

ORDINANCE NO. 691

CITY OF LACEY

AN ORDINANCE amending the Zoning Ordinance of the City of Lacey by repealing Sections 16.60.190, 16.60.220, 16.63.190, 16.93.010; adding new Sections 16.03.040, 16.03.050, 16.06.315, 16.06.672, 16.06.674, 16.06.676, 16.36.025, 16.60.145, 16.60.190, 16.63.190, 16.84.100, 16.90.020, 16.93.010, 16.93.012, 16.93.014, 16.93.016; adding a new Chapter 16.61; and amending Sections 16.12.020, 16.12.050, 16.12.070, 16.15.020, 16.15.050, 16.18.020, 16.18.040, 16.18.070, 16.27.020, 16.27.030, 16.36.020, 16.39.030, 16.42.030, 16.60.040, 16.60.050, 16.60.080, 16.60.140, 16.60.160, 16.60.170, 16.60.180, 16.63.020, 16.63.030, 16.63.070, 16.66.010, 16.66.020, 16.66.030 and 16.72.030 of the Lacey Municipal Code.

Be it ordained by the City Council of the City of Lacey, Washington, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new Section, 16.03.040, to read as follows:

"16.03.040 Exemptions.

"A. The following structures and uses shall be exempt from the regulations of this Ordinance:

"1. Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water or the collection of sewage, or surface or subsurface water operated or maintained by a governmental entity or a public utility or other City franchised utilities including customary meter pedestals, telephone pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or above ground; but only when such facilities are located in a street right-of-way or in an easement less than twenty-five (25) feet in width. This exemption shall not include any substation located on or above the surface of the ground or any such distribution facility located in an easement of twenty-five (25) feet or more in width which shall be regulated by the provisions of Chapter 16.66.

"2. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment. This exemption shall not include any facilities and equipment listed as special uses.

"B. The enforcing officer may exempt the following from the minimum setback requirements set forth in this Ordinance when the structures are located outside the public right-of-way and are obviously intended to serve the public interest: telephone booths and pedestals; utility equipment; mail

boxes, bus shelters; public bicycle shelters; or any similar structure or device."

Section 2. There is hereby added to the Lacey Municipal Code a new Section, 16.03.050, to read as follows:

"16.03.050 Permitted Intrusions into Required Yards.

- "A. Cornices, eaves and other similar architectural features may project from the foundation wall into any minimum yard setback requirement a maximum distance of two and one-half (2.5) feet.
- "B. Open, unwallled and uncovered steps, ramps, not more than four (4) feet in height may extend into the required front or rear yard setback requirement not more than five (5) feet."

Section 3. There is hereby added to the Lacey Municipal Code a new Section, 16.06.315, to read as follows:

"Factory-Built Home. A structure constructed in a factory of assembled parts and transported to the building site, in whole or in units, which meets the requirements of the Uniform Building Code. The completed structure is not a mobile/manufactured home."

Section 4. There is hereby added to the Lacey Municipal Code a new Section, 16.06.672, to read as follows:

"Recreational Vehicle. "Recreational vehicle" means a portable structure such as a motor home, travel trailer, equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as a temporary dwelling for travel, recreation and vacation uses."

Section 5. There is hereby added to the Lacey Municipal Code a new Section, 16.06.674, to read as follows:

"Recreational Vehicle Park. "Recreational vehicle park" means a parcel or tract of land having designated areas for rent to one or more persons for temporary parking or placement of a recreational vehicle as opposed to permanent year-round occupancy."

Section 6. There is hereby added to the Lacey Municipal Code a new Section, 16.06.676, to read as follows:

"Recreational Vehicle Site. "Recreational vehicle site" means an area designated for rent for the parking or placement of a recreational vehicle."

Section 7. Section 16.12.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.12.020 Permitted Uses.

"A. Specific types permitted in the Low-Density Residential District:

- "1. Single-family structures on individual lots at approximately four (4) dwelling units per net acre.

"2. Planned residential developments as provided in Chapter 16.60.

"3. Townhouse developments as provided in Chapter 16.61.

"B. Other or related uses permitted:

"1. Accessory building or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocational interests.

"2. Agricultural uses not involving retail sales on the premises.

"3. Home occupations as provided in Chapter 16.69.

"4. Secondary dwelling unit in single-family structures. A secondary dwelling unit may be created on a single-family lot for the exclusive use of persons related by blood or marriage to the owner/occupant of the property. The secondary dwelling unit may consist of one or more rooms, including kitchen and cooking facilities; and may be created by conversion of, or addition to, either the main residence on the lot or legal accessory building; provided that:

"a. Such conversion or addition shall not increase the maximum allowable building or development coverage of the lot.

"b. Said conversion or addition shall comply with all rules and regulations of the building, plumbing, fire and other applicable codes.

"c. A building permit and other applicable permits shall be obtained prior to construction of such conversion or addition.

"5. Special uses as provided in Chapter 16.66 of this title subject to site plan review.

"6. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular."

Section 8. Section 16.12.050 of the Lacey Municipal Code is hereby amended to read as follows:

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

	<u>For New Lots</u>	<u>For Lots of Record</u>	
" <u>1A.</u> Minimum lot area:	9,600-sq.-ft.**	7,200-sq.-ft.*	<u>5,000 sq. ft.**</u>
" <u>2B.</u> Minimum lot width:	80-ft.	60-ft.	<u>50 ft.</u>
3. Minimum lot depth:	80 feet.	N/A	

"4C. Minimum front yard:

"On minor street	25 ft.	25-ft.
"On major street	35 ft.	35-ft.
"On flanking streets	15 ft.	10-ft.

"5D. Minimum side yards:

"Minimum on one side	8-ft.	5 ft.
"Minimum total -- both sides	16-ft.	12 ft.

"6E. Minimum rear yard: 25-ft. 25 ft.

"7F. Maximum building coverage for a single use or occupancy: 30%

<u>Lot Area</u>	<u>Maximum % Bldg. Coverage</u>	
0.25-acre or less	30%	35%
Over 0.25-acre, but less than 1.0 acre	25%	35%
Over 1.0-acre, but less than 3.0 acres	20%	35%
3.0-acres or more	15%	35%

"8G. Maximum development coverage for a single use or occupancy: 45%

<u>Lot Area</u>	<u>Maximum % Dev. Coverage</u>	
0.25-acre or less	45%	N/A
Over 0.25-acre, but less than 1.0 acre	35%	N/A
Over 1.0-acre, but less than 3.0 acres	25%	N/A
3.0-acres or more	20%	N/A

"9H. Maximum height of buildings:

Main building	35 ft.
Accessory building	16 ft.

