

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE EVERGREEN PARK PLANNED UNIT DEVELOPMENT (PUD), IN PARTICULAR, REVISING THE PERMITTED USES WITHIN THE RETAIL/COMMERCIAL AREA OF THE PUD TO ALLOW RESIDENTIAL USES AS A PERMITTED USE**

**WHEREAS**, on May 22, 2023, Phillip Stewart, submitted a request to Modify Evergreen Park PUD to permit residential/multifamily uses within the Commercial Retail Zone of the Evergreen Park PUD, specifically, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13A, 14, 15A, and 51 through 66, Tracts F and G, and Lot 3 of Short Plat SS-5099. (Also, see Ordinance 5215 with regard to Lot 3 of SS-5099 and Ordinance 4192 with regard to lots 65 and 66.); and

**WHEREAS**, on June 28, 2023, Community Planning & Development staff issued Notice of Application and anticipated SEPA determination was issued, and Notice was sent to property owners within 300 feet of the PUD, Recognized Neighborhood Groups, and Applicable Agencies, following proper procedures pursuant to OMC 18.78.020; and

**WHEREAS**, on November 17, 2023, pursuant to the State Environmental Policy Act, the City of Olympia issued a Determination of Non-Significance, which was not appealed; and

**WHEREAS**, on November 17, 2023, the subject site was posted with notice regarding the public hearing, the SEPA Determination of Nonsignificance, and the SEPA Determination of Nonsignificance Appeal Period; and

**WHEREAS**, on November 27, 2023, a legal notice was published in *The Olympian* newspaper regarding the public hearing, SEPA Determination of Nonsignificance, and the SEPA Determination of Nonsignificance Appeal Period; and

**WHEREAS**, on December 11, 2023, the Olympia Hearing Examiner (the "Examiner") held a duly noticed, open-record public hearing regarding these proposals; and

**WHEREAS**, on January 3, 2023, the Examiner recommended that the land use zoning of the Evergreen Park PUD be changed to allow residential uses with the Retail/Commercial are of the subject PUD; and

**WHEREAS**, on date March 5<sup>th</sup>, 2024 the Olympia City Council, sitting in a quasi-judicial capacity, conducted a closed-record hearing to consider the Examiner's recommended land-use change for the Evergreen Park PUD; after considering the record, the Examiner's recommendation, and public testimony, the Council voted to adopt the Examiner's recommendation to change the zoning of the Evergreen Park PUD to allow residential uses in the Retail/Commercial zone of the subject PUD; and

**WHEREAS**, the City Council hereby adopts the findings and conclusions as set forth in the Examiner's recommendation; and

**WHEREAS**, this PUD amendment meets the goals and requirements of the Growth Management Act; and

**WHEREAS**, Chapters 35A.63 and 36.70 RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

**WHEREAS**, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**


**Section 1. Amendment of Official Evergreen Park PUD.** The Evergreen Park PUD development regulations are hereby amended by replacing the current development standards of the PUD attached hereto, which is incorporated into the PUD regulations by reference as though fully set forth herein. The updated Official Evergreen Park PUD standards will be held on file with the city and made available to the public through the city website.

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.


**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances is unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance takes effect five (5) days after passage and publication, as provided by law.

  
\_\_\_\_\_  
MAYOR

**ATTEST:**

  
\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

Mark Barber  
\_\_\_\_\_  
CITY ATTORNEY

**PASSED:** March 19, 2024

**APPROVED:** March 19, 2024

**PUBLISHED:** March 29, 2024

**APPENDIX A**

May 22, 1973

AMENDED JUNE 1, 2006

**AMENDED XXXX**

**EVERGREEN PARK PLANNED UNIT DEVELOPMENT  
USE CLASSIFICATION AND DEVELOPMENT STANDARDS**

**ARTICLE I. INTENT**

The Evergreen Park PUD District is designed to establish standards for the development of an area containing approximately 200 acres on the west side of Olympia, as a combined residential and commercial community. The general elements are designed to permit flexibility in the arrangement of structures on the sites in order to encourage good architectural design, to provide adequate greenbelt and open space areas, to provide the maximum possible protection of the natural amenities of the area, to provide adequate accesses and utilities for the uses permitted, to assure adequate light and air, and to provide protection from discordant influences.

