 - Hotels and motels
- 8.2:9 - Theatres (except drive-ins), civic centers, galleries and performing arts centers.
- 8.2:10 - Governmental offices services
- 8.2:11 - Medical and dental offices and clinics
- 8.2:12 - Wholesale brokers and representatives without storage or direct sale of goods.
- 8.2:13 - Public and private parking facilities.
- 8.3 - Accessory Uses: Any use or structure that is incidental or customary to the above uses.
- 8.3:1 - Parking as per Section 14 and auto services in conjunction with a retail store, including one gas pump island containing no more than 3 pumps.

8.4 - Conditional Uses

- 8.4:1 - Service stations as per Section 16.
- 8.4:2 - Public utilities, exclusive of storage yards.
- 8.4:3 - Commercial dancing, secretarial, beauty culture and technical schools.
- 8.4:4 - Bowling alleys.
- 8.4:5 - Passenger terminal facilities.
- 8.4:6 - Planned commercial developments.
- 8.4:7 - Drive-in restaurants.

8.5 - General Provisions

- 8.5:1 - Site Requirements - Each building site shall have a minimum of 2,000 sq. ft.
- 8.5:2 - Yard Requirements - None, except where adjacent to a Residential or Public Reserve District, in which case there shall be a planted or fenced buffer strip of twenty-five (25) feet.
- 8.5:3 - Floor Area Ratio - The maximum Floor Area Ratio shall be 1.0. The maximum site coverage shall be 85% including parking.
- 8.5:4 - Height: No building shall exceed forty (40) feet except by special permit.
- 8.5:5 - Off-street Parking - Off-street parking requirements shall be provided as per Section 14. See Development Standards, Section 15.
- 8.5:6 - Off-street Loading - Off-street loading shall be provided as per Section 15.
- 8.5:7 - Signs as per Section 18.

SECTION 9 - GENERAL COMMERCIAL (C-2)

- 9.1 - **Permitted Uses:** Uses that are permitted as a matter of right -
 - 9.1:1 - Auto and truck sales
 - 9.1:2 - Farm and heavy equipment
 - 9.1:3 - Farm supply houses
 - 9.1:4 - Wholesale and warehouses, less than 10,000 sq. ft.
 - 9.1:5 - Service stations and car repair
 - 9.1:6 - Lumber sales yards
 - 9.1:7 - Building supply sales
 - 9.1:8 - Transportation terminals
 - 9.1:9 - Commercial recreation, including outdoor theatres
 - 9.1:10 - Vocational and other technical schools
 - 9.1:11 - Motor and minor equipment repair
 - 9.1:12 - Car washes
 - 9.1:13 - Plumbing, heating and electrical contractors, with sales, except storage yards.
 - 9.1:14 - Mobile homes, trailers, campers sales
 - 9.1:15 - Boat sales
 - 9.1:16 - All uses in a C-1 District
 - 9.1:17 - Drive-in restaurants

- 9.2 - **Accessory Uses** - Any use or structure incidental or accessory to a C-2 Commercial District.

- 9.3 - **Conditional Uses**
 - 9.3:1 - Gas storage (propane, butane, etc.)
 - 9.3:2 - Petroleum storage
 - 9.3:3 - Public utilities, including storage
 - 9.3:4 - Warehouse in excess of 10,000 sq. ft.
 - 9.3:5 - Stadiums, auditoriums and arenas
 - 9.3:6 - Multi-Family Residential as per Section 6

- 9.4 - **General Provisions**

- 9.4:1 - Site Area Requirements - Minimum building site shall be 5,000 sq. ft.
- 9.4:2 - Yard Requirements - None, except where adjacent to a Residential or Public Reserve District, in which case there shall be a planted or fenced buffer strip of twenty-five (25) feet.
- 9.4:3 - Floor Area Ratio - The maximum floor area ratio shall be 1.0. The maximum site coverage shall be 85% including off-street parking as per Section 15.
- 9.4:4 - Height - No building shall exceed forty (40) feet except by special permit as issued by the Planning Commission.
- 9.4:5 - Off-street Parking and Loading - For off-street parking and loading requirements see Section 14. See Section 15 for development standards.

SECTION 10 - ARTERIAL COMMERCIAL (C-3)

10.1 - **Intent:** The intent of this zone is to provide low-density commercial land areas adjacent to arterials connecting more intense commercial zones and provide a buffer between low density residential districts and commercial districts and prevent strip commercial use of these same arterials.

10.2 - **Permitted Uses:**

10.2:1 - All professional and business offices.

10.2:2 - All public offices and administrative buildings.

10.2:3 - Medical clinics, offices, optical dispensaries, and laboratories.

10.2:4 - Vocational, commercial and special schools.

10.2:5 - Banks and other financial institutions.

