

ORDINANCE NO. 1368

CITY OF LACEY

AN ORDINANCE RELATING TO URBAN AGRICULTURE, REPEALING SECTION 16.21.010, ADDING NEW SECTIONS 16.06.097, 16.06.373, 16.06.403, 16.06.405, 16.06.694, 16.06.746, 16.06.747, 16.21.005, 16.21.010, 16.21.014 AND 16.21.018, AMENDING SECTIONS 16.10.020, 16.10.040, 16.12.020, 16.12.040, 16.13.020, 16.13.040, 16.14.020, 16.14.040, 16.15.020, 16.15.040, 16.18.020, 16.18.030, 16.22.020, 16.23.020, 16.25.020, 16.27.020, 16.30.020, 16.34.020, 16.36.020, 16.37.020, 16.37.020, 16.39.020, 16.14.020, 16.41.020, 16.42.020, 16.48.020, 16.49.020 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1. Section 16.21.010 of the Lacey Municipal Code is hereby repealed.

Section 2. There is hereby added to the Lacey Municipal Code a new Section 16.06.097 to read as follows:

16.06.097 Agricultural Use. See definition of Urban Agriculture.

Section 3. There is hereby added to the Lacey Municipal Code a new Section 16.06.373 to read as follows:

16.06.373 Horticultural activity. "Horticultural activity" means the raising of plants for the use of the plants or their products, generally for food production, but may also include ornamental uses; examples include vegetable raising, P-Patch community gardens, raising flowers, orchards, vineyards and similar activities.

Section 4. There is hereby added to the Lacey Municipal Code a new Section 16.06.403 to read as follows:

16.06.403 Large farm animal. "Large farm animal" means this term shall refer to varieties of large animals used in urban agricultural activities for production of food, their

products, or use such as cows, sheep, goats, horses, swine and other similar sized farm animals. Miniature varieties of farm animals such as pygmy goats shall not be considered large farm animals.

Section 5. There is hereby added to the Lacey Municipal Code a new Section 16.06.405 to read as follows:

Limited animal husbandry. “Limited animal husbandry” means the keeping of animals for the use or the sale of their products, such as meat, milk or eggs. Examples of animal husbandry uses are raising poultry for eggs and meat, raising rabbits for meat, keeping goats or cows for milk or meat, keeping bees for honey or pollination of plants and other similar activities.

Section 6. There is hereby added to the Lacey Municipal Code a new Section 16.06.694 to read as follows:

16.06.694 Small farm animal. “Small farm animal” means small varieties of animals used in urban agricultural activities for production of food or their products and generally under 150 pounds, such as chickens, rabbits, pygmy goats, bees, and other similar sized farm animals.

Section 7. There is hereby added to the Lacey Municipal Code a new Section 16.06.746 to read as follows:

Section 16.06.746 Transitional urban agricultural use. “Transitional urban agricultural use” means an urban agricultural activity utilizing land prior to the time another activity is developed. This will usually occur as a temporary use of a site to provide a useful benefit on land until a more permanent use is established.

Section 8. There is hereby added to the Lacey Municipal Code a new Section 16.06.747 to read as follows:

Section 16.06.747 Urban Agriculture. “Urban Agriculture means” and includes a range of agricultural activities at various intensities. Agricultural activities falling under this definition include both “Horticulture” and “Limited Animal Husbandry” uses. Urban Agriculture is permitted under limitations considering compatibility with other land uses in the context of the urban environment and associated land use/zoning designations; See section 16.21 Urban Agriculture.

Section 9. There is hereby added to the Lacey Municipal Code a new Section 16.21.005 to read as follows:

16.21.005 Purpose. The City of Lacey finds there is a need to accommodate farming activity commonly referred to as urban agriculture. This can include a range of activities, such as production of food on a single family residential lot for a family’s personal use, urban vegetable gardens on common property for community use, or a small commercial farm activity located in areas zoned for this use.

While agricultural activity has often been considered inconsistent with smart growth principals of accommodating density in urban areas, the two do not need to be mutually exclusive. Urban agricultural activity for personal use on individual single family lots, or on common property for community agricultural use, or in the form of small commercial urban farms, can add to the urban fabric and create a richer context for urban neighborhoods. These beneficial uses can be accommodated without sacrificing the objectives of the state Growth Management Act (GMA) and designated urban areas.

Urban agricultural activities managed in a responsible way, with sensitivity to urban density and land use compatibility issues, can benefit the individuals participating in the activity and the community at large by providing fresh produce, additional food choices, economic

development opportunity, a more sustainable lifestyle and urban neighborhoods with more variety and interest. This section has been developed with the purpose of providing Lacey citizens an opportunity to participate and benefit from these activities.

Section 10. There is hereby added to the Lacey Municipal Code a new Section 16.21.010 to read as follows:

16.21.010 Intent. It is the intent of this chapter to:

A. Develop opportunities for a range of urban agricultural activities, at a level and intensity that is compatible with Lacey's neighborhoods.

B. Define levels of urban agriculture beneficial to neighborhoods and specific zoning designations, considering the context of Lacey's urbanized areas.

