

ORDINANCE 769
CITY OF LACEY

AN ORDINANCE ADDING NEW ZONING DISTRICTS TO ZONING CODE OF THE CITY, AMENDING THE ZONING CODE OF THE CITY ADOPTED BY ORDINANCES 583 AND 745, AND AMENDING ORDINANCES 715 AND 750 AS THEY RELATE TO ZONING.

WHEREAS, the City Council, after hearings and recommendation, adopted by Resolution 597 the Extraterritorial Planning Element of the Lacey Comprehensive Plan for the Lacey Environs Area, and it is necessary in order to carry out the goals and policies of said planning element that certain new zoning districts and zoning ordinance amendments be added to and made a part of the zoning code of the City of Lacey, and

WHEREAS, the Planning Commission has reviewed after public hearing and recommended to the City Council the new zoning districts contained herein and the zoning ordinance amendments pertaining to the property described by the attached exhibits, and

WHEREAS, it is the intent of the City Council that upon annexation of the area covered by said Extraterritorial Planning Element for the Lacey Environs Area, the land use in the area shall be governed by said element and will have designated zoning districts and regulations in accordance with the chapters adopted by this ordinance, and

WHEREAS, the said Extraterritorial Planning Element for the Lacey Environs Area contains goals and policies and land use and circulation recommendations pertaining to area now inside the city limits due to recent annexations, and

WHEREAS, the zoning districts adopted by this ordinance will be in effect throughout the City and may be applied in such areas as shall be determined by further official action when said action is in compliance with the City's comprehensive plan, now, therefore,

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

Section 1. There is hereby added to the Lacey Municipal Code, Chapters 16.13 and 16.16 all to read as follows, provided, however, that the section number and title listing at the beginning of each of said

chapters are printed for illustrative purposes only and shall not be considered as part of the adopting ordinance.

Section 2. The zoning ordinance adopted by Ordinances 583 and 745 of the City of Lacey and Ordinances 715 and 750 as they relate to zoning is hereby amended to change that certain land area described on Exhibit B from zone district Moderate Density Residential 2-8/1 to zone district Community Commercial.

Section 3. The zoning ordinance adopted by Ordinances 583 and 745 of the City of Lacey and Ordinances 715 and 750 as they relate to zoning is hereby amended to change that certain land area described on Exhibit C from zone district Moderate Density Residential 2-8/1 to zone district Limited Business.

Section 4. The zoning ordinance adopted by Ordinances 583 and 745 of the City of Lacey and Ordinances 715 and 750 as they relate to zoning is hereby amended to change that certain land area described on Exhibit D from zone district Moderate Density Residential 2-8/1 to zone district Medium Density Residential 2-8/1.

CHAPTER 16.13

LOW DENSITY RESIDENTIAL 2-4/1

Sections:

- 16.13.010 Intent
- 16.13.020 Permitted Uses
- 16.13.030 Prohibited Uses
- 16.13.035 Density
- 16.13.040 Environmental Performance Standards
- 16.13.050 Lot Area
- 16.13.060 Off-Street Parking
- 16.13.070 Landscaping
- 16.13.080 Stormwater Runoff

16.13.010 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 of low density.
- B. 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; or (3) where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable.
- C. 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.
- D. Guide development in such a manner as to provide protection between noncompatible uses.

16.13.020 Permitted Uses.

- A. Specific types permitted in the Low Density Residential District:
 - 1. Single-family structures on individual lots not exceeding four (4) dwelling units per net acre.
 - 2. 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.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of 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.

16.13.030 Prohibited Uses. Uses other than those identified or described in Section 16.13.020 are prohibited.

16.13.035 Density. Density exceeding two (2) units per acre is only permitted with connection to public sewer.

16.13.040 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 on (1) for each half (1/2) acre of lot area, and not more than twenty (20) 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 (35) 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.

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

- A. Minimum lot area, five thousand (5,000) square feet**
- B. Minimum lot width, fifty (50) feet
- C. Minimum front yard:
 - On minor street, twenty-five (25) feet
 - On major street, thirty-five (35) feet
 - On flanking streets, fifteen (15) feet
- D. Minimum side yards:
 - Minimum on one side, five (5) feet
 - Minimum total -- both sides, twelve (12) feet
- E. Minimum rear yard, twenty-five (25) feet
- F. Maximum building area coverage, thirty percent (30%)
- G. Maximum developmental coverage, forty-five percent (45%)
- H. Maximum height:
 - Main building, thirty-five (35) feet
 - Accessory building, sixteen (16) feet
- 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, twenty-five (25) feet
 - Side yard: One side, five (5) feet
 - Total both sides, twelve (12) feet
 - Rear yard, five (5) feet

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

16.13.060. Off-Street Parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title.

16.13.070 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.