10.2:6 - Multi-family residences

10.2:7 - Parks, civic centers and public reserve areas

10.2:8 - Other uses similar to the above

10.2:9 - Restaurants, except drive-ins

10.3 - **Accessory Uses:** Any use or structure customarily accessory to the above uses.

10.4 - **Conditional Uses:**

10.4:1 - Schools and public utilities

10.4:2 - Research, testing, assaying and electronic laboratories.

10.4:3 - Small appliance, instrument, radio and television repair.

10.4:4 - Service shops such as dry cleaning, barber and beauty shops, providing they employ less than four (4) people.

10.4:5 - Planned Unit Shopping Center on two acres or more.

10.4:6 - Funeral Parlors and Mortuaries

10.5 - **Special Provisions:**

10.5:1 - No open storage of any materials shall be allowed.

10.5:2 - No uses shall be allowed which cause glare, emission of noise, smoke, dust, odor and fumes beyond the limits of the property lines of the property so used.

- 10.6 - General Provisions:
- 10.6:1 - Site Area Requirements - Minimum building site shall be 10,000 sq. ft.
- 10.6:2 - Building Setback Line (General) - From property line:
- Front Yard - Twenty (20) feet from property line, except for arterials -- See Section 19.
 - Side Yard - Five (5) feet on each side of building from property line.
 - Rear Yard - Ten (10) feet from property line.
- 10.6:3 - Provision for Multi-Family - Same as in Section 6.5
- 10.6:4 - Floor Area Ratio - The maximum floor area ratio shall be 0.5. The maximum site coverage shall be 50%.
- 10.6:5 - Height - The maximum allowable height shall be 40 ft. except by special permit.
- 10.6:6 - Off-Street Parking - Off-street parking shall be provided as per Section 14. Development standards for parking shall be as in Section 15.
- 10.6:7 - Off-Street Loading - Off-street loading shall be provided as per Section 15.
- 10.6:8 - Landscaping - Landscaping shall be provided as a buffer between property lines and buildings and as a buffer between the arterial and buildings.
- 10.6:9 - Adjacent R1 and R2 Zones - When this district is adjacent to a Residential District, there shall be a planted buffer strip of not less than twenty-five (25) feet.

SECTION 11 - M-1 LIGHT INDUSTRIAL DISTRICT

- 11.1 - Intent: This light industrial district is intended for light industrial uses that will minimize the conflict with surrounding areas. These uses should not create noise, smoke, fumes, odors or other objectionable nuisances that would detrimentally affect the community or adjacent areas.
- 11.2 - Permitted Uses:
- 11.2:1 - Warehouses and wholesale and storage establishments, excluding the storage and handling of explosives, and ammonia, chlorine and other dangerous toxic substances.
- 11.2:2 - Manufacturing; preserving, packaging; canning; freezing; dyeing or finishing of textiles; finishing of furniture; assembling of transportation equipment; electrical and electronic equipment; printing; publishing; storage yards for new materials and new equipment; agricultural uses, excluding keeping of livestock and cultivation of mushrooms.
- 11.2:3 - The manufacturing, compounding, processing, refining and treatment of the following materials is PROHIBITED:
1. Pulp and paper
 2. Explosives
 3. Distillation of bones
 4. Rendering of inedible fat and disposal of dead animals
 5. Glue and ammonia
 6. Slaughter house and stock yards
 7. Fertilizer manufacturing
 8. Petroleum
 9. Asphalt and tar
 10. Concrete, cement, lime, gypsum & plaster of paris
 11. Brick, tile and terra cotta
 12. Forging and smelting of metals

13. Acetylene
 14. Paint, shellac, turpentine, lacquer & varnish
 15. Lumber and planing mills
 16. Tannery and curing of raw hides
 17. Chemicals such as acid, bleaching powder, chlorine, gelatin
- 11.2:4 - Retail and wholesale of automobiles, trucks, trailers, boats, heavy equipment and other similar sales establishments.
- 11.3 - Conditions of Use:
- 11.3:1 - All permitted uses shall be housed completely within an enclosed building, except for permitted agricultural uses, outdoor display, rentals, sales or storage yards, parking and loading facilities.
- 11.3:2 - There shall be no unusual fire, explosive or safety hazards.
- 11.3:3 - There shall be no emission of smoke, dust, odors, fumes or noise that would create problems or be detrimental to other land uses.
- 11.3:4 - There shall be no production of heat, glare or vibration perceptible from any building.
- 11.3:5 - There shall be no production of noise at any boundary of the site in excess of the average intensity of street and traffic noise at this point.
- 11.4 - General Provisions:
- 11.4:1 - Lot Area Requirements: The minimum lot size shall be 10,000 square feet; minimum width 100 feet.
- 11.4:2 - Building Setback Line:
- Front Yard: The minimum front yard from the main wall of the building to the centerline of the road shall be not less than:

Thirty-five (35) feet on arterial streets and roads; twenty (20) feet on local access streets and roads, if yard is not used for off-street parking. If yard is used for off-street parking, the setback from the centerline of the road shall be not less than:

Fifty-five (55) feet on arterial streets and roads; forty-five (45) feet on local access streets and roads.

