

ORDINANCE NO. 514

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", CHAPTER 19.20 ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES, CHAPTER 19.25 USES AND ZONE CLASSIFICATION TABLES, CHAPTER 19.45 DENSITY AND DIMENSION, CHAPTER 19.60 OFF-STREET PARKING REQUIREMENTS, CHAPTER 19.65 LANDSCAPING/ TREES, CHAPTER 19.80 NONCONFORMING USES, AND CHAPTER 19.85 DISCRETIONARY LAND USE PERMITS

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998, which became effective July 13, 1998 with amendments on May 1, 2000, August 4, 2003, and December 6, 2004; and

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the University Place City Council adopted a new Title 19 zoning code effective February 26, 2001 to ensure consistency with the City's comprehensive plan and the Growth Management Act; and

WHEREAS, the University Place City Council has adopted subsequent amendments to the zoning code to ensure that it continues to meet the needs of the community and serve its citizens well; and

WHEREAS, the Planning Commission held a series of twelve public meetings beginning March 21, 2007 to discuss potential amendments to the City's zoning code that would more effectively implement the comprehensive plan; and

WHEREAS, the Planning Commission conducted a public hearing on August 15, 2007 to take public testimony on the proposed zoning code amendments, and formulated its recommendations to the City Council during an additional series of public meetings held between September 5, 2007 and December 5, 2007; and

WHEREAS, the required State agency 60-day review period on the proposed Zoning Code amendments began on September 19, 2007 and concluded on November 19, 2007 without comment; and

WHEREAS, a Determination of Non-Significance (DNS) was issued on September 19, 2007 with a 14-day comment period that ended on October 2, 2007 without comment; and

WHEREAS, the University Place City Council held a series of public study sessions between July 23, 2007 and January 22, 2008 to take public comment and discuss proposed zoning code amendments; and

WHEREAS, the City Council has determined that the proposed amendments to the City of University Place Zoning Code are consistent with the goals, objectives and policies of the comprehensive plan; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interest of the citizens and property owners of the City; and

WHEREAS, the City Council has determined that the proposed amendments will enhance the public health, safety, comfort, convenience or general welfare; and

WHEREAS, the City Council has determined that the proposed amendments will comply with the Growth Management Act; **NOW THEREFORE**,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. TITLE 19 ZONING -- CHAPTER 19.20 ZONES, MAP DESIGNATION, INTERPRETATION OF BOUNDARIES -- Section 19.20.020, Section 19.25.030, Section 19.20.035, Section 19.20.040 and Section 19.20.045 of the University Place Municipal Code are hereby amended or established as set forth in Exhibit "A" attached.

SECTION 2. TITLE 19 ZONING -- CHAPTER 19.25 USE AND ZONE CLASSIFICATION TABLES -- Section 19.25.020, Section 19.25.070, Section 19.25.090, Section 19.25.100, Section 19.25.110 and Section 19.25.120 of the University Place Municipal Code are hereby amended or established as set forth in Exhibit "B" attached.

SECTION 3. TITLE 19 ZONING -- CHAPTER 19.45 DENSITY AND DIMENSION -- Section 19.45.030, Section 19.45.040, Section 19.45.060 and Section 19.45.080 of the University Place Municipal Code are hereby amended or established as set forth in Exhibit "C" attached.

SECTION 4. TITLE 19 ZONING -- CHAPTER 19.60 OFF-STREET PARKING REQUIREMENTS -- Section 19.60.050 and Section 19.60.180 of the University Place Municipal Code are hereby amended as set forth in Exhibit "D" attached.

SECTION 5. TITLE 19 ZONING -- CHAPTER 19.65 LANDSCAPING/TREES -- Section 19.65.060 of the University Place Municipal Code is hereby amended as set forth in Exhibit "E" attached.

SECTION 6. TITLE 19 ZONING -- CHAPTER 19.80 NONCONFORMING LOTS, USES, AND STRUCTURES -- Section 19.80.040 of the University Place Municipal Code is hereby amended as set forth in Exhibit "F" attached.

SECTION 7. TITLE 19 ZONING -- CHAPTER 19.85 DISCRETIONARY LAND USE PERMITS -- Section 19.85.040 of the University Place Municipal Code is hereby amended as set forth in Exhibit "G" attached.

SECTION 8. COPY TO BE AVAILABLE One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

SECTION 9. SEVERABILITY If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

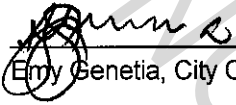
SECTION 10. PUBLICATION AND EFFECTIVE DATE. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 22, 2008



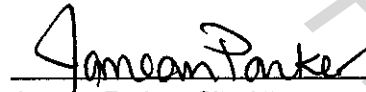
Linda Bird, Mayor

ATTEST:



Emy Genetia, City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Date of Publication: 01/24/08

Effective Date: 01/29/08

EXHIBIT “A”

AMENDMENTS TO ZONING CODE

CHAPTER 19.20 Zones, Map Designations, Interpretation of Boundaries

19.20.020 List of zZoneselassifications.

In order to accomplish the purposes of this code, the following zoneselassifications, overlay zones and zoning map symbols are established.

Zone	Map Symbol
Residential 1	R1
Residential 2	R2
Multifamily Residential – Low	MF-L
Multifamily Residential – High	MF-H
Mixed Use – Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Town Center	TC
Commercial	C
Light Industrial – Business Park	IB

Overlay Zones

Town Center	TCO
Chambers Creek Properties	CCPO
Public Facility	PFO
Day Island/Sunset Beach	DISBO
Transition Properties	TPO

19.20.030 Zones – Purpose.

The purpose of zones is to divide the city into areas or zones to achieve the goals and policies of the comprehensive plan. Foremost amongst the goals of the city’s comprehensive plan is to protect residential areas from incompatible land uses, encourage economic development, protect the environment, maintain the city’s character, and improve and maintain quality of life. Zones separate or combine various land uses, help maintain property values, protect public health, safety and welfare and aid in city administration. Use, density, building height, setbacks and sign types are examples of land uses regulated by zone.

19.20.035 A Zones.

A1. Single-Family Residential (Residential 1). Single-family neighborhoods comprise a large percentage of the city's land area and the community wants to retain a primarily single-family character in its housing mix. Protection of single-family residential neighborhoods is a priority in the comprehensive plan. To protect the character of single-family neighborhoods, those areas of the city that are primarily single-family in nature are designated single-family residential (R1). A base density of four dwelling units to the acre is allowed, with up to six units per acre permitted through the planned development district process when significant additional amenities are provided, such as open space, trees and landscaping, greenbelt or active recreation facilities. Duplexes may be developed at a base density of 4.6 dwelling units to the acre. Uses allowed are restricted to single-family housing, duplexes, small attached accessory housing units, schools, public parks, community and cultural services, home-operated day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. The character of single-family neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring buffering and design standards for adjacent high density residential, commercial and industrial development; preserving and protecting the physical environment; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

B2. Two-Family Residential (Residential 2). To achieve a mix of housing types and densities while maintaining healthy residential neighborhoods, the two-family residential (R2) designation includes ~~recent duplex-condominium developments~~ and areas of the City that have had a historic mix of single-family attached and detached housing. A base density of six dwelling units per acre is allowed, with up to eight units per acre permitted through the planned development district process, when additional amenities are provided. Uses allowed are restricted to duplexes, attached and detached single-family homes, small attached accessory housing units, schools, home-operated day care, assisted living and nursing homes, religious assembly, public parks, community and cultural services, appropriate home occupations, and minor utility distribution facilities. The character of the two-family residential neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring buffering and design standards for adjacent high density residential, commercial and industrial development; preserving and protecting the physical environment; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

C3. Multifamily (MF). Higher density residential development shall be located in the multifamily low density (MF-L) and multifamily high density (MF-H) zones along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing higher density residential development. In the multifamily low density zone, a base density of 10 dwelling units to the acre is allowed outright, with up to 15 units to the acre

subject to design standards and a planned development district. In the multifamily high density zone, a base density of 15 dwelling units to the acre is allowed outright with up to 20 units to the acre permitted subject to design standards and a planned development district. The planned development district shall be granted only when significant additional amenities are provided, such as open space, trees and landscaping, greenbelt or active recreation facilities. Uses allowed in the multifamily designation include multifamily housing, attached and detached single-family housing, nursing homes and assisted living facilities, schools, public and private parks, community and cultural services, home-operated day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. Buffers, open space, landscaping, and design standards shall be incorporated into all development to provide a smooth transition between different densities and land uses. Pedestrian sidewalks and trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

D4. Mixed Use – Office (MU-O). It is the city's intent to create a well-balanced, well-organized combination of land uses, which recognizes historic development patterns, protects residential neighborhoods, and discourages a continuous retail strip along Bridgeport Way. The mixed use – office (MU-O) designation serves as a transition zone providing separation between more intense commercial activities and residential areas, and between the neighborhood commercial area at 27th Street West and Bridgeport Way, and the Town Center beginning at 35th Street West and Bridgeport Way. A base density of 10 dwelling units per acre is allowed, with up to 12 units per acre permitted through the planned development district (PDD) process, when additional amenities are provided. Uses allowed include redevelopment of multifamily housing, attached and detached single-family housing, nursing homes and assisted living facilities, day care, religious assembly, professional offices, limited retail uses, public parks, community and cultural services, administrative government services, and minor utility distribution facilities. New multifamily will be allowed only when specific design standards are met and in conjunction with other permitted commercial uses. Buffers, landscaping, and design standards shall be incorporated into all development to provide a smooth transition between different densities and land uses. Sidewalks and small open public spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

