

ORDINANCE NO. 1427

CITY OF LACEY

AN ORDINANCE RELATING TO THE SITE PLAN REVIEW COMMITTEE AND OTHER PLANNING AND LAND DEVELOPMENT REGULATIONS OF THE CITY AND AMENDING SECTIONS 16.84.100, 15.01.040, 16.62.030, 16.12.040, 16.13.050, 16.15.050, 16.21.014, 16.21.018, 16.21.020 AND 16.21.040 ALL OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, as members of the City staff deal with the various land use regulations and procedural planning matters during each year, there is from time to time discovered a conflict or other reason for developing housekeeping amendments to the land use codes of the City, and

The issues discovered by the staff have been reviewed during 2013 by the City's Planning Commission and recommendations have been made for housekeeping amendments to said codes, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, THAT THE FOLLOWING AMENDMENTS TO THE LACEY MUNICIPAL CODE BE ADOPTED:

Section 1. Section 16.84.100 of the Lacey Municipal is hereby amended to read as follows:

16.84.100 Duration of approval.

- A. Approval of the site plan shall be effective for eighteen months from the date of approval by the site plan review committee. During this time, the terms and conditions upon which approval was given will not change. ~~If application for a building permit is not made within the eighteen-month period, the approval shall automatically terminate. Within 18 months of the date of approval a grading and /or building permit must be issued and work (site preparation) started, or the approval shall automatically terminate.~~ In addition, if the approved site plan calls for a division of land pursuant to a final binding site plan, such final binding site plan must be submitted for final approval within such eighteen month period.
- B. However, upon the application of the owner or representative, the site plan review committee shall extend the approval period for one six-month time period unless since the initial approval substantive change has been made in the regulations, ordinances, requirements, policies or standards which impact the site.
- C. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held responsible for notification of expirations, although it may notify the applicant of date of expiration. All requests for

additional time must be submitted to the community development department prior to expiration of site plan approval.

Section 2. Section 15.01.040 of the Lacey Municipal is hereby amended to read as follows:

15.01.040 Specific exemptions. The subdivision and short subdivision provisions of this title shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is ~~five~~ forty acres or larger provided each lot created has legal access, and connectivity is provided to adjacent land pursuant to road grid requirements, or provision has otherwise been satisfied for future development and surrounding connectivity. Provided further, that division of any amount of land zoned for non residential use, shall either be accomplished through a plat, a short plat, or the binding site plan regulations pursuant to 15.01.040 F and chapter 15.06;
- C. Divisions made by testamentary provisions or the laws of descent. In order to be buildable, lots formed in this fashion must meet the requirements of all other ordinances including access, lot size, etc. in effect at the time of probate;
- D. A division for the purpose of lease when the land is to be developed as a manufactured or mobile home park or a recreational vehicle park and a site plan has been approved pursuant to Chapter 16.84 of the Lacey Municipal Code;
- E. Contiguous lots: The transfer of ownership of contiguous platted or unplatted lots if:
 - 1. The lots were created after June 9, 1937, or
 - 2. The lots transferred and remaining lots are developed, provided that transfers pursuant to this subsection shall not be effective until the proponent is issued a certificate of compliance from the community development department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria of this subsection;
- F. Industrial and commercial site plans: Divisions of land into lots or tracts classified for industrial or commercial use, provided the city has approved a binding site plan for such division pursuant to Chapter 15.06 of the Lacey Municipal Code;
- G. Boundary line adjustments: An adjustment of boundary line(s) which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, and is approved pursuant to Section 15.04 of this chapter.
- H. A division for the purpose of leasing land for facilities providing personal wireless services pursuant to the Revised Code of Washington 58.17.040 (8).
- I. A division of land for the purpose of providing sites for public and private utility facilities. "Facilities" means unstaffed facilities used for the conveyance of the utility limited to well houses, pump houses, substations, lift stations and similar utility facilities. Provided, any

remaining lot or lots are consistent with applicable zoning and land use plans. Provided further, the division shall be surveyed and recorded and a record of survey filed in accordance with the Revised Code of Washington Chapter 58.09.

- J. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation.

Section 3. Section 16.62.030 of the Lacey Municipal is hereby amended to read as follows:

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 ~~are oriented around~~ are oriented around 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 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.
- R. The city desires to form partnerships with nonprofit housing authorities and the private development community in promoting infill, providing affordable housing and achieving GMA smart growth and livable city objectives. To provide for innovation and creativity in achieving housing and livable city objectives of the Plan, flexibility may be permitted where a specific cottage project furthers the Plan's objectives, but zoning code requirements would prevent the project, make it less effective in implementing the Plan's intent, or act as a barrier to implementation of the Plan's vision. The City may waive said code provisions under the following conditions:
1. The city and the private/public partners believe the subject project meets community objectives of smart growth, livable city and sustainability as identified in the City Comprehensive Land Use Plan;
 2. Design of the project gives significant attention to place making and functionality that will enhance the livability of the neighborhood in which it is located, as identified in the Comprehensive Land Use Plan and/or the applicable neighborhood plan;
 3. Design includes energy conservation features that promote sustainability goals as identified in the Comprehensive Land Use Plan and/or other plans developed to promote energy conservation and sustainability;
 4. The project addresses target demographics or specific community housing need as identified in the Comprehensive Land Use Plan's Housing Element and/or the applicable neighborhood plan;
 5. Based upon a determination by the Director, the proposed project design will better implement objectives of the Comprehensive Land-Use Plan.