- Side Yard: A side yard of not less than fifteen (15) feet shall be provided on each side of the building, provided that this area may be used for loading and unloading to the building, and that the parking of motor vehicles may be permitted in such side yard at a distance of thirty (30) feet or more from the front property line; PROVIDED, that where a side boundary of a site abuts a residential zone, the side yard shall be not less than twenty-five (25) feet.

- Rear Yard: The minimum rear yard shall be twenty-five (25) feet from the property line.

- 11.5 - Floor Area Ratio: The maximum floor area ratio shall be one (1.0).
- 11.6 - Site Coverage: The maximum area of each site which may be built on shall be sixty (60) percent of the site area. All development in an industrial zone shall be subject to the following requirements:
- 11.7 - Height: The maximum height of a building shall be forty (40) feet except by special permit by Planning Commission.
- 11.8 - Landscaping:
- 11.8:1 - All yards shall be landscaped and the entire site and all buildings maintained in a neat, tidy manner, including all the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 11.8:2 - All loading or trucking yards shall be completely screened by buildings, trees, landscaping or eight (8) foot fences of wood, concrete block, brick or other appropriate material, or combination thereof.
- 11.9 - Off-Street Parking:
For off-street parking requirements, see Section 14. For development standards for off-street parking, see Section 15.

11.10 - Off-Street Loading:

See Section 15 for development standards for off-street loading.

SECTION 12 - HEAVY INDUSTRIAL DISTRICT (M-2)

12.1 - **INTENT**: The Heavy Industrial District is intended for uses which may create a greater degree of hazard and annoyance than those permitted in other use districts and shall exclude all residential, commercial, and other uses except those which may be accessory to the primary use.

12.2 - **PERMITTED USES**:

12.2:1 - All manufacturing, compounding, processing, refining, treatment and assembly of products and materials is permitted except the following uses:

- Explosives manufacturing and processing;
- Distillation of bones;
- Rendering of inedible fat and disposal of dead animals;
- Glue and ammonia;
- Slaughter houses and stockyards.

12.2:2 - Warehouses

12.2:3 - Storage and freight terminals

12.2:4 - Fuel and bulk storage facilities

12.2:5 - All uses in an M-1 district

12.2:6 - Other similar uses.

12.3 - **ACCESSORY USES**: Any use or structure customarily accessory to permitted uses, including cafeterias and similar uses which serve as convenience facilities primarily for those employed.

12.4 - **CONDITIONAL USES**:

12.4:1 - Junk yards, scrap and used metal processing; providing the area so used is fenced with an eight (8) ft. high, sight-obscuring fence and no automobiles or parts thereof, or other materials shall be stored or kept outside of said fence.

12.4:2 - All other uses except residential and commercial, providing it can be shown such uses will not produce or cause any annoyance or detrimental effects beyond the boundaries of property so being used.

12.4:3 - Planned industrial parks of ten (10) acres or more which shall be built as total integrated complexes of multi-industrial use, including offices, convenience commercial, and commerce.

12.5 - GENERAL PROVISIONS:

12.5:1 - Site Area Requirements:

The minimum site size shall be 20,000 sq. ft. with a minimum width of 100 feet.

12.5:2 - Building and Use Setbacks:

- Front Yard - Same as 11.4:2.

- Side Yard - Same as Section 11.4:2, except that where any property abuts any other district, there shall be the following yard requirements:

- Abutting Public Reserve and Residential Districts - 100 feet

- Abutting Commercial Districts - 50 feet

- Abutting Light Industrial District - 25 feet.

- Rear Yard - Same as Section 11.4:2, except as above.

12.6 - Floor Area Ratio: The maximum floor area ratio shall be one (1.0).

12.7 - Site Coverage: Same as Section 11.6.

12.8 - Height - The maximum height of a building or structure shall be sixty (60) feet except that it may be increased by special permit.

12.9 - Landscaping - Same as Section 11.8.

12.10 - Off-Street Parking and Loading: Shall be the same as Section 14 and Section 15.

SECTION 13 - P-R - PUBLIC RESERVE DISTRICT

13.1 - Intent: The intent of the Public Reserve District is to provide a district to perpetuate public facilities, parks, open space and recreation areas and shall apply to property now owned by public agencies and any acquired in the future. It is further the intent that this classification may be applied to quasi-public and private areas which upon application request such zoning.

13.2 - Permitted Uses:

- All public uses including buildings and structures.

13.3 - Accessory Uses:

- Any use or structure that is incidental or customary to the above uses.

13.4 - Conditional Uses

13.4:1 - Churches and other religious facilities

13.4:2 - Private schools

13.4:3 - Fraternal organizations if there is provided public recreation facilities.

13.4:4 - Church, fraternal and civic club camps and playfield facilities.