E5. Mixed Use (MU). The mixed use (MU) designation is an area of compatible residential and commercial uses along major arterial streets and a transition between the more intense Town Center (TC) zone and the single-family residential (R1) zone. The historic commercial center of University Place along 27th Street West, west of Bridgeport Way, is the primary mixed use area. A base density of 10 dwelling units to the acre is allowed, with up to 12 units to the acre permitted through the planned development district process, when additional amenities are provided. Uses allowed include redevelopment of multifamily housing, attached and detached single-family housing, nursing homes and assisted living facilities, day care, religious assembly, professional offices, general retail, personal services, restaurants, small food stores, lodging, family entertainment businesses, public and private parks,

community and cultural services, administrative government and safety services, and minor utility distribution facilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. New multifamily will be allowed only when specific design standards are met and in conjunction with other permitted commercial uses. Buffers, landscaping, and design standards shall be incorporated into all developments to provide a smooth transition between different densities and land uses. Sidewalks, bicycle facilities, and open public spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

F6. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses, neighborhood commercial (NC) designations are located at the intersections of 27th Street West and Bridgeport Way, at Cirque Drive and Bridgeport Way, and at Cirque Drive and Orchard Street. The neighborhood commercial areas are small compact centers that provide a mix of neighborhood scale retail shopping, personal services, banks, professional offices, public parks, community and cultural services, administrative government and safety services, and gas stations that serve the daily needs of the portion of the city where they are located. Single-family dwellings are also permitted. Buffers and landscaping shall be incorporated into all development to provide a smooth transition between the neighborhood commercial zones and adjoining residential and mixed use zones. Landscaping, sidewalks, and small open public spaces shall be provided to encourage a pedestrian-friendly atmosphere.

G7. Town Center (TC). The Town Center serves as a focal point for the city and provides a sense of community and civic pride. The Town Center (TC) is located between 35th Street West and 44th Street West along Bridgeport Way. The Town Center is a pedestrian-oriented area with where new drive-through establishments are discouraged are prohibited. Wide sidewalks, pedestrian connections to adjacent residential areas, landscaping, public open spaces, and public art will be an integral part of the Town Center. Public facilities in the Town Center include City Hall, the public safety building, a public park, and the library. Public facilities and services, retail stores, personal services, professional offices, restaurants, some entertainment uses, and mixed uses are encouraged to locate in the Town Center. A base density of 10 dwelling units to the acre is allowed, with up to 12 units to the acre permitted through the planned development district (PDD) process. However, higher densities may be allowed in an overlay area if certain design standards are met. New multifamily development will be allowed only when specific design standards are met, when additional amenities are provided and in conjunction with a permitted commercial use. Design standards for new development and public/private development partnerships help promote a dynamic and healthy economic environment.

H8. Commercial (C). Meeting the goal of concentrating commercial development in locations which best serve the community and protect existing residential areas, the historical commercial development area in the northeast corner of the city is designated as commercial (C). Uses in this area include general retail, family entertainment, recreation, restaurants,

personal services, professional offices, public and private parks, community and cultural services, administrative government services, and safety services. The commercial zone is primarily auto-oriented with customers drawn from more than just the adjacent neighborhoods. Although the commercial zone is auto-oriented, sidewalks, bicycle facilities, and landscaping provide a safe and friendly pedestrian environment with easy pedestrian access between uses in the zone and adjacent neighborhoods. Design standards for new development and public/private development partnerships help promote a dynamic and healthy economic environment.

19. Light Industrial – Business Park (IB). Clean light industrial and business park uses are encouraged in the city in appropriate locations. Although the city is primarily a residential community and not a major employment center, the community wants to attract a variety of businesses to provide local employment opportunities. The area, which has historically been used for light manufacturing and light industrial uses, is located south of 27th Street West between Morrison Road on the west, 67th Avenue on the east, and Morrison Pond on the south. Additional light industrial and business park uses are located along the east side of 70th Avenue West. The light industrial – business park (IB) designation recognizes many of the existing uses in these areas as appropriate, while maintaining a separation from residential uses. Uses allowed in the light industrial – business park designation include light and clean industries, storage and warehousing, automotive repair, contractor yards, and limited retail, restaurants, offices, and entertainment uses, public and private parks, community and cultural services, administrative government and safety services, utility and public maintenance facilities, and public transportation services. Inappropriate uses will be disallowed or eliminated over time. Residential uses are only permitted in the light industrial – business park zone as an accessory use. Development and redevelopment in the light industrial – business park zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, attractive signs, traffic control and overall management and maintenance. Buffers and design standards shall be incorporated into all developments to provide a compatible transition to adjacent zones and land uses.

19.20.040 Overlay zones– Purpose.

The purpose of an “overlay zone” is to identify areas where uses allowed in the underlying zone are permitted subject to special regulatory standards to achieve the goals and policies of the comprehensive plan. This is accomplished by establishing overlay zones with special or alternative standards as designated by the city’s comprehensive plan and this code. Examples include the Town Center, Chambers Creek properties, and the public facilities overlay zones.

19.20.045 B Overlay Zones.

A1. Public Facility Overlay (PFO). The public facility overlay (PFO) designation includes properties currently owned or operated by a public entity. Uses in the public facility overlay include but are not limited to the City Hall, the fire station, public schools and public parks. The purpose of the public facility overlay is to recognize that public facilities provide

necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land uses must be considered when developing public facilities. New public facilities should include buffers, landscaping, and design standards to ensure compatibility with adjacent land uses and zones. Sidewalks, open public spaces and public art shall be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and recreational facilities.

B2. Town Center Overlay (TCO). The Town Center overlay area is within the Town Center zone between 35th Street West and 38th Street West. This overlay area will be an urban mixed use neighborhood that is intended to create an integrated residential, retail, park, public open space, and civic development creating an urban village atmosphere. The development in this area should include luxury residential living units including flats, townhouses, lofts and live/work units in several buildings. The buildings would include ground floor retail and commercial uses. A hotel and conference center facilities are envisioned. The civic elements will include a City Hall / Library civic building and a performing arts center. ~~Expansion/modification of the existing library may also be a part of the total development.~~ Parking would be accommodated along the internal streets and in parking garages located below the buildings. Approximately 20 percent of the overlay zone would be dedicated as permanent open space/park. A portion of this area is currently designated as Homestead Park. In addition to preserving natural open space, there should be well-defined open space throughout the overlay area, with articulated streetscapes, landscaping, and other pedestrian features.

C3. Chambers Creek Properties Overlay (CCPO). The Chambers Creek properties overlay area consists of 700 acres owned by Pierce County in the southwest corner of the city. A master plan was developed over several years with the help of area residents, and was adopted by Pierce County and the city in 1997. The master plan envisions the Chambers Creek properties developing with civic, park, and public access uses over time. Current uses include the county's regional wastewater treatment plant, an active gravel mine, administrative offices, public trails and ball fields. Eventually, a golf course, restaurant, clubhouse, arboretum, a public pier, a public beach, open space, and additional trails will be added. The development of the Chambers Creek properties is subject to a joint procedural agreement and design standards aimed at achieving county and city goals and promoting economic development.

D4. Day Island/Sunset Beach Overlay (DISBO). The purpose of the Day Island /Sunset Beach overlay area is to preserve the unique residential character of Day Island and Sunset Beach by recognizing and preserving historic development patterns. Many houses on Day Island and Sunset Beach were built with different building setbacks than current codes allow. There are also numerous encroachments on the public right-of-way, which should be corrected over time. A special set of development standards applies in this area to achieve its purpose.

E5. Transition Properties Overlays (TPO). The purpose of transition properties overlays is to create a uniform set of design standards aimed at protecting single-family neighborhoods that abut commercial areas, and therefore need extra protection not provided by other standards due to unique circumstances.

Four special protection areas have been identified by the city council including Westwood Square, Menlo Park (two areas), and 28th Street. Design standards for these areas include limits on access, additional buffering and/or setback requirements, building modulation, and location of windows.

19.20.050 Zoning map.

A. Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the department and shall be that map entitled "City of University Place Zoning Map." Each property in the city of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in UPMC 19.20.020, List of zone classifications.

19.20.060 Interpretation of boundaries.

A. Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules of interpretation shall apply:

1. Where zoning boundaries are indicated as following the centerline of streets, alleys or highways, the centerline shall be the boundary.
2. Where zoning boundaries do not show a zoning designation extending into a public right-of-way, alley, private road, railroad right-of-way, or other easement, the zone boundary and designation immediately abutting shall extend to the center of the right-of-way, alley, road, or easement. It is the intent of this statement that all lands in the city are zoned and are subject to the provisions of this title.
3. Where zoning boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.
4. Shorelands shall be considered to be within the same zone as the abutting upland.
5. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.
6. Where zoning boundaries divide a parcel created prior to August 31, 1995, the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50 percent of the lot area.

7. Where these rules do not clarify a boundary issue, the director shall make the determination. The director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

UNOFFICIAL DOCUMENT

EXHIBIT “B”

AMENDMENTS TO ZONING CODE

Chapter 19.25 Uses and Zone Classification Tables

19.25.020 Use tables– Interpretations.

~~(Use tables are provided for zoning classifications at the end of this chapter.)~~

~~Zoning classifications are shown across the horizontal axis and use category and type are shown down the vertical axis.~~

A. Use Categories, Types and Levels. Uses are grouped into eight major categories: residential, civic, utilities, essential public facilities, office/business, commercial, industrial, and resource. Each use category includes a number of use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use tables at the end of the chapter.