Section 4. Section 16.12.050 of the Lacey Municipal is hereby amended to read as follows:

16.12.050 Lot area. The size and shape of lots shall be as follows, provided they adhere to the density requirements:

- A. Minimum lot area, six thousand five hundred square feet where alleys are utilized and seven thousand five hundred square feet where alleys are not provided.
- B. Minimum lot width, sixty feet where alleys are utilized, seventy feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.
- C. Minimum front yard:

Ten feet with ten-foot planter strip between the street and sidewalk when alleys are provided for rear access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

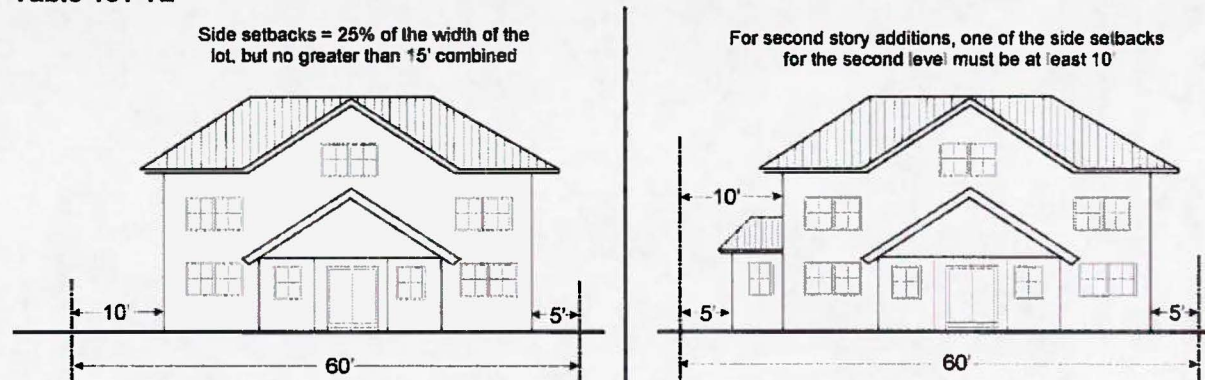
Unenclosed porches may project up to six feet into the front yard for front load access lots and two feet for rear load access lots, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

- D. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet for single-story structures; fifteen feet or no greater than twenty-five percent of the lot width (as measured along the front lot line) for two-story structures. (See *Table 16T-72.*)

Table 16T-72



Minimum side yards for two-story homes in the Low Density Residential (0-4) District.

E. Minimum rear yard, twenty feet, provided garages may be within three feet of the rear yard line alley easement or paved surface when adjacent to an alley.

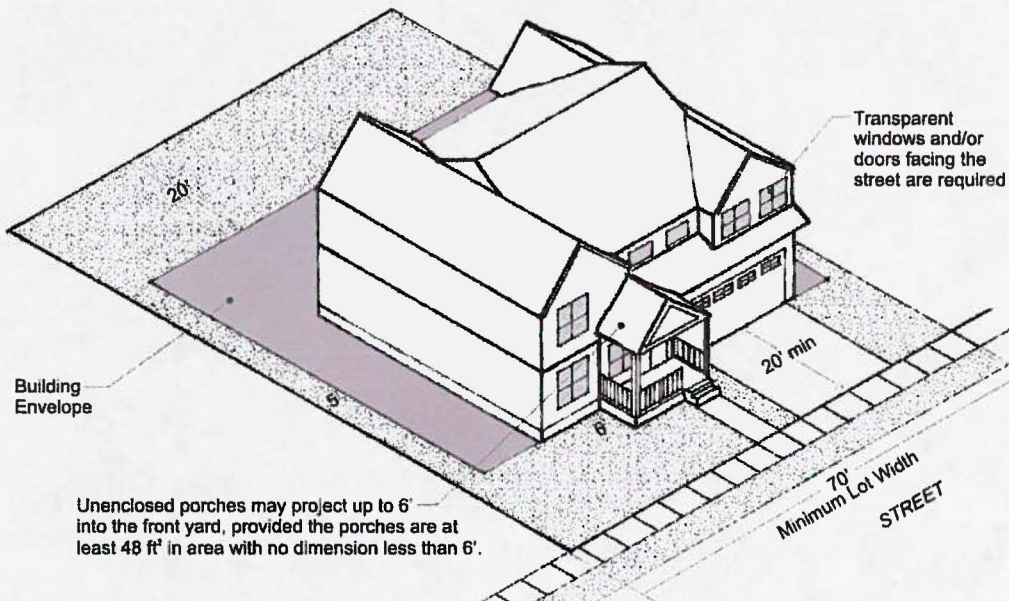
F. Minimum usable open space:

Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:

Shall feature minimum dimensions of twenty feet on all sides. For example, a sixty-five hundred square foot lot would require a contiguous open space of at least six hundred fifty square feet, or approximately twenty by thirty-three feet in area.