**ARTICLE II -GENERAL PROVISIONS**

**SECTION I. SITE PLANS** - Emphasis of the natural amenities shall be an integral part of all site plans.

- A. For Lots 43 through 66 detailed site plans, landscape plans, building elevations, color schemes, building plans, computation for vertical angle of light, horizontal light angles and floor area ratio where-ever applicable shall be submitted directly to the Olympia City Site Plan Review Committee for review and approval as to conformance with the nature and intent hereof, development standards provided herein, and as to the adequacy of the traffic plan for the traffic to be generated by the development of such property.
- B. For Lots 3 through 42, detailed site plans, landscape plans, building elevations, color schemes, building plans, computations for vertical angle of light, horizontal light angles and floor area ratios wherever applicable for each parcel shall be submitted to the City Planner and City Engineer for review and approval to determine conformance with the nature and intent hereof, the standards herein, and other applicable ordinances of the City of Olympia.

**SECTION II. OPEN SPACE, GREENBELT AREA** (Tracts A, B, C & D)

- A. Tracts A, B, C, and D shown on the site plan annexed hereto marked Exhibit "A- 1" shall

be maintained in perpetuity as natural landscaped open areas, owned by a property owners' association, municipal or state body, or by present property owners. Additional areas to be devoted to open space or greenbelt area shall be approved by the City Planner and City Engineer.

### **SECTION III. PEDESTRIAN WALKWAYS AND CIRCULATION**

- A. Pedestrian easements shall be provided to permit reasonable access to the greenbelt area either at the locations shown in the site plan annexed hereto or at other locations providing more suitable access giving due consideration to geographical limitations. Exact locations of pathways shall be approved by the Hearing Examiner upon recommendation of the City Planner and City Engineer. Maintenance shall be by a property owners' association, municipal body or present property owners. Additional pedestrian circulation walk-way systems may be required by the City Commission upon recommendation of the Hearing Examiner. All pathways must be constructed by the developer prior to construction on 45 percent of the lots as shown on Exhibit "A-1". Pathways shall be constructed in conformance with such reasonable design criteria as shall be established by the City Engineer.

### **SECTION IV. SIDEWALKS**

- A. Sidewalks shall follow the specifications and locations as follows:
  - 1. Lakeridge Drive
    - a. Five foot (5') Portland Cement concrete integral curb and sidewalks along the north side of the street extending from Evergreen Park Drive to Deschutes Parkway.
    - b. Top of the cut to Evergreen Park Drive - eight foot (8') Portland Cement concrete integral curb and sidewalk along the south side of the street. This sidewalk will extend two feet onto private property.
  - 2. Evergreen Park Court
    - a. Five foot (5') Portland Cement concrete sidewalk along both sides of the street. There will be a 4-1/2 foot landscaped parking strip between the curb and the sidewalk. The cul-de-sac on the north end of Evergreen Park Court will have a five foot (5') Portland Cement concrete integral curb and sidewalk.
  - 3. Lakeridge Way and 24th Way, Southeast
    - a. Eight foot (8') Portland Cement concrete integral curb and sidewalk on both

sides of the roadway extending from Lakeridge Drive to Evergreen Park Drive. This sidewalk extends two feet onto private property.

- (1) Five foot (5') Portland Cement concrete sidewalk along the northerly side of the street between Lakeridge Drive and its intersection with Cooper Point Road. There will be a four and a half foot landscaped parking strip between the curb and the sidewalk. If the abutting property develops commercial, then the sidewalk width shall be increased to ten feet.
  - (2) Ten-foot integral curb and walk along the southwest side of the street extending from the existing temporary roadway easement shown on the plat westerly to Cooper Point Road.
4. Sidewalks for those portions of Lots 43 through 66 contained within Evergreen Park Drive will be located and sized in accordance with the development of this area. They shall be shown on the site plan as required in Section 1 of this article.

#### **SECTION V. STREET SYSTEM**

- A. The principal streets will be those that are shown and dedicated on the site plan, attached hereto, and marked Exhibit "A-1". Final alignment of any other streets necessary to serve any of the parcels of land and the location of all points of ingress and egress to the property abutting all existing or proposed streets shall meet with the standards established by the City of Olympia and approved by the City Engineer and the City Planner. New streets must be consistent with the nature and intent of this PUD.

#### **SECTION VI. STREET LIGHTING**

- A. Street lighting shall conform with the standards and policies of the City of Olympia applicable to the various land uses established for this development. Street lighting shall be installed to coincide with the development of each lot.