13.4:5 - Commercial recreation areas.

13.4:6 - Agricultural lands provided they are open to public access for at least part of each year.

13.4:7 - Cemeteries.

13.4:8 - Other similar facilities, providing it can be shown they will meet the intent of this District in Section 13.1.

13.5 - General Provisions

13.5:1 - Yards: There shall be minimum yards provided as determined by the Planning Commission, but in no case shall they be less than:

Front - Twenty (20) feet

Rear - Twenty-five (25) feet

Side - Twenty (20) feet

13.5:2 - Signs: The maximum size of any sign shall be six (6) square feet on all surfaces and shall be lighted indirectly only.

13.5:3 - Lot Coverage: The maximum lot coverage shall be thirty (30) percent except by special permit as issued by Planning Commission and City Council.

SECTION 14 - OFF-STREET PARKING

14.1 - Requirements:

14.1:1 - Residential -

Single-Family and Duplex Residences: Two (2) off-street parking spaces for each dwelling unit.

14.1:2 - Multi-Family -

Two (2) off-street parking spaces for each dwelling unit.

14.1:3 - Industrial -

- One (1) space for every three (3) employees computed on the basis of the greatest number of employees on a single shift; plus
- One (1) sq. ft. of parking area for each one (1) sq. ft. of display or retail sales area; plus
- One (1) space for each vehicle owned, leased or operated by the company.
- See Section 15 for Development Standards.

14.1:4 - Commercial -

All remodeling or new construction of any commercial buildings shall provide on the building site or within 200 feet of the front, rear or side entrances to said building, the following standards for off-street parking:

- General Business, commercial and personal service establishments (exclusive of food and drug stores over 5,000 sq. ft. of floor area) - Parking area equal to two (2) times the floor area.
- Food and Drug Stores - Over 5,000 sq. ft. - Parking space equal to three (3) times the floor area.
- Medical and Dental Offices - One (1) space for each 150 sq. ft. of floor area.

- Business and Professional Offices (other than Medical & Dental) - With on-site customer service: One (1) space for each 400 sq. ft. of floor area.
- Offices not providing customer services on the premises - A minimum of one (1) space for each 800 sq. ft. of floor area.
- Gasoline Service Stations - One (1) for each two (2) employees, plus one (1) for each service bay.

Any use similar to the above-mentioned uses shall meet such use standards. If similarity of uses is not apparent, the Planning Commission shall determine the standards that should be applied to the uses in question.

SECTION 15 - OFF-STREET PARKING DEVELOPMENT STANDARDS

- 15.1 - The location of all points of ingress and egress to the parking area shall be subject to approval of the City Engineer.
- 15.2 - All off-street parking spaces shall have a clear length of not less than 18 feet, a clear width of not less than 9 feet, and a clear height of not less than 7 feet. When a parking space adjoins a fence or structure over one foot in height, the width of the parking space shall be increased by one (1) foot on the side or sides which abut such fence or structure to enable the opening of vehicular doors.
- 15.3 - Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. Maneuvering aisles of not less than the following widths shall be provided:

<u>Parking Angle (in degrees)</u>	<u>Width of Aisles (in feet)</u>
90	24 (22 underground or in building)
60	17
45 & less	12

- 15.4 - All parking areas for more than four (4) vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.
- 15.5 - All parking areas for more than four (4) vehicles shall be landscaped and have planted screening when abutting any other district.

15.6 - Off-Street Loading

Total Gross Floor Area of Building(s)

Space
Required

- Less than 5,000 sq. ft.	1
- 5,000 sq. ft. to 25,000 sq. ft.	2
- 25,000 sq. ft. to 50,000 sq. ft.	3
- Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.	1 ad- ditional

All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate a vehicle forty-five (45) feet in length, eight (8) feet in width, and fourteen (14) feet in height.

Each loading space shall be surfaced with an asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.

SECTION 16 - SERVICE STATIONS

16.1 - Lot Area and Width:

- Minimum lot area - 12,000 sq. ft.
- Minimum width - 100 feet

16.2 - Height:

- Building, or signs and lights on buildings not to exceed twenty (20) feet.

16.3 - Lot Coverage:

- Maximum of 30% of lot area.

16.4 - Front Yard

Minimum 20 ft.

Side Yard

Ten (10) feet;
Twenty (20) feet if
facing flanking street;
Twenty (20) feet if
abutting residential
zone

Rear Yard

Ten (10) feet,
except if abutting
residential zone -
then 20 feet.

16.5 - Ingress and Egress

16.5:1 - No ingress or egress shall be closer than twenty (20) feet to an intersection on a collector street.

16.5:2 - No ingress or egress shall be closer than forty (40) feet to an intersection on an arterial street.

16.6 - Conditions of Use:

16.6:1 - Screening of not less than four (4) feet in height along any boundary abutting a residential zone.