C. Establish design standards to ensure urban agricultural activities do not compromise the livability of neighborhoods by introducing nuisances that could degrade the quality of life for surrounding residents. Nuisances include, but are not limited to, such things as:

- Noise.
- Odors from poor care and clean up of animal waste.
- Pest problems from improper feeding techniques.
- Aesthetic impacts.
- Other issues that are disruptive to the neighborhood or distract from the quality and enjoyment of the neighborhood environment.

D. Encourage and support personal urban agricultural opportunities for individuals and families.

E. Encourage and support urban agricultural opportunities for community groups, religious organizations, home owner associations and food co-ops.

F. Encourage the preservation of good agricultural uses for their value as economic assets as well as their value as open space, contribution to sustainability and healthy lifestyle and food choices for the community;

G. Provide a designation exclusively for agricultural activities that pre-existed Lacey's first GMA Plan and those agricultural uses that are of a size and intensity they need space and standards to coexist in an urbanized area to avoid compatibility issues.

H. Retain the Agricultural District designation to serve as a place holder with a viable use pending the need for transition to other urban uses. This is intended to facilitate the orderly transition of properties that are being used for agricultural production to more intensive residential use, if and when such agricultural uses are no longer feasible for economic, cultural or technical reasons.

Section 11. There is hereby added to the Lacey Municipal Code a new Section 16.21.014 to read as follows:

16.21.014 Urban agriculture activities.

A. Urban agriculture activities are described and permitted according to expected compatibility with other urban uses as follows:

1. Residential lots less than one acre. The following urban agricultural activity is permitted as an accessory use to a residence:

a) All horticultural activity for personal use and incidental sales or distribution on site and off site at a farmers market or approved retail area. Provided commercial sales may be accommodated subject to the 2001 FDA food code WAC 216-415 and requirements of a home occupation pursuant to LMC 16.69.

b) Limited animal husbandry of small farm animals for personal use. Provided commercial sales may be accommodated subject to the 2001 FDA food code WAC 216-415 and requirements of a home occupation pursuant to LMC 16.69. This activity shall be limited to the following:

1) Domestic fowl and rabbits:

- The maximum number of all fowl permitted accessory to a single family residential home on an urban lot, shall be 1 per 1000 square feet of lot area, up to a maximum of 10.
- Roosters, geese, turkeys, peacocks and exotic species are prohibited.
- Rabbits kept in accordance with recommendations of the American Rabbit Breeders Association (ARBA) and a minimum 3.5 square feet of hutch space per rabbit up to a maximum of two dozen rabbits.
- Structures housing domestic fowl or rabbits must be located and designed as follows:
 - Located 10 feet away from property lines.
 - Designed to prevent rodents by incorporation of one of the following:
 - Raising the floor area 8 to 12 inches above grade
 - Portable pens moved every few days with clean up of ground.
 - Other techniques that have similar results.

2) Miniature Goats commonly known as Pygmy, Dwarf and Miniature Goats provided:

- Male miniature goats are neutered.
- Lots accommodating miniature goats must be a minimum of 7,500 square feet and may be allowed at a ratio of four miniature goats per one acre of property.

3) Beekeeping provided:

- Beekeeping may include honey bees, mason bees, cutter bees, cavity nesting bees or similar bees used for honey or pollination purposes.
- Honey Bees must be registered with the State Department of Agriculture according to provisions of RCW 15.60.021 and meet the following restrictions:
 - A maximum of four honey bee hives is permitted as an accessory use to a single family home,
 - Honey bee hive shall not be located within 25 feet of any lot line, provided this distance may be reduced to 10 feet if strategies are employed to require bees to gain elevation before crossing the property line. This may include elevation changes, solid fencing or other techniques that can achieve this objective.
- Area housing bee varieties other than honey bees must be a minimum of 10 feet from adjacent properties and limited in size appropriate for pollination of the owner's lot.

4) Other poultry and small animals not specified may be permitted or prohibited by the Director of Community Development upon finding that the species can or cannot reasonably be accommodated without impacts to adjacent properties. Limitations shall be applied as considered appropriate to mitigate potential impacts. Approval under this provision shall be at the sole discretion of the Director of Community Development based upon written findings articulating the intent of this chapter.

5) Cows, horses, sheep and other similar large farm animals are not permitted as an accessory use on lots less than one acre in size.

2. Residential lots greater than one acre. The following urban agricultural activity is permitted as an accessory use to a residence:

a) All uses permitted under 16.21.030 A. 1. according to ratios, conditions and restrictions therein.

b) On lots or parcels of one acre or more, livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area; and further that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines. In addition, urban agricultural uses shall employ best management practices, such as may be included in a farm plan developed by the Thurston Conservation District.

c) All uses permitted under section 16.21.030 A.4. (Community urban agricultural use) according to the ratios, conditions and restrictions therein.

3. Urban Agricultural activity on a non residential lot. As an accessory use or transitional use, the following urban agricultural activities may be permitted:

a) All uses permitted under 16.21.030 A. 1. according to ratios, conditions and restrictions therein.

b) All uses permitted under section 16.21.030 A.4. (Community urban agricultural use) according to the ratios, conditions and restrictions therein.