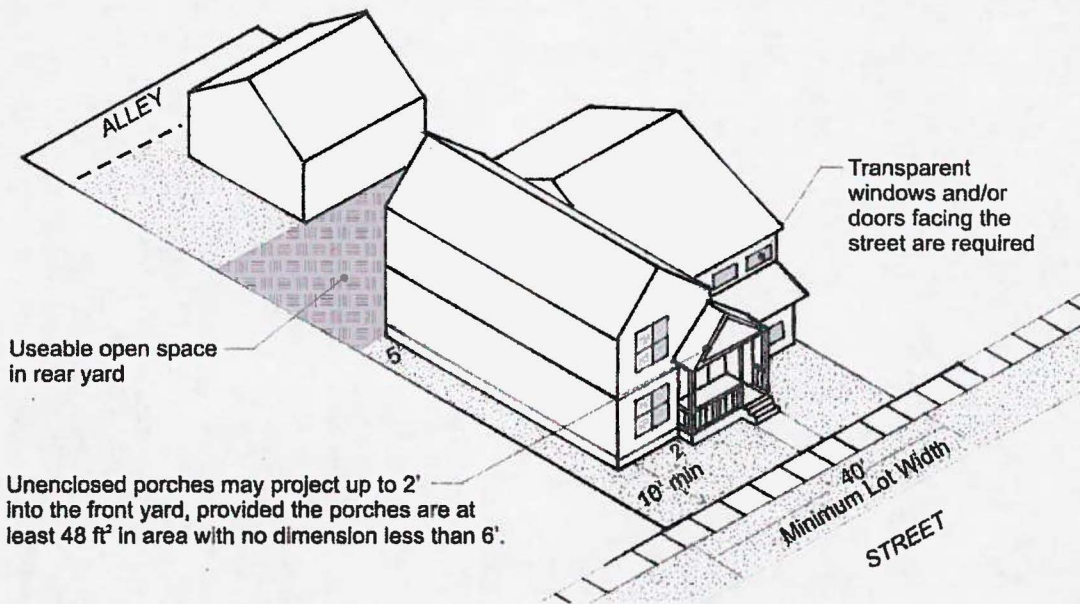
Such open space shall not be located within the front yard. (See **Tables 16T-73 and 16T-74.**)

Table 16T-73



Minimum standards for front-loaded lots in the Low Density Residential (0-4) District.

Table 16T-74



Minimum standards for alley-loaded lots in the Low Density Residential (0-4) District.

G. Maximum building coverage, forty percent. Undeveloped lots vested prior to May 15, 2008 shall be exempted from this standard provided they meet minimum usable open space requirements herein.

H. Maximum development coverage, fifty-five percent. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the city of Lacey's public works department.

I. Maximum height of buildings:

Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

~~Accessory building, sixteen feet.~~

Accessory building, shall be limited to the height of the primary building, provided structures over 16 feet in height shall require design review. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof.

J. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, twenty feet.

Side yard, five feet.

Rear yard, three feet.

Section 5. Section 16.13.050 of the Lacey Municipal is hereby amended to read as follows:

16.13.050 Lot area.

A. The size and shape of single family detached lots shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, four thousand five hundred square feet where alleys are utilized; five thousand square feet where alleys are not provided.

2. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.

3. Minimum front yard:

Ten feet with a ten foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.

In addition, setbacks may be staggered as provided in LMC [15.12.080\(F\)](#) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes and other desired design outcomes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

Unenclosed porches may project up to six feet into the front yard for front load access lots and two feet for rear load lots, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

5. Alternative lot configurations may be approved provided they comply with all of the following:

a. Other applicable standards in this chapter.

b. Design criteria in LMC [14.23.072](#), particularly LMC [14.23.072\(L\)](#).

- c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features.
6. Minimum rear yard, twenty feet provided garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley.
- B. Lots intended for attached single family development shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC [14.23.080](#).
- C. Development of lots not on sewer. Areas without sewer must be developed in a manner that maintains long term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. Areas developing without sewer must meet the following requirements:
1. The Health Department must review and approve plans for alternative sewage disposal.
 2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.
 3. Clustered lots must be between 5,000 and 10,890 square feet.
 4. Excluding the reserve parcel, clustered lots must meet density requirements of LMC [16.13.020](#).
 5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.
- D. Other lot standards:
1. Minimum usable open space:
Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:
Shall feature minimum dimensions of fifteen feet on all sides, provided one side may be reduced to 10 feet by the Site Plan Review Committee if it determines the space is designed with features that make it more inviting, private and useable. Design for reduction of the minimum dimension must include at least two of the following techniques;
 - a. A pergola or other architectural feature with landscaping;
 - b. An improved patio area with features for associated use such as sitting or barbeque;

