

ORDINANCE 745

CITY OF LACEY

AN ORDINANCE READOPTING TITLE 16 OF THE LACEY MUNICIPAL CODE CONTAINING ZONING REGULATIONS WITHIN THE CITY WHICH REGULATIONS GOVERN THE USE OF LAND AND STRUCTURES UPON LAND IN THE CITY

WHEREAS, the City Council duly considered, passed, and published Ordinance No. 583 adopting Title 16 of the Lacey Municipal Code setting forth zoning regulations and adopting a new zoning map for the City, which action was taken only after public hearings and recommendation of the City's Planning Commission and after public hearings by the City Council, and

WHEREAS, certain amendments have been made to the zoning map since the passage of Ordinance No. 583, in each case, after public hearings and recommendation, which amendments have been duly entered upon the official zoning map of the City which map has the approving signatures of the Mayor and City Clerk and is on file in the office of the City Clerk, and

WHEREAS, certain amendments and additions to Title 16 of the Lacey Municipal Code have been duly considered, passed, and published only after proper public hearings and recommendations, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey

Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Title 16 of the Lacey Municipal Code is hereby readopted to read as follows:

Title 16

ZONING

Chapters:

<u>16.03</u>	<u>General Provisions</u>
<u>16.06</u>	<u>Definitions</u>
<u>16.09</u>	<u>Zoning Districts and Boundaries</u>
<u>16.12</u>	<u>Low-Density Residential District</u>
<u>16.15</u>	<u>Moderate-Density Residential District</u>
<u>16.18</u>	<u>High-Density Residential District</u>
<u>16.21</u>	<u>Agricultural District</u>
<u>16.24</u>	<u>Core Commercial Districts</u>
<u>16.27</u>	<u>General Commercial District</u>
<u>16.30</u>	<u>Office Commercial District</u>
<u>16.33</u>	<u>Limited Business District</u>
<u>16.36</u>	<u>Neighborhood Commercial District</u>
<u>16.39</u>	<u>Light Industrial/Commercial District</u>
<u>16.42</u>	<u>Industrial District</u>
<u>16.45</u>	<u>Mineral Extraction District</u>
<u>16.48</u>	<u>Open Space/Institutional District</u>
<u>16.51</u>	<u>L Limited Zone District</u>
<u>16.54</u>	<u>Environmentally Sensitive Areas</u>
<u>16.57</u>	<u>Environmental Performance Standards</u>
<u>16.60</u>	<u>Planned Residential Development</u>
<u>16.61</u>	<u>Townhouse Development</u>
<u>16.63</u>	<u>Mobile Homes</u>
<u>16.66</u>	<u>Special Uses</u>
<u>16.69</u>	<u>Home Occupations</u>
<u>16.72</u>	<u>Off-Street Parking and Loading</u>
<u>16.75</u>	<u>On-Premises Sign Regulations</u>
<u>16.78</u>	<u>Off-Premises Sign Regulations</u>
<u>16.81</u>	<u>Administration and Enforcement</u>
<u>16.84</u>	<u>Site Plan Review</u>
<u>16.87</u>	<u>Conditional Use and Special Use Permits</u>
<u>16.90</u>	<u>Variances</u>
<u>16.93</u>	<u>Nonconforming Uses</u>
<u>16.96</u>	<u>Amendments and Rezones</u>
<u>16.99</u>	<u>Fees</u>
<u>16.102</u>	<u>Violations</u>

Chapter 16.03GENERAL PROVISIONSSections:

- 16.03.010 Title.
- 16.03.020 Intent.
- 16.03.030 Interpretation and application.
- 16.03.040 Exemptions.
- 16.03.050 Permitted intrusions into required yards.

16.03.010 Title. This title shall be known as the zoning ordinance of the city of Lacey. (Ord. 583 §2.01(A), 1980).

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

- A. Facilitate orderly growth and development of the city of Lacey, consistent with the policies, goals and objectives of the Lacey Development Plan;
- B. Protect the health and general welfare of the city's residents;
- C. Promote sound economic development and protect property values;
- D. Preserve and protect vital aspects of the natural environment;
- E. Designate land use districts and provide for compatibility between the several districts;
- F. Provide flexible regulations and controls for the intensity and character of land use;
- G. Provide for the administration and enforcement of the regulations. (Ord. 583 §2.01(B), 1980).

16.03.030 Interpretation and application. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Nothing in this title is intended to impair, annul or abrogate any easement, covenant or other agreements between parties, public or private; however, whenever the requirements of this title are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, the most restrictive or those imposing the higher standards shall govern; provided further, that within the shorelines of the city, as defined in the Shoreline Management Act, the provisions of the Shoreline Management Act and the Lacey Master Program shall govern; provided however, that the substantive regulations of this title shall be applicable where they are more restrictive than those of the Shoreline Management Act or the Lacey Master Program. (Ord. 583 §2.01(C), 1980).

16.03.040 Exemptions. A. The following structures and uses shall be exempt from the regulations of this title:

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 title 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; mailboxes, bus shelters; public bicycle shelters; or any similar structure or device. (Ord. 691 §1, 1984).

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. (Ord. 691 §2, 1984).

Chapter 16.06

DEFINITIONS

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

A. Promote consistency and precision in the interpretation of this title;

B. Define (and illustrate, where necessary) certain words, terms and phrases in the interest of reducing to a minimum the misunderstanding which may occur in the absence of such definition. (Ord. 583 §2.09(A), 1980).

16.06.020 Use and interpretation generally. A. Words, terms and phrases not specifically defined in this section or in other sections of this title (where more special terms may be defined) shall have the meaning as defined in any recognized, standard dictionary of the English language.

B. Words, terms and phrases defined herein may have meanings more specific than their meanings in common usage, standard dictionaries or other ordinances.

C. The meaning and construction of words and phrases, as set forth in this chapter shall apply throughout this title except where the context of such words or phrases clearly indicates a different meaning or construction.

D. Rules of construction:

1. Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

2. Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.

3. Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

4. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a. "And" indicates that all connected items or provisions shall apply.

b. "Or" indicates that the connected items or provisions may apply singly or in any combination.

c. "Either . . . or" indicates that the connected items or provisions shall apply singly but not in combination.

5. Gender. The masculine gender "he" includes the feminine gender "she," and the feminine gender "she" includes the masculine gender "he." (Ord. 583 §2.09(B) (1--4), 1980).

16.06.030 Interpretation in case of conflicting definitions. In addition to the words and terms defined in this chapter, several sections of this title, contain definitions specifically related to those sections. In the event of conflict between definitions in this list and those shown in other sections of this title, the definition in the other section shall govern within the context of the section within which it appears. (Ord. 583 §2.09(C) (part), 1980).

16.06.040 Abutting. "Abutting" means having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting. (Ord. 583 §2.09(C) (part), 1980).

16.06.050 Accessory building or use. "Accessory building or use" means a use, building, or structure, or portion of a building, devoted to an activity or use subordinate to the principal use of the premises, but located on the same lot as the principal use. (Ord. 583 §2.09(C) (part), 1980).

16.06.060 Accessory living quarters. "Accessory living quarters" means living quarters, which may include kitchen facilities, within an accessory building or the main building for the sole use of persons employed on the premises and not rented or otherwise used as a separate dwelling. (Ord. 583 §2.09(C) (part), 1980).

16.06.070 Accessory use. "Accessory use" means a use customarily incidental and/or subordinate to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use. (Ord. 583 §2.09(C) (part), 1980).

16.06.080 Acres or acreage, gross. "Gross acres or acreage" means the total area of a parcel of land, and may be expressed in square feet or fractions of an acre. (Ord. 583 §2.09(C) (part), 1980).

16.06.090 Acres or acreage, net. "Net acres or acreage" means the area of a parcel of land, less the area devoted to streets, roads or alleys, public or private, and may be expressed in square feet or fractions of an acre. (Ord. 583 §2.09(C) (part), 1980).

16.06.100 Alley. "Alley" means a public or private way not more than twenty feet wide permanently reserved as a secondary means of access to abutting property. (Ord. 583 §2.09(C) (part), 1980).

16.06.110 Amendment. "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the zoning ordinance, or any change, modification, deletion, or addition to the application of the zoning ordinance to property within the city, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the city council. (Ord. 583 §2.09(C) (part), 1980).

16.06.120 Attic story. "Attic story" means any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage, or habitation. An attic story shall be counted as a story. (Ord. 583 §2.09(C) (part), 1980).

16.06.130 Automobile wrecking. "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. (Ord. 583 §2.09(C)(part), 1980).

16.06.140 Basement. "Basement" means that portion of a building between floor and ceiling, which is partly below and partly above the finished grade, but so located that the vertical distance from the finished grade to the floor below is less than the vertical distance from the finished grade to the ceiling. If a basement has a ceiling height of seven feet or more, it shall be considered a story unless it is used exclusively for parking, storage, and/or housing of mechanical or central heating equipment. (See Illustration 1 at end of this chapter. See also Section 16.04.220, Cellar.) (Ord. 283 §2.09(C)(part), 1980).

16.06.150 Boardinghouse or roominghouse. "Boardinghouse" or "roominghouse" means a dwelling unit having only one kitchen, and used for the lodging (with or without meals) for compensation, of not more than five persons in addition to the related family members or operator of such dwelling unit. (Ord. 283 §2.09(C)(part), 1980).

16.06.160 Buffer. "Buffer" means an area of land or a structure used or created for the purpose of insulating or separating a structure or land use from other uses or structures in such manner as to reduce or mitigate any adverse impacts of one on the other. (Ord. 283 §2.09(C)(part), 1980).

16.06.170 Buildable area. "Buildable area" means that portion of the land that remains after the required yards have been excluded from the building site. (Ord. 283 §2.09(C)(part), 1980).

16.06.180 Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. (Ord. 583 §2.09(C)(part), 1980).

16.06.190 Building coverage. "Building coverage" means the amount or percentage of ground area covered or occupied by a building or buildings; usually expressed in

square feet or percentage of land on the lot, and measured horizontally at the foundation. (See also Section 16.04.270, Development coverage.) (Ord. 583 §2.09(C)(part), 1980).

16.06.200 Building height. "Building height" means the vertical distance from average grade level to the highest point of a building or structure, excluding any chimney, antenna or similar appurtenance. (See Illustration 2 at end of this chapter.) (Ord. 583 §2.09(C)(part), 1980).

16.06.210 Building line. "Building line" means a line within the buildable area, normally considered the outside of the foundation wall. (Ord. 583 §2.09(C)(part), 1980).

16.06.220 Cellar. "Cellar" means that portion of a building between floor and ceiling which is wholly or partly below the finished grade, and is so located that the vertical distance from the finished grade to the floor below is equal to, or greater than the vertical distance from the finished grade to the ceiling. (See Illustration 1 at the end of this chapter. See also Section 16.04.140, Basement.) (Ord. 583 §2.09(C)(part), 1980).

16.06.230 City. "City" means the city of Lacey. (Ord. 583 §2.09(B)(5)(c), 1980).

16.06.240 Conditional uses. "Conditional uses" means certain uses which because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons may be allowed in certain use districts only by the granting of a conditional use permit by the city council. (Ord. 583 §2.09(C)(part), 1980).

16.06.250 County. "County" means Thurston County. (Ord. 583 §2.09(B)(5)(d), 1980).

16.06.260 Density. "Density" means the permissible number of dwelling units that may be developed on a specific amount of land area, measured in number of dwelling units per acre. (Ord. 583 §2.09(C)(part), 1980).

16.06.270 Development coverage. "Development coverage" means the amount or percentage of ground area covered by impervious surfaces (i.e., surfaces which do not absorb moisture, specifically rainwater). Therefore, impervious surfaces include rooftops and all paved surfaces such as parking areas, roads, driveways, walkways and the like. (Ord. 583 §2.09(C)(part), 1980).

16.06.280 Dwelling. "Dwelling" means a building, or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple family or apartment dwellings and mobile homes. (Ord. 583 §2.09 (C) (part), 1980).

16.06.290 Dwelling unit. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation. (Ord. 583 §2.09 (C) (part), 1980).

16.06.300 Easement. "Easement" means a recorded right of interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over such land. (Ord. 583 §2.09 (C) (part), 1980).

16.06.310 Enforcing officer. "Enforcing officer" means the city manager or the person designated by the city manager to enforce the provisions of this title. (Ord. 583 §2.09 (C) (part), 1980).

16.06.315 Factory-built home. "Factory-built home" means 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. (Ord. 691 §3, 1984).

16.06.320 Family. "Family" means an individual, or two or more persons living together in a dwelling unit as a single housekeeping unit. (Ord. 583 §2.09 (C) (part), 1980).

16.06.330 Federal. "Federal" means the Government of the United States. (Ord. 583 §2.09 (B) (5) (e), 1980).

16.06.340 Floor area. "Floor area" means the sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two sides, areas having ceiling height of less than seven feet and basements used exclusively for storage or housing of mechanical or central heating equipment. (Ord. 583 §2.09 (C) (part), 1980).

16.06.350 Grade, average. "Average grade" means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site. (Ord. 583 §2.09 (C) (part), 1980).

16.06.360 Hearings examiner. "Hearings examiner" means the hearings examiner of the city of Lacey. (Ord. 583 §2.09(B)(5)(b), 1980).

16.06.370 Home occupation. For a definition of "home occupation" see Chapter 16.69. (Ord. 583 §2.09(C)(part), 1980).

16.06.380 Hotel. "Hotel" means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite. (Ord. 583 §2.09(C) (part), 1980).

16.06.390 Kennel. "Kennel" means any place where more than six dogs and/or cats, or other canines or felines, beyond the age of four months, are kept. (Ord. 583 §2.09(C) (part), 1980).

16.06.400 Lacey development plan or LDP. "Lacey development plan," or "LDP," means the comprehensive land use plan of the city of Lacey, as adopted, and as amended from time to time. (Ord. 583 §2.09(B)(5)(g), 1980).

16.06.410 Lot. "Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this title. (Ord. 583 §2.09(C) (part), 1980).

16.06.420 Lot area. "Lot area" means the total land space or area contained within the boundary lines of any lot, tract or parcel of land and may be expressed in square feet or acres. (Ord. 583 §2.09(C) (part), 1980).

16.06.430 Lot, corner. "Corner lot" means a lot that abuts two or more intersecting streets. (Ord. 583 §2.09(C) (part), 1980).

16.06.440 Lot depth. "Lot depth" means the horizontal distance between the front lot line and the rear lot line measured within the lot boundaries. (Ord. 583 §2.09(C) (part), 1980).

16.06.450 Lot line, front. "Front lot line" means that boundary of a lot which is located along an existing or dedicated public street, or, where no public street exists, along a public right-of-way or private way. (Ord. 583 §2.09(C) (part), 1980).

16.06.460 Lot, interior. "Interior lot" means a lot that has frontage on one street only. (Ord. 583 §2.09(C) (part), 1980).

16.06.470 Lot line, rear. "Rear lot line" means the lot line which is opposite and most distant from the front lot line, except, in the case of a triangular or pie-shaped lot, it means a straight line ten feet in length which: (1) is parallel to the front lot line; or, (2) intersects the two

other lot lines at points most distant from the front lot line. (Ord. 583 §2.09(C)(part), 1980).

16.06.480 Lot, through. "Through lot" means a lot that fronts on two parallel or nearly parallel streets. (See Illustration 3 at end of this chapter.) (Ord. 583 §2.09(C)(part), 1980).

16.06.490 Lot width. "Lot width" means the horizontal distance between side lot lines measured at right angles to the lines comprising the depth of the lot at a point midway between the front lot line and the rear lot line. (Ord. 583 §2.09(C)(part), 1980).

16.06.500 Mobile home. For a definition of mobile home, see Chapter 16.63. (Ord. 583 §2.09(C)(part), 1980).

16.06.510 Mobile home park. For a definition of "mobile home park," see Chapter 16.63. (Ord. 583 §2.09(C)(part) 1980).

16.06.520 Mobile home subdivision. For a definition of "mobile home subdivision," see Chapter 16.63. (Ord. 583 §2.09(C)(part), 1980).

16.06.530 Motel. "Motel" means a building or group of buildings containing guestrooms which may or may not contain cooking facilities, and where lodging with or without meals is provided for compensation. Motels are designed to accommodate the automobile tourist or transient, and parking spaces or garages are conveniently located near each guestroom. (Ord. 583 §2.09(C)(part), 1980).

16.06.540 Nonconforming building or structure. "Nonconforming building or structure" means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this title, which does not conform with the requirements of this title. (Ord. 583 §2.09(C)(part), 1980).

16.06.550 Nonconforming lot. "Nonconforming lot" means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this title, which does not conform with the dimensional or area requirements of this title. (Ord. 583 §2.09(C)(part), 1980).

16.06.560 Nonconforming use. "Nonconforming use" means an activity in a structure or on a tract of land that was legally in existence prior to the effective date of the ordinance codified in this title, which does not conform with the

use regulations of the use district in which it is located. (Ord. 583 §2.09(C) (part), 1980).

16.06.570 Open space. "Open space" means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like; generally the front, rear and side yards of a lot. (Ord. 583 §2.09(C) (part), 1980).

16.06.580 Open space, common. "Common open space" means that portion of lot or parcel not developed, built upon or occupied by buildings, parking areas, driveways and the like; other than minimal appurtenances such as walkways designed and intended to make such open space usable and accessible, and the use of which is intended for and accessible to all of the persons residing in the development of which the open space is a part. (Ord. 583 §2.09(C) (part), 1980).

16.06.590 Open space, usable. "Usable open space" means undeveloped or unbuilt portions of land designed and maintained in a manner which makes such open space accessible and usable by and for the persons for whom the space is intended. (Ord. 583 §2.09(C) (part), 1980).

16.06.600 Parcel. "Parcel" means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person. (Ord. 583 §2.09(C) (part), 1980).

16.06.610 Parking area. "Parking area" means an open area, other than a street or alley, which contains one or more parking spaces, and the aisles which provide access to such spaces. (Ord. 583 §2.09(C) (part), 1980).

16.06.620 Parking space. "Parking space" means an unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle. (Ord. 583 §2.09(C) (part), 1980).

16.06.630 Person. "Person" means an individual or any group of individuals, acting as a unit, whether or not legally constituted as an association, company, corporation, estate, family, partnership, syndicate, trust or other entity. (Ord. 583 §2.09(C) (part), 1980).

16.06.640 Planning commission. "Planning commission" means the city planning commission of the city of Lacey. (Ord. 583 §2.09(B) (5) (a), 1980).

16.06.650 Premises. "Premises" means an area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit. (Ord. 583 §2.09(C)(part), 1980).

16.06.660 Principal use. "Principal use" means the specific and primary purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. (Ord. 583 §2.09(C)(part), 1980).

16.06.670 Property line. "Property line" means a line bounding and indicating the ownership, or intended ownership, of a parcel of land. (Ord. 583 §2.09(C)(part), 1980).

16.06.672 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. (Ord. 691 §4, 1984).

16.06.674 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. (Ord. 691 §5, 1984).

16.06.676 Recreational vehicle site. "Recreational vehicle site" means an area designated for rent for the parking or placement of a recreational vehicle. (Ord. 691 §6, 1984).

16.06.680 Section. "Section" means any of the various sections of this zoning title, unless otherwise clearly indicated by the context. (Ord. 583 §2.09(B)(5)(h), 1980).

16.06.690 Shoreline. "Shoreline" means a line determined by the "ordinary high water mark" as defined in the Shoreline Management Act of 1971, as follows:

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this chapter or as it may naturally change thereafter: PROVIDED, that in any area where the

ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (Or, as shown by markings of water surface contaminants on rocks, bulkheads, pilings or other relatively permanent structure or natural feature.) (Ord. 583 §2.09(C) (part), 1980).

16.06.700 State. "State" means the state of Washington. (Ord. 583 §2.09(B) (5) (f), 1980).

16.06.710 Street, flanking. "Flanking street" means a street, alley or right-of-way other than the one on which a corner lot has its main frontage. (Ord. 583 §2.09(C) (part), 1980).

16.06.720 Street, major. "Major street" means a state highway, county road or city thoroughfare designated as a primary, or secondary, or collector, arterial in the city's six-year street program and/or the circulation plan of the Lacey development plan. (Ord. 583 §2.09(C) (part), 1980).

16.06.730 Street, minor. "Minor street" means a street or road designated as a local access street. (Ord. 583 §2.09(C) (part), 1980).

16.06.740 Structure. "Structure" means anything erected, the use of which has fixed location on or in the ground, or attachment to something having fixed location on the land, including but not limited to buildings, fences, signs and walls. (Ord. 583 §2.09(C) (part), 1980).

16.06.750 Use district. "Use district" means a specific zoned area or district designated on the official zone map. Such area is subject to all the regulations applicable to the district that are contained in this title. (Ord. 583 §2.09(C) (part), 1980).

16.06.760 Variance. "Variance" means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this title would pose undue hardship unnecessary in carrying out the spirit of this title. (Ord. 583 §2.09(C) (part), 1980).

16.06.770 Yard. "Yard" means an open space unoccupied to the sky of uniform depth or width which lies between the property line and building line, or between the shoreline and the building line. The inside boundary shall be considered parallel to the nearest property line. (Ord. 583 §2.09(C) (part), 1980).

16.06.780 Yard, front. "Front yard" means a yard extending across the full width of the lot from one property line to another and measured as to depth at the least horizontal distance between street line and the exterior wall. (Ord. 583 §2.09(C) (part), 1980).

16.06.790 Yard, rear. "Rear yard" means a yard extending from one property line to another except in the case of corner building sites when the rear yard shall extend from the interior side property line to the opposite side yard. Yard is measured as to depth at the least horizontal distance between the rear site line and the exterior wall. (Ord. 583 §2.09(C) (part), 1980).

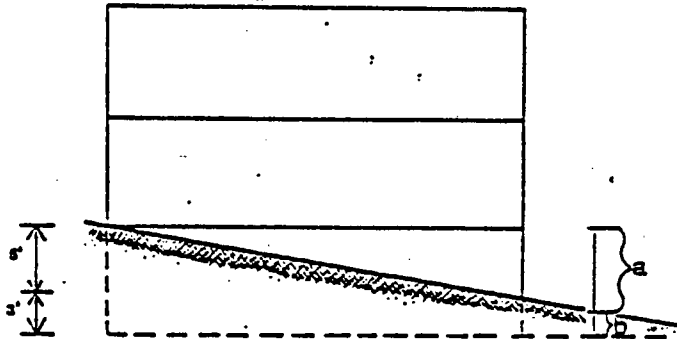
16.06.800 Yard, shoreline. "Shoreline yard" means a yard extending from the building line to the shoreline which qualifies as either a front or rear yard. (Ord. 583 §2.09(C) (part), 1980).

16.06.810 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard except in the case of corner building sites when the side yard on the flanking street shall extend to the rear property line. (Ord. 583 §2.09(C) (part), 1980).

ILLUSTRATION - BASEMENT AND CELLAR

Basement

The vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling (i.e., b is less than a).



Cellar

The vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling (i.e., b is greater than a).

