

ORDINANCE NO. 1375

CITY OF LACEY

AN ORDINANCE RELATING TO PLANNING, ZONING AND LAND USE REGULATIONS WITHIN THE CITY, ADOPTING A NEW SHORELINE MASTER PROGRAM, PROVIDING FOR NEW PROVISIONS REGARDING AGRICULTURAL USES AND FLOOD REGULATIONS ENCOMPASSED WITHIN THE ENVIRONMENTAL PROTECTION AND RESOURCE CONSERVATION PLAN, ADDING PROVISIONS TO THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN, GRANTING ZONING CHANGES, REPEALING SECTION 14.34.160, ADDING NEW SECTIONS 14.34.005, 14.34.082, 14.34.084, 14.34.086, 16.03.016 AND A NEW CHAPTER, 16.19 AND AMENDING SECTIONS 14.23.087, 14.26.010, 14.26.040, 14.34.010, 14.34.080, 14.34.100, 14.34.110, 14.34.120, 14.34.130, 14.34.135, 14.34.140, 14.34.150, 16.03.015, 16.03.020, 16.24.020, 16.24.070 AND 16.24.090 OF THE LACEY MUNICIPAL CODE AND ADDING PROVISIONS TO THE CITY OF LACEY DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS AND APPROVING A SUMMARY FOR PUBLICATION.

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

WASHINGTON, as follows:

WHEREAS, the City Council, upon recommendation of the Planning Commission, has previously approved a new Shoreline Master Program for submittal to the Washington State Department of Ecology and in order to be consistent with such Plan it is necessary to adopt and amend provisions of the Lacey Municipal Code, and

WHEREAS, the Department has suggested modifications to said Plan and the Council has agreed with such suggestions, and now wishes to formally adopt the new Shoreline Management Plan, and

WHEREAS, the City has previously approved new zoning regulations allowing urban agricultural uses within certain zones of the City and the Planning Commission has recommended adding a new section to the City's Environmental Protection and Resource Conservation Plan to make such plan consistent with the previously adopted zoning changes, and

WHEREAS, the Planning Commission has recommended a modification of the flood control provisions of such Conversation Plan, and

WHEREAS, the Planning Commission has recommended the addition of provisions to the land use element of the Comprehensive Plan relating to infill and affordable housing, innovative techniques for shoreline uses and public participation provisions, and

WHEREAS, the City Council has, upon recommendation of the Planning Commission, reviewed and determined to grant two applications for zoning map changes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON AS FOLLOWS:

Section 1. That certain document entitled City of Lacey Shoreline Master Program approved by the Washington State Department of Ecology and the City Council is hereby adopted as the Shoreline Master Program for the City of Lacey.

Section 2. That certain document dealing with agricultural uses within the City attached hereto as Exhibit A is hereby adopted to replace Chapter 1, Section 1 of the City's Environmental Protection and Resource Conservation Plan.

Section 3. That certain document relating to flood control zones and attached hereto as Exhibit B is hereby adopted to replace Chapter 2, Section 2 of the City's Environmental Protection and Resource Conservation Plan.

Section 4. That certain document dealing with infill and affordable housing and attached hereto as Exhibit C is hereby added to Chapter VI of the Land Use Element of the City's Comprehensive Plan.

Section 5. That certain document setting forth provisions for innovative techniques including density transfers and bonus programs, identified as Exhibit D, attached hereto, is hereby added to Chapter V of the Land Use Element of the City's Comprehensive Plan.

Section 6. That certain document relating to public participation in the planning and land use processes of the City and identified as Exhibit E, attached hereto, is hereby added to Chapter VI of the Land Use Element of the City's Comprehensive Plan.

Section 7. The zoning designation shown on the Comprehensive Plan and Land Use Maps of the City for those properties shown on Exhibit F, attached hereto, is hereby changed from Light Industrial (LI) to Light Industrial Commercial (LIC).

Section 8. The zoning designation shown on the Comprehensive Plan and Land Use Maps of the City for those properties shown on Exhibit G, attached hereto, is hereby changed from High Density Residential (HD) to Central Business District IV (CBD4).

Section 9. After the required modifications are made to the Comprehensive Plan and Land Use Maps of the City pursuant to the direction of Sections 7 and 8, said maps shall be designated as "Revised 2011" and identified by the approving signatures of the Mayor and City Clerk.

Section 10. Section 14.26.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.26.010 Adopted. There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, those certain plans, rules and regulations known as the "City of Lacey Shoreline Master Program, September, 2011" ~~for the Thurston Region, July, 1983,~~ as the master program for the regulation and development of the shorelines within the jurisdiction of the city, subject to the supplemental local ordinance contained within this code.