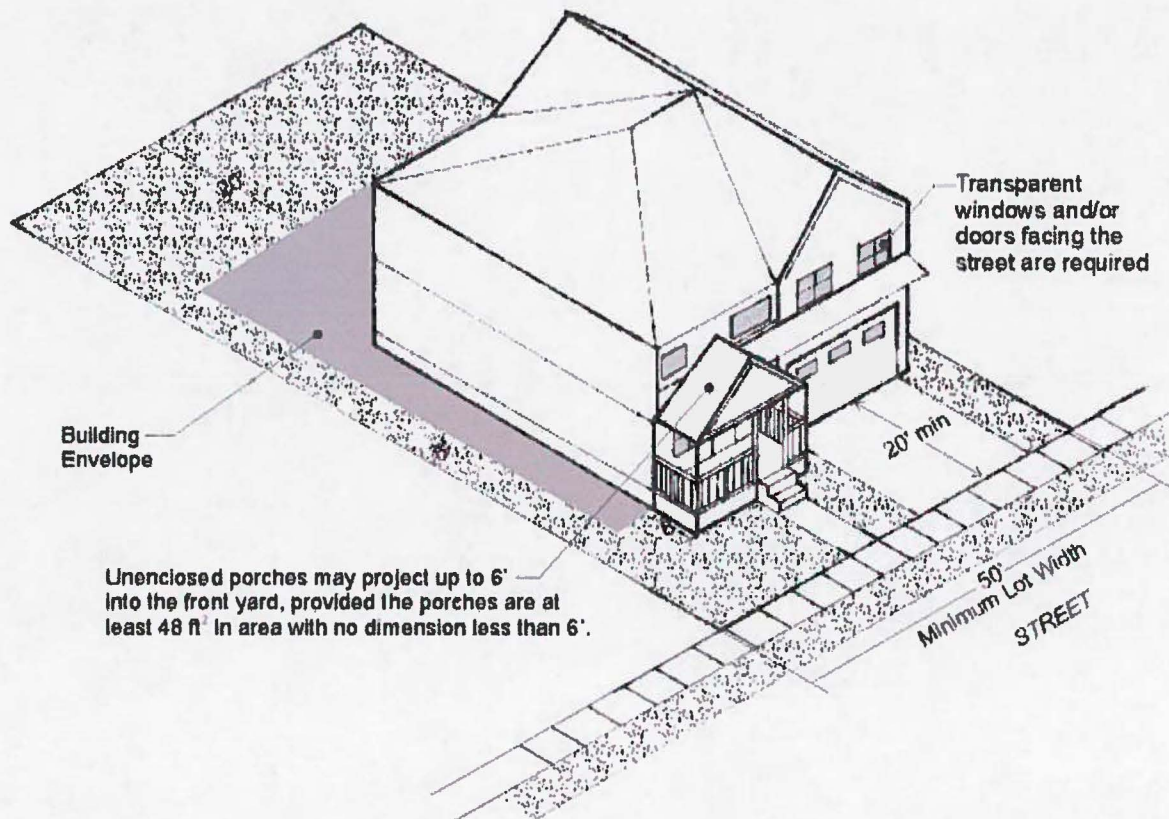
c. Other design features and improvements that add to the usability, privacy and desirability of the private space.

As an example, a forty-five hundred square foot lot would require a contiguous open space of at least four hundred fifty square feet, or approximately fifteen feet by thirty feet in area for a standard dimension, or ten feet by forty-five feet if the dimension is reduced and design features added.

Such open space shall not be located within the front yard.