#### **SECTION VII. WATER, SANITARY SEWER AND DRAINAGE SYSTEMS**

- A. The PUD shall be served by the City of Olympia water distribution system, sanitary sewage collection system and storm drainage system. These systems shall meet the current standards and policies established by the City of Olympia at the time of development. Prior to construction detailed construction plans and specifications for all utilities and improvements shall be submitted to the City Engineer for review and approval. All proposed utilities shall conform to the provisions hereof and with the existing ordinances of the City of Olympia and the laws of the State of Washington.

**SECTION VIII. UTILITIES**

- A. All utilities, both private and public, will be placed underground. The undergrounding of all utilities will be completed prior to commencing construction on Lots 1 and 11 of this development.

**SECTION IX. LANDSCAPING**

- A. All improved areas shall be reasonably landscaped upon completion of building construction. Proposed landscaping plans shall be submitted to the City Planner and City Engineer for review when detailed site and building plans are submitted pursuant to Section I of this Article.
- B. In lieu of other specific requirements set forth herein or incorporated herein by reference, all areas other than access ways lying between the paved portion of streets and the parking areas of commercial zones shall be reasonably landscaped so as to provide a screening having a minimum height of six feet (6') at maturity for such parking areas lying adjacent to or across the street (excluding the Olympia-Aberdeen Freeway) from a residential area and a minimum height of three feet (3') at maturity for all such other parking areas.
- C. Developments completed prior to the adoption of an ordinance incorporating these requirements shall be exempt there from.

**SECTION X. OFF-STREET PARKING**

- A. Off-street parking shall meet the minimum standards provided under the City of Olympia code. In addition, no parking area shall be allowed with ten feet of the paved portion of a street.

**SECTION XI. OFF STREET LOADING**

- A. Off-street loading requirements shall meet the minimum standards provided under the Olympia City Code.

**SECTION XII. SIGNS**

- A. All signs shall be constructed and maintained in conformance with (Sign Standards) of the Olympia City Code. Signs maintained in residential use districts hereof which are not specifically provided for in said code shall meet the standards set forth in said Section for RM Zones.

## **ARTICLE III**

### **PERMITTED USES AND DEVELOPMENT STANDARDS**

#### **SECTION I. COMPOSITE USE ZONE (Lot 1)**

##### **A. Purpose**

1. The purpose of the Composite Use Zone is to provide for the use of Lot 1 for residential purposes and to establish standards which shall be applicable to such of the permitted uses as may be developed. Such uses will of course be dependent in fact upon the future growth of Olympia and the relative needs for such uses.

##### **B. Special Provisions**

1. A park area for the use of the owners of property within Evergreen Park, or the public, shall be established for the benefit of said property owners or dedicated to the City of Olympia for the benefit of the public. Such park area shall contain a minimum of two (2) acres and shall include 1.25 acres for each 100 dwelling units (or part thereof) to be constructed on said Lot 1. For example if 250 dwelling units are to be constructed on Lot 1, the minimum park area would be 3.75 acres.
2. There shall be no more than 500 residential units constructed on Lot 1.

##### **C. Permitted Uses - Uses permitted as a matter of right:**

1. High rise Apartments
2. Garden Court Apartments
3. Townhouses, Duplexes, Single-family residences

##### **D. Conditionally Permitted Uses - Uses permitted pursuant to a Conditional Use Permit:**

1. Churches

##### **E. Use and Development Standards - High Rise Apartments**

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.1 above (High-Rise Apartments), the following use and development standards shall be applicable:
  - a. Height and Length: On any site the height of a building shall not exceed 120 feet,

provided, however, that where any portion or portions of a building extend above a height of 35 feet, the maximum length of any such portion or portions combined shall in no case exceed an amount equal to 25 percent of the sum of the average depth of the site and the average width of the site. With the approval of the Hearing Examiner of the City of Olympia, after recommendation of the Site Plan Review Committee, the height may be in excess of 120 feet but not in excess of 200 feet where the geographical amenities of the site make such height possible. Where it is proposed to erect a building in two or more parts (towers), a site may be interpreted as two or more sites as the case may be, provided that the area of each site so created is 25,000 square feet or more, and the parts of the building (towers) are not less than 80 feet apart. The height of a building shall be the vertical distance between the finished grades of the site and the hypothetical surface which is parallel to the finished grades of the site. It shall be assumed that the finished grades within the outer walls of the building are formed by straight lines joining contours on the finished grades at the outer wall of the building.