Section 11. Section 14.26.040 of the Lacey Municipal Code is hereby amended to read as follows:

14.26.040 Applications for permits. Applications for shoreline substantial development permits, conditional use permits and variance permits are subject to and shall be processed

pursuant to Chapter 173-14 of the Washington Administrative Code as now or hereafter amended, ~~Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards~~ and pursuant to the requirements of this section, which are set forth as follows.:

~~Applications for shoreline substantial development, conditional use and variance permits shall be submitted to the community development department on forms supplied by the department. The application shall contain the information required by Washington Administrative Code 173-14-110 and such other information as may be required by the department.~~

Section 12. Section 16.03.015 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.015 Lacey Comprehensive Land Use Plan. That certain series of documents identified as City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, ~~updated under Growth Management Act Requirements 2003,~~ Housing Element for the City of Lacey and the Lacey Urban Growth Area, ~~updated under Growth Management Act Requirements 2003,~~ Environmental Protection and Resource Conservation Plan for the City of Lacey, City of Lacey 1998-Transportation Plan, College Street Improvements Final Report, City of Lacey 2007-2026 Capital Facilities Plan, Utilities Element for the Lacey Comprehensive Plan, Comprehensive Plan for Outdoor Recreation, Water Comprehensive Plan for City of Lacey, City of Lacey 2005 Wastewater Comprehensive Plan Update, Lacey Urban Forest Management Plan, and Economic Development Element for the City of Lacey together with the Comprehensive Plan Downtown Element as supplemented by the City of Lacey Woodland District Guidelines and the Northeast Area Plan constitutes the Lacey Comprehensive Plan and all regulatory and zoning ordinances of the city shall be construed to be consistent with said plan as adopted or hereafter amended.

Section 13. There is hereby added to the Lacey Municipal Code a new Section, 16.03.016 to read as follows:

The City of Lacey Shoreline Master and its requirements for land use within shoreline areas has been integrated into the Lacey Comprehensive Land Use Plan and zoning code by reference and use of a “Shoreline Master Program overlay” on the official Plan map and zoning map. This map overlay provides shoreline designations and development standards that will be applied consistent with the Lacey Shoreline Master Program. This is intended to be a seamless method of bringing together the Shoreline Master Program and Lacey’s other long range planning and implementation documents, to provide the integration required under the state Growth Management Act.

Section 14. Section 16.03.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.020 Intent. It is the intent of this title to:

- A. Facilitate orderly growth and development of the Lacey urban growth area, consistent with the policies, goals and objectives of the Lacey Comprehensive Plan for the Lacey urban growth area;
- B. Protect the health and general welfare of residents of the Lacey urban growth area;
- C. Promote sound economic development and protect property values;
- D. Preserve and protect vital aspects of the natural environment;
- E. Designate land use districts and provide for compatibility between the several districts;
- F. Provide flexible regulations and controls for the intensity and character of land use;
- G. Provide for the administration and enforcement of the regulations within the Lacey urban growth area.

H. Provide integration between the Shoreline Management Program and Lacey's Comprehensive Land Use Plan and zoning ordinances.

Section 15. There is hereby added to the Lacey Municipal Code a new Chapter, 16.19, to read as follows:

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

- A. Enhance the residential quality of the city by providing a high standard of development for residential area within shoreline jurisdiction;
- B. Provide an overlay zone based upon the local Shoreline Master Program to apply its designations and related development standards to the underlying zone.
- D. Provide the integration of local GMA documents and plans with shoreline management under the local Shoreline Master Program.

16.19.020 Permitted Uses.

1. Consistent with Shoreline Designation:

Only those uses/activity/development as identified in Table 3 of the Shoreline Master Program shall be permitted according to the specific shoreline designation.

2. Consistent with Functions and Values:

An activity, use, or development must be compatible with the physical characteristics and identified functions and values of the subject reach in which it is proposed and shall be designed and located accordingly.

16.19.030 Prohibited Uses.

1. Shoreline Master Program Table 3:

Uses other than those identified in Table 3 of the Shoreline Master Program or permitted by conditional use permit are prohibited.

2. Residential Development Over Water:

Residential development designed for occupancy is prohibited over water.

16.19.035 Density for Shoreline Designations:

1. Shoreline Master Program Table 4:

The overall density permitted for a parcel shall be no greater than that density identified for the specific shoreline environmental designation in Table 4 of Lacey's Shoreline Master Program, in addition to potential density credit that may be transferred to parcels outside shoreline jurisdiction as provided in Chapter 16.58.

2. Incentive Density Bonus:

Density credit for property within the Shoreline Residential, Urban Conservancy and Natural designations may include a density bonus increase to exceed the underlying density cap pursuant to adoption of an incentive dedication development agreement as provided in Chapter 16.58.

16.19.040 Residential Form Permitted:

1. Land Form Generally:

Within the 200 foot shoreline jurisdiction, the form of urban residential development shall be designed to be compatibility with the shoreline environment.

2. Innovative Concepts Encouraged:

Concepts that use unique or innovative designs to achieve the goals of Lacey's Shoreline Master Program are encouraged and will be allowed flexibility in meeting design standards.