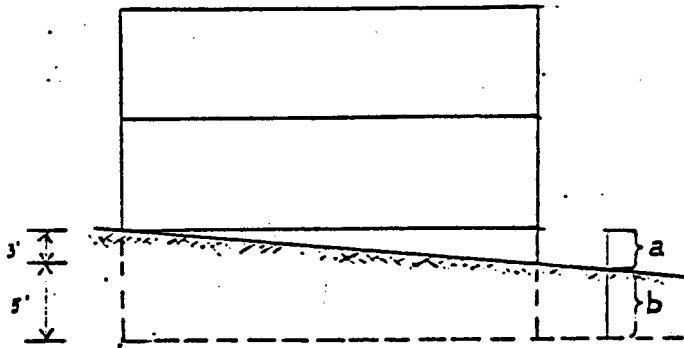


Illustration 1. Basement and Cellar

BUILDING HEIGHT DETERMINATION

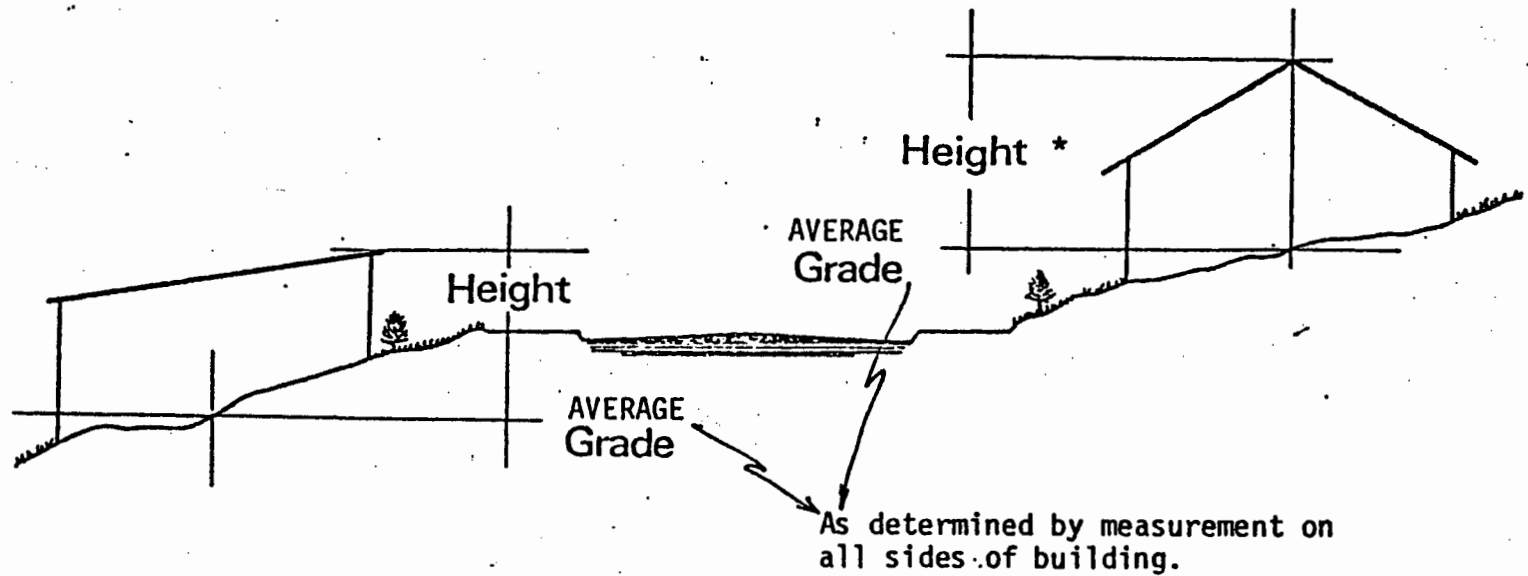


Illustration 2. Building Height Determination

ILLUSTRATION - LOTS AND YARDS

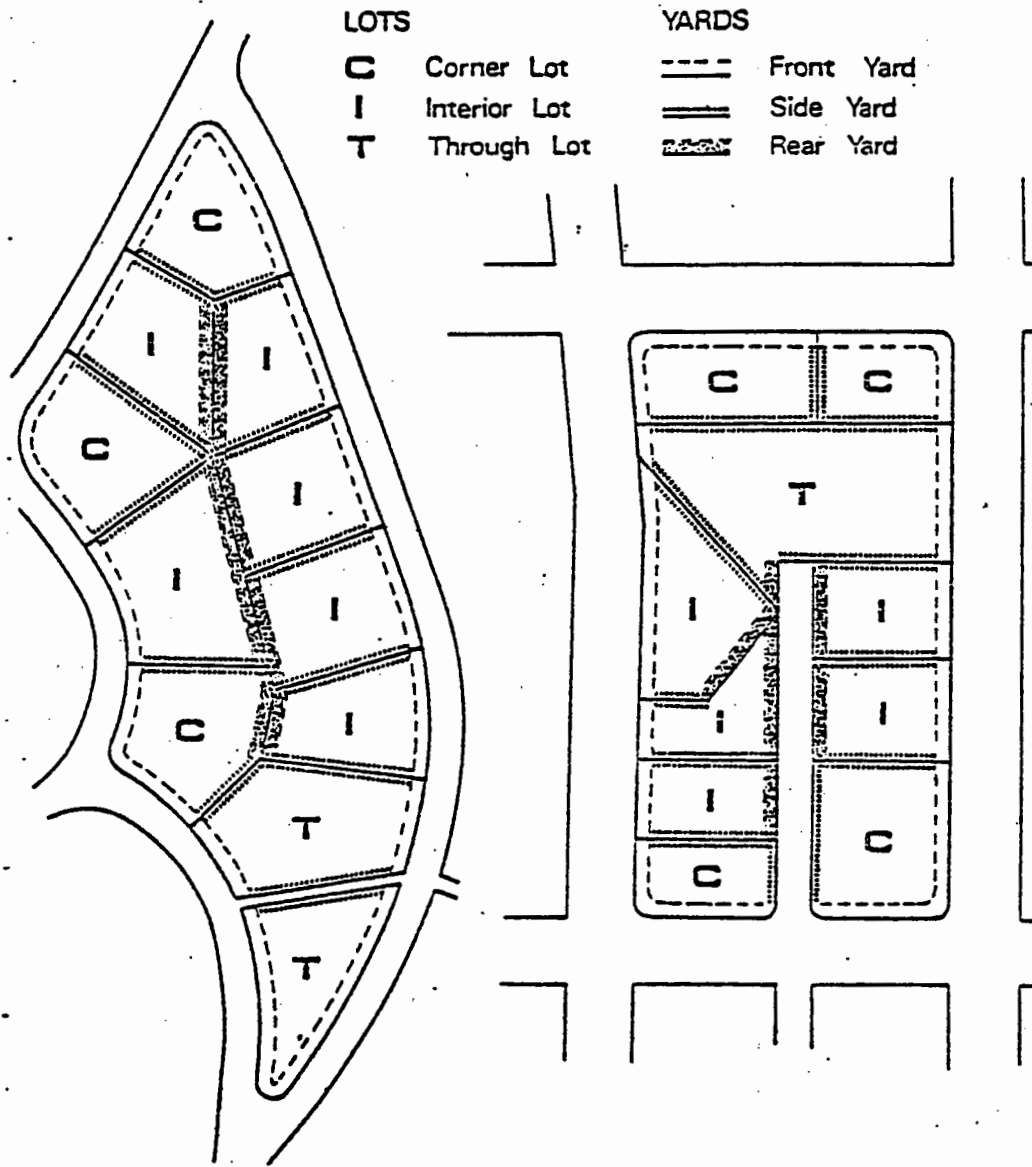
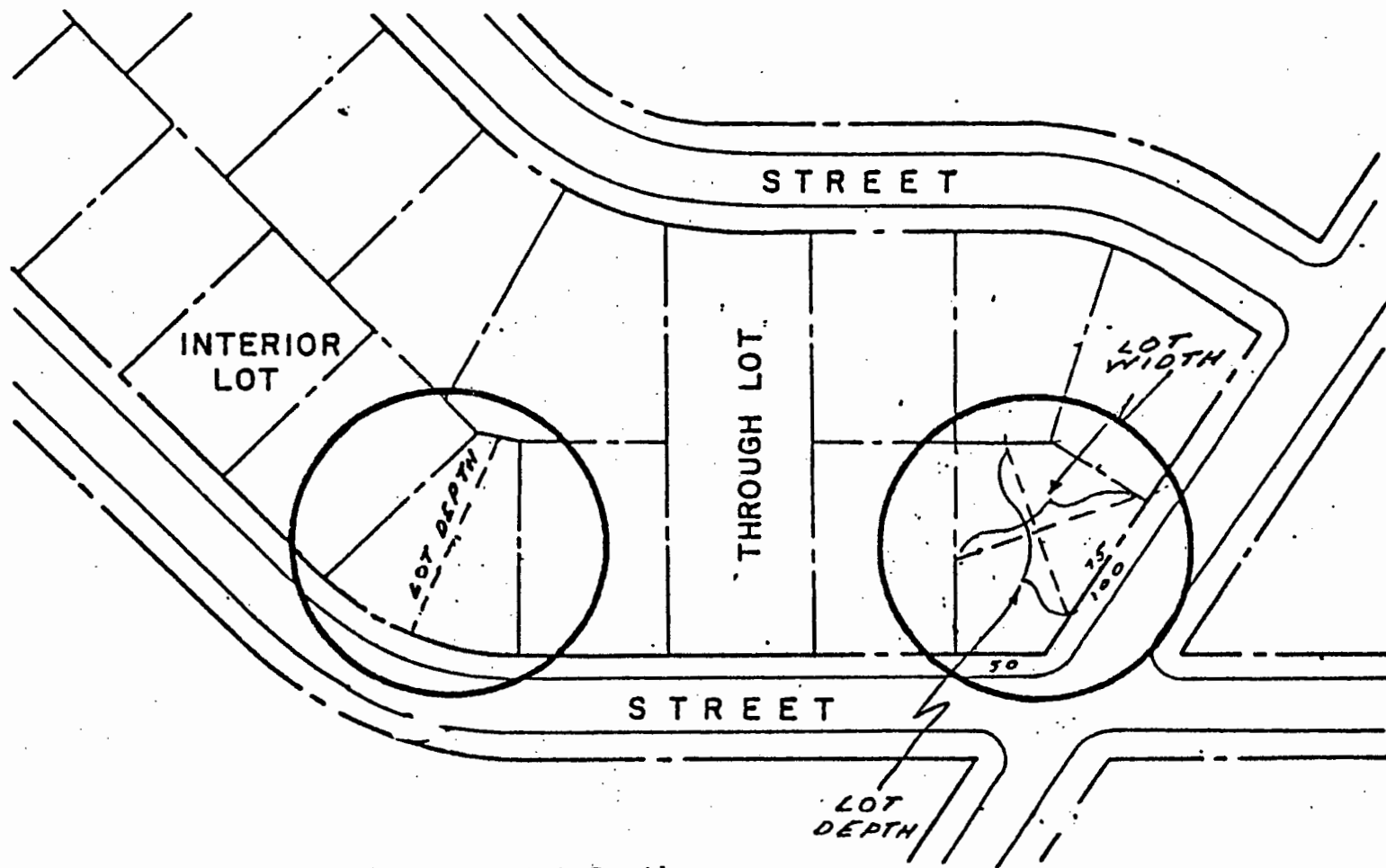


Illustration 3. Lots and Yards

HOW TO DETERMINE LOT WIDTH AND LOT DEPTH



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(Lacey 2/81)

Illustration 4. Lot Width and Lot Depth

Chapter 16.09ZONING DISTRICTS AND BOUNDARIESSections:

- 16.09.010 Land use or zoning districts established.
- 16.09.020 Zoning map.
- 16.09.030 Limited zone district (L).
- 16.09.040 Interpretation of zoning district boundaries.
- 16.09.050 Interpretation of uses.

16.09.010 Land use or zoning districts established.

To carry out the purpose of this title, the city is divided into the following districts:

- Residential--Low-density
- Residential--Moderate-density
- Residential--High-density
- Agricultural
- Core commercial
- General commercial
- Office commercial
- Limited business
- Neighborhood commercial
- Light industrial/commercial
- Industrial
- Mineral extraction
- Open space/institutional
- Environmentally sensitive areas(overlay)
- Limited zone (overlay) (Ord. 583 §2.01(D)(1), 1980).

16.09.020 Zoning map. A. The districts are bounded as shown on a map entitled Zoning Map--City of Lacey, and identified by the approving signatures of the mayor and city clerk, and is adopted by reference and declared to be a part of this title and shall be located on file in the office of the city clerk.

B. If changes are made on the zoning map, such changes shall be entered on the zoning map within five days after amendment has been approved by the city council. No amendment shall become effective until such change has been entered upon the zoning map. (Ord. 583 §2.01(D)(2), 1980).

16.09.030 Limited zone district (L). Wherever a particular zone district has the suffix (L) added thereto, that zone district classification creates a use district with special conditions and standards pertaining to the uses in that "limited" zone district. The special conditions and standards of the (L) district are to be invoked only after study and review of an official rezone request. (Ord. 583 §2.01(D)(3), 1980).

16.09.040 Interpretation of zoning district boundaries.

When uncertainty exists as to the boundaries as shown on the zoning map, the hearings examiner shall interpret the boundaries, and the examiner's interpretation shall be final. (Ord. 583 §2.01(D)(4), 1980).

16.09.050 Interpretation of uses. The several zoning districts permit certain specific uses and similar or related uses. The determination of similarity or relatedness to the specific uses shall be made by the enforcing officer.

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

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

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

In the absence of such protest, the finding of the enforcing officer or the site plan review committee shall be final. (Ord. 583 §2.01(D)(5), 1980).

Chapter 16.12LOW-DENSITY RESIDENTIAL DISTRICTSections:

- 16.12.010 Intent.
- 16.12.020 Permitted uses.
- 16.12.030 Prohibited uses.
- 16.12.040 Environmental performance standards.
- 16.12.050 Lot area.
- 16.12.060 Off-street parking.
- 16.12.070 Landscaping.
- 16.12.080 Storm water runoff.

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

A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas;

B. Designate certain areas in which single-family structures on individual lots are the exclusive type of dwelling unit;

C. Guide residential development to those areas where (1) public sewers are in place prior to residential building construction, or (2) where sewers can be extended at minimal cost to the City, or (3) where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;

D. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation. (Ord. 583 §2.12(A), 1980).

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 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 buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocational interests;

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. (Ord. 691 §7, 1984; Ord. 583 §2.12(B)(1,2), 1980).

16.12.030 Prohibited uses. A. Kennels are prohibited.

B. Uses other than those identified or described in Section 16.12.020 are prohibited. (Ord. 583 §2.12(B)(3), 1980).

16.12.040 Environmental performance standards. A.

Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

B. The construction of accessory buildings shall be encouraged in such a manner as to make them complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

C. Agricultural uses shall be limited as follows:

1. On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.

D. Special uses shall comply with the development standards described for such uses in Chapter 16.66 of this title.

E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title. (Ord. 583 §2.12(C)(1), 1980).

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: 5,000 sq. ft.**
- B. Minimum lot width: 50 ft.
- C. Minimum front yard:

On minor street	25 ft.
On major street	35 ft.
On flanking streets	15 ft.

**Lots not on city water and sewer are subject to health department regulations and approval, and these lot sizes may not be applicable.

D. Minimum side yards:

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

E. Minimum rear yard: 25 ft.

F. Maximum building coverage: 30%

G. Maximum development coverage: 45%

H. Maximum height of buildings:

Main building	35 ft.
Accessory building	16 ft.

I. 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 one hundred twenty (120) square feet, the following setbacks are permitted:

Front yard:	25 ft.
Side yard:	
One side:	5 ft.
Total both sides:	12 ft.
Rear yard:	5 ft.

(Ord. 691 §8, 1984: Ord. 618 §1, 1981: Ord. 583 §2.12(C) (2) (a), 1980).

16.12.060 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.12(C) (2) (b), 1980).

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. (Ord. 691 §9, 1984: Ord. 583 §2.12(C) (2) (c), 1980).

16.12.080 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff

retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.12(C) (2) (d), 1980).

Chapter 16.15

MODERATE-DENSITY RESIDENTIAL DISTRICT

Sections:

- 16.15.010 Intent.
- 16.15.020 Types of uses permitted.
- 16.15.030 Prohibited uses.
- 16.15.040 Environmental performance standards.
- 16.15.050 Lot area.
- 16.15.060 Off-street parking.
- 16.15.070 Landscaping.
- 16.15.080 Storm water runoff.

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

- A. Enhance the residential quality of the city by providing a high standard of development for residential areas of moderate density;
- B. Permit a greater variety of housing types than are permitted in the low density residential district;
- C. Permit a higher density of development as a means of achieving more economical housing;
- D. Guide moderate density residential development to those areas where (1) public sewers are in place prior to residential building construction, or (2) where sewers can be extended at minimal cost to the city, or (3) where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;
- E. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation;
- F. Preserve within developments as much open space and related amenities as possible. (Ord. 583 §2.13(A), 1980).

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 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. (Ord. 691 §10, 1984; Ord. 583 §2.13(B)(1,2), 1980).

16.15.030 Prohibited uses. A. Kennels are prohibited.

B. Uses other than those identified or described in Section 16.15.020 are prohibited. (Ord. 583 §2.13(B)(3), 1980).

16.15.040 Environmental performance standards. A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

C. Agricultural uses shall be limited as follows:

1. On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.

D. Special uses shall comply with the development standards described for such uses in Chapter 16.66 of this title.

E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title. (Ord. 583 §2.13(C)(1), 1980).

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>
A. Minimum lot area:	5,000 sq. ft.**
B. Minimum lot width:	50 ft.
C. Minimum front yard:	
On minor street	25 ft.
On major street	35 ft.
On flanking streets	15 ft.
D. Minimum side yards:	
Minimum on one side	8 ft.
Minimum total--both sides	16 ft.
E. Minimum rear yard:	25 ft.
F. Maximum building area coverage:	40%
G. Maximum development coverage:	60%
H. Maximum height:	
Main building	35 ft.
Accessory building	16 ft.

I. 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 one hundred twenty (120) square feet, the following setbacks are permitted:

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.
(Ord. 691 §11, 1984: Ord. 618 §3, 1981).

16.15.060 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.13(C)(2)(b), 1980).

16.15.070 Landscaping. Landscaping is required for the purpose of minimizing surface water runoff and diversion, prevent soil erosion, and promote 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. (Ord. 583 §2.13 (C) (2) (c), 1980).

16.15.080 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.13(C) (2) (d), 1980).

Chapter 16.18

HIGH-DENSITY RESIDENTIAL DISTRICT

Sections:

- 16.18.010 Intent.
- 16.18.020 Permitted uses.
- 16.18.030 Environmental performance standards.
- 16.18.040 Lot area.
- 16.18.050 Off-street parking.
- 16.18.060 Open space.
- 16.18.070 Landscaping.
- 16.18.080 Storm water runoff.

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

A. Enhance the residential quality of the city by providing a high standard of development for residential areas of high density;

B. Designate certain areas where high density residential development may be located;

C. Make high density residential developments available to those persons who may prefer such housing because of personal or financial circumstances;

D. Guide high density residential development to those areas where (1) public sewers are in place prior to residential building construction, (2) where sewers can be extended at minimal cost to the city, or (3) where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;

E. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation;

F. Preserve within developments open space and related amenities. (Ord. 583 §2.14(A), 1980).

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

1. Any residential use not exceeding approximately twenty 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. (Ord. 691 §12, 1984: Ord. 583 §2.14(B), 1980).

16.18.030 Environmental performance standards. A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

C. Agricultural uses shall be limited as follows:

1. On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.

D. Special uses shall comply with the development standards described for such uses in Chapter 16.66 of this title.

E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title. (Ord. 583 §2.14(C) (1), 1980).

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

	<u>Lots</u>
A. Minimum lot area:	5,000 sq. ft.**
B. Minimum lot width:	50 ft.
C. Minimum front yard:	
On minor street	25 ft.
On major street	35 ft.
On flanking streets	15 ft.
D. Minimum side yards:	
Minimum on one side	10 ft.
Minimum total -- both sides	20 ft.
E. Minimum rear yard:	25 ft.
F. Maximum building coverage:	40%
G. Maximum development coverage:	65%
H. Maximum height of buildings:	
Main building	80 ft. or 8 stories
Accessory building	16 ft.

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

I. 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 one hundred twenty (120) square feet, the following setbacks are permitted:

Front yard:	25 ft.
Side yard:	
One side:	5 ft.
Total both sides:	12 ft.
Rear yard:	5 ft.

(Ord. 691 §13, 1984: Ord. 618 §4, 1981: Ord. 583 §2.14 (C) (2) (a), 1980).

16.18.050 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.14 (C) (2) (b), 1980).

16.18.060 Open space. All open space remaining shall be usable for the occupants of the structure. Usable open space may consist of passive or active recreation space. Parking space and driveways are not considered to be useable open space. (Ord. 583 §2.14 (C) (2) (c), 1980).

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. (Ord. 691 §14, 1984: Ord. 583 §2.14 (C) (2) (d), 1980).

16.18.080 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.14 (C) (2) (e), 1980).

Chapter 16.21AGRICULTURAL DISTRICTSections:

- 16.21.010 Intent.
- 16.21.020 Permitted uses.
- 16.21.030 Prohibited uses.
- 16.21.040 Environmental performance standards.
- 16.21.050 Lot area.

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

- A. Encourage the preservation of good agricultural uses for their value as economic assets as well as their value as open space;

B. Facilitate the orderly transition from agricultural to more intensive residential use if and when such agricultural uses are no longer feasible for economic or technical reasons;

C. Have available an appropriate zoning district which may be applied to areas of agricultural land which may be annexed to the city at some future time. (Ord. 583 §2.15(A), 1980).

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, green houses and nurseries,
- b. Livestock production including grazing, dairying, poultry and egg production, and riding stables,
- c. Processing and packaging of produce and animal products, including slaughtering, limited to crops and animals produced on the premises;

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. Home occupations as provided in Chapter 16.69 of this title;

5. Special uses as provided in Chapter 16.66 of this title. (Ord. 583 §2.15(B)(1,2), 1980).

16.21.030 Prohibited uses. Prohibited uses in the agricultural district are as follows:

A. Feed lots;

B. Animal product reduction facilities;

C. Slaughter houses or processing plants or facilities larger than those required for the crops or animals grown on the site. (Ord. 583 §2.15(B)(3), 1980).

16.21.040 Environmental performance standards. All uses in this district shall comply with the environmental performance standards of Chapter 16.57 of this title. (Ord. 583 §2.15(C)(1), 1980).

16.21.050 Lot area. A. Minimum lot area: 5 acres.

B. Minimum lot width at public R/W line:

Single-family lots - 80 ft.

Other uses - 25% of lot depth.

C. Setbacks for residential structures and all accessory buildings:

Minimum front yard on minor street - 25 ft.

Minimum front yard on major street - 35 ft.

Minimum side yards - 8 ft.

Minimum rear yards - 25 ft.

D. Setbacks for structures or enclosures housing animals or poultry:

Minimum setback from front street line - 100 ft.

Minimum setback from side and rear property lines or from a flanking street line - 50 ft.

E. Maximum building area and development coverage for a single use or occupancy is:

<u>Lot Area</u>	<u>Max.% Bldg.Covg.</u>	<u>Max.% Devel.Covg.</u>
5.0 acres or more	15%	25%

F. Maximum height:

Residential building - 35 ft.

Accessory building - 16 ft.

Barns, silos and the like - 50 ft.

(Ord. 583 §2.15(C)(2), 1980).

Chapter 16.24

CORE COMMERCIAL DISTRICTS

Sections:

16.24.010	Intent.
16.24.020	Permitted uses.
16.24.030	Prohibited uses.
16.24.040	Development standards.
16.24.050	Environmental performance standards.
16.24.060	Site area.
16.24.070	Building location.
16.24.080	Adjacent areas.
16.24.090	Public right-of-way.
16.24.100	Ingress and egress.
16.24.110	Off-street parking.
16.24.120	Height.
16.24.130	Landscaping.
16.24.140	Storm water runoff.