- b. Front Yard: A front yard of not less than 20 feet.
- c. Side Yard: Side yards shall be provided on each side of the building such that the outer walls of building be contained within 135° horizontal angles subtended from all points along the side property lines, provided, however, in no case shall the side yard be less than seven feet (7').
  - a. In the case of a corner site where the side yard adjoins a flanking street, the above containing angle is not applicable, but the side yard shall be 20 percent of the width of the site, provided, however, this amount shall be increased by one foot, or fraction thereof, for every five feet (5') by which the highest height of the building exceeds 40 feet (measured as in (E.1.a) above), but in no case shall it be less than ten feet nor need it be more than 20 feet.
- d. Rear Yard: A rear yard minimum depth of 35 feet; this amount may be reduced to 25 feet in the following:
  - (1) When the building abutting the rear yard is not more than 30-feet wide or less than 25 feet from any adjoining site.
  - (2) When the average distance from the rear line of the site to the rear of the building taken over the full width of the site is not less than 35 feet and provided further; that no portion of such building abutting such rear yard so reduced shall have a width of more than 50 feet nor less than 25 feet from any adjoining site.
- e. Daylight Access:
  - (1) From the outside of the mid-point of the exterior wall (walls) of every habitable room, there shall be an unobstructed view for a distance of not less



than 80 feet measured horizontally three feet (3') above the floor of the habitable room. Such view shall extend through either a continuous horizontal arc of not less than 50° or through two or more horizontal arcs which in the aggregate contain not less than 70°. For the purpose of this subsection the following shall be considered to be obstructions.

(a) The theoretical equivalent building located on any adjoining site of the zone areas in the corresponding position by rotating the plot plan of the proposed building 180° about the horizontal axis located on the property line of the proposed site.

(b) Part of the same building including permitted projections.

(c) Accessory buildings located on the same site as the principal building.

(2) For the purpose of this subsection, a kitchen shall not be counted as a habitable room unless its area is greater than ten percent of the total floor area of the dwelling unit in which it is situated, or 70 square feet, whichever is greater.

f. Vertical Angle of Light: In the case of buildings over 35 feet in height (measured from the finished grade at all points around and adjacent to the building) no part thereof shall project above lines extending over the site at right angles from:

(1) All points along the ultimate centerline of the street (or streets) in front of the site inclined at an average angle of 25° to the horizontal.

(2) All points along the rear boundary line of the site and inclined at the average angle of 25° to the horizontal.

(3) All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an average angle of 30° to the horizontal.

(4) In the case of corner sites, all points along the ultimate centerline of the flanking street and inclined at an average angle of 25° to the horizontal.

(5) For the purpose of this section only, the principal building shall be considered as an obstruction.

g. Floor Area Ratio: The maximum floor area ratio shall be 1.00 provided, however, this amount may be increased as follows:

(1) Where the site coverage is 50 percent or less, an amount equal to 0.012 may

be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.

- (2) Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet, or more, an amount may be added equal to 0.002 multiplied by each 100 square feet of site area in excess of 9,000 square feet but in no case shall this amount exceed 0.25.
- (3) Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.20 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet (7') or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven feet (7'), and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation, provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided in no case shall the top of any portion of such structure, extend more than three feet above the adjoining streets or adjacent sites.

h. Accessory Buildings: A building or use customary to high-rise apartments, provided that:

- (1) All accessory buildings shall not be located closer to the flanking street than the width of the side yard required for the principal building.
- (2) The total accessory buildings located in any yard shall not occupy an

area greater than 25 percent of the minimum yard prescribed for high-rise apartments or 460 square feet, whichever is greater;

- (3) No accessory building shall exceed 15 feet in height.
- (4) No more than two-thirds of the width of front or rear yard of any lot shall be occupied by accessory buildings;
- (5) No accessory building shall be closer than 12 feet to any dwelling on the property;
- (6) No accessory building shall obstruct the daylight access as required by this high-rise apartment section.

i. Special Provisions:

- (1) Animals - No more than three (3) of any species of common four-legged household pets, four (4) months of age or older, shall be allowed per dwelling unit. Fowl such as chickens, ducks and geese are prohibited. This does not apply to song birds and the like. All other animals are prohibited.
- (2) Trailer house and mobile homes - no more than one (1) trailer house may be stored on the premises unless is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or to the neighborhood. Trailer houses shall not be used as living quarters at any time. Mobile homes may be used as living quarters only when located in Mobile Home Parks.
- (3) Pleasure Boats - Privately owned pleasure boats with an eight- (8) foot beam or less may be stored on the premises. Larger boats may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to the surrounding property or to the neighborhood. A boat in storage shall not be used as living quarters at any time.
- (4) Outside Storage - Inoperable motor vehicles may be stored on the premises no longer than thirty (30) days unless parked within an enclosed structure. A reasonable quantity of material normally accessory to the principal use may be openly stored in the buildable area. There shall be no open storage of other materials.

