ORDINANCE NO. 1480

CITY OF LACEY

AN ORDINANCE RELATING TO PLANNING, ZONING, AND LAND USE REGULATIONS WITHIN THE CITY, AMENDING SECTIONS 14.23.074, 15.06.060, 15.06.090, 15.10.200, 15.10.210, 15.10.240, 16.06.532, 16.12.050, 16.13.050, 16.15.020, 16.15.050, 16.18.020, 16.18.040, 16.25.090, 16.37.020, 16.37.030, 16.37.040, 16.37.070, 16.40.030, 16.40.050, 16.40.052, 16.80.080 AND TABLE 15T-03, ADDING SECTIONS 16.03.065 AND 16.03.070, REPEALING SECTIONS 9.20.050, 16.80.110 AND TABLES 16T-19 AND 16T-73 THROUGH 16T-82, ADDING NEW TABLES 16T-19 AND 16T-73 THROUGH 16T-82, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the 2014/2015 Planning Commission Work Program identified zoning code updates as an on-going work item, and

WHEREAS, after review of the Hawks Prairie Business District zoning, the 1992 Northeast Subarea Element, and working on the Gateway Town Center master proposal, the Community Development Department has identified amendments to Lacey Municipal Code 16.37, Hawks Prairie Business District for consideration, and

WHEREAS, an application has been made requesting an amendment to portions of Chapter 16.40 of the Lacey Municipal Code which sets forth the regulations regarding the City's Light Industrial Zoning District, and

WHEREAS, the Community Development Department has proposed several "housekeeping" amendments to clarify policy intent, correct irregularities in the code, and refine concepts, and

WHEREAS, the Planning Commission has reviewed all of the said proposed amendments and conducted a public hearing on September 1, 2015, and

WHEREAS, after said public hearing and consideration of public comments and recommendations from the planning staff, the Planning Commission has recommended to the City Council adoption of an ordinance amending several sections of the Lacey Municipal Code, and

WHEREAS, the City Council finds that the adoption of said amendments will be in the public interest, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 9.20.050 of the Lacey Municipal Code is hereby repealed.

Section 2. Section 14.23.074 of the Lacey Municipal Code is hereby amended to read as follows:

14.23.074 Design Criteria For Lacey Villas Historical Neighborhood.
To recognize and preserve the historical values and neighborhood character of the Lacey Villas area, special development standards are necessary. These standards should allow reasonable infill while maintaining the older neighborhood historical characteristics, including large lot sizes and single family traditional housing styles.

A. Each lot may have one single family detached structure and one accessory dwelling unit that meets the design criteria of LMC 14.23.071. Home occupations meeting requirements of Chapter 16.69 LMC and uses as listed in Chapter 16.24 LMC in chart 16.24.020(1) may also be permitted. (See *Table 16T-06.2.*)

B. Minimum lot size shall be 17,424 square feet.

C. Maximum Density shall be 2 1/2 units per acre.

D. A neotraditional, single family detached housing style is required, with the following features:

1. A usable front porch;
2. A focused, predominant entryway;
3. An alternative garage style, including a detached or recessed garage; ~~see design requirement LMC 14.23.072(A)(5);~~
4. A pitched roof with architectural interest; dormers, chimneys and roof breaks recommended;
5. Horizontal lap siding shall be used on the front, back and all sides.

E. Minimum setbacks shall be as follows:
   1. Front yard, 15 feet;
   2. Side yard, minimum 5 feet each side;
   3. Rear yard:
      a. Main house, 15 feet;
      b. Accessory structures or accessory dwelling units, 5 feet.

F. Narrow local access streets with no sidewalks, typical of existing streets, are permitted.

G. If street lights are used, they shall be of decorative design and pedestrian scale (12-18 ft. in height).

Section 3. Section 15.06.060 of the Lacey Municipal Code is hereby amended to read as follows:

15.06.060 Final approval and recording.
The following shall be shown or accompany the final binding site plan at the time it is submitted to the department of community development:
A. Certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map.

B. Names, addresses, phone numbers, fax and email of the owner, land-divider, engineer, and surveyor.

C. A copy of any deed restrictions applicable to the binding site plan.

D. A copy of any dedication requiring separate documents.

E. A certificate by the city engineer that the land-divider has complied with one of the following:
   1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the director giving approval of the preliminary binding site plan.
   2. An agreement has been executed as provided for in LMC 15.16.020 to assure completion of required improvements.

F. The date, scale, north arrow, legend, binding site plan number, controlling topography and existing features such as highways and railroads.

G. Legal description of the tract boundaries.

H. Reference points and lines of existing surveys identified, related to the plat as follows:

1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the binding site plan.
2. Adjoining corners of adjoining subdivisions.
3. City or county boundary lines when crossing or adjacent to the land division.
4. Section and donation land claim lines within and adjacent to the binding site plan.
5. Whenever the county or city has established the centerline of a street adjacent to or within the proposed binding site plan, the location of this line and monuments found or reset.
6. All other monuments found or established in making the survey of this binding site plan or required to be installed by provisions of this title.

I. Mathematical boundary closures of the binding site plan showing the error of closure, if any.

J. The mathematical lot closures and street centerline closures, and square footage of each parcel.

K. The exact location and width of streets and easements intersecting the boundary of the tract and additional information required by the public works department.