3. Attached and Detached Housing Forms:

A range of housing options will be permitted for projects that are compatible with shoreline resources, meet GMA goals for density and provide a quality residential environment. To achieve urban density and environmental compatibility, this may include attached and compact

housing forms and clustering concepts if the administrator determines it is consistent with the intent of this SMP.

4. Compact Housing:

Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units is encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment.

5. Clustering Housing Forms Encouraged:

Clustering of residential units will require an attached development concept or a compact detached concept. Housing forms that utilize compact low impact design to achieve the goals of Lacey's Shoreline Master Program for integration, compatibility with natural shoreline processes and environmental sensitivity are preferred. This can include condominium, townhome, courtyard, cottage designs and other innovative housing forms that accomplish the same objectives.

6. Design with Nature:

Design shall incorporate natural physical topographic profiles to work with the site's natural components, without impact to functions and values identified in the inventory, analysis and classification of the subject reach.

7. Least Impact:

For projects that include more than one residential unit, or a land division of property, design with least impact to the environment may require a clustering concept to minimize site disturbance and impervious area. This will include common facilities that provide use of shoreline resources for residents and also minimize impact and physical alteration of shoreline area.

16.19.50 Conformance with Shoreline Master Program Requirements:

All requirements of section 17.63 Residential Development shall be satisfied.

Section 16. There is hereby added to Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards those certain provisions relating to the review of projects and activities within the shorelines of the City as shown on Exhibit H attached hereto.

Section 17. There is hereby added to the Lacey Municipal Code, a new Section, 14.34.005 to read as follows:

14.34.005 Intent. It is the intent of this ordinance to:

1. Adopt policy and regulation restricting development within designated flood hazard areas where such development would put life and property at risk because of flood hazard;
2. Identify those areas at risk for flood hazard by reference to appropriate maps and studies that represent the best scientific information available to the City of Lacey;
3. Adopt policy and regulation for Lacey's flood hazard areas that is coordinated and consistent with Lacey's sensitive area ordinances. These ordinances protect designated environmentally sensitive area resources that generally overlap with flood hazard areas.
4. Adopt policy and regulation restricting development within designated flood hazard areas that would adversely impact the function and value of critical/sensitive area resources by reducing flood water retention capacity of wetlands or impacting critical habitat.
7. Coordinate designation and use of land under requirements of the state Growth Management Act (GMA), recognizing adequate developable land resources have been identified and zoned to accommodate forecasted growth outside of designated flood hazard areas.
8. Coordinate regulation and management of flood hazard areas and other sensitive/critical areas according to the concepts under GMA and the City Comprehensive Land Use Plan;
9. Promote the natural function and values of flood hazard areas and other critical area resources that are not compatible with urbanization and need special consideration and protection.

10. Recognize there is no compelling public need to justify the adverse impacts to the public's interest that would result from development within flood hazard areas.

Section 18. Section 14.34.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.010 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.

B. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

C. "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A and V.

D "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood." Designated on Flood Insurance Rate Maps by the letters A or V.

E. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

F. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard or removal of substantial amounts of vegetation, or alteration of the natural site characteristics.

G. "Elevation Certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with section B completed by Community Officials.

H. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

I. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

J. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

K. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

L. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements.

~~M. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~

~~N. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

OM. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

PN. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or

~~footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.~~

EQ. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

RP. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SQ. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

FR. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Section 19. Section 14.34.080 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.080 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.34.030. The permit shall be for all structures ~~including manufactured homes, as set forth in the "definitions,"~~ permitted as an exemption under 14.34.082 and for all other development including fill and other activities, also as set forth in the "definitions." Application for a development permit shall be made on forms furnished by the building official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;

- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.34.130(B); and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 20. There is hereby added to the Lacey Municipal Code a new Section, 14.34.082 to read as follows:

14.34.082 Prohibition on development within designated flood hazard areas.

Because of the potential hazard to life and property and the restrictions already in place related to sensitive areas on those lands designated as flood hazard within the City of Lacey, development shall be prohibited on lands designated as flood hazard with only a few exceptions. Exemptions are listed below and must meet requirements of section **14.34.084**:

- A. Trails and recreational improvements for public access to water bodies consistent with the City Comprehensive Plan for Outdoor Recreation and the City Shoreline Master Program, if applicable.
- B. Public works projects involving the provision or transmission of a utility where no alternative routing options are reasonable.
- C. Public works projects consistent with the City Transportation Plan where no alternative routing options are reasonable.
- D. Maintenance activities and improvements to pre-existing structures that do not increase the footprint of area located within a flood hazard area,
- E. Public activities and improvements approved by the City of Lacey determined to be in the public's best interest.