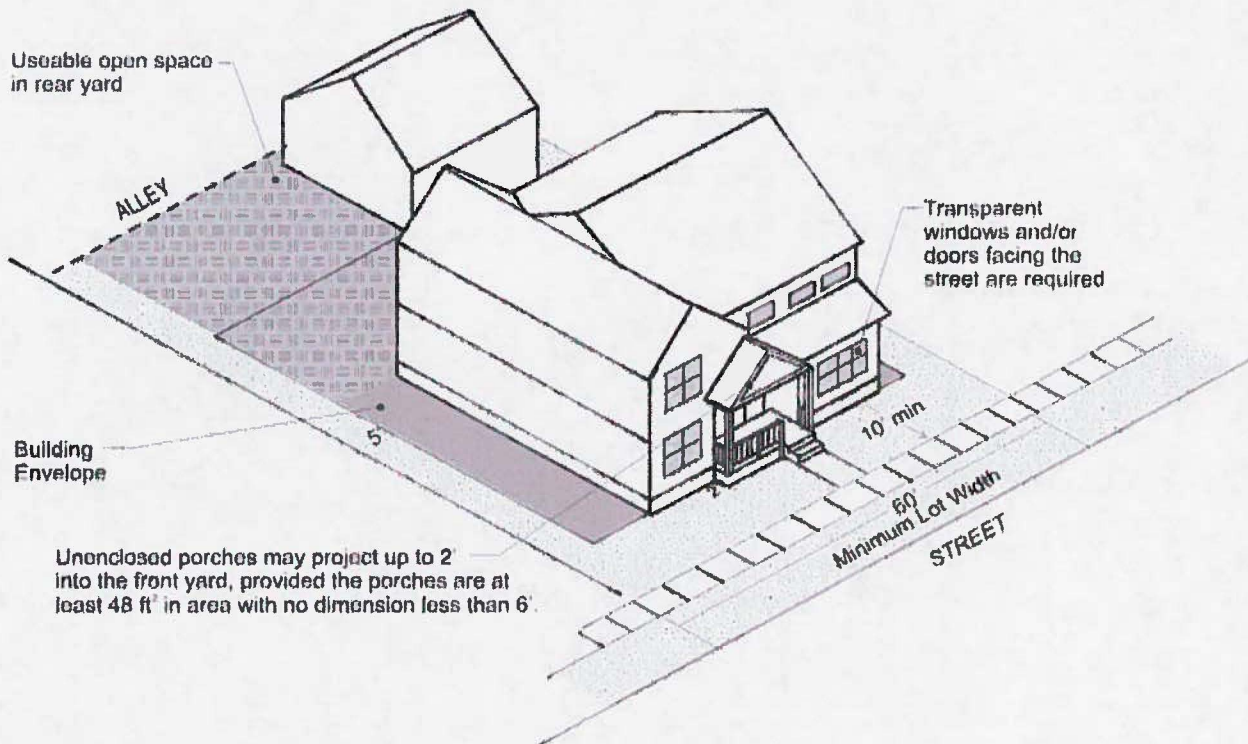
For duplexes and triplexes, each dwelling unit must have direct access to its own usable open space. (See *Tables 16T-75 and 16T-76.*)

TABLE 16T-75



Minimum standards for front-loaded lots in the Low Density Residential (3-6) District.

TABLE 16T-76



Minimum standards for alley-loaded lots in the Low Density Residential (3-6) District.

2. Maximum building area coverage, fifty percent. Undeveloped lots vested prior to May 15, 2008 shall be exempted from this standard provided they meet minimum usable open space requirements herein.
3. Maximum development coverage, sixty-five percent. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the City of Lacey's Public Works Department.
4. Maximum height:

Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

Townhouses, thirty feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

~~Accessory building, sixteen feet.~~

Accessory building, shall be limited to the height of the primary building, provided structures over 16 feet in height shall require design review. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof;

5. Accessory buildings. All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, fifteen feet.

Side yard, five feet.

Rear yard, three feet

Section 6. Section 16.15.050 of the Lacey Municipal is hereby amended to read as follows:

16.15.050 Lot area.

A. The size and shape of lots for detached single family shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, three thousand square feet where alleys are utilized, four thousand square feet if alleys are not provided.

2. Minimum lot width, thirty feet when alleys are utilized, forty feet where alleys are not provided. Minimum lot width and street frontage for infill lots designed for construction of a single family residence shall be thirty feet when alleys are utilized and forty feet when alleys are not utilized. Infill lots to be used for duplexes or other multi-family uses shall have a minimum lot width and street frontage of fifty feet.

3. Minimum front yard:

Ten feet with a ten foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.

In addition, Setbacks may be staggered as provided in section 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

5. Alternative lot configurations may be approved provided they comply with all of the following additional standards and design:

- a. Other applicable standards in this chapter.
- b. Design criteria in Section 14.23.072, particularly Section 14.23.072(L).
- c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features,

6. Minimum rear yard, fifteen feet, provided garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley.

B. Lots intended for attached single family, condominiums and multi-family shall be reviewed and approved through a subdivision, townhouse, PRD, site plan review, or building plan review process where such concept is identified and the project is designed and conditioned subject to design requirements of Section 14.23.

C. Development of lots not on sewer. Areas without sewer must be developed in a manner that maintains long term potential to achieve minimum required densities and efficient provisions of sewer once sewer becomes available. Areas developing without sewer must meet the following requirements;

1. The Health Department must review and approve plans for alternative sewage disposal.

2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.

3. Clustered lots must be between 4,000 and 10,890 square feet.
4. Excluding the reserve parcel, clustered lots must meet density requirements of Section 16.15.020.
5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area, clustered lots shall hook up to sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards:

1. Minimum usable open space:

Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:

Shall feature minimum dimensions of fifteen feet on all sides, provided one side may be reduced to 10 feet by the Site Plan Review Committee if it determines the space is designed with features that make it more inviting, private and useable. Design for reduction of the minimum dimension must include at least two of the following techniques;

- a. A pergola or other architectural feature with landscaping;
- b. An improved patio area with features for associated use such as sitting or barbeque;
- c. Other design features and improvements that add to the usability, privacy and desirability of the private space.

As an example, a three thousand square foot lot would require a contiguous open space of at least three hundred square feet, or fifteen feet by twenty feet in area for a standard dimension, or ten feet by thirty feet if the dimension is reduced and design features added.

