

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO URBAN AGRICULTURE; AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 4.36.010, 5.24.010, 5.24.020, 18.04.080, TABLE 4.04; 18.06.080, TABLE 6.02; AND 18.08.040, TABLE 8.01; AND AMENDING OLYMPIA MUNICIPAL CODE SUBSECTIONS 18.02.180.A, 18.04.060.C, 18.06.060.C, AND 18.40.060.C.**

**WHEREAS**, the Land Use and Environment Committee directed staff to collaborate with Sustainable South Sound's (SSS) Local Food Systems Program to modify current City policies regarding urban agriculture; and

**WHEREAS**, the City and SSS held a public meeting on April 25, 2012, to hear community concerns and ideas about potential changes to the Olympia Municipal Code (OMC); and

**WHEREAS**, the Olympia Planning Commission held a public hearing on October 29, 2012, to accept public input regarding the proposed changes to the OMC; and

**WHEREAS**, there is public support for less restrictive regulations related to urban agriculture; and

**WHEREAS**, the Olympia City Council determines that the proposed amendments are consistent with the Growth Management Act, the Comprehensive Plan, the County-wide Planning Policies, and the City's development regulations; and

**WHEREAS**, this Ordinance is supported by the Agenda Item Summary and attachments associated with this Ordinance, along with documents on file with the City of Olympia; and

**WHEREAS**, this Ordinance is adopted pursuant to RCW 36.70A and Article 11, Section 11, of the Washington Constitution;

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

**Section 1. Amendment of OMC 5.24.010. Olympia Municipal Code Section 5.24.010 is hereby amended to read as follows:**

**5.24.010 Defined**

A. As used in this chapter, "garage sale" means any event, other than a sales activity operated in conjunction with a regularly licensed commercial or retail operation, which, except for agricultural sales, is advertised by any means whatsoever as a place or location at which members of the public may purchase identifiable or tangible personal property. Included in the definition of garage sales are yard sales, patio sales, rummage sales, estate sales, or other similar sales, as well as agricultural sales.

B. As used in this chapter, "residential premises" means a single family dwelling, duplex, triplex, or fourplex.

C. As used in this chapter, "apartment premises" shall mean any combination of living units in excess of four units under a single ownership.

**Section 2. Amendment of OMC 5.24.020. Olympia Municipal Code Section 5.24.020 is hereby amended to read as follows:**

**5.24.020 Restrictions**

- A. Unlawful conduct. It is unlawful for a person to conduct more than two garage sales per calendar year on a residential premises, excluding agricultural sales.
- B. It is unlawful for a person to conduct more than one garage sale per calendar month on an apartment premises, excluding agricultural sales.
- C. It is unlawful for a person to conduct a garage sale which exceeds four consecutive days, excluding agricultural sales.
- D. It is unlawful for a person to conduct a garage sale on any premises less than four months after such a sale has previously been conducted on the same premises, excluding agricultural sales.
- E. It is unlawful to conduct a garage sale before the hour of 8 a.m. or after the hour of 8 p.m.
- F. It is unlawful to display goods at a garage sale on a public street, sidewalk, alley or other public place or any portion thereof.
- G. No offsite signage is allowed for agricultural sales.

**Section 3. Amendment of OMC 18.02.180.A. Olympia Municipal Code Subsection 18.02.180.A is hereby amended to read as follows:**

**18.02.180 Definitions**

A. DEFINITIONS - SPECIFIC.

Abandon. To cease or suspend from developing or maintaining a building or use for a definite period of time.

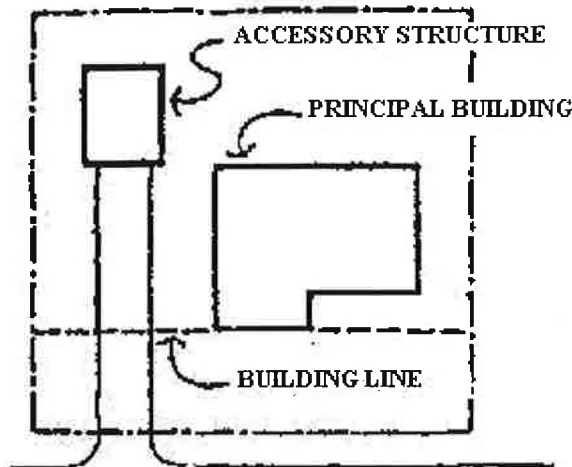
Abandoned Activity. A business or activity with no reported sales or activity for a period of twelve (12) months, except temporary closures for repairs, alterations, or other similar situations. Land and/or buildings not in use for such period are considered vacant and unoccupied and may be subject to review including land use approval prior to renewal of use.

Abutting. Two or more parcels or buildings sharing a common boundary of at least one point.

Access. Safe, adequate, and usable ingress/egress (entrance/exit) to a property or use.

Accessory Dwelling Unit. See Dwelling, Conventional.

