

ORDINANCE NO. 1380

CITY OF LACEY

AN ORDINANCE MAKING NON-SUBSTANTIVE CORRECTIONS TO PROVISIONS OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 5.34.030, 16.06.140, 16.06.170, 16.06.210, 16.06.220, 16.06.310, 16.09.050, 16.10.020, 16.10.040, 16.10.070, 16.10.080, 16.12.080, 16.13.080, 16.14.080, 16.15.080, 16.18.080, 16.24.100, 16.25.130, 16.27.020, 16.27.130, 16.30.070, 16.30.080, 16.34.090, 16.36.090, 16.39.090, 16.40.052, 16.41.020, 16.41.070, 16.41.080, 16.42.090, 16.42.100, 16.48.110, 16.48.120, 16.57.030, 16.61.030, 16.61.040, 16.61.050, 16.62.030, 16.65.030 AND TABLES 16T-06, , 16T-07 AND 16T-14 AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, a review of the zoning provisions of the City contained in Title 16 of the Lacey Municipal Code together with a review of other related Code sections, has resulted in recommended corrections to several provisions of the Lacey Municipal Code, and

WHEREAS, the Planning Commission, after public hearing, has recommended that these non-substantive amendments be made to the Code, NOW, THEREFORE,

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

WASHINGTON AS FOLLOWS:

Section 1. The following sections contained within the Lacey Municipal Code are amended to read as follows:

5.34.030 Restrictions. There shall not be conducted more than four garage sales at any one location during a calendar year. The length of time for each garage sale shall not exceed four consecutive days. Goods displayed in any garage sale may not be displayed in the public right-of-way. Signs advertising the sale may only be posted ~~only on the property where the sale is being held~~ in accordance with the requirements of Lacey Municipal Code Section 16.75.110-A-9. All merchandise offered for sale shall be arranged so that fire, police, health or other officials may have access for inspection at all times during the sale.

16.06.140 Basement. "Basement" means that portion of a building between floor and ceiling, which is partly below and partly above the finished grade, but so located that the

vertical distance from the finished grade to the floor below is less than the vertical distance from the finished grade to the ceiling. If a basement has a ceiling height of seven feet or more, it shall be considered a story unless it is used exclusively for parking, storage, and/or housing of mechanical or central heating equipment. (*See Table 16T-01.* See also Section 16.0406.220, Cellar.)

16.06.170 Buildable area. “Buildable area” means that portion of the land that remains after the required yards, rights-of-way, critical areas and their buffers, tree tracts, open spaces and similar required land uses have been excluded from the building project site.

16.06.210 Building line. “Building line” means a line ~~within the buildable area,~~ normally considered the outside of the foundation wall.

16.06.220 Cellar. “Cellar” means that portion of a building between floor and ceiling which is wholly or partly below the finished grade, and is so located that the vertical distance from the finished grade to the floor below is equal to, or greater than, the vertical distance from the finished grade to the ceiling. (*See Table 16T-01.* See also Section 16.0406.140, Basement.)

16.06.310 Enforcing officer. “Enforcing officer” means the ~~city manager~~ director of community development or the person designated ~~by the city manager~~ to enforce the provisions of this title.

16.09.050 Interpretation of uses. The several zoning districts permit certain specific uses and similar or related uses. The determination of similarity or relatedness to the specific uses shall be made by the enforcing officer in writing. Such determinations are appealable in accordance with Section 1D “Appeals” of the City of Lacey Development Guidelines and Public Works Standards.

~~If the enforcing officer is unable to make such interpretation, or if he finds that a proposed use is not sufficiently similar or related to the specific uses permitted in a given district, he or the applicant may request that the site plan review committee make such interpretation.~~

~~Whenever the enforcing officer or the site plan review committee finds that the proposed use is similar or related to the permitted uses in a given district, the enforcing officer shall post the property advising the public of the proposed use.~~

~~Written protest received within seven calendar days from the time of posting from a property owner or owners within a three hundred foot radius of the proposed use shall require a public hearing by the hearings examiner who shall render a decision.~~

~~In the absence of such protest, the finding of the enforcing officer or the site plan review committee shall be final.~~

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 e~~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.

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. ~~Special and e~~Conditional uses shall comply with the development standards described for such uses in Chapter 16.66.

D. All uses shall comply with the applicable environmental performance standards of Chapter 16.57.

E. 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.

16.10.070 Landscaping. Landscaping is required for the purpose of minimizing surface water runoff and diversion, preventing soil erosion, and promoting the aesthetic character of the community.

