

ORDINANCE NO. 931

AN ORDINANCE RELATING TO HOUSING FOR PEOPLE WITH FUNCTIONAL DISABILITIES, ADDING DEFINITIONAL SECTIONS, REPEALING SECTION 16.66.060 AND AMENDING SECTIONS 16.10.020, 16.11.020, 16.12.020, 16.13.020, 16.15.020, 16.16.020, 16.18.020, 16.21.020 AND 16.66.020.

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

Section 1: Purpose

The purpose of this ordinance is to recognize that housing facilities for special needs populations are protected under the provisions of the Federal Fair Housing Amendments Act of 1988 and that the location of such facilities within the city of Lacey is critical to the well being of special needs members of the community and fulfills a needed community service. It is further the purpose of this ordinance to allow housing for people with functional disabilities as defined herein, to be located within all residential zones of the city so long as such housing meets the regulations of the zoning district in which they are located, including, but not limited to, yard and setback requirements, lot coverage and parking.

Section 2: The following definitional sections are hereby added to Chapter 16.06 of the Lacey Municipal Code:

"16.06.382 Housing for people with functional disabilities.
"Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities.
The term includes, but is not limited to, Adult Family Homes,

Residential Care Facilities and housing for any Supported Living Arrangement, as herein defined."

"16.06.628 People with functional disabilities. "People with functional disabilities" means:

1. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
 - A. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - B. Needing support to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - C. Having a physical or mental impairment which substantially limits one or more of such person's major life activities, or
 - D. Having a record of having such an impairment, or
2. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance."

"16.06.095 Adult family home. "Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the

Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010)."

"16.06.678 Residential care facility. "Residential care facility" means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an Adult Family Home pursuant to RCW 70.128.17. These facilities include, but are not limited to: Boarding Homes as licensed by RCW 18.20.010 in accordance with WAC 248-16, Residential Treatment Facility for Psychiatrically Impaired Children and Youth in accordance with RCW 17.12 and WAC 248-23-001(32), Adult Residential Rehabilitation Center in accordance with RCW 71.12 and WAC 248-25-002(3), Private Adult Treatment Home in accordance with RCW 71.12 and WAC 248-25-002(28), Alcoholism Treatment Facility in accordance with RCW 71.12 and WAC 248-26-10(6), Congregate Care Facility in accordance with RCW 71.12, RCW 18.20, RCW 74.08.044 and WAC 388-15-60, Evaluation and Treatment Facility in accordance with RCW 71.34.020(6), Group Training Home in accordance with RCW 71A.22.020(2), Group Care Facility in accordance with RCW 74.15.010(3)(a) and Foster Family Homes in accordance with RCW 74.15.010(3)(e)."

"16.06.742 Supported living arrangement. "Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living,

and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance."

Section 3: Section 16.10.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"A. Specific types permitted in the rural residential--1 dwelling unit per acre district:

1. Single-family structures on individual lots at one dwelling unit per net acre;
2. Planned residential developments as provided in Chapter 16.60*i*;
3. Housing for people with functional disabilities."

Section 4: Section 16.11.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"A. Specific types permitted in the rural residential--2 dwelling units per acre district:

1. Single-family structures on individual lots at approximately two dwelling units per net acre;
2. Planned residential developments as provided in Chapter 16.60*i*;
3. Housing for people with functional disabilities."

Section 5: Section 16.12.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"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. Housing for people with functional disabilities."

Section 6: Section 16.13.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

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

1. Single-family structures on individual lots not exceeding four 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;

3. Housing for people with functional disabilities."

Section 7: Section 16.15.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"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;

6. Housing for people with functional disabilities."

Section 8: Section 16.16.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"A. Specific types permitted in the Medium-Density Residential district:

1. Any residential use not exceeding 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. Housing for people with functional disabilities."

Section 9: Section 16.18.020(A) of the Lacey Municipal Code is hereby amended to read as follows:

"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 types 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;

5. Housing for people with functional disabilities."

Section 10: Section 16.21.0²20(A) of the Lacey Municipal Code is hereby amended to read as follows:

"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;

3. Housing for people with functional disabilities."

Section 11: Section 16.66.020(A) of the Lacey Municipal Code is hereby amended to read 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-physi-
cally-or-mentally-disable-persons)-are-provided-in-Section
16.66.060,~~

5 4. Nursing homes; convalescent care facilities, and

6 5. Cemeteries;"

Section 12: Section 16.66.060 of the Lacey Municipal Code is hereby repealed.

Section 13: The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 26th day of March, 1992.

CITY COUNCIL

By Gene Carque Fiddell
Mayor

Attest:

Charlotte M. Taylor
City Clerk
Approved as to form.

[Signature]
City Attorney

Published Tuesday - March 31, 1992
Summary

SUMMARY FOR PUBLICATION
ORDINANCE 931

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on March 26, 1992, Ordinance No. 931 entitled "AN ORDINANCE RELATING TO HOUSING FOR PEOPLE WITH FUNCTIONAL DISABILITIES, ADDING DEFINITIONAL SECTIONS, REPEALING SECTION 16.66.060 AND AMENDING SECTIONS 16.10.020, 16.11.020, 16.12.020, 16.13.020, 16.15.020, 16.16.020, 16.18.020, 16.21.020 AND 16.66.020."

A section by section summary of this ordinance is as follows:

Section 1 declares that the purpose of the ordinance is to allow housing for people with functional disabilities to be located within all residential zones of the city. Such housing within the terms of the ordinance includes adult family homes, residential care facilities for not more than 15 people and supported living arrangements as described in the ordinance.

Section 2 adds definitions to the zoning code of the city to define the terms "Housing for people with function disabilities," "People with functional disabilities," "Adult family home," "Residential care facility" and "Supported living arrangement."

Sections 3 through 12 amend various existing sections of the Code so that housing for people with functional disabilities are specifically allowed in each of the residential districts and eliminating the necessity for the granting of a special use permit for such facilities.

Section 13 approves this summary.

A copy of the full text of this ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published March 31, 1992.