4. Community/communal urban agricultural activities. Permitted according to the following descriptions and restrictions:

a) Horticulture may include all horticultural activity organized in the form of communal farming arrangements on property used in common for these purposes or where small lots or backyards have raised beds or segregated plots for lease for gardening activity. This may include activities such as community pea patches, community garden plots, shared garden plots, publically owned garden plots for community use, gardens owned and operated by nonprofit organizations, home owner associations and religious organizations for use by members or community groups, yard area with segregated raised garden beds developed by an owner for lease and other similar activities. Said activity shall be subject to the following requirements:

1) All horticultural activities taking place on a lot or portions of a lot that is less than two acres shall be reviewed by the Community Development Department as follows:

i) Subject to limited administrative review under Chapter 1 of the Development Guidelines and Public Works Standards to document the proposal, discuss the level of activity and development of a project management plan necessary to ensure compatibility with adjacent neighbors.

ii) If considered necessary to ensure compatibility with adjacent land use, a formal site plan review (SPR) may be required, including preparation and approval of an urban agriculture impact mitigation plan. Such determination shall be at the sole discretion of the Community Development Director.

2) All urban farming activities taking place on a lot or portions of a lot more than 2 acres in size shall require a site plan review approval.

3) Produce in excess of member needs may be provided on or off site to individual community members in need, food banks, religious organizations and other non profits for distribution to the public.

4) Incidental sales of produce in excess of member needs may occur on site, at local farmers markets or at approved commercial sites. On site retail sales must not result in adverse impacts to the neighborhood area as a result of signage, traffic or other related activity. Determinations regarding impact of onsite retail activity and mitigation requirements will be up to the sole discretion and determination of the Community Development Director and may be subject to the provisions of LMC 16.70 (Street Merchant Ordinance).

b) Animal husbandry is limited to those activities permitted with requirements as specified in section 16.21.030 A 1 b) with the following additional considerations and requirements:

1) Such activity must take place as a secondary and incidental use in conjunction with community urban farming horticultural activities.

2) "Personal use" in the context of community urban agricultural use shall include all members of the group participating in the urban agricultural activity.

5. Commercial urban farms: Commercial urban agricultural use in Lacey and its growth area is generally farming activity that existed at the time Lacey's first GMA Plan was adopted. Most areas with small commercial farm activity were zoned Agricultural District to provide for continuation of these activities in a zone designed to accommodate this use. Future provision may be made for small farms in other zoning designations under criteria necessary to ensure compatibility. This concept is reserved for future consideration.

B. Permitted Where: All zoning designations will reference the urban agriculture activities and appropriate provisions of chapter 16.21 applicable to the zone.

Section 12. There is hereby added to the Lacey Municipal Code a new Section 16.21.018 to read as follows:

16.21.018 Agricultural District. The Agricultural District has been established for the purposes and intent described in sections 16.21.005 and 16.21.010.

Section 13. Section 16.10.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.10.020 Permitted uses.

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

1. Single-family structures on individual lots;
2. Planned residential developments as provided in Chapter 16.60;
3. Townhouse developments as provided in Chapter 16.61;
4. Condominiums provided the design requirements of Chapter 14.23 are met;
5. A limited percentage (up to five percent of total lots) of two and three family units provided design requirements of Chapter 14.23 are satisfied;
6. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of vocational interests; or structures designed for and related to recreational needs of the residents of a residential complex;
2. Accessory Dwelling as defined in Section 16.06.055;
3. Special and conditional uses as provided in Chapter 16.66 of this title, subject to conditional use review;
4. The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
5. Family day care homes as provided in Chapter 16.65;
6. Home occupations, provided Health Department approves the use;
7. Agricultural uses as provided for and limited under chapter 16.21. ~~Section 16.10.040C.~~

Section 14. Section 16.10.040 of the Lacey Municipal Code is hereby amended to read

as follows:

16.10.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- C. ~~Agricultural uses shall be limited as follows: On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and further that barns or other structures for the housing or sheltering thereof be set back not less than thirty five feet from all property lines. In addition, agricultural uses shall employ best management practices, such as may be included in a farm plan developed by the Thurston Conservation District, to prevent contamination of the McAllister Springs Geologically Sensitive Area groundwater resources.~~
- DC. Special and conditional uses shall comply with the development standards described for such uses in Chapter 16.66.
- ED. All uses shall comply with the applicable environmental performance standards of Chapter 16.57.
- FE. All subdivisions and short subdivisions shall be required to have protective covenants adopted as a condition of approval that inform future residents of proper water quality safeguards for the aquifer sensitive area considering such issues as pesticide and herbicide use, handling and disposal of petroleum wastes, etc. The covenants shall be approved by the Thurston County Environmental Health Department.

Section 15. Section 16.20.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.12.020 Permitted uses.

- A. Specific types permitted in the low-density residential district:
 - 1. Single-family detached structures on individual lots up to four dwelling units per acre dependent upon environmental sensitivity. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.12.035 of the Lacey Municipal Code. Single-family detached structures are subject to the design criteria established in Section 14.23.072.
 - 2. Housing for people with functional disabilities.
- B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocational interests. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
2. Urban ~~a~~Agricultural uses as provided for and limited under chapter 16.21 ~~not involving retail sales on the premises;~~
3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code;
4. Accessory-dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
5. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code;
6. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 16. Section 16.12.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.12.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. The construction of accessory buildings shall be encouraged in such a manner as to make them complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- ~~C. Agricultural uses shall be limited as follows:
— On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty five feet from all property lines.~~
- DC. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.
- ED. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Section 17. Section 16.13.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.13.020 Permitted uses.