"10I. Accessory buildings setbacks:

All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than one hundred twenty (120) square feet, the following setbacks are permitted:

~~Minimum front and side yard =
as required above in 4 and 5~~
Minimum rear yard: ----- 5 ft.

Front yard: 25 ft.
Side yard:
One side: 5 ft.

Total both sides:	12 ft.
Rear yard:	5 ft.

"**Lots not on City water and sewer are subject to Health Department regulations and approval, and these lot sizes may not be applicable."

~~*Or 7,000 square feet if on public sewer and water.
**12,500 square feet if on septic tank subject to Health Department regulations and approval.
NA—Means not applicable.~~

Section 9. Section 16.12.070 of the Lacey Municipal Code is hereby amended to read as follows:

"16.12.070 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. 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 rain water infiltration of the soil and may include sod, ivy, bark, noncompacted gravel and the like."

Section 10. Section 16.15.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.15.020 Types of Uses Permitted.

"A. Specific types permitted in the Moderate-Density Residential District:

- "1. Any residential use not exceeding approximately eight (8) dwelling units per net acre.
- "2. Duplexes and other multifamily housing types provided they do not exceed the density requirements of this district, and comply with the setback requirements of this section.
- "3. Single-family structures on individual lots.
- "4. Planned residential development in which the dwelling unit density does not exceed the density of this district except for the density bonus permitted in PRD developments.
- "5. Townhouse developments as provided in Chapter 16.61.

"B. Other or related uses permitted:

- "1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex.

- "2. Agricultural uses not involving retail sales on the premises.
- "3. Home occupations as provided in Chapter 16.69 of this title.
- "4. Special uses as provided in Chapter 16.66 of this title, subject to site plan review.
- "5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular."

Section 11. Section 16.15.050 of the Lacey Municipal Code is hereby amended to read as follows:

"16.15.050 Lot Area. The size and shape of lots shall be as follows provided they adhere to the density requirements:

	<u>Lots</u>	<u>For Single-Family Lots Only</u>	
"1 <u>A</u> . Minimum lot area:	9,000-sq.-ft.**	6,000-sq.-ft.	<u>5,000 sq.ft.**</u>
"2 <u>B</u> . Minimum lot width:	80-ft.	60-ft.	<u>50 ft.</u>
3. Minimum lot depth:	80 ft.	80-ft.	
"4 <u>C</u> . Minimum front yard:			
On minor street	25-ft.	25 ft.	
On major street	35-ft.	35 ft.	
On flanking streets	15-ft.	15 ft.	
"5 <u>D</u> . Minimum side yards:			
Minimum on one side	8 ft.	5-ft.	
Minimum total -- both sides	16 ft.	15-ft.	
"6 <u>E</u> . Minimum rear yard:	25 ft.	25-ft.	
"7 <u>F</u> . Maximum building area coverage for a single use or occupancy:			<u>40%</u>
<u>Lot-Area</u>	<u>Maximum % Bldg. Coverage</u>		
0.25-acre-or-less	30%	30%	
Over 0.25-acre, but less than 1.0 acre	25%	25%	
Over 1.0-acre, but less than 3.0 acres	20%	20%	
3.0-acres-or-more	15%	15%	
"8 <u>G</u> . Maximum development coverage for a single use or occupancy:			<u>60%</u>

<u>Lot Area</u>	<u>Maximum % Dev. Coverage</u>	
0.25-acre or less	45%	45%
Over 0.25-acre, but less than 1.0 acre	35%	35%
Over 1.0-acre, but less than 3.0 acres	25%	25%
3.0-acres or more	20%	20%

"9H. Maximum height:

Main building	35 ft.
Accessory building	16 ft.

"10I. Accessory buildings setbacks:

All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than one hundred twenty (120) square feet, the following setbacks are permitted:

Minimum front and side yard = as required above in 4 and 5	
Minimum rear yard:-----	5 ft.
<u>Front yard:</u>	<u>25 ft.</u>
<u>Side yard:</u>	
<u>One side:</u>	<u>5 ft.</u>
<u>Total both sides:</u>	<u>12 ft.</u>
<u>Rear yard:</u>	<u>5 ft.</u>

***Lots not on City water and sewer are subject to Health Department regulations and approval, and these lot sizes may not be applicable."

~~**12,500 square feet if on septic tank, subject to Health Department regulations and approval.~~

Section 12. Section 16.18.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.18.020 Permitted Uses.

"A. Specific types permitted in the High-Density Residential District:

- "1. Any residential use not exceeding approximately twenty (20) dwelling units per net acre.
- "2. Duplexes and other multifamily housing provided they do not exceed the density requirements of this district, and comply with the setback requirements of this section.
- "3. Planned residential developments in which the dwelling unit density does not exceed the density of this district except for the density bonus permitted in PRD Developments.

"4. Townhouse development as provided in Chapter 16.61.

"B. Other or related uses permitted:

- "1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex.
- "2. Agricultural uses not involving retail sales on the premises.
- "3. Home occupations as provided in Chapter 16.69 of this title.
- "4. Special uses as provided in Chapter 16.66 of this title, subject to site plan review.
- "5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular."

Section 13. Section 16.18.040 of the Lacey Municipal Code is hereby amended to read as follows:

"16.18.040 Lot Area. The size and shape of lots shall be as follows:

	<u>Lots</u>	
"A. Minimum lot area:	9,000-sq.-ft.**	<u>5,000 sq. ft.**</u>
"B. Minimum lot width:	80-ft.	<u>50 ft.</u>
C. Minimum lot depth:	80-ft.	
" <u>D</u> . Minimum front yard:		
On minor street	25 ft.	
On major street	35 ft.	
On flanking streets	15 ft.	
" <u>E</u> . Minimum side yards:		
Minimum on one side	10 ft.	
Minimum total -- both sides	20 ft.	
" <u>F</u> . Minimum rear yard:	25 ft.	
" <u>G</u> . Maximum building coverage for a single use or occupancy:		<u>40%</u>
<u>Lot-Area</u>	<u>Maximum % Bldg. Coverage</u>	
0.25-acre-or-less-----	30%	
Over 0.25-acre, but less than		

1.0-acre-----	25%
Over 1.0-acre, but less than	
3.0-acres-----	20%
3.0-acres-or-more-----	15%

"HG. Maximum development coverage for a single use or occupancy: 65%

<u>Lot Area</u>	<u>Maximum % Dev/ Coverage</u>
0.25-acre-or-less-----	55%
Over 0.25-acre, but less than	
1.0-acre-----	50%
Over 1.0-acre, but less than	
3.0-acres-----	40%
3.0-acres-or-more-----	35%

"IH. Maximum height of buildings:

Main building	80 ft. or 8 stories
Accessory building	16 ft.