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

A. Encourage and permit the development of a core area (or areas) of commercial uses which serve a wide geographic market area with a broad and diverse range of goods and services;

B. Limit location of such core area(s) to sites having safe and efficient access to major transportation routes, and limit uses to those types which depend on and encourage pedestrian access for most successful operation;

C. Provide for development standards which will enhance the efficient operation of said area(s), and to achieve minimum adverse impact on the community as a whole, especially on adjacent properties having different land use characteristics. (Ord. 583 §2.18(A), 1980).

16.24.020 Permitted uses. A. Permitted uses are those which provide direct retail sales and services to consumers. Such uses and services include but are not limited to the following:

1. Food and beverage sales of all types whether consumed on or off premises;

2. General merchandising and retailing by individual specialty shops or "department" stores such as: clothing, shoes, sporting goods, hardware, jewelry, books and cards, toys and hobby, music and art, furniture and appliances, and establishments which provide cleaning, repair and maintenance of apparel and equipment;

3. Personal and professional services such as barber and beauty shops, medical, dental, chiropractic, optometric and related types of services, legal, banking, insurance, real estate and/or security brokers, service stations and motor vehicle repair and maintenance;

4. Theaters and entertainment services as follows:
a. Theaters for the production and viewing of "live performances" of plays, concerts, recitals, etc.; or the viewing of performances filmed, taped or projected through any medium,

b. 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;

5. High-density residential development, provided it meets the development standards set forth in Chapter 16.18 of this title.

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

1. 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:

2. The criteria for such finding of similarity shall include but not be limited to the following:

- a. The proposed use is appropriate in this area;
- b. The development standards for permitted uses can be met by the proposed use;
- c. The public need is served by the proposed use.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title. (Ord. 583 §2.18(B)(1--3), 1980).

16.24.030 Prohibited uses. Uses other than those identified or described in Section 16.24.020 are prohibited. (Ord. 583 §2.18(B)(4), 1980).

16.24.040 Development standards. Development standards shall take into account both the environmental impact of the proposed use and the design standards of this chapter.

Permitted uses as well as similar or related and special uses shall comply with the standards of this land use district. (Ord. 583 §2.18(C), 1980).

16.24.050 Environmental performance standards. A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

B. An environmental impact assessment shall be made by the site plan review committee in accordance with the procedures contained in Chapter 16.84 of this title. (Ord. 583 §2.18(C)(1), 1980).

16.24.060 Site area. The size and shape of sites shall be as follows:

A. Minimum size of any parcel to be developed in this district shall be one acre. For interior lots (i.e., with frontage on only one street) frontage on public right-of-way shall not exceed the lot depth by more than twenty percent.

B. For corner lot (i.e., with frontage on two intersecting streets) the frontage on one street may exceed the frontage on the intersecting street by not more than one hundred percent. (Ord. 583 §2.18(C)(2)(a), 1980).

16.24.070 Building location. Location of buildings or structures on site, if adjacent parcels are in same zoning district or in another commercial or industrial district, shall be as follows:

- A. Setbacks from side property lines, fifteen feet;
- B. Setbacks from rear property lines, fifteen feet;
- C. Setbacks from front property lines shall be in accordance with Section 16.24.090. (Ord. 583 §2.18(C)(2)(b), 1980).

16.24.080 Adjacent areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, in addition to the rear or side setbacks required in Section 16.24.070, provide a ten-foot strip for landscaping along said common boundary. (Ord. 618 §5, 1981; Ord. 583 §2.18(C)(2)(c), 1980).

16.24.090 Public right-of-way. Setbacks from public right-of-way shall comply with the requirements of Chapter 16.72 of this title. (Ord. 583 §2.18(C)(2)(d)(1), 1980).

16.24.100 Ingress and egress. Ingress and egress to and from the site shall be limited to one driveway for each two hundred feet of frontage. Where only one driveway serves a site, said driveway shall not be less than twenty-five feet nor more than thirty-six feet wide. All driveways shall be not less than one hundred fifty feet from intersecting right-of-way lines, measured from the centerline of the driveway.

Curbs and gutters or permanently fixed bollards shall be provided to limit other vehicular access to the site. (Ord. 583 §2.18(C)(2)(d)(2), 1980).

16.24.110 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.18(C)(2)(d)(3), 1980).

16.24.120 Height. Maximum height of buildings shall be eighty feet or eight stories. (Ord. 583 §2.18(C)(2)(e), 1980).

16.24.130 Landscaping. A. All required minimum yard areas shall be landscaped with suitable ground cover and deciduous or evergreen trees, not to be less than forty percent of each yard area and the sum total of which must

equal fifteen percent of the site. Suitable ground cover may be grass, ivy, bark, river rock, and the like. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

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

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 583 §2.18(C)(2)(f), 1980).

16.24.140 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.18(C)(2)(g), 1980).

Chapter 16.27

GENERAL COMMERCIAL DISTRICT

Sections:

- 16.27.010 Intent.
- 16.27.020 Permitted uses.
- 16.27.030 Prohibited uses.
- 16.27.040 Environmental performance standards.
- 16.27.050 Site area.
- 16.27.060 Building location.
- 16.27.070 Adjacent areas.

Sections: (Continued)

- 16.27.080 Public right-of-way.
- 16.27.090 Ingress and egress.
- 16.27.100 Off-street parking.
- 16.27.110 Height.
- 16.27.120 Landscaping.
- 16.27.130 Storm water runoff.

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

A. Permit, in designated areas, commercial uses and activities which depend more heavily on convenient vehicular access than pedestrian access, and which do not require locations in other commercial districts, or which may be inappropriate in other commercial districts;

B. Limit location of general commercial areas to sites having safe and efficient access to major transportation routes;

C. Identify the types of commercial uses appropriate or acceptable in the general commercial district;

D. Provide development standards to enhance the efficient operation of these districts, and to achieve minimum adverse impact on the community as a whole, especially on adjacent properties having different land use characteristics. (Ord. 583 §2.19(A), 1980).

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,
 - 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:

i. That the proposed use is appropriate in this district,

ii. That the development standards for permitted uses can be met by the proposed use,

iii. 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. (Ord. 691 §15, 1984: Ord. 647 §1, 1982: Ord. 583 §2.19(B)(1--3), 1980).

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

A. 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;

B. 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. (Ord. 691 §16, 1984: Ord. 647 §2, 1982: Ord. 618 §6, 1981: Ord. 583 §2.19(B)(4), 1980).

16.27.040 Environmental performance standards. A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

B. An environmental impact assessment shall be made by the site plan review committee in accordance with the procedures contained in Chapter 16.84 of this title. (Ord. 583 §2.19(C)(1), 1980).

16.27.050 Site area. The size and shape of sites shall be as follows:

A. Minimum size of any parcel to be developed in this district shall be ten thousand square feet.

B. Maximum building coverage shall be thirty percent. (Ord. 583 §2.19(C)(2)(a), 1980).

16.27.060 Building location. Location of buildings or structures on site, if adjacent parcels are in same zoning district or in another commercial or industrial district, shall be as follows:

A. Setbacks from side property lines, fifteen feet;

B. Setbacks from rear property lines, fifteen feet;

C. Setbacks from front property lines shall be in accordance with Section 16.27.080. (Ord. 583 §2.19(C)(2)(b), 1980).

16.27.070 Adjacent areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, in addition to the rear or side setbacks required in Section 16.27.060, provide a ten-foot strip for landscaping along said common boundary. (Ord. 618 §7, 1981; Ord. 583 §2.19(C)(2)(c), 1980).

16.27.080 Public right-of-way. Setbacks from public right-of-way shall comply with the requirements of Chapter 16.72 of this title. (Ord. 583 §2.19(C)(2)(d)(1), 1980).

16.27.090 Ingress and egress. Ingress and egress to and from the site shall be limited to one driveway for each two hundred feet of frontage. Where only one driveway serves a site, said driveway shall not be less than twenty-five feet nor more than thirty-six feet wide. All driveways shall be not less than one hundred fifty feet from intersecting right-of-way lines, measured from the centerline of the driveway.

Curbs and gutters or permanently fixed bollards shall be provided to limit other vehicular access to the site. (Ord. 583 §2.19(C)(2)(d)(2), 1980).

16.27.100 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.19(C)(2)(d)(3), 1980).

16.27.110 Height. Maximum height of buildings shall be forty feet. (Ord. 583 §2.19(C)(2)(e), 1980).

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

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

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 583 §2.19(C)(2)(f), 1980).

16.27.130 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.19(C)(2)(g), 1980).

Chapter 16.30OFFICE COMMERCIAL DISTRICTSections:

- 16.30.010 Intent.
- 16.30.020 Permitted uses.
- 16.30.030 Prohibited uses.
- 16.30.040 Environmental performance standards.
- 16.30.050 Site area.
- 16.30.060 Off-street parking.
- 16.30.070 Landscaping.
- 16.30.080 Storm water runoff.

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

- A. Provide opportunities for the development of concentrated office complexes in appropriate areas;
- B. To designate areas in which professional and business offices can function with minimum interference to and from retail business establishments;
- C. Create an attractive setting adjacent to other types of business or commercial areas;
- D. Serve as a transition or buffer area between living areas and other types of land use. (Ord. 583 §2.21(A), 1980).

16.30.020 Permitted uses. A. Specific types of uses permitted include:

- 1. Corporate headquarters or regional administrative offices of commercial, financial, charitable, fraternal or governmental institutions;
- 2. Smaller offices offering direct business or professional services to consumer-clients, including, but not limited to: real estate and security brokers, insurance, accountants, attorneys, engineers, medical, dental and optical.

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

- 1. Uses similar to, or related to, those listed in 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 land development plan.

2. The criteria for such finding of similarity shall include but not be limited to the following:

- 1. The proposed use is appropriate in this area,
- 2. The development standards for permitted uses can be met by the proposed use,

3. 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. (Ord. 583 §2.21(B)(1--3), 1980).

16.30.030 Prohibited uses. Uses other than those identified or described in Section 16.30.020 of this chapter are prohibited. (Ord. 583 §2.21(B)(4), 1980).

16.30.040 Environmental performance standards. A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title. (Ord. 583 §2.21(C)(1), 1980).

16.30.050 Site area. The size and shape of sites shall be as follows:

- A. Minimum lot area, ten thousand square feet;
- B. Minimum lot width, seventy feet;
- C. Minimum side yard, ten feet;
- D. Minimum rear yard, twenty feet;
- E. Minimum front yard, as per setback requirements in Chapter 16.72 of this title;
- F. Maximum building coverage, forty percent;
- G. Maximum development coverage, seventy percent;
- H. Maximum building height, forty feet. (Ord. 583 §2.21(C)(2)(a), 1980).

16.30.060 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.21(C)(2)(b), 1980).

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

The exterior edges of yards which abut a residential district shall be densely planted with site screening

vegetation having a minimum height of four feet at the time of planting. Screening can be in lieu of the forty percent requirement for that yard area only, and if in excess of forty percent will not affect the percentage rate of other yard areas.

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 583 §2.21(C)(2)(c), 1980).

16.30.080 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.21(C)(2)(d), 1980).

Chapter 16.33

LIMITED BUSINESS DISTRICT

Sections:

- 16.33.010 Intent.
- 16.33.020 Permitted uses.
- 16.33.040 Prohibited uses.
- 16.33.050 Environmental performance standards.
- 16.33.060 Site area.
- 16.33.070 Off-street parking.
- 16.33.080 Landscaping.
- 16.33.090 Storm water runoff.

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

A. Permit the development of areas devoted to certain mixed uses of land which are found to be reasonably compatible, such as moderate density residential, offices and limited types of commercial activity;

B. Provide certain site development standards in order that conflicts of space demand, parking, access, and other adverse environmental impact of one type of use on other types of use in the same area be kept to a level mutually acceptable to proprietors, occupants and the public. (Ord. 583 §2.20(A), 1980).

16.33.020 Permitted uses. A. Specific types of uses permitted in the limited business district include:

1. Moderate density residential development not exceeding approximately eight dwelling units per net acre;
2. Convenience commercial establishments such as:
 - a. Small retail establishments, such as grocery stores, pharmacies, television and appliance and small specialty shops,
 - b. Small professional and business services, including, but not limited to real estate and security brokers, insurance, accountants, attorneys, engineers, medical, dental and optical,
 - c. Personal services such as barber, beauty shops and bakeries.

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

1. Uses similar to, or related to, those listed in 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 land development plan.
2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title. (Ord. 583 §2.20(B)(1--3), 1980).

16.33.040 Prohibited uses. Uses other than those identified or described in Section 16.33.030 of this chapter are prohibited. (Ord. 583 §2.20(B)(4), 1980).

16.33.050 Environmental performance standards. A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

B. General character of developments in this district shall be characterized by small scale development of individual properties, reasonable compatibility with residential character, low traffic generation, limited hours of operation (6:00 a.m. to 10:00 p.m.), and convenient pedestrian access.

C. Storage: Outside storage of any kind is prohibited. (Ord. 583 §2.20(C) (1), 1980).

16.33.060 Site area. The design and shape of sites shall be as follows:

- A. Minimum lot area, six thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum side yard, five feet;
- D. Minimum rear yard, fifteen feet;
- E. Minimum front yard as per setback requirements in Chapter 16.72 of this title;
- F. Maximum building coverage, forty percent;
- G. Maximum development coverage, seventy percent;
- H. Maximum building height, forty feet. (Ord. 583 §2.20(C) (2) (a), 1980).

16.33.070 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.20(C) (2) (b), 1980).

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

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

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 583 §2.20(C)(2)(c), 1980).

16.33.090 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.20(C)(2)(d), 1980).

Chapter 16.36

NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

- 16.36.010 Intent.
- 16.36.020 Permitted uses.
- 16.36.025 Prohibited uses.
- 16.36.030 Environmental performance standards.
- 16.36.040 Site area.
- 16.36.050 Building size.
- 16.36.060 Public right-of-way--Ingress, egress.
- 16.36.070 Off-street parking.
- 16.36.080 Landscaping.
- 16.36.090 Storm water runoff.

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

A. Provide the opportunity for the development of small commercial facilities in residential areas catering to the day to day needs of consumers for a limited range of convenience goods and services;

B. Limit such commercial facilities as to size of site, bulk of structures, and to such locations as to serve a relatively large number of persons in a relatively small geographic area. To that end, pedestrian accessibility shall be a major criterion in the location of neighborhood commercial facilities;

C. Limit such development to areas where local economic demand, local citizen acceptance and appropriate design solutions assure compatibility with the neighborhood. (Ord. 583 §2.22(A), 1980).

16.36.020 Permitted uses. 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. (Ord. 691 §17, 1984; Ord. 583 §2.22 (B), 1980).

16.36.025 Prohibited uses. Uses other than those identified or described in Section 16.36.020 in this chapter are prohibited. (Ord. 691 §18, 1984).

16.36.030 Environmental performance standards. A. Compliance. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

B. General Character. Developments in this district shall be characterized by small buildings, low traffic generation, considerable walk-in trade, moderate lighting, quiet operations and little or no night activity. Operating hours shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

C. Location. Neighborhood commercial districts shall not be located within less than a one-half mile radius from another neighborhood commercial district or any other commercial district providing similar services or facilities.

D. Storage. Outside storage shall comply with the requirements of Chapter 16.57 of this title. (Ord. 583 §2.22(C)(1), 1980).

16.36.040 Site area. The size and shape of sites shall be as follows:

A. Minimum lot size for the development of a site in this classification shall be seven thousand square feet, or the minimum lot size of the residential area adjacent to the site, whichever is greater.

B. Maximum size for a site containing one or more of the permitted uses shall be one acre.

C. The shape of parcels shall be multiples of residential lots permitted in the adjacent residential areas. (Ord. 583 §2.22(C)(2)(a), 1980).

16.36.050 Building size. The size of buildings shall be as follows:

A. Maximum gross floor area of building for single use, three thousand square feet, unless maximum building coverage of lots permits less;

- B. Maximum gross floor area of building for combination use, six thousand square feet;
- C. Maximum building coverage, thirty percent;
- D. Maximum development coverage, sixty percent;
- E. Maximum building height, thirty-five feet;
- F. Setbacks:
 1. Front, twenty feet,
 2. Rear, fifteen feet,
 3. Side, ten feet. (Ord. 583 §2.22(C)(2)(b), 1980).

16.36.060 Public right-of-way--Ingress, egress. A. Relationship to Public Right-of-way. Land classified in this district shall be located on an arterial and preferably on a collector cross street, with access from minor streets.

B. Ingress and Egress. Access to a site which is a corner lot shall be limited to one driveway on each of the intersecting streets. Access to a site which is an interior lot shall be limited to one driveway unless the site plan review committee approves two driveways, one for entering and one for leaving the site. (Ord. 583 §2.22(C)(2)(c), 1980).

16.36.070 Off-street parking. A. One off-street parking space for each five hundred square feet of gross floor area shall be provided.

B. Parking spaces may be used for loading zones in this district, provided that loading operations shall not obstruct driveways.

C. Buildings and parking spaces are to be so arranged as to make it unnecessary for vehicles to back out into the public right-of-way.

D. There shall be no parking in any side or rear yard abutting a residential district. (Ord. 583 §2.22(C)(2)(d), 1980).

16.36.080 Landscaping. A. All required yard areas shall be landscaped with lawn, shrubs, flowers, and deciduous and evergreen trees, not to be less than forty percent of each yard area and the sum total of which must equal fifteen percent of the site.

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

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

or exits to the site.

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the site plan review committee. (Ord. 583 §2.22(C)(2)(e), 1980).

16.36.090 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.22(C)(2)(f), 1980).

Chapter 16.39

LIGHT INDUSTRIAL/COMMERCIAL DISTRICT

Sections:

- 16.39.010 Intent.
- 16.39.020 Permitted uses.
- 16.39.030 Prohibited uses.
- 16.39.040 Environmental performance standards.
- 16.39.050 Site requirements.
- 16.39.060 Building allowance.
- 16.39.070 Off-street parking.
- 16.39.080 Landscaping.
- 16.39.090 Storm water runoff.

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

- A. Provide for the development of areas in which certain types of industrial activities may be located;
- B. Permit in the same areas such commercial uses as may be compatible with the industrial activities;
- C. Protect light industrial/commercial areas from other uses which may interfere with the purpose and efficient functioning of said areas;
- D. Protect living areas from adverse or damaging impact of any kind emanating or resulting from activities in the light industrial/commercial areas;
- E. Provide criteria for the location and standards for the development of said areas. (Ord. 583 §2.23(A), 1980).

16.39.020 Permitted uses. A. Specific types of uses permitted in the light industrial/commercial district include:

1. Light industrial activities involving the manufacture, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;

2. Such goods or products may include, but are not limited to:

a. Mechanical, automotive, marine and contractors' /builders equipment and supplies,

b. Electrical and electronic equipment or products,

c. Warehousing and storage of equipment, commodities and products.

B. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:

1. Uses similar to, or related to, or compatible with those listed or described in subsection A above, are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan.

2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:

a. The proposed use is appropriate in this area,

b. The development standards for permitted uses can be met by the proposed use,

c. The public need is served by the proposed use.

3. Commercial uses or activities which complement the permitted uses such as:

a. Service stations,

b. Hardware stores.

4. Commercial uses which, although not essential to the successful functioning of these areas, do not create significant interference or conflict with the permitted activities. They may include:

a. Restaurants, including drive-in,

b. Motels,

c. Business, professional and personal services (e.g., banks, accounting services, barber shops),

d. Taxidermy,

e. Veterinary clinics (limited to small animals).

5. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises.

6. Firemen's sleeping quarters in fire houses.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title. (Ord. 583 §2.23(B)(1--3), 1980).

16.39.030 Prohibited uses. 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, manufacture or sale of highly volatile or otherwise extremely hazardous substances or materials. (Ord. 691 §19, 1984: Ord. 583 §2.23(B)(4), 1980).

16.39.040 Environmental performance standards. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title. (Ord. 583 §2.23(C)(1), 1980).

16.39.050 Site requirements. Minimum site requirements shall be as follows:

- A. Lot area, 10,000 square feet;
- B. Lot width, 100 feet;
- C. Side yard setback, 15 feet unless the property abuts residentially zoned property, in which case the side yard setback shall be 25 feet;
- D. Rear yard setback, 15 feet unless the property abuts

residentially zoned property, in which case the rear yard setback shall be 25 feet;

E. Front yard setback, as required in Chapter 16.72. (Ord. 647 §3, 1982: Ord. 618 §8, 1981: Ord. 583 §2.23(C) (2)(a), 1980).

16.39.060 Building allowance. Maximum building allowance shall be as follows:

- A. Development coverage, seventy percent of site;
- B. Height:

<u>Lot Area</u>	<u>Max. Bldg. Height</u>
Less than 1 acre	35 feet
1 to 2 acres	45 feet
More than 2 acres	60 feet;

C. Floor area, one square foot of floor area per foot of land area. (Ord. 583 §2.23(C) (2)(b), 1980).

16.39.070 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.23(C) (2)(c), 1980).

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

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

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 647 §4, 1982: Ord. 583 §2.23(C)(2)(d), 1980).

16.39.090 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications

provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.23(C)(2)(e), 1980).

Chapter 16.42

INDUSTRIAL DISTRICT

Sections:

- 16.42.010 Intent.
- 16.42.020 Permitted uses.
- 16.42.030 Prohibited uses.
- 16.42.040 Environmental performance standards.
- 16.42.050 Site area.
- 16.42.060 Minimum site requirements.
- 16.42.070 Building limitations.
- 16.42.080 Off-street parking.
- 16.42.090 Landscaping.
- 16.42.100 Storm water runoff.

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

- A. Permit in limited and appropriate areas, a variety of industrial uses or activities which would be unacceptable if located in other areas;
- B. Keep said industrial activities within reasonable scale and character of the city;
- C. Protect industrial areas from such other uses as may interfere with the purpose and efficient functioning of said areas;
- D. Protect living areas and other nonindustrial areas from adverse or damaging impact of any kind emanating or resulting from industrial areas;
- E. Provide criteria for location and standards for development of industrial areas. (Ord. 583 §2.24(A), 1980).

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

Examples of permitted uses are as follows:

1. All industrial activities involving the manufacture, assembly, processing, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;

2. The production, sale or bulk storage of materials or products;

3. Warehousing and open storage;

4. Food processing;

5. Fabrication of furniture, appliances.

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

1. Uses similar to, or related to, or compatible with those listed or described in subsection A above, are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan;

2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:

a. The proposed use is appropriate in this area,

b. The development standards for permitted uses can be met by the proposed use,

c. The public need is served by the proposed use;

3. Eating and drinking places within an industrial building or as an accessory use, and catering primarily to the people working in the area;

4. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises;

5. Firemen's sleeping quarters in fire houses.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title. (Ord. 583 §2.24(B)(1--3), 1980).

16.42.030 Prohibited uses. Uses other than those identified or described in section 16.42.020 in this chapter are prohibited, including but not limited to:

A. 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. (Ord. 691 §20, 1984; Ord. 583 §2.24(B)(4), 1980).

16.42.040 Environmental performance standards. It shall be the responsibility of the operator and/or the

proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title. (Ord. 583 §2.24(C)(1), 1980).