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

1. Single-family detached structures on individual lots with a density of not less than three nor more than six units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.13.035 of the Lacey Municipal Code. Single-family detached structures are subject to the design criteria established in Section 14.23.072;
2. Cottage housing developments as provided in Chapter 16.62 of the Lacey Municipal Code and subject to the design criteria in Section 14.23.072;
3. Planned residential developments as provided in Chapter 16.60 of the Lacey Municipal Code;
4. Townhouse developments as provided in Chapter 16.61 of the Lacey Municipal Code;
5. A limited percentage (up to five percent of total lots) of two and three family units, as noted on particular lots on the plat, provided design requirements of Section 14.23 of the Lacey Municipal Code are satisfied. Duplex and triplex units should not be placed adjacent to one another, but scattered throughout the development;
6. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of a vocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
2. Urban aAgricultural uses as permitted and limited under chapter 16.21 not involving retail sales on the premises;
3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code;
4. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
5. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code;
6. The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 18. Section 16.13.040 of the Lacey Municipal Code is hereby amended to read

as follows:

16.13.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- ~~C. Agricultural uses shall be limited as follows:
 - 1. On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.~~
- DC. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.
- ED. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Section 19. Section 16.14.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.14.020 Permitted uses.

- A. Single family detached structures on individual lots meeting design requirements of Chapter 14.23.074 of the Lacey Municipal Code.
- B. Other related uses permitted:
 - 1. Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocation interests. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Urban agricultural uses as provided for and limited under chapter 16.21 not involving retail sales on the premises;
 - 3. Home occupation as provided in Chapter 16.69 of the Lacey Municipal Code;
 - 4. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code and meeting design criteria of Section 14.23.071 of the Lacey Municipal Code;
 - 5. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code, subject to design review;

6. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 20. Section 16.14.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.14.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of quality or quantity not normally associated with residential use.
- B. The construction of accessory buildings shall be required in such a manner as to make them complementary to the basic architectural character of the main building on the lot, appropriate to the accessory use, and consistent with historical character of the zone.
- ~~C. Agricultural uses shall be limited on lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty five feet from all property lines.~~
- D. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Section 21. Section 16.15.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.020 Types of uses permitted.

- A. Specific types permitted in the moderate-density residential district:
 1. Any residential use with a density of at least six but not greater than twelve units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than fifty percent of the units designated for single family use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Section 14.23 that is applicable to the particular type of residential use.
 2. Housing for people with functional disabilities.
- B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
2. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code;
3. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
4. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code;
5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
6. Urban Agricultural uses as provided for and limited under chapter 16.21
67. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 22. Section 16.15.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

~~C. Agricultural uses shall be limited as follows:~~

~~Poultry and livestock may not be kept in the moderate density zone.~~

| ~~DC.~~ Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.

| ~~ED.~~ All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Section 23. Section 16.18.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.020 Permitted uses.

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

Any residential use with a density of at least six units per acre but not greater than twenty units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than twenty-five percent of the units designated for single family use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Section 14.23 that is applicable to the particular type of residential use.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
2. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code;
3. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
4. Conditional uses as provided in Chapter 16.66 of the Lacey Municipal Code;
5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
6. Urban agricultural uses as provided for and limited under chapter 16.21.
- 6.7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 24. Section 16.18.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.030 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- ~~C. Poultry and livestock may not be kept in the high density zone.~~
- DC. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.
- ED. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

Section 25. 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.

C. Urban agricultural uses as provided for and limited under chapter 16.21.

Section 26. 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;
 - l. 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.

C. Urban agricultural uses as provided for and limited under chapter 16.21.

Section 27. Section 16.24.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.24.020 Permitted uses.

A. Commercial uses.

Apparel and accessory stores

Books and stationary

Convention centers and conference centers

Cultural, entertainment and recreation

Daycare facilities

Department stores

Drug stores and pharmacies

Eating and drinking establishments

Fabric stores

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

Florists

General merchandise

Gifts/specialty

Grocery stores

Hobby/special interest

Home furnishings

Home improvement stores/garden supplies

Hotels/motels

Jewelry

Liquor

Personal services

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

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

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

All uses listed within Section 16.24.020.A

Business offices

Corporate/regional/administrative offices

Educational services

Financial institutions

Professional offices

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

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

D. Urban agricultural uses as provided for and limited under chapter 16.21.

Section 28. 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 7 and the Saint Martin's University zone. Also, within the Saint Martin's University zoning district, churches, religious institutions, and monasteries are permitted uses.
- B. 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 and Saint Martin's University zone.

D. Urban agricultural uses as provided for and limited under chapter 16.21.

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.
 8. Urban agricultural uses as provided for and limited under chapter 16.21.

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.
 - 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 the Revised Code of Washington 70.105.210.

Section 30. Section 16.30.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.30.020 Permitted uses.

A. Specific types of uses permitted include:

1. Corporate headquarters or regional administrative offices of commercial, financial, charitable, fraternal or governmental institutions;
 2. Smaller offices offering direct business or professional services to consumers or clients, including, but not limited to: real estate and security brokers, insurance, accountants, attorneys, engineers, medical, dental and optical;
 3. Child day care centers as provided in Chapter 16.65 of the Lacey Municipal Code.
 4. Urban agricultural uses as provided for and limited under chapter 16.21.
- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness shall be as follows:
1. Uses similar to, or related to, those listed in Section 16.30.020(A) of the Lacey Municipal Code 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 land development plan.
 2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
- C. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.