16.6:2 - Service pumps or pump islands shall be a minimum of fifteen (15) feet from any property line.

16.6:3 - All servicing and servicing equipment, other than normally carried on a pump island shall be entirely enclosed within the building.

16.6:4 - Entire service area paved; any unpaved area shall be suitably landscaped and maintained.

SECTION 17 - MOBILE HOME PARKS

- 17.1 - Intent: For the purposes of this chapter, mobile homes shall be considered permanent dwelling units and as such shall be subject to the following regulations which are intended to protect the health, safety, morals and general welfare of the inhabitants of such mobile homes and the general public. Mobile homes shall not be used as living quarters in any location other than as authorized by conditional use permit.
- 17.2 - The minimum site for a Mobile Home Park shall be five (5) acres except by special permit.
- 17.3 - No more than eight (8) mobile homes may be located on any one (1) acre of ground.
- 17.4 - Mobile Home Parks shall be completely and adequately served by City utilities as available.
- 17.5 - Each space or lot upon which a mobile home is to be parked shall:
- 17.5:1 - Be at least three thousand (3,000) square feet in area and have a minimum width of thirty (30) feet, such area and width shall be exclusive of automobile parking area and driveways.
- 17.5:2 - Each mobile home space shall have access from an interior driveway only; and
- 17.5:3 - The area which the mobile home actually covers when parked shall be adequately surfaced and drained.
- 17.6 - Buildings and structures accessory to individual mobile homes shall be allowed, provided at least fifty percent (50%) of the space or lot shall be open space. An accessory roof or awning may be attached to a mobile home and shall be considered a part thereof. The automobile parking space, which is not computed in the space or lot area may be covered with a carport.

- 17.7 - All drives within the Park shall be hard surfaced and there shall be no more than one (1) ingress and egress from each public street bordering the park. All park interior access ways shall have the minimum widths -
- One way - twelve (12) feet
Two way - twenty (20) feet
Access way with parking - seven (7) feet additional on each side parking is permitted.
- 17.8 - There shall be no less than fifteen (15) feet clearance between mobile homes or any part thereof, nor shall any mobile home be located closer than ten (10) feet from any building within the Park or from any property line bounding the Park.
- 17.9 - There shall be sight-obscuring screening on all sides of the Park, consisting of a fence or landscaping.
- 17.10 - At least five hundred (500) square feet of ground area for each mobile home space shall be made available in a centralized location or locations for recreational uses.
- 17.11 - Access roadways, vehicle thoroughfares and recreational areas shall be provided with general area lighting of no less than .5 ft. candle intensity as measured at ground level.
- 17.12 - Electrical distribution and telephone service systems to each space or lot shall be underground except for outlets and risers at each space or lot.
- 17.13 - A complete and detailed plot plan shall be submitted to the Planning Commission for approval. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads, recreational areas and other information that the Planning Commission may require to more adequately judge whether the proposed Park meets all the above-mentioned conditions and if the Park will be desirable development.

- 17.14 -All electrical and plumbing installations, alterations and repairs shall be made in accordance with all applicable City and State regulations.
- 17.15 -All Mobile Home Parks shall meet the Health Department regulations and any other applicable laws.
- 17.16 -Parking: One off-street parking space per each mobile home space plus one additional parking space for every two mobile home spaces or any portions thereof.
- 17.17 -Pedestrian Walks: Provisions shall be made for hard surface well-drained walks not less than 30" in width from each mobile home space to park, service building and paved drive.

SECTION 18 - SIGNS

18.1 - Signs - Residential

18.1:1 - Single-Family

There shall be no more than one (1) sign per dwelling and shall not exceed two (2) square feet in area.

18.1:2 Duplex

There shall be no more than one (1) sign per unit and shall not exceed two (2) square feet in area.

18.1:3 Multi-Family

One sign, not to exceed six (6) square feet per multi-family complex.

18.1:4-General Provisions: All signs in residential districts shall be flush-mounted and shall only be indirectly lighted.

18.2 - Signs - Commercial Districts

18.2:1-General Provisions

- No signs shall protrude over any public right-of-way;
- No sign shall be lighted, placed or erected in such a manner as to cause confusion with any traffic direction signs, traffic signals and street name signs.
- No flashing light signs shall be allowed.
- No signs shall be placed as to cause visual obstruction of a public right-of-way.
- All signs erected shall conform to any applicable Building Code and/or Washington State Statutes.

18.2:2- Retail Commercial District - C-1

Signs may be located on the premises with the use they are identifying. No sign shall be more than 35 feet above the finished grade. The square area shall not exceed two hundred (200) square feet.

18.2:3 - General Commercial - C-2

Maximum Length - 35 feet

Maximum Height - 40 feet

Maximum Area - 300 square feet

18.2:4 - Arterial Commercial - C-3

No sign shall exceed more than 32 square feet in area nor shall be more than 30 feet high. The sign shall either be attached to the main building or freestanding on site within 50 feet of the main building. No sign shall be erected or placed on the roof of a building.