16.42.050 Site area. The size and shape of sites shall be as follows: Minimum size of any parcel to be developed in this district shall be five acres, except for uses existing prior to the adoption of the ordinance codified in this title. Frontage on a public right-of-way shall not exceed the depth of the lot. (Ord. 583 §2.24(C)(2)(a), 1980).

16.42.060 Minimum site requirements. Minimum site requirements shall be as follows:

- A. Lot area, 5 acres;
- B. Lot width, 300 feet;
- C. Side yard setback, 25 feet or 50 feet if abutting a residential area;
- D. Rear yard setback, 25 feet or 50 feet if abutting a residential area;
- E. Front yard setback, as required in Chapter 16.72;
- F. Relationship to adjacent parcels in the same classification: Setbacks between buildings in separate ownership are exempt from the side and rear setback requirements cited in this section, but shall comply with the side and rear setback requirements of the fire and building codes. (Ord. 618 §9, 1981; Ord. 583 §2.24(C)(2)(b), 1980).

16.42.070 Building limitations. Maximum building requirements shall be as follows:

- A. Development coverage, seventy-five percent of the site;
- B. Height of buildings, sixty feet;
- C. Floor area, one square foot of floor area per foot of land area. (Ord. 583 §2.24(C)(2)(c), 1980).

16.42.080 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.24(C)(2)(d), 1980).

16.42.090 Landscaping. A. All required minimum yard areas shall be landscaped with suitable ground cover and

deciduous or evergreen trees, not to be less than forty percent of each yard area and the sum total of which must equal fifteen percent of the site. Suitable ground cover may be grass, ivy, bark, river rock, and the like. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

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

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

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

D. A plot plan of all proposed landscaping shall be submitted along with the site plan for review by the city. (Ord. 583 §2.24(C)(2)(e), 1980).

16.42.100 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.24(C)(2)(f), 1980).

Chapter 16.45

MINERAL EXTRACTION DISTRICT

Sections:

- 16.45.010 Intent.
- 16.45.020 Permitted uses.
- 16.45.030 Prohibited uses.
- 16.45.040 Future uses.
- 16.45.050 Environmental performance standards.

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

- A. Acknowledge the existence of specific sites of mineral extraction activities which were in operation prior to the adoption of this title;
- B. Protect said site from conflicting uses;
- C. Protect areas of different use characteristics, but adjacent to, or within a certain proximity of said site from adverse effects of mineral extracting activities;
- D. Provide for the orderly planning for future use of mineral extraction sites at such time as the mineral resources are exhausted or their extraction ceases to be economically justified. (Ord. 583 §2.25(A), 1980).

16.45.020 Permitted uses. Specific types of uses permitted: Only those activities reasonably related to the continuing extraction of mineral deposits and existing prior to the adoption of this title. (Ord. 583 §2.25(B)(1), 1980).

16.45.030 Prohibited uses. All uses other than designated in Section 16.45.020 are prohibited while mineral extraction is actively pursued. (Ord. 583 §2.25(B)(2), 1980).

16.45.040 Future uses. A. Whenever mineral extraction sites are exhausted or their extraction ceases to be economically justified, or are discontinued for any other reason, the site shall be restored to a condition which will:

- 1. Support regeneration of natural vegetative growth by the reintroduction of topsoil and appropriate seeding and fertilizing;
- 2. Eliminate or reduce to a reasonable minimum level the erosion of soil by the action of winds or water runoff.

B. Future use of such sites shall be subject to site plan review and environmental impact assessment, and may require an environmental impact statement. The review and assessment shall take into account:

- 1. The overall needs of the community;
- 2. The use of land and zoning in the general vicinity of the site;
- 3. The adaptability of the site for the proposed use;
- 4. The availability of utilities, adequate traffic ways;
- 5. Such other factors as the site plan review committee and/or the hearings examiner may recognize as being reasonably related to the proposal for a new use of the site. (Ord. 583 §2.25(B)(3), 1980).

16.45.050 Environmental performance standards. A. It shall be the responsibility of the operator and/or the proprietor of any future use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title. (Ord. 583 §2.25(C), 1980).

Chapter 16.48

OPEN SPACE/INSTITUTIONAL DISTRICT

Sections:

- 16.48.010 Intent.
- 16.48.020 Permitted uses.
- 16.48.030 Prohibited uses.
- 16.48.040 Development standards.
- 16.48.050 Environmental impact.
- 16.48.060 Site area.
- 16.48.070 Building limitations.
- 16.48.080 Setback requirements.
- 16.48.090 Ingress and egress.
- 16.48.100 Off-street parking.
- 16.48.110 Landscaping.
- 16.48.120 Storm water runoff.

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

- A. Protect and preserve certain areas of land devoted to existing and future use for civic, cultural, educational and similar facilities;
- B. Provide for the social needs of the community as those needs relate to public services, open space and institutions whether publicly or privately sponsored;
- C. Enhance the identity and image of the community as a desirable place for human growth and development;
- D. Provide opportunities and facilities for the various activities and needs of a diverse and dynamic population;
- E. Provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community. (Ord. 583 §2.26(A), 1980).

16.48.020 Permitted uses. A. Specific types of permitted uses are those which provide a public service or fill a public need as described in the statement of intent. Such uses include but are not limited to the following:

1. Parks, greenbelts and open space for active or passive recreation or enjoyment. (Note: Whenever a park or open space is created as an integral part of a subdivision, such park or open space shall be designated an open space/institutional district on the official zoning map);

2. Government buildings or offices such as city hall, fire stations, schools and colleges, hospitals, community meeting or recreation halls;

3. Libraries, museums, or similar cultural facilities;

4. Churches;

5. Residential uses as an incidental use to the permitted use such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff or faculty of colleges, hospitals and the like.

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

1. Uses similar to, or related to, those listed in 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 land development plan.

2. The criteria for such finding of similarity shall include but not be limited to the following:

a. The proposed use is appropriate in this area,

b. The development standards for permitted uses can be met by the proposed use,

c. The public need is served by the proposed use.

C. Special uses may be permitted as provided for in Chapter 16.66 of this title. (Ord. 583 §2.26(B)(1--3), 1980).

16.48.030 Prohibited uses. Uses other than those identified or described in Section 16.48.020 are prohibited. (Ord. 583 §2.26(B)(4), 1980).

16.48.040 Development standards. Development standards shall take into account both the environmental impact of the proposed use and the design standards of this chapter.

Permitted uses as well as similar or related and special uses shall comply with the standards of this land use district. (Ord. 583 §2.26(C)(part), 1980).

16.48.050 Environmental impact. A. An environmental assessment shall be made by the site plan review committee

of all new construction, additions or expansions for which a building permit is required. Toward this end an environmental checklist shall be required in connection with all applications for building permits in this district.

B. If the environmental assessment results in a declaration of nonsignificance, and no environmental impact statement is required, the enforcing officer may, nevertheless, make reasonable requirements designed to mitigate potentially undesirable or hazardous effects identified in the environmental checklist.

C. If the environmental assessment results in the requirement of an environmental impact statement, the procedure and review process provided for in Chapter 14.24 of the Lacey Municipal Code shall be followed. (Ord. 583 §2.26(C)(1), 1980).

16.48.060 Site area. The minimum size and shape of the site shall be appropriate to the proposed use of said site and its relationship to abutting properties and traffic patterns in the vicinity of the site. (Ord. 583 §2.26(C)(2)(a), 1980).

16.48.070 Building limitations. Height and site coverage shall be as follows:

- A. Maximum height of buildings, eighty feet;
- B. Maximum building coverage, thirty-five percent of site;
- C. Maximum development coverage, seventy percent of site. (Ord. 583 §2.26(C)(2)(b), 1980).

16.48.080 Setback requirements. A. If adjacent properties are in the same or in a less restrictive land use district:

- 1. Side yard minimum fifteen feet;
- 2. Rear yard minimum fifteen feet.

B. If adjacent properties are in any residential district:

- 1. Side yard minimum twenty-five feet;
- 2. Rear yard minimum twenty-five feet.

Provided further, that the entire twenty-five foot depth shall be landscaped.

C. Setbacks from right-of-way:

- 1. If property fronts on a minor street or private street or drive, twenty-five feet;
- 2. If property fronts on major street, thirty-five feet. (Ord. 583 §2.26(C)(2)(c), 1980).

16.48.090 Ingress and egress. Ingress and egress to and from the site shall be limited to one driveway for each two hundred feet of frontage. Where only one driveway serves a site, said driveway shall not be less than twenty-five feet nor more than thirty-five feet wide. All driveways

shall be not less than one hundred fifty feet from intersecting right-of-way lines, measured from the centerline of the driveway.

Curbs and gutters or permanently fixed bollards shall be provided to limit other vehicular access to the site. (Ord. 583 §2.26(C)(2)(d), 1980).

16.48.100 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.26(C)(2)(e), 1980).

16.48.110 Landscaping. A. The preservation or enhancement of existing native plant materials shall be the predominant characteristic of landscape treatment in this district. Where new plant materials are needed to comply with the screening or aesthetic requirements of this section, the materials shall be of species native or complementary to or compatible with the species native to the Pacific Northwest.

B. Landscaping is also required in all setback areas and open space. Landscaping may consist of suitable ground cover shrubs and trees. Suitable ground cover may be grass, ivy, bark, river rock, and the like. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements.

C. The perimeters of common parking areas shall be landscaped in such a way as to create a diversion between streets and parking, driveways, or streets around entrances or exits of the site.

D. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times. (Ord. 583 §2.26(C)(2)(f), 1980).

16.48.120 Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.26(C)(2)(g), 1980).

Chapter 16.51L LIMITED ZONE DISTRICTSections:

- 16.51.010 Generally.
- 16.51.020 Review of proposed rezone by land use hearings examiner.
- 16.51.030 Conditions and standards applicable to proposed zone.
- 16.51.040 Special conditions.
- 16.51.050 Performance bond.
- 16.51.060 Prior limited rezones.

16.51.010 Generally. Conditions and performance standards limiting the conduct of permitted uses may be required in moderate density residential, high density residential, agricultural, core commercial, general commercial, limited business, office commercial, neighborhood commercial, light industrial/commercial, industrial and mineral extraction zone districts or parts thereof where necessary to achieve compatibility of development with surrounding properties. Whenever such conditions or performance standards are applied to a zone district or part thereof, said area shall be designated on the zoning map with the suffix (L) added to its zone classification and shall be a limited zone district. (Ord. 583 §2.05(A), 1980).

16.51.020 Review of proposed rezone by land use hearings examiner. Upon receipt of a request to rezone property into a zone district listed in Section 16.51.010, the land use hearings examiner shall study and review the proposed development to be accommodated within such property, especially in light of present and probable future development of surrounding properties. When, in the judgment of the hearings examiner, the proposed development could be incompatible with such surrounding properties, the hearings examiner may recommend to the city council conditions and standards for such proposed development. Use of the provisions of the limited zone district may not be petitioned for. Where no conditions and standards are set, the requirements of the basic zone district shall apply. (Ord. 583 §2.05(B), 1980).

16.51.030 Conditions and standards applicable to proposed zone. The following types of conditions and standards may be recommended by the land use hearings examiner and applied to the proposed development as conditional to the granting of a proposed rezone:

A. Screening. Reasonable requirements for visual screening of activities and areas of the proposed development from the surrounding properties may be established.

B. Nuisance Characteristics. Reasonable requirements to minimize the effect of noise, dust, odors and similar nuisance characteristics generated by the development and carrying to surrounding properties may be established.

C. Landscaping. Reasonable requirements for plantings and maintenance or similar treatment to make the proposed development consistent with the general attractiveness of the development of surrounding properties may be established.

D. Signs and Lighting. Reasonable requirements to prevent unusual amounts or intensities of light from escaping the subject property and to assure that signs are compatible with surrounding properties may be established.

E. Off-Street Parking and Loading. Reasonable requirements regulating the amount, location and treatment of on-site vehicular traffic and storage areas and facilities may be established.

F. Development Limitations. Reasonable limitations may be established on the use to which the property may be put and on the time period in which the proposed development may be initiated and/or completed. Unless an extension is granted by the city council, the rezone shall lapse and the property shall revert to the former zone district after ninety days have elapsed following expiration of a time period limitation on the initiation of the proposed development.

G. Access and Traffic. Reasonable limitations may be placed upon access to and from the property from abutting roadways and reasonable requirements imposed to lessen or modify the impact of traffic to and from said development on the surrounding roadways. (Ord. 583 §2.05(C), 1980).

16.51.040 Special conditions. If the city establishes special conditions and standards under the limited zone as conditional to the granting of the requested rezone, approval of the rezone shall establish the special conditions and standards as running with the land for the duration of such zoning classification on the property. (Ord. 583 §2.05(D), 1980).

16.51.050 Performance bond. The city may require a performance bond to assure that all conditions and standards are met in the proposed development. (Ord. 583 §2.05(E), 1980).

16.51.060 Prior limited rezones. A. All uses approved in a limited zoned district prior to the passage of the ordinance codified in this title shall remain a valid use of the property notwithstanding a change to a more restrictive

zoning classification by the passage of the ordinance codified in this title.

B. All property located within a limited zoned district prior to the passage of the ordinance codified in this title shall be allowed those additional uses permitted within the new zoning classification of said property under the terms of the ordinance codified in this title.

C. All limitations and conditions imposed upon properties located in a limited zoned district prior to the passage of the ordinance codified in this title, not relating to the type of uses, shall remain in effect notwithstanding a change in the underlying zoning classification by the passage of the ordinance codified in this title. (Ord. 583 §2.05(F), 1980).

Chapter 16.54

ENVIRONMENTALLY SENSITIVE AREAS

Sections:

- 16.54.010 Intent.
- 16.54.020 Permitted uses.
- 16.54.030 Control of uses.
- 16.54.040 Prohibited uses.
- 16.54.050 Development standards.
- 16.54.060 Environmental impacts.

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

A. Prevent or minimize permanent and/or costly damage to areas identified as especially sensitive to the adverse impact of human activities. Human activities having potentially adverse impacts include but are not limited to the following:

1. Use by pedestrians, motorized vehicles, or domestic animals,
2. Construction of buildings or other structures, including roads,
3. Activities which may or may not be related to construction such as earth grading, land clearing and filling, crop planting, stream diversion or use of streams and other water bodies for disposal of foreign products or materials or the inappropriate transportation or storage of same;

B. Provide maximized protection to the natural environment in the interest of human health and enjoyment. The natural environment includes earth, vegetative, air, water and wildlife resources;

C. Provide for a review procedure, on a case by case basis, when construction or other human activity is proposed for any parcel of land within or reasonably close to the boundaries of environmentally sensitive areas as designated in a generalized manner on that map titled Lacey Proposed Land Use - Map 5, which map is a part of the Lacey development plan, or an overlay delineating environmentally sensitive areas adopted as part of the zoning map;

D. Authorize the enforcement officer, site plan review committee and/or the hearings examiner to require appropriate persons, corporations or agencies to make certain tests and to take reasonable measures to mitigate unavoidable damage or alterations to environmentally sensitive areas when construction or other intensive human activity is proposed therein. (Ord. 583 §2.11(A), 1980).

16.54.020 Permitted uses. Specific types of permitted uses are:

A. Those of the underlying zone, except that density, building and development coverage and other design features may be more restrictive than those of the same district lying outside the environmentally sensitive area. (See development standards, Section 15.64.050);

B. Recreation, except those types which would require intensive development such as tennis courts or other facilities requiring paving or compaction of soils, i.e., passive recreation such as walking, picnicking and the like are permitted;

C. Agricultural uses, provided that a special use permit shall be required to insure protection of waterways and wetlands from the adverse effects of animal wastes, fertilizers, herbicides and pesticides;

D. Noncommercial fish and wildlife management, ecological education, nature trails;

E. Residential uses limited to one dwelling unit for every two acres, unless upon review of site plans, greater density is approved and development requirements are met to mitigate adverse impacts on environmentally sensitive areas. (Ord. 583 §2.11(B)(1), 1980).

16.54.030 Control of uses. All uses shall be subject to site plan review and environmental impact review. (Ord. 583 §2.11(B)(2), 1980).

16.54.040 Prohibited uses. Prohibited uses are those which can be shown by documented scientific evidence to permanently alter the environment's ecosystems. (Ord. 583 §2.11(C), 1980).

16.54.050 Development standards. The development standards shall be those of the underlying district except

that more restrictive requirements may be imposed by the site plan review committee consistent with the intent of this chapter. (Ord. 583 §2.11(D) (part), 1980).

16.54.060 Environmental impacts. A. An environmental assessment shall be made by the site plan review committee of all new construction, additions or expansions for which any building or construction permit is required. Toward this end an environmental checklist shall be required in connection with all applications for building permits in areas designated as environmentally sensitive.

If the environmental assessment results in a declaration of nonsignificance, and no environmental impact statement is required, the enforcing officer may, nevertheless, make reasonable requirements designed to mitigate potentially undesirable or hazardous effects identified in the environmental checklist. If the environmental assessment results in the requirement of an environmental impact statement, the procedure and review process provided for in Chapter 14.24 of Lacey Municipal Code shall be followed.

B. Development proposals and their review in this district shall take into account the following factors in particular:

1. Soil and/or geologic limitations for septic tanks, roads, or any other construction;
2. Natural drainage systems including marshes, bogs, and waterways;
3. Slopes, and the effect of altering them as a result of construction or other intensive activity;
4. Water quality of surface waters and aquifers.

C. Design standards in environmentally sensitive areas shall be those of the underlying district except that, where conditions justify it, the city or its officers may require, in addition to the minimum standards of the underlying district, more stringent:

1. Building and development coverage;
2. Setbacks;
3. Size of lots and development sites;
4. Height limits;
5. Density limits;
6. Restoration of ground cover and vegetation.

D. The city or its officers may require that certain tests and other analytical studies be made prior to approval of development proposals or the granting of building permits in order that any environmental impact can be evaluated, and may require that mitigating steps be taken prior to, during, or after construction in order that adverse effects can be minimized, or compensated for through such steps.

E. The developer, operator or proprietor shall pay for or reimburse the city for the costs incurred in the conduct

of such tests as the city may require and for the costs incurred by the city to engage technical consultants for review and interpretation of data and findings submitted by or on behalf of the developer, operator or proprietor. (Ord. 583 §2.11(D)(1), 1980).

Chapter 16.57

ENVIRONMENTAL PERFORMANCE STANDARDS

Sections:

- 16.57.010 Intent.
- 16.57.020 Environmental performance standards.
- 16.57.030 Noise.
- 16.57.040 Emissions.
- 16.57.050 Ground and soil contamination.
- 16.57.060 Storage.
- 16.57.070 Compliance to Chapters 14.26 and 14.32.
- 16.57.080 Enforcement.

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

- A. Protect public health and general welfare;
- B. Establish minimum standards for the control of environmental pollution;
- C. Minimize the adverse effects of contaminants which may result from the use of land by any activity or person. (Ord. 583 §2.10(A), 1980).

16.57.020 Environmental performance standards. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the performance standards of this chapter.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title. (Ord. 583 §2.10(B)(part), 1980).

16.57.030 Noise. A. The maximum allowable noise levels as measured at the property line of noise impacted uses or activities shall be those set forth in the Washington Administrative Code, Chap. 173-60, titled "Maximum Environmental Noise Levels," which chapter is hereby incorporated by reference.

B. The "Environmental Designation for Noise Abatement" (EDNA) for the several land use classifications of this title shall be as follows:

- All living areas (single-family, multifamily, etc.) . . . A
- All commercial areas B
- All public/institutional areas A
- Light industrial, industrial, mineral extraction C

C. Noise levels of any sound source, when measured in the manner and locations prescribed in WAC 173-60 shall not exceed the values shown in Table N. (Ord. 583 §2.10(B)(1), 1980).

TABLE N

PERMITTED SOUND LEVELS IN RECEIVING EDNA¹ CLASSES
FROM EDNA CLASS C (INDUSTRIAL) SOURCE

LAND USE CLASSIFICATION OR DISTRICT	EDNA CLASS OF RECEPTOR	MAXIMUM SOUND LEVEL* (dB(A))	DURATION IN ANY ONE-HOUR PERIOD (min)	APPLICABLE HOURS***
SINGLE-FAMILY MULTIFAMILY PUBLIC/INSTITUTIONAL	A	60	Continually	7am - 10pm
	A	65	15	
	A	70	5	7am - 10pm
	A	75	1½	
	A	50	Continually	
	A	55	15	10pm - 7am
	A	60	5	10pm - 7am
A	65	1½		
COMMERCIAL	B	65	Continually	A11
	B	70	15	A11
	B	75	5	
	B	80	1½	
LIGHT INDUSTRIAL INDUSTRIAL MINERAL EXTRACTION	C	70	Continually	A11
	C	75	15	A11
	C	80	5	
	C	85	1½	

*Source: Chapter 173-60, Washington Administrative Code
"Maximum Environmental Noise Levels".

**Total not to exceed 15 minutes in any one hour.

***The lower noise levels in EDNA A apply on all hours of the weekends and holidays.

¹Environmental Designation for Noise Abatement.

16.57.040 Emissions. A. Air Pollution. Air pollution shall be controlled by the operator and/or the proprietor of any land use or activity permitted by this chapter.

The ambient air quality standards specified in Regulation I of the Olympia Air Pollution Control Agency, (OAPCA), shall apply to all air contaminants listed therein.

B. Toxic Substances. Toxic substances shall be kept to concentrations not exceeding one-fiftieth (1/50) of interior standards by use of the best available control methods and technology in all phases of plant operation and handling of materials, and by an active commitment to good housekeeping practices.

Toxic substances not listed in Regulation I of OAPCA, but released into the air shall be limited in accordance with the most current publication entitled "Threshold Limit Values," of the American Conference of Governmental Hygienists.

C. Sewer Use. Liquid wastes shall be disposed of through local sanitary sewer systems only upon approval of affected public sewer authorities.

D. Waste Disposal. Liquid or solid wastes unacceptable to public sewer authorities shall be disposed of on a regular basis in keeping with the best operating characteristics of the industry, and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in waste disposal and environmental health and safety.

E. Heat and Glare. Any operation producing intense heat or glare shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.

F. Radioactive Materials and Radiation Devices. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the regulatory jurisdiction and control of the Radiation Control Agency of the Washington State Department of Social and Health Services as amended.

G. Vibration and Concussion. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity. Such temporary construction activity shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. (Ord. 583 §2.10(B)(2), 1980).

16.57.050 Ground and soil contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation

or which may contaminate underground aquifers, or other natural drainage systems. (Ord. 583 §2.10(B)(3), 1980).

16.57.060 Storage. In the conduct of any business, the storage of merchandise, raw materials, equipment, fixtures, scraps or solid wastes shall comply with the following requirements:

A. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building, with the following exceptions:

1. Where such inside storage is not practical or desirable for reasons related to health, fire or safety codes;

2. Where the outside storage of merchandise, manufactured products, or raw materials is normal and standard practice, such as in the sale of automotive equipment, mobile homes, lumber, gardening materials, nursery stock and the like, or on the site on construction projects;

3. When materials or products are temporarily stored outside incidental to shipping, delivery, loading or unloading thereof.

B. Outside storage shall be maintained in an orderly manner consistent with good housekeeping practices and shall create no:

1. Visual offense to the premises, adjacent properties or the public right-of-way;

2. Fire, safety, health or sanitary hazard.

C. Storage in residential areas shall comply with the same requirements as those specified for business establishments and shall, in addition to the requirements of subsections A and B above, comply with the following:

1. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable shall not be stored outside for a period exceeding thirty days;

2. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles so stored shall not be used as living quarters.