~~For a description of use categories, types, and levels, see this chapter.~~

B1. Typical Uses within Use Types. The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.

C2. Prohibited Uses. If a use is not included in a use category, use type or level or the use is listed in the use table followed by blanks under every zone, the use is prohibited. In accordance with this chapter, the director shall make the final determination. Appeals shall be processed in accordance with Chapter 22.05 UPMC.

D3. Organization of Uses. In this chapter, uses are organized into use categories, use types and levels, which represent typical uses.

Example:

Commercial Use Category

Lodging Use Type

Level 2. Hotels as a typical use

E4. Any use may have accessory uses subordinate to the permitted use.

~~B. Symbols. The following symbols are employed in the use tables:~~

~~1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.~~

~~2. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.~~

~~3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, Conditional use permits.~~

~~4. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provision specified in UPMC 19.85.010, Administrative use permits.~~

~~5. A number accompanying a "P," "C," or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.~~

FC. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the director shall have the authority to make the final determination. The director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

GD. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use types. When more than one use category or use type level apply to one property, each use shall be classified separately.

HE. Accessory Uses. Accessory uses are described and regulated in Chapter 19.30 UPMC, Accessory Uses and Structures.

IF. Temporary Uses. Temporary uses are described and regulated in Chapter 19.35 UPMC, Temporary Uses/Temporary Housing Units.

JG. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot; provided, that:

1. Each principal use is permitted in the zone classification;
2. Each principal use meets all pertinent regulatory requirements; and
3. No more than one single-family detached dwelling unit or one two-family dwelling unit shall be permitted as a principal use on any individual lot in R1 or R2 zones except as specifically provided in Chapter 19.70 UPMC, General Development Standards, and Chapter 19.85 UPMC, Discretionary Land Use Permits.

19.25.070 Essential public facilities use category– Descriptions.

Essential public facilities uses are those uses typically difficult to site. All essential public facilities shall be subject to review in accordance with Chapter 19.40 UPMC.

A. Correctional Institutions. Correctional institutions use type means a facility operated by a government agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following arrest or conviction of an offense.

B. Level II Group Home. Level II group home includes all group homes other than those defined as Level I group homes. Level II group homes include, but are not limited to, facilities where one or more individuals reside for the purposes of incarceration, sex offender housing including secure community transition facilities, or drug or alcohol abuse treatment for a person or persons currently using alcohol or drugs. Level II group homes do not include facilities protected by Washington's law against discrimination, the Fair Housing Act or Fair Housing Act amendments. A Level II group home is considered an essential public facility and subject to review in accordance with Chapter 19.40 UPMC. The group homes use type refers to living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

C. Organic Waste Processing Facilities. Organic waste processing facilities use type refers to any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under Chapter 70.95 RCW. Typical uses include MSW composting facilities, composting facilities, and soil treatment facilities.

1. Level 1. Soil treatment facilities.
2. Level 2. Composting facility designed to handle more than 40 cubic yards.
3. Level 3. MSW composting facility.

D. Recycling Processor. Recycling processor use type refers to any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off-site.

ED. Sewage Treatment Facilities. Sewage treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not

limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, or privately owned treatment plants.

FE. Waste Disposal Facilities. Waste disposal facilities use type refers to permanent disposal sites for solid waste. Typical uses include wood waste, inert/demolition waste, municipal solid waste, special waste and biosolids landfills, and waste-to-energy facilities.

1. Level 1. Inert landfills.
2. Level 2. Inert landfills as accessory uses to mineral extraction sites.
3. Level 3. Wood waste or demolition landfills.
4. Level 4. Special waste-to-energy facilities designed to burn more than 12 tons per day.
5. Level 5. MSW landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and biosolids landfills), MSW waste-to-energy facilities.

GF. Waste Transfer Facilities. Waste transfer facilities use type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, moderate risk waste facilities, and tire piles.

1. Level 1. Drop box transfer stations.
2. Level 2. Transfer stations, waste separation recovery facilities, and moderate-risk waste facilities.

19.25.090 Commercial use category-- Descriptions.

Commercial activities include the provision of services, including offices, and the sale, distribution, or rental of goods that benefit the daily needs of the public, which are not otherwise classified as civic, or industrial activities. The commercial use category has been separated into the following types based upon distinguishing features such as nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 80,000 square feet shall be considered a commercial centers use type.

A. Administrative and Professional Offices. Administrative and professional offices use type refers to offices, private firms or organizations providing professional or administrative services to individuals or businesses.

Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, chiropractic offices, dental labs, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, offices for nonprofit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services. This category excludes veterinary clinics/animal hospitals.

B. Animal Hospitals Facilities / ~~Animal Hospitals Facilities~~. Veterinary clinics/animal hospitals facilities use types are uses where small animals receive veterinary services that may include medical and surgical treatment. (See also subsection (M) of this section, Kennel).

1. Level 1. Small animal veterinary services with boarding of animals incidental to the veterinary function and limited to animals receiving care. All boarding shall be within a fully enclosed portion of the building with walls and windows to significantly reduce noise impacts. Grooming is allowed.

2. Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five animals not receiving care is allowed. Outdoor boarding is permitted. Grooming is allowed.

C. Adult Entertainment Establishment. "Adult entertainment establishment" shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses.

D. Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the public or members for commercial purposes. Examples include video arcades, billiard parlors, bowling alleys, ice or roller skating rinks, performance theaters/centers (not movie theaters), miniature golf courses, golf driving ranges, and outdoor performance centers.

E. Beauty Salon. Beauty salon use type provides service related to hair, skin, nail and cosmetology care. This includes barber shops.

F. Building Materials. Building materials use type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, hardware, and wallpaper. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the wholesale trade use type, commercial use category.

1. Level 1. Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.

2. Level 2. Establishments primarily engaged in selling lumber and a general line of building material. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wall-boards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area ranges between 30,000 square feet and 80,000 square feet.

G. Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

H. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a store or variety of stores, offices, mixed use residential dwellings and services allowed in the zone where the center is located, integrated into a complex utilizing common parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:

1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 80,000 square feet and up to 200,000 square feet.

2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

I. Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

1. Level 1. Establishments without drive-through facilities.

2. Level 2. Establishments with drive-through facilities.

3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.

4. Level 4. Delicatessen only, as accessory to a commercial development. Limited to 1,000 square feet of gross floor area.

5. *Repealed by Ord. 455.*

J. Food Stores. Food stores use type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.

1. Level 1. Total floor area up to 30,000 square feet.

2. Level 2. Total floor area over 30,000 square feet and up to 80,000 square feet.

K. Garden Center (Includes Nursery). Garden center use type refers to establishments primarily engaged in the retail sale of lawn and garden supply goods and equipment. This includes nursery, lawn and garden supplies, and garden tools. Nurseries that focus on the retail sales of plants are also included in this category. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.

L. Health Club. Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardiovascular machines, weight training equipment, swimming pools and racquetball courts (also known as athletic clubs, fitness centers).

M. Kennel. Kennel use type means a place where six or more adult cats and/or dogs are temporarily boarded for compensation whether or not for training. An adult cat or dog is one that has reached the age of seven months.

N. Limited Accessory Retail. Limited accessory retail use type are uses in the Mixed Use – Office zone only that are directly associated with an allowed office use or which are retail services that provide a direct service to tenants of an office building. Examples include the limited sales of glasses and optical supplies as part of an optometrist's office or stand-alone card shop/gift shop. Limited accessory retail uses are limited by their size (see use tables).

O. Lodging. Lodging use type refers to establishments that provide lodging services. Examples include hotels and motels. Recreational vehicle parks are specifically excluded from this definition. See residential use for bed and breakfasts.

P. Marina, Existing. Existing marina use type means a commercial facility that provides moorage and related sales and maintenance services to pleasure and/or commercial vessels and to houseboats and/or private clubs with moorage and associated facilities and activities in existence as of the effective date of the ordinance codified in this section.

Q. Mini Casinos. Mini casinos use type shall be defined as a "social card game" per RCW 9.46.0282 and means a card game that constitutes gambling and is authorized by the commission under RCW 9.46.070. Authorized card games may include a house-banked or a player-funded banked card game. No one may participate in the card game or have an interest in the proceeds of the card game who is not a player or a person licensed by the commission

to participate in social card games. There shall be two or more participants in the card game who are players or persons licensed by the commission. The card game must be played in accordance with the rules adopted by the commission under RCW 9.46.070, which shall include but not be limited to rules for the collection of fees, limitation of wagers, and management of player funds. The number of tables authorized shall be set by the commission but shall not exceed 15 total and separate tables per establishment.

R. Movie Theaters, Indoor. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.

S. Mobile, Manufactured, and Modular Homes Sales. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell premanufactured homes. The primary purpose is to provide sites for marketing and distribution, not construction.

T. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services. Motor vehicles and related equipment sales/rental/repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

1. Level 1. Gasoline service stations together with accessory automobile repair and convenience shopping, and car wash with a one- car capacity.

2. Level 2. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, lube/oil shops, and auto parts stores which offer installation services.

3. Level 3. On-site sales, lease, or rental of automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.

4. Level 4. Sales, leasing, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.

5. *Repealed by Ord. 455.*

U. Pawn Shop. Pawn shop use type is an establishment engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. Pawn shops shall be permitted only at a ratio of one shop per each 40,000 population within the city limits (meaning the second pawn shop is allowed at 40,001, etc.).

V. Personal Services, Other. Personal services, other use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, shoe repair, clothing alterations, tanning salons, photographic studios, carpet and upholstery cleaners. Also see subsection (W) of this section, rental and repair services use type for other services.