"JI. Accessory buildings setbacks:

All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than one hundred twenty (120) square feet, the following setbacks are permitted:

Minimum front and side yard =	
as required in D and E	
Minimum rear yard:-----	5 ft.
Front yard:	25 ft.
Side yard:	
One side:	5 ft.
Total both sides:	12 ft.
Rear yard:	5 ft.

**Lots not on City water and sewer are subject to Health Department regulations and approval, and these lot sizes may not be applicable."

~~**12,500 square feet if on septic tank, subject to Health Department regulations and approval.~~

Section 14. Section 16.18.070 of the Lacey Municipal Code is hereby amended to read as follows:

"16.18.070 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. 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 rain water infiltration of the soil and may include sod, ivy, bark, noncompacted gravel and the like."

Section 15. Section 16.27.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.27.020 Permitted Uses.

"A. Specific types of uses permitted in this district are those commercial activities which are more dependent on direct vehicular access than the activities permitted in other districts, including the following:

"1. 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; and
- "i. Laundry and dry cleaning, both commercial and self-service;

"2. Eating and drinking places, including drive-ins.

"3. 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.

"4. 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 (4,000) square feet. All recycling centers must be reviewed and approved prior to operation by the Site Plan Review Committee.

"5. Recreational vehicle parks subject to the following standards:

- "a. The minimum lot size requirement shall be two (2) acres, and a minimum recreational vehicle site of one thousand (1,000) square feet in area.
- "b. No structure or recreational vehicle site shall be closer than twenty-five (25) 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.

"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;

"d. Transient facilities for short-term stay (e.g., overnight, two weeks) of recreational vehicles; and

"e. Mobile home parks.

"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 "A" above, 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 Lacey Development 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; and

"(3) That the public need is served by the proposed use.

"C. Special uses may be permitted as provided for in Chapter 16.66 of this title."

Section 16. Section 16.27.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.27.030 Prohibited Uses. ~~Unless specifically listed as a permitted or similar use in this district, the following uses and types of uses are prohibited:~~

~~A.---Those uses which are provided for in the following land use districts:~~

~~1.---Residential, low density;~~

~~2.---Residential, moderate density;~~

~~3.---Residential, high density;~~

~~4.---Mobile home subdivisions;~~

- ~~5.---Open-space/institutional;~~
- ~~6.---Industrial;~~
- ~~7.---Light-industrial;~~
- ~~8.---Mineral-extraction.~~

~~B.---Other-prohibited-uses:~~

"Uses other than those identified or described in Section 16.27.020 of this chapter are prohibited, including but not limited to:

~~"1A.~~ Auto wrecking yards including junk, scrap metal, and other material salvage operations with the exception of recycling centers as provided for in Section 16.27.020.

~~"2B.~~ Storage of explosive or materials of such character or in such quantities as to constitute a significantly greater hazard to persons, property or environmental health than that posed by materials commonly used or stored in the ordinary retail and service establishments permitted in this district."

Section 17. Section 16.36.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.36.020 Permitted Uses.

~~A.---Specific-uses-permitted:~~ "Convenience stores that sell food or drugs are permitted. Gasoline may be sold in conjunction with a convenience store, provided there is no more than one gas pump island containing not more than four dispensing nozzles."

~~B.---Similar-or-related-uses-permitted:---All-other-uses-are-prohibited-in-this-district.~~

Section 18. There is hereby added to the Lacey Municipal Code a new Section, 16.36.025, to read as follows:

"16.36.025 Prohibited Uses. Uses other than those identified or described in Section 16.36.020 in this Chapter are prohibited."

Section 19. Section 16.39.030 of the Lacey Municipal Code is hereby amended to read as follows:

"16.39.030 Prohibited Uses.

~~A.---The-following-uses-and-similar-uses-or-activities,-as-determined-by-the-enforcing-officer-or-the-site-plan-review-committee-are-prohibited:~~

"Uses other than those identified or described in Section 16.39.020 in this chapter are prohibited, including but not limited to:

"A. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or by-products which, if uncontrolled, would contaminate the environment to a degree unacceptable by contemporary

community standards; or which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies for the protection of industrial and/or environmental health.

"B. Examples of prohibited uses are:

- "1. Animal slaughtering;
- "2. Care and/or sale of livestock, poultry or similar animals;
- "3. Storage, manufacturing or sale of highly volatile or otherwise extremely hazardous substances or materials."

~~B. Residential uses other than those described in subsection B5 of Section 16.39.020;~~

~~C. Uses for which adequate provision is made in other chapters of this title.~~

Section 20. Section 16.42.030 of the Lacey Municipal Code is hereby amended to read as follows:

"16.42.030 Prohibited Uses. ~~Prohibited uses in the industrial district are as follows:~~

~~A. Residential uses other than those described in subsection B4 of Section 16.42.020;~~

~~B. Uses for which adequate provision is made in other zoning districts of this title.~~

"Uses other than those identified or described in Section 16.42.020 in this chapter are prohibited, including but not limited to:

"A.G. Uses which produce clearly offensive or objectionable odors such as animal slaughtering, rendering of animal products, chemical or biochemical processes such as the manufacture of petrochemicals."

Section 21. Section 16.60.040 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.040 Types of Uses Permitted.

"A. Specific Types Permitted. In a Planned Residential Development, the following uses are permitted, provided that they meet the standards and criteria established in this title:

- "1. Those uses permitted as a matter of right in the underlying zone.
- "2. Residential developments of all types as defined in this chapter.
- "3. As a secondary use, the following neighborhood commercial uses may be permitted in a PRD ~~(in moderate and high density districts)~~ subject to the limitations set forth in Section 16.60.130 and shall be located within the interior:

"a. Grocery store

"b. Drug store

"c. Barber/beauty shop

"d. Laundromat

"e. Other, unlisted, similar or related uses, provided the enforcing officer and/or the Site Plan Review Committee makes the determination that:

"(1) The particular unlisted use does not conflict with the intent of this chapter or the policies of the Lacey Development Plan;

"(2) The use is appropriate in the development; and

"(3) The development is served by the proposed use.