L. Tract, block, and lot boundary lines and street rights-of-way and centerlines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. The basis of the bearings shall be the Lacey Coordinate System. All distances shall be shown to the nearest one-hundredth foot.

M. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.

N. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the binding site plan must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

O. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the binding site plan. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a binding site plan of the same name shall be a continuation of the numbering in the original land division.

P. Land parcels to be dedicated for any purpose, public or private, shall be distinguished from lots intended for sale.

Q. The following certificates may be combined where appropriate:

1. A certificate signed and acknowledged by all parties with any record title interest in the land divided, consenting to the preparation and recording of the binding site plan.

2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the binding site plan, their licensees, visitors, tenants and servants.

3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.

4. Other certifications now or hereafter required by law.

R. Lots containing one acre or more shall show net acreage to nearest hundredth.

S. Each and every binding site plan of any property filed for record shall:

1. Contain a statement of approval from the city engineer or by a licensed engineer acting on behalf of the city as to the survey data, the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures. No engineer who is connected in any way with the binding site plan and dividing of the land for which binding site plan approval is sought shall examine and approve such binding site plan on behalf of the city.

2. Be accompanied by a complete survey of the section or sections in which the binding site plan is located, or as much thereof as may be necessary to properly orient the binding site plan within such section or sections. ~~The binding site plan and section survey shall be submitted with complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles, and calculations required to determine corners and distances of the binding site plan shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet.~~

3. Be acknowledged by the person filing the binding site plan before the auditor, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to such binding site plan and recorded therewith.

4. Contain a certification from the Thurston County Treasurer that all taxes and delinquent assessments for which the property may be liable, as of the date of certification, have been duly paid, satisfied or discharged.

T. Final application shall include information necessary for the administrator to determine whether all conditions of approval have been met.

U. An approved binding site plan shall not be filed for record with the Thurston County Auditor until the applicant has constructed or provided financial security for all improvements and satisfied all conditions as required by the director in the granting of preliminary approval.

V. A binding site plan shall not be considered final until recorded with the Thurston County Auditor.

Section 4. Section 15.06.090 of the Lacey Municipal Code is hereby amended to read as follows:

15.06.090 Final binding site plan drafting standards.
All final binding site plans shall be drawn in accordance with the following:

A. The final binding site plan shall be clearly and legibly drawn in permanent black ink upon mylar or paper.

B. The scale of the binding site plan shall be not less than one inch equals fifty feet nor greater than two hundred feet. Lettering size shall be at least eight point font ~~shall be at least three thirty seconds inch high~~. The perimeter of the binding site plan being recorded shall be depicted with heavier lines wider than the remaining portion of the binding site plan.

C. The size of each sheet shall be eighteen by twenty-four inches.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of ~~three~~ two inches on the left side, and one-half inch on each of the other three sides.

E. If more than two sheets are used, an index of the entire binding site plan showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

F. The binding site plan title and number, date, scale, and north arrow shall be shown on each appropriate sheet of the final binding site plan.

G. When a condominium or condominium conversion is the subject of a site plan, the final Plan drawing shall have a title that is reflective of the subject, stating specifically the plan is either for a "condominium development" or a "condominium conversion."

Section 5. Section 15.10.200 of the Lacey Municipal Code is hereby amended to read as follows:

15.10.200 Final plat drafting standards.
All final plats shall be drawn in accordance with the following:

A. The final plat shall be clearly and legibly drawn in permanent black ink upon mylar or paper.

B. The scale of the plat shall be not less than one inch equals two hundred feet. Lettering shall be at least .08 inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.

C. The size of each sheet shall be eighteen by twenty-four inches.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of ~~three~~ two inches on the left side, and one-half inch on each of the other three sides.

E. If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

F. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.

G. All signatures placed on the final plat shall be original signatures written in permanent black ink.

Section 6. Section 15.10.210 of the Lacey Municipal Code is hereby amended to read as follows:

15.10.210 Final plat approval.

A. Upon receipt of the final plat and accompanying data, the staff of the planning, engineering, ~~health department~~ and other commenting departments and agencies shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title. The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.

B. In lieu of the completion of actual construction of any required improvements prior to final plat approval the city may accept financial security as provided for in Chapter 15.16 LMC for securing the actual construction and installation of such improvements. In addition, the city may require that financial security provide for the successful maintenance and operation of required improvements for up to two years after final construction, installation and approval.

C. If the city engineer, planner and health department determine the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto. Health department signature is not required when potable water and sanitary sewer are provided by the City.

D. After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that financial security has been provided to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor as provided in LMC 15.10.240.

E. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing with the planner thereof, unless the applicant consents to an extension of such time period.

Section 7. Section 15.10.240 of the Lacey Municipal Code is hereby amended to read as follows:

15.10.240 Filing for record.

The original of the final plat shall be filed for record with the auditor. ~~One reproducible copy on mylar shall be furnished to the city engineer.~~ One paper copy shall be filed with the assessor, community development department, health department, building department, city engineer and the fire chief. All required paper copies shall bear the auditor's recording data.

The auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the council. Should a plat or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for writ of mandate in the name of and on behalf of the city council directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record.