Accessory Structure. A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building. Any part of the main building which shares a common wall and roof is considered a part of that building. A building or portion thereof is not considered attached if the attachment is by a covered breezeway. (See also Subordinate.)



**FIGURE 2-1**

**Accessory Use.** A use of land or a portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use, such as: garage sales; merchandise displays outside of a business; community oriented outdoor activity associated with schools, churches, and other non-profit organizations; and temporary contractor offices on a construction site.

**Action.** A decision made by the review authority(s) on a land use application, including any findings, environmental determination and conditions of approval.

**Adult Day Care Home.** See Dwelling, Assisted Living.

**Adult Entertainment.**

a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely opaquely covered; or

b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation of, or relation to, the following specified sexual activities:

- i. Human genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse, or sodomy; or
- iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

provided, adult entertainment and specifically the "depiction, description, simulation of, or relation to" sexual activities described above, shall not be construed to include any form of actual sexual conduct as defined in this section.

c. Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Adult-Oriented Business. Shall mean the following businesses:

a. Adult arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.

b. Adult cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.

c. Adult motel. A hotel, motel, or similar commercial establishment which:

i. Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or

ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

iii. Allows a tenant or occupant of a sleeping room to sub\_rent the room for a period time that is less than ten (10) hours.

d. Adult motion picture theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.

e. Adult book store. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this ordinance, "portion of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.

f. Other adult entertainment facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.

Affected Party. Any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in an action before the Review Authority, including any party in a contested case.

Affordable Housing. Housing affordable to households with an income not greater than 80 percent of the median income for Thurston County as determined by the U.S. Department of Housing and Urban Development. Affordable housing should cost no more than 30 percent of gross household income (including utilities).

Agriculture. The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment and onsite sales of agricultural products, but excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land or structure designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as a means of vehicular or pedestrian access to a property.

Alteration. Any change, addition or modification in construction or occupancy.

Amendment. The action whereby the content of this title is revised, including additions, deletions, or clarification of language, maps, or diagrams.

Amusement Activity. An indoor, covered or outdoor facility or building that contains various devices for entertainment, including coin or token-operated machines, rides, booths to conduct games or the sale of souvenir items.

Ancillary Structure, WCF. Any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

Animals. Any living organism except a plant, fungus, virus, or bacterium. (See also Pet, Traditional.)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including the accessory use of the premises as a kennel or a place where animals or pets are boarded for compensation.

Animal Kennel. See Kennel.

Animal Unit. One thousand pounds of live weight of any given livestock species or any combination of livestock species. For additional information, see the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

Antenna. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array. A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element. Any antenna or antenna array.

Antenna Support Structure. A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building. Types of support structures include the following:

Guyed Structure. A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice Structure. A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole Structure. A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or

other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

**Anti-Climbing Device.** A piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

**Apartment.** See Dwelling, Conventional.

**Apparel and Accessory Stores.** Stores primarily engaged in selling new or used clothing, shoes, jewelry, and related articles for personal wear and adornment and stores which rent clothing such as costumes or formal wear.

**Applicant.** Owner(s) or lessee(s) of property, including their agent(s) who submit an application for development, including person(s) who have contracted to purchase property.

**Application Content Lists.** That document entitled "City of Olympia Project Permit Application Content Lists" approved and adopted by the City Council setting forth the required content for project permit applications to be "completed" as that term is used in RCW 36.70B.080.

**Arcade.** A covered walk with shops along one side and a line of arches or columns on the other side.

**Archaeological Sites.** Any site or location of prehistoric or historic significance including, but not limited to, burial sites, camp sites, rock shelters, caves and their artifacts, implements and remains of preexisting native Americans.

**Architectural Elements.** Components that are part of a building, such as windows, doors, materials, details, and structural membrane.

**Articulation.** The giving of emphasis to architectural elements of a building (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.

**Ash, Incinerator.** Particulate or solid residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial and industrial establishments, if the ash residues:

- a. Would otherwise be regulated as hazardous wastes under RCW 70.105; and
- b. Are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), 42, U.S.C. Section 6910, et seq.

**ASR.** The Antenna Structure Registration Number as required by the FAA and FCC.

**Attached Structure.** Any structure that has an enclosed interior wall(s) and covered roof in common with another structure sufficient to constitute an occupiable room (i.e., seven feet wide or more). A structure connected to another structure only by a covered passageway is not considered attached. (See Detached Structure; note that structures conforming with neither definition must conform with requirements of this title for both types of structures.)

**Auction.** See Swap Meet.

**Auditor.** The Auditor of Thurston County, Washington.

Automobile Rental Agencies. This includes businesses primarily engaged in short-term rental or extended-term leasing of passenger cars, hearses, limousines, and the like, without drivers. Finance (equity or full-payout) leasing of automobiles is classified with Motor Vehicle Sales.