"B. Other or Related Uses Permitted. Other or related uses permitted include:

"1. Accessory uses specifically geared to the needs of the residents of the PRD such as motor vehicle or boat storage structures, or structures related to open space use, subject to the building and development coverage limitations ~~set forth in Section 16.60.140~~ of the underlying zone.

"2. Special uses as provided in Chapter 16.66 of this title.

"3. Home occupations is provided in Chapter 16.69 of this title."

Section 22. Section 16.60.050 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.050 Relationship to Other Ordinance Provisions.

"A. Zoning Requirements. The provisions of the zoning ordinance pertaining to land use of the underlying zoning district shall govern the use of land in a Planned Residential Development.

"The specific set back, lot size, height limits and other dimensional requirements are waived, and the regulations for PRD's shall be those indicated in Section 16.60.140.

"B. Platting Requirements. A PRD shall be exempt from the specific design requirements of the subdivision ordinance, except that when any parcel of land in a PRD is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the subdivision ordinance and applicable State laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed.

"C. Public Hearing Required. ~~For both Preliminary and final applications for PRD's shall require a public hearings shall be held and with notices thereof to be thereof given as provided for rezoning applications in Chapter 16.96.~~"

Section 23. Section 16.60.080 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.080 Site Acreage. The minimum site for a Planned Residential Development shall be a full block or a portion of a block if it was a numbered block in the original plat of the City, or a numbered block of a subdivision recorded prior to the adoption of the ordinance codified in this title. For all previously unplatted areas, the minimum site shall be ~~three--(3)~~ two (2) acres."

Section 24. Section 16.60.140 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.140 Design Standards.

"A. Open space requirements shall be as follows:

"1.A Common Open Space. Each Planned Residential Development shall provide not less than thirty (30%) percent of the gross land area for common open space which shall be either:

"a.1 Held in single ownership where such ownership assumes full responsibility for maintenance and operation; or

"b.2 Held in common ownership by all of the owners in the development area; or

"c.3 Dedicated for public use, if acceptable to the City.

"2.B Common open space may be designed to provide either active or passive recreation.

"3.C Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PRD, provided that the building coverage of such building or structure combined with the building coverage of the residential structures shall not exceed the maximum permitted by the underlying zone.

"4.1 Private Open Space. Three hundred (300) square feet private, usable open space having a minimum of fifteen (15) feet in depth shall be provided for each ground level dwelling unit in a PRD. Such private open space is to serve as a buffer between dwelling units and common open space.

"B.2 Land Area and Dwelling Unit Computations. Open space, street area, etc., are computed as follows:

"1.a Street Right-of-Way. Streets in a PRD shall be computed at twenty (20%) percent percent of the gross land area, regardless of the amount of land actually used for streets in the final design.

"2. Density. The density of the underlying zone governs unless a density increase is granted as provided in this Chapter.

"3.b Density and Development Formula Increase. ~~In a PRD,~~ The City may ~~authorize~~ approve an increase in the dwelling unit density not more than up to:

"a. In the Low Density District, fifteen percent (15%);

"b. In the Moderate Density District, twenty percent (20%);

"c. In the High Density District, twenty-five percent (25%);

~~than that permitted by the underlying zone,~~ rounded to the nearest whole number, provided that the environmental and recreational amenities sought by this title are met.

"4. Development Formula. The computation of the number of dwelling units permitted, and other space requirements shall be as follows:

$$DU = \frac{N}{M} \times 1.2 \text{ (1.2 is the incentive factor)}$$

G Is gross land area in square feet

S Is street area (i.e. 20% of G) in square feet

DU Is number of dwelling units

M Is minimum ~~lot size of the underlying zone, or~~ minimum land area per dwelling unit

N Is net buildable site (G-S) in square feet

EXAMPLE: In a hypothetical five (5) acre site in the moderate density residential district, thirty-two (32) dwelling units are permitted under conventional development procedures, assuming a minimum lot area of five thousand four hundred forty-five (5,445) square feet, no dedication for other public use, and twenty (20%) percent of the land area dedicated for public right-of-way. The calculations are as follows:

G = 5 acres = 217,800 sq. ft., gross land area

S = 20% of G = 43,560 sq. ft. of public R.O.W.

G-S = 172,240 sq. ft.

$$DU = \frac{172,240}{5,445} \times 1.2 = 31.6 = 38 \text{ dwelling units}$$

On the same five (5) acre site, under PRD procedure, thirty-eight (38) dwellings are permitted using the formula shown below:

$$DU = \frac{N}{M} \times 1.2$$

N = G-S = 217,800 - 43,560 = 172,240 sq. ft.

M = 5,445 sq. ft. minimum lot area

$$DU = \frac{172,240}{5,445} \times 1.2 = 37.9 = 38 \text{ dwelling units}$$

~~e. ---Maximum Coverage.--- Building coverage and development of the site shall not exceed the percentage permitted by the underlying zone.~~

"C.d Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the Hearings Examiner. Natural landscape features which are to be preserved, such as existing trees, drainage ways, rock out-croppings, etc. may be accepted as part of the landscaping plan when, in the judgment of the Hearings Examiner, such natural features contribute to the attractiveness of the proposed development."

Section 25. There is hereby added to the Lacey Municipal Code a new Section, 16.60.145, to read as follows:

16.60.145 Environmental and Recreational Amenities. Four of the following five amenities must be provided as part of the PRD in order to receive the density bonus as provided in Section 16.60.140:

- "A. 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.
- "B. Substantial retention of natural ground cover, brushes and trees.
- "C. Landscape the on-site drainage retention facility.
- "D. Provide significant access to a lake, river, stream or other natural water body.
- "E. Provide substantial and exceptional landscaping treatment either as an adjunct to or in lieu of natural landscaping beyond the minimum required."