Section 8. Table 15T-03 of the Lacey Municipal Code is hereby amended to read as follows:

TABLE 15T-03

(Referred from LMC 15.10.260(C))

I hereby certify that the plat of _____ is based upon an actual survey and subdivision of a portion of Section _____, Twp. _____, Range _____ E or W, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground.

_____

1. Certificate--City Engineer.

Examined and approved this _____ day of _____ 20 ___.

_____

City Engineer

2. Certificate--Health Officer.

Examined and approved this _____ day of _____ 20 ___.

_____

Title

NOTE: Health Officer signature is not required when potable water and sanitary sewer are provided by the City.

3. Certificate--Assessor.

Examined and approved this _____ day of _____ 20 ___.

_____

Thurston County Assessor

4. Certificate--Treasurer.

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year

_____.

_____
Treasurer, Thurston County

5. Certificate--City Planner.
Examined and approved this _____ day of _____ 20 ___.

_____
City Planner

6. Certificate--Mayor for Lacey City Council.
Examined and approved this _____ day of _____ 20___.

Lacey City Council

By _____
Mayor

Attest:

_____
City Clerk

7. Certificate--County Auditor.
Filed for record at the request of _____ this day _____ day of _____, 20___, at _____ _____m. and recorded in Volume _____ of Plats, on Page _____, records of Thurston County, Washington.

_____
Thurston County Auditor

_____
Deputy Auditor

Section 9. There is hereby adopted a new Section 16.03.065 of the Lacey Municipal Code to read as follows:

16.03.065 Residential swimming pools.
All residential swimming pools, both above and in-ground, shall be located outside of required front yard setbacks and be set back at least five feet from rear and side property lines. Residential swimming pools shall comply with the International Residential Code including structural and barrier requirements.

Section 10. There is hereby adopted a new Section 16.03.070 of the Lacey Municipal Code to read as follows:

16.03.070 Fencing standards.

A. Maximum height.

1. Front yards. The maximum height of free-standing walls, fences, or hedges placed in the front yard of residential buildings directly adjacent to public streets or sidewalks shall be three feet unless a taller masonry wall is required, per the responsible official, to mitigate significant noise impacts.

2. Side or rear yard. If the fencing along a side or rear yard is facing a public street or sidewalk, the maximum height shall be six feet.

3. Transparent fencing. The maximum height of any decorative wall or fence which allows visibility, such as wrought iron or split rail fences, shall be eight feet.

B. Chain link fencing:

1. The maximum height of chain link fencing placed in the front yard of residential buildings directly adjacent to public streets or sidewalks shall be three feet.

2. All chain link fences shall be setback at least three feet from the back of the sidewalk to allow for landscaping elements to screen the fence.

3. Temporary construction fences are exempt from the above requirements.

C. Prohibited material. Electrified and other dangerous fences are prohibited. Barbed and razor wire is prohibited in all zones except for Light Industrial or Light Industrial/Commercial zones where the barbed and razor wire shall be placed on security fences at a minimum height of 6 feet from the ground. No portion of any barbed or razor wire located on a security fence shall extend into the right-of-way.

Section 11. Section 16.06.532 of the Lacey Municipal Code is hereby amended to read as follows:

16.06.532 Multifamily.

"Multifamily" means ~~two~~ three or more living units under the same ownership where land has not been divided, i.e., duplex, triplex, quadraplex and apartment units.

Section 12. Section 16.12.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.12.050 Lot area.

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

A. Minimum lot area, six thousand five hundred square feet where alleys are utilized and seven thousand five hundred square feet where alleys are not provided.

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

C. Minimum front yard:

~~Ten feet with ten-foot planter strip between the street and sidewalk when alleys are provided for rear access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.~~
Sixteen feet.
Garages facing the street, twenty feet.
On front yard flanking streets, ten feet.
Unenclosed porches may project up to six feet into the front yard ~~for front load access lots and two feet for rear load access lots~~, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

D. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet for single-story structures; fifteen feet or no greater than twenty-five percent of the lot width (as measured along the front lot line) for two-story structures. (See *Table 16T-72.*)
Minimum side yards for two-story homes in the Low Density Residential (0-4) District.

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

F. Minimum usable open space:
Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:
Shall feature minimum dimensions of twenty feet on all sides. For example, a sixty-five-hundred- square-foot lot would require a contiguous open space of at least six hundred fifty square feet, or approximately twenty by thirty-three feet in area.
Such open space shall not be located within the front yard. (See *Tables 16T-73 and 16T-74.*)
Minimum standards for alley-loaded lots in the Low Density Residential (0-4) District.

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

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

I. Maximum height of buildings:
Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.
Accessory building, shall be limited to the height of the primary building, provided structures over sixteen feet in height shall require design review. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

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

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

Section 13. Section 16.13.050 of the Lacey Municipal Code is hereby amended to read as follows:

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

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

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

3. Minimum front yard:
~~Ten feet with a ten-foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.~~
Sixteen feet.
In addition, setbacks ~~may~~ are encouraged to be staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes and other desired design outcomes.
Garages facing the street, twenty feet.
On front yard flanking streets, ten feet.
Unenclosed porches may project up to six feet into the front yard ~~for front load access lots and two feet for rear load lots~~, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

4. Minimum side yards:
Minimum on one side, five feet.
Minimum total both sides, ten feet.

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

a. Other applicable standards in this chapter.

b. Design criteria in LMC 14.23.072, particularly LMC 14.23.072(L).

c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features.