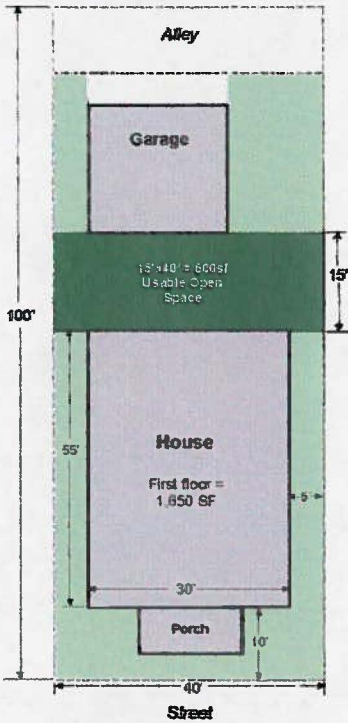
Such open space shall not be located within the front yard.

For duplexes and triplexes, each dwelling unit must have direct access to its own usable open space.

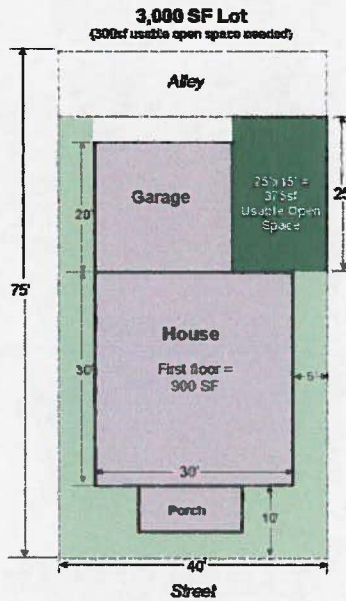
For townhouse developments, refer to Sections 14.23.080 and 16.61.040.

For multi-family developments, refer to Section 14.23.080. (See *Tables 16T-77, 16T-78, and 16T-79.*)

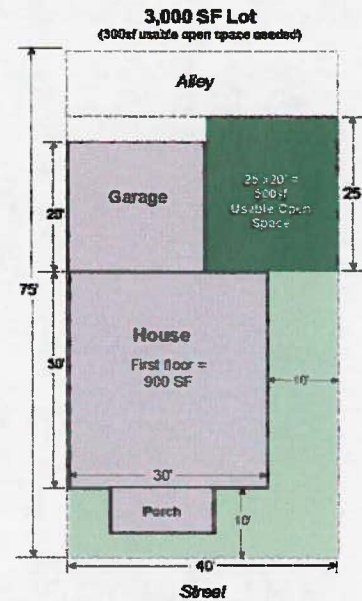
TABLE 16T-77
4,000 SF Lot
 (400sf usable open space needed)



Conventional Lot



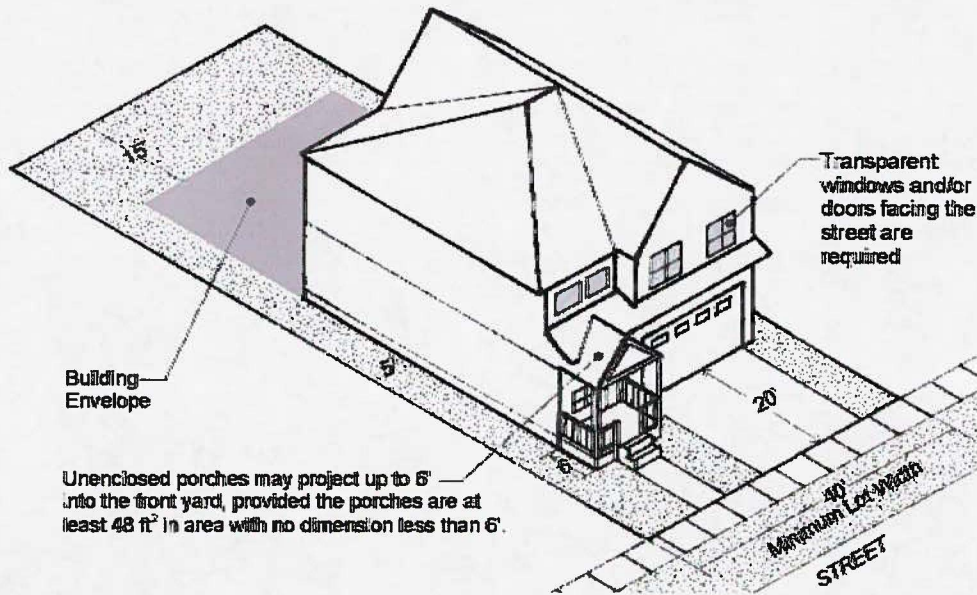
Conventional Lot



Zero Lot Line Configuration
 (home pushed to side property line, maximizing usable open space)