1. Level 1. Total floor area does not exceed 2,500 square feet and use does not involve outdoor storage of vehicles.

2. Level 2. Total floor area exceeds 2,500 square feet or use involves outdoor storage of delivery or service vehicles.

W. Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.

1. Level 1. Establishments that do not involve outdoor storage.

2. Level 2. Establishments that involve outdoor storage of equipment.

X. Sales of General Merchandise. Sales of general merchandise use type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, computers and electronics. Also see building materials use type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper or hardware, and also garden center use type for nursery stock and lawn and garden supplies.

1. Level 1. Total floor area up to 30,000 square feet.

2. Level 2. Total floor area over 30,000 square feet and up to 80,000 square feet.

Y. Tattoo Parlors. Tattoo parlor use type is an establishment where permanent designs or marks are made on the skin by pricking it and ingraining it in an indelible pigment or by raising scars on it.

Z. Video Rental. Video rental use type is a store that rents prerecorded videotapes, discs, or similar materials such as video games to the public for a limited period of time. Some limited sales may occur.

AA. Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.
2. Level 2. Establishments with total floor area of more than 10,000 to 80,000 square feet and with indoor or outdoor storage.

19.25.100 Industrial use category-- Descriptions.

Industrial use categories include the on-site production, processing, storage, movement, servicing, or repair of goods and materials. The industrial use types typically have one or more of the following characteristics: have relatively large acreage requirements, create substantial odor or noise, create heavy traffic passenger vehicle and/or truck volumes, employ relatively large numbers of people, and/or create visual impacts incompatible with residential development.

A. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

B. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without processing which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing (also see subsection (I) of this section, recycling processor use type).

C. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

D. Food and Related Products. Food and related products use type refers to uses which involve the processing, manufacturing, storage and packaging of food materials, raw milk, and ice.

Examples include bakeries which distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants;

feed and cereal mills; flour mills; vegetable oil manufacturing; refining or storage; yeast plants; starch, glucose and dextrine manufacturing; dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing; sugar refining; breweries and distilleries. This use type may include processing and packaging of red meats, fowl and/or fish, provided the facility complies with all state, federal and local health regulations, all processing is conducted indoors, and there is no emission of noxious odors or noise. This use type does not include the slaughtering or boarding of live animals or poultry.

E. Industrial Services and Repair. Industrial services and repair use type refers to uses involving the repair of medium- and large-sized products, e.g., ships, boats, and trucks exceeding three tons of vehicle weight; uses providing large scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., clothes-cleaning plants, bulk laundries, diaper services, power laundries, linen supply, dry cleaning plants, industrial launderers, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying, towing and tugboat services, water transportation services, physical and biological research testing laboratories, and industrial wastewater treatment facilities and janitorial services.

F. Limited Manufacturing. Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This use does not include the processing of raw materials. This use type includes but is not limited to:

1. Clothing and fabricated products;
2. Finished products made entirely or mainly of wood for use in construction;
3. Instruments for measuring, testing, analyzing, and controlling;
4. Optical instruments and lenses;
5. Surveying and drafting instruments;
6. Medical instruments and equipment;
7. Photographic equipment;
8. Watches and clocks;
9. Supplies associated with the previous products; and
10. Electronic computer hardware components and related equipment.

G. Motion Picture/Television and Radio Production Studios. Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of

motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

H. Printing, Publishing and Related Industries. Printing, publishing and related industries use type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and plate making; and publishing newspapers, books and periodicals.

~~**I. Recycling Processor.** Recycling processor use type refers to any large scale buy back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off site.~~

IJ. Salvage Yards. Salvage yards use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade.

1. Level 1. Hulk hauling – Where no storage of vehicles is permitted.

2. Level 2. Salvage yards/uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).

JK. Storage. Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include miniwarehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, see also UPMC 19.25.090(T), the motor vehicles and related equipment sales/rental/repair and services use type.

KL. Vehicle Impound Yards. Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles.

LM. Warehousing, Distribution and Freight Movement. Warehousing, distribution and freight movement refers to storage of manufactured or processed products for one or more businesses either within a building serviced by loading docks, or in secure outdoor storage areas. Such facilities typically transport product by truck or rail and are often located in close proximity to marine ports. Examples include grocery chain distribution centers, parcel delivery distribution centers, storage of fabricated concrete blocks, and finished lumber storage yards.

19.25.110 Use Tables

A. The following use tables indicate which uses are permitted in which zones. Zones are shown across the horizontal axis and use category and type are shown down the vertical axis.

B. Symbols. The following symbols are employed in the use tables:

1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.

2. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.

3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, Conditional use permits.

4. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provision specified in UPMC 19.85.010, Administrative use permits.

5. A number accompanying a "P," "C," or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

Residential Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	RESIDENTIAL USES	One-Family Residential	Two-Family Residential	Multi-family	Mixed Use Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Adult family home (6 or fewer)	P	P	P	P	P		P		
2	Assisted living facility		P1, C2	P3	P3		P3	P3		
3	Bed and breakfast (2)	P	P	P	P	P				
4	Level I group home	P	P	P	P			P		
5	Mobile/manufactured home (3)			P						
	New manufactured home (4)	P	P	P						
6	Mobile home park			C						
7	Multifamily housing			P	P (5)		P (5)	P (5)		
8	Nursing home		P1, C2	P3	P3		P3	P3		

9	Single-family housing (attached)	P1	P1	P2	P2	P2		P2		
10	Single (detached) and two-family housing	P	P	P						

NOTES

See notes following all tables.

P	Permitted
C	Requires conditional use permit
A	Requires administrative use permit
Number	Refers to the level of use type allowed. See Chapter 19.25 UPMC.
-	When no number is present, all levels of the use type are allowed.

Civic and Recreation Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	CIVIC AND RECREATION USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Administrative government services				P	P	P	P	P	P
2	Animal control (animals kept)									C
3	Cemeteries/mortuaries	C	C							
4	Community centers	C	C	C	P	P	P	P	P	P
5	Community clubs	C	C	C	P	P	P	P	P	P
6	Courthouse						C			
7	Cultural services (museums, libraries)				C	P	P	P	P	
8	Day care centers (exceeds 12)	C	C	P	P	P	P	P	P	C

9	Education	P1	P1	P1	P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	C1, 3, P2, 4	P4
10	Hospital/24-hour medical clinics				P, C2	P, C2	P, C2	P, C2	P, C2	C
11	Holding cells						P1	P1		C
12	Postal services					P1	P1	P1	P1	P1, 2
13	Private clubs and lodges					P	P	P	P	
14	Public safety services	C	C	C	P	P	P	P	P	P
15	Recreation – Public	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1
16	Recreation – Nonprofit		C	C		C	C	C	C	
17	Religious assembly	P1, C3	P1, C3	P1, C3	P1, C2	P	P	P	C	
18	Transportation	P1	P1	P1	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1
19	Utility and public maintenance facilities						P1, C2	P1, C2	P1, C2	P

NOTES

See notes following all tables.

P	Permitted
C	Requires conditional use permit
A	Requires administrative use permit
Number	Refers to the level of use type allowed. See Chapter 19.25 UPMC.
-	When no number is present, all levels of the use type are allowed.

Utilities/Essential Public Facilities Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	UTILITIES/ESSENTIAL PUBLIC FACILITIES USES	One- Family Residential	Two-Family Residential	Multifamily	Mixed Use Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
UTILITIES USE										
1	Commercial and personal wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4,	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	P1, A2, 3, C4	P1, A2, 3, C4
2	Electric facilities	C	C	C	P	P	P	P	P	P
3	Electrical generation, accessory on-site only									
4	Natural gas facilities	P1	P1	P1	P1, 2	P1, 2		P1, 2	P1, 2	P
5	Recycling collection facilities	P	P	P	P	P	P	P	P	P
6	Sewage collection facilities	P	P	P	P	P	P	P	P	P
7	Stormwater facilities	P	P	P	P	P	P	P	P	P

8	Water supply facilities	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
ESSENTIAL PUBLIC FACILITIES USE (8)										
9	Level II group home			C	C			C		C
10	Organic waste processing facilities									C
11	Correctional institutions									C
12	Recycling processor									
13	Sewage treatment facilities									
14	Waste disposal facilities									
15	Waste transfer facilities									C1, 2, 3
RESOURCE USE										
16	Agricultural sales					P	P	P	P	P2
17	Crop production	P	P	P						
18	Fish enhancement									
19	Limited horse boarding	P	P							

NOTES

See notes following all tables.

P	Permitted
C	Requires conditional use permit
A	Requires administrative use permit
Number	Refers to the level of use type allowed. See Chapter 19.25 UPMC.
-	When no number is present, all levels of the use type are allowed.

Commercial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Administrative and professional offices				P	P	P	P	P	P
2	Veterinary clinics/animal hospitals				C1	P1	P1	P1	P1	P
Retail/Services/Entertainment										
3	Adult entertainment									C (9)
4	Amusement and recreation (private)					P	P	P	P	P
5	Beauty salon/barber				P (10)	P	P	P	P	
6	Building materials (11)					P1	P1, C2	P1, C2	P1, C2	P
7	Business support services				P	P	P	P	P	P
8	Commercial centers					C	P1, C2 (12)	C	C	

9	Eating and drinking establishment				P4	P1, 2, 3	P1, 3	P1, 3, C2	P1, 2, 3	
10	Food stores (11)					P1, C2	P	P1, C2	P	
11	Garden center (11)					P	P1	P1	P	C
12	Health club (a.k.a. fitness center)					P	P	P	P	C
13	Kennels								C	P
14	Limited accessory retail (MU-O only)				P (13)					
15	Lodging – Hotels and motels (no RV)					C	P	P	P	
16	Marinas, existing only	P								
17	Mini casinos									
18	Movie theaters (indoor only)					P	P		P	
19	Mobile, manufactured, and modular home sales									C
20	Vehicle sales, repair, service					P1, 2		P1, C2	P1, 2	P1, 2, C3, 4

21	Pawn shops								P	C
22	Personal services (other)				P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	P
23	Rental and repair					P1, C2	P1, C2	P1, C2	P1, C2	P
24	Sales of general merchandise (11)					P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
25	Tattoo parlors								C	
26	Video rental					P	P	P	P	P
27	Wholesale trade (11)							C1	C1	P1, C2

NOTES

See notes following all tables.