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

B. Lots intended for attached single-family development shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC 14.23.080.

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

1. The health department must review and approve plans for alternative sewage disposal.
2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.
3. Clustered lots must be between five thousand and ten thousand eight hundred ninety square feet.
4. Excluding the reserve parcel, clustered lots must meet density requirements of LMC 16.13.020.
5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards:

1. Minimum usable open space:

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

Shall feature minimum dimensions of fifteen feet on all sides, provided one side may be reduced to ten feet by the site plan review committee if it determines the space is designed with features that make it more inviting, private and usable. Design for reduction of the minimum dimension must include at least two of the following techniques:

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

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

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

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

Section 14. Section 16.15.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.020 Types of uses permitted.

A. Specific types permitted in the moderate-density residential district:

1. Any residential use with a density of at least six but not greater than twelve units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than fifty percent of the units designated for ~~single-family~~ multifamily use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Chapter 14.23 LMC that is applicable to the particular type of residential use.

2. Housing for people with functional disabilities.

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. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;

2. Home occupations as provided in Chapter 16.69 LMC;

3. Accessory dwelling as defined in LMC 16.06.055;

4. Conditional uses as provided in Chapter 16.66 LMC;

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;

6. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;

7. Family day care homes as provided in Chapter 16.65 LMC.

Section 15. Section 16.15.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.050 Lot area.

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

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

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

3. Minimum front yard:

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

Sixteen feet.

In addition, setbacks ~~may~~ are encouraged to be staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

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

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

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

a. Other applicable standards in this chapter.

b. Design criteria in LMC 14.23.072, particularly LMC 14.23.072(L).

c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features.

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

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

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

1. The health department must review and approve plans for alternative sewage disposal.

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

3. Clustered lots must be between four thousand and ten thousand eight hundred ninety square feet.

4. Excluding the reserve parcel, clustered lots must meet density requirements of LMC 16.15.020.

5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area, clustered lots shall hook up to

sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards:

1. Minimum usable open space:

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

Shall feature minimum dimensions of fifteen feet on all sides, provided one side may be reduced to ten feet by the site plan review committee if it determines the space is designed with features that make it more inviting, private and useable. Design for reduction of the minimum dimension must include at least two of the following techniques:

a. A pergola or other architectural feature with landscaping;

b. An improved patio area with features for associated use such as sitting or barbeque;

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

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

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

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

For townhouse developments, refer to LMC 14.23.080 and 16.61.040.

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

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

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

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

4. Maximum height:

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

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

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

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

5. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:
Front yard, ten feet.
Side yard, ~~three~~ five feet.
Rear yard, ~~five~~ three feet~~, or three feet to rear yard line alley easement or paved surface if adjacent to an alley~~.

Section 16. Section 16.18.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.020 Permitted uses.
A. Specific types permitted in the high-density residential district:
Any residential use with a density of at least six units per acre but not greater than twenty units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than ~~twenty-five~~ fifty percent of the units designated for ~~single~~ multi-family use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Chapter 14.23 LMC that is applicable to the particular type of residential use.

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. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;
2. Home occupations as provided in Chapter 16.69 LMC;
3. Accessory dwelling as defined in LMC 16.06.055;
4. Conditional uses as provided in Chapter 16.66 LMC;
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;
6. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;
7. Family day care homes as provided in Chapter 16.65 LMC.

Section 17. Section 16.18.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.040 Lot area.
A. The size and shape of single family detached lots shall be as follows:
1. Minimum lot area, two thousand square feet where alleys are utilized, three thousand five hundred square feet if alleys are not provided.
2. Minimum lot width, thirty feet when alleys are utilized, forty feet if alleys are not provided. Minimum lot width and street frontage for infill lots designed for construction of a

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

3. Minimum front yard:

~~Ten feet with a ten foot minimum planter strip between the street and sidewalk. Fifteen feet with a planter strip less than ten feet wide between the street and sidewalk.~~

Sixteen feet.

In addition, setbacks are encouraged to ~~may~~ be staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape, providing more convenient opportunities for offsetting windows for privacy of individual homes or other desired design outcomes.

Garages facing the street, twenty feet.

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

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

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

a. Other applicable standards in this chapter.

b. Design criteria in LMC 14.23.072, particularly LMC 14.23.072(L).

c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features.

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

B. Lots intended for attached single family, condominium and multi-family shall be reviewed and approved through a subdivision, townhouse, planned residential development, site plan review or building plan review process where such concepts are identified and the project is designed and conditioned subject to design requirements of Chapter 14.23 LMC.

C. Other lot standards for all uses:

1. Minimum usable open space:

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

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

a. A pergola or other architectural feature with landscaping;

b. An improved patio area with features for associated use such as sitting or barbeque;

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

As an example, a twenty-five hundred square foot lot would require a contiguous open space of at least two hundred fifty square feet, or approximately fifteen feet by seventeen feet in area for a standard dimension, or ten feet by twenty-five feet if the dimension is reduced and design features added.
Such open space shall not be located within the front yard, except for those undeveloped lots vested prior to May 15, 2008.
For duplexes and triplexes, each dwelling unit must have direct access to its own usable open space.
Up to twenty-five percent of the homes in a subdivision in the HDR zone can meet the ten percent usable open space requirement by providing a ten-foot wide side yard in a zero lot line or reciprocal use easement configuration per LMC 14.32.072(L) the length of the lot provided the subject house is only single-story in height.
For townhouse developments, refer to LMC 14.23.080 and 16.61.040.
For multi-family developments, refer to LMC 14.23.080. (See *Tables 16T-80, 16T-81, and 16T-82.*)
Minimum standards for alley-loaded lots in the High Density Residential District.