Natural vegetation, ground cover, stands of trees or shrubs existing prior to development of the site may be acceptable to meet the landscaping requirement pursuant to Chapter 14.32 of the city's Tree and Vegetation Protection Ordinance. Areas which have been cleared of vegetation or ground cover prior to or during construction, and which are not otherwise developed, shall be landscaped with trees, shrubs and suitable ground cover. Suitable materials for ground cover are those which permit rainwater infiltration of the soil, ~~and may include sod, ivy, or similar vegetative materials.~~

16.10.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site, or disposed of in a system designed for runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities. Stormwater generated on site shall not cause pollution to any surface or ground waters, or violate local, state, or federal standards governing the quality of such waters. Particular care in design and maintenance shall be given to proper treatment of water prior to absorption into ground water to prevent any contamination of McAllister Springs Geologically Sensitive Area groundwater resources.

16.12.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.13.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site, or disposed of in a system designed for runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities. Stormwater generated on site shall not cause pollution to any surface or ground waters, or to violate local, state, or federal standards governing the quality of such waters.

16.14.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to this review and approval and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.15.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.18.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and

shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.24.100 Stormwater. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.25.130 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

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-Conditional~~ uses may be permitted as provided for in Chapter 16.66 of this title.

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

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

16.27.130 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the~~ Lacey Municipal Code Chapter 15.22 pertaining to community facilities.

16.30.070 Landscaping.

A. All required minimum yard areas shall be landscaped with suitable ground cover and deciduous or evergreen trees, ~~not to be~~ Such trees shall be used in not less than forty percent of each required yard area and the not less than sum total of which must equal fifteen percent of the site. Suitable ground cover may be grass, ivy, bark, river rock, and the like. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

The exterior edges of yards which abut a residential district shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting. Screening can be in lieu of the forty percent requirement for that yard area only, and if in excess of forty percent will not affect the percentage rate of other yard areas.

B. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the site.

C. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times.

16.30.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or

damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.34.090 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.36.090 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.39.090 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.40.052 Sites of 40 acres or more. Master site plan review and binding site plan approval may be given for projects proposed to contain buildings with a footprint of more than 200,000 square feet but not exceeding 500,000 square feet when the following site standards have been met:

- A. The site consists of a parcel or contiguous parcels totaling a minimum of 40 acres.
- B. The master plan shall provide for a multiple building complex consisting of three (3) or more buildings.
- C. Access to the site shall be from a City of Lacey arterial street that does not pass through residential areas.
- D. When adjacent to a residential zone, a 100' natural treed buffer tract shall be established meeting the City of Lacey tree tract standards established in LMC 14.32.064 and 14.32.065 at the time of building construction.
- E. Buildings shall be consistent with the City of Lacey Industrial Design Review standards contained in LMC 14.23.083.

- F. Construction Pads for buildings with a footprint great than 200,000 square feet shall be limited to 75% of the buildable area of the site in order to provide a variety of building sizes throughout a multiple building complex.
- G. When a site is adjacent to a residential zone, the applicant shall be encouraged to meet with the adjacent homeowner association or neighborhood group to provide project and contact information to the residents.

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.

16.41.070 Landscaping.

A. General.

All requirements of Lacey Municipal Code Chapter 16.80 shall be satisfied except as those requirements may be in conflict with the specific landscaping requirements for the Business Park Zone set forth in subsection B of this section.

~~1. The site plan review committee shall have the authority to waive specific requirements or to impose additional requirements in unique or special circumstances. The waiver is not intended to reduce fulfillment of those requirements but rather to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the city prior to submittal of a landscape plan. Examples of special conditions might include:~~

- ~~a. Preservation of unique wildlife habitat;~~
- ~~b. Preservation of natural or native areas;~~
- ~~c. Compliance with special easements;~~
- ~~d. Renovation of existing landscaping;~~

~~_____ e. Unique site uses;~~

~~_____ f. Urban beautification plan.~~

~~_____ 2. Plot Plan.~~

~~_____ a. A plot plan of the proposed landscaping and screening shall be submitted with the site plan review application.~~

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

~~_____ (1) Proposed landscaping including location, species and size at time of planting;~~

~~_____ (2) Existing vegetation in general and identifying all evergreen and deciduous trees four inches and greater in diameter measured at twenty four inches above grade level;~~

~~_____ (3) Location of existing and proposed driveways and parking surfaces, curbs and sidewalks.~~

~~B. Landscape Plan Approval.~~

~~_____ At the time of site plan review, the committee shall review specific landscape requirements with the owner or their representative.~~

~~C. Landscape Performance Bond.~~

~~_____ 1. A bond shall be required to guarantee the completion of the landscaping per the approved plan. The bond shall be posted with the city prior to issuance of the building permit. The bond shall be in the amount of one hundred fifty percent of the estimated landscaping and installation costs.~~

~~_____ 2. Types of landscape bonds which are acceptable:~~

~~_____ a. Cash bonds;~~

~~_____ b. Assignment of savings account;~~

~~_____ c. Insurance company performance bond;~~

~~_____ d. Letter of guarantee from lender with attached approved plan.~~

~~_____ 3. Bonding forms shall be as follows:~~

~~_____ a. Cash bond: city of Lacey cash bond form;~~

~~_____ b. Assignment of savings account: city of Lacey bond form;~~

~~_____ c. Insurance company performance bond: Bond form as prescribed by the bonding company. This form must include the following:~~