D. Storage in or on the public right-of-way is prohibited. (Ord. 583 §2.10(B)(4), 1980).

16.57.070 Compliance to Chapters 14.26 and 14.32. All uses in every zoning district shall be in compliance with Chapter 14.26 and Chapter 14.32 of the Lacey Municipal Code pertaining to the Shoreline Master Program and land clearing, respectively. (Ord. 583 §2.10(C), 1980).

16.57.080 Enforcement. A. In the enforcement of this chapter, the enforcing officer may require the operator or

owner of an existing or proposed activity or use to submit reasonable evidence and technical data to demonstrate that the use or activity is or will be in compliance with the performance standards of this chapter.

B. The enforcing officer may undertake independent studies and engage such technical assistance as may be needed for such studies or to evaluate data or information submitted by an applicant in connection with the performance standards of any activity.

C. The developer, operator or proprietor shall pay for or reimburse the city for the costs incurred in the conduct of such tests as the city may require and for costs incurred by the city to engage technical consultants for review and interpretation of data and findings submitted by or on behalf of the developer, operator or proprietor. (Ord. 583 §2.10(D), 1980).

Chapter 16.60

PLANNED RESIDENTIAL DEVELOPMENT

Sections:

- 16.60.010 Intent.
- 16.60.020 Definitions.
- 16.60.030 Where permitted.
- 16.60.040 Types of uses permitted.
- 16.60.050 Relationship to other ordinance provisions.
- 16.60.060 Development standards--Generally.
- 16.60.070 Relationship of PRD site to adjacent areas.
- 16.60.080 Site acreage.
- 16.60.090 Access to public right-of-way.
- 16.60.100 Lot size.
- 16.60.110 Setback and side yard requirements.
- 16.60.120 Off-street parking.
- 16.60.130 Secondary use limitations.
- 16.60.140 Design standards.
- 16.60.145 Environmental and recreational amenities.
- 16.60.150 Preliminary review and approval--Application
--Eligibility and procedure.
- 16.60.160 Preliminary review and approval--Application
--Required documentation.
- 16.60.170 Final review and approval--Application--
Filing time limitation.
- 16.60.180 Final review and approval--Application--
Partial PRD area.
- 16.60.190 Final review and approval--Application--
Required documentation.
- 16.60.200 Permit issuance.
- 16.60.210 Adjustments.

Sections: (Continued)

- 16.60.230 Duration of control.
- 16.60.240 Parties bound.
- 16.60.250 Commencement of construction.

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

- A. Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other chapters of this title;
- B. Preserve or create environmental amenities superior to those generally found in conventional developments;
- C. Create or preserve usable open space for the enjoyment of the occupants;
- D. Preserve to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.;
- E. Encourage development of a variety of housing types;
- F. Provide for maximum efficiency in the layout of streets, utility networks, and other public improvements;
- G. Provide a guide for developers and city officials in meeting the purpose and provisions of this chapter. (Ord. 583 §2.16(A), 1980).

16.60.020 Definitions. Certain words and phrases as defined in this section shall govern the interpretation of this chapter.

A. Common open space means a parcel or parcels of land or a combination of land and water, within the site designed and intended for the use or enjoyment of residents of a planned residential development. Common open space does not include land occupied by buildings, roads, driveways, required parking areas, or the required yards for buildings or structures.

B. Home owners association means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property; and (c) a charge, if unpaid, becomes a lien against the property.

C. Planned residential developments means any development of land approved and developed in accordance with the terms of this title, including a plat or subdivision of such land.

D. Residential development means any development designed and intended for residential use regardless of the type of building in which such residence is located, i.e., conventional single-family dwellings, townhouses, duplexes, fourplexes, or apartment houses. (Ord. 583 §2.16(B), 1980).

16.60.030 Where permitted. Planned residential development may be permitted in the following land use districts consistent with the development standards in Sections 16.60.060 through 16.60.140:

- A. Low density residential district;
- B. Moderate density residential district;
- C. High density residential district;
- D. Mobile home residential district. (Ord. 583 §2.16 (C), 1980).

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 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 of the underlying zone;
- 2. Special uses as provided in Chapter 16.66 of this title;

3. Home occupations as provided in Chapter 16.69 of this title. (Ord. 691 §21, 1984: Ord. 583 §2.16(D), 1980).

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 setback, lot size, height limits and other dimensional requirements are waived, and the regulations for PRD's shall be those indicated in the 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. Applications for PRD's shall require a public hearing with notice thereof to be given as provided in Chapter 16.96. (Ord. 691 §22, 1984: Ord. 583 §2.16(E), 1980).

16.60.060 Development standards--Generally. The standards in Sections 16.60.070 through 16.60.140 shall govern the interpretation and administration of this chapter. (Ord. 583 §2.16(F) (part), 1980).

16.60.070 Relationship of PRD site to adjacent areas. The design of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize undesirable impact of the PRD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PRD. (Ord. 583 §2.16(F) (1), 1980).

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 two (2) acres. (Ord. 691 §23, 1984: Ord. 583 §2.16(F) (2), 1980).

16.60.090 Access to public right-of-way. The major internal street serving the PRD shall be connected to at least one major arterial, secondary arterial or collector street. (Ord. 583 §2.16(F) (3), 1980).

16.60.100 Lot size. The minimum lot size provisions of other chapters of the zoning title are waived in a planned residential development. (Ord. 583 §2.16(F)(4), 1980).

16.60.110 Setback and side yard requirements. A. Setbacks from the exterior boundary line of the PRD area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than twenty feet.

B. Setbacks or side yards between buildings: The standard setbacks and yard requirements between buildings may be waived in a PRD. Buildings may have common walls and, therefore, built to the property line as in townhouse construction.

Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings. (Ord. 583 §2.16(F)(5), 1980).

16.60.120 Off-street parking. Off-street parking shall be provided in a PRD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 16.72 of this title. (Ord. 583 §2.16(F)(6), 1980).

16.60.130 Secondary use limitations. A. Commercial uses are subject to site plan review procedures and shall be provided for in the original, finally approved version of the PRD application for the development within which the commercial use is to be integrated. "Original," as is used in this subsection, refers to the PRD application as it existed at the time of its final approval by the city council.

B. The gross floor area of the commercial use shall not exceed the product of thirty square feet multiplied by the number of dwelling units within the development.

The purpose of restricting commercial development is to prevent the PRD process from being used as a vehicle for rezoning to commercial use which may not be at all related to the commercial needs of the area. Once a relatively large number of dwelling units have been completed or occupied, the need for such commercial development may be justified.

C. Construction of at least fifty percent of the residences in the PRD must be completed before any building permits will be issued for the construction of commercial uses. (Ord. 583 §2.16(F)(7), 1980).

16.60.140 Design standards. A. Open space requirements shall be as follows:

1. Common Open Space. Each planned residential development shall provide not less than thirty percent (30%) of the gross land area for common open space which shall be either:

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

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

c. Dedicated for public use, if acceptable to the city.

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

3. 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. Private Open Space. Three hundred (300) square feet of 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. Land Area and Dwelling Unit Computations. Open space, street area, etc., are computed as follows:

1. Street Right-of-Way. Streets in a PRD shall be computed at twenty percent (20%) 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. Density Increase. The city may approve an increase in the dwelling unit density 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%);

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 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 percent (20%) 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

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

C. 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 outcroppings, 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. (Ord. 691 §24, 1984; Ord. 583 §2.16(F)(8), 1980).

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. (Ord. 691 §25, 1984).

16.60.150 Preliminary review and approval--Application --Eligibility and procedure. A. Who May Apply. Any owner or group of owners of property acting jointly, or a developer authorized to act as agent for an owner or group of owners, may submit an application for PRD development.

B. Review Procedure. All PRD applications shall be reviewed and approved or disapproved as provided for conditional or special use applications in Chapter 16.87 of this title. (Ord. 583 §2.16(G)(1), 1980).

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. (Ord. 691 §26, 1984: Ord. 583 §2.16(G)(2), 1980).

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 eighteen (18) months of the date on which preliminary approval was given by the 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 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. (Ord. 691 §27, 1984: Ord. 583 §2.16 (H)(1), 1980).

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 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 title. 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.) (Ord. 691 §28, 1984; Ord. 583 §2.16(H)(2), 1980).

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. (Ord. 691 §30, 1984).

16.60.200 Permit issuance. Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when in the opinion of the enforcing official, the work to be performed meets the requirements of the final plan and program elements of the PRD. (Ord. 583 §2.16(I)(1), 1980).

16.60.210 Adjustments. A. Minor adjustments may be made and approved by the enforcing official when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten percent from the original.

B. Major adjustments are those which, in the opinion of the enforcing officer, substantially change the basic design, density, open space or other requirements of the planned residential development. When, in the opinion of the enforcing officer, a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the hearings examiner of such adjustment. (Ord. 583 §2.16(I)(2), 1980).

16.60.230 Duration of control. The regulations and controls of the planned residential development ordinance in effect at the time of authorization of a PRD project shall remain in full force and effect for the life of the project. (Ord. 583 §2.16(I)(4), 1980).

16.60.240 Parties bound. Once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PRD, shall be bound by the conditions attending the approval of the development and the provisions of this title. (Ord. 583 §2.16(I)(5), 1980).

16.60.250 Commencement of construction. Construction of the PRD project shall begin within one year from the date of the final approval of the plan.

An extension of time for beginning construction may be requested in writing by the applicant, and such extension not exceeding six months may be granted by the council. If construction is not begun within one year 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. (Ord. 583 §2.16(I)(6), 1980).

Chapter 16.61TOWNHOUSE DEVELOPMENTSections:

- 16.61.010 Intent.
- 16.61.020 Definitions.
- 16.61.030 Where permitted.
- 16.61.040 Development standards.
- 16.61.050 Review and approval procedure.

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. (Ord. 691 §32(part), 1984).

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" means 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" means 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. (Ord. 691 §32(part), 1984).

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. (Ord. 691 §32 (part), 1984).

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, bushes 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 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. (Ord. 691 §32(part), 1984).

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. (Ord. 691 §32(part), 1984).

Chapter 16.63MOBILE HOMESSections:

- 16.63.010 Intent.
- 16.63.020 Definitions.
- 16.63.030 Permitted where.
- 16.63.040 Prohibited where.
- 16.63.050 Development standards--Plot plan requirements.
- 16.63.060 Mobile home subdivision design standards--Site area.
- 16.63.070 Mobile home subdivision design standards--Lot requirements.
- 16.63.080 Mobile home subdivision design standards--Off-street parking.
- 16.63.090 Mobile home subdivision design standards--Open space.
- 16.63.100 Mobile home subdivision design standards--Accessory buildings.
- 16.63.110 Mobile home park design standards--Area and density.
- 16.63.120 Mobile home park design standards--Site requirements.
- 16.63.130 Mobile home park design standards--Off-street parking.
- 16.63.140 Mobile home park design standards--Open space.
- 16.63.150 Mobile home park design standards--Accessory buildings and structures.
- 16.63.160 Mobile home park design standards--Landscaping and screening.
- 16.63.170 Mobile home park design standards--Ingress and egress.
- 16.63.180 Mobile home park design standards--Interior street dimensions.
- 16.63.190 Mobile home park design standards--Surfacing requirements.
- 16.63.200 Mobile home park design standards--Storm water runoff.

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

- A. Permit the location of mobile homes as a permanent form of dwelling unit in certain districts and as an accessory use or a temporary use in certain other districts;
- B. Provide standards for the development and use of mobile homes appropriate to their location and their use as permanent, accessory or temporary facilities;

C. Designate appropriate locations for such dwelling units;

D. Ensure a high quality of development for such dwelling units to the end that the occupants of mobile homes and the community as a whole are protected from potentially adverse impact of such development or use;

E. Provide for city review of proposed mobile home parks and subdivisions;

F. Make a distinction between mobile home parks and mobile home subdivisions, and their development and occupancy characteristics. (Ord. 583 §2.17(A) (part), 1980).

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. (Ord. 691 §33, 1984; Ord. 583 §2.17 (A) (part), 1980).

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 may be permitted in the following districts after receiving a special use permit:
1. Moderate density residential district;
 2. High density residential 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. (Ord. 691 §34, 1984; Ord. 583 §2.17(B), 1980).

16.63.040 Prohibited where. A. Mobile homes as a primary use are prohibited in or on:

1. Areas platted, designed and intended for conventional residential development;
2. Any site not officially designated or recognized as a mobile home park or subdivision, or a part of a planned residential development.

B. Mobile homes are prohibited as an accessory use in any land use district not identified in subsection A of this section. (Ord. 583 §2.17(C), 1980).

16.63.050 Development standards--Plot plan requirements.

A. Mobile home subdivisions shall comply with the same minimum performance and design standards of conventional housing in the zoning districts in which they are permitted. However, mobile homes shall not be constructed or used as duplexes.

B. A complete and detailed plot plan shall be submitted to the planning department. The plot plan shall include the following information and such other information as the planning department may reasonably require to determine the acceptability of the proposed development:

1. Location and dimensions of all lots;
2. Roads, internal street system, and driveways;
3. Common open space, community facilities;
4. Utility lines, including water, sewer, electrical and any others contemplated;
5. Landscaping and screening plan for exterior boundaries. (Ord. 583 §2.17(D)(1,2), 1980).

16.63.060 Mobile home subdivision design standards-- Site area. The minimum site for mobile home subdivisions shall be five acres. The maximum site for mobile home subdivisions shall be forty acres. (Ord. 583 §2.17(D)(3)(a), 1980).

16.63.070 Mobile home subdivision design standards-- Lot requirements. The size and shape of lots shall be 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:	5,000 sq.ft.	5,000 sq. ft.
B. Minimum lot width:	50 ft.	50 ft.
C. Minimum front yard:		
On minor streets	25 ft.	25 ft.
On major streets	35 ft.	35 ft.
On flanking streets	15 ft.	15 ft.
D. Minimum side yards:		
Minimum on one side	5 ft.	8 ft.
Minimum total - both sides	12 ft.	16 ft.
E. Minimum rear yard:	25 ft.	25 ft.
F. Maximum building coverage:	30%	40%
(Ord. 691 §35, 1984: Ord. 583 §2.17(D)(3)(b), 1980).		

16.63.080 Mobile home subdivision design standards-- Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.17(D)(3)(c), 1980).

16.63.090 Mobile home subdivision design standards-- Open space. Open space for common use of all residents of the subdivision shall be provided. Such space shall be

accessible to and usable by the residents of the subdivision for passive or active recreation. Parking space and drive-ways are not considered to be usable open space. (Ord. 583 §2.17(D)(3)(d), 1980).

16.63.100 Mobile home subdivision design standards--
Accessory buildings. Accessory buildings on individual

lots shall comply with the regulations for such buildings as provided in the zoning district in which the subdivision is located. (Ord. 583 §2.17(D)(3)(e), 1980).

16.63.110 Mobile home park design standards--Area and density. The minimum site for a mobile home park shall be three acres. The maximum site for a mobile home park shall be twenty acres. The maximum number of mobile homes per acre shall be eight. (Ord. 583 §2.17(D)(4)(a), 1980).

16.63.120 Mobile home park design standards--Site requirements. The size and shape of individual mobile home sites shall be in accordance with the following:

- A. Minimum space area, four thousand square feet;
- B. Minimum width, forty feet;
- C. Minimum depth, eighty feet;
- D. Minimum setback from street or access road, twenty feet;
- E. Maximum development coverage of space, fifty per cent;
- F. Not less than fifteen feet of space shall be maintained between mobile home units or any part thereof, nor shall any mobile home unit be closer than fifteen feet from any other building in the park, or from the exterior property line bounding the park. (Ord. 583 §2.17(D)(4)(b), 1980).

16.63.130 Mobile home park design standards--Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title. (Ord. 583 §2.17(D)(4)(c), 1980).

16.63.140 Mobile home park design standards--Open space. Common open space or spaces equal to not less than five hundred square feet for each mobile home shall be provided in such shape and location as to be available and usable to all residents of the mobile home park. Such space may be for passive or active recreation. Parking space, driveways and access streets are not considered to be usable open space. (Ord. 583 §2.17(D)(4)(d), 1980).

16.63.150 Mobile home park design standards--Accessory buildings and structures. A. Buildings or structures accessory to individual mobile homes are permitted, including enclosed carports, provided that the total development coverage of the space shall not exceed the development coverage permitted in Section 16.63.120.

B. Buildings or structures accessory to the mobile home park as a whole, and intended for the use of all mobile home occupants are permitted, provided the building area not exceed one-fourth of the common open space area. (Ord. 583 §2.17(D)(4)(e), 1980).

16.63.160 Mobile home park design standards--Landscaping and screening. A. Visual screening and/or landscaping may be required in those developments where such screening is deemed necessary and reasonable by the enforcing officer and/or the hearings examiner.

B. When required, such screening may consist of densely planted vegetation not less than four feet in height at the time of planting, or a solid fence, six feet in height, or a combination of fencing and vegetation which achieves the same screening effect.

C. Landscaping is also required in all setback areas and open space. Landscaping may consist of suitable ground cover shrubs and trees. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet the landscape requirements.

D. Visual interruption with appropriate vegetation between mobile home units may also be required to relieve visual monotony.

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

F. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition at all times. (Ord. 583 §2.17(D) (4) (f), 1980).

16.63.170 Mobile home park design standards--Ingress and egress. A. Each mobile home site shall have access from an interior drive or roadway only.

B. Access to the mobile home park shall be limited to not more than one driveway from a public street or road for each two hundred feet of frontage. (Ord. 583 §2.17(D) (4) (g), 1980).

16.63.180 Mobile home park design standards--Interior street dimensions. All interior streets of the park shall have dimensions as follows:

A. One-way traffic, twelve feet;

B. Two-way traffic, twenty feet;

C. Street with parking permitted, seven feet additional for each side on which parking is permitted. (Ord. 583 §2.17(D) (4) (h), 1980).

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. (Ord. 691 §37, 1984).

16.63.200 Mobile home park design standards--Storm water runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.17 (D) (4) (j), 1980).

Chapter 16.66

SPECIAL USES

Sections:

- 16.66.010 Intent.
- 16.66.020 Permitted uses.
- 16.66.030 Control of uses.
- 16.66.040 Environmental performance standards.
- 16.66.050 Design standards.
- 16.66.060 Residential care facilities (group homes)--
Permit requirements.

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 city to impose reasonable conditions, restrictions and development requirements on special uses as 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. (Ord. 691 §38, 1984: Ord. 583 §2.27(A), 1980).

16.66.020 Permitted uses. Specific types permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the city are categorized and identified as follows:

- A. Personal or community service facilities such as:
 - 1. Child care, including nursery schools, pre-schools and day care centers,
 - 2. Funeral parlors, mortuaries and crematoria,
 - 3. Senior citizen centers,
 - 4. Residential care facilities (group homes for physically or mentally disabled persons) as provided in Section 16.66.060,
 - 5. Nursing homes; convalescent care facilities,
 and
 - 6. Cemeteries;
- B. Places of public assembly, including:
 - 1. Churches (or other places of worship),
 - 2. Sports arenas or stadia,
 - 3. Fraternal organizations and lodges, and
 - 4. Private clubs;
- C. Public utilities and their appurtenances, such as:
 - 1. Electrical substations,
 - 2. 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. Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills, and
 - 4. Radio, television or telephone stations, exchanges, transmitting, receiving or relay structures;
- D. Public safety and emergency response facilities, including:

1. Police stations,
2. Fire stations,
3. Emergency medical centers, and
4. Hospitals;

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

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

F. Uses which are similar or related to those uses described in subsections A through E of this section. (Ord. 691 §39, 1984; Ord. 583 §2.27(B)(1,2), 1980).

16.66.030 Control of uses. Special uses shall be subject to the review process as provided for in Chapter 16.87 of this title or as otherwise noted in this chapter. (Ord. 691 §40, 1984; Ord. 583 §2.27(B)(3), 1980).

16.66.040 Environmental performance standards. A. Special uses shall comply with the environmental performance standards as described in Chapter 16.57 of this title, and may be required to comply with stricter standards upon a finding by the city that stricter standards are necessary and reasonable to protect adjacent properties or the health or general welfare of the community.

B. Specific requirements are established in this chapter for certain special uses. In the event that the specific requirements are found to be in conflict with the requirements of the use district in which the special use is to be located, the requirements of this chapter shall govern. (Ord. 583 §2.27(C)(1), 1980).

16.66.050 Design standards. A. The design standards for permitted uses in a given district shall be the initial

base of reference in determining the design standards for special uses in the same district.

B. The enforcing officer and/or the site plan review committee is authorized to alter or vary the design of the district for a special use when such alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community.

C. Design standards which may be altered or varied for special uses include but are not necessarily limited to the following:

1. Size and shape of lots (i.e., minimum area, width, depth, set-backs and building heights);
2. Maximum building coverage;
3. Maximum development coverage;
4. Off-street parking and loading;
5. Landscaping, buffering and screening.

D. All development requirements established for a special use in a given district shall be documented in appropriate written and/or graphic form so as to provide a permanent public record to assure compliance prior to, during and after construction of the special use. (Ord. 583 §2.27 (C) (2), 1980).

16.66.060 Residential care facilities (group homes)--
Permit requirements. A. Definitions. The following terms, as used in this section, are defined as follows:

1. "Care" means room and board and the provision of planned programs of counseling therapy or other social services to groups of persons of similar circumstances. Planned treatment shall not include any program which requires on-premises medical care by either a physician or a nurse.

2. "Foster home" means a dwelling unit in which foster care is provided for unrelated children as part of the family and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.

3. "Group home" means a home for handicapped, physically disabled or developmentally disabled or dependent persons providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere.

4. "Residential care facility" means a licensed establishment operated with twenty-four hour supervision for the purpose of serving those persons who, by reason of their special circumstances, require care while living as a single housekeeping unit and/or in a supportive "family" environment. Residential care facilities, for the purposes of this title, may include group homes, foster homes, congregate care facilities and the like, but shall not include correctional facilities.

5. "Residents" are those persons who, because of special circumstances, require care and/or a supportive family situation in a residential environment.

B. Where Permitted. A residential care facility composed of six or fewer residents, exclusive of the owner, operator or staff, shall be permitted as a matter of right in low density residential districts and moderate density residential districts. Those residential care facilities allowed in residential zone districts of the city as a permitted use and without following the special use procedure shall meet the following requirements:

1. A residential care facility shall be composed of six or fewer residents, exclusive of the owner, operators or staff;

2. All residential care facilities must comply with state licensing regulations, building and fire codes;

3. Such residential care facilities shall meet all of the regulations of the zone district in which it is located, including but not limited to, yard and setback requirements, lot coverage and parking;

4. A residential care facility shall not be located within one-fourth mile radius of another residential care facility. The administration of this standard shall rest with the city building official.

C. Special Use Permit Required When. A residential facility composed of more than six but less than twenty residents shall require a special use permit, regardless of the district for which it is proposed.

1. All applications for residential care facilities as a special use and all residential care facilities granted a special use permit shall meet the following requirements.

2. Special use applications: In addition to the information required by the terms of Chapter 16.66 regarding special use applications, such applications for residential care facilities shall also include the following:

a. Legal description and address of the proposed facility;

b. The number of automobiles to be operated from the residential care facility and the number of off-street parking spaces to be provided and an estimate of the parking required for visitors to the facility;

c. A brief description of the building and/or remodeling plans for the facility;

d. The number of resident and nonresident staff contemplated for the facility with a description of the day to day supervision provided for said staff and including a statement of the house rules governing the facility;

e. Description of the program of the facility including the goals, treatment methodology, anticipated length of stay of residents, and the types of problems being treated;

f. The number and type of persons for whom care is being provided, including the type of disability suffered by said residents, the average age of the residents and other pertinent information.