Section 21. There is hereby added to the Lacey Municipal Code a new Section, 14.34.084 to read as follows:

14.34.084 General requirements applicable to exemptions permitted in section 14.34.082

All exceptions to the siting prohibitions listed in section 14.34.082 shall meet the following requirements:

- A. All applicable requirements of this chapter are satisfied.
- B. It does not increase the risk of flood hazard or displace flood waters to adjacent sites.
- C. The improvement meets requirements of FEMA for flood protection.
- D. The improvement has no impact to critical habitat or any impacts are fully mitigated as determined by the Washington State Department of Fish and Wildlife.
- E. Any impact to the Riparian habitat zone (RHZ) is fully mitigated and all critical area buffers and standards of LMC 14.28 (wetland Protection), 14.33 (habitat conservation areas) and 14.32 (tree and vegetation protection and preservation ordinance) are satisfied. This includes a 200 foot buffer along Woodland Creek which exceeds the distance of Woodland Creek's Channel Migration Zone (CMZ) by a distance greater than 50 feet.
- F. Stormwater and drainage feature shall incorporate low impact development techniques that mimic pre-development hydrological conditions, when technically feasible.
- G. Creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided.
- H. Any loss of floodplain storage shall be avoided, rectified or compensated for. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.
- I. Uses that are not permitted in the protected area because they can adversely affect water quality, habitat and other natural values and functions, include:
 - 1. Septic tanks and drainfields;
 - 2. Dumping of any materials;

3. Hazardous or sanitary waste landfills;
 4. Receiving areas for toxic or hazardous waste;
 5. Other contaminants.
- J. Uses shall comply with the City's tree and vegetation protection and preservation ordinance (LMC 14.32) which prohibits the removal of vegetation within critical areas or associated buffers. Minimal unavoidable disturbances may be permitted if fully mitigated.
- K. Development may not adversely impact water quality, water quantity, flood volume, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. Any project with impacts to these elements of the environment that are not fully mitigated will be prohibited.
- L. Where an area is under the jurisdiction of the Shoreline Master program (SMP) all requirements for protection of the natural functions and values shall be satisfied. This includes prohibition on location of new development requiring armoring for protection against natural shoreline processes and flooding.
- M. New road crossing over streams in the floodplain or buffers associated with wetlands within designated flood hazard areas is prohibited as a compliance standard under FEMA requirements.

Section 22. There is hereby added to the Lacey Municipal Code a new Section,

14.34.086 to read as follows:

14.34.086 Administrative requirements

Any application or permit for exemption under the provisions of 14.34.082 and 14.34.084 shall meet the following process and tracking requirements:

- A. The application for a permit to develop in the affected area must include the elevations of the 10, 50 and 100 year floods, where such data is available.
- B. The applicant must record a Notice of Title that the property contains land within the RHZ and /or 100 year floodplain before a permit may be issued.

C. The permit will be tracked to consider cumulative impacts to flood storage capacity and fish habitat and mitigation shall be required for all identified impacts.

Section 23. Section 14.34.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.100 Duties and responsibilities of the building official. Duties of the building official shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodplain or floodway. If located in the floodplain or floodway, assure that permits are not issued according to the provisions of this chapter. ~~the encroachment provisions of Section 14.34.140(A) are met.~~

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.34.030, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 14.34.130 and 14.34.140.

C. Information to be Obtained and Maintained.

~~1. Where base flood elevation data is provided through the Flood Insurance Study or required in Section 14.34.100(B), obtain and record the actual elevation (in relation to mean sea~~

~~level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~

~~21. For all new or substantially improved floodproofed non-residential structures:~~

~~a. Verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed ensure the structure will not be within a designated floodplain or floodway. , and~~

~~b. Maintain the floodproofing certifications required in Section 14.34.080(C);~~

~~3. b. Maintain for public inspection all records pertaining to the provisions of this chapter.~~

D. Alteration of Watercourses.

1. Except in cases where the city or state or federal government undertakes public works projects for the benefit of the general public; alteration of any watercourses is prohibited.

2. In cases where a city, state or federal government entity undertake such a project all appropriate city, state and federal permits and approvals shall be required. All identified impacts shall be fully mitigated.

~~13. In the case of city, state or federal government project the building official shall Nnotify communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;~~

~~24. In the case of a city, state or federal government project the building official shall Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished and all habitat functions maintained.~~

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

Section 24. Section 14.34.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.110 Variance procedures. Variations from the terms of this chapter will be issued only in accordance with Section 1910.6 of the Federal Regulations (Title 24 CFR) and the variance procedures and requirements of LMC 16.90.005.

Section 25. Section 14.34.120 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.120 General standards for flood hazard protection applicable to exemptions of Section 14.34.080. In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

~~2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. Water wells shall be located on high ground that is not in the floodway;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

~~D. Subdivision Proposals.~~

~~1. All subdivision proposals shall be consistent with the need to minimize flood damage;~~

~~2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;~~

~~3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and~~

~~4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).~~

ED. Review of Building Permits. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction is out of a designated flood hazard area and will be reasonably safe from flooding. The test of reasonableness is a local judgment

and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

Section 26. Section 14.34.130 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.130 Specific standards for pre-existing use exemptions of Section 14.34.082. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.34.030 or 14.34.100(B), the following provisions are required:

A. Residential Construction.

1. ~~New construction and~~ Substantial improvement of any pre-existing residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE);

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. ~~Nonresidential Construction. New construction and~~ Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure shall either have the lowest

floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below a point one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans;
4. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in Section 14.34.130(A)(2);
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated at the base flood level).