~~_____ (1) The amount of the bond,~~

~~_____ (2) The name of the project and address as assigned by the city,~~

~~_____ (3) The following statement of purpose: "Landscaping required by the city of Lacey Zoning Code and in accordance with the approved landscape plan on file with the city of Lacey,"~~

~~_____ (4) All applicable signatures,~~

~~_____ (5) Name, address and telephone number of the party to whom the bond is to be released;~~

~~_____ d. City of Lacey guarantee form.~~

~~_____ 4. Failure to complete all of the required landscaping or part of it within six months of the building occupancy shall constitute a building violation, and the city shall use the bond to complete the required landscaping.~~

~~_____ 5. It shall be the responsibility of the project manager or business owner to contact the city upon completion of the landscaping work and request an inspection.~~

D. General Landscape Requirements.

~~— 1. All parking areas of under ten thousand square feet shall have a minimum of eight percent of the parking, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the eight percent figure. Landscaping adjacent to building may be calculated as part of that area.~~

~~— 2. All parking areas of over ten thousand square feet shall have a minimum of fifteen percent of the parking, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the fifteen percent figure. Landscaping adjacent to building may be calculated as part of that area.~~

~~— 3. All ingress/egress easements which provide corridors to a lot not adjacent to a public right-of-way shall be considered the same as public right-of-way. Landscape requirements for easement corridors shall be the same as those required adjacent to public rights-of-way.~~

~~— 4. All outside storage areas shall be screened by masonry walls or wood fencing or landscaping to a minimum of ten feet in depth. The site plan review committee may eliminate the need for screening when the stored materials are not visually obtrusive or when the storage yard abuts another storage yard.~~

~~— 5. All portions of a lot not devoted to building, future building, parking, storage, or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter.~~

~~— 6. All required landscaping areas shall extend to the curb line or the street edge.~~

~~— 7. Required landscaping areas which are inappropriate to landscape due to the existence of rail lines or other features shall be provided first along another lot line, or second, to an equalized area in another portion of the lot, to be determined by the site plan review committee.~~

~~— 8. Bark mulch, gravel, or other nonvegetative material shall be used only in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Nonvegetative material is not a substitute for plant material.~~

~~—9. Required landscape areas shall be provided with adequate drainage.~~

~~—10. Slopes shall not exceed a three to one ratio (width to height) in order to decrease erosion potential and assist in ease of maintenance.~~

~~—11. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. Safety features of landscaping shall be discussed at the time of site plan review, if necessary.~~

~~—12. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area as noted in subsection 16.41.070(E).~~

~~—13. All refuse containers shall be screened from abutting properties and/or streets by one hundred percent sight obscuring wood fencing or masonry walls and appropriate landscaping.~~

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

~~—14. Landscaping shall be placed outside of sight obscuring fences or walls unless it is determined by the site plan review committee that such arrangement would be detrimental to the stated purpose of this chapter.~~

~~—15. All property abutting an arterial, flanking, or collector street shall be landscaped with a thirty foot average depth.~~

~~E. Types of Landscaping.~~

~~—1. Type I: Solid Screen. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.~~

~~— Description. Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of six feet at planting, which will provide a one hundred percent sight obscuring screen within two years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by one hundred percent sight obscuring fence.~~

~~2. Type II: Visual Screen. Purpose. Type II landscaping is intended to create a visual separation that is not necessarily one hundred percent sight-obscuring from incompatible uses.~~

~~Description. Type II landscaping shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. A sight-obscuring fence will be required unless it is determined by the site plan review committee that such a fence is not necessary. The plants and fence must not violate the sight area safety requirements at street intersections.~~

~~Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:~~

~~One inch caliper/ten feet on center;~~

~~Two inch caliper/twenty feet on center;~~

~~Three inch caliper/thirty feet on center;~~

~~Three and one-half to five inch caliper/forty feet on center.~~

~~Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.~~

~~3. Type III: Visual Buffer. Purpose. Type III landscaping is intended to provide visual separation of uses from streets and main arterials and between compatible uses so as to soften the appearance of streets, parking lot and building facades.~~

~~Description. Type III landscaping shall be evergreen and deciduous trees planted not more than thirty feet on center, interspersed with large shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least forty-two inches in height at time of planting and form a solid screen two years after planting. The planting shall not violate the sight area safety requirements at street intersections or driveways.~~

~~Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:~~

~~———— One inch caliper/ten feet on center;~~

~~———— Two inch caliper/twenty feet on center;~~

~~———— Three inch caliper/thirty feet on center;~~

~~———— Three and one half to five inch caliper/forty feet on center.~~

~~———— Ground cover shall be sufficient size and spacing to form a solid cover within two years from the time of planting.~~