D. Requirements for All Facilities. All residential care facilities allowed as special use shall meet the following standards:

1. The residential care facility shall include not more than twenty residents, exclusive of owners/operators and/or staff;

2. The authorization for such a use shall be subject to the issuance of a license and/or certification by all appropriate local, state and/or federal agencies and said use shall be discontinued when any such required license or certification is withdrawn or expired;

3. Except as stricter standards may be required by this chapter, the lot and yard coverage requirements of the zone in which the facility is to be located shall apply;

4. The minimum open space to be located on the site shall be determined according to the following guidelines, and whichever provides for the greatest area shall be required: (a) the open space requirements of the district in which the facility is to be located; or (b) the provision of three hundred square feet for each resident exceeding the number permitted by right, which is six.

For the purposes of this section, driveways, parking areas and required setback yards shall not be covered with impervious surfaces, except in the case of a tennis court, swimming pool, or similar recreational uses which require a special surface;

5. The minimum off-street parking shall consist of one space for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility either by residents or visitors;

6. The use of the property as a residential care facility shall not result in a concentration of social service facilities that would result in an unreasonable interference with the enjoyment of neighboring property or substantially interfere with the residential character of the neighborhood.

E. Additional Requirements by City. Upon approving a special use application, the city shall impose the following requirements:

1. Limit the transferability of the special use by limiting the permit to allow service to a specific number and class of individuals. Any change in the specific number and class of individuals shall require a new special use approval;

2. Restrict the number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility;

3. Require additional review of any subsequent remodeling of the facility which determination of the need for hearings examiner review shall be made by the planning director in consultation with the building official;

4. Impose such other conditions or terms as may be deemed appropriate and in the public interest to prevent unreasonable interference with the use and enjoyment of public or private neighborhood property. (Ord. 583 §2.27(D), 1980).

Chapter 16.69

HOME OCCUPATIONS

Sections:

- 16.69.010 Intent.
- 16.69.020 Defined.
- 16.69.030 General requirements.
- 16.69.040 Permitted where.
- 16.69.050 Development and performance standards.
- 16.69.060 Violations and complaints.

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

A. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal/family income;

B. Protect residential areas from potential adverse impact of activities defined as home occupations;

C. Establish criteria and development standards for the use of residential structures or dwelling units for home occupations. (Ord. 583 §2.28(A), 1980).

16.69.020 Defined. Home occupation means any activity conducted for financial gain or profit in a dwelling unit, and which activity is not generally or customarily characteristic of activities for which dwelling units are intended or designed; such activity is clearly incidental or secondary to the residential use of a dwelling unit; and is conducted only by persons residing in the dwelling unit. Garage sale is not defined as a home occupation. (See Chapter 5.34, Lacey Municipal Code.) (Ord. 583 §2.28(B), 1980).

16.69.030 General requirements. A. Home occupations shall occupy not more than twenty-five percent of the total floor area of the residence. In no event shall such occupancy exceed four hundred square feet, nor shall an accessory building for such home occupation exceed four hundred square feet, nor shall the total floor area in the residence and/or an accessory building exceed four hundred square feet.

B. Any occupation which may produce waste products of a quality or quantity not normally associated with residential use shall not qualify as a home occupation.

C. Home occupations shall comply with all other local, state, or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this chapter shall not be construed as an exemption from such regulations.

D. Vehicle repair, alteration or rebuilding shall not be permitted as a home occupation.

E. Any person engaging in a home occupation shall register as a business under Chapter 5.12 of the Lacey Municipal Code, and shall be subject to the provisions of the business and occupants tax levied by Chapter 3.02 of the Lacey Municipal Code. (Ord. 583 §2.28(C), 1980).

16.69.040 Permitted where. A. Home occupations are permitted as a matter of right in any residential district provided that:

1. No exterior structural alterations are made to accommodate the occupation;

2. No merchandise or stock in trade is sold or displayed on any exterior portion of the premises;

3. No equipment or material is stored, altered or repaired on any exterior portion of the premises;

4. No person or persons other than bona fide residents of the dwelling unit are employed in the home occupation.

B. A home occupation which fails to comply with all the preceding provisions shall require a conditional use permit. (Ord. 583 §2.28(D), 1980).

16.69.050 Development and performance standards.

A. Home occupations shall emit no noise, air pollutants, waste products or other effects detrimental to the environment or the neighborhood beyond those normally emanating from residential use.

B. Home occupations which require a conditional use permit shall comply with the following conditions:

1. Exterior structural alterations or additions or the use of accessory buildings for home occupations shall be so designed and built as to maintain or preserve the residential character of the premises. In no event shall such structural alterations or additions exceed the development standards permitted for structures in the zoning district in which the premises are situated;

2. Traffic generated by home occupations shall not exceed two commercial vehicles per week. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion;

3. Off-street parking spaces shall not be reduced in size or number, below the minimum required in the district, nor used for any purpose other than parking;

4. When merchandise, material or equipment is stored, altered, repaired or displayed, such storage, alterations, repairs or displays shall be entirely within the residential structure or in an accessory building which meets the criteria of subdivision 1, above, except as provided in Section 16.57.060 of this title;

5. Employment of no more than two persons who are not bona fide residents of the premises is prohibited. (Ord. 583 §2.28(E), 1980).

16.69.060 Violations and complaints. The enforcing officer shall be responsible for the enforcement of this chapter and for the correction of any violations.

The enforcing officer shall act on his own initiative when violations are detected or suspected by him, and shall take appropriate investigative and corrective actions, when warranted, if a complaint is filed in writing by any person who feels aggrieved or damaged by such alleged violation. (Ord. 583 §2.28(F), 1980).

Chapter 16.72

OFF-STREET PARKING AND LOADING

Sections:

- 16.72.010 Intent.
- 16.72.020 General requirements.
- 16.72.030 Minimum requirements.
- 16.72.040 Off-street loading.
- 16.72.045 Buffer strips.
- 16.72.050 Development standards.

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

A. Assure that space is provided for the parking, loading and unloading of motor vehicles on the site of premises or uses which attract said motor vehicles;

B. Provide minimum standards of space and parking arrangements, and for the movement of motor vehicles into and out of such spaces;

C. Avoid or reduce traffic congestion on public streets by:

1. Keeping the need for on-street parking to a minimum, and

2. Controlling access to sites;

D. Enhance safety for pedestrians and motor vehicle operators;

E. Encourage the creation of an esthetically pleasing and functionally adequate system of off-street parking and loading facilities. (Ord. 583 §2.29(A), 1980).

16.72.020 General requirements. A. Off-street parking spaces and driveways shall not be used at any time for purposes other than their intended use, i.e., the temporary storage of motor vehicles used by persons visiting or having business to conduct on the premises for which the parking is provided.

B. Minimum parking space required and intended for use by occupants or users of specific premises shall not be leased or rented to others, nor shall such space be made unavailable through other means to the users for whom the parking spaces are intended. This, however, does not preclude shared parking arrangements.

C. Except where specifically permitted in certain zoning districts, off-street parking spaces shall not be used for loading or unloading of commercial vehicles larger than those vehicles for which the parking spaces are intended.

D. Whenever a building or a piece of land is put to a use different from the immediately preceding use, or when a building is remodeled, reconstructed or expanded, adequate off-street parking shall be provided consistent with the new use, reconstruction or expansion of the premises. (Ord. 583 §2.29(B), 1980).

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

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>
(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	1 space/300 sq. ft. of GFA
b. Billiard halls	2 spaces/table
c. Bowling alleys	5 spaces/alley
d. Business and pro- fessional 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
e. Churches	
With fixed seats	1 space/3 seats or 6 ft. of bench
Without fixed seats	1 space/150 sq. ft. of GFA
f. Day-care, pre- schools, and nursery schools	1 space/teacher, plus a drop-off--loading area for every 7 children
g. Food and drug stores	
Less than 5,000 sq. ft.	2 sq. ft./sq. ft. of GFA
5,000 sq. ft. or more	1 sq. ft./sq. ft. of GFA

- h. Hospitals 1 space for each bed
- i. Libraries 1 space/200 sq. ft. of GFA
- j. Medical and dental offices 1 space/200 sq. ft. of GFA
- k. Mortuaries 5 spaces plus 1 per 25 sq. ft. of assembly room area
- l. Motel and hotels 1 space/guest room
- m. Nursing homes, convalescent centers 1 space for each 4 beds
- n. Restaurants
 - Which service auto-borne customers, both within and outside the building 1 space/60 sq. ft. of GFA
 - Which service auto-borne customers outside the building 1 space/15 sq. ft. of GFA
- o. Restaurants and taverns
 - Which service customers within the building 1 space/100 sq. ft. of GFA
- p. Schools, elementary and junior high 1.5 spaces/classroom and office
- Schools, senior high 1.5 spaces/classroom and office, plus 1 space for each 5 students of designated capacity
- q. Service stations 1 space/employee plus 1 per service bay
- r. Stadiums, auditoriums, gymnasiums 1 space/3 of the permitted assembly occupants. School parking spaces may be used provided the facilities are on the same or contiguous parcels.

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/1000 sq. ft. GFA plus 1 space/400 sq. ft. of GFA used for offices or display

(Ord. 691 §41, 1984: Ord. 583 §2.29(C), 1980).

16.72.040 Off-street loading. Off-street loading shall be required for all commercial establishments which are engaged in the retailing or wholesaling of merchandise requiring regular delivery such as food retailers, lumber yards, hardware stores, department stores and the like.

<u>Total Gross Floor Area of Building(s)</u>	<u>Space Required</u>
Less than 5,000 sq. ft.	1
5,000 sq. ft. to 25,000 sq. ft.	2
25,000 sq. ft. to 50,000 sq. ft.	3
Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.	1 additional

All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate a vehicle forty-five feet in length, eight feet in width, and fourteen feet in height. Each loading space shall be surfaced with an asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water. (Ord. 583 §2.29(D), 1980).

16.72.045 Buffer strips. All parking areas located adjacent to any private street or public street right-of-way shall provide a minimum five-foot planted buffer strip between the parking area and the private street or public right-of-way. (Ord. 618 §10, 1981).

16.72.050 Development standards. A. Parking lot construction shall comply with Section 14.16.030 of the Lacey Municipal Code.

B. Parking area design shall include:

1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the City Engineer.

2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.

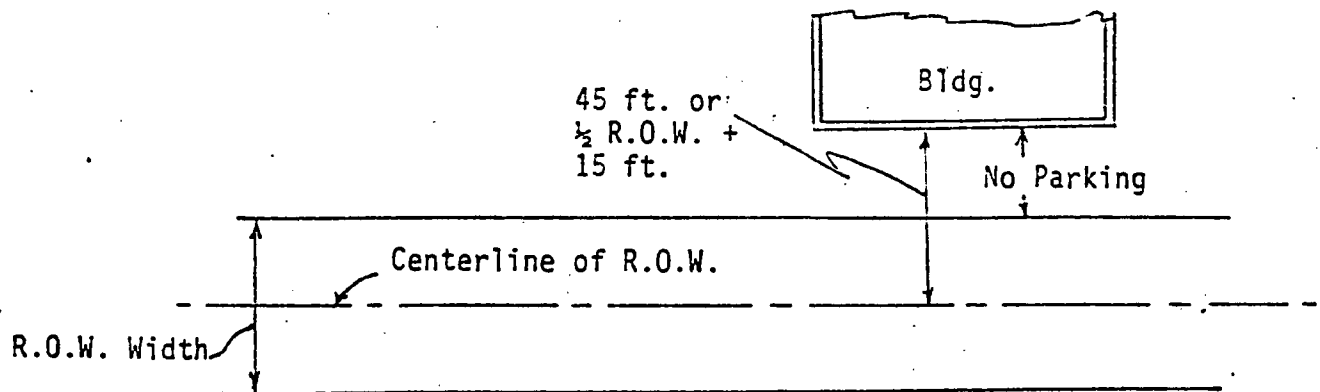
3. Parking Spaces--Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. Maneuvering aisles and parking stall dimensions shall be as shown in Figures 1, 2, and 3 of this section.

4. Small Car Parking Spaces. In all parking facilities containing twenty-five or more parking spaces, a maximum of twenty-five percent of the required parking spaces may be reduced in size for the use of small cars, provided these spaces shall be clearly identified with a sign permanently affixed immediately in front of each space containing the notation, "Compacts Only." Spaces designed for small cars may be reduced in size to a minimum of seven and one-half feet in width and fifteen feet in length. Where feasible, all small car spaces shall be located in one or more contiguous areas and/or adjacent to ingress/egress points within parking facilities. Location of compact car parking spaces shall not create traffic congestion or impede traffic flows.

5. Setback of Buildings from Public Right-of-way.

a. When parking is not to be provided between the building and the right-of-way line, the building setback shall be:

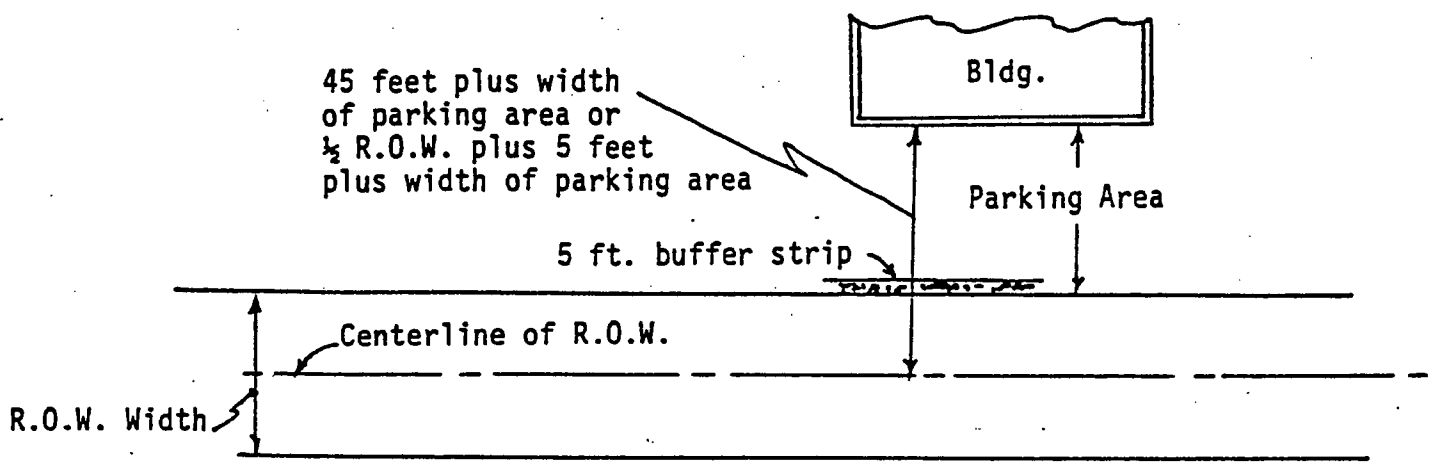
1. Forty-five feet from the centerline of the right-of-way; or
2. Half the right-of-way width plus fifteen feet, whichever is greater.



b. When parking is to be provided between the building and the right-of-way line, the building setback shall be:

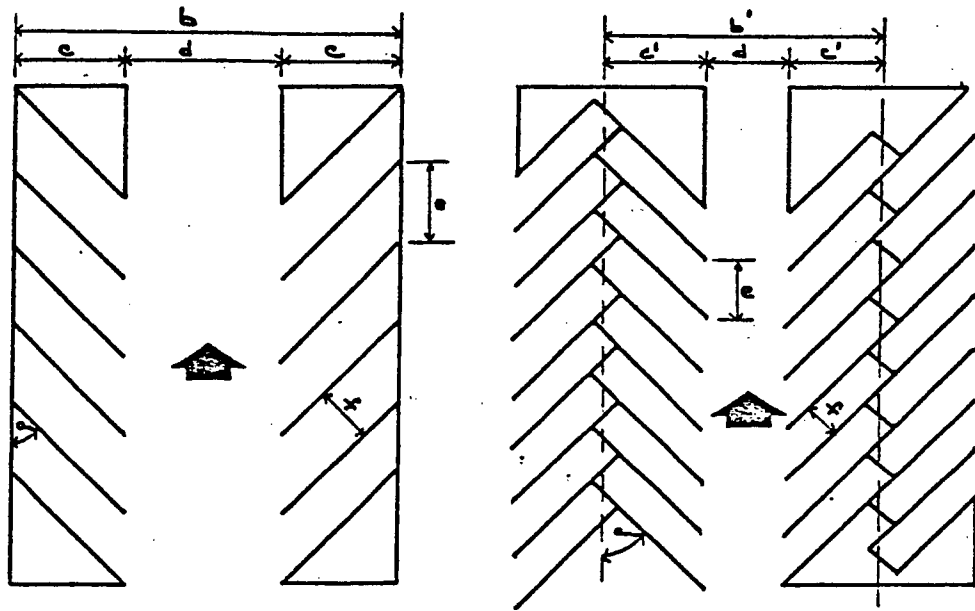
1. Forty-five feet (five feet is for planted buffer strip along right-of-way line) from the centerline of the right-of-way; or
2. Half the right-of-way width plus five feet (five feet is for planted buffer strip along right-of-way line), whichever is greater; plus

3. The distance needed for appropriate parking and internal circulation as shown in the design standards of this section.



6. Surfacing. All parking areas for more than four vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.

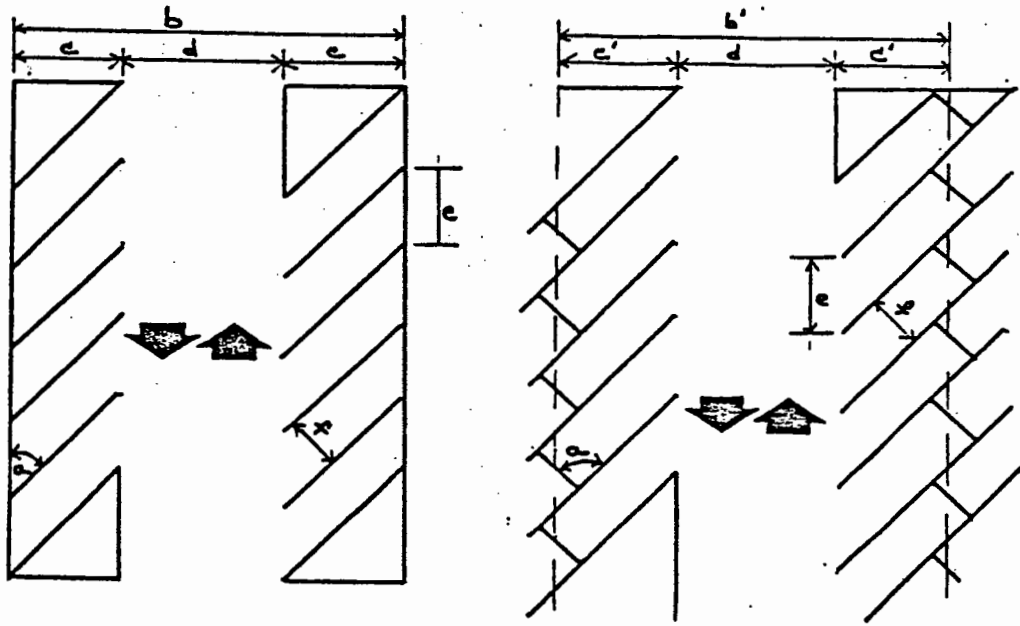
7. Storm Water Runoff. All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. (Ord. 583 §2.29(E), 1980).



ONE WAY TRAFFIC

	a	b	c	d	e	f	b'	c'
	0°	28'	8'	12'	23'	8'		
	35°	48'	18'	12'	14.8'	8.5'	41'	14.5'
	40°	49'	18.5'	12'	13.2'	8.5'	42'	15'
	45°	50'	19'	12'	12'	8.5'	43'	15.5'
	50°	51'	19.5'	12'	11.1'	8.5'	45'	16.5'
	55°	53'	20'	13'	10.4'	8.5'	48'	17.5'
	60°	55'	20'	15'	9.8'	8.5'	50'	17.5'
	65°	57'	20'	17'	9.7'	8.8'	53'	18'
	70°	59'	20'	19'	9.6'	9'	56'	18.5'
COMPACT CAR PARKING	45°		17'	11'		9'		
	60°		16.7'	14'		8.7'		
	75°		16.3'	17.4'		7.8'		
	90°		15'	20'		7.5'		

FIGURE #1

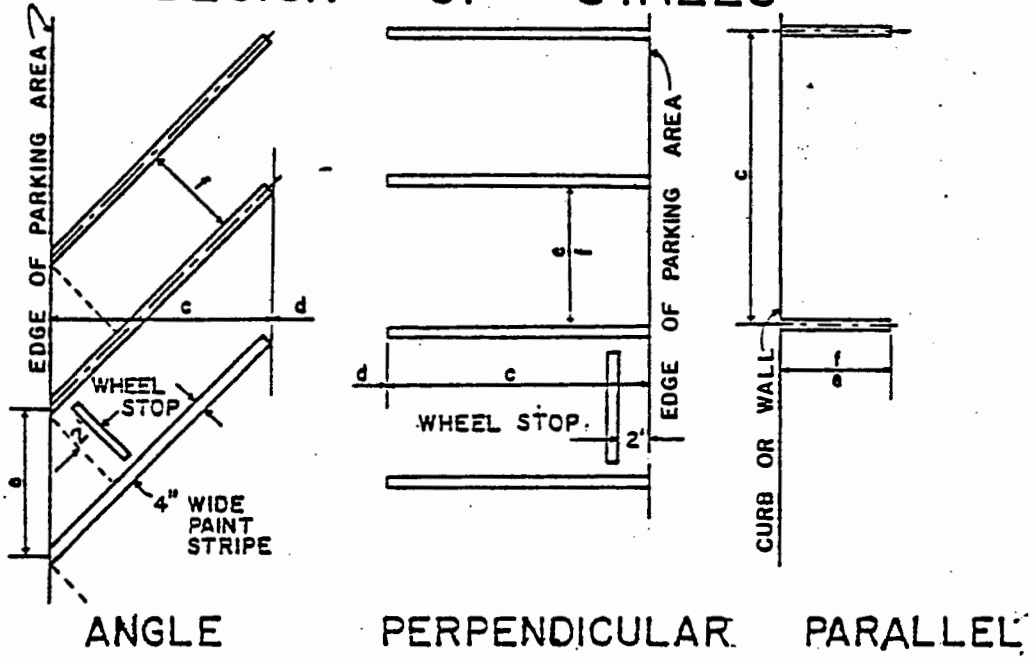


TWO-WAY TRAFFIC

	a	b	c	d	e	f	b'	c'
	0°	36'	8'	20'	23'	8'		
	35°	56'	18'	20'	14.8'	8.5'	49'	14.5'
	40°	57'	18.5'	20'	13.2'	8.5'	50'	15'
	45°	58'	19'	20'	12'	8.5'	51'	15.5'
	50°	59'	19.5'	20'	11.1'	8.5'	53'	16.5'
	55°	60'	20'	20'	10.4'	8.5'	55'	17.5'
	60°	60'	20'	20'	9.8'	8.5'	55'	17.5'
	65°	60'	20'	20'	9.7'	8.8'	56'	18'
	70°	60'	20'	20'	9.6'	9'	57'	18.5'
	90°	64'	20'	24'	9'	9'		
COMPACT CAR PARKING	45°		17'	20'		9'		
	60°		16.7'	20'		8.7'		
	75°		16.3'	20'		7.8'		
	90°		15'	20'		7.5'		

FIGURE #2

DESIGN OF STALLS



ANGLE PERPENDICULAR PARALLEL

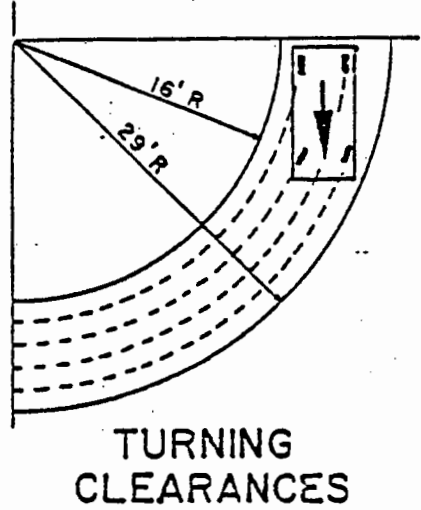
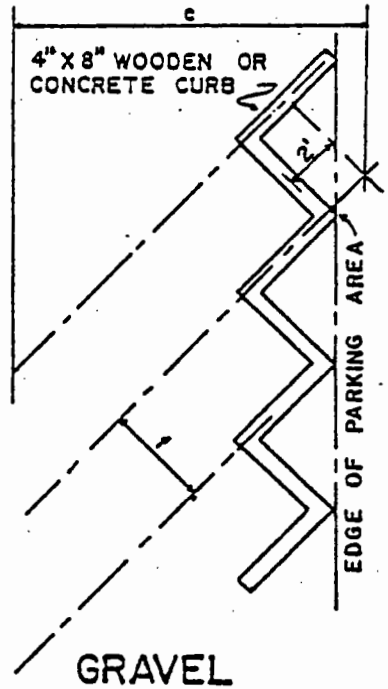


FIGURE #3

Chapter 16.75

ON-PREMISES SIGN REGULATIONS

Sections:

- 16.75.010 Intent.
- 16.75.020 Definitions and abbreviations.
- 16.75.030 Permits and fees required.
- 16.75.040 Permit--Requirements.
- 16.75.050 Permit--Applications.
- 16.75.060 Fee schedule.
- 16.75.070 Exemptions.
- 16.75.080 Prohibited signs.
- 16.75.090 Temporary signs.
- 16.75.100 Structural requirements.
- 16.75.110 Electrical requirements.
- 16.75.120 Illumination.
- 16.75.130 Maintenance.
- 16.75.140 Landscaping for free-standing signs.
- 16.75.150 Inspection.
- 16.75.160 More restrictive provision to apply.
- 16.75.170 Buildings facing on two parallel streets.
- 16.75.180 District regulations.
- 16.75.190 Variances.
- 16.75.200 Legal nonconforming signs.
- 16.75.210 Termination of signs.
- 16.75.220 Administrator--Appointment--Powers and duties generally.
- 16.75.230 Administrator--Inspection authority.
- 16.75.240 Conflict and severability.
- 16.75.250 Violation--Penalty.
- 16.75.260 Removal of unlawful signs.