Automobile Wrecking. The wrecking, dismantling, or salvage of motor vehicles or trailers, or the storage of, sale of or recycling or disposal of dismantled, partly dismantled, or wrecked motor vehicles or their parts. (See also Junk or Salvage Facility.)

Awning. A structure affixed to a building which extends over windows, sidewalks or doors, principally as protection from sun and rain.

**Section 4. Amendment of OMC 18.04.060.C. Olympia Municipal Code Subsection 18.04.060.C is hereby amended to read as follows:**

C. ANIMALS/PETS.

Pets and other animals are allowed in all residential districts subject to the following requirements:

1. ~~All Districts, Except RMH. a.—Quantity. Traditional Pets. No more than a total of three (3) traditional pets, such as dogs, and cats, as well as potbelly pigs, hens, and untraditional pets (e.g., potbelly pigs and rabbits) four (4) months of age or older, shall be permitted per dwelling unit. Song birds or other traditional pet birds (e.g., parrots) are permitted. The keeping of racing and performing pigeons is permitted as a conditional use.~~ (Traditional pets are defined as a species of animals which can be house-broken ~~housebroken~~, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)

~~b.—Birds. Song birds or other traditional pet birds (e.g., parrots) are permitted. Fowl, such as roosters, ducks and geese, are prohibited. [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]~~

2. Fowl

a. Lots one acre or less are allowed up to five ducks or female chickens. Lots greater than one acre are allowed one additional duck or female chicken for every additional one thousand square feet of lot area beyond one acre, up to ten ducks or female chickens.

b. Chickens and ducks shall be confined within a suitably fenced area large enough for appropriate exercise.

c. Suitable sanitary structures (coops) shall be provided and must be designed to protect fowl on all sides from weather, predators and to prevent rodents.

d. Roosters, geese and turkeys are prohibited.

e.3. Other Animals.

a. Swine, other than potbelly pigs, and non-miniature goats, are prohibited.

b. Rabbits of breeding age are permitted with the following conditions:

i. Lots of one-quarter acre or less are allowed up to five rabbits.

ii. Lots greater than one-quarter acre are allowed one additional rabbit for every additional one thousand square feet of lot area beyond one-quarter acre, up to ten rabbits.

iii. Rabbits must have a minimum 3.5 square feet of hutch space per rabbit.

iv. Structures housing rabbits must be designed to protect rabbits on all sides from weather, predators and to prevent other rodents.

c. Miniature goats, commonly known as pygmy and dwarf, are permitted with the following conditions:

i. Lots between five thousand square feet and one acre in size are allowed up to two miniature goats.

ii. Lots greater than one acre are allowed one additional miniature goat for every additional one thousand square feet of lot area beyond one acre, up to six miniature goats.

iii. Miniature goats shall be confined within a suitably fenced area, large enough for appropriate exercise.

iv. Structures housing miniature goats must be designed to protect them on all sides from weather and predators and to prevent rodents.

d. The keeping of other agricultural animals and ~~pets~~, which are not specifically prohibited in this section, is permitted, provided that:

i. There shall be no more than one (1) animal per acre, in addition to ~~those the permitted animals/pets permitted in 1.a. and 1.b. referenced above;~~ and

ii. Such animals shall be confined within a suitably fenced area, large enough for appropriate exercise, which shall be located no closer than fifty (50)-feet from any property line; and

iii. The keeping of such other animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

iv. Structures housing such other animals must be designed to protect them on all sides from weather and predators and to prevent rodents.

2. RMH District. Not more than three (3) dogs and cats, four (4) months of age or older, shall be permitted per dwelling unit. Farm animals are prohibited.

**Section 5. Amendment of OMC Section 18.04.080, Table 4.04. Olympia Municipal Code 18.04.080, Table 4.04, is hereby amended to read as follows:**



**18.04.080 TABLES: Residential Development Standards**

**TABLE 4.04**

**RESIDENTIAL DEVELOPMENT STANDARDS**

DISTRICT	R1/5	R4	R-4C8	RL1	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MAXIMUM HOUSING DENSITY (in units per acre)	1/5	4	4	4	8	12	24	30	24	30	---	---	12	---	18.04.080(A)
MAXIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	4	4	4	8	12	13	18	18	24	---	---	12	---	18.04.080(A)(2)
MINIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	---	---	2	4	6	7	10	8	18	---	---	5	---	18.04.080(B)
									Manufactured Housing Parks = 5	Manufactured Housing Parks = 5					

MINIMUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same subdivision plat.	2,000 SF minimum 3,000 SF average = 4,000 SF = other	2,500 SF cottage 4,000 SF = zero lot 2,000 SF minimum, 3,000 SF average = 3,000 SF	2,000 SF cottage 3,500 SF = zero lot 1,600 SF minimum, 2,400 SF average = 2,400 SF	1,600 SF cottage 3,000 SF = zero lot 1,600 SF minimum, 2,400 SF average = 2,400 SF	1,600 SF minimum, 2,400 SF average = 2,400 SF	1,600 SF minimum, 2,000 SF average = 2,500 SF	1,600 SF minimum, 2,000 SF average = 2,500 SF	1,600 SF minimum, 2,000 SF average = 2,500 SF	2,000 SF cottage 3,500 SF = zero lot 1,600 SF minimum, 2,000 SF average = 2,400 SF	1,600 SF minimum, 2,000 SF average = 2,500 SF	1,600 SF minimum, 2,000 SF average = 2,500 SF	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses)	
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex family	50' except: 35' = cottage 18' = townhouse	50' except: 30' = cottage 16' = townhouse	50' except: 30' = cottage 16' = townhouse	50' except: 30' = mobile home park	30' = mobile home park	30' = mobile home park	30' = mobile home park	30' = mobile home park	30' = mobile home park	30' = mobile home park	50' except: 30' = cottage 40' = zero lot 16' = townhouse 80' = duplex family	18.04.80(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MINIMUM FRONT YARD SETBACKS	20' except: 50' for agricultural buildings with farm animals	20'	20'	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 50' for agricultural buildings with farm animals	18.04.080(H) 18.04.080(I)



MAXIMUM BUILDING HEIGHT

35'	35', except: 16' for accessory buildings	40' except: 16' for accessory buildings	35', except: 16' for accessory buildings; 25' for cottage 35' on sites 1 acre or more, if setbacks equal or exceed building height	35', except: 16' for accessory buildings; 25' for cottages	45', except: 25' for cottage; 16' for accessory buildings	42'	60'	See 18.04.080 (1)	2 stories or 35' whichever is less, except: 16' for accessory buildings; 25' for 18.04.080 cottages (3)	42' or as shown on Figure 4-5A & 18.04.080 (1)
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MAXIMUM BUILDING COVERAGE

45% = lots of 10,000 SF; 25%=lots of 10,001 SF to 1 acre; 6%=1.01 acre or more	35% 60% = townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	Refer to Maximum Impervious Surface Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 70% = townhouses	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3 acres 20% = 3.01 acres or more	85% except for stoops, porches or balconies
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MAXIMUM ABOVE-GRADE STORIES

2 stories	3 stories	3 stories	2 stories	2 stories, 3 stories = triplex, fourplex	4 stories	3 stories	3 stories	5 stories	5 stories	5 stories
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MAXIMUM IMPERVIOUS SURFACE COVERAGE	45% = lots of 10,000 SF; 25%=lots of 10,001 SF to 1 acre; 6%=1.01 acre or more	45% 70% = Townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	2,500 SF	55% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	65% = .25 acre or less 50% = .26 acres or more 70% = Townhouses	70%	70%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	85% except for stoops, porches or balconies
MINIMUM OPEN SPACE	220 tree units per acre required		65% drainage dispersal area required; may double as tree tract or critical areas buffer.		450 SF/unit for cottage developments 450 SF/unit for cottage developments 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	25% for mobile home park	15% for mobile home park	15% for mobile home park	450 SF/unit for cottage developments SF/space for mobile home park	15% may include stoops, porches or balcony areas

LEGEND

- SF = Square Feet
- RL1 = Residential Low Impact
- R-4 = Residential - 4
- MR 7-13 = Mixed Residential 7-13
- MR 7-13 = Mixed Residential 7-13
- Zero Lot = A Lot with Only One Side Yard
- = No Regulation
- R 6-12 = Residential 6-12
- R 4-8 = Residential 4-8
- MR 10-18 = Mixed Residential 10-18
- RMH = Residential Multifamily High Rise
- R 6-12 = Residential 6-12
- RM 18 = Residential Multifamily - 18
- RMU = Residential Mixed Use
- UR = Urban Residential

**Section 6. Amendment of OMC 18.06.080, TABLE 6.02. Olympia Municipal Code Section 18.06.080, Table 6.02, is hereby amended to read as follows:**

18.06.080 TABLES: Commercial Districts' Development Standards

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 =cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000 = other	No minimum, except 1,600 sq.ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq.ft minimum 2,400 sq.ft. average = townhouse.	See also 18.06.100(D) for regulations on existing undersized lots of record.
FRONT YARD SETBACK	See City-Wide Design Guideline: "Building Design - Orientation & Form of Commercial & Public Buildings," 18.20.090.	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Must comply with site design standards, Chapter 18.06A.180.

REAR YARD  
SETBACK

15' minimum.	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to An R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	1. 56' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards, Chapter 18.06A.180.
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SIDE YARD  
SETBACK

15' minimum.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories.	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	1. 56' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5). 4. Must comply with site design standards, Chapter 18.06A.180.
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MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. See 18.06A.251(4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall).	Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	1. Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus. 2. Must comply with site design standards, Chapter 18.06A.180. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.

MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking form. 85% for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	Must comply with site design standards, Chapter 18.06A.180.
MAXIMUM DEVELOPMENT COVERAGE	60%	85%, except 75% for residential only structures	85%	85% for all structures	85% for all structures	85% for all structures	Must comply with site design standards, Chapter 18.06A.180.