~~———— 4. Type IV: Low Cover. Purpose. Type IV landscaping is intended to provide visual relief where clear sight is desired.~~

~~———— Description. Type IV landscaping shall consist of a mixture of evergreen and deciduous shrubs and/or ground cover, to provide solid covering of the entire landscaping area within two years of planting.~~

~~———— 5. Type V: Open Area Landscaping. Purpose. Type V landscaping is primarily intended to visually interrupt large open spaces of parking areas.~~

~~———— Description. Type V landscaping shall consist of trees planted with supporting shrubs, sod or ground cover. Each landscape area shall be sufficient size to promote and protect growth of plantings, one hundred square foot minimum.~~

~~———— Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:~~

~~———— One inch caliper/ten feet on center;~~

~~———— Two inch caliper/twenty feet on center;~~

~~———— Three inch caliper/thirty feet on center;~~

~~———— Three and one half inch to five inch caliper/forty feet on center.~~

~~Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.~~

FB. Landscape Area Requirements for specific to the BP Business Park Zone District.

1. **Front Yard.** The front twenty feet shall be improved with permanent Type III landscaping. All ground cover to be sod in this yard.

2. **Side Yard.** At least ten feet of each side yard shall be improved with permanent Type III landscaping. Where property lines are located at the centerline of a driveway, the required landscaping shall be placed adjacent to the building face. In no case shall this area be less than the minimum required. Where property lines pass through a building, the minimum landscaped area shall be located elsewhere. All landscape areas are to be located on that lot.

3. **Building Wall Landscaping.** Except at service yards, storage yards and loading dock faces there shall be a ten foot landscape area adjacent to the building walls. This area may be counted as landscaping. In no case shall it be counted as the minimum area for displaced property line landscaping.

4. **Parking Lot Landscaping.** Provide a minimum of one, five foot by twenty foot landscape island within the parking area for each ten cars. Provide a five foot by twenty foot island at the end of each row of parking stalls. Provide Type V landscaping.

5. **Storage Yards.** Provide Type I landscaping on all sides except as noted.

6. **Service Yards and Loading Docks.** Where loading docks and service doors are visible to the street, provide a Type II landscape screen.

7. All portions of lots not developed with buildings or paving shall be landscaped with a minimum Type IV landscaping.

8. **Enclosure of Activities.** Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances, such as loading and unloading areas. The site plan review committee shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances when reviewing outdoor crane or lift operations.

9. Outside Storage or Operations Yard. Outside storage or operations yards shall be confined to the area to the rear of the principal building or the rear two-thirds of the property, and screened from view from any property line by appropriate masonry walls, wood fencing, earth mounds, and landscaping. Outside storage exceeding a height of fifteen feet shall be so placed on the property as to not detract from the reasonable accepted appearance of the district.

10. Loading Areas. Loading areas must be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights-of-way. A forty-five foot clear area is to be provided in front of all drive-in doors. A one hundred foot apron with a maneuvering hammer head is to be provided at all dock height doors. In no case when a vehicle is parked in the loading/unloading position adjacent to the building shall it block the movement of other vehicles.

11. Improvement and Maintenance of Yards and Open Space. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat orderly manner appropriate for the district at all times. The city shall be authorized to reasonably pursue the enforcement of these provisions where a use is in violation, and to notify the owner or operator of the use, in writing, of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

G. Maintenance Requirements:

~~1. Whenever landscaping is or has been required in accordance with the provisions of this code or any addition or amendments hereto, or in accordance with the provisions of any previous code or ordinance of the city, said requirements shall be set forth in a recorded document sufficient to bind the land. The landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.~~

~~2. The city is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent of any such owner, that said landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which said maintenance must be accomplished, and shall be sent by registered mail, addressed to the owner at the owner's last known address.~~

~~3. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen days after the date of such notice, the city is hereby authorized and~~

~~empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with said cost, together with interest at the rate then in effect for interest on judgments in the state of Washington, to be charged against the property owner.~~

~~— 4. Recorded Statement Constitutes Lien. If the full amount due the city is not paid by such owner within thirty days after being informed of said charge then, in that case, the city may cause to be recorded in the Thurston County auditor's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the legal description of the property on which said work was done. The recording of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs and attorney fees if any, until final payment has been made. Said lien shall be foreclosed in the manner provided by the Revised Code of Washington Chapter 60.04 for the foreclosure of liens for the improvement of real property.~~

~~— 5. Alternative Methods of Collection of Damages. In addition to or in lieu of foreclosure of the lien provided for in this subsection, the city may seek personal judgment against the property owner for charges, costs and attorney fees incurred and any civil penalties assessed pursuant to the Lacey Municipal Code.~~

16.41.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

Stormwater generated on site shall not cause pollution to any surface or ground waters so as to violate local, state or federal standards governing the quality of such waters.