18.3 - Industrial Districts

Signs in each industrial district shall be the same as the provisions in Section 18.2:3.

18.4 - Public Reserve District

No sign shall exceed six (6) square feet and shall not be more than fifteen (15) feet high.

18.5 - Billboards

Billboards shall only be allowed in the General Commercial (C-2) and Industrial districts, except by special permit after review by Planning Commission.

- No billboards shall be located on any roof of any building.
- All billboards shall be erected according to any applicable building code and/or Washington State Statutes.

SECTION 19 - DESIGNATION OF SETBACKS ON ARTERIALS AND HIGHWAYS

19.1 - Intent:

The intent of this Section is to provide for additional setback requirement adjacent to designated arterials and highways, thus preventing undue disruption and inconvenience to the owners of property thereon.

19.2 - Arterials

The special setback requirement shall apply to all arterials so designated by City Ordinance and all arterials included in the City's "Six Year Street Program" and any Thurston County arterial forming the City Limit boundary.

19.3 - Highways

The special setback requirement shall apply to any and all Washington State Highways within or bordering the City Limits.

19.4 - Special Setback

The special setback shall be measured from the property line and will be the sum of the required yard plus ten (10) feet.

SECTION 20 - (PRD) - PLANNED RESIDENTIAL DEVELOPMENT

20.1 - Intent: The intent of the Planned Residential Development provision is to permit, by Conditional Use, flexibility and diversified housing and site design in relationship to land use, providing common open space and allowing mixed housing resulting in more efficient use of the land.

It is intended that the PRD shall only be permitted in undeveloped areas, but may include as part of the unit existing development if the density and open space therein complies in total with the development plans. However, no nonconforming structures or uses shall be included unless such structures and uses are removed or made conforming as part of the PRD.

20.2 - Permitted Uses:

20.2:1 - All residential uses

20.2:2 - Churches as part of plan

20.2:3 - Schools as part of plan

20.2:4 - Recreation facilities as part of the park and open space plan.

20.2:5 - Any other use which is customary or incidental to residential use.

20.2:6 - Community commercial as part of developments consisting of 250 dwelling units or more, but shall not include more than ten (10) percent of the total area and shall not be started until fifty percent (50%) of the residential development is complete.

20.3 - General Requirements:

20.3:1 - Minimum Site Area -

There is no minimum site area requirement, but each area so designated (A Planned Residential Development) must be such size as to allow flexibility in grouping, placement, size, use of buildings, and open space which will insure more desirable living environment than what would result from application of bulk and use regulations of the zone district.

20.3:2 - Minimum Yard Requirements:

(individual lots) from property line --

- Front: Twenty (20) feet

- Side: (individual buildings) Five (5) feet

- Rear: Fifteen (15) feet

- The setbacks and yards of all buildings abutting or adjoining arterials, and/or property outside of the PRD shall be the same as for other property in the same zone district. No building site shall have direct ingress or egress to any existing arterial or minor street.

20.3:3 - Parking: On-street and off-street parking shall be the same as parking requirements for the same uses as provided for in other use districts.

20.3:4 - Building Heights:

All building heights shall be the same as provided for similar uses in other use districts except that no commercial buildings shall exceed thirty-five (35) feet in height.

20.3:5 - Open Space:

All PRD's shall have commonly owned open space at a minimum ratio of one square foot of open space to each square foot building space.

All building sites shall adjoin or connect to the common open space.

Open space and recreation facilities shall be maintained by the developer or through homeowners' associations.

20.3:6 - Density: The total net density of the PRD shall not be more than that allowed by the original zone district or that allowed by the PRD plan proposal.

20.3:7 - Circulation:

Arterial Access: A PRD must have access to an existing arterial street.

- Each PRD plan shall provide for an interior circulation street plan which shall be part of the total development and shall make provisions for vehicle parking bays, etc.
- Large PRD's shall provide for public throughways unless there is no public street dedication.

20.4 - Application for Planned Residential Development (PRD)

20.4:1 - General: The basic application for a PRD shall follow the same procedures as that for a Conditional Use Permit but shall be designated "Planned Residential Development" and shall include all forms and plans as indicated below.

If the PRD contains divided lands of lots, tracts and parcels, there shall be filed a preliminary plat as per Washington State Statutes and any applicable City ordinance.

20.4:2 - Preliminary Plan

- Application for a Planned Residential Development shall be on forms as approved by the Planning Commission and shall include the fee as established in Section 25.

All applications shall have attached three (3) sets of maps and plans at a minimum scale of 1" = 200 ft. and shall show all of the following:

1. Vicinity map (location)
2. Site boundaries
3. Proposed Streets
4. Proposed Land Uses
5. Open Space Plan
6. Building Sites
7. Parking Facilities
8. Circulation Plan (pedestrian and vehicular)
9. All proposed public dedication
10. Existing buildings and uses with notes regarding final disposition.
11. Proposed utilities to serve development.
12. Proposed covenants and homeowners' agreements.