Section 26. Section 16.60.160 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.160 Preliminary Review and Approval--Application--Required Documentation. An application for PRD development shall include the following:

- "A. Vicinity sketch showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as, railroads, lakes, streams, shorelines, schools, parks, and other prominent features.
- "B. A map or maps of the site at a scale not smaller than one hundred (100) 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. Existing and proposed contours including natural features;
 - "6. Parking facilities, their design, size and capacity;
 - "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 treatments of the proposed units; and
 - "11. Conceptual Utility Plan, including water, sewer, storm drainage and lighting.
- "C. In addition to the graphic materials, the developer shall submit a written statement providing the following information:
- "1. Program for development including estimated staging or timing of development, including build-out data to be submitted to the City and to the North Thurston School District for each year during the construction period.
 - "2. Proposed ownership pattern upon completion of development.
 - "3. Basic content of restrictive covenants.
 - "4. Provisions to assure permanence and maintenance of common open space through Homeowners Association formation, condominium development or other means acceptable to the City.
 - "5. Statement or tabulation of dwelling unit densities proposed.
 - "6. Statement describing the relationship of the proposed PRD to the Lacey Development Plan."

Section 27. Section 16.60.170 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.170 Final Review and Approval--Application--Filing Time Limitation. An application for final review and approval shall be filed by the applicant within ~~twelve--(12)~~ eighteen (18) months of the date on which preliminary approval was given by the ~~Hearings Examiner~~ City Council. An extension not exceeding six (6) months may be granted by the Hearings Examiner. If application for final approval is not made within ~~twelve--(12)~~ eighteen (18)

months or within the time for which an extension has been granted, the Plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone and the subdivision ordinance."

Section 28. Section 16.60.180 of the Lacey Municipal Code is hereby amended to read as follows:

"16.60.180 Final Review and Approval--Application--Partial PRD Area. An application for final review and approval may be filed for part of a PRD area for which preliminary approval has been granted by the ~~Hearings-Examiner~~ City Council. A final plan for a part of a PRD shall provide the same proportion of open space and the same overall dwelling unit density as the overall preliminary plan.

"If that portion of the PRD for which final approval is requested does not provide such open space, the developer shall file in escrow a quit-claim deed in favor of the City for such additional land area adjacent and accessible to the site, and of sufficient size to provide the open space required to meet the standards of this ordinance. In the event that the developer abandons the remaining portions of the PRD, the escrow agent shall deliver the quit-claim deed to the City or to such other public or private entity as the City may direct.

"NOTE: Final approval of a PRD development plan shall not be construed to be final plat approval. Plat approval is a separate action and shall be in compliance with state and local subdivision and platting regulations. (As stated in Subsection B of Section 16.60.050.)"

Section 29. Section 16.60.190 of the Lacey Municipal Code is hereby repealed.

Section 30. There is hereby added to the Lacey Municipal Code a new Section, 16.60.190, to read as follows:

"16.60.190 Final Review and Approval--Application--Required Documentation. The applicant shall submit at least seven (7) copies of the final development plan of the proposed development to the Planning Department for its review. The final development plan shall comply with the conditions imposed on the preliminary development plan. In addition, if the development is being subdivided, the data required of regular plats as required by the subdivision ordinance must be submitted. The plan shall include the following:

- "A. Final elevation and perspective drawings of project structures;
- "B. Final landscaping plan;
- "C. Final plans of and including profiles of the drainage, water, sewer, lighting, streets, and sidewalks or pathways;
- "D. Such other documentation, information and data not lending itself to graphic presentation such as restrictive covenants, incorporation papers and bylaws of Homeowners' Associations, dedications of easements, rights-of-way, and other conditions specifically required by the Hearings Examiner for the particular PRD.

"No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of Planning Department review. After receiving the final development plan, the Planning Department shall route the same to all appropriate City departments, and each department shall again submit to the Planning Department comments and recommendations.

"If the City departments determine that the final map conforms fully with all applicable regulations and standards, the final map shall be presented to the City Council for final approval."

Section 31. Section 16.60.220 of the Lacey Municipal Code is hereby repealed.

(NOTE: Sections 16.60.230, 16.60.240 and 16.60.250 should remain numbered as they currently are in the Lacey Municipal Code.)

Section 32. There is hereby added to the Lacey Municipal Code a new chapter, 16.61, to read as follows:

"16.61.010 Intent. It is the intent of this chapter to:

- "A. Encourage infilling of skipped-over parcels in developed areas of the City.
- "B. Provide for the development of townhouses within residential neighborhoods which may be conveyed as individually owned, separately platted lots.
- "C. Encourage within low, moderate and high density residential districts the development of townhouse structures built to standards designed to include amenities usually associated with conventional single-family detached housing, and to ensure their compatibility with the surrounding neighborhood.
- "D. Provide for favorable housing, efficient use of land and energy, and the availability of a variety of housing types in a variety of locations to serve a wide range of individual homeowner requirements.
- "E. Provide a guide for developers and City officials in meeting the purpose and provisions of this chapter.

"16.61.020 Definitions. These definitions shall be in addition to the definitions set forth in Chapter 16.06 and shall apply solely to townhouse developments.

- "A. Townhouse. As used in this ordinance, a townhouse is a one-family dwelling unit which is part of a group of two or more such units separated by a common party wall having no doors, windows or other provisions for human passage or visibility. Each one-dwelling unit shall be attached by not more than two (2) party walls.
- "B. Townhouse Group. A cluster or grouping of townhouse units containing not less than two (2) nor more than six (6) individual townhouse dwelling units contiguous to one another.

"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 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:

"1. Fifteen percent (15%) in the Low-Density District;

"2. Twenty percent (20%) in the Moderate-Density District;

"3. Twenty-five percent (25%) in the High-Density District;

rounded to the nearest whole number, provided that four of the five following environmental and recreational amenities are met:

"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, brushes and trees.

"3. Landscape the on-site drainage retention facility.

"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 lieu of natural landscaping beyond the minimum required.

"C. Lot Area and Width of Each Townhouse Unit. A townhouse lot shall contain a minimum area of one thousand six hundred (1,600) square feet and a minimum lot and building width of twenty (20) feet.

"D. Height. The maximum height of any townhouse shall not exceed that allowed in the district in which the development is located.

"E. Maximum Parcel Size. The parcel size for townhouse development shall be no more than two (2) acres.