P	Permitted
C	Requires conditional use permit
A	Requires administrative use permit
Number	Refers to the level of use type allowed. See Chapter 19.25 UPMC.
-	When no number is present, all levels of the use type are allowed.

Industrial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	INDUSTRIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Bulk fuel dealers									C
2	Buy-back recycling									
3	Contractor yards								C1	P
4	Food and related products									P
5	Industrial services and repair									C
6	Limited manufacturing									P
7	Motion picture, TV and radio production studios								C1	P

8	Printing, publishing and related industries									P
9	Salvage yards									P1, C2
10	Storage units									P
11	Vehicle impound yards									P
12	Warehousing, distribution and freight movement									C1

NOTES

See notes following all tables.

P	Permitted
C	Requires conditional use permit
A	Requires administrative use permit
Number	Refers to the level of use type allowed. See Chapter 19.25 UPMC.
-	When no number is present, all levels of the use type are allowed.

19.25.120 Use Table Notes

- (1) *Repealed by Ord. 455.*
- (2) Breakfast is the only meal served.
- (3) In approved mobile/manufactured home parks only.
- (4) Permitted subject to standards in UPMC 19.70.120.
- (5) Only permitted in conjunction with a permitted commercial use or subject to the Town Center overlay design standards (Ord. 409).
- (6) Kindergarten and primary school only.
- (7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title 23.
- (8) Subject to essential public facility review.
- (9) Subject to adult entertainment siting criteria.
- (10) Permitted only at 1,000 square feet gross floor area or less.
- (11) Establishments over 80,000 square feet are considered commercial centers.
- (12) Commercial centers greater than 200,000 square feet are permitted outright in the Town Center overlay zone subject to the Town Center overlay design standards (Ord. 409).
- (13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.

EXHIBIT “C”

AMENDMENTS TO ZONING CODE

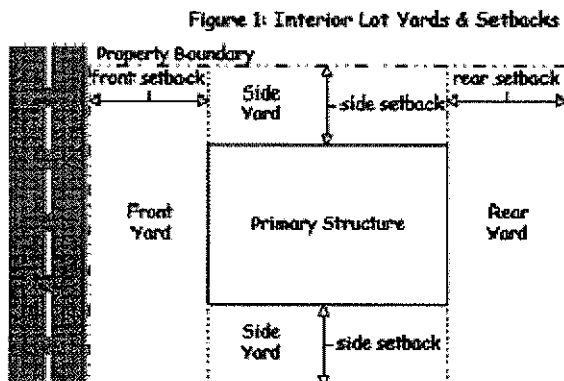
Chapter 19.45 Density and Dimension

19.45.030 Density standards.

All density provisions shall be calculated in dwelling units per acre (du/ac). The calculation shall be based upon the net acreage, subtracting out land that, by city, state or federal regulation, is unbuildable. This would include any areas such as, but not limited to, wetlands, wetland buffers, floodways, steep slopes, and streets (except as provided in Chapter 17.35 UPMC), lands below the ordinary high water mark, and lands set aside (by dedication or easement) for public or private streets. Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage. (See also Chapter 19.10 UPMC, Definitions, “Density.”) When calculating density is no rounding is used ed to the nearest whole number.

19.45.040 Setback standards.

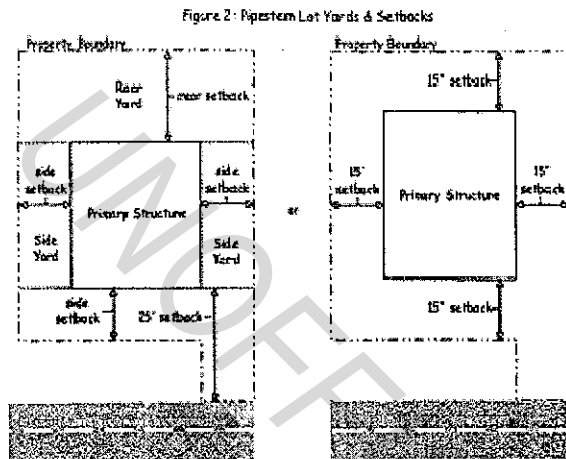
A. Setback Measurement. A setback is measured from the edge of a street. Where there is no street, a setback is measured from the property line. Setbacks are not measured from driveways unless the driveway is built on an access easement in which case a minimum eight-foot setback measured from the edge of the access easement is required. An eight-foot setback is required from portions of hammerhead turnarounds used only for emergency vehicle access. A setback is measured to the leading edge of a structure or the foundation of a building. Once setbacks have been established by the placement of structures on the lot, the established setbacks shall be maintained. See Figure 1.



B. Pipestem Lots. The owner of a pipestem where the pipestem is either part of the lot or an easement to the lot may select one of the following setbacks.

1. Minimum 15 feet from all property lines for both principal and accessory structures.

2. A 25-foot setback from a line drawn parallel to the street, at the street end of the pipestem, with all other applicable side and rear yard setbacks for the zone. See Figure 2.



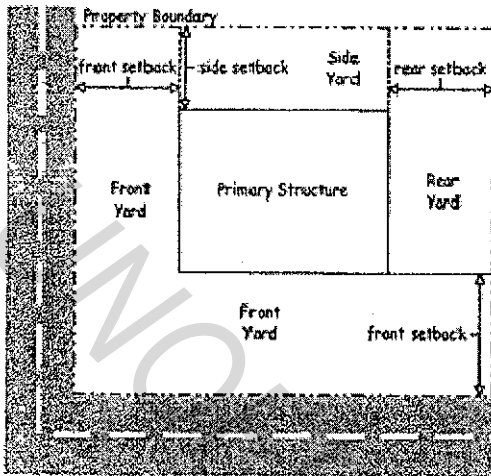
C. Where the city has acquired easements for right-of-way purposes for property in the Mixed Use, Mixed Use – Office, Commercial and Town Center zones, the city may reduce the minimum required setback to 10 feet from the edge of the right-of-way or easement.

D. Where the city has acquired easements for right-of-way purposes for property in the Neighborhood Commercial zone, the city may reduce the minimum required setback to 15 feet from the edge of the right-of-way or easement.

E. Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots. A front yard setback shall be required abutting each street. Corner lots and through lots may have two or more front yards. All lots must contain one rear yard setback except for through and pipestem lots. All other setbacks will be considered side yard setbacks.

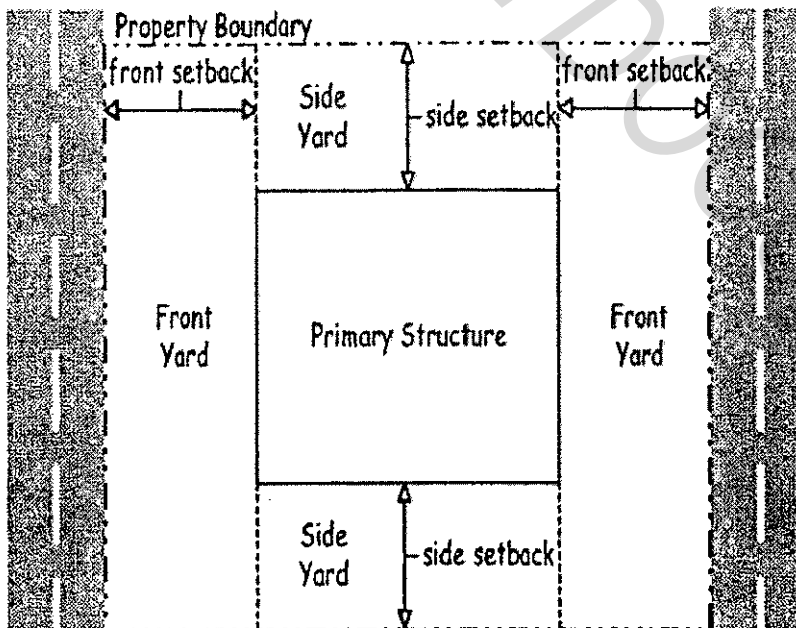
1. Corner Lots Exception. If a lot abuts the intersection of two or more streets, the front yard setback on one side of the lot may be reduced to 15 feet, provided the reduced yard does not abut an arterial street and garages and carports are set back at least 25 feet. See Figure 3.

Figure 3: Corner Lot Yards & Setbacks



F. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way. However, no rear yard setback is required. See Figure 4.