16.42.090 Landscaping.

- A. All required minimum yard areas shall be landscaped with suitable ground cover and deciduous or evergreen trees. ~~not to be less than~~ At least forty percent of each minimum yard area and the sum total of which must equal and fifteen percent of the site shall be landscaped with such trees. ~~Suitable ground cover may be grass, ivy, bark, river rock, and the like.~~ Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

The exterior edges of yards which abut a residential district shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting. Screening can be in lieu of the forty percent requirement for that yard area only and if in excess of forty percent will not affect the percentage rate of other yard areas.

- B. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the site.
- C. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times.
- D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city.

16.42.100 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.48.110 Landscaping.

- A. The preservation or enhancement of existing native plant materials shall be the predominant characteristic of landscape treatment in this district. Where new plant materials are needed to comply with the screening or aesthetic requirements of Section 16.48.110, the materials shall be of species native or complementary to or compatible with the species native to the Pacific Northwest.
- B. Landscaping is also required in all setback areas and open space. Landscaping may consist of suitable ground cover shrubs and trees. ~~Suitable ground cover may be grass, ivy, bark, river rock, and the like.~~ Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

- C. The perimeters of common parking areas shall be landscaped in such a way as to create a diversion between streets and parking, driveways, or streets around entrances or exits of the site.
- D. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times.

16.48.120 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with ~~Chapter 15.36 of the Lacey Municipal Code~~ Chapter 15.22 pertaining to community facilities.

16.57.030 Noise.

- A. The maximum allowable noise levels as measured at the property line of noise impacted uses or activities shall be those set forth in the Washington Administrative Code, Chapter 173-60, titled "Maximum Environmental Noise Levels," which chapter is hereby incorporated by reference
- B. The "Environmental Designation for Noise Abatement" (EDNA) for the several land use classifications of this title shall be as follows:
 All living areas (~~single family, multi-family, etc.~~): A
 All commercial areas: B
 All public/institutional areas: A
 Light industrial, industrial, mineral extraction: C
- C. ~~Noise levels of any sound source, when measured in the manner and locations prescribed in WAC 173-60 shall not exceed the values shown~~ No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in *Table 16T-14*.

16.61.030 Where permitted. Townhouse developments may be permitted in the following land use districts, consistent with the development standards in this chapter:

- A. Low density 3-6 residential district;
- B. Moderate density residential district;
- C. High density residential district.

16.61.040 Development standards.

- A. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.
- B. Density Increase. The city may approve an increase in the dwelling unit density of up to fifteen percent in the Low Density 3-6 District, twenty percent in the Moderate Density District and twenty-five percent in the High Density District, rounded up to the nearest whole number, provided that four of the five following environmental and recreational amenities are implemented:
 - 1. Develop and equip significant recreational areas within the common open space with such features as, but not limited to, swimming pools, tennis courts, bike or pedestrian path systems, children's play areas.
 - 2. Substantial retention of natural ground cover, bushes and trees.
 - 3. Landscape the on-site drainage retention facility to make it look more like a naturally occurring feature and serve as a visual amenity.
 - 4. Provide significant access to a lake, river, stream or other natural water body.
 - 5. Provide substantial and exceptional landscaping treatment either as an adjunct to or in natural landscaping beyond the minimum required.
- C. Lot Area and Width of Each Townhouse Unit. Townhouse units may either be condominiumized, provided the city has adopted an ordinance providing this option, or subdivided into individual lots. Lot configurations shall be governed by density, setbacks, open space, and other requirements and guidelines herein.
- D. Height. The maximum height of any townhouse shall not exceed that allowed in the district in which the development is located.
- E. Right-of-Way Setback. Right-of-way setbacks shall be the same as those specified in the applicable zoning district.
- F. Rear Yard Requirements. For front loaded units, the minimum rear yard requirement shall be fifteen feet to the rear property line. Townhouses with a rear load may have garages within three feet of the rear lot line or paved alley.
- G. Private Yard Area. Every lot containing a townhouse must provide a private yard of at least three hundred square feet. Acceptable private yard space may include landscaped front or rear yards, porches, balconies, and rooftop decks (where designed to accommodate outdoor pedestrian uses). Up to fifty percent of the required private yard area can be included as additional common open space provided for the applicable

townhouse group. Such common open space must be above and beyond minimum open space requirements of Section 15.12.120.

- H. Side Yard Requirements. The minimum side yard requirement shall be the same as the underlying zone.
- I. Maximum number of townhouses in one building: Six.
- J. Minimum Distances Between Townhouse Groups. No portion of a townhouse, accessory structure or other building type in or related to one group or cluster of contiguous townhouses shall be nearer than twenty feet to any portion of a townhouse or accessory structure of another townhouse building or cluster.
- K. Access. When the only driveway is from the street, each pair of units must share a common curb cut. Alternative configurations may be considered through the design review process, provided they mitigate negative safety, visual, and compatibility impacts.
- L. Design. Townhouses are subject to design criteria established in Section 14.23.080.
- M. Conversion. Conversion of existing structures to a townhouse project will be permitted provided all townhouse development standards as outlined in this section can be satisfied. (See *Table 16T-84*)

16.61.050 Review and approval procedure. Townhouse developments shall be approved pursuant to the regulations and procedures established in the platting and subdivision ordinance, as modified below, and the standards of this chapter.