<p>ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS</p>	<p>Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.</p>	<p>Building floors above 3 stories which about a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D) and Figure 6-3).</p>	<p>Building floors above 3 stories which about a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).</p>	<p>Building floors above 3 stories which about a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).</p>	<p>Building floors above 3 stories which about a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).</p>	<p>For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100(G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100(G) shall not apply to motor vehicle sales.</p>
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**LEGEND**

- NR = Neighborhood Retail
- GC = General Commercial
- PO/RM = Professional Office/Residential Multifamily
- HDC-1=High Density Corridor-1
- HDC-2=High Density Corridor-2
- HDC-3=High Density Corridor-3
- HDC-4=High Density Corridor-4

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if bldg. height is over 35'.	No minimum.	
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum.	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.

SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2 the building height.	5' minimum for buildings and 15' minimum for other structures from flanking streets.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c).	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks.	75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District.	75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.	40' accessory building limited to 20'.	Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus.
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street. 100% for properties not between the shoreline and the nearest upland street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors.	100%	No requirement.	No requirement.	85%	

MAXIMUM  
DEVELOPMENT  
COVERAGE

65%

100% development  
coverage.

100%

100%

100%

85%

**ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS**

Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F)). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lily Road except in upper stories of mixed use building; all other development standards are the same as for commercial uses.

Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC. Section 12.16.050(D) See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(G) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(G) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors.

Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC. Section 12.16.050(D).

Residential uses must comply with High Rise Multi-family (RM-H) development standards.

6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots.

For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100 (G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales.

**LEGEND**

MS = Medical Services  
DB = Downtown Business

CS-H = Commercial Services - High  
Density

UW = Urban Waterfront  
UW-H = Urban Waterfront-Housing  
AS=Auto Services



**Section 7. Amendment of OMC 18.06.060.C. Olympia Municipal Code Subsection 18.06.060.C is hereby amended to read as follows:**

C. Animals. All Commercial Districts:

~~1. Quantity. Not more than three (3) dogs, cats and untraditional pets such as potbelly pigs and rabbits (four (4) months of age or older) shall be permitted per dwelling unit. (Traditional pets/animals are defined as animals which can be house broken, walked on a leash, are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)~~

~~2. Birds. Fowl, such as chickens, ducks and geese are prohibited. This does not apply to song birds or other traditional pet birds (e.g., parrots). [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]~~

~~3. Farm Animals. Swine (other than potbelly pigs) and goats are prohibited.~~

~~4. Large Parcels. The keeping of other animals and pets, which are not specifically prohibited above, is permitted, provided that:~~

~~a. There shall be no more than one (1) animal per acre, in addition to those animals and pets permitted in 1 and 2 above, and~~

~~b. Such animals shall be confined within a suitably fenced area which shall be located no closer than fifty (50) feet from any property line, and~~

~~c. Their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular.~~

1. Quantity. No more than three (3) pets, such as dogs, cats, hens, and untraditional pets (e.g., potbelly pigs and rabbits), four (4) months of age or older, shall be permitted per dwelling unit. (Traditional pets are defined as a species of animals which can be house-broken, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)

2. Birds. Song birds or other traditional pet birds (e.g., parrots) are permitted. Fowl, such as roosters, ducks and geese, are prohibited. [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]

3. Other Animals. Swine, other than potbelly pigs, and goats are prohibited. The keeping of other animals and pets, which are not specifically prohibited in this section is permitted, provided that:

a. There shall be no more than one (1) animal per acre, in addition to those animals/pets permitted in Subsection C.1 above; and

b. Such animals shall be confined within a suitably fenced area which shall be located no closer than fifty (50) feet from any property line; and

c. The keeping of such animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

**Section 8. Amendment of OMC 18.08.040. Olympia Municipal Code Section 18.08.040, Table 8.01, is hereby amended to read as follows:**

18.08.040 Permitted, conditional and prohibited uses

**A. PERMITTED AND CONDITIONAL USES.**

Table 8.01 Permitted and Conditional Uses identifies land uses in the industrial districts which are permitted outright (P) or subject to a Conditional Use Permit (C). The applicable requirements for these uses and activities are identified by a number referencing the list of use regulations under Section 18.08.060 Use Standards, Light Industrial/Commercial District, or Section 18.08.080 Use Standards, Industrial District. Regulations that pertain only to a specific use in a specific district are identified by a number in the space corresponding to that use and district.

**B. PROHIBITED AND UNSPECIFIED USES.**

Land uses which are not listed as permitted or conditional uses are prohibited unless authorized by the Director consistent with Section 18.02.080, Interpretations.