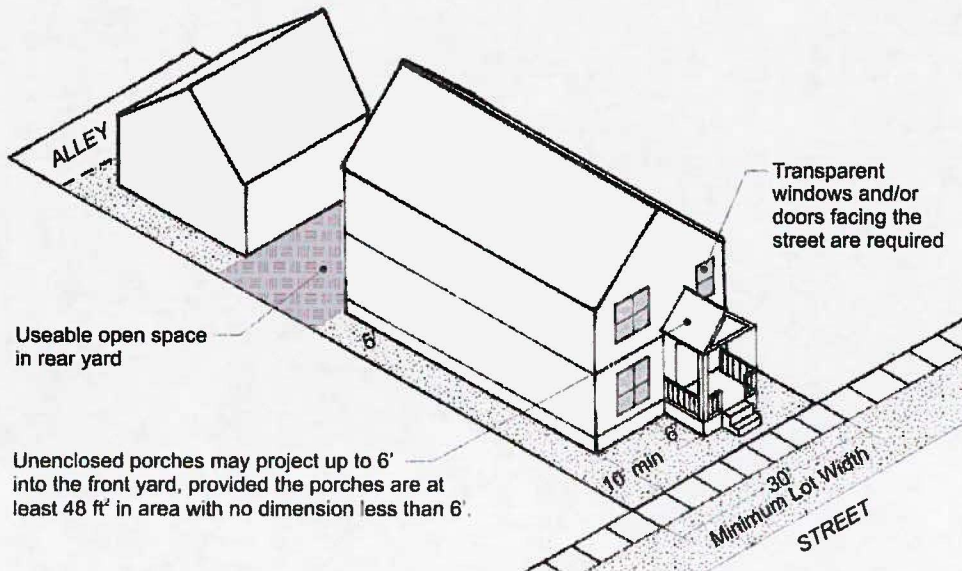
Example configurations of usable open space on small lots.

TABLE 16T-78



Minimum standards for front-loaded lots in the Moderate Density Residential District.

TABLE 16T-79



Minimum standards for alley-loaded lots in the Moderate Density Residential District.

2. Maximum building area coverage, fifty percent. Undeveloped lots vested prior to May 15, 2008 shall be exempted from this standard provided they meet minimum usable open space requirements herein.

3. Maximum development coverage, seventy-five percent. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the City of Lacey's Public Works Department.

4. Maximum height:

Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

Townhouse and multi-family buildings, thirty feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

~~Accessory building, sixteen feet.~~

An accessory building is permitted a height of sixteen feet, provided accessory buildings within an apartment complex and designed with a green roof occupying at least fifty percent of the area of the roof, can be up to the height of the main structure.

Accessory structures over 16 feet in height are subject to design review requirements. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

~~An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof;~~

5. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, ten feet.

Side yard, three feet.

Rear yard, five feet, or three feet to rear yard line alley easement or paved surface if adjacent to an alley.

Section 7. Section 16.21.014 of the Lacey Municipal is hereby amended to read as follows:

16.21.014 Urban agriculture activities.

A. Urban agriculture activities are described and permitted according to expected compatibility with other urban uses ~~as follows.~~ It is expected that urban agricultural uses

will be located on a single family residential lot with space to adequately accommodate the use. However, a multifamily lot may accommodate an urban agricultural activity if all of the following requirements are satisfied:

- The use is approved in writing by the owner of the building(s);
- Land area is assigned in writing by the owner of the building(s) to accommodate the planned agricultural activity;
- Area assigned to accommodate the urban agricultural activity meets applicable thresholds of this ordinance to adequately accommodating the use;
- The intent of this ordinance to provide an urban agricultural opportunity while adequately mitigating impacts to neighbors can be fully satisfied;
- The Director of Community Development determines the use is appropriate to the context of the multifamily complex given assigned area and design.

1. Urban agricultural uses permitted on residential lots less than one acre in size. The following urban agricultural activity is permitted as an accessory use to a residence

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

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

(1) Domestic fowl and rabbits:

(a) The maximum number of all fowl permitted accessory to a single family residential home on an urban lot, shall be 1 per 1000 square feet of lot area, up to a maximum of 10.

(b) Roosters, geese, turkeys, peacocks and exotic species are prohibited.

(c) Rabbits kept in accordance with recommendations of the American Rabbit Breeders Association (ARBA) and a minimum 3.5 square feet of hutch space per rabbit up to a maximum of two dozen rabbits.

(d) Structures housing domestic fowl or rabbits must be located and designed as follows:

- Located 10 feet away from property lines.
- Designed to prevent rodents by incorporation of one of the following:
 - Raising the floor area 8 to 12 inches above grade
 - Portable pens moved every few days with clean up of ground.
 - Other techniques that have similar results.

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

(a) Male miniature goats are neutered.

(b) Lots accommodating miniature goats must be a minimum of 7,500 square feet and may be allowed at a ratio of four miniature goats per one acre of property.

(3) Beekeeping provided:

(a) Beekeeping may include honey bees, mason bees, cutter bees, cavity nesting bees or similar bees used for honey or pollination purposes.