- "F. Setback Variation. No more than two (2) abutting townhouses or townhouse cluster within the townhouse project site shall have a common front building setback. Variations in the setback of front building faces shall be at least four (4) feet.
- "G. Right-of-Way Setback. No townhouse dwelling unit shall be located closer than twenty-five (25) feet to any public right-of-way nor within fifteen (15) feet of a private drive, access road or common open parking area to the front or rear of such a dwelling unit.
- "H. Rear Yard Requirements. The minimum rear yard requirement shall be fifteen (15) feet to the rear property line.
- "I. Private Yard Area. Every lot containing a townhouse must provide a private yard of at least three hundred (300) square feet, oriented to either the building front, rear or side, enclosed visually by fences or walls at least five (5) feet in height or plantings to screen first level views from adjacent units.
- "J. Side Yard Requirements. The minimum side yard requirement shall be the same as the underlying zone.
- "K. 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 ten (10) feet to any portion of a townhouse or accessory structure of another townhouse building or cluster.
- "L. Access. When the only driveway is from the street, each pair of units must share a common curb cut.
- "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.

"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 four (4) 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.

"The Hearings Examiner will review the creation of five (5) 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.

"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.
- "3. Units may not be rented or sold, nor occupancy permits issued until final plat or final short plat approval.

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

- "1. A site plan drawing or drawings at a scale not smaller than one hundred (100) feet to the inch, showing all the information required for a preliminary plat plus the following:
 - "a. Site boundaries.
 - "b. Streets bounding or abutting the site.
 - "c. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type.
 - "d. Location and dimensions of open spaces.
 - "e. Location and dimensions of garbage disposal areas.
 - "f. The location and design of off-street parking facilities, showing their size.
 - "g. Circulation plan--vehicular and pedestrian, and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties.
 - "h. Existing buildings and indication of future use or disposition.
 - "i. Landscaping plan.
 - "j. Typical front and side elevations and exterior architectural treatment of the proposed units.
 - "k. The existing and proposed contours at two (2) foot intervals and which locates existing streams, lakes, marshes and other natural features."

Section 33. Section 16.63.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.63.020 Definitions.

- "A. "Mobile/manufactured home" means a vehicular, portable structure(s) built on a chassis designed to be used as a residential dwelling, and which is not designed to be permanently affixed to a foundation and containing plumbing, waste disposal and electrical systems similar to conventional homes, and which bears an insignia issued by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U. S. Department of Housing and Urban Development definition of a manufactured home. A commercial coach, recreational vehicle and factory-built home is not a mobile/manufactured home.
- "B. "Mobile home park" means an area of land, in single ownership, on which ground space is made available for the location of mobile homes (or trailers) on a month-to-month or yearly lease basis. Said mobile homes would, generally, be owned by the occupants who pay a fee for the use of the ground space. The mobile home units remain essentially portable and may be moved from time to time.
- "C. "Mobile home subdivision" means an area of land, platted in accordance with the subdivision or platting regulations of the City and the State of Washington, in which each parcel or lot is designed and intended to be owned in fee by a person or persons also owning and occupying the mobile home structure situated on said lot. The mobile home units remain essentially fixed on permanent foundations and, generally, are moved onto the site in their entirety or in sections only at the time of initial construction. Structures in mobile home subdivisions shall meet current HUD or UBC construction standards."

Section 34. Section 16.63.030 of the Lacey Municipal Code is hereby amended to read as follows:

"16.63.030 Permitted Where. Mobile homes are permitted as follows:

- "A. As a primary use in a mobile home subdivision of not less than five (5) nor more than forty (40) acres in the:
- "1. Low-Density Residential District.
 - "2. Moderate-Density Residential District.
 - "3. Agricultural District.
 - "4. As part of a planned residential development as provided for in Chapter 16.60 of this title.
- "B. As a primary use in a mobile home park of not less than three (3) acres nor more than twenty (20) acres. Mobile home parks ~~shall~~ may be permitted in the following districts after receiving a special use permit:

"1. Moderate-Density Residential District.

"2. High-Density Residential District.

~~3. General Commercial District.~~

"C. As an accessory use for security or maintenance personnel in the following districts, subject to site plan review:

"1. General Commercial District.

"2. Light Industrial/Commercial District.

"3. Industrial District.

"4. Mineral Extraction District.

"5. Open Space/Institutional District.

"D. As temporary or emergency use in:

"1. Any district as part of a construction project for office use of construction personnel or temporary living quarters for security personnel for a period extending not more than ninety (90) days beyond completion of construction. A thirty (30) day extension may be granted by the City Manager upon written request of the developer and upon the Manager's finding that such request for extension is reasonable and in the public interest.

"2. Any district as an emergency facility when operated by or for a public agency.

"3. In the Open Space/Institutional District where a community need is demonstrated by a public agency such as temporary classrooms or for security personnel on school grounds."

Section 35. Section 16.63.070 of the Lacey Municipal Code is hereby amended to read as follows:

"16.63.070 Mobile Home Subdivision Design Standards--Lot Requirements. The size and shape of lots shall be in accordance with the following as follows, provided they adhere to the density requirements:

	<u>In Low Density Districts</u>	<u>In Moderate Density Districts</u>
"A. Minimum lot area	9,600 <u>5,000</u> sq. ft.	6,000 <u>5,000</u> sq. ft.
"B. Minimum lot width	80 <u>50</u> ft.	60 <u>50</u> ft.
C. Minimum lot depth	80 -ft.	80 -ft.

"DC. Minimum front yard:

On minor streets	25 ft.	15 25 ft.
On major streets	35 ft.	20 35 ft.
On flanking streets	15 ft.	10 15 ft.

"ED. Minimum side yards:

Minimum on one side	8 5 ft.	5 8 ft.
Minimum total--both sides	16 12 ft.	15 16 ft.

"FE. Minimum rear yard 25 ft. 20 25 ft.

"GF. Maximum building coverage 30% 30% 40%"

Section 36. Section 16.63.190 of the Lacey Municipal Code is hereby repealed.

Section 37. There is hereby added to the Lacey Municipal Code a new Section, 16.63.190, to read as follows:

16.63.190 Mobile Home Park Design Standards--Surfacing Requirements. All streets, roads and driveways shall be hard-surfaced to a standard of construction acceptable to the City Engineer. Interior pedestrian walkways, carports and parking areas may be gravel."

Section 38. Section 16.66.010 of the Lacey Municipal Code is hereby amended to read as follows:

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

- "A. Provide for the location of certain types of uses, services and facilities which, because of their unique characteristics, cannot (or should not) be limited to or automatically included in specific land use classification districts.
- "B. Permit essential services and facilities which are needed or may be needed by or in the community, but the exact nature, scale, or location of which cannot be foreseen or predicted.
- "C. Establish development standards for such uses and facilities in order that properties adjacent to such uses, especially properties which are of clearly different character from the use or uses identified in this chapter, are reasonably protected from adverse effects or impact of these special uses.
- "D. To authorize the ~~enforcement--officer--and/or--the~~ City to impose reasonable conditions, restrictions and development requirements on special uses as ~~he/they~~ may be deemed appropriate for a special use in any given land use district.
- "E. Provide for a review process which will enable city officials, the general public and proponents of special uses to evaluate the need, location, scale and development characteristics of said uses and their impact on

adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively.