Section 31. Section 16.34.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.34.020 Permitted uses.

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

Answering service

Antique store

Bakery

Banks and other financial services

Bar and cocktail lounge (c)

Barber shop

Beauty salon

Book store

Business and professional offices

Business support services

Cafes

Cafeterias

Camera store

Clothing store

Coffee shop

Colleges and trade schools

Confection stores

Cultural facilities

Day care

Deli

Drugstore

Dry cleaner

Fabric and dry goods store

Florist

Food and liquor store

Gallery

Gas station

Gift store

Graphics arts and printing services

Grocery and produce

Hardware store and garden supply

Health club, gym

Home furnishings

Instruction studio

Jewelry

Laundromat

Meat and fish shops

Medical and dental services

Music and dance studios

Novelty

Nursery and garden supply

Office supplies

Personal services

Pet store

Photo shop

Post office

Pre-existing residences

Professional offices

Radio, TV, music store

Residential; mixed use concepts compatible with commercial goals of the zone as determined by the site plan review committee

Restaurant including drive-through lanes

Schools-commercial

Self storage mini-warehouse storage facilities, provided the performance standards identified in subsection D of this section are satisfied

Shoe and shoe repair stores

Small appliance and electronic equipment repair

Soda fountain

Specialty food

Sporting goods

Supermarket

Stationery store

Tailor

Telecommuting services

Testing laboratories and facilities (c)

Theater, over 50 seats (c)

Toy store

Travel and other agencies

Urban agricultural uses as provided for and limited under chapter 16.21.

Variety store

Veterinarian

Video rental

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

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

1. Uses similar to, or related to, those listed in Section 16.34.020.A of the Lacey Municipal Code are permitted upon a finding of the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan;
2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area;
 - b. The development standards for permitted uses can be met by the proposed use;
 - c. The public need is served by the proposed use.

C. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.

D. Mini warehouse storage facilities are permitted subject to meeting the following performance standards:

1. No more than 5% of the total land within one CCD zoned area may be used for mini warehouse storage use.
2. A mini warehouse use shall not be located in any one CCD zoned area until a minimum of 80% of such area has been built out with other primary retail and service uses.
3. The mini warehouse activity shall enhance and not compromise pedestrian movement, convenience or functional pedestrian components within such CCD zoned area.
4. Any use within or connected to any individual mini warehouse unit other than the storage of personal or business items shall be prohibited. Such prohibited activity shall include but not be limited to operating an office or business, holding a garage sale or sales, selling items, manufacturing, equipment and vehicle repair and use as a staging area for business or development activity. Such restrictions shall also be set forth in protective covenants for the development and within the lease agreement with customers.
5. In addition to meeting the applicable design review requirements set forth in LMC chapter 14.23, the following additional design requirements shall be satisfied:
 - a. All portions of the buildings visible from a public right of way or private street shall be designed to appear as a retail or office building. In addition, a portion of the front façade of the mini warehouse structure shall be designed to incorporate a retail or office component. This should be able to used as retail or office should the market be able to support a second use within the structure but may be used as the office to the

complex. In any case, doors to mini warehouse units shall not be visible from the exterior of the complex or structure;

- b. The mini warehouse complex/structure shall appear as a continuation of the retail uses within the zone. The design will follow established look and feel and any predominant theme established for the particular CCD zone designation provided existing development within the zone meets current Lacey design requirements of LMC chapter 14.23;
- c. Outside storage of any kind including rental cars and trailers shall be prohibited;
- d. Proposed design for a mini warehouse development which is superior to the design of existing uses established within the zoned area may be considered if it is complementary to existing uses and established themes and it improves the overall look, feel, or functionality of the zone as a whole. Such determination shall be made by the Director of Community Development;
- e. Any mini warehouse use shall be considered a "secondary" or "accessory" use for the zone and shall not locate in a prominent location or otherwise dominate the public's view, or attention at the site;
- f. In no case shall the mini warehouse be located on the fronting arterial providing access to the zone. Further, unless site parameters of the CCD designation make it impractical, the mini warehouse shall not be visible from the fronting arterial;
- g. To provide enhanced aesthetic treatment and screening/buffering from other uses and adjacent zones, the mini warehouse activity will be heavily landscaped beyond normal requirements, particularly in regard to rear and side yard treatment which may be adjacent to residential zones. Landscaping shall demonstrate consideration of sensitivity to adjacent uses and mitigation of impacts from this use.
- h. Particular design focus shall consider location of adjacent residential zones and full mitigation of typical impacts expected from mini warehouse use, including but not limited to the following:
 - i) Lighting shall be shielded from adjacent residential zones and traffic circulation shall be designed to shield head lights, or mitigation techniques shall be utilized to shield light such as a wall, landscaped berm or dense landscaping;
 - ii) Hours of operation shall be limited to protect adjacent existing or planned residential zones from disturbance during night time hours, or other mitigation such as a wall or landscaped berm shall demonstrate effective mitigation of noise impacts;

The scale and bulk shall be sensitive to adjacent residential use. If two story development is planned, heights shall be transitioned from single story on the outside edge of the project area with transition to two story on the interior. The distance required for transition and techniques for softening bulk/size shall be appropriate to the site and the design shall provide a scaled appearance compatible with adjacent development.