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

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

4. Maximum height of buildings:

Main building and accessory dwelling, thirty-five feet; forty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.
Accessory building, sixteen feet;
An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof;

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

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

Section 18. Section 16.25.090 of the Lacey Municipal Code is hereby amended to read as follows:

Section 16.25.090 Pedestrian circulation requirements.

A. It shall be the responsibility of the property owner/developer to provide a safe and convenient pedestrian circulation linkage system as described in this section and meeting the pedestrian circulation requirements set forth in LMC 14.23.086.

B. The pedestrian linkage system is a network including the major pedestrian corridor, landscaped walkways and perimeter sidewalks. It is established to provide safe pedestrian

routes; enhance the appearance of buildings and their settings; provide a unified design element to offset varying architectural styles; and to soften the appearance of parking lots and service storage areas.

C. When zero foot setbacks are utilized, landscaping requirements for planter strips may require sidewalks to be located outside of the normal right of way. In such cases, an unrestricted easement across sidewalks shall be granted to the city.

D. To maximize a pedestrian-friendly environment by providing an adequate separation between pedestrians and automobile traffic, development of a planter strip with street trees and grass between the curb and sidewalk shall be a primary goal and shall be required unless specifically stated otherwise below.

E. In cases where a sidewalk exists adjacent to the curb, the sidewalk must be moved back to accommodate a new planter strip, provided that improvements to the property necessitating site plan review and requiring conformance with this title exceed twenty-five percent of the fair market value of existing improvements at the site and the site has one hundred feet or more of lineal feet of frontage. In cases where only minor improvements to a project site are requested that do not exceed twenty-five percent of the fair market value of existing improvements at the site or the site has less than one hundred feet of frontage, the requirement for moving the sidewalk shall not be mandatory, provided, however, that in consideration of the twenty-five percent threshold all improvements at the site since the effective date of this provision shall be included in calculating the total value. The twenty-five percent value shall be determined using the valuation procedures provided for in Chapter 14.04 LMC adopting the Building Code for proposed improvements and assessors office values for current structures.

F. Where adjacent properties do not have a planter strip and the sidewalk abuts the street, the new sidewalk shall be meandered to interconnect with the existing sidewalk and will provide the required planter strip for the project's street frontage.

G. In cases where provision of a planter strip would necessitate removal or moving of a building, provision of a planter strip shall not be required unless the site is to be redeveloped and the building removed and reconstructed as part of the proposal.

H. In cases where parking must be removed to provide the planter strip and landscaping, this shall be required, provided it leaves the site with at least seventy-five percent of the number of parking stalls required by the city zoning code or parking can be obtained on an adjacent site.

I. In cases where a minimum six and one-half foot planter strip area cannot be provided because of limitations discussed above, options for different dimensions of the planter area discussed below under LMC 16.25.090(U), Street Tree Planting Requirements, may be used if approved by the department of Community Development. Minimum planter strip requirements may not be reduced when a zero foot front setback is proposed. Where the zero

foot front yard setback is proposed, the front of the building shall have a main pedestrian entrance.

J. Because of identified financial impacts of requirements to move existing sidewalks, the city of Lacey shall establish a local grant program for very small businesses that would otherwise not be able to afford to move the sidewalk. Very small businesses shall be defined as those businesses with less than four employees. The grant program shall provide that the city will share up to fifty percent of the costs of landscaping and sidewalk improvements. The grant may be in the form of cash, city labor, city services or other real contribution resulting in cost reduction to the recipient. The director of community development is authorized to develop administrative policies and procedures in carrying out the intent and requirements of LMC 16.25.090.

K. Where a linkage system exists or is required outside of a public right of way, an easement to the city of Lacey shall be required to provide continuity of public access to adjoining properties.

L. A structure may extend into or over a required linkage system or walkway only when:

1. The encroachment is integrated into the linkage system by providing a covered walkway, arcade, marquee, etc. or it otherwise complements pedestrian activities; and

2. The required width of the linkage system is maintained or when compensation is provided at another location.

M. Where a linkage system adjoins a public street, the system's width shall be measured from the edge of the existing or proposed curb.

N. Construction standards shall be as specified in this chapter and the City of Lacey Development Guidelines and Public Works Standards.

O. A pedestrian-oriented facility may utilize a zero foot front yard setback if it meets all of the following criteria:

1. Use is pedestrian-oriented as determined by the director of community development or designee;

2. Facade has pedestrian-friendly features, such as awnings, main entrances, and pedestrian scale;

3. Pedestrian entrance is direct to building with no parking or vehicle access lane between sidewalk and the main pedestrian entrance to the building;

~~4. A planter strip is provided between the street and the sidewalk which meets requirements of LMC 14.23.087(H) and Table 14T-16.~~

P. Each segment of walkways, perimeter sidewalks and landscaping shall be maintained by the property owner, unless a special assessment district is duly established for the specific purpose of maintaining a portion of or all such pedestrian linkage and landscaping improvements. The city shall maintain the intersections of all public streets adjoining any portion of the pedestrian linkage system.