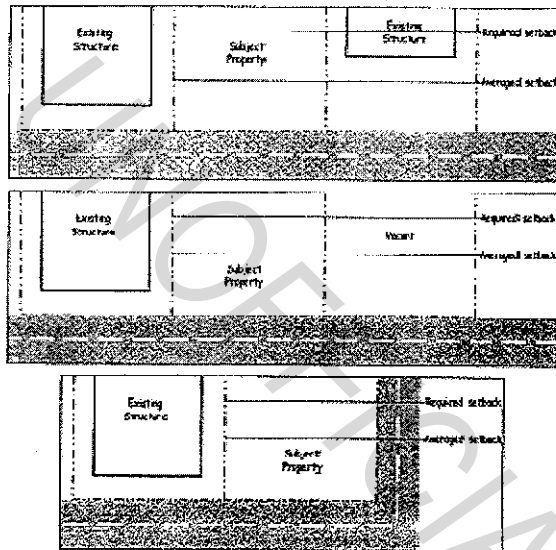
Figure 4: Through Lot Yards & Setbacks



G. Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been legally established on an abutting lot(s)

within the required yard. This provision shall not apply if the abutting lot(s) has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows: See Figure 5.

Figure 5: Setback Averaging



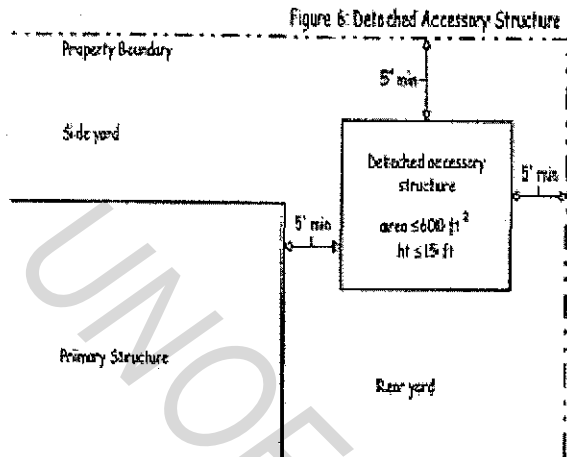
1. Averaging shall be calculated by adding the existing front yard setbacks of the abutting lots together and dividing that figure by two.

2. In the case of a corner lot or when an abutting lot is vacant, averaging shall be calculated by adding the front yard setback of the abutting developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two.

H. Slopes. If the topography of a lot is such that the minimum front yard setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet back from the right-of-way.

I. Detached Accessory Structures – Exceptions.

1. Detached accessory structures including, but not limited to, garages, carports, garden sheds, and other accessory buildings may be placed in the required side and/or rear yard setback or a front yard which abuts an alley subject to the following requirements: See Figure 6.



- a. The total area of structures shall be no larger than 600 square feet in gross floor area;
- b. Maintain five-foot minimum side and rear yard setbacks;
- c. Have no portion of the structure, such as eaves, closer than three feet from any property line;
- d. Be no greater than 15 feet in height; and
- e. Be no closer than five feet to the primary structure.

2. Large children's play equipment such as swing sets, big toys, and swimming pools (above and in-ground) shall be set back a minimum of five feet from a side and/or rear property boundary.

3. Children's play equipment, excluding swimming pools, may be placed in the required front yard; provided, that a minimum 15-foot front yard setback is maintained.

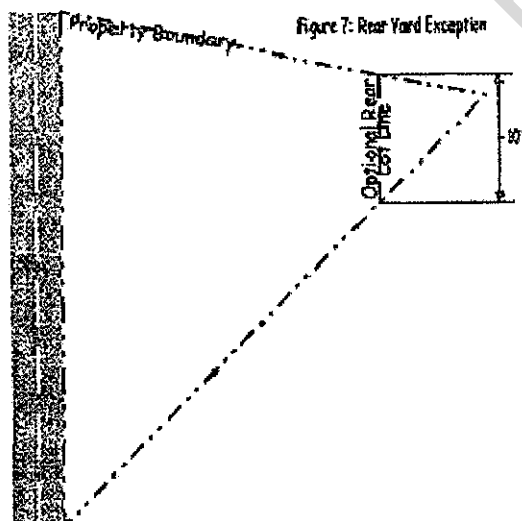
J. Bus Shelters. School district or transit authority bus shelters may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height; provided, all applicable site distance requirements are met.

K. Projection Exception-

1. Projections including, but not limited to, fireplace structures, bay or garden windows, enclosed stair landings, or covered but unenclosed porches may project into any setback; provided such projections are:

- a. Limited to two per required yard.

- b. Not wider than 10 feet.
 - c. Not more than two feet into an interior or rear yard setback.
 - d. Not more than three feet into a front yard setback.
2. Uncovered decks which do not exceed 30 inches (not including railings) from finished lot grade may project into any setback; provided, such projections do not extend more than five feet into a front yard setback, three feet into a side yard setback, and 15 feet into a rear yard setback. In no case shall a deck encroach further into a yard than 50 percent of the setback.
3. Wheelchair ramps may project into any required setback.
4. Eaves may extend 24 inches into a required setback.
5. Patios, paved walkways and driveways may extend to property lines.
- L. Rear Yards Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the “rear lot line” at the owner’s discretion. See Figure 7.



- M. Exemption for Personal Wireless Telecommunication Facilities. Setback exemptions for personal wireless telecommunication facilities are provided in Chapter 23.45 UPMC.
- N. Variances to exceptions are not permitted. An exception is not allowed when a variance has already been granted for the same purpose. For example a side yard projection exception

may not be used if a side yard variance as been granted to extend the same structural component into the required side yard setback.

19.45.060 General development standards.

A. Existing Lot – Single-Family Dwelling Permitted. In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density and minimum lot dimension requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.

B. *Repealed by Ord. 394.*

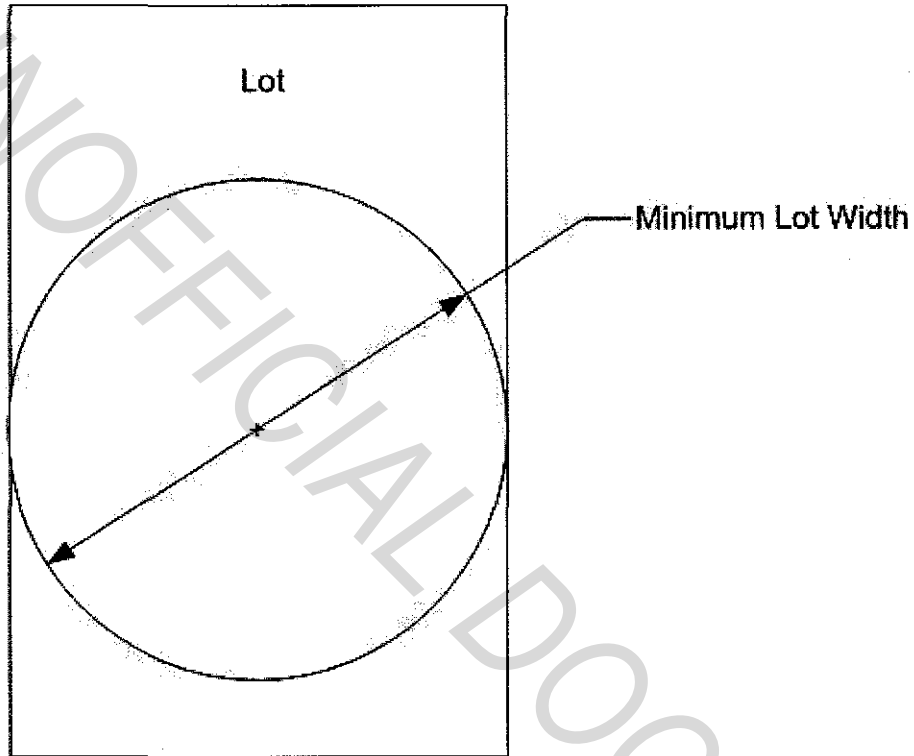
~~C. Combining Lots – Interior Yard Setback Exception. Where two or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.~~

CD. Legally Created Lots – Development Permitted – Proof.

1. Development shall be permitted only on legally created lots.
2. To establish that a lot has been legally created, the applicant must provide one of the following:
 - a. A copy of formal plat, short plat, or large lot subdivision approved by Pierce County or the city of University Place separately describing the lot.
 - b. A copy of the boundary line adjustment or lot combination separately describing the lot.
 - c. Documentation that the creation of the lot was exempt from the provisions of the applicable subdivision regulations.
 - d. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974, that separately describes the lot.

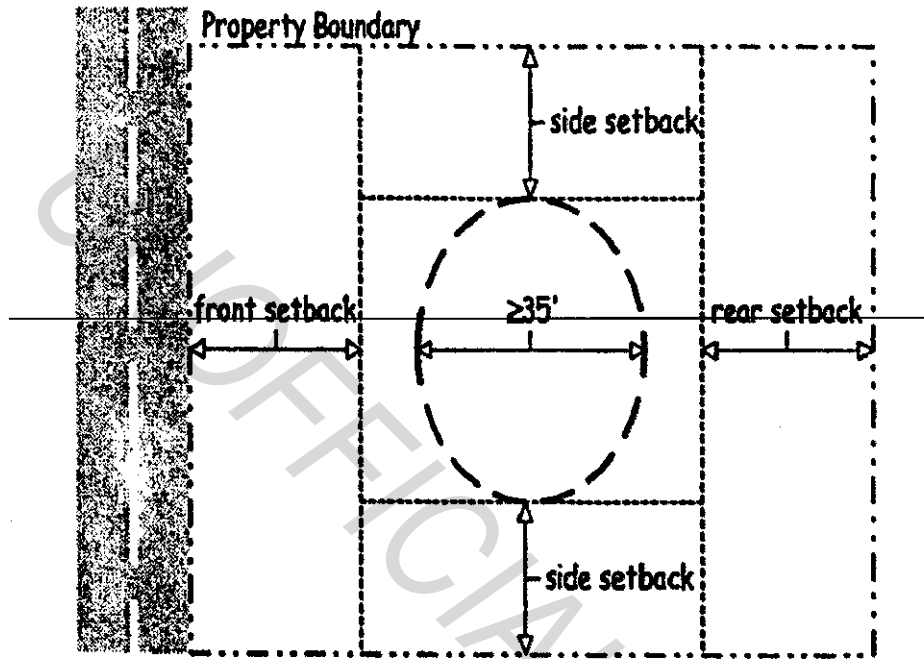
D. Newly created lots shall be of such shape that a circle with a diameter equal to the minimum lot width specified in the density and dimensions table in UPMC 19.45.080 can fit within the boundary of the lot. See Figure 8.