Section 32. Section 16.36.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.36.020 Permitted uses.

- A. The following uses are permitted in the Neighborhood Commercial zone provided the use occupies no more than ten thousand square feet of space and meets design review standards of Chapter 14.23. Provided further neighborhood commercial zones within the designated McAllister Springs Geologically Sensitive Area shall be limited to those uses the Thurston County Health Department determines are appropriate to the sensitive area.

Antique store

Bakery

Banks and other financial services

Bar and cocktail lounge (c)

Barber shop

Beauty salon

Book store

Business and professional offices

Business support services

Cafes

Camera store

Clothing store

Coffee shop

Community clubs

Confection stores

Convenience stores

Cultural facilities

Day care

Deli

Drug store

Dry cleaner

Fabric and dry goods store

Florist

Food and liquor store
Gallery
Gas station (c)
Gift store
Grocery and produce
Hardware store and garden supply
Health club, gym
Instruction studio
Laundromat
Meat and fish shops
Medical and dental services
Music and dance studios
Neighborhood meeting hall and club facilities
Nursery and garden supplies
Personal services
Pet store
Photo shops
Post office
Radio, TV, music store
Residential uses above commercial
Restaurant except drive-through
Shoe and shoe repair stores
Small appliance and electronic equipment repair
Soda foundation
Specialty food
Stationery store
Tailor
Telecommuting services
Theater, under 50 seats
Toy store
Travel and other agencies

Urban agricultural uses as provided for and limited under chapter 16.21

Variety store

Veterinarian

Video rental

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

- B. Uses similar to uses listed above under A may be approved by the site plan review committee upon finding the use is consistent with the intent of this chapter and in the best interest of the surrounding neighborhood.

Section 33. Section 16.37.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.020 Permitted uses in the designated commercial area. The following uses are permitted in that portion of the Hawks Prairie Business District designated as commercial area on *Table 16T-67*.

A. Commercial

Apparel

Automotive supplies

Books and stationery

Convenience stores and service stations designed for fueling no more than eight automobiles simultaneously and subject to the provisions of Subsection 16.37.070.H.

Department stores

Drug stores and pharmacies

Fabric stores

Florists

Food stores

General merchandise

Gifts/specialty

Hobby/special interest

Homes appliances/electronics

Home furnishings

Home improvement centers/garden supplies

Jewelry and cosmetics

Liquor

Personal services

Professional services when provided as an integral part of a commercial center.

Sporting goods and related stores.

B. Hotels and motels

C. Convention centers and conference facilities.

D. Eating and drinking establishments. Restaurants with drive through windows shall meet the provisions of Section 16.37.070.I.

E. Cultural, entertainment and recreation.

Art galleries

Athletic facilities and health clubs

Bowling alleys

Cinemas

Libraries and museums

F. Day care facilities when provided as an integral part of a commercial center and in support of the other uses therein.

G. Financial institutions

Banks

Brokerages

Finance companies

Insurance and real estate offices

Such uses shall be allowed only when provided as an integral part of a commercial center and in support of the other uses therein.

H. Other similar and related uses consistent with the intent of the zone as determined by the site plan review committee. (Ord. 1054 §2, 1997).

I. Urban agricultural uses as provided for and limited under chapter 16.21

Section 34. Section 16.37.030 of the Lacey Municipal Code is hereby amended to read

as follows:

16.37.030 Permitted uses in the business/commercial area. The following uses are permitted in that portion of the Hawks Prairie Business District designated as business/commercial area on *Table 16T-67*.

- A. All uses listed under 16.37.020 above.
- B. Public services
 - Higher education facilities
 - Vocational schools
 - Local public services including charitable and service organizations, employment centers, fire stations, police stations and other local government offices.
- C. Mass transit
 - Bus transfer facilities.
- D. Offices and manufacturing
 - Computer hardware and software development and assembly
 - Conference facilities
 - Corporate/regional/administrative offices
 - Daycare facilities
 - Electrical equipment research, development, and assembly
 - Financial institutions including banks, brokerages, finance companies, insurance and real estate offices
 - High-tech industry
 - Medical offices and clinics
 - Offices and manufacturing
 - Photo and optical goods design and development
 - Professional and business offices
 - Scientific research and development
 - Scientific, analytic or control instrument research and development
- E. Eating and drinking establishments. Restaurants with drive through windows shall be subject to Section 16.37.070.I.
- F. Warehouse and distribution activities, when developed in conjunction with a primary function such as business headquarters, research and design, marketing or retail sales and subject to the granting of a conditional use permit.
- G. Medical facilities
- H. Residential
 - 1. High density residential, twenty units per acre. All residential units must be located in mixed use buildings that have the first floor dedicated to offices or other non-residential uses.

2. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.
- I. Other similar and related uses in accordance with the intent of this chapter as determined by the site plan review committee.
- J. Urban agricultural uses as provided for and limited under chapter 16.21

Section 35. Section 16.39.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.39.020 Permitted uses.