F. Use and Development Standards - Garden Court Apartments

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.2 above (Garden Court Apartments) the standards set forth in Article III,

Section IV hereof, shall be applicable.

G. Use and Development Standards - Townhouses, Duplexes, Single-Family Residences.

1. In the event that any portion of Lot 1 shall be developed for the permitted use set forth in subsection C.3 above (Townhouses, Duplexes, Single-Family Residences) the standards set forth in Article III, Section V hereof shall be applicable.

**SECTION II. COMMERCIAL RETAIL ZONE:** (Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13A, 14, 15A, and 51 through 66, Tracts F and G, and Lot 3 of Short Plat SS-5099.) (Also see Ordinance 5215 with regard to Lot 3 of SS-5099 and Ordinance 4192 with regard to lots 65 and 66.)

A. Permitted Uses: Uses permitted as a matter of right:

1. Retail stores and shops. This includes all types of retail stores except the following:
  - a. Automobile and truck sales and rentals.
  - b. Heavy farm and construction equipment.
  - c. Feed, grain and farm supply stores.
  - d. House trailers, mobile home sales & rental and truck and trailer rentals.
2. Banks and other financial institutions.
3. Offices.
4. Personal and business services.
5. Household and clothing services such as a tailor, janitor, self-service laundry, and dry cleaning. Laundry plants prohibited.
6. Repair shops for small equipment and items.
7. Eating and drinking establishments.
8. Commercial recreation.
9. Public buildings and facilities.
10. Parking facilities.
11. Service Stations.

12. Minor Auto Repair Accessory to Service Stations only.
13. Hotels and motels.
14. Auto rentals accessory to motel, hotel and service stations.
15. Churches.
16. Multi-Family Housing

17. Other uses similar to the above which are consistent with the intent.

B. Use Provisions: The following provisions shall apply to all of the above uses within this zone:

1. All businesses shall be retail or service establishments dealing directly with the consumer. Products produced on the premises shall be sold at retail on the premises where produced or delivered directly to the consumer. Slaughtering prohibited.
2. All businesses, excepting garden supply stores, restaurants', and parking facilities, shall be conducted wholly within an enclosed building.
3. Goods offered for sale shall consist principally of new merchandise, except in the case of antiques.

C. Development Standards: The following Development Standards shall be applicable to former Lot 2 and the other lots covered by this Article III, Section II. except any new multifamily housing (Apartments) shall follow the Development Standards found under Section III Apartment Zone. Any change of use to an existing building into apartments or other multifamily housing is permitted, regardless of the development standards being met as found under that section. Vehicle and bicycle parking requirements shall be required per OMC 18.38

1. Front Yard: No front yard shall be required.
2. Side Yard: No side yards shall be required except where the commercial area abuts the residential area; then the side yard shall be ten feet. For the next three stories above a height of three stories or 40 feet, whichever is lesser, no part of the building shall be nearer than five feet to the side lines of the site and this distance shall be increased by one foot for every additional story, providing, however, this requirement need not apply on a flanking street of a corner site.
3. Rear Yard: A rear yard shall be not less than ten feet except where the parcel abuts the residential area in which case the yard shall be 20 feet.

4. Height: The height of a building shall not exceed 60 feet nor three stories. Office, hotel buildings shall not exceed 80 feet.
5. Vertical Angle of Light: In the case of a building of more than three stories or 40 feet in height, no part of such building above the third story, or above 40 feet, shall project above lines extending toward the building at right angles from:
  - a. All points along the ultimate centerline of the street in front of the site and inclined at an angle of  $60^{\circ}$  to the horizontal;
  - b. All points along the rear boundary line of the site or the ultimate centerline of the lane where one has been dedicated and inclined at an angle of  $60^{\circ}$  to the horizontal;
  - c. All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an angle of  $70^{\circ}$  to the horizontal;
  - d. In the case of a corner site all points along the ultimate centerline of a flanking street or lane and inclined at an angle of  $60^{\circ}$  to the horizontal.
  - e. Any part of a building shall be exempt from the appropriate vertical angle control above, if the exempt part of the building:
    - (1) Has a horizontal dimension of 60 feet or less, measured parallel to the street, lane or boundary of the site, as the case may be, from which the said vertical angle is measured; and
    - (2) Is not less than 80 feet from any part of the same building similarly exempt, measured in the same direction as the 60 feet specified in clause (a) above.
6. Horizontal Light Angle (Hotels, Motels, Multi-Family Housing):
  - a. The window of every habitable room shall be not less than ten feet from the interior side boundary of the site onto which it faces.
  - b. Every such window shall permit an unobstructed view for a distance of not less than 80 feet measured horizontally from its center at sill level. Such view shall extend through either a continuous horizontal arc of not less than  $50^{\circ}$ , or through two or more horizontal arcs which in aggregate contain not less than  $70^{\circ}$ . For the purpose of this subsection the following shall be considered as obstructions:
    - (1) The theoretical equivalent building located on any adjoining site of the zone area in a corresponding position by rotating the plot plan of the