Q. A plot plan of all proposed pedestrian linkage improvements identifying all dimensions and pedestrian features shall be submitted along with the site plan for review to the city.

R. The property owner shall install street trees, in addition to any other landscaping requirements, in accordance with the City of Lacey Development Guidelines and Public Works Standards.
A street tree planting area may also include decorative paving, other plant materials and street furniture as required by LMC 14.23.086.

S. Outdoor exhibits, displays, sales, service of food or drinks, or other activities may be conducted in pedestrian open space and linkage systems, including plazas, whether or not such facilities or activities are customarily accessory to the adjacent principal use; provided, free pedestrian movement through the area without unreasonable interruption by such facilities or activities is available and provided, said activities comply with the city's regulations for street merchants. Areas, activities and facilities so approved may be used for regular, intermittent, or temporary special events without further permitting under these zoning regulations, but shall not be exempted hereby from requirements for other permits.

Section 19. Section 16.37.020 of the Lacey Municipal Code is hereby amended to read as follows:

Section 16.37.020 Permitted uses in the designated commercial area.
The following uses are permitted in that portion of the Hawks Prairie Business District designated as commercial area on Table 16T-67.

A. Commercial
Apparel
Automotive supplies
Auto sales including new or used cars, campers, trailers, motorcycles and boats subject to the provisions of LMC 16.37.070(K).
Books and stationery
Convenience stores and service stations designed for fueling no more than eight automobiles simultaneously and subject to the provisions of LMC 16.37.070(H).
Department stores
Drug stores and pharmacies
Fabric stores
Florists
Food stores
General merchandise
Gifts/specialty
Hobby/special interest
Homes appliances/electronics
Home furnishings
Home improvement centers/garden supplies
Jewelry and cosmetics

Liquor
Personal services
Professional services when provided as an integral part of a commercial center.
Sporting goods and related stores.

B. Hotels and motels

C. Convention centers and conference facilities.

D. Eating and drinking establishments. Restaurants with drive through windows shall meet the provisions of LMC 16.37.070(I).

E. Cultural, entertainment and recreation.
Art galleries
Athletic facilities and health clubs
Bowling alleys
Cinemas
Libraries and museums

F. Day care facilities when provided as an integral part of a commercial center and in support of the other uses therein.

G. Financial institutions
Banks
Brokerages
Finance companies
Insurance and real estate offices
Such uses shall be allowed only when provided as an integral part of a commercial center and in support of the other uses therein.

H. Other similar and related uses consistent with the intent of the zone as determined by the site plan review committee.

I. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC.

Section 20. Section 16.37.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.030 Permitted uses in the business/commercial area.
The following uses are permitted in that portion of the Hawks Prairie Business District designated as business/commercial area on Table 16T-67.

A. All uses listed under LMC 16.37.020.

B. Public services

Higher education facilities
Vocational schools
Local public services including charitable and service organizations, employment centers, fire stations, police stations and other local government offices.

C. Mass transit
Bus transfer facilities.
Park and ride lots, provided facilities are integrated into a commercial/mixed use site plan and parking facilities are shared with other uses.

D. Offices and manufacturing
Computer hardware and software development and assembly
Conference facilities
Corporate/regional/administrative offices
Daycare facilities
Electrical equipment research, development, and assembly
Financial institutions including banks, brokerages, finance companies, insurance and real estate offices
High-tech industry
Medical offices and clinics
Offices and manufacturing
Photo and optical goods design and development
Professional and business offices
Scientific research and development
Scientific, analytic or control instrument research and development

E. Eating and drinking establishments. Restaurants with drive through windows shall be subject to LMC 16.37.070(I).

F. Warehouse and distribution activities, when developed in conjunction with a primary function such as business headquarters, research and design, marketing or retail sales and subject to the granting of a conditional use permit.

G. Medical facilities

H. Residential subject to the provisions of LMC 16.37.070(L).

~~1. High density residential, twenty units per acre. All residential units must be located in mixed-use buildings that have the first floor dedicated to offices or other non-residential uses.~~

~~2. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.~~

I. Other similar and related uses in accordance with the intent of this chapter as determined by the site plan review committee.

J. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC.

Section 21. Section 16.37.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.040 Prohibited uses in all Hawks Prairie Business District areas.
The following types of uses are prohibited in the Hawks Prairie Business District.

A. Uses with physical and operational requirements generating substantial:
Truck traffic
Dust
Glare
Heat or vibration
Noise
Odors

B. Uses of a character which are either not compatible with the high aesthetic standards of the area, will not enhance the marketability of the Hawks Prairie Business District, or will adversely impact the city's economic development strategies for this zone. These uses shall include, but are not limited to:
Activities entailing movement of heavy equipment on and off the site except during construction;
Auto or truck storage or repair as a primary use;
Cemeteries and crematoria;
Machine shops;
Motor freight terminals;
~~Park and ride lots;~~
State, federal or public regional offices or facilities other than educational facilities as set forth in LMC 16.37.030;
Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills;
Stand alone warehouse and distribution facilities.

Section 22. Section 16.37.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.070 Design standards.
A. Relationship between buildings. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.