<b>TABLE 8.01 PERMITTED AND CONDITIONAL USES</b>		
<b>INDUSTRIAL DISTRICT</b>	<b>LI/C</b>	<b>I</b>
Additional Regulations	18.08.060(A), 18.08.060(C) 18.44 <u>18.04.060(C)</u>	18.08.080(A), 18.08.080(C) 18.44 <u>18.04.060(C)</u>
<b>1. INDUSTRIAL USES</b>	<b>LI/C</b>	<b>I</b>
Food Processing		P
Manufacture, repair, or servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community, such as: veterinary clinics, dry-cleaning plants, storage of mechanical equipment, auto and marine contractors/builders.	P	P
Manufacture, assembly, bulk storage, processing, repair, or servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and community.		P
Off-site treatment & storage facilities for hazardous waste.		C 18.08.080(B)
On-site treatment & storage facilities for hazardous waste as an accessory use, subject to the State siting criteria Chapter <u>70.105</u> ,	P	P

RCW.		
Recycling Facilities	P	P
<b>2. RETAIL SERVICES</b>	<b>LI/C</b>	<b>I</b>
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing or servicing activities which are permitted in this district.	P	P
<b>3. COMMERCIAL USES</b>	<b>LI/C</b>	<b>I</b>
Auto Wrecking & Junk Yards		P
Commercial uses which, although not essential to the successful functioning of these areas, do not create significant interference or conflict with the permitted activities, such as: service stations, hardware stores, eating and drinking places, including drive-ins.	P 18.08.060(B)	P 18.08.080(B)
<b>4. RESIDENTIAL USES</b>	<b>LI/C</b>	<b>I</b>
Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises.	P	P
Child Day Care Centers	P	P
Secure Community Transition Facilities	C 18.08.060(E)	C 18.08.080(E)
County Homeless Encampment	C 18.50	
<b>5. OFFICE USES</b>	<b>LI/C</b>	<b>I</b>
Government Offices	C	C
<b>6. UTILITIES</b>	<b>LI/C</b>	<b>I</b>
Public Utilities	P	P
Radio/TV and Other Communication towers and antennas	P	P
Wireless Communications Facilities	See 18.44	See 18.44
<b>7. PUBLIC FACILITIES</b>	P	P
<b>8. ESSENTIAL PUBLIC FACILITIES</b>	<b>LI/C</b>	<b>I</b>
Airports	C 18.08.060(E)	C 18.08.080(E)
State or Regional Transportation Facilities	P	P
Prisons	C 18.08.060(E)	C 18.08.080(E)
Jails	C 18.08.060(E)	C 18.08.080(E)
Secure Community Transition Facilities	C 18.08.060(E)	C 18.08.080(E)
Solid Waste Handling Facilities	C 18.08.060(E)	P
Mental Health Facilities	C 18.08.060(E)	C 18.08.080(E)

Other facilities designated as Essential Public Facilities by the Washington State Office of Financial Management	C 18.08.060(E)	C 18.08.080(E)
<b>9. OTHER</b>	<b>LI/C</b>	<b>I</b>
Crematoriums	P	P
Electric Vehicle Infrastructure	P	P
Parking Lots, Off-Site [see 18.38.200]	C	C
Temporary Uses	P 18.08.060(D)	P 18.08.080(D)
Transportation Terminals		P
Uses similar to permitted uses may be allowed subject to site plan review and approval by the Hearing Examiner.		
<b>10. STORAGE FACILITIES</b>	<b>LI/C</b>	<b>I</b>
Ministorage	P	P
Warehousing		P

**Section 9. Amendment of OMC 18.40.060.C. Olympia Municipal Code Subsection 18.40.060.C is hereby amended to read as follows:**

C. Fences/Hedges, Walls and Site Perimeter Grading. It shall be the responsibility of property owners to ensure fences are within property lines. "Fences" as used in this section includes walls and similar above-grade unenclosed structures forming a continuous or nearly continuous line or row exceeding six feet in length. Also see definition, OMC 18.02.180.F. For this section only, any portion of a special purpose lot, tract or parcel, such as a stormwater or tree tract, which is within ten feet of any public street right-of-way shall be a "front yard," and all other yards shall be defined as if such tract were a buildable lot.

1. Fences, when located within a required yard, shall not exceed the following height limits:
  - a. Front yard = 48" (4'-0");
  - b. Side yards = 72" (6'-0");
  - c. Rear yards = 72" (6'-0");
  - d. Clear Sight Triangle = 30" (2'-6").

For purposes of this section, a front yard shall not exceed ten feet in depth, regardless of any other provision found in this Title.

2. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade.

3. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within twenty (20) feet of a street right-of-way nor obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).

4. Front yard fences, of common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of twenty-five (25) percent unobstructed, i.e., must provide for visibility through the fence.

5. Fence pillars, posts, and similar features may project a maximum of two (2) feet above maximum fence height.

6. Site Perimeter Grading. Within required yard areas, no single retaining wall (nor combination of walls within five horizontal feet) shall exceed a height of 30 inches as measured from the lowest adjacent grade, nor shall any modification of grades or combination of retaining walls result in grade changes exceeding 30 inches within five feet of a property line nor 60 inches within 10 feet of an existing or proposed property line.