Figure 8
Minimum Lot Dimension



~~D. Minimum Lot Dimension—Shape. Newly created lots in the R1 and R2 zones shall be of such shape that a 35-foot diameter circle can fit within the minimum setbacks of the lot. See Figure 8.~~

Figure 8: Minimum Lot Dimension



19.45.080 Density and Dimension Table Notes

1. Base Density: These densities may be achieved outright by following the applicable development and design standards. In the “R1” zone only, a base density of 4.0 du/acre is permitted for single-family dwellings; 4.6 du/acre is permitted for duplexes.
2. Mixed Use Development: Multifamily residential development is only permitted in conjunction with a permitted commercial use and subject to applicable design standards.
3. Maximum density and reduced lot size and width may only be achieved through the application of a planned development district and applicable design standards. In the MF-L and MF-H zones, maximum density may only be achieved following adoption by the city council of multifamily design standards.
4. Side and Rear Yard Setbacks: A side or rear yard setback is not required in IB, C, TC, MU, NC, and MU-O zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s). Unless the subject parcel is in a transition overlay in which case a 20-foot setback is required along the abutting lot line(s).
5. Fifteen feet is a minimum setback requirement. Maximum setback is 20 feet. However, see also design standards (Chapter 19.50 UPMC).

6. Refer to underlying zone.

7. Single-family and duplex uses in these zones may, at their option, use minimum setbacks of the R1 zone.

8. Single-family attached units shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.

9. Mixed use (MU) zoned properties on the north side of 27th Street West between Grandview Drive and Crystal Springs Road may increase height and density in accordance with UPMC 19.55.080.

10. Density and dimension standards are contained in the Chambers Creek properties design standards and guidelines.

11. Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.

12. The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.

13. Town Center Overlay Zone Setbacks: 1) Front Yard, No setback is required from streets except at significant corners where a 20-foot setback is required; 2) Rear Yard, A rear yard setback is not required if the parcel does not abut a parcel in the R1 or R2 zone. If abutting a parcel in the R1 or R2 zone a 50-foot setback is required along the abutting lot lines, 3) Side Yard, A side yard setback is not required. If a side yard setback is provided, a minimum 10 feet is required.

14. Within the Town Center overlay zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and 74th Avenue East, height shall not exceed 120 feet. East of 74th Avenue West, height shall not exceed 55 feet. Specific height requirements and exceptions are provided in the Town Center design standards.

15. Newly created lots shall be of such shape that a circle with a diameter equal to the minimum specified lot width can fit within the boundary of the lot.

16. Minimum lot sizes for detached single-family dwelling/duplex dwelling.

17. Minimum lot size for detached single-family dwelling. Minimum lot size for attached dwellings, cottage housing units, cluster housing units, and other innovative types of housing within a PDD shall be determined by the examiner at the time of consideration of a preliminary development plan.

Density and Dimensions Table

ZONE CLASSIFICATIONS										
DENSITY AND DIMENSIONS (SETBACKS)	R-1	R-2	MF-L	MF-H	MU-O	NC	TC	MU (9)	C	LI-BP
Base Density (du/ac) (1), (2)	4/4.6	6	10	15	10	4	10	10		
Maximum Density (du/ac) (3)	6	8	15	20	12	6	12	12		
Minimum Lot Size	8,000/13,500 (16)	6,000/12,000 (16)	4,000	2,500	4,000	4,000		4,000		
Minimum PDD Lot Size (3)	6,500 (17)	5,000 (17)								
Minimum Alley Loaded PDD Lot Size (3)	6,000 (17)	4,500 (17)								
Minimum Lot Width (15)	60'	55'								
Minimum PDD Lot Width (3), (15)	55'	50'								

Maximum Lot Coverage			50%		45%	45%		45%		
Setback, Arterial Streets	25' 15(4)	25' 15(4)	25'		15'/20' min/max (5)	25'	15'/20' min/max (5)	15'/20' min/max (5)	15'/20' min/max (5)	35'
Setback, Other Roads	25' 15(4)	25' 15(4)	25'		15'/20' min/max (5)	20'	15'/20' min/max (5)	15'/20' min/max (5)	15'/20' min/max (5)	25'
Setback, Rear (4) (6)	30'	30'	0'/30' (7)		0'/30' (7)	0'/30' (7)	0'/30'	0'/30' (7)	0'/30'	0'/50'
Setback, Side (4) (6)	8' (8)	8' (8)	0'/30' (7) (8)		0'/30' (7) (8)	0'/30' (7) (8)	0'/30'	0'/30' (7) (8)	0'/30'	0'/50'
Height	35'	35'	40'		40'	40'	40'	40'	40'	40'

- ~~1. Base Density: These densities may be achieved outright by following the applicable development standards. In the "R1" zone only, a base density of 4.0 du/acre is permitted for single-family dwellings; 4.6 du/acre is permitted for duplexes. There is no minimum density.~~
- ~~2. Mixed Use Development: Multifamily residential development in the Town Center (TC), Mixed Use (MU), and Mixed Use Office (MU-O) zones is only permitted in conjunction with a permitted commercial use and subject to applicable design.~~
- ~~3. Maximum density shall only be achieved through the application of a planned development district and subject to the applicable design standards. In the MF-L and MF-H zones, maximum density may only be achieved following adoption by the city council of multifamily design standards.~~
- ~~4. On corner lots, one setback must be a minimum of 25 feet, the other front yard setback may be a minimum of 15 feet, provided it is on a minor street. Garages facing the street shall be set back a minimum of 25 feet.~~

5. Fifteen feet is a minimum setback requirement. Maximum setback is 20 feet. However, see also design standards (Chapter 19.50 UPMC):
6. Side and Rear Yard Setbacks: A side or rear yard setback is not required in IB, C, TC, MU, NC, and MU-O zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s).
7. Single-family and duplex uses in these zones may, at their option, use minimum setbacks of the R1 zone.
8. Single-family attached shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.
9. Mixed-use (MU) zoned properties on the north side of 27th Street West between Grandview Drive and Crystal Springs Road may increase height and density in accordance with UPMC 19.55.080.

Overlay Zones Density and Dimensions (Setbacks)

OVERLAY ZONES	Town Center	Chambers Creek Properties (10)5	Public Facility (6)	Transition Properties	Day Island	Day Island South Spit	Sunset Beach
	TCO	CCPO	PFO	TPO	DI	DIS	SB
Base Density (du/ac) (1), (2)	20			(6) See Note 7	4	4	4
Maximum Density (du/ac)(3)	60			(6) See Note 7	6 (3)	6 (3)	6 (3)
Setback, Arterial Streets (10)	0/20			(6) See Note 7	NA	NA	NA
Setback, Other Roads (10)	0/20 (13)			25' See Note 7	20' (11)8	0	0/20 (12)9
Setback, Rear (4)(12)	0/50 (13)			(6)25	20'	0	30
Setback, Side (4)(13)	0/10 (13)			(4) See Note 4	5'	0	5 Total (7)
Height (14)(11)	75/120/55			(6) See Note 7	350'	305'	35'

(1) Base Density. These densities may be achieved outright by following the applicable development and design standards.

(2) Mixed Use Development. Multifamily residential development in the Town Center overlay (TCO) is only permitted in conjunction with a permitted commercial use and subject to Chapter 19.50 UPMC and the Town Center design standards (Ords. 490 and 469).

(3) Maximum density shall only be achieved through the application of a planned development district or Town Center design standards

in the Town Center overlay zone.

(4) A side yard setback is not required in IB, C, TC, MU, NC, and MU-O zones if the parcel does not abut a parcel in the R1 or R2 zone. If abutting a parcel in the R1 or R2 zone, a 20-foot setback is required along the abutting lot line(s).

(5) Density and dimension standards are contained in the Chambers Creek properties design standards and guidelines.

(6) Refer to underlying zone.

(7) Refer to Chapter 19.55 UPMC for specific standards.

(8) Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.

(9) The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.

(10) No setback is required from streets in the Town Center overlay zone except at significant corners where a 20-foot setback is required.

(11) Within the Town Center overlay zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and 74th Avenue East, height shall not exceed 120 feet. East of 74th Avenue West, height shall not exceed 55 feet. Specific height requirements and exceptions are provided in the Town Center design standards.

(12) In the Town Center overlay zone, a rear yard setback is not required if the parcel does not abut a parcel in the R1 or R2 zone. If abutting a parcel in the R1 or R2 zone a 50-foot setback is required along the abutting lot lines.

(13) In the Town Center overlay zone, a side yard setback is not required. If a side yard setback is provided, a minimum 10 feet is required.

(14) The density and dimensions table identifies setbacks; however, in certain instances landscaping may exceed setback requirements.