~~C. Manufactured Homes. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.34.120(A)(2). This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or~~

~~improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.~~

~~D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:~~

- ~~1. Be on the site for fewer than 180 consecutive days, (or)~~
- ~~2. Be fully licensed and ready for highway use, on it's wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or~~
- ~~3. Meet the requirements of 5.2.3 above the elevation and anchoring requirements for manufactured homes.~~

Section 27. Section 14.34.135 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.135 AE and A1-30 zones with base flood elevations but no floodways. In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the communities FIRM, ~~unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.~~

Section 28. Section 14.34.140 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.140 Floodways. Located within areas of special flood hazard established in Section 14.34.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development is prohibited, ~~unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic analysis performed in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

B. Construction or reconstruction of residential structures is prohibited within designated floodways, ~~except for:~~

~~1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and~~

~~2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either,~~

~~a. Before the repair, reconstruction, or repair is started, or~~

~~b. If the structure has been damaged, and is being restored, before the damage occurred.~~

~~Work done on structures to comply with existing health, sanitary, or safety codes specifications which have been identified by the local code enforcement official and which are minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.~~

~~C. If Section 14.34.140(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120.~~

Section 29. Section 14.34.150 of the Lacey Municipal Code is hereby amended to read as follows:

14.34.150 Wetlands management. In order to avoid, to the maximum extent possible, the short and long term adverse impacts associated with the destruction or modification of wetlands,

especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the city will:

A. Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;

B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage;

~~C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the city's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.~~

C. Require compliance with the City wetland protection ordinance, habitat protection ordinance, tree and vegetation protection ordinance and applicable environmental plans and regulations.

Section 30. Section 14.34.160 of the Lacey Municipal Code is hereby repealed.

Section 31. Section 14.23.087 is hereby amended to read as follows:

14.23.087 Additional Design Standards Applicable To The Woodland District. Standards in Section 14.23.087 shall be supplemental to other applicable design standards in Sections 14.23.082, 14.23.084, 14.23.086, and 14.23.088.

A. Site design standards.

1. Buildings shall be located close to the street. A maximum setback of ten feet for at least fifty percent of the building's front façade. Remaining portions of the front façade may be stepped back a maximum of thirty feet for the purpose of accommodating pedestrian open space or recessed building entrances. *See Table 16T-09.* The maximum setback shall encourage building modulation along the front of the building to provide additional interest. Building entries, outdoor cafes, and other pedestrian oriented uses may be located to the street.

2. Pedestrian plazas shall be incorporated into the design of all multiple building sites. Buildings may be clustered to create these plazas. Plazas can be located next to the street and, with approval of the city, incorporated into the city right of way improvements. All plazas shall be easily seen and accessible from the street or sidewalk on the public right of way.
3. No parking shall be located between the building and the street. All parking shall be located to the side or rear of a building. All parking located to the side of a building and adjacent to the sidewalk shall be screened by use of wide landscaped areas, low walls, or other techniques effective in providing an attractive streetscape. No more than fifty percent of the parcel frontage may be devoted to parking lot. Such parking lots shall conform to the following standards:
 - a. A ten foot wide landscaping buffer capable of growing to a height of thirty six inches and may be pruned to a maximum of forty two inches; or
 - b. A five foot landscaping buffer with a low wall between thirty six inches and forty two inches constructed of masonry or grillwork; and
 - c. A pedestrian connection shall connect the parking lot to the building, sidewalks and the street;
 - d. All parking lots shall provide pedestrian connections in accordance with the standards in Section 14.23.084.E.5. of the Lacey Municipal Code;
 - e. Parking lot landscaping shall be designed in the orchard style, which is at a minimum, one tree per five parking stalls. Parking lot landscaping design standards shall also conform to the standards in Chapter 16.80 of the Lacey Municipal Code.
4. All office buildings along the perimeter of the employment core, as identified in *Table 16T-10*, and all parking garages shall incorporate ground floor space to support uses as identified in LMC 16.24.020. ~~a retail aspect into the design of the structure.~~ This retail space shall conform to the

standards in Section 16.24.080.D. and ~~the following:~~ be designed such to provide flexibility for conversion to retail commercial uses in the future by:

a. ~~The ground floor interior ceiling clear height should be 10 feet. A minimum of fifty percent of the length of the exterior ground floor facing any of the public streets identified in Section 16.24.090.D.1. shall be designed to be occupied by a retail or commercial use.~~

b. Allow for the potential to place a storefront entrance directly to the street. ~~The leasable ground floor area shall extend in depth a minimum of thirty feet from the exterior building façade, provided that the minimum required may be averaged, with no depth less than fifteen feet.~~

e. ~~The minimum clear interior ceiling height standard for the retail/commercial or service use portion of the building shall be a minimum of ten feet for all street level building space.~~

d. ~~The main retail entrance shall be directly from the street.~~

5. Site lighting shall complement the building and site. It shall be pedestrian scale and provide ample light to help make pedestrians feel safe and secure. Street light style shall meet requirements of Lacey's Development Guidelines and Public Works Standards.