7. An administrative exception may be approved by the Department to exceed maximum fence height and other provisions of these standards under where all of the following conditions exist.

a. Variation of existing grade on either side of the fence results in a fence lower than the maximum height as measured from the highest point of grade within five (5) feet of either side of the fence; or other special circumstances relating to the size, shape, topography, location, or surroundings of the subject property warrant an exception to permit a fence comparable with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

b. The special conditions and circumstances do not result from the actions of the applicant;

c. Granting of the exception will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;

d. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated; and

e. The exception is the minimum necessary to provide the rights and privileges described above.

f. Rear and side yard fences for legally established agricultural uses may be permitted to a maximum height of eight feet from the ground; provided, at a minimum, the portion of the fence above six feet is composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

g. Front yard fences surrounding a defined garden bed may be permitted to a maximum height of eight feet from the ground and shall be composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

Applications for additional fence height or other exceptions shall include a letter or form explaining the exception sought and its purpose of; and fence illustrations and plan drawing that depicts proposed fence location and height, other structures, landscaping, and proposed grades in relation to existing grades.

[NOTE: A building permit is required for all fences exceeding six (6) feet in height. Fences and hedges may exceed maximum heights if located outside of required yards. But see Design Guidelines.]

8. Hedges. Hedges are allowed in all required yard areas subject to the following maximum height limits:

- a. Front yard = 48" (4'0")
- b. Side yard = Unlimited
- c. Rear yard = Unlimited

[Note: Clear Sight Triangle = 30" (2'-6"), see Section 18.40.060.(C)]

9. Barbed and/or razor wire fences. No person or persons being the owner of or agent for or in possession and control of any property within the city limits shall construct or permit to exist any fence around or in front of such premises, consisting wholly or partially of barbed and/or razor wire, except to provide security at a government-owned property or privately owned utility where security for the property is mandated by law; provided that the provisions of this section shall only extend to fences that are within ten (10) feet of a street or alley or other public place within the City.

910. Electric fences. It is unlawful to erect or install or maintain any electric fence within the city limits except for low-voltage, solar fences installed atop a 6-foot non-electric fence for the purposes of protecting farms or agricultural animals. "Electric fence" means any fence with above-ground electric conductors carrying electric current supplied by batteries, commercial power or any other source of electricity, erected for the purpose of retaining or excluding any animals, livestock, or persons.

**Section 10. Amendment of OMC 4.36.010. Olympia Municipal Code Section 4.36.010 is hereby amended to read as follows:**

**4.36.010 Building code review and permit fees**

A. The determination of value or valuation under any of the provisions of this code shall be made by the building official based on the valuation data established by the International Code Council under the provisions of building standards valuation data. The value to be used in computing the building and building plan review fees shall be the total of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent equipment. Single-family and duplex dwellings of wood frame construction having an area of more than 2,500 square feet per unit shall be valued at "good construction" rate. All others will be valued at "average construction" rate.

B. Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

C. Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required with the following Table 1-A.

D. Plan Review Fees: When submittal documents are required a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Table 1-A shall establish said plan review fee. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance.

The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in Table 1-A.

E. Building permit valuations. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. Contractor's overhead and profit is also included. The Valuation factor will be used in assessing the building permit for installation of Sign and Commercial Landscaping permits (plan review for Signs and Commercial landscaping will be 65% of the permit).

F. Investigation Fees: Work without a Permit.

1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A. This fee is an additional, punitive fee and shall not apply to any Grading or Building Permit Fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.

3. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

G. Fee Refunds.

The building official may authorize the refunding of:

1. 100% of any fee erroneously paid or collected.

2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

H. Fee Exempt Permits:

1. Agricultural/deer fences up to eight (8) feet tall

**TABLE NO. 1-A -- BUILDING PERMIT FEES**

**Building Permit Fees (based on valuation)**

<b>Total Valuation</b>	<b>Fee</b>
\$1.00 to \$500.00	\$90.00
\$501.00 to \$2,000.00	\$90.00 for the first \$500.00 plus \$5.30 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$168.90 for the first \$2,000.00 plus \$16.80 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$555.30 for the first \$25,000.00 plus \$12.71 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$873.05 for the first \$50,000.00 plus \$9.45 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,345.55 for the first \$100,000.00 plus \$7.98 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$4,537.55 for the first \$500,000.00 plus \$7.09 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$8,082.55 for the first \$1,000,000.00 plus \$5.93 for each additional \$1,000.00 or fraction thereof

**Other Building Inspections and Fees**

Inspections outside of normal business hours	\$125.00 per hour* (minimum charge - two hours)
Reinspection fees	\$125.00 per hour*
Inspections for which no fee is specifically indicated	\$125.00 per hour* (minimum charge - one-half hour)
Additional plan review required by changes, additions or revisions to approved plans	\$125.00 per hour* (minimum charge - one-half hour)
For use of outside consultants for plan checking and inspections, or both	Actual Costs*
Certificate of occupancy inspection not related to building permit and as required by Section 110	\$125.00 per hour* (minimum 2 hours)



Inspections requested on expired permits	\$125.00 per hour* (minimum charge - two hours)
Additional inspectors required on expired permits	\$125.00 per hour* (minimum charge - one hour)

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

\*\* Including administrative and overhead costs.