- A. The uses allowed in this district are limited to those necessary for a healthy and vibrant employment zone that promote manufacturing job generation or commercial development and occupying a building with a footprint no larger than a total of 200,000 square feet in size. A use must meet the intent of the zone as stated in section 16.39.010 and be described in the following portions of this subsection in order to be permitted. Types of uses permitted in the Light Industrial/Commercial district subject to satisfying the intent of the zone, may 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. 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, and other agricultural commodity and processing, except slaughtering, and except where such activities generate nuisance characteristics likely to impact surrounding property,
 - f. Scientific, medical and precision instruments and equipment;
 3. Other uses:
 - a. Warehousing and distribution facilities 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. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g. plant cafeteria, recreation area),
 - e. Mail carrier services that predominantly utilize smaller trucks, such as US Mail facilities, United Parcel Service, Federal Express and other similar services.
 - f. Urban agricultural uses as provided for and limited under chapter 16.21
4. Existing buildings that have a footprint larger than 200,000 square feet shall be considered in compliance with this section based upon mitigation under previous approvals.
- B. General commercial uses that are compatible with adjacent uses in this zone and sometimes considered heavier commercial uses that may not be compatible with uses in other zones including:
1. Building material sales, lumber yards, hardware and garden materials;
 2. Auto supply stores;
 3. Car washes and gas and service stations;
 4. Automotive repair;
 5. Used good retail stores;
 6. Wholesale sales;
 7. General retail sales;
 8. Automobile sales;
 9. Servicing of equipment;
 10. Building contractors and staging for contracting business provided all equipment stored outside is effectively screened from adjacent properties and road right of way.
 11. Campers, trailers and manufactured home sales;
 12. Boat and marine equipment sales;
 13. Farm equipment supplies;
 14. Eating and drinking establishments;
 15. Commercial recreation;
 16. Recycling;
 17. Business, professional and personal services (e.g. banks, accounting services, barber shops);
 18. Motels;
 19. Taxidermy;

20. Veterinary clinics (limited to small animals);
 21. General retail activity;
 22. 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;
 23. Firefighter's sleeping quarters in fire houses.
- C. 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.
 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.
 - d. The use meets expectations of the Comprehensive Land Use Plan, Transportation Plan, and Economic Development Element.
- D Conditional Uses Permitted: Conditional uses may be considered as provided for in Chapter 16.66 of the Lacey Municipal Code, provided all applicable standards necessary to mitigate identified impacts are satisfied.
1. For a conditional or special use to be approved it must be shown that the use would meet the goals of the Comprehensive Land Use Plan, the Transportation Plan, the Economic Development Element, and would promote higher job generation or other significant benefits to the Lacey community.
 2. 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 or commercial uses, enhances the marketability of the light industrial/commercial zone and will not adversely impact the city's economic development strategies for the zone.
- E. 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 36. Section 16.40.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.40.020 Permitted uses.

A. **Permitted Uses:** Uses allowed within this zone are limited to those necessary for a healthy and vibrant employment zone that promote manufacturing activity and job generation. A use must meet the intent of the zone as stated in section 16.40.010 to be permitted. Types of uses that may be permitted in the light industrial district, subject to satisfying the intent of the zone, may 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, and other agricultural commodity and processing, except slaughtering, and except where such activities generate nuisance characteristics likely to impact surrounding properties.
- f. Scientific, medical and precision instruments and equipment;

3. Other uses:

- a. Warehousing and distribution facilities 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;

f. Urban agricultural uses as provided for and limited under chapter 16.21

4. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area);
 5. Mail carrier services that predominantly utilize smaller trucks, such as US Mail facilities, United Parcel Service, Federal Express and other similar services.
 6. Buildings in existence prior to January 1, 2010 that have a footprint larger than 500,000 square feet shall be considered in compliance with this section based upon mitigation under previous approvals.
- B. Similar Uses: 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;
 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.
 - d. The use meets expectations of the Comprehensive Land Use Plan, Transportation Plan, and Economic Development Element.
- C. Conditional Uses Permitted:**
1. Conditional uses may be considered as provided for in Chapter 16.66 of the Lacey Municipal Code.
 2. For a conditional use to be approved it shall be demonstrated that the use would meet the goals of the Comprehensive Land Use Plan, the Transportation Plan, the Economic Development Element, and would promote job generation or other significant benefits to the Lacey community.
 3. 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: On-site hazardous waste treatment and storage facilities may be permitted 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 37. Section 16.41.020 of the Lacey Municipal Code is hereby amended to read

as follows:

16.41.020 Permitted uses.

A. Primary Uses. Primary uses permitted in the business park district provide a broad range of activities including research institutions and light assembly and light manufacturing facilities. Specific primary types of uses allowable include:

1. Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
2. Printing, publishing and book binding;
3. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
4. Scientific research, testing and experimental development laboratories;
5. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, or charitable institutions limited to five thousand square feet or more in floor area. Such uses shall be limited collectively to occupying no more than fifty percent of the developable floor area of each business park zone.