proposed building 180° above the horizontal axis located on the property line of the proposed site.

- (2) Part of the same building including permitted projections.

Accessory buildings located on the same site as the principal building.

7. Floor Area Ratio: The floor area ratio shall not exceed 2.50. Floor area ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

8. Accessory Buildings: Any use or structure customarily accessory to the principal uses shall be permitted, provided it shall not exceed a height of 15 feet,

### **SECTION III. APARTMENT ZONE (Lots 23, 24, 25 and 26)**

- A. Intent. To provide for apartment development at a density standard that will attain a maximum density of 25 dwelling units per acre.
- B. Permitted Uses. Uses permitted as a matter of right.
1. Apartment houses.
  2. Fraternity or sorority houses.
  3. Public or commercial swimming pool.
- C. Height. The height of a building shall not exceed five stories or 50 feet.
- D. Front yard. The front yard shall have a minimum depth of 20 feet.
- E. Side Yards. A side yard of not less than ten feet shall be provided on each side of the building, provided, of on a corner site where a side yard adjoins a flanking street, the side yard shall be not less than 15 feet.

- F. Rear Yards. A rear yard shall be provided of not less than 25 feet.
- G. Vertical Angle of Light. In the case, of buildings over 35 feet in height (measured from the finished grade at all points around and adjacent to the building) no part thereof shall project above lines extending over the site at right angles from:
1. All points along the ultimate center line of the site and inclined at the average angle of  $25^{\circ}$  to the horizontal.
  2. All points along the rear boundary line of the site and Inclined at the average angle of  $25^{\circ}$  to the horizontal.
  3. All points along the interior side boundary (or boundaries) of the site at ground level and inclined at an average angle of  $30^{\circ}$  to the horizontal.
  4. In the case of corner sites, all points along the ultimate center line of the flanking street and inclined at an average angle of  $25^{\circ}$  to the horizontal.
- H. Daylight Access.
1. The window of every habitable room shall be not less than ten feet from the interior side boundary of the site onto which it faces.
  2. Every such window shall permit an unobstructed view for a distance of not less than 80 feet measured horizontally from its center at sill level. Such view shall extend through either a continuous horizontal arc of not less than  $50^{\circ}$ , or through two or more horizontal arcs which In aggregate contain not less than  $70^{\circ}$ . For the purpose of this subsection the following shall be considered as obstructions:
    - a. The theoretical equivalent building located on any adjoining site of the zone areas in a corresponding position by rotating the plot plan on the proposed building  $180^{\circ}$  about the horizontal axis located on the property line of the proposed site.
    - b. Part of the same building including permitted projections.
    - c. Accessory buildings located on the same site as the principal building.
  3. For the purpose of this subsection, a kitchen shall not be counted as a habitable room unless its area is greater than ten percent of the total floor area of the dwelling unit in which it is situated, or 70 square feet whichever is greater.
- I. Floor Area Ratio. The maximum floor area ratio shall be 0.60, provided, however, this amount may be increased as follows:
1. Where the site coverage is 50 percent or less, an amount equal to 0.012 may be added for each one percent or fraction thereof by which such coverage is reduced below 50



percent.

2. Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet or more, an amount may be added equal to 0.002 multiplied by each 100 square feet of site area in excess of 9, 000 square feet but in no case shall this amount exceed 0.25.
3. Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.20 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven (7) feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided in no case shall the top of any portion of such structure extend more than three feet above the adjoining streets or adjacent sites.

- J. Accessory Buildings. A building or use customarily accessory to the above uses (except for another dwelling unit), provided that:
  1. All necessary buildings shall be located not less than 15 feet from a flanking street.
  2. The total accessory buildings do not occupy an area greater than 25 percent of the minimum yard, or 460 square feet, whichever is greater.
  3. No accessory building shall exceed 15 feet in height.