6. Pedestrian circulation shall meet the requirements of Section 14.23.084.E.5. In addition, the pedestrian connections shall connect the parking lot to the building and the sidewalk.

B. Architectural elements.

1. All buildings shall provide significant building articulation. This can be accomplished through building modulation, significant entry features, changes in materials, building focal points (an entryway can serve as a focal point), rhythm of architectural elements or any other methods that are effective in achieving significant building interest, providing an attractive streetscape.

2. Buildings with more than two stories shall provide vertical articulation. Buildings shall have a base, middle and top. This shall be accomplished through stepping back the upper levels a minimum of eight feet, using different materials, incorporating a significant building element such as balconies, porches, canopies, or towers, or any other method that visually breaks up the facade and contributes to an attractive streetscape. Buildings shall have a common horizontal element at fifteen feet above the sidewalk.

3. All building sides facing public streets and plazas shall incorporate significant use of building elements, such as the following techniques:

a. Articulated building elements through treatment of windows, doors, entries, and corners with special trim molding or glazing.

b. Decorative building materials such as tile and metal work.

c. Enhanced or articulated building entrances.

d. Pergolas, arcades, porches, decks, or windows.

e. Balconies on upper stories.

f. Windows with multiple pane fenestration.

g. Decorative railings, grillwork, or landscaping guards.

h. Landscaping trellises.

i. Decorative light fixtures.

j. Decorative paving.

k. Artwork in public spaces.

l. Broken roof forms and vertical modulation to break down the scale of large one-story buildings.

m. Store front windows with over seventy five percent of the front façade on the ground floor between two feet and twelve feet above the ground along the major pedestrian corridor.

n. Other details or elements approved by the director of community development.

4. On buildings located at street intersections, special architectural elements shall be incorporated to accentuate the building's prominent location.

5. Secondary building walls more than fifteen feet in length and between two feet and eight feet in elevation height, without windows, entry, architectural features or modulations shall not face a street, alley or parking lot.

6. All roof treatments shall have some articulation either through a sloped roof with a hip, or similar features. If the roof is flat, it shall be architecturally treated, or articulated, with a parapet wall, cornice, or any other architectural roof line detail visible from the ground level. Roof mounted mechanical equipment shall be screened from view.

7. Materials of the building elements, such as roofs (where exposed to view) exterior walls, trim, and other elements, shall be durable yet shall also possess a northwest contemporary character. Materials used shall provide textural interest and be northwest contemporary in nature.

8. Colors shall be earth tones and natural colors. Trim colors shall complement the architectural elements of the building and main body color of the building. Trim colors shall cover no more than ten percent of the facade. Bright colors and neon shall be used in limited applications and only as trim.

C. Street standards.

1. Street standards specified in the city's Development Guidelines and Public Works Standards shall be used as the standard within the Woodland District.

2. Key intersections in this zone shall be paved utilizing colored stamped concrete. Design may reflect a theme of a major feature of the area or historical architecture; see requirements in Section 14.23.087.E.

3. Crosswalks shall be paved with colored stamped concrete.
4. Corners of key intersections will have pedestrian plazas or pocket parks.
5. Street trees shall be placed in decorative tree grates or in planter strips according to **Table 14T-16**.
6. All new streets shall be designed for on-street parking.
7. Sidewalks shall be a minimum of ten feet wide throughout this zone. The major pedestrian corridor shall meet the requirements in Section 14.23.087.H.
8. Curb bulbs to minimize the street crossing distances for pedestrians are required at all intersections, mid-block crossings along the major pedestrian corridor, focal points and streets with on street parking. Bulb-out design shall be consistent throughout this zone and shall enhance the general character of the zone. The specific location of the bulb intersections will be determined by the site plan review committee.
9. Bulb-outs shall be designed to provide additional landscaping along corridors, help delineate parking spaces and crosswalks, and reduce traffic speeds.

D. Street furniture requirements.

Reserved

E. Key pedestrian intersection, pocket park and plaza requirements.

1. Key pedestrian intersection requirements shall apply to those sites designated on the Comprehensive Plan and Zoning maps as key multimodal intersections.
2. Development of these designated intersections shall provide for the interconnection and convergence of pedestrian systems in a friendly pedestrian oriented environment where pedestrians will feel comfortable and invited.