- A. Review. The site plan review committee shall review and approve the creation of nine or fewer townhouse lots. The site plan review committee approval does not involve a public hearing, but will be subject to notification of adjacent property owners. The decision of the site plan review committee is subject to the appeal process as identified in Chapter 16.84-section 1D "Appeals" of the City of Lacey Development Guidelines and Public Works Standards.

The hearings examiner will review the creation of ten or more lots as provided for through the subdivision process.

- B. Platting. A subdivision plat or short plat shall be required for all townhouse developments so that individual dwelling units are divided into lots with common walls located on lot lines. Exception: A townhouse development may be done through condominium provided the city has adopted an ordinance providing this option.

When a townhouse development is platted, construction of townhouse dwellings may commence prior to final plat or final short subdivision approval, provided:

1. The proposed subdivision has received preliminary approval or the short subdivision has received conditional approval, and the necessary legal instruments have been filed to assure construction of required public improvements;
2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair city enforcement of conditions of subdivision approval.

C. Site Plans. An application for a townhouse development shall include the following:

A site plan drawing or drawings at a scale not smaller than one hundred feet to the inch, showing all the information required for a preliminary plat plus the following:

1. Site boundaries;
2. Streets bounding or abutting the site;
3. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type;
4. Location and dimensions of open spaces;
5. Location and dimensions of garbage disposal areas;
6. The location and design of off-street parking facilities, showing their size;
7. Circulation plan, vehicular and pedestrian, and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties;
8. Existing buildings and indication of future use or disposition;
9. Landscaping plan;
10. Typical front and side elevations and exterior architectural treatment of the proposed units;
11. Three-dimensional illustrations to help show exterior architectural treatment from the street and/or other commonly viewed vantage points.
12. The existing and proposed contours at two foot intervals and which locates existing streams, lakes, marshes and other natural features.

D. Townhouse developments are subject to design review requirements of Chapter 14.23.

16.62.030 Development standards.

- A. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.

- B. **Density increase in the Low Density Residential (3-6) and Moderate Density Residential Districts.** The City may allow two cottage units for each regular dwelling unit allowed under existing standards in the Low Density Residential (3-6) and Moderate Density Residential Districts.
- C. **Maximum Gross Floor Area.** The maximum allowed gross floor area is 1,200 square feet per dwelling. The maximum gross floor area for the ground floor or main floor is eight hundred square feet per dwelling.
- D. **Platting.** A cottage development may be completed through a subdivision plat, short plat, or condominium provided the city has adopted an ordinance providing this option.
- E. **Design.** Cottages are subject to the design criteria in Section 14.23.072. Where there are conflicts between Section 14.23.072 and the standards in this chapter, the standards herein shall apply.
- F. **Minimum Common Space.** The minimum common space required is three hundred square feet per dwelling. The common open space shall be configured so that at a minimum:
1. The common open space abuts fifty percent of the cottages in a cottage housing development.
 2. Cottages abut at least two sides of the common open space.
 3. Cottages are oriented around the open space with an entry facing the common open space.
 4. Cottages should be within sixty feet walking distance of the common open space.
 5. Area required to meet minimum private open space, setback, and parking requirements may not be used in the calculations for common open space.
 6. Common open space shall be accessible to all cottage residents in the applicable cluster and maintained by the development's homeowners association.
- G. **Minimum Private Open Space.** The minimum private open space required is two-hundred square feet per dwelling. Required open space shall be adjacent to each dwelling unit and for the exclusive use of the cottage resident(s). The private space shall be:
1. Usable (not on a steep slope).
 2. Oriented toward the common open space as much as possible.

3. No less than eight feet in dimension on any side. A desirable configuration for this private open space is an area between the dwelling unit and the common open space, similar to what's shown in the examples in *Table 16T-85*.

H. Facades and Porches.

1. Cottages facing the common open space or common pathway must feature a roofed porch at least eighty square feet in size with a minimum dimension of eight feet on any side.
2. Cottages fronting on a street shall provide a covered entry feature with a minimum dimension of six feet by six feet facing the street. This is in addition to the porch requirement, where the cottage is adjacent to a common open space or pathway.
3. All facades facing common open space, pathways, and streets shall comply with Architectural Details and Windows and Transparency design criteria specified in Section 14.23.072(C) and (I), respectively.

I. Maximum Height for Cottages.

1. The maximum height for cottages with a minimum roof slope of six feet vertical to twelve feet horizontal is twenty-five feet. All parts of the roof above eighteen feet shall be pitched.
2. The maximum height for cottages with a roof slope less than ~~of~~ six feet vertical to twelve feet horizontal is eighteen feet.
3. The maximum height for all accessory structures is eighteen feet.