16.75.010 Intent. The intent of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the city as a place in which to live and as an attraction to non-residents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information but to prevent excessive and confusing signing displays. (Ord. 588 §2(part), 1980).

16.75.020 Definitions and abbreviations. For the purpose of this chapter, definitions as defined in Chapter 16.06 and certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section.

1. "Abandoned sign" means any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which relates to any occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event or purpose which no longer applies.
2. "Advertising vehicles" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business. Franchised buses or taxis are exempt from this chapter.
3. "Animated sign" means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere. Excluded from the definition are public service signs, changing message center signs, searchlights and flags.
4. "Bulletin board (Readerboard)" means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.
5. "Changing message center signs" means an electronically or electrically controlled sign where different automatic changing messages are shown on the same lampbank.
6. "Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended.
7. "Flashing sign" means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Excluded from the definition are public service and changing message center signs.
8. "Free-standing sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground.
9. "Garage sale signs," i.e., yard sales, moving sales, patio sales, means temporary signs used to announce a sale of used items.
10. "Grade" means the elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or the relative ground level in the immediate vicinity of the sign.

11. "Grand opening displays" mean temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

12. "Height" or "height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

13. "Landscaping" means any material used as a decorative feature, such as shrubbery or planting materials, planter boxes, concrete bases, brick work, decorative framing or pole covers, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy.

14. "Legal nonconforming sign" means a sign which (a) on the effective date of the ordinance codified in this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code but which sign does not conform to the applicable limitations established by this chapter; or (b) on or after the effective date of the ordinance codified in this chapter was lawfully maintained and erected in accordance with the provisions of this chapter but which sign, by reason of amendment of the ordinance codified in this chapter after the effective date thereof, does not conform to the applicable limitations established by the amendment of this chapter.

15. "Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

16. "Multiple building complex" means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.

17. "Multiple occupancy building" means a single structure housing more than one retail business, office or commercial venture.

18. "Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

19. "Portable (mobile) sign" means a sign made of any material, which by its design, is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building. (Also includes sidewalks or sandwich board signs.)

20. "Public service signs" means an electronically or electrically controlled public service sign or portion of a larger sign which conveys only information such as time, date, temperature, atmospheric condition or general news information where different alternating copy changes are shown on the same lamp bank matrix.

21. "Real estate or property for sale, rental, or lease sign" means any sign pertaining to the sale, lease or rental of land or buildings.

22. "Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

23. "Searchlight" means an apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.

24. "Sign" means any commercial communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

25. "Sign area" means the entire area of a sign on which copy is to be placed. Only one side of a double-faced sign shall be included. The area of painted signs, individual letter signs, and other indirectly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or nonilluminated, which are intended to attract attention.

26. "Special event signs" means temporary signs used to announce a circus, a carnival, festivals or other similar events.

27. "Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city, or other governmental agency, or nonprofit organization), searchlights, balloons or other air or gas filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Different types of temporary signs included in this category are: construction, grand opening displays, real estate, special event, political and garage sale.

28. "Wall sign" means any sign attached to or painted directly on the wall, or erected against the wall of a building being parallel or approximately parallel to said wall; and does not exceed a distance of fifteen inches from said wall. (Ord. 588 §2(part), 1980).

16.75.030 Permits and fees required. No sign permit shall be issued unless the sign installer has a valid Washington State license as a sign contractor; provided, however, that (a) an applicant may obtain a permit to install a sign on his own property without a state license; and

(b) that signs erected on property zoned open space/institutional are exempt from said requirement. (Ord. 588 §2(part), 1980).

16.75.040 Permit--Requirements. No sign governed by the provisions of this code of more than four square feet in sign area shall be erected, structurally altered or relocated by any person, firm or corporation after the date of adoption of this code without a permit issued by the city (with the exceptions as noted). No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated. (Ord. 588 §2(part), 1980).

16.75.050 Permit--Applications. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement and such other pertinent information as the administrator of this code may require to insure compliance with this code and other applicable ordinances. Permit applications shall be available for inspection by the public upon request. Upon completion of a permit application, the application shall be acted on within two weeks unless there is a requirement for further time under SEPA. (Ord. 588 §2(part), 1980).

16.75.060 Fee schedule. Fees for sign permits shall be established by resolution of the city council. (Ord. 666 §37, 1982; Ord. 588 §2(part), 1980).

16.75.070 Exemptions. The following signs do not require a sign permit (unless noted), nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance:

A. The flag, emblem or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent;

B. Memorial signs or tablets, names of buildings, stained glass windows and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches;

C. Traffic or other municipal signs, signs required by law, railroad crossing signs, legal notices and such temporary, emergency or nonadvertising signs as may be authorized by the city council;

D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones;

E. Flush mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area;

F. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses;

G. One bulletin board not over fifty square feet in sign area for each public, charitable or religious institution where the same are located on the premises of said institution. A sign permit is required;

H. Decorations: such signs in the nature of decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday;

I. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires sign permit unless a structural change is made;

J. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;

K. "No trespassing," "no dumping," "no parking," "private," signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area;

L. Wall signs, except as noted in this chapter. A sign permit is required. (Ord. 588 §2(part), 1980).

16.75.080 Prohibited signs. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner's or user's expense. The following signs or displays are prohibited:

A. Roof signs;

B. Animated signs;

- C. Flashing signs;
- D. Portable signs;
- E. Advertising vehicles;
- F. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning" or similar words;
- G. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of traffic or street sign or signal device;
- H. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way;
- I. Signs attached to utility poles;
- J. Off-premises signs as referred to in off-premises sign ordinance. (Ord. 588 §2(part), 1980).

16.75.090 Temporary signs. The following signs are classified as temporary (nonpermanent). Temporary signs are permitted subject to the applicable limitations:

A. Construction Signs. A sign permit is required. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:

1. In all zones other than single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line or closer than thirty feet from the property line of the abutting owner.

2. In single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line of the abutting owner.

B. Grand Opening Displays. No sign permit is required. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights are permitted for a period of seven days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of seven days. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations.

C. Special Event Signs. No sign permit is required.

Such temporary signs may be placed upon private property only and shall not be larger than four square feet. Said signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

D. Real Estate Signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

1. Residential "for sale" and "sold" signs: Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

2. Residential directional "open house" signs: Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he is limited to four off-premises "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area. The sign may be placed along the periphery of a public right-of-way.

3. Undeveloped commercial and industrial property "for sale or rent" signs: One sign per street frontage advertising undeveloped commercial and industrial property for sale or for rent is permitted while the property is actually for sale or rent. The sign shall not exceed thirty-two square feet in sign area (printed copy on one side only) and seven feet in height.

4. Developed commercial and industrial property "for sale or rent" signs: One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Said sign shall not exceed thirty-two square feet in sign area (printed copy on one side only).

5. Undeveloped residential property "for sale" signs: One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding

thirty-two square feet in sign area (printed copy on one side only). Said sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

E. Political Signs. No sign permit is required. Political signs or posters may be placed upon private property only and shall not be larger than ten square feet of sign area in a residential zoned district and thirty-two square feet of sign area in all other zoning districts and shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed no sooner than the next to the last Monday in July prior to an election (except for special elections which may display such signs no sooner than sixty days prior to the election) and must be removed seven days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until the final election, but shall be removed within seven days after the election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

F. Searchlights. A sign permit is required. Searchlights may be permitted by any business or enterprise for a maximum period of seven consecutive days provided the beam of the searchlight does not flash against any building or does not sweep an arch greater than forty-five percent from vertical.

G. Banners or Cloth Signs. A sign permit is required. Such signs may be permitted and extend across a public street by permission of the city manager or his appointed representative.

H. Garage Sale (Yard Sales, Moving Sales, Patio Sales). No sign permit is required. Such sign shall be limited to one sign on the premises and three off-premises signs. No such sign shall exceed four square feet in sign area. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code. (Ord. 588 §2(part), 1980).

16.75.100 Structural requirements. The structure and erection of signs within the city shall be governed by the Uniform Building Code, 1973 Edition (or any superseding edition adopted by the city). Compliance with the Uniform Building Code shall be a prerequisite to issuance of a sign permit under this code. (Ord. 588 §2(part), 1980).

16.75.110 Electrical requirements. Electrical requirements for signs within the city shall be governed by the National Electrical Code. Compliance with the National

Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code. (Ord. 588 §2(part), 1980).

16.75.120 Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. (Ord. 588 §2(part), 1980).

16.75.130 Maintenance. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the sign code administrator. The premises surrounding a free-standing sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner. (Ord. 588 §2(part), 1980).

16.75.140 Landscaping for free-standing signs. All free-standing signs shall include as part of their design landscaping about their base so as to prevent vehicles from hitting the sign and to improve the overall appearance of the installation. (Ord. 588 §2(part), 1980).

16.75.150 Inspection. All sign users shall permit the periodic inspection of their signs by the city upon city request. (Ord. 588 §2(part), 1980).

16.75.160 More restrictive provision to apply. Whenever two provisions of this code overlap or conflict with regard to the size or placement of a sign, the more restrictive provision shall apply. (Ord. 588 §2(part), 1980).

16.75.170 Buildings facing on two parallel streets. Single or multiple occupancy buildings whose premises extend through a block to face on two parallel streets with customer entrances on each street are permitted one free-standing sign per street frontage. Provided, however, that each freestanding sign is located on different street frontages and are separated more than one hundred feet measured in a straight line between the signs. (Ord. 588 §2(part), 1980).

16.75.180 District regulations. A. General. This section shall apply to all zones designated in the zoning ordinance.

B. Size and Type.

1. Nonresidential Uses Within Residential Districts. Each use is permitted one flush-mounted wall sign having a maximum sign area of twelve square feet.

2. Home Occupations. Home occupation signs relate to home occupation as defined in the zoning ordinance. The sign shall be flush-mounted and shall not exceed two square feet in area, and cannot be internally illuminated, but may be indirectly illuminated.

3. Single-family Subdivisions. One freestanding sign identifying a subdivision may be permitted per entrance from an access street to the property provided said sign does not exceed twelve and one-half square feet in sign area and five feet in height.

4. Multifamily Complex.

a. Each multifamily complex is permitted one wall sign with a maximum sign area of twelve square feet; and

b. Each multifamily complex is permitted one freestanding sign identifying the complex with a maximum sign area of six square feet and five feet in height; and

c. Each multifamily complex is permitted one freestanding sign identifying the complex per entrance from an access street to the property with a maximum sign area of six square feet and five feet in height.

5. Commercial, Industrial and Open Space/Institutional Districts.

a. Each single occupancy building not in a multiple building complex is permitted one freestanding sign, with a maximum sign area of seventy-five square feet, except as permitted for single occupancy building facing on two parallel streets.

b. Each multiple occupancy building is permitted one freestanding sign with a maximum sign area of seventy-five square feet.

c. Each multiple building complex is permitted one freestanding sign with a maximum sign area of seventy-five square feet.

d. A multiple building complex whose premises extend through a block to face on two or more arterial streets with customer entrances on two or more arterial streets is permitted one additional freestanding sign.

6. Commercial Subdivisions. Each commercial subdivision is permitted one freestanding sign, identifying the subdivision, per entrance from an arterial street to the property with a maximum sign area of six square feet and five feet in height.

C. Location. Freestanding signs may be permitted anywhere on the premises except in a required side yard or within ten feet of a street right-of-way, or within the sight triangle established by the vision clearance ordinance.

D. Height.

1. Freestanding signs shall have a maximum height of fifteen feet in the neighborhood commercial, limited business, office-commercial and open space/institutional districts unless otherwise restricted.

2. Freestanding signs shall have a maximum height of twenty feet in the general, core commercial, industrial, light industrial/commercial and mineral extraction districts unless otherwise restricted.

E. Illumination. Illumination, if used, shall be what is known as white or yellow and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.

F. Freeway-Oriented Businesses. The hearings examiner may grant a variance request for additional sign area and height for freeway-oriented freestanding signs when it is found that:

1. The sign will be located on-premises of the freeway-oriented business; and

2. The sign pertains to a regional shopping center or a freeway-oriented business which caters to the needs of the traveling consumer--food, lodging, recreation or vehicle services; and

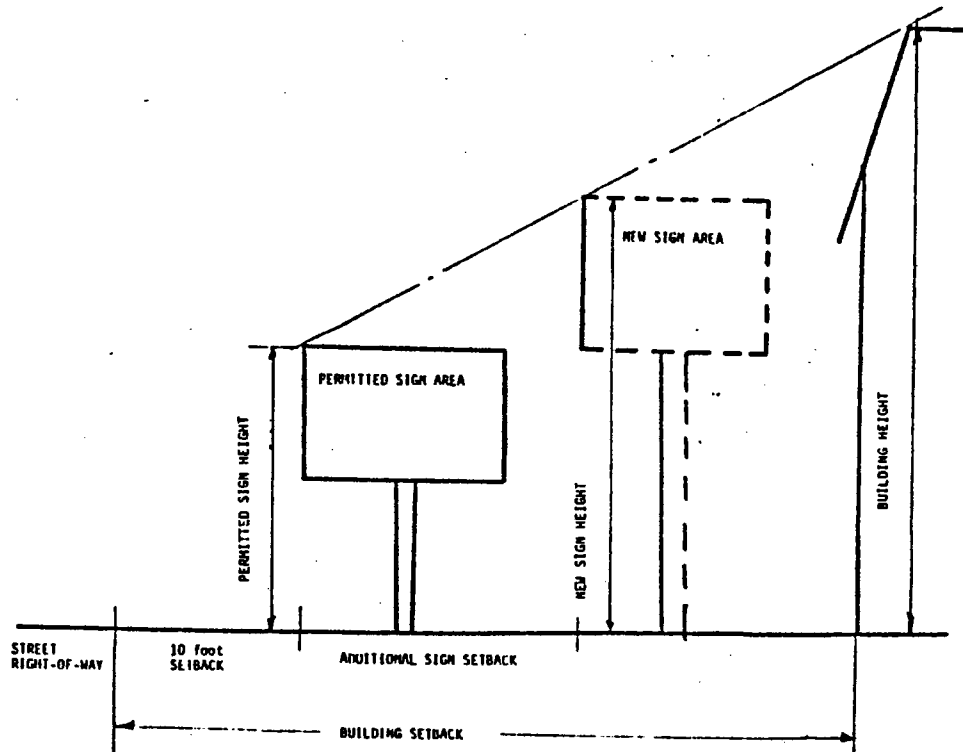
3. It shall be incumbent upon the applicant to establish the need for the additional sign area and height as being needed for freeway Interstate 5 visibility; and

4. The sign conforms to state statutes governing signs visible from freeways.

G. Additional Sign Height and Sign Area in the Commercial, Industrial and Open Space/Institutional Districts. A higher freestanding sign and a larger sign area up to a maximum of two hundred square feet is permitted based upon the following:

1. New Sign Area. The sign area may increase .5 square feet for each one lineal foot that the sign is moved closer to the building.

2. New Height of Sign. The sign height may increase to the height of the building as the sign is moved closer to the building to the height of a line drawn from the highest point of the building to the allowed sign height at the ten foot setback. (See illustration.) (Ord. 588 §2 (part), 1980).



16.75.190. Variances. Variances from provisions of this chapter may be granted by the hearings examiner in accordance with Chapter 2.40 of the Lacey Municipal Code. (Ord. 588 §2(part), 1980).

16.75.200 Legal nonconforming signs. A. Continuance. Any sign existing may be continued to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall become a legal nonconforming sign provided:

1. No such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this chapter established for signs in the district in which the sign is located; and

2. Prohibited signs, as identified in this chapter, shall have ninety days after the effective date of the ordinance codified in this chapter to be brought into conformity with this chapter, except roof signs, which shall be allowed legal nonconforming status as provided herein; and

3. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign; and

4. When a sign is structurally altered, it ceases to be a legal nonconforming sign and must conform with the provisions of this chapter.

B. By Violation of the Chapter. Any violation of this chapter shall terminate immediately the right to maintain a nonconforming sign. (Ord. 588 §2(part), 1980).

16.75.210 Termination of signs. A. By Abandonment. No persons shall maintain or permit to be maintained on any premises owned or controlled by him any sign which has been abandoned.

B. By Destruction, Damage, Obsolescence or Danger. The right to maintain any sign shall terminate and shall cease to exist whenever the sign is:

1. Damaged or destroyed beyond fifty percent. The determination whether a sign is damaged or destroyed beyond fifty percent shall rest with the code administrator and shall be based upon the actual cost of replacing said sign; and/or

2. Structurally substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger. (Ord. 588 §2(part), 1980).

16.75.220 Administrator--Appointment--Powers and duties generally. The administrator of this code shall be appointed and removed by the city manager. The administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the administrator is authorized to formulate procedures consistent with the purposes of this code. The administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this code. As used in this code, "administrator of this code" or "administrator" shall include his authorized representative. (Ord. 588 §2(part), 1980).

16.75.230 Administrator--Inspection authority. The administrator is empowered to enter or inspect any building, structure or premises in the city upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists. (Ord. 588 §2(part), 1980).

16.75.240 Conflict and severability. If any provision of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail. (Ord. 588 §2(part), 1980).

16.75.250 Violation--Penalty. A. Violation of the provisions of this code or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.

B. The erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located and maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 588 §2(part), 1980).

16.75.260 Removal of unlawful signs. A. Any unlawful sign which has not been removed within thirty days after conviction of violation or imposition of civil penalty may be removed by the city and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty days of its removal by the city, the city may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs of removal shall be paid to the owner of the sign.

B. Signs which the administrator finds upon public streets, sidewalks, right-of-way or other public property or which wheresoever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the administrator without prior notice.

Neither the city nor any of its agents shall be liable for any damage to the sign when removed under this section. (Ord. 588 §2(part), 1980).

Chapter 16.78

OFF-PREMISES SIGN REGULATIONS

Sections:

- 16.78.010 Purpose and intent.
- 16.78.020 Off-premises signs prohibited.
- 16.78.030 Nonconforming signs--Abatement.
- 16.78.040 Nonconforming signs--Removal.
- 16.78.050 Exempt signs.
- 16.78.060 Administrator--Appointment--Powers and duties generally.
- 16.78.070 Administrator--Inspection authority.
- 16.78.080 Violation--Penalty.

16.78.010 Purpose and intent. It is the purpose of these regulations to eliminate excessive and confusing sign displays which do not relate to the premises on which they are located; to eliminate hazards to pedestrians and motorists brought about by distracting sign displays; to ensure that signing is used as identification and not as advertisement; and to preserve and improve the appearance of the city as a place in which to live and work.

It is the intent of these regulations to protect an important aspect of the economic base of the city by preventing the destruction of the natural beauty and environment of the city, which is instrumental in attracting nonresidents who come to visit, trade, vacation or attend conventions; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; and to protect the public health, safety, general welfare, convenience and the enjoyment of public travel. (Ord. 589 §1(part), 1980).

16.78.020 Off-premises signs prohibited. Only those signs which are permitted in the on-premises sign ordinance shall be permitted. The following signs shall be prohibited:

- A. Any sign identifying a use, facility or service which is not located on the premises;
- B. Any sign identifying a product which is not produced, sold or manufactured on the premises;
- C. Any sign which advertises or otherwise directs attention to a product, service or activity, event, person, institution or business which may or may not be identified by a brand name and which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located. (Ord. 589 §1 (part), 1980).

16.78.030 Nonconforming signs--Abatement. A. Any sign which is nonconforming in that it does not conform to the regulations embodied in this chapter shall either be removed or brought into compliance with the chapter requirements within the period of time prescribed herein dating from the effective date of these regulations.

B. All off-premises signs must be removed within three years after the date of notification by the city of the signs nonconformity.

C. To ease the economic impact of this section on businesses with substantial investment in off-premises signs in existence after the date of notification by the city, an extension of time for removal may be granted for an additional period of up to four years in accordance with Chapter 2.40. During this period it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section.

D. Similar treatment is accorded off-premises signs in areas annexed to the city after the enactment of this section.

E. Nothing in this section shall relieve the owner or user of the off-premises sign or the owner of the property on which the sign is located from maintenance and repair of the sign; however, no such sign shall be changed in any manner that increases the noncompliance of such sign. (Ord. 589 §1(part), 1980).

16.78.040 Nonconforming signs--Removal. Any sign that is in noncompliance with the regulations of this code shall be removed prior to or upon the date designated for removal. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within ninety days following the date of nonconformance. The procedure for the removal of all nonconforming signs shall be as follows:

A. The code administrator, after proper notification, may cause the removal of any nonconforming sign and shall, at his discretion, charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the code administrator may be appealed in accordance with Chapter 2.40 of this code:

1. The permittee;
2. The owner of the sign;
3. The owner of the premises on which the sign is located;
4. The occupant of the premises on which the sign is located.