3. At these strategic intersections unique elements of street design streetscapes, pedestrian amenities, pocket park amenities and pedestrian plazas will be developed to created focus points for the downtown environment.
4. The area of the key intersection shall include right of way and generally an additional minimum twenty-five feet radius around the intersection, with the exception of a pocket park or pedestrian plaza, which may extend beyond the additional twenty-five feet radius.
5. Pocket parks and pedestrian plazas shall normally be a minimum of five hundred square feet or of adequate size to accommodate planned improvements and function.
6. Emphasis at these strategic downtown intersections, plazas and pocket parks shall be to provide pedestrian amenities and opportunities enhancing the retail environment. Every effort shall be made to promote the vision of the Downtown 2000 Plan for this area.
7. Each intersection corner shall have a plaza or pocket park and each intersection at least two plazas unless a different plan is approved by the site plan review committee as meeting the vision of the Downtown 2000 Plan. Pedestrian plazas and pocket parks shall meet requirements of Chapter 14.23 and shall, at a minimum, have available seating area, landscaping, outdoor lighting, and a drinking fountain, if no other drinking fountains are available within a two-block radius.
8. Outdoor seating shall be provided. Publicly accessible plazas, courtyards, and pocket parks shall include at least one linear foot of seating per each forty square feet of plaza, courtyard or pocket park space on site. Outdoor seating shall be in the form of:
 - a. Free standing outdoor benches consistent with the standards found within the Downtown Guidelines; or
 - b. Seating incorporated into low walls, raised planters, or building foundations at least twelve inches wide and eighteen inches high.

9. Street merchant spaces for the sale of food and beverages are encouraged in pedestrian plazas and pocket parks. Street merchant spaces and operation must meet all requirements of applicable sections of the Lacey Municipal Code.

10. Public art, sculptures, fountains or similar cultural amenities are required as part of the design of public and private open spaces. Pedestrian plazas and pocket parks shall be designed to provide a minimum of one cultural amenity, or space designed to accommodate and display public art in association with Lacey's art program. Art provided in a public space or right of way may have a plaque identifying the art and the merchant, individuals, or organization sponsoring the art.

11. Intersection improvements may be delayed, at the discretion of the site plan review committee, pending approval of an anticipated LID or similar concept for the area that will permit development of the entire intersection at one time. Provided, preliminary planning concept designs for the intersection are submitted and approved. Provided further, a legally binding commitment is submitted and approved providing a guarantee of future participation and contribution to cover costs of the intersection improvements. This shall not be an option for projects not on the Six Year Road Program.

12. Maintenance of key intersections outside the public right of way shall be the responsibility of the property owner. A monument sign, kiosk or similar advisory mechanism may be placed at each intersection stating the park and maintenance is provided courtesy of the owner.

F. Landscaping requirements.

1. Landscaping shall meet all requirements of Chapter 16.80 and *Table 14T-16* of the Lacey Municipal Code.

2. Landscaping within parking lots shall be designed in the orchard style to maximize the number of parking stalls and trees on site. There shall be a landscaping island at the end of each parking row, perimeter landscaping and minimum of one tree for every five parking spaces.
3. The city shall encourage a diversity of plants, including trees, seasonal planting, flowering shrubs, bulbs, perennials, annuals, and native plants.
4. Street trees shall be placed in tree wells with decorative grates or in a planter strip according to *Table 14T-16*.
5. Opportunities to illuminate the trees shall be provided when the trees are planted, or electrical services shall be installed at each tree well to provide opportunities for seasonal or special event lighting.
6. Street trees shall be chosen with the advice of the city arborist.
7. Street trees shall provide interest. A diversity of trees with specialty or specimen trees shall be planted at pedestrian crossings.
8. Street furniture shall be included in landscaped areas between pedestrian plazas to provide comfortable resting places.

G. Signage.

1. Multiple building complexes shall develop a master sign plan that incorporates the location of signs, the size and materials used. Sign design shall complement the scale and architectural elements of the buildings.
2. Signage shall comply with all the city of Lacey sign requirements.

H. Major pedestrian corridor standards. The following requirements apply to all parcels with frontage on the major pedestrian corridor as identified in Section 16.24.070:

1. Driveway accesses to the major pedestrian corridor. Driveway access to the major pedestrian corridor shall only be permitted if none of the following options are available, as determined by the director of community development:

- a. Alley access
- b. Shared driveway
- c. Adjacent parking lot with an access onto the street
- d. Access onto a street other than the major pedestrian corridor.
- e. Another access is further than three hundred thirty feet from proposed access.

2. Street front pedestrian zone.

a. Sidewalks shall be a minimum of fifteen feet wide. A minimum of eight feet shall be designed to be clear from physical obstructions to pedestrian movement. A physical obstruction may include signage, outdoor display areas or outdoor cafes.

b. Street trees with tree wells shall be designed into the sidewalks. Such trees and tree wells shall conform to the Downtown Guidelines.