- "F. It relieves the ordinance codified in this title and its enforcement officials from the burden of trying to identify every district in which a specific and unique use should be included as a conditional use.
- "G. Just as other chapters of this title try to achieve flexibility by describing rather than listing permitted uses in each district, this chapter should contribute to the desired flexibility by recognizing the limits of predictability.
- "H. It further enhances flexibility since the development standards for a particular use may vary depending upon the specific location for which it is proposed."

Section 39. Section 16.66.020 of the Lacey Municipal Code is hereby amended to read as follows:

"16.66.020 Permitted Uses. A. Specific types permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the ~~enforcing officer and/or site plan review committee~~ City are categorized and identified as follows:

"A.1 Personal or community service facilities such as:

- "1.a Child care, including nursery schools, preschools and day-care centers;
- "2.b Funeral parlors, mortuaries and crematoria;
- "3.e Senior citizen centers;
- "4.d Residential care facilities (group homes for physically or mentally disabled persons) as provided in Section 16.66.060;
- "5.e Nursing homes, convalescent care facilities; and
- "6.f Cemeteries.

"B.2 Places of public assembly, including:

- "1.a Churches (or other places of worship);
- "2.b Sports arenas or stadia;
- "3.e Fraternal organizations and lodges; and
- "4.d Private clubs.

"C.3 Public utilities and their appurtenances such as:

- "1.a Electrical substations;
- "2.b Pumping, lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks for any of the above, including water towers;
- "3.e Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills; and
- "4.d Radio, television or telephone stations, exchanges, transmitting, receiving or relay structures.

"D.4 Public safety and emergency response facilities, including:

- "1.a Police stations;
- "2.b Fire stations;
- "3.e Emergency medical centers; and
- "4.d Hospitals.

"E.5 Public and private transport/maintenance facilities, including:

- "1.a Airports, landing strips, heliports or helipads, including waterborne craft;
- "2.b Marinas, docks, piers, or breakwater devices, regardless of size or purpose;
- "3.e Railroad terminals, switching facilities, maintenance or repair shops, and spurs;
- "4.d Bus terminals, storage or maintenance facilities;
- "5.e Automobile parking facilities or structures other than those specifically required in Chapter 16.72 in connection with permitted uses; and
- "6.f Corporation yards.

~~B. Similar or related uses permitted: Uses or activities which are not described or otherwise identified in this chapter or in the several land use districts of this title shall be treated as a special land use and reviewed in the same manner as the special uses described or identified herein.~~

"F. Uses which are similar or related to those uses described in subsections 1 through 5 of this section."

Section 40. Section 16.66.030 of the Lacey Municipal Code is hereby amended to read as follows:

"16.66.030 Control of Uses. Special uses shall be subject to ~~site plan review and environmental impact review~~ the review process as provided for in Chapter 16.87 of this title or as otherwise noted in this chapter."

Section 41. Section 16.72.030 of the Lacey Municipal Code is hereby amended to read as follows:

"16.72.030 Minimum Requirements.

- "A. The requirements for off-street parking and loading facilities and their design shall be regarded as the minimum; however, the owner, developer or operator of the premises for which the parking facilities are intended shall be responsible for providing adequate amounts and arrangement of space for the particular premises even though such space or its arrangement is in excess of the minimum set forth in this chapter.
- "B. The requirements for any use not listed herein shall be those of the listed use most similar to the listed use. When similarity is not apparent, the enforcing officer and/or the Site Plan Review Committee shall determine the minimum for the unlisted use.

"C. For special uses, as identified and described in Chapter 16.66 of this title, the parking requirement shall be as provided in that chapter or as determined by the Site Plan Review Committee.

"D.	<u>Number of Spaces Per Dwelling Unit</u>
<u>Residential Uses</u>	
Single-family homes	2
Duplexes	2
Multifamily structures	2* (see 1 and 2)
Plus two-tenths space per dwelling unit in buildings containing five or more dwelling units	

"*1. Housing intended for exclusive use of, and occupied by, senior citizens shall provide one (1) space for every three (3) dwelling units plus two-tenths (2/10) space per dwelling unit in buildings containing five (5) or more dwelling units.

"*2. Housing in which the dwelling units are characterized by one (1) room enclosing all activities (sometimes referred to as "bachelor" or "efficiency" units) shall provide one and one-half (1½) parking spaces for each dwelling unit, plus two-tenths (2/10) space per dwelling unit in buildings containing five (5) or more dwelling units.

"3.	<u>Number of Spaces Per Dwelling Unit</u>
<u>Mobile Homes</u>	
In mobile home subdivisions	2
In mobile home parks	1½
In mobile home parks the parking spaces in excess of one per mobile home may be grouped in shared parking areas.	

"E. Commercial Uses

"1. In the several commercial districts, off-street parking requirements shall be as shown herein, provided that all of the property is controlled by a single person or corporation or written agreements for shared parking, acceptable to the City, are filed with the enforcing officer.

"Shared parking agreements are acceptable only if the physical relationship between the premises makes such sharing possible and results in superior design in terms of layout, access, reduced curb cuts and the like.

"2. In the following list, the parking requirements of specific uses listed shall be adhered to, shared agreements or single ownership control notwithstanding.

"3. NOTE: Some parking requirements are expressed in terms of a ratio of parking area in relation to gross floor area (GFA) in the building.

"Therefore, two (2) square feet per square foot of GFA means that a five thousand (5,000) square foot building would have to provide ten thousand (10,000) square feet of parking area.

"The minimum number of parking spaces is then determined by dividing the square footage of the parking area by three hundred (300). In a ten thousand (10,000) square foot area, thirty-three (33) spaces would be required.

"The three hundred (300) square foot per car allows for access drives, aisles and landscaping areas, since the dimensions of each space is approximately nine (9) by twenty (20) or one hundred eighty (180) square feet. The number of spaces may also be increased in excess of the minimum required, depending on size and shape of site and the arrangement of spaces in the area.

