

ORDINANCE NO. 1218

CITY OF LACEY

AN ORDINANCE MODIFYING THE REQUIREMENTS FOR LOTS OR PARCELS TO BE USED FOR RESIDENTIAL INFILL, AMENDING SECTIONS 14.23.040, 14.23.072, 15.32.060, 16.06.445, 16.12.035, 16.12.050, 16.13.035, 16.13.050, 16.15.050 AND 16.18.040, ADOPTING NEW SECTIONS 16.06.452, 16.06.454, 16.06.456, 16.06.458, 16.15.035 AND 16.18.035 ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

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

Section 1. Section 14.23.040 of the Lacey Municipal Code is hereby amended to read as follows:

**14.23.040 Design review process.**

A. The design review process shall be conducted administratively by the director of community development. Decisions will be determined pursuant to Section 14.23.071 through 14.23.110. The director shall implement design review concurrent with the underlying planning review process or building permit application. An example of concurrent review for design review and site plan review can occur as follows:

1. Presubmission Conference<sup>1</sup>

- a. Land use meeting with SPR Committee.
- b. Design review meeting with assigned staff member. Drawings can be conceptual.

2. Site Plan Review Meeting

- a. Approval of project for land use and environmental review. Subject to completion of meetings for design review approval.

Presubmission Conference and Site Plan Review Meeting feasibly can occur on the same day.

- b. If design review is not completed prior to SPR approval, a second design review meeting to determine approval of formalized design plans may be requested as necessary.

B. The decision shall accompany the underlying land use approval. Any person aggrieved by a decision by staff may appeal pursuant to Section 14.23.090.

<sup>1</sup>Presubmission Conference and Site Plan Review Meeting feasibly can occur on the same day.

Section 2. Section 14.23.072 of the Lacey Municipal Code is hereby amended to read as follows:

**14.23.072 Design criteria for zero lot line developments, ~~and~~ small lots (lots less than 4000 square feet) and infill lots.**

Because of higher densities necessitating compact form and closer proximity of units, building design is critical to successful developments. Design shall protect privacy, sustain and create attractive and functional neighborhoods and promote quality living environments.

A. Contribute to the architectural character of the street:

1. Roof design. Pitched or articulated roof line, or other roof element such as eyebrow roof forms or dormers that emphasize building form and help it to fit in with neighboring structures with prominent roofs.
2. Architectural details that are well proportioned to achieve good human scale such as:
  - a. entry details like porches and recesses;
  - b. occupiable spaces like bay windows and balconies;
  - c. window details like vertically proportioned window openings which are recessed into the face of the building and broken up with smaller panes of glass;
  - d. roof details like brackets, chimneys, roof overhangs, and
  - e. windows which create relief in the facade by being detailed to appear to recede into the building face.
3. Use of horizontal lap siding on walls or use of trellis and landscaping on adjacent side yards or other special treatment to create a separation between yards and beautify private space where zero lot line concepts are used or where units are close and highly visible to one another because of reduced setbacks and small lot size.
4. Provide clearly defined building entries which face the street and are well lighted and easily accessible.
  - a. The entries shall include a transition space from the sidewalks, such as steps, a porch, a terrace, or a landscaped area.
  - b. Entries shall include eave overhangs. Raised porches are recommended, particularly where front yard setbacks have been reduced. Raised porches help define private space yet create a pedestrian-friendly street scape.
  - c. If exterior stairways are used, they shall be simple, bold projections of stairways to fit with the architectural massing and form of the building and the neighborhood. Thin-looking, open metal, prefabricated stairs and railings are discouraged.

5. Design streetscapes in a way that garages do not dominate the street and facade of the residential building:
  - a. Garages shall be located off of alleys, behind or in back of residences, stepped back from the facade of the building, or other techniques used to ensure the garage does not dominate the streetscape. The examples shown on *Table 14T-11* are provided as alternatives to garage-dominated street scapes in residential zones.
  - b. The entrance to a residence shall be plainly visible from the fronting street and the walkway, and should not be dominated by a garage.
  - c. Carports are not allowed because they result in a poorer quality appearance and lend themselves to storage activities visible to the general public.
  - d. Driveways shall be as narrow as possible and shared where possible to minimize disruption of the sidewalk by curb cuts.
  - e. Garage sidewalls that face the street (e.g., as a result of garages being aligned at an angle or perpendicular with the house) shall appear to contain habitable space. This can be accomplished by incorporating windows and other design elements into the garage wall that are in character with the remainder of the dwelling.

B. Create a sense of privacy.

1. locate windows so residents from one unit to the next can not look directly into another unit;
2. orientation and location of units to maximize privacy;
3. use of landscaping and architectural features like trellises to block views of adjacent units.