3. Principal entrances. The principal entrance shall have direct access to the major pedestrian corridor.

4. Pedestrian open spaces. Pedestrian open space equal to the square footage of a five foot strip along the length of the street-facing front facade(s) shall be developed and arranged in a manner that is accessible to the public at all times; directly connected to a sidewalk or pedestrian pathway and bordered on at least one side by and readily accessible from approved structures on site. Pedestrian open space shall be placed in one or more of the following ways, as approved by the director of community development.

a. Plaza, courtyard, or pocket park. Open space meeting the requirements of Chapter 14.23 for pocket parks or pedestrian plazas.

b. Multi-purpose green-space. A combination of grass, pedestrian ways, and seating areas of a minimum of two hundred square feet. One tree shall be required for every two hundred square feet of green space area.

c. Decorative paving contiguous with sidewalk. A minimum of five foot wide decorative paving area constructed contiguous with a new or existing sidewalk along the length of the front yard building façade, coupled with a direct connection between the building entrance and sidewalk.

Section 32. 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

Health and medical services

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 33. Section 16.24.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.24.070 Major pedestrian corridor – overlay zone.

- A. The intent of the major pedestrian corridor is to provide a linkage for people from city hall, Timberland Library and St. Martins University College to the commercial and employment components of Woodland District. The major pedestrian corridor shall provide a pleasant pedestrian experience with wide sidewalks, pocket parks, and interesting retail and commercial opportunities.
- B. The major pedestrian corridor is 6th Avenue SE from College Street SE to Sleater Kinney Road SE.
- C. Development along the corridor shall adhere to the requirements of Chapter 14.23.087.H of the Lacey Municipal Code. *See Table 16T-10.*

Section 34. Section 16.24.090 of the Lacey Municipal Code is hereby amended to read as follows:

16.24.090 Residential use.

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

~~A. Residential use shall be part of a mixed-use development.~~

~~B. Residential use shall be above the first story in a mixed-use structure with retail or office use on the ground floor.~~

CA. Residential use may be provided at any density where all other applicable standards and requirements can be satisfied, such as parking and utilities.

DB. Residential development shall meet applicable design requirements of Sections 14.23.080, 14.23.084, and 14.23.086 of the Lacey Municipal Code.

C. Residential uses along the major pedestrian corridor and around the perimeter of the employment core may be located on the ground floor provided that the space is designed such to allow future conversion to retail uses by:

1. The ground floor interior ceiling clear height should be 10 feet.

2. Allow for the potential to place storefront entrance directly to the street.

ED. Where residential density exceeds six units per acre, twenty percent of the lot's area shall be open space. Open space shall be designed for the needs of the mixed-use development and should be apportioned accordingly. Standards of Sections 14.23.087.H.4 and 14.23.088 shall be used as a guide for open space amenities. Amenities provided on a rooftop such as garden space, sun bathing area and similar facilities. Additionally, balconies usable for outdoor use may count towards open space requirements for residential use.

Section 35. 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 13th day of
October, 2011.

CITY COUNCIL

By: Tom Nelson
Mayor

Approved as to form:

[Signature]
City Attorney

Attest:

Carol Little
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1375

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on October 13, 2011, Ordinance No. 1375, entitled "AN ORDINANCE RELATING TO PLANNING, ZONING AND LAND USE REGULATIONS WITHIN THE CITY, ADOPTING A NEW SHORELINE MASTER PROGRAM, PROVIDING FOR NEW PROVISIONS REGARDING AGRICULTURAL USES AND FLOOD REGULATIONS ENCOMPASSED WITHIN THE ENVIRONMENTAL PROTECTION AND RESOURCE CONSERVATION PLAN, ADDING PROVISIONS TO THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN, GRANTING ZONING CHANGES, REPEALING SECTION 14.34.160, ADDING NEW SECTIONS 14.34.005, 14.34.082, 14.34.084, 14.34.086, 16.03.016 AND A NEW CHAPTER, 16.19 AND AMENDING SECTIONS 14.23.087, 14.26.010, 14.26.040, 14.34.010, 14.34.080, 14.34.100, 14.34.110, 14.34.120, 14.34.130, 14.34.135, 14.34.140, 14.34.150, 16.03.015, 16.03.020, 16.24.020, 16.24.070 AND 16.24.090 OF THE LACEY MUNICIPAL CODE AND ADDING PROVISIONS TO THE CITY OF LACEY DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adopts the City's Shoreline Master Program which has been approved by the Washington State Department of Ecology.
2. Two chapters of the City's Environmental Protection and Resource Conservation Plan are replaced dealing with agricultural uses and activities and flood zone regulations.
3. Provisions are added to the Land Use Element of the City's Comprehensive Plan relating to infill and affordable housing, innovative techniques related to density transfers and bonuses and public participation in the planning and land use processes of the City.
4. Two zoning map changes reviewed earlier in the year by the City Council are formally adopted.
5. Several sections of the Lacey Municipal Code relating to shoreline regulations are amended and a new chapter relating to that subject is adopted.
6. New sections are adopted and existing sections amended related to flood hazard prevention regulations.
7. Several sections of the Lacey Municipal Code related to regulations within the Woodland District are amended.

8. New provisions are added to the Development Guidelines and Public Works Standards relating to processing of projects within the shorelines of the City.

9. 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: October 17, 2011.