**Building Plan Review Fees**

SF Plan Review	65% of building permit fee
Tree removal permit	\$25.00 per tree up to \$250.00 total
Commercial Review	65% of building permit fee
Addition/remodel SF, duplex	65% of building permit fee
	65% of building plan review fees

**Mobile/Manufactured Housing Permit Fees**

Temporary use (single wide)	\$150.00
Temporary use (double wide)	\$175.00
Permanent use (single wide)	\$200.00
Permanent use (double wide)	\$225.00
Permanent use (triple wide)	\$250.00
Add-a-room (premanufactured addition)	\$150.00
Temporary commercial use (single)	\$200.00
Permanent commercial use (double)	\$225.00
Permanent commercial use (triple)	\$250.00

Plan check fee of 65% of permit fee will be required for commercial use only.

**Electrical Permit and Inspection Fees**

See OMC 4.36.020.

**Mechanical Permit Fees**

**Permit Issuance Fee**

For the issuance of each permit	\$90.00
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**Single Family Residential** \$225.00

**Unit Fee Schedule** Note: The following does not include permit issuance fee.

**Furnaces**

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance \$35.00

**Appliance Vents**

For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit \$35.00

**Repairs or Additions**

For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code \$35.00

**Boilers, Compressors and Absorption Systems**

For the installation or relocation of each boiler or compressor \$95.00

**Air Handlers**

For each air-handling unit to and including 10,000 cubic feet per minute (4,720 L/s), including ducts attached thereto \$35.00

Note: This fee does not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption

unit for which a permit is required elsewhere in the Mechanical Code.

For each air-handling unit exceeding 10,000 cubic feet per minute (4,720 L/s) \$35.00

**Evaporative Coolers**

For each evaporative cooler other than portable type \$35.00

**Ventilation and Exhaust**

For each ventilation fan connected to a single duct \$35.00

For each ventilation system which is not a portion of heating or air conditioning system authorized by a permit \$35.00

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood \$35.00

**Incinerators** \$125.00

**Miscellaneous**

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the code \$35.00

Permit fees for fuel-gas piping shall be as follows:

For each gas piping system \$35.00

**Other Inspections and Fees**

Inspections outside of normal business hours, per hour (minimum charge - two hours) \*

Reinspection fees \$125.00\*

Inspection for which no fee is specifically indicated, per hour (minimum charge - one-half hour)	\$125.00*
Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge - one-half hour)	\$125.00*

\* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Plumbing Permit Fees**

Permit Issuance

For issuing each permit \$90.00

**Single Family Residential** \$225.00

**Swimming Pools**

For each swimming pool or spa \$125.00

Plumbing Permits for New Single Family Residential \$225.00

**Unit Fee Schedule**

Note: The following does not include permit issuance fee

For each gas piping system \$35.00

For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection) \$10.50

For each building sewer and each trailer park sewer \$25.00

Rainwater systems - per drain (inside building) \$10.00

For each private sewage disposal system/grinder pump \$75.00

For each water heater and/or vent \$14.00

For each industrial waste pretreatment interceptor including its trap and vent, except kitchen-type grease interceptors functioning as fixture trap \$21.00

For each installation, alteration or repair of water piping and/or water treating equipment, each \$5.25

For each repair or alteration of drainage or vent piping, each fixture \$5.25

For each lawn sprinkler system on any one meter including backflow protection devices therefor \$35.00

For atmospheric-type vacuum breakers not included in lawn sprinkler system \$35.00

**Other Inspections and Fees**

Inspections outside of normal business hours, per hour (minimum charge - two hours) \$125.00\*

Reinspection fees \$125.00\*

Inspection for which no fee is specifically indicated \$125.00\*

Additional plan review required by changes, additions or revisions to approved plans, per hour (minimum charge - one hour) \$125.00\*

\* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Grading Plan Permit Fees**

\$250.00 base fee plus \$.01 per cubic yard

**Other Inspections and Fees**

Inspections outside of normal business hours, per hour (minimum charge - two hours) \$125.00\*

Reinspection fees \$125.00\*

Inspection for which no fee is specifically indicated, per hour (minimum charge one-half hour) \$125.00\*

\*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Grading Plan Review Fees**

65% of the permit fee

**Other Fees**

Additional plan review required by changes, additions or revisions to approved plans, per hour (minimum charge - one-half hour) \$125.00\*

\* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Section 11. 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 shall remain unaffected.

**Section 12. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 13. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

*Darren Nienaber*

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DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**