4. Not more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.
5. No accessory building shall be closer than 12 feet to any dwelling on the property.
6. No accessory building shall obstruct the daylight access as required in this section.

K. Special Provisions.

1. Animals. No more than three (3) of any species of common four-legged household pets, four (4) months of age or older, shall be allowed per dwelling unit. Fowl, such as chickens, ducks and geese are prohibited. This does not apply to song birds and the like. All other animals are prohibited.
2. Trailer House and Mobile Homes - No more than one (1) trailer house may be stored on the premises. One (1) mobile home may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or to the neighborhood. Trailer houses shall not be used as living quarters at any time. Mobile homes may be used as living quarter only when located in Mobile Home Parks.
3. Pleasure Boats - Privately owned pleasure boats with an eight- (8) foot beam or less may be stored on the premises. Larger boats may be stored on the premises if it is determined by the Hearing Examiner that such storage will not be detrimental to the surrounding property or to the neighborhood. A boat in storage shall not be used as living quarters at any time.
4. Outside Storage - Inoperable motor vehicles may be stored on the premises no longer than 30 days unless parked within an enclosed structure. A reasonable quantity of material normally accessory to the principal use may be openly stored in the buildable area. There shall be no open storage of other materials.

**SECTION IV. GARDEN COURT ZONE (Lots 33 and 41)**

- A. Intent. To provide for Garden Court development at a density standard that will attain a maximum density of 15 dwelling units per acre but as to said lot 33, not to exceed a total of 150 dwelling units.
- B. Permitted Uses. Uses permitted as a matter of right:
  1. Single Family
  2. Townhouses
  3. Duplexes

4. Garden Court Apartments

- C. Height. The height of a building shall not exceed two stories or 35 feet.
- D. Front Yard. The front yard shall have a minimum depth of 20 feet.
- E. Side Yards. A side yard of not less than ten feet shall be provided on each side of the building, provided if on a corner site where a side yard adjoins a flanking street, the side yard shall be not less than 15 feet.
- F. Rear Yard. A rear yard shall have a minimum depth of 25 feet.
- G. Daylight Access. The daylight access provisions set forth in Article III, Section III, subsection "H" - Apartment Zone, shall apply hereto.
- H. Floor Ratio. The maximum floor area ratio shall be 0.50 computed as provided in and subject to modification as provided in Article III, Section III, subsection "I" - Apartment Zone, the provisions of which shall be applicable hereto.
- I. Accessory Buildings. A building or use customarily accessory to the Garden Court use, provided that:
  - 1. All accessory buildings shall be located a minimum of 15 feet from a flanking street.
  - 2. The total accessory buildings do not occupy an area greater than 25 percent of the minimum yard, or 460 square feet, whichever is greater.
  - 3. No accessory building shall exceed 15 feet in height.
  - 4. Not more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.
  - 5. No accessory building shall be closer than 12 feet to any dwelling on the property.
  - 6. No accessory building shall obstruct the daylight access as required in this section.
- J. Special Provisions. The provisions of Article III, Section III, subsection "K" - (Apartment Zone) shall apply.

**SECTION V. TOWNHOUSE, DUPLEX. SINGLE-FAMILY ZONE** (Lots 20, 27 - 32, 34 - 40, 42)

- A. Intent. To provide for townhouse and duplex development at a density standard that

will attain a density of a maximum of six dwelling units per acre for Lots 20, and a maximum density of eight dwellings per acre for Lot 27 to 32, 34 to 40 and 42.

B. Permitted Uses. Uses permitted as a matter of right:

1. Single-family.
2. Duplexes.
3. Townhouses.

C. Floor Area Ratio. The maximum floor area ratio shall be 0.45 computed as provided in and subject to modification as provided in Article III, Section III, subsection "I" - Apartment Zone, the provisions of which shall be applicable hereto.

D. Height. The maximum height of a building shall not exceed 35 feet or two stories.

E. Yards.

1. The front yard shall have a minimum depth of ten feet.
2. The rear yards shall have a minimum depth of ten feet.
3. The side yards shall have a minimum depth of five feet.

F. Accessory Buildings.

1. All accessory buildings shall be located a minimum of five feet from a flanking street.
2. No accessory building shall exceed 15 feet in height.
3. No more than two-thirds of the width of the front or rear yard of any lot shall be occupied by accessory buildings.

G. Special Provisions. The provisions of Article III, Section III, subsection "K" subsection - Apartment Zone, shall apply.