All applications and attachments shall be submitted to the City Building Inspector or other Council-appointed official who shall circulate one application with attachments to each city official for comment and review; one to the City Engineer and one shall be retained by the Planning Commission who shall, within fifteen (15) days after receipt, set a public hearing as provided for in Section 23.1:6.

20.5 - Preliminary Plan Approval

- 20.5:1 - Preliminary plan approval shall be for a period of one (1) year during which time the applicant will prepare and submit final Development Plans and any concurrent or necessary final plats as per Washington State Statutes and any applicable City ordinances.
- 20.5:2 - There shall be no site improvement, development or construction within the P. R. D. area until final approval has been granted as per Section 20.6.

20.6 - Application for Final Approval

- 20.6:1 - Final P. R. D. applications shall include all final documents as in Section 20.4 :2 and shall consist of indexed drawings, maps, plans and typed documents, each with signature spaces and official seals for all parties involved and shall include:
- Final survey records and maps
 - Final engineering reports with indicated grading, utility design and street designs
- 20.6:2 - The final application and attached documents shall be submitted to the Planning Commission for review and approval and shall be signed by the Chairman who shall forward, within fifteen days, to the City Council for final approval and acceptance. No application shall be final until signed by the Mayor, City Attorney, and filed and signed by the City Clerk.
- 20.6:3 - Final approval as granted shall be binding upon development, developers and owners and each and all subsequent developers and owners of all or any part of the P. R. D. area.
- 20.6:4 - Any plan modifications and design variation from the approved plan must be resubmitted to the Planning Commission and City Council.
- 20.7 - Expiration
Upon abandonment of a particular project authorized, or upon the expiration of three (3) years from the final approval of a Planned

20.7 (continued)

Residential Development which has not by then been completed (or commenced with an extension of time for completion granted), the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the Planned Residential Development is located.

SECTION 21 - NON-CONFORMING USES, STRUCTURES, LOTS

21.1 - Intent: Within the districts established by this Ordinance or amendments that may later be adopted, there exist -

- Lots**
- Structures**

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided for in Section 21.4 below.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an

existing building has been substantially begun preparatory to re-building, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

21.2 - Non-Conforming Lots of Record - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

21.3 - A Non-Conforming Use shall be deemed abandoned by discontinuance or abandonment for a period of eighteen (18) months and any subsequent future use of such land or buildings shall be in conformity with the provisions of this Ordinance.

21.4 - Non-Conforming Use - Commercial Districts

Any lawful residential and commercial use existing in an area zoned commercial by the adoption of this Ordinance shall be declared a permitted use, and shall have issued a special exception; and may be expanded, enlarged and rebuilt on contiguous property (owned at the time of adoption of this Ordinance) provided all other requirements of the district are met.

21.5 - Non-Conforming Use - Residential Districts

A building damaged by fire or other causes may be repaired or rebuilt, but shall not be enlarged. A non-conforming use may provide additional land area for off-street parking and landscaping and shall be allowed to make normal repairs and maintenance.

SECTION 22 - ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS

22.1 - Administration and Enforcement

An administrative official (Building Inspector) designated by the City Council or his duly authorized agents, shall administer and enforce this Ordinance. If the administrative official shall find that any of the provisions of this Ordinance 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 Ordinance to insure compliance with or to prevent violation of its provisions.

22.2 - Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance, unless there has been issued a special exception by the Planning Commission for a Conditional Use permit or a Variance granted by the Board of Adjustment, as provided for in this Ordinance and the "Board of Adjustment" Ordinance Number _____.

**SECTION 23 - AMENDMENTS AND REZONES, CONDITIONAL USE,
VARIANCE, APPEALS**

23.1 - Amendments and Rezones

Whenever public necessity, convenience or general welfare requires, the provisions of this Ordinance may be amended.

23.1:1 - Amendments of This Ordinance may be initiated by:

1. A verified application of one or more owners of property which is proposed to be reclassified;
2. The adoption of a motion by the City Council requesting the Planning Commission to set a matter for hearing and recommendation;
3. A recommendation by the Planning Commission to the City Council.

23.1:2 - Initiation of Action - Application Forms:

The Planning Commission shall prescribe the forms to be used for amendments or rezones. The Planning Commission may prepare and provide blanks for such purposes and prescribe the type of information to be provided. No application shall be accepted unless it complies with such requirements.

23.1:3 - Public Hearings:

The Planning Commission shall hold at least one (1) public hearing on any proposed amendment or rezone.

23.1:4 - Notice of Public Hearing

Notice of Public Hearing shall be published in a newspaper of general circulation in the City and by written notice, addressed through the United States mail, to all property owners of record within three hundred (300) feet of subject property, at least ten (10) days before hearing.