J. Setbacks. The setback requirements are the same as the other residential uses in the underlying zone.

K. Minimum Distance Separating Structures. The minimum required distance separating structures (including accessory structures) is ten feet.

L. Parking Requirements.

1. The minimum required number of parking spaces is one and one-half spaces per dwelling.
2. Parking shall be located on the same property as the cottage development.
3. Parking and vehicular areas shall be screened from public streets and adjacent residential uses by landscaping or architectural screens. The illustration in *Table 16T-*

85. provides a good example of screening with columnar trees separating the driveway from the adjacent property.
4. Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where parking areas are adjacent to an alley).
 5. Parking is prohibited in front and interior yard setback areas. The top illustration and photo in *Table 16T-85* provide good examples of parking location.
 6. All detached parking structures shall have a pitched roof design.
 7. Garages may be attached to individual cottages provided all other design standards have been met and the footprint of the ground floor, including the garage, does not exceed 1,000 square feet. Such garages shall be located away from common open spaces to the extent possible.
 8. At least fifty percent of the required parking spaces shall be enclosed. Such structures shall be designed consistent with the cottage architecture. This includes similar building materials, rooflines, and detailing.
- M. Utility elements. Utility meters and heating/cooling/ventilation equipment shall be located/designed to minimize visual impacts from the street and common areas.
- N. Low impact development. Cottage developments shall utilize Low Impact Development techniques to accommodate and treat stormwater as on-site conditions allow, as determined by the director. Examples include the use of pervious pavement for walkways, patios, and vehicle access areas, directing runoff from roofs and other impervious areas to landscaped beds, green or living roofs, and the use of rain barrels.
- O. Existing nonconforming structure and accessory dwelling units.
1. On a lot to be used for a cottage housing development, an existing detached single family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, provided the house and any accessory structures are not enlarged and the development meets the standards herein. The existing dwelling shall be included in determining the allowable density for the site.
 2. For any cottage development containing an existing house and an accessory dwelling unit, the accessory dwelling unit shall be counted as a cottage for the purposes of determining allowable density for the site.

- P. Clustering Groups. Developments shall contain a minimum of four and a maximum of twelve dwellings located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one cluster.
- Q. Cottage housing developments are subject to design review requirements of Chapter 14.23.

16.65.030 Child day care centers. A child day care center, licensed by the state of Washington as provided for herein, shall be permitted under the conditions set forth in this section after registration with the city as provided in this chapter, subject to the following conditions:

- A. A child day care center, proposed to be established in any residentially zoned district, light industrial district, light industrial/commercial district, industrial district, mineral extraction district ~~or in the Woodland District~~ or the Lacey Historic Neighborhood shall only be allowed after the issuance of a conditional use permit pursuant to Chapter 16.66 of the Lacey Municipal Code. A child day care center proposed for any other district of the city shall be allowed in the manner specified for such district and subject to the terms of Section 16.65.030 of the Lacey Municipal Code.
- B. All child day care centers, whether required to have a conditional use permit or not, shall comply with all building, fire safety, traffic safety, health code, business licensing, setback, screening, landscaping, parking, signage, lot size, building size and lot coverage requirements of this code including any requirements specific to the district in which said center is located.
- C. No child day care center shall be located in a private family residence unless the portion of the residence to which the children have access is separate from the usual living quarters of the family or is used exclusively for the children during the hours the center is in operation.

Section 2. Division J of Table 16T-06 of the Lacey Municipal Code is hereby amended to read as follows:

TABLE 16T-06

**CHART 16.25.020(1)
GENERALIZED LAND USES IN CBD ZONES**

...
DIVISION J. PUBLIC ADMINISTRATION

| SIC COD ES | MAJOR GROUP/ESTABLISH MENTS | CBD 4 | CBD 5 | CBD 6 | CBD 7 | SM U |
|---------------------------|--|------------------|------------------|------------------|------------------|------------------|
| | | | | | | |
| 91 | Executive, Legislative & General | PC8 7 | PC8 7 | PC8 7 | PC8 7 | PC8 7 |
| 9221 | Police Protection | P | P | | P | |
| 9224 | Fire Protection | P | P | | P | |
| 93 | Finance, Taxation & Monetary Policy | PC8 7 | PC8 7 | PC8 7 | PC8 7 | PC8 7 |
| 94 | Administration of Human Resources | PC8 7 | PC8 7 | PC8 7 | PC8 7 | PC8 7 |
| 95 | Environmental Quality & Housing | PC8 7 | PC8 7 | PC8 7 | PC8 7 | PC8 7 |
| 96 | Administration of Economic Programs | PC8 7 | PC8 7 | PC8 7 | PC8 7 | PC8 7 |
| 97 | National Security & International Affairs | C | C | C | C | C |
| 99 | Nonclassifiable Establishments | C | C | C | C | C |