B. A sign removed by the city shall be held not less than thirty days by the city during which time it may be recovered by the owner upon payment to the city for costs of removal and storage. If not recovered prior to expiration of the thirty-day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the city and the cost of removal shall be billed to the owner.

C. Signs which the code administrator finds are located so as to present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the code administrator without prior notice.

D. Neither the city nor any of its agents shall be liable for any damage to the sign when removed under this section. (Ord. 589 §1(part), 1980).

16.78.050 Exempt signs. The following types of signs shall be exempt from the provisions of these regulations:

A. Traffic or other municipal signs, signs required by law, railroad crossing signs, legal notices and such temporary, emergency or nonadvertising signs as may be authorized by the city council;

B. Bench signs located at designated public transit bus stops;

C. Signs being manufactured, transported and/or stored within the city limits of the city shall be exempt; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage;

D. Commemorative plaques of recognized historical societies and organizations;

E. Religious symbols and identification emblems of religious orders or historical societies;

F. Signs located within malls, courts, arcades, porches, patios and similar areas where such signs are not visible from any point on the boundary of the premises;

G. Signs on vehicles regulated by the city that provide public transportation including, but not limited to buses and taxicabs;

H. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs;

I. Special event signs, real estate signs, political signs, banners or cloth signs, decorations and garage sale signs as defined in the on-premises sign regulations provided they conform to their applicable limitations;

J. The flag, emblem or insignia of a nation or other governmental unit subject to the guidelines concerning their use set forth by the government which they represent;

K. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones;

L. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;

M. "No trespassing," "no dumping," "no parking," "private," signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area;

N. Decorations: such signs in the nature of decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday. (Ord. 589 §1(part), 1980).

16.78.060 Administrator--Appointment--Powers and duties generally. The administrator of this code shall be appointed and removed by the city manager. The administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance

and with all due speed. To that end, the administrator is authorized to formulate procedures consistent with the purposes of this code. The administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this code. As used in this code, "administrator of this code" or "administrator" shall include his authorized representative. (Ord. 589 §1(part), 1980).

16.78.070 Administrator--Inspection authority. The administrator is empowered to enter or inspect any building, structure or premises in the city, upon which, or in connection with which, a sign is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists. (Ord. 589 §1(part), 1980).

16.78.080 Violation--Penalty. A. Violation of the provisions of this code or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.

B. The erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located and maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 589 §1(part), 1980).

Chapter 16.81

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.81.010 Generally.
- 16.81.020 Building permits required.

16.81.010 Generally. An enforcing officer designated by the city manager, shall administer and enforce this title. If the enforcing officer finds that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this title to insure compliance with or to prevent violation of its provisions. (Ord. 583 §2.02(A), 1980).

16.81.020 Building permits required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the enforcing officer. No building permit shall be issued by the enforcing officer unless the use:

- A. Conforms to the requirements of this title; or
- B. Has been approved by the enforcing officer, site plan review committee or the hearings examiner as a "similar or related" use as described in the several zoning districts; or
- C. Has been approved by the city council as a conditional or special use as defined in Chapter 16.66;
- D. Has been granted a variance by the hearings examiner. (Ord. 583 §2.02(B), 1980).

Chapter 16.84

SITE PLAN REVIEW

Sections:

- 16.84.010 Generally--Committee membership.
- 16.84.020 Review by the site plan review committee (SPRC).
- 16.84.030 Review by the hearings examiner.
- 16.84.040 Appeal of decision to city council.
- 16.84.050 Summary site plan.
- 16.84.060 Contents of application.
- 16.84.070 Additional information for review.
- 16.84.080 Amendment of site plan.
- 16.84.090 Performance bond.
- 16.84.100 Duration of approval.

16.84.010 Generally--Committee membership. A. Site plan review and approval shall be required prior to the use of land for the location of any commercial, industrial or public building or activity, and for the location of any building in which more than two dwelling units would be contained.

B. An application, in completed form, shall be filed for site plan review and approval with the department of public works. An application shall not be in completed form under this section if it fails to contain any of the information and material required under Section 16.84.060.

C. The site plan review committee shall consist of the following members: Lacey staff planner, who shall serve as chairman; city manager; and the city director of public works, or their designees in their temporary absence. (Ord. 583 §2.03(A)(part), 1980).

16.84.020 Review by the site plan review committee (SPRC). A. The site plan review committee (SPRC) shall have the prerogative of refusing to rule on a site plan review if in the opinion of the SPRC the site plan is sufficiently complex that it should be reviewed by the hearings examiner under the provision of Section 16.84.030. All decisions to refuse ruling and refer to the hearings examiner shall be made by the SPRC within five working days after an application in completed form is filed.

B. The SPRC shall within fifteen working days approve, disapprove, or approve with conditions any site plan submitted to it and accepted for review. The action taken by the SPRC will be submitted to the building official for subsequent action on the building permit application. Failure to act within the specified period shall constitute approval of the site plan and the applicant shall be entitled to apply for a building permit. Any time required to develop and review an Environmental Impact Statement as required under the provisions of SEPA shall not be counted under the time constraints of this section.

The SPRC shall review a site plan and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances including the Lacey Shoreline Master Program. Whenever the SPRC disapproves a site plan, it shall set forth in writing its findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.

C. The decision of the SPRC shall be final unless appealed to the hearings examiner by the applicant, a person who believes that they have been negatively impacted by the SPRC decision, the planning commission, a city department, or other public agency by filing a written notice of appeal with the planning department within fifteen days after the date of the decision being appealed. (Ord. 583 §2.03(A)(1), 1980).

16.84.030 Review by the hearings examiner. The land use hearings examiner shall, in accordance with Chapter 2.30, review site plan applications referred or appealed to the examiner and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various plans and ordinances including the Lacey Shoreline Master Program. Similarly, the examiner shall disapprove site plans which do not conform to such standards, provisions and policies. (Ord. 583 §2.03(A)(2), 1980).

16.84.040 Appeal of decision to city council. A. Appeals of all site plan review decisions of the land use hearings examiner may be taken to the city council in accordance with Section 2.30.160 of the Lacey Municipal Code.

The city council shall, in accordance with Sections 2.30.170 and 2.30.180 of the Lacey Municipal Code, review a site plan and approve or approve with conditions if it finds the site plan conforms to the standards, provisions and policies of the city as expressed in its various plans and ordinances including the Lacey Shoreline Master Program. Similarly, the city council shall disapprove a site plan which it finds does not conform to such standards, provisions and policies.

B. The city council shall not approve or disapprove a site plan different from that approved or disapproved by the hearings examiner. The intent of this section is to insure that the city council and the hearings examiner make decisions based on the same set of plans. If the city council receives a site plan different from that considered by the hearings examiner or by the SPRC, the site plan shall be referred to the hearings examiner or SPRC for further consideration. (Ord. 583 §2.03(B), 1980).

16.84.050 Summary site plan. Prior to applying for site plan review, a developer may file with the SPRC a summary site plan, which shall contain in a rough and approximate manner all of the information required in the site plan application. The purpose of the summary site plan is to enable a developer filing the plan to obtain the advice of the SPRC as to the applicability of the intent, standards and provisions of this chapter to the plan. After the filing of a summary site plan, the SPRC shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter. (Ord. 583 §2.03(C), 1980).

16.84.060 Contents of application. Each application for site plan review shall contain the following information in clear and intelligible form:

A. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

B. The proposed use or uses of the land and buildings;

C. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:

1. The location of all existing and proposed structures, including, but not limited to, buildings, fences,

- culverts, bridges, roads and streets on the subject property,
2. The boundaries of the property proposed to be developed,
 3. All proposed and existing buildings and setback lines,
 4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations and general types of landscaping,
 5. All existing and proposed easements,
 6. The locations of all existing and proposed utility structures and lines,
 7. The storm water drainage systems for existing and proposed structures,
 8. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads,
 9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,
 10. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload,
 11. Location and area, in square feet, of all signs;
- D. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet, and which locate existing lakes, streams and forested areas;
- E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;
- F. All special districts, including, but not limited to fire, school and water districts, in which the proposed development shall be located and all such districts within three hundred feet of the proposed development;
- G. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots, or any other structure covering land; and the total amount of square feet in the entire proposed development site;
- H. The proposed number of dwelling units and number of bedrooms in the development;
- I. The proposed number of square feet in gross floor area for each commercial and industrial use;
- J. A description of each proposed commercial and industrial use;
- K. The written recommendations of the health department, the building department, engineering department and fire department as to any portion of the site plan application covering areas within their respective jurisdictions. (Ord. 583 §2.03(D), 1980).

16.84.070 Additional information for review. The SPRC, hearings examiner or city council may require the applicant to submit any additional information or material which it finds is necessary for the proper review and hearing of the application. (Ord. 583 §2.03(E), 1980).

16.84.080 Amendment of site plan. A site plan granted approval by the SPRC, hearings examiner or by the city council may be amended by the same procedures provided under this title for original site plan approval. (Ord. 583 §2.03(F), 1980).

16.84.090 Performance bond. It may be required as a condition of approval of a site plan that the applicant furnish a performance bond to the city to secure the applicant's obligation to complete the provisions and conditions of the site plan as approved. (Ord. 583 §2.03(G), 1980).

16.84.100 Duration of approval. A. 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.

B. 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.

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 planning department prior to expiration of site plan approval. (Ord. 691 §42, 1984).

Chapter 16.87CONDITIONAL USE AND SPECIAL USE PERMITSSections:

- 16.87.010 When granted.
- 16.87.020 Application form.
- 16.87.030 Public hearing.
- 16.87.040 Notice of public hearing.
- 16.87.050 Action by hearings examiner.
- 16.87.060 Consideration by city council.
- 16.87.070 Action by city council.

16.87.010 When granted. A conditional use or special use permit may be granted by the city council, after public hearing and review, for those uses requiring such permits as provided for in this title. (Ord. 583 §2.06(A)(part), 1980).

16.87.020 Application form. A written application for a conditional or special use permit shall be submitted to the planning department on forms as prescribed by the planning department, and shall include such information as requested thereon. No application shall be accepted unless it complies with such requirements. (Ord. 583 §2.06(A)(1), 1980).

16.87.030 Public hearing. At least one public hearing on any proposed conditional or special use permit shall be held by the hearings examiner. (Ord. 583 §2.06(A)(2), 1980).

16.87.040 Notice of public hearing. Notice of public hearing shall be the same as in Chapter 16.96 of this title. (Ord. 583 §2.06(A)(3), 1980).

16.87.050 Action by hearings examiner. In reviewing a conditional or special use permit, the hearings examiner shall impose all requirements for such use, as prescribed in this title and other conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. The hearings examiner shall recommend a time limit within which action for which the conditional or special use is required shall be begun or completed, or both. (Ord. 583 §2.06(A)(4), 1980).

16.87.060 Consideration by city council. The hearings examiner's recommendation shall be presented for city council consideration in open public meeting no sooner than ten nor longer than twenty working days from the date a decision constituting a recommendation is rendered. The city council shall consider the matter based upon the written record before the examiner, the examiner's decision, and any written comments received by the city before closure of city offices on a date three days prior to the date set for consideration by the city council; provided, that the city council may publicly request additional specific information from the applicant, the examiner, or city or county departments; and, provided further, if the city council determines that further testimony or argument other than such specific information requested is necessary prior to action by such body, the matter shall either be returned to the examiner or a public hearing shall be scheduled before the city council for the receipt of such testimony or argument. (Ord. 583 §2.06(A)(5), 1980).

16.87.070 Action by city council. The city council may accept, modify or reject the examiner's decision, or any findings or conclusions therein, or may remand the decision to the examiner for further hearing. A decision by the city council to modify, reject or remand shall be supported by findings and conclusions.

The action of the city council in approving or rejecting a decision of the examiner shall be final and conclusive unless within thirty days from the date of such action an aggrieved party obtains a writ of certiorari from the Thurston County Superior Court for the purpose of review of the action taken; provided, that appeals from a decision to grant, deny or rescind a shoreline permit shall be governed by the provisions of RCW Chapter 90.58. (Ord. 583 §2.06(A)(6), 1980).

Chapter 16.90VARIANCESSections:

- 16.90.010 When granted.
 16.90.020 Front and rear yard setback variance.

16.90.010 When granted. If because of special circumstances applicable to subject property due to size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification, the hearing examiner may grant a variance in accordance with the provisions for variances in Chapter 2.40 of the Lacey Municipal Code. (Ord. 583 §2.07(A), 1980).

16.90.020 Front and rear yard setback variance. The enforcing officer may grant a modification of up to ten (10) percent 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. (Ord. 691 §43, 1984).

Chapter 16.93NONCONFORMING USESSections:

- 16.93.010 Intent.
 16.93.012 Nonconforming structures.
 16.93.014 Nonconforming uses.
 16.93.016 Nonconforming--Prior construction.
 16.93.020 Nonconforming lots of record.
 16.93.030 Abandonment or discontinuance.

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. (Ord. 691 §45, 1984).

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. (Ord. 691 §46, 1984).

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. (Ord. 691 §47, 1984).

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. (Ord. 691 §48, 1984).

16.93.020 Nonconforming lots of record. A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record prior to the date of adoption of the ordinance codified in this title, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

B. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the hearings examiner.

C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record prior to the date of adoption of the ordinance codified in this title, and if all or part of the

lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (Ord. 583 §2.08(B), 1980).

16.93.030 Abandonment or discontinuance. A nonconforming use shall be deemed abandoned by discontinuance or abandonment for a period of eighteen months, and any subsequent future use of such land of buildings shall be in conformity with the provisions of this title. (Ord. 583 §2.08(C), 1980).

Chapter 16.96

AMENDMENTS AND REZONES

Sections:

- 16.96.010 Amendments in land use cases.
- 16.96.020 Amendments of general application.

16.96.010 Amendments in land use cases. Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended in conjunction with individual land use applications in accordance with the following procedures:

A. Amendments--Initiation. Amendments of the test of this title or the zoning map may be initiated in such cases by:

1. A verified application of one or more owners of property which is proposed to be reclassified, filed with the planning department; or

2. The adoption of a motion by the city council requesting the hearings examiner or planning commission to set the matter for hearing and recommendation.

B. Amendments or Rezones--Application Forms. The planning department shall prescribe the forms to be used for amendments or rezones. The planning department may prepare and provide blanks for such purposes and prescribe the type of information to be provided. No application shall be accepted unless it complies with such requirements.

C. Amendments and Rezones--Public Hearings. At least one public hearing on any such proposed amendment or rezone shall be held by the hearings examiner or planning commission as required by Chapter 2.30 of this code.

D. Amendments and Rezones--Notice of Public Hearing. Notice of public hearing shall be published in a newspaper of general circulation in the city and by written notice, addressed through the United States mail, to all property owners as recorded in the Thurston County assessor's office, within 300 feet of the subject property, at least ten days before hearing. In addition, at least 10 days prior to the hearing, notice of said hearing shall be posted in the following places: on the property, at a public street intersection near the property and at city hall.

E. Amendments--Reference to City Council. The hearings examiner or planning commission's recommendation shall be presented for city council consideration in accordance with Chapter 2.30 of this code. (Ord. 618 §12, 1981).

16.96.020 Amendments of general application. Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended

in those instances not involving individual land use applications after recommendation by the planning commission to the city council. At least one public hearing on any such proposed amendment shall be held by the planning commission. (Ord. 618 §13, 1981).

Chapter 16.99

FEES

Sections:

16.99.010 Designated.

16.99.010 Designated. The fees to be paid upon the filing of a petition or application shall be established by resolution of the city council and such fees shall not be refundable for any reason. Until all fees have been paid in full, no action shall be taken on the petition or application. (Ord. 666 §38, 1982: Ord. 583 §230(A), 1980).

Chapter 16.102

VIOLATIONS

Sections:

- 16.102.010 Violation deemed misdemeanor.
- 16.102.020 Liability for violation.
- 16.102.030 Remedy.

16.102.010 Violation deemed misdemeanor. Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense. (Ord. 583 §2.32(A)(1), 1980).

16.102.020 Liability for violation. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 583 §2.32(A)(2), 1980).

16.102.030 Remedy. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 583 §2.32(A)(3), 1980).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Title 16 of the Lacey Municipal Code as originally adopted after public hearings and the recommendation of the City's Planning Commission and further amended by ordinances of this Council only after public hearing and recommendation of the Planning Commission. It is further the intent of the City Council that the time period prescribed by Section 16.78.030 of said Title within which off premises signs are to be brought into compliance with the requirements of Chapter 16.78 by removal, shall run from the intended effective date of said Ordinance 589, to wit: September 22, 1980, and the date of notification by the City of the signs nonconformity which notification followed the passage of Ordinance 589.

Section 3. The zoning map referred to in Section 16.09.020 of said Title is readopted by this ordinance to include all entries made upon said map pursuant to amendment of said zoning map by action of the City Council since the adoption of Title 16 of the Lacey Municipal Code, and the City Clerk shall certify by

separate statement the "Zoning Map--City of Lacey" as so amended as the zoning map referred to in this readopting ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON this 28th day of March, 1985.

Attest

CITY COUNCIL

Timothy McGuire

City Clerk

By

MOB Row

Mayor

Approved as to form:

[Signature]

City Attorney

Posted: March 29, 1985

That certain map entitled "Zoning Map--City of Lacey" and identified by the approving signatures of the Mayor and City Clerk, as amended by entry thereon after proper action by the City Council, is certified to be the map referred to in Ordinance No. 745 which ordinance readopts Title 16 of the Lacey Municipal Code and which map is attached to this certification.


TIMOTHY MOQUIRE
City Clerk

OFFICIAL
ZONING MAP

CITY OF

LACEY

SCALE IN FEET

SEPTEMBER 1967
JULY 21, 1980
APRIL 1981

Readopted March 14, 1985

Madison
Mayor of Lacey Date
Tommy McQuinn
Lacey City Clerk Date

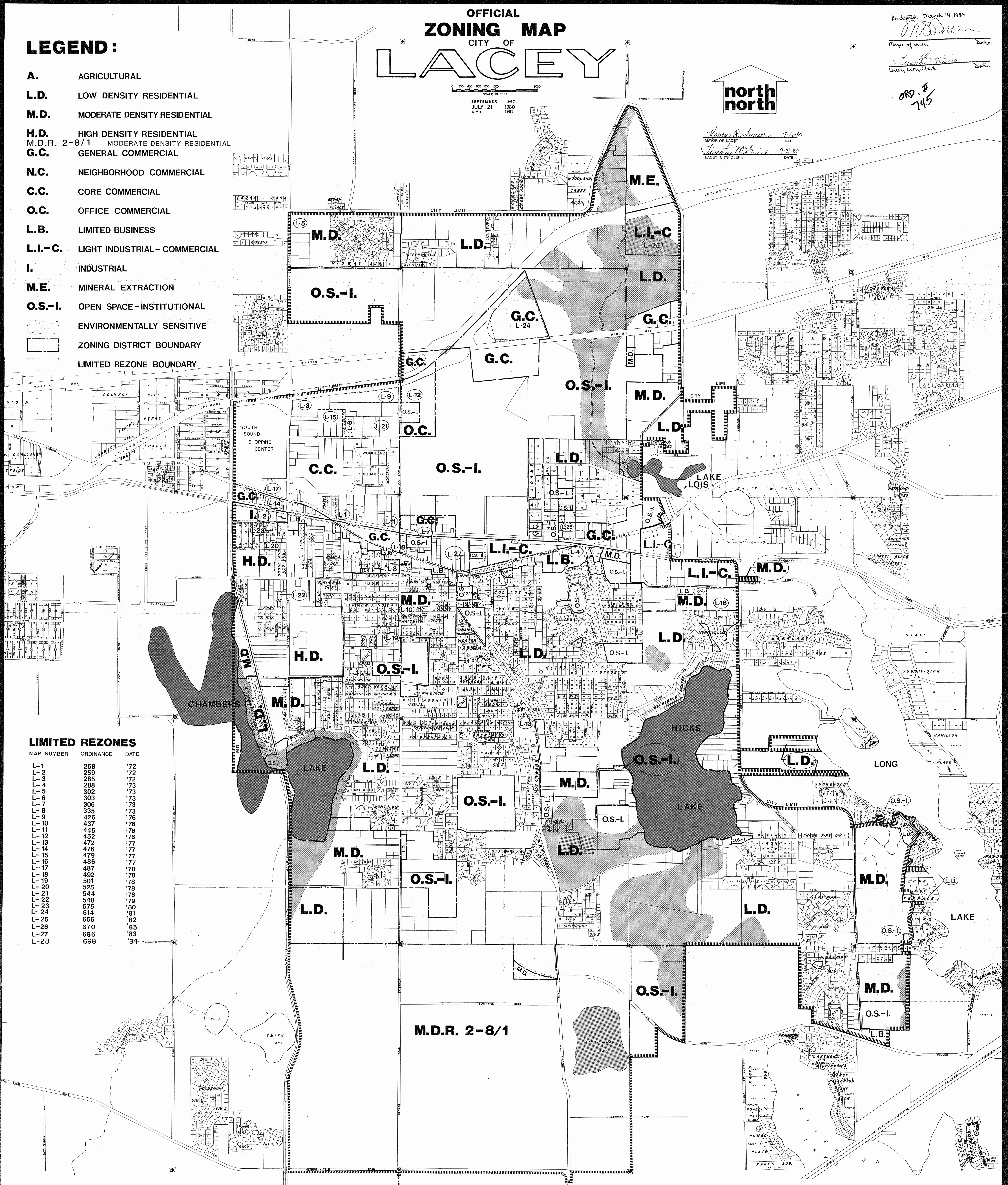
ORD. #
745

north
north

Karen R. Jones 7-21-80
MAYOR OF LACEY DATE
Tommy McQuinn 7-21-80
LACEY CITY CLERK DATE

LEGEND:

- A. AGRICULTURAL
- L.D. LOW DENSITY RESIDENTIAL
- M.D. MODERATE DENSITY RESIDENTIAL
- H.D. HIGH DENSITY RESIDENTIAL
- M.D.R. 2-8/1 MODERATE DENSITY RESIDENTIAL
- G.C. GENERAL COMMERCIAL
- N.C. NEIGHBORHOOD COMMERCIAL
- C.C. CORE COMMERCIAL
- O.C. OFFICE COMMERCIAL
- L.B. LIMITED BUSINESS
- L.I.-C. LIGHT INDUSTRIAL-COMMERCIAL
- I. INDUSTRIAL
- M.E. MINERAL EXTRACTION
- O.S.-I. OPEN SPACE-INSTITUTIONAL
- ENVIRONMENTALLY SENSITIVE
- ZONING DISTRICT BOUNDARY
- LIMITED REZONE BOUNDARY



LIMITED REZONES

MAP NUMBER	ORDINANCE	DATE
L-1	258	'72
L-2	259	'72
L-3	285	'72
L-4	288	'73
L-5	302	'73
L-6	303	'73
L-7	306	'73
L-8	335	'73
L-9	426	'76
L-10	437	'76
L-11	445	'76
L-12	452	'76
L-13	472	'77
L-14	476	'77
L-15	479	'77
L-16	486	'77
L-17	487	'78
L-18	492	'78
L-19	501	'78
L-20	525	'78
L-21	544	'78
L-22	548	'79
L-23	575	'80
L-24	614	'81
L-25	656	'82
L-26	670	'83
L-27	686	'83
L-28	698	'84