(b) Honey Bees must be registered with the State Department of Agriculture according to provisions of RCW [15.60.021](#) and meet the following restrictions:

- A maximum of four honey bee hives is permitted as an accessory use to a single family home,

- Honey bee hive shall not be located within 25 feet of any lot line, provided this distance may be reduced to 10 feet if strategies are employed to require bees to gain elevation before crossing the property line. This may include elevation changes, solid fencing or other techniques that can achieve this objective.

(c) Area housing bee varieties other than honey bees must be a minimum of 10 feet from adjacent properties and limited in size appropriate for pollination of the owner's lot.

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

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

2. Urban agricultural uses permitted on residential lots greater than one acre in size.
The following urban agricultural activity is permitted as an accessory use to a residence:

a. All uses permitted under LMC [16.21.014\(A\)\(1\)](#) according to ratios, conditions and restrictions therein.

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

c. All uses permitted under LMC [16.21.014\(A\)\(4\)](#) (Community urban agricultural use) according to the ratios, conditions and restrictions therein.

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

a. All uses permitted under LMC [16.21.014\(A\)\(1\)](#) according to ratios, conditions and restrictions therein.

b. All uses permitted under LMC [16.21.014\(A\)\(4\)](#) (Community urban agricultural use) according to the ratios, conditions and restrictions therein.

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

a. Horticulture may include all horticultural activity organized in the form of communal farming arrangements on property used in common for these purposes or where small lots or backyards have raised beds or segregated plots for lease for gardening activity. This may include activities such as community pea patches, community garden plots, shared garden plots, publically owned garden plots for community use, gardens owned and

operated by nonprofit organizations, home owner associations and religious organizations for use by members or community groups, yard area with segregated raised garden beds developed by an owner for lease and other similar activities. Said activity shall be subject to the following requirements:

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

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

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

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

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

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

(a) Animal husbandry is limited to those activities permitted with requirements as specified in LMC [16.21.014\(A\)\(1\)\(b\)](#) with the following additional considerations and requirements:

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

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

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

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

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

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

Section 8. Section 16.21.018 of the Lacey Municipal is hereby amended to read as follows:

16.21.018 Agriculture District.

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

Section 9. Section 16.21.020 of the Lacey Municipal is hereby amended to read as follows:

16.21.020 Permitted uses.

A. Specific types permitted in the agricultural district:

1. Production of crops and livestock including but not limited to the following:

a. All horticultural crops including tree farms, greenhouses and nurseries;

b. Livestock production including grazing, dairying, poultry and egg production, and riding stables;

c. Limited processing and packaging of produce and animal products, including slaughtering, limited to crops and animals produced on the premises;

d. Medical cannabis collective gardens pursuant to the terms of LMC 9.44.140 through 9.44.180.

2. Single-family structures, not exceeding one per five acres.

B. Other or related uses:

1. Accessory buildings or structures clearly related to the basic use of the premises such as storage of personal property, vehicles, equipment and supplies;

2. Stands or sheds for the sale of agricultural products produced on the premises;

3. Mobile homes for persons related to or employed in the agricultural pursuits of the premises;

4. Accessory residential dwelling as defined in LMC 16.06.055;

5. Home occupations as provided in Chapter 16.69 LMC.

Section 10. Section 16.21.040 of the Lacey Municipal is hereby amended to read as follows:

16.21.040 Environmental performance standards.

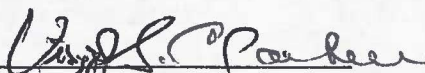
All uses in this district shall comply with the environmental performance standards of Chapter 16.57 LMC.

Section 11. All tables attached to Chapter 15 of the Lacey Municipal Code are hereby modified by providing for a date of 20__ rather than the current printing of 19__.

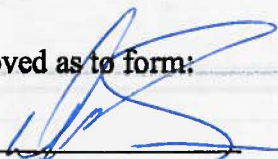
Section 12. The Summary attached hereto is hereby approved for publication.

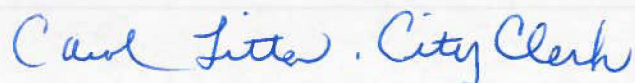
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 5th day of December, 2013.

CITY COUNCIL

By: 
Mayor

Approved as to form:


for City Attorney


Carol Little, City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1427

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 5, 2013, Ordinance No. 1427, entitled "AN ORDINANCE RELATING TO THE SITE PLAN REVIEW COMMITTEE AND OTHER PLANNING AND LAND DEVELOPMENT REGULATIONS OF THE CITY AND AMENDING SECTIONS 16.84.100, 15.01.040, 16.62.030, 16.12.040, 16.13.050, 16.15.050, 16.21.014, 16.21.018, 16.21.020 AND 16.21.040 ALL OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are as follows:

- 1. The Ordinance modifies various provisions of the planning and development regulations of the City to reflect issues identified by staff and reviewed by the Planning Commission and follows the recommendations of both the staff and the Planning Commission. The amendments are in the nature of housekeeping amendments and are typical of similar amendments made on an annual basis in prior years.**
- 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: December 9, 2013.