Section 3. Table 16T-07 of the Lacey Municipal Code is hereby amended to read as follows:

**TABLE 16T-07
DIMENSIONAL REQUIREMENTS IN CBD AND SMU DISTRICTS**

| Land Use District | Building Type | Building Setback ³ | | | Minimum Lot Area | Minimum Lot Dimension | Maximum Building Coverage | Maximum Building Height |
|-------------------|--------------------------|-------------------------------|------|------|------------------|-----------------------|---------------------------|------------------------------|
| | | Front ¹ | Rear | Side | | | | |
| CBD-4 | Nonresidential | 0 ⁵ or 15' | 25' | 10' | 10,000 sq.ft. | 50' front | 50% | refer to map for CBD heights |
| | Residential | 0 | 15' | 10' | 10,000 sq. ft | 50' depth | 75% | |
| | Parking | * | 15' | 15' | 10' | 10,000 sq.ft | 50' depth | |
| CBD-5 | Nonresidential | 0 ⁵ or 15' | 15' | 10' | 10,000 sq.ft. | 50' front | 50% | |
| | Residential | 0 | 15' | 10' | 10,000 sq. ft | 50' depth | 75% | |
| | Parking | * | 15' | 15' | 10' | 10,000 sq.ft | 50' depth | |
| CBD-6 | Nonresidential | 0 ⁵ or 15' | 15' | 10' | 10,000 sq.ft. | 75' front | 50% | |
| | Residential ⁴ | 0 ⁵ or 25' | 15' | 10' | 1 acre | 75' front | 75% | |
| | Parking | * | 15' | 15' | 10' | 10,000 sq.ft. | 50' depth | |
| CBD-7 | Nonresidential | 0 ⁵ or 15' | 15' | 10' | 10,000 sq.ft. | 75' front | 50% | |
| | Residential ⁴ | 0 ⁵ or 25' | 15' | 10' | 10,000 sq.ft. | 75' front | 75% | |
| | Parking | * | 15' | 15' | 10' | 10,000 sq.ft. | 50' depth | |
| SMU | Nonresidential | 0 ² | 15' | 10' | 10,000 sq.ft. | 75' front | 50% | |
| | Residential | 0 ² | 15' | 10' | 10,000 sq.ft. | 75' front | 75% | |
| | Parking | 0 ² | 15' | 10' | 10,000 sq.ft. | 50' depth | 50% | |

NOTES: DIMENSIONAL REQUIREMENTS IN CBD AND SMU DISTRICTS

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

Section 4. Table 16T-14 of the Lacey Municipal Code is hereby repealed.

Section 5. There is hereby added to the Lacey Municipal Code a new Table 16T-14 to read as follows:

TABLE 16T-14

MAXIMUM PERMISSIBLE ENVIRONMENTAL NOISE LEVELS

1. The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

| EDNA OF NOISE SOURCE | EDNA OF RECEIVING PROPERTY | | |
|----------------------|----------------------------|---------|---------|
| | CLASS A | CLASS B | CLASS C |
| CLASS A | 55 dBA | 57 dBA | 60 dBA |
| CLASS B | 57 | 60 | 65 |
| CLASS C | 60 | 65 | 70 |

2. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

3. At any hour of the day or night the applicable noise limitations in (1) and (2) above may be exceeded for any receiving property by no more than:

- a) 5 dBA for a total of 15 minutes in any one-hour period; or
- b) 10dBA for a total of 5 minutes in any one-hour period; or
- c) 15 dBA for a total of 1.5 minutes in any one-hour period.

Section 6. 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 12th day of
January, 2012.

CITY COUNCIL

By: 

Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1380

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on January 12, 2012, Ordinance No. 1380, entitled "AN ORDINANCE MAKING NON-SUBSTANTIVE CORRECTIONS TO THE PROVISIONS OF THE LACEY MUNICIPAL CODE WITHIN THE CITY AND AMENDING SECTIONS 5.34.030, 16.06.140, 16.06.170, 16.06.210, 16.06.220, 16.06.310, 16.09.050, 16.10.020, 16.10.040, 16.10.070, 16.10.080, 16.12.080, 16.13.080, 16.14.080, 16.15.080, 16.18.080, 16.24.100, 16.25.130, 16.27.020, 16.27.130, 16.30.070, 16.30.080, 16.34.090, 16.36.090, 16.39.090, 16.40.052, 16.41.020, 16.41.070, 16.41.080, 16.42.090, 16.42.100, 16.48.110, 16.48.120, 16.57.030, 16.61.030, 16.61.040, 16.61.050, 16.62.030, 16.65.030 AND TABLES 16T-06, , 16T-07 AND 16T-14 AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. This Ordinance simply makes housekeeping changes and corrections to the City's Zoning Code and a section related to garage sales.
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: January 16, 2012.