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

CHAPTER 16.16

MEDIUM DENSITY RESIDENTIAL 2-8/1

Sections:

- 16.16.010 Intent
- 16.16.020 Permitted Uses
- 16.16.030 Prohibited Uses
- 16.16.035 Density
- 16.16.040 Environmental Performance Standards
- 16.16.050 Lot Area
- 16.16.060 Off-Street Parking
- 16.16.070 Landscaping
- 16.16.080 Stormwater Runoff

16.16.010 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 medium density.
- B. 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; or (3) where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable.
- C. Permit a higher density of development as a means of achieving more economical housing.
- 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.
- E. Permit a mix of single-family and multifamily residential development which will not result in further deterioration of environmentally sensitive bodies of water.
- F. Guide development in such a manner as to provide protection between noncompatible uses.

16.16.020 Permitted Uses.

- A. Specific types permitted in the Medium Density Residential District:
 - 1. Any residential use not exceeding eight (8) dwelling units per net acre.

2. Duplexes and other multifamily housing types provided they do not exceed the density requirements of this district and comply with the setback requirements of this section.
3. Single-family structures on individual lots.
4. Planned residential development in which the dwelling unit density does not exceed the density of this district except for the density bonus permitted in PRD developments.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of 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.

16.16.030 Prohibited Uses. Uses other than those identified or described in Section 16.16.020 are prohibited.

16.16.035 Density. Density exceeding two (2) units per acre is only permitted with connection to public sewer.

16.16.040 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.F. 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 (1) for each half (1/2) acre of lot area, and not more than twenty (20) 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 (35) feet from all property lines.

C ~~B~~. Special uses shall comply with the developmental standards described for such uses in Chapter 16.66 of this title.

D ~~E~~. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title.

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

A. Minimum lot area, five thousand (5,000) square feet for single-family**

B. Minimum lot width, fifty (50) feet

C. Minimum front yard:

On minor street, twenty-five (25) feet
On major street, thirty-five (35) feet
On flanking streets, fifteen (15) feet.

D. Minimum side yards:

Minimum on one side, eight (8) feet
Minimum total -- both sides, sixteen (16) feet

E. Minimum rear yard, twenty-five (25) feet

F. Maximum building area coverage, forty percent (40%)

G. Maximum development coverage, sixty percent (60%)

H. Maximum height:

Main building, thirty-five (35) feet
Accessory building, sixteen (16) feet

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, twenty-five (25) feet
Side yard: One side, five (5) feet
Total both sides, twelve (12) feet
Rear yard, five (5) feet

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

16.16.060 Off-Street Parking. Off-street parking shall be provided in accordance with Chapter 16.72 of this title.

16.16.070 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.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 27th day of February, 1986.

CITY COUNCIL

By *Mr Brown*
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: 3-5-86
Posted: -

ec/54

EXHIBIT A

The Southeast quarter of Section 32, Township 18 North, Range 1 West, W.M.,
excepting all lands westerly of the east right-of-way line conveyed to
Weyerhaeuser Timber Company as recorded in Volume 124 of Deeds, page 100.

24/cd02

EXHIBIT B

Legal Description:

The South 799.17 feet of the West One-Third of the Southwest Quarter of Section 33, Township 18 North, Range 1 West, W.M., EXCEPTING THEREFROM the South 30 feet for county road known as Olympia-Yelm Road; AND EXCEPT the West 30 feet for county road known as College Way S.E. as conveyed to Thurston County by instrument recorded June 15, 1966, under Auditor's File No. 741245.

25/cd02

EXHIBIT C

The West 292.00 feet of lots 1 and 2 and all of lot 3 of Short Subdivision No. 1362 as recorded in Volume 14 of Short Plats at Page 200, Records of Thurston County, WA.

Also that part of Section 33, Township 18 North, Range 1 West, W.M., described as follows:

Beginning at the SE corner of said lot 3; thence S $88^{\circ}14'13''$ E along the South line of said Section 33, 90.00 feet; thence N $3^{\circ}23'47''$ E, 100.00 feet; thence N $88^{\circ}14'13''$ W, 90.00 feet, thence S $3^{\circ}23'47''$ E, 100.00 feet to the P.O.B.

26/cd02

EXHIBIT D

That portion of Section 32, Township 18 North, Range 1 West, W.M., lying easterly of the Chehalis Western and Weyerhauser Timber Company Railroad; and,

All of Section 33, Township 18 North, Range 1 West, W.M., Excepting therefrom that portion annexed by City of Lacey Ordinance #564 and recorded in Vol. 996, Pg. 12, records of Thurston County Auditor; and,

The West 35.00 feet of the North 1320 feet, more or less, of the Northwest 1/4 of Section 34, Township 18 North, Range 1 West, W.M.; and,

The West quarter of the Southwest quarter of the Southwest quarter and the South 20 feet of the West quarter of the Northwest quarter of the Southwest quarter, Section 34, Township 18 North, Range 1 West, W.M.; and,

Excepting those properties described in exhibits A, B & C of this Ordinance.

27/cd02