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

1. Warehousing and distribution facilities and the storage of goods or products clearly subordinate to, and an integral part of, the primary permitted use;
2. Engineering, development, administrative or executive offices which are part of a primary use;
3. Retail. Retail development may be permitted where it can be demonstrated that the business park will be clearly and primarily benefited by the convenience of such retail facilities. The total square footage devoted to retail development shall not exceed ten percent of the developable floor area of the business park district. Except as provided below for day care centers, the total square footage of a retail use may not exceed five thousand square feet or, if incorporated within a building containing other uses, the square footage may not exceed twenty-five percent of the building gross floor area, and an individual retail use may not exceed five thousand square feet. A building containing a retail use may not be located closer than one hundred feet to an arterial street or four hundred feet if the retail use stands alone. Signs for retail uses shall be visible only within the business park area and attached to the building wall. Retail uses include:

- a. Convenience stores, such as food and drug stores, banks and office supplies,

- b. Personal services such as barber and beauty shops, dry cleaning, laundry,
- c. Business services, such as printing and copying, photo processing, postal/mail, word processing, travel agencies,
- d. Delicatessen,
- e. Restaurants, except drive-ins,
- f. Recreation facilities, (exceptions: mechanical or electronic games, theaters (live and movie) and games of skill such as bowling),
- g. Day care centers not exceeding 10,000 square feet,
- h. Museums and art galleries;

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

- a. Offices and clinics for businesses such as medical, dental, chiropractic, optical, etc.;
- b. Professional offices offering direct business or professional services to consumer/clients, including but not limited to: real estate and security agents and brokers, accountants, attorneys, engineers, planners, architects, etc.

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

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

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

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

6. Urban agricultural uses as provided for and limited under chapter 16.21

C. 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 Sections 16.41.020.A and .B of the Lacey Municipal Code are permitted upon a finding by the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the 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.

D. Special 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 of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent business park uses, enhances the marketability of the business park zone and will not adversely impact the city's economic development strategies for the zone.

Section 38. Section 16.42.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.42.020 Permitted uses.

A. Specific types of uses permitted are those types of industrial activities which can be accomplished within the performance standards established by this title. Any industrial activity for which performance standards are not included in this title shall comply with the standards established by recognized public or quasipublic agencies for the protection of industrial or environmental health. (The standards shall be those in effect at the time that a building permit is issued.)

Examples of permitted uses are as follows:

1. All industrial activities involving the manufacture, assembly, processing, 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. The production, sale or bulk storage of materials or products;
3. Warehousing and open storage;
4. Food processing;
5. Fabrication of furniture, appliances.
6. Urban agricultural uses as provided for and limited under chapter 16.21

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

1. Uses similar to, or related to, or compatible with those listed or described in Section 16.42.020.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 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. Eating and drinking places within an industrial building or as an accessory use, and catering primarily to the people working in the area;
4. 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;
5. 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.

Section 39. Section 16.48.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.48.020 Permitted uses.

- A. Specific types of permitted uses are those which provide a public service or fill a public need as described in the statement of intent. Uses shall also be appropriate to the specific site and the intent behind each site's designation as OSI. OSI sites designated as the result of a sensitive area designation should only be used for natural resource conservation purposes with associated trails for passive recreation opportunities or such active recreation opportunities as the City concludes is appropriate to the protection, conservation and use of such area. OSI sites designated as such for reasons other than sensitive area classification may be used for such other purposes as allowed in Chapter 16.48 of the Lacey Municipal Code. Such uses include but are not limited to the following:
 1. Parks, greenbelts and open space for active or passive recreation or enjoyment. (Note: Whenever a park or open space is created as an integral part of a subdivision, such park or open space shall be designated an open space/institutional district on the official zoning map);
 2. Government buildings or offices such as city hall, fire stations, schools and colleges, hospitals, community meeting or recreation halls;
 3. Libraries, museums, or similar cultural facilities;
 4. Churches;
 5. Residential uses as an incidental use to the permitted use such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff or faculty of colleges, hospitals and the like.

6. Urban agricultural uses as provided for and limited under chapter 16.21

- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:
1. Uses similar to, or related to, those listed in Section 16.48.020.A of the Lacey Municipal Code 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 land development plan.
 2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
- C. Conditional uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.
- D. Child day care centers shall be allowed as an accessory use to those uses permitted by Chapter 16.48 of the Lacey Municipal Code.

Section 40. Section 16.49.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.49.020 Permitted uses.

1. All uses allowed under the definition of cemetery business as described in the Revised Code of Washington Chapter 68.
2. Urban agricultural uses as provided for and limited under chapter 16.21.

Section 41. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 9th day of
June , 2011.

CITY COUNCIL

By: Tom Wilson
Mayor

Approved as to form:

[Signature]
City Attorney

Attest:

Carol Little
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1368

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 9, 2011, Ordinance No. 1368, entitled "AN ORDINANCE RELATING TO URBAN AGRICULTURE, REPEALING SECTION 16.21.010, ADDING NEW SECTIONS 16.06.097, 16.06.373, 16.06.403, 16.06.405, 16.06.694, 16.06.746, 16.06.747, 16.21.005, 16.21.010, 16.21.014 AND 16.21.018, AMENDING SECTIONS 16.10.020, 16.10.040, 16.12.020, 16.12.040, 16.13.020, 16.13.040, 16.14.020, 16.14.040, 16.15.020, 16.15.040, 16.18.020, 16.18.030, 16.22.020, 16.23.020, 16.25.020, 16.27.020, 16.30.020, 16.34.020, 16.36.020, 16.37.020, 16.37.020, 16.39.020, 16.14.020, 16.41.020, 16.42.020, 16.48.020, 16.49.020 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance provides new definitions and regulations regarding Urban Agriculture.
2. 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: June 13, 2011.