**SECTION VI. HIGH RISE ZONE (Lot 22 and Lots 1 and 2 of Short Subdivision SS-5099)**

A. Intent. To provide reasonable site standards that can be applied when each site is created and working viable plans are presented. In this way there will be no chance of a monotonous row of towers being created.

Maximum allowable density will be 30 dwelling unit 's/acre on Lots 1 and 2 of SS-5099 and 25 dwelling unit's/acre on Lot 22.

B. Permitted Uses. Uses permitted as a matter of right:

1. High-rise Apartments (subject to standards in this Article III, Section IV, subsection "C through E.")
2. Garden Court Apartments (subject to standards of Article III, Section IV)
3. Townhouses, Duplexes, Single- Family Residential (subject to standards of Article III, Section V.)

C. Height and Length. On any site the height of a building shall not exceed 100 feet, provided, however, that where any portion or portions of a building extend above a height of 35 feet, the maximum length of any such portion or portions combined shall in no case exceed an amount equal to 25 percent of the sum of the average depth of the site and the average width of the site. Where it is proposed to erect a building in two or more parts (towers), a site may be interpreted as two or more sites as the case may be, provided that, the area of each site so created is 25,000 square feet, or more, and the parts of the building (towers) are not less than 80 feet apart. The height of a building shall be the vertical distance between the finished grades of the site and the hypothetical surface which is parallel to the finished grades of the site. It shall be assumed that the finished grades within the outer walls of the building are formed by straight lines joining contours on the finished grades at the outer wall of the building.

D. Floor Area Ratio. The maximum floor area ratio shall be .75, provided, however, this amount may be increased as follows:

1. Where the site coverage is 50 percent or less, an amount equal to 0.09 may be added for each one percent or fraction thereof by which such coverage is reduced below 50 percent.
2. Where the area of a site exceeds 9,000 square feet and the frontage of such site is 75 feet or more, an amount may be added equal to .0015 multiplied by each 100 square feet of site area in excess of 9,000 square feet but in no case shall this amount exceed 0.20.
3. Where parking spaces are provided within the outermost walls of a building or underground (but in no case with the floor of the parking area above the highest point of the finished grade around the building) an amount may be added equal to 0.15 multiplied by the ratio of parking spaces provided which are completely under cover, to the total required parking spaces.

Floor Area Ratio is a computation of density that indicates the permissible amount of floor area that may be developed on a specific amount of land area. Figure obtained when the area of all the floors of the buildings on the site is divided by the area of the site.

Floor Area is the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls. Including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven (7) feet or more; but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven (7) feet, and basements used exclusively for storage or housing of mechanical or central heating equipment.

For the purpose of this section, site coverage shall be based on the projected area of the outside of the outermost walls of all buildings.

If any of the buildings are on a sloping site where a structure is located in or beneath a yard, such structure may be excluded from the site coverage calculation provided that the top of such structure (excluding required earth cover) is located beneath the average elevation of the portions of the streets, or adjacent sites, located adjacent to such structure, provided In no case shall the top of any portion of such structure extend more than three feet above the adjoining streets or adjacent sites.

## **SECTION VII. PUBLIC USE ZONE (Lots 15B, 16, 17, 18, and 19)**

- A. Intent. To provide for development of a Thurston County Courthouse site.
- B. Permitted Uses. Use permitted as a matter of right.
  - 1. Public Use – Thurston County Courthouse.
- C. Development Standards. The development standards applicable to this use zone shall be those standards approved by the City Commission of the City of Olympia after recommendations by the Olympia Planning Commission when a detailed site plan for development was submitted thereto.

## **ARTICLE IV**

### **LOT REFERENCES**

All lots and tracts referenced herein are the lots and bearing the corresponding number or letter in the Plat of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, with the exception of Lots 15A and 15B.

Where used herein the terms Lot 15A and Lot 15B, shall respectively mean the real property described following each such designation below:

- Lot 15A: That part of Lot 15 of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, lying easterly of a line described as beginning at a point on the South line of said Lot 15, a distance of 363.18 feet S 89° 55' 51" E of the Southwest corner thereof;

thence N 13° 37' 53" E to the Northerly line thereof.

Lot 15B:

That part of Lot 15 of Evergreen Park according to the plat thereof recorded in Volume 16 of Plats, page 61, records of Thurston County, Washington, lying westerly of a line described as beginning at a point on the South line of said Lot 15 a distance of 363.18 feet S 89° 55' 51" E of the Southwest corner thereof, thence N 13° 37' 53" E to the Northerly line thereof.