<u>"Type of Use or District</u>	<u>Minimum Parking Requirements</u>
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"(NOTE: GFA means gross floor area.)

"Core Commercial District	5.5 spaces per 1,000 sq. ft of GFA
"General Commercial District	2 sq. ft./sq. ft. of GFA
"Limited Business District	1 space/300 sq. ft. of GFA
"Office Commercial	1 space/400 sq. ft. of GFA
"Neighborhood Commercial District	1 space/500 sq. ft. of GFA

"4. Specific Uses

"a. Banks	<u>1 space/300 sq. ft. of GFA</u>
"b. Billiard halls	<u>2 spaces/table</u>
"c. Bowling alleys	<u>5 spaces/alley</u>
"d. Business and Professional Offices	
<u>With on-site customer services</u>	<u>1 space/400 sq. ft. of GFA</u>
<u>Without on-site customer services</u>	<u>1 space/800 sq. ft. of GFA</u>
"e. Churches	
<u>With fixed seats</u>	<u>1 space/3 seats or 6 ft. of bench</u>
<u>Without fixed seats</u>	<u>1 space/150 sq. ft. of GFA</u>
"f. Day-care, preschools, and nursery schools	<u>1 space/teacher, plus a drop-off-loading area for every 7 children</u>
"g. Food and drug stores	
Less than 5,000 sq. ft.	2 sq. ft./sq. ft. of G.F.A.
5,000 sq. ft. or more	1 sq. ft./sq. ft. of G.F.A.
Business and Professional Offices	
With on-site customer services	1 space/400 sq. ft. of GFA
Without on-site customer services	1 space/800 sq. ft. of GFA
"h. Hospitals	1 space for each bed
"i. Libraries	<u>1 space/200 sq. ft. of GFA</u>
"j. Medical & dental offices	<u>1 space/150 200 sq. ft. of GFA</u>

Service-stations	1-space/employee + 1 per service bay
"k. Mortuaries	5 spaces plus 1 per 25 sq. ft. of assembly room area
"l. Motel and hotels	1 space/guest room
Bowling alleys	5-spaces/alley
Billiard-halls	2-spaces/table
<u>"m. Nursing homes, convalescent centers</u>	<u>1 space for each 4 beds</u>
<u>"n. Restaurants</u>	
<u>Which service auto-borne customers, both within and outside the building</u>	<u>1 space/60 sq. ft. of GFA</u>
<u>Which service auto-borne customers outside the building</u>	<u>1 space/15 sq. ft. of GFA</u>
<u>"o. Restaurants and taverns</u>	
<u>Which service customers within the building</u>	<u>1 space/100 sq. ft. of GFA</u>
<u>"p. Schools, elementary and junior high</u>	<u>1.5 spaces/classroom and office</u>
<u>Schools, senior high</u>	<u>1.5 spaces/classroom and office, plus 1 space for each 5 students of designated capacity</u>
<u>"q. Service stations</u>	<u>1 space/employee + 1 per service bay</u>
<u>"r. Stadiums, auditoriums</u>	<u>1 space/3 of the permitted assembly occupants. School parking spaces may be used provided the facilities are on the same or contiguous parcels.</u>
<u>gymnasiums</u>	

"F. Industrial Uses

"1. General

- "a. One (1) space per employee based on the greatest number of employees on a single shift, plus:
- "b. One (1) square foot parking per square foot of display or retail area, plus:
- "c. One (1) space for each vehicle owned, leased or operated by the company.

"2. Specific Uses

<u>Type of Use</u>	<u>Minimum Parking Requirements</u>
Warehouses	1 space/1,000 sq. ft. GFA, plus 1 space/400 sq ft. of GFA used for offices or display"

Section 42. There is hereby added to the Lacey Municipal Code a new Section, 16.84.100, to read as follows:

"16.84.100 Duration of Approval. Approval of the site plan shall be effective for eighteen (18) 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 (18) month period, the approval shall automatically terminate; provided, however, all site plans approved prior to the enactment of this section shall be effective for five (5) years from the date of approval or eighteen (18) months after enactment of this section, whichever is the later.

"However, upon the application of the owner or representative, the Site Plan Review Committee shall extend the approval period for one (1) 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.

"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 Planning Department prior to expiration of site plan approval."

Section 43. There is hereby added to the Lacey Municipal Code a new Section, 16.90.020, to read as follows:

"16.90.020 Front and Rear Yard Setback Variance. The enforcing officer may grant a modification of up to 10% from the front and rear setback requirements in residential zones provided the findings can be made as listed in Section 2.40.050, L.M.C. This does not preclude other variances from being considered as provided in Section 16.90.010."

Section 44. Section 16.93.010 of the Lacey Municipal Code is hereby repealed.

Section 45. There is hereby added to the Lacey Municipal Code a new Section, 16.93.010, to read as follows:

"16.93.010 Intent. Within the districts established by this title, there exist lots and structures which were lawful prior to the date of adoption of the ordinance codified in this title, but which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this chapter to permit these nonconformities to continue until they are removed."

Section 46. There is hereby added to the Lacey Municipal Code a new Section, 16.93.012, to read as follows:

"16.93.012 Nonconforming Structures.

"A. Nonconforming structures shall not be enlarged upon, expanded or extended in a manner which would increase the nonconforming aspects of said structure.

"B. Relocation. Nonconforming structures shall not be relocated on the same site unless the move results in bringing the structure into closer conformance with the provisions of this chapter."

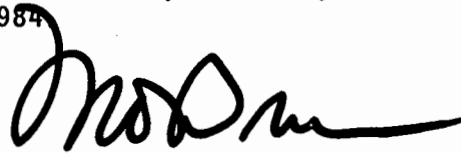
Section 47. There is hereby added to the Lacey Municipal Code a new Section, 16.93.014, to read as follows:

"16.93.014 Nonconforming Uses. A nonconforming use of a structure, or land shall not be extended or enlarged after the effective date of the ordinance codified in this title, by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved."

Section 48. There is hereby added to the Lacey Municipal Code a new Section, 16.93.016, to read as follows:

"16.93.016 Nonconforming--Prior Construction. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the date of adoption of the ordinance codified in this title, and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition shall be deemed to be actual construction, provided that work shall be carried on diligently."

9th Passed by the City Council of the City of Lacey, Washington, this day of February, 1984




MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PASSED: 2-9-84

PUBLISHED: 2-15-84

JH:ldc/LZO3