B. Interior circulation. Development proposals shall include the following components:
1. Location and number of access points to the public streets.
2. Sidewalks that provide continuous pedestrian and bicycle access along public, state, or private access roads and to primary uses within the development.
3. General interior circulation.

4. Separation of pedestrian and vehicular traffic, via strategically located, clearly defined pedestrian corridors through parking lots and other means of clearly differentiating pedestrian areas from vehicle areas. The number and location of pedestrian corridors shall be determined by the city based on the size and scale of the development.

5. Arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and the neighboring properties.

C. Access. Connection to arterials shall be made at city determined locations. Full access to arterials may be restricted by the city where necessary to facilitate efficient traffic circulation.

D. Transit. Buildings shall be located so as to encourage and facilitate the use of transit and other forms of transportation alternatives to the single occupancy vehicle.

E. Signs. The size, location, design, color, texture, lighting and materials of all signs shall not detract from the design of proposed buildings and structures and shall comply with Chapter 16.75 LMC.

F. Parking. All parking areas and structures shall comply with the standards of Chapter 16.72 LMC.

G. Utilities. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility facilities, except fire hydrants, shall be landscaped and screened with sight-obscuring vegetation.

H. Standards for convenience stores and service stations.

1. Must be sized and designed to be compatible with the Hawks Prairie Business District zone.

2. Convenience stores and service stations shall not be permitted on any parcel adjacent to an intersection.

3. Special attention must be given to assure compliance with the standards for the area. The site plan review committee may require revisions to the proposed layout in order to achieve such consistency.

4. Maximum front building setback shall be fifteen feet.

5. Signs must be consistent with the sign regulations contained in Chapter 16.75 LMC.

6. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.

I. Standards for restaurants with drive through windows.

1. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.

2. Drive through lanes and parking areas may not be located between the building and any public street.

3. Restaurants with drive through windows shall not be permitted on any parcel adjacent to an intersection.

J. Mixed use occupancies. Residential units and retail business or office uses shall be permitted within the same structure, subject to the following limitations:

1. The nonresidential uses must have vehicular access via a business street or arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.

2. Business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.

3. Business and residential portions of the building must be separated by a soundproofed concrete or wood floor, insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration or requiring regular access.

K. Standards for auto sales.

1. A showroom building is required. Maximum front building setback shall be fifteen feet. Showroom windows and displays shall face the fronting street encompassing a minimum of 60% of the façade surface area.

2. Showroom building width shall be a minimum of 40% of the width of the parcel fronting the street.

3. Outdoor vehicle display shall be located at the side or rear of the showroom building.

4. Service facilities shall be located to the rear of the showroom building with bay doors oriented to the rear of the building. Any separate service buildings shall be located internal to or at the rear of the site.

5. 15 feet of Type II landscaping is required on any right-of-way frontages not containing a showroom or other building.

6. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures in compliance with the Design Review Checklist for the Hawks Prairie Business District.

7. Any existing buildings modified for the purposes of auto sales shall meet the requirements of this chapter.

L. Standards for residential.

1. Residential units shall be located in mixed use buildings that have the first floor dedicated to offices or other non-residential uses. An exception may be granted by the Community Development Director for allowing ground floor residential under the following conditions:

a. As part of an approved master plan, provided that the distance to a commercial or office building does not exceed 1000 feet.

b. The ground floor residential uses are directly connected by pedestrian amenities to commercial and/or office uses.

c. Buildings must be of an urban architectural style that is harmonious with and complementary to surrounding structures in compliance with the Design Review Checklist for the Hawks Prairie Business District.

d. Ground floor residential uses shall be limited to townhomes, row homes, live/work, and urban walk-up apartments. No more than 50% of the total units shall be used for townhomes or row homes.

2. Maximum residential density shall be calculated at 20 units per acre. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.

~~K~~M. Design review. All development in the Hawks Prairie Business District shall be consistent with the appropriate provisions of Chapter 14.23 LMC.

Section 23. Section 16.40.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.40.030 Prohibited uses.

~~Uses other than those identified or described in LMC 16.40.020 are prohibited, including but not limited to:~~

A. Uses other than those identified or described in LMC 16.40.020 are prohibited, including but not limited to 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 which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies.

~~All buildings with a footprint in excess of five hundred thousand square feet in size, except as provided in LMC 16.40.020(A)(6).~~

~~B. 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 which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies;~~

~~C~~B. Examples of prohibited uses are:

1. Animal slaughtering,
2. Care and/or sale of livestock, poultry or similar animals,
3. Storage, manufacturing or sale of highly volatile or otherwise extremely hazardous substances or materials.
4. Any heavy industrial activity including truck terminals, cross dock facilities or any structure designed for similar type use.

Section 24. Section 16.40.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.40.050 Site requirements.

Minimum site requirements shall be as follows:

A. Lot area, twenty thousand square feet.

B. Lot width, one hundred feet.

C. Side yard setback, fifteen feet.

D. Rear yard setback, twenty-five feet.

E. Front yard setback, twenty feet.

F. ~~Maximum size of each b~~Buildings ~~shall be a footprint of~~ of more than two hundred thousand square feet shall meet the ~~, provided, however, that such footprint may be as large as five hundred thousand square feet for those sites meeting the~~ requirements of LMC 16.40.052.