23.1:5 - Reference to City Council

At the next ensuing regular meeting of the City Council following receipt of the Planning Commission recommendation or

proposed amendments, the City Council shall set the date for a public hearing. The Council may adopt or reject the proposed amendment.

23.1:6 - Action by City Council

The report and recommendations by the Planning Commission on proposed amendments shall be advisory only and the action by the City Council shall be final and conclusive.

23.2 - Conditional Use

A Conditional Use Permit may be granted by the Planning Commission, after public hearing and review, for those uses requiring such permits as provided for in this Ordinance. A Conditional Use Permit for a Planned Residential Development must be heard by the City Council as per Section 20.

23.2:1 - Initiation of Action - Application Form:

A written application for a Conditional Use Permit shall be submitted to the Planning Commission on forms as prescribed by the Planning Commission, and shall include such information as requested thereon. No application shall be accepted unless it complies with such requirements.

23.2:2 - Public Hearings:

The Planning Commission shall hold at least one (1) public hearing on any proposed conditional use permit.

23.2:3 - Notice of Public Hearing:

Notice of Public Hearing shall be the same as in 23.1:4.

23.2:4 - Action by Planning Commission

In granting a Conditional Use Permit the Planning Commission shall impose all requirements for such use, as prescribed in this Ordinance and other conditions and safeguards as are necessary to secure adequate protection for the locality in which

the use is to be permitted. Violation of such conditions and safeguards shall be grounds for revoking the permit and punishable as per Section 26. The Planning Commission shall prescribe a time limit within which action for which the Conditional Use is required shall be begun or completed, or both. Failure to begin and/or complete such action with the time limit set shall void the Conditional Use Permit.

23.3 - Variance

Because of special circumstances applicable to subject property because of size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification, the Board of Adjustment may grant a variance in accordance with the provisions for variances in the "Board of Adjustment Ordinance." (Number _____)

23.4 - Appeals from Administrative Official:

Appeals may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the Board of Adjustment within fourteen (14) days of the date of the action being appealed.

23.5 - Appeals from Planning Commission Decision:

The denial of a Conditional Use, Amendment or rezone by the Planning Commission shall be final unless the petitioner files a written notice of appeal with the City Clerk within fourteen (14) days of the date of action being appealed. The appeal shall be forwarded to the City Council which shall set a date for a hearing within twenty (20) days of the time of such receipt of appeal.

If the Council rules in favor of the petitioner they shall proceed as provided in Section 23. 1:6 and shall hold one public hearing. The decision of the Council shall be final.

SECTION 24 - PROVISION OF ORDINANCE DECLARED TO BE MINIMUM:

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION 25 - FEES

The following fees shall be paid upon the filing of a petition or application and such fees shall not be refundable for any reason. Until all fees have been paid in full, no action shall be taken on the petition or application:

Conditional Use Permit	\$35.00
Amendments and Rezones	\$50.00
Planned Residential Development Application . . .	\$100.00

SECTION 26 - VIOLATION AND PENALTIES:

Violation of the provisions of this Ordinance or any amendments thereto or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the Statutes of the State of Washington for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 27 - SEVERANCE:

Should any section, provision, clause or portion of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 28 - REPEAL OF CONFLICTING ORDINANCES:

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective on _____.

CITY OF LACEY BUILDING PERMIT FEES

\$25,001.00 to \$50,000.00 \$69.50

Plus \$2.00 each \$1,000.00 over \$25,000.00

\$50,000.00 to \$ \$119.50

Plus \$1.00 each \$1,000 over \$50,000.00



Aug-1990

CITY OF LACEY BUILDING PERMIT FEES

\$ 20.00	-	\$ 300.00	\$ 3.00
301.00	-	500.00	4.00
501.00	-	1,000.00	5.00
1,001.00	-	1,500.00	7.50
1,501.00	-	2,000.00	12.00
2,001.00	-	3,000.00	14.50
3,001.00	-	4,000.00	17.00
4,001.00	-	5,000.00	19.50
5,001.00	-	6,000.00	22.00
6,001.00	-	7,000.00	24.50
7,001.00	-	8,000.00	27.00
8,001.00	-	9,000.00	29.50
9,001.00	-	10,000.00	32.00
10,001.00	-	11,000.00	34.50
11,001.00	-	12,000.00	37.00
12,001.00	-	13,000.00	39.50
13,001.00	-	14,000.00	42.00
14,001.00	-	15,000.00	44.50
15,001.00	-	16,000.00	47.00
16,001.00	-	17,000.00	49.50
17,001.00	-	18,000.00	52.00
18,001.00	-	19,000.00	54.50
19,001.00	-	20,000.00	57.00
20,001.00	-	21,000.00	59.50
21,001.00	-	22,000.00	62.00
22,001.00	-	23,000.00	64.50
23,001.00	-	24,000.00	67.00
		00.00	

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SERVICE

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