Section 3. Section 15.32.060 of the Lacey Municipal Code is hereby amended to read as follows:

**15.32.060 Minimum standards.**

Design standards shall be substantially the same as those for subdivisions as itemized in Chapter 15.10 provided residential short plats shall have no common open space requirements. In addition, short plats designed for infilling on parcels of record and with existing residential development shall meet the following minimum requirements:

- A. Each newly created lot shall provide minimum street frontage as provided in the zoning district in which it is located. Private streets or drives shall not be used to provide access to new lots.
- B. Each newly created lot shall be configured in a manner so that new residential construction will be oriented parallel to the fronting public road. Flag lots or other

configurations that result in the placement of a structure behind an adjacent residential unit shall not be allowed.

C. Each new lot shall have sufficient area for the construction of a new residential structure meeting all requirements of the underlying zoning standards of LMC title 16, and design review standards of LMC chapter 24.23.

Section 4. Section 16.06.445 of the Lacey Municipal Code is hereby amended to read as follows:

**16.06.445 Lot, flag.**

“Flag lot” means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way or where the street frontage of the lot is less than the lot width required by this code which would result in a narrow portion of the property being used as access to the main portion of the lot..

Section 5. There is hereby added to the Lacey Municipal Code, a new section, 16.06.452 to read as follows:

**16.06.452 Lot or parcel, fully developed.**

A fully developed parcel or lot is a parcel of land with an existing development or use that may or may not be part of a previous subdivision or short subdivision, binding site plan or any formal development approval, is of a size that is within the range of density or intensity permitted within the underlying zoning classification, is generally similar in size to other developed parcels or lots within the immediate vicinity, and does not qualify within the definition of an undeveloped or underdeveloped parcel or lot. Any lot or parcel with an existing residential development or use that is below 10,890 square feet shall be classified as fully developed.

Section 6. There is hereby added to the Lacey Municipal Code, a new section, 16.06.054 to read as follows:

**16.06.054 Lot, infill.**

An infill lot is one that is created from an underdeveloped lot or parcel. Such a lot is generally created through a short subdivision on a piece of property that contains an existing residential or commercial use before the new lot is created.

Section 7. There is hereby added to the Lacey Municipal Code, a new section, 16.06.456, to read as follows:

**16.06.456 Lot or parcel, underdeveloped.**

An underdeveloped parcel or lot is a parcel that contains a residential unit or commercial use that does not take advantage of the full density permitted in the underlying zoning classification. It is a lot that may or may not have been part of a previous subdivision, short subdivision, binding site plan or formally developed site. For the purposes of this definition an underdeveloped parcel or lot shall refer only to a lot which is larger than 10,890 square feet and smaller than one acre in size and is in a configuration which will allow the parcel or lot to be re-divided or utilized for additional development or use in conformance with the requirements of LMC section 15.32.060 and LMC chapter 14.23.

Section 8. There is hereby added to the Lacey Municipal Code a new section, 16.06.458, to read as follows:

**16.06.458 Lot or parcel, undeveloped.**

An undeveloped parcel or lot is one that does not contain structures and has the capacity to be developed for urban uses in compliance with the underlying zoning classification. In addition, for purposes of this code, any lot or parcel of more than one acre in size and containing no more than one single family residence shall also be considered as an undeveloped parcel or lot.

Section 9. Section 16.12.035 of the Lacey Municipal Code is hereby amended to read as follows:

**16.12.035 Density and infill.**

Densities of up to four units per acre are permitted. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots. Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of section 16.06.055, shall be located on its own lot. Creation of an individual lot or lots shall meet all requirements of LMC chapter 15, the Lacey subdivision and short subdivision code. All residential development on an infill lot shall require design review in accordance with LMC chapter 14.23. The intent in conducting design review shall be to promote compatibility between the new and existing residential development as infill occurs.

Section 10. 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, four thousand five hundred square feet where alleys are utilized and five thousand square feet where alleys are not provided;
- B. 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;
- 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;  
On front yard flanking streets, ten feet;
- D. Minimum side yards:  
Minimum on one side, five feet,  
Minimum total both sides, ten feet;
- E. 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;
- F. Maximum building coverage, fifty percent;
- G. Maximum development coverage, sixty-five percent;
- H. Maximum height of buildings:  
Main building and accessory dwelling, thirty-five feet,  
Accessory building, sixteen 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 square feet, the following setbacks are permitted:  
Front yard, fifteen feet,  
Side yard, five feet,  
Rear yard, three feet.

Section 11. Section 16.13.035 of the Lacey Municipal Code is hereby amended to read as follows:

### 16.13.035 Densities and infill.

Densities may range from not less than three to no more than six units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots. Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of LMC section 16.06.055 and every duplex, shall be located on its own lot. Creation of said lot shall meet all requirements of LMC chapter 15, the Lacey subdivision and short subdivision code. All residential development on an infill lot shall require design review in accordance with LMC chapter 14.23. The intent in conducting design review shall be to promote compatibility between the new and existing residential development as infill occurs.