G. Wherever there are multiple buildings on the same lot, a minimum separation distance, meeting the requirements of LMC 14.23.083, shall be maintained between such buildings.

H. When adjacent to a residential zoned property (LD 0-4, LD 3-6 MD or HD), or an open space institutional zoned property (OSI), the minimum yard setback adjacent to the residential or open space institutional zone shall be fifty feet.

I. Truck bay doors and/or loading or unloading areas shall not face residential zoned property (LD-04, LD 3-6, MD or HD), if within two hundred fifty feet of said zones, unless separated by the placement of a building without bay doors and/or loading or unloading areas facing the residential zone.

Section 25. Section 16.40.052 of the Lacey Municipal Code is hereby amended to read as follows:

Section 16.40.052 Sites of forty acres or more.
Master site plan review and binding site plan approval may be given for projects proposed to contain buildings with a footprint of more than two hundred thousand square feet ~~but not exceeding five hundred thousand square feet~~ when the following site standards have been met:

A. The site consists of a parcel or contiguous parcels totaling a minimum of forty acres.

B. The master plan shall provide for a multiple-building complex consisting of three or more buildings.

C. Truck access to the site shall be from a city of Lacey street. Methods to discourage and/or restrict truck traffic from traveling through residential areas shall be incorporated into the site design and/or project approval. Methods to restrict truck access may include, but are

not limited to, median controls, signage, driveway design, and internal circulation. All methods are subject to approval by the city of Lacey community development and public works departments.

D. When adjacent to a residential zone, a one-hundred-foot natural treed buffer tract shall be established meeting the city of Lacey tree tract standards established in LMC 14.32.064 and 14.32.065 at the time of building construction.

E. Buildings shall be consistent with the city of Lacey industrial design review standards contained in LMC 14.23.083.

F. Construction pads for buildings with a footprint greater than two hundred thousand square feet shall be limited to seventy-five percent of the buildable area of the site in order to provide a variety of building sizes throughout a multiple-building complex.

G. When a site is adjacent to a residential zone, the applicant shall be encouraged to meet with the adjacent homeowners' association or neighborhood group to provide project and contact information to the residents.

Section 26. Section 16.80.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.80.080 Maintenance of plant materials.

A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.

B. Unless entirely landscaped with significant trees preserved under LMC 16.80.040, all areas where new landscaping is being required shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryperson, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection A of this section.

C. The city shall require a maintenance assurance device ~~for a period of one year from the completion of planting in order~~ to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least ~~one hundred~~ twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device. The maintenance assurance shall be for a minimum period of one year from the completion of planting; however for Type 1 landscaping, the period shall be three years. The Community Development Director may adjust the period of maintenance assurances on a case-by-case basis. A separate financial guarantee for maintenance associated with landscaping in the right-of-way and stormwater facilities shall be submitted to the Public Works Department in accordance with section 3.090 of the Development Guidelines and Public Works Standards.

D. The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington- certified nurseryperson, or Washington- certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection B of this section.

E. If a maintenance assurance device or evidence of a similar device is required under subsections B and C of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.

F. Upon completion of the one-year maintenance period, and if maintenance is not required, the city shall promptly release the maintenance assurance device or evidence thereof.

G. All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner.

Section 27. Section 16.80.110 of the Lacey Municipal Code is hereby repealed.

Section 28. Tables 16T-19, 16T-73, 16T-74, 16T-75, 16T-76, 16T-77, 16T-78, 16T-79, 16T-80, 16T-81, and 16T-82 of the Lacey Municipal Code are hereby repealed.

Section 29. There is hereby added to the Lacey Municipal Code those certain tables designated as 16T-19, 16T-73, 16T-74, 16T-75, 16T-76, 16T-77, 16T-78, 16T-79, 16T-80, 16T-81, and 16T-82 all in the form attached hereto.

Section 30. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 31. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any referenced thereto.

Section 32. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 12th day of November, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

_____
City Attorney

Attest:

_____
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO 1480

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on November 12, 2015, Ordinance No.1480, entitled "AN ORDINANCE RELATING TO PLANNING, ZONING, AND LAND USE REGULATIONS WITHIN THE CITY, AMENDING SECTIONS 14.23.074, 15.06.060, 15.06.090, 15.10.200, 15.10.210, 15.10.240, 16.06.532, 16.12.050, 16.13.050, 16.15.020, 16.15.050, 16.18.020, 16.18.040, 16.25.090, 16.37.020, 16.37.030, 16.37.040, 16.37.070, 16.40.030, 16.40.050, 16.40.052, 16.80.080 AND TABLE 15T-03, ADDING SECTIONS 16.03.065 AND 16.03.070, REPEALING SECTIONS 9.20.050, 16.80.110 AND TABLES 16T-19 AND 16T-73 THROUGH 16T-82, ADDING NEW TABLES 16T-19 AND 16T-73 THROUGH 16T-82, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance amends sections of LMC 16.37 for the Hawks Prairie Business District related to ground floor residential uses, auto sales, and park and rides.

2. The Ordinance amends sections of LMC 16.40 related to the 500,000 square foot building cap.

3. The Ordinance provides for various "housekeeping" amendments relating to planning and zoning.

4. The Ordinance approves this Summary for Publication.

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

Published: November 16, 2015.