Section 12. 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;

On front yard flanking streets, ten feet;

4. Minimum side yards:

Minimum on one side, five feet,

Minimum total both sides, ten feet provided a zero lot line concept may be approved if the following standards are met:

- a. The site is part of a subdivision or PRD where a zero lot line concept has been approved and the site has as part of the approval process undergone or will undergo design review.

- b. The site utilizes alleys with the majority of units using alleys for access.
5. 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 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 Section 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 5,000 and 10,890 square feet;
  4. Excluding the reserve parcel, clustered lots must meet density requirements of Section 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 for all uses:
  1. Maximum building area coverage, sixty percent;
  2. Maximum developmental coverage, seventy-five percent;
  3. Maximum height:  
Main building and accessory dwelling, thirty-five feet,  
Accessory building, sixteen feet;
  4. 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 square feet, the following setbacks are permitted:  
Front yard, fifteen feet,  
Side yard, five feet,  
Rear yard, three feet.

Section 13. There is hereby added to the Lacey Municipal Code a new section, 16.15.035 to read as follows:

### 16.15.035 Individual lots required.

Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of LMC section 16.06.055, and every duplex, triplex or other residential building shall be located on its own lot. Provided, however, that apartment buildings designed as a single development may be located on one lot. Creation of a lot or lots shall meet all requirements of LMC chapter 15, the Lacey subdivision and short subdivision code.

Section 14. 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;

On front yard flanking streets, ten feet;

4. Minimum side yards:

Minimum on one side, five feet;

Minimum total both sides, ten feet;

Provided a zero lot line concept may be approved if the following standards are met;

- a. The site is a part of a subdivision or a PRD where a zero lot line concept has been approved and the site has undergone or will undergo design review as part of the approval process;
  - b. The site utilizes alleys with the majority of units using alleys for access.
5. 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 Section 14.23.
- 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 4,000 and 10,890 square feet;
  4. Excluding the reserve parcel, clustered lots must meet density requirements of Section 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 for all uses:
1. Maximum building area coverage, seventy percent;
  2. Maximum development coverage, eighty-five percent;
  3. Maximum height:  
Main building and accessory dwelling, forty feet,  
Accessory building, sixteen feet;
  4. 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 square feet, the following setbacks are permitted:  
Front yard, ten feet,  
Side yard, three feet,  
Rear yard, five feet, or three feet to rear yard line alley easement or paved surface if adjacent to an alley.

Section 15. There is hereby added to the Lacey Municipal Code a new section, 16.18.035 to read as follows:

### 16.18.035 Individual lots required.

Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of LMC section 16.06.055, and every duplex, triplex or other residential building shall be located on its own lot. Provided, however, that apartment buildings designed as a single development may be located on one lot. Creation of a lot or lots shall meet all requirements of LMC chapter 15, the Lacey subdivision and short subdivision code.

Section 16. 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 on all streets: ten feet;
4. Minimum side yards:  
Minimum on one side, five feet;  
Minimum total both sides, ten feet;

Provided a zero lot line concept may be approved if the following standards are met:

The site is part of a subdivision or PRD where a zero lot line concept has been approved and the site has undergone or will undergo design review as part of the approval process;

The site utilizes alleys.

5. 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.
- C. Other lot standards for all uses:
1. Maximum building coverage, seventy percent;

2. Maximum development coverage, eighty-five percent;
3. Maximum height of buildings:

Main building and accessory building, eighty feet or eight stories,

Accessory building, sixteen feet;

4. 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 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 17. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,

this 22nd day of January, 2004.

CITY COUNCIL

By Virgil S. Clark  
Mayor

Approved as to form:

Attest:

[Signature]  
City Attorney

[Signature]  
City Clerk

Published: January 26, 2004  
Monday

SUMMARY FOR PUBLICATION

ORDINANCE 1218

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on 1-22-04, Ordinance No. 1218, entitled "AN ORDINANCE MODIFYING THE REQUIREMENTS FOR LOTS OR PARCELS TO BE USED FOR RESIDENTIAL INFILL, AMENDING SECTIONS 14.23.040, 14.23.072, 15.32.060, 16.06.445, 16.12.035, 16.12.050, 16.13.035, 16.13.050, 16.15.050 AND 16.18.040, ADOPTING NEW SECTIONS 16.06.452, 16.06.454, 16.06.456, 16.06.458, 16.15.035 AND 16.18.035 ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are as follows:

1. The Ordinance modifies the definitions and regulations of the subdivision and zoning codes of the City as the same relate to infill lots.
2. The amended requirements specify minimum street frontages for such lots, require compliance with the City's subdivision and short subdivision code and require completion of the design review procedures of LMC chapter 14.23.
3. 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: January 26, \_\_\_\_\_, 2004.

Charlotte M. Taylor  
City Clerk