EXHIBIT “D” **AMENDMENTS TO ZONING CODE**

Chapter 19.60 Off-Street Parking Requirements

19.60.050 Off-street parking spaces required for particular uses.

Unless otherwise specified the number of parking spaces required is calculated on a per-square-foot basis. For example, if 200 appears in the table next to the use type, then one parking space is required for every 200 square feet of floor area. In commercial centers, the required parking is calculated for each use separately to determine the total amount of parking required. The minimum number of off-street parking spaces required shall be as set forth in the following table:

RESIDENTIAL USES	Parking Requirements
Adult Family Home (6 or fewer)	1 per employee + 2
Assisted Living Facility	0.5 per bed
Bed and Breakfast	1 per room
Group Homes	0.5 per bed
Mobile/Manufactured Home	1 per unit
Multifamily Housing	1.5 per unit
Nursing Home	0.25 per bed
Single-Family Housing (Attached)	2 per unit
Single-Family (Detached) and Two-Family Housing	2 per unit
CIVIC AND RECREATION USES	
Administrative Government Service	400
Animal Control	400
Cemetery/Mortuary	1 per 5 seats
Community Center	200
Community Club	200

Courthouse	200
Cultural Service (Museum, Library)	250
Day Care Center (exceeds 12)	1 per employee + 1 per 10 clients
High School	1 per <u>employee facility</u> + 1 per 10 students
Elementary and Intermediate	1 per <u>employee facility</u> + 10
Hospital and 24-Hour Medical Clinic	1 per employee + 1 per bed
Jail	1 per employee + 0.25 per bed
Postal Service	250 for retail area
Private Club and Lodge	200
Public Safety Service	400
Recreation – Public	2/acre of open space
Recreation – Nonprofit	2/acre of open space
Religious Assembly	1 per 5 seats
Utility and Public Maintenance Facility	400
UTILITIES AND RESOURCE USES	
Utilities Use	
Comm. and Personal Wireless Telecommunication Facility	400*
Essential Public Facilities Use	
Organic Waste Processing Facility	1 per employee + 10
Sewage Treatment Facility	1 per employee + 10
Resource Use	

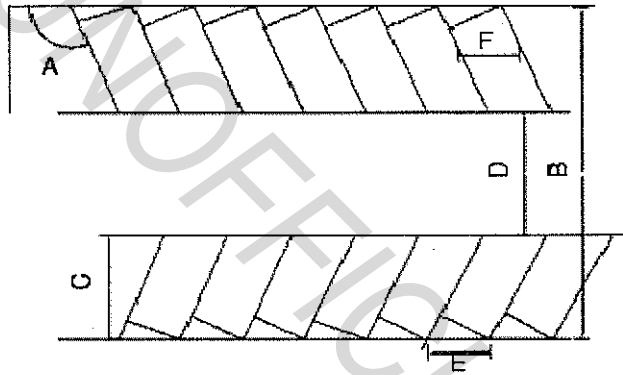
Agricultural Sale	250
*Note: for telecom towers = 1 per tower.	
COMMERCIAL USES	
Office/Business Uses	
Administrative and Professional Office	400
Veterinary Clinic/Animal Hospital	400
Retail/Services/Entertainment	
Adult Entertainment	200
Amusement and Recreation (Private)	200
Beauty Salon/Barber	400
Building Materials	250
Business Support Service	400
Eating and Drinking Establishment	200
Garden Supply (Nursery)	250
Health Club (a.k.a. Fitness Center)	200
Kennel	1 per employee + 1 per 10 cages
Limited Accessory Retail (MU-O Only) (add definition)	250
Lodging – Hotel and Motel (No RV)	1 per room
Marina, Existing Only	1 per slip
Medical and Dental Office	250
Mini Casino	200
Movie Theater (Indoor Only)	1 per 43seats

Mobile, Manufactured and Modular Home Sales	400
Motor Vehicle and Related Equipment Sales	400
Pawn Shop	250
Personal Service (Other)	250
Rental and Repair Service	400
Sales of General Merchandise	250
Tattoo Parlor	250
Video Rental/Sale	250
Wholesale Trade	250
INDUSTRIAL USES	
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	400 office, 1,000 other
Food and Related Products	400 office, 1,000 other
Industrial Service and Repair	400 office, 1,000 other
Limited Manufacturing	400 office, 1,000 other
Motion Picture, TV and Radio Production Studio	400
Printing, Publishing and Related Industry	400 office, 1,000 other
Salvage Yard	400 office
Storage Unit	250
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

19.60.180 Parking dimensions, size and access.

Each off-street parking space and access aisle shall meet all applicable provisions of this section. The dimensions for parking lots, wheel stops, spaces, drive aisles, etc., are as set forth in Figures 1 and 2 following this chapter.

Figure 1. Parking Dimensions



One-Way Parking

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
Parallel	0°	28'	8'	12'	23'	8'
Angled	35°	41'	14.5'	12'	14.8'	8.5'
	40°	42'	15'	12'	13.2'	8.5'
	45°	43'	15.5'	12'	12'	8.5'
	50°	45'	16.5'	12'	11.1'	8.5'
	55°	48'	17.5'	13'	10.4'	8.5'
	60°	50'	17.5'	15'	9.8'	8.5'
	65°	53'	18'	17'	9.7'	8.5'
	70°	56'	18.5'	19'	9.6'	8.8'
Compact	45°		17'	11'		8'
	60°		16.7'	14'		8'
	75°		16.3'	17.4'		8'
	90°		15'	20'		8'

Two-Way Parking

	A	B	C	D	E	F
Parallel	0°	36'	8'	20'	23'	8'
Angled	35°	49'	14.5'	20'	14.8'	8.5'
	40°	50'	15'	20'	13.2'	8.5'
	45°	51'	15.5'	20'	12'	8.5'
	50°	53'	16.5'	20'	11.1'	8.5'
	55°	55'	17.5'	20'	10.4'	8.5'
	60°	55'	17.5'	20'	9.8'	8.5'
	65°	56'	18'	20'	9.7'	8.8'
	70°	57'	18.5'	20'	9.6'	9'
	90°	64'	20'	24'	9'	9'
Compact	45°		17'	20'		8'
	60°		16.7'	20'		8'
	75°		16.3'	20'		8'
	90°		15'	20'		8'

	Standard Parking Stall		Compact Parking Stall		Parallel Parking Stall	
Traffic	Width	Length	Width	Length	Width	Length
One-Way	9' □	45° — 18' □	8.25' □	45° — 15.5' □	8' □	23' □
		60° — 19.5' □		60° — 17' □		
		70° — 20' □		70° — 17' □		
Two-Way	9' □	45° — 18' □	8.25' □	45° — 15.5' □	8' □	23' □
		60° — 18' □		60° — 17' □		
		90° — 18' □		90° — 16.5' □		

Figure 2. Wheel Stops

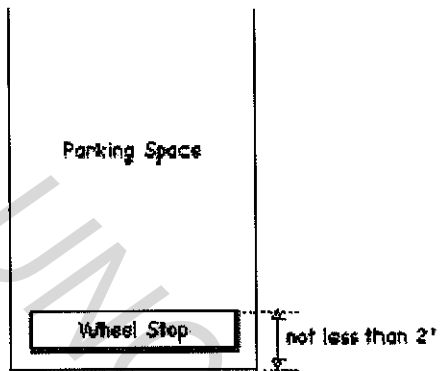


Figure 2. Wheel Stops

EXHIBIT "E"

AMENDMENTS TO ZONING CODE

Chapter 19.65 Landscaping/Trees

19.65.060 Definitions.

"Brushing" means the practice of removing significant groundcover by hand or hand-operated equipment to create better visibility on a property for purposes such as marketing or surveying of said property.

"Christmas tree" means any evergreen tree or the top thereof, commonly known as a Christmas tree, with limbs and branches with or without roots including fir, pine, spruce, cedar and other coniferous species.

"Clearing" means the cutting, moving on-site, or removal of standing or fallen timber (including stumps); the removal or moving on-site of stumps; or the cutting or removal of brush, grass, groundcover, or other vegetative matter from a site in a way which exposes the earth's surface of the site.

"Conversion" means converting the use of land from forestry to nonforestry uses.

"Critical root zone" is an area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one-foot radius for every diameter-inch measured at breast height (dbh) or four and one-half feet above ground.

"Crown" is the area of a tree containing leaf- or needle-bearing branches.

"Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargements of any structure; any mining, excavation, landfill, stockpiling, clearing or land disturbance; and any use or extension of use of the land.

"Diameter at breast height" (dbh) is a tree's diameter in inches at four and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above ground.

"Drip line" of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

"Forest practices" means any activity relating to growing trees and harvesting or processing timber including but not limited to road and trail construction; harvesting; thinning; reforestation, fertilization, prevention and suppression of diseases and insects; salvage of trees; and brush control.

"Groundcover" means types of vegetation which are normally terrestrial such as shrubs, vines, grasses, and herbaceous plants.

"Hazard tree" is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.

“Limited tree removal” is the removal of fewer than five trees or less in any 36 consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening. Tree removal in a landslide and erosion hazard area, a wildlife habitat area or a wetland or wetland buffer is prohibited unless specified otherwise.

“Outdoor storage area” means an area on a site where materials, merchandise and/or equipment is stored outdoors.

“Remove” or “removal” is the act of removing a tree by digging up, cutting down, or any act which causes the tree to die within a period of three years, including, but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree’s root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; topping; paving with concrete, asphalt, or other impervious material within the drip line; or any other action which is deemed harmful to the tree.

“Replacement tree” means any self-supporting perennial woody plant that matures at a height greater than six feet and measures at least six feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least three inches for evergreen trees and 1.5 inches for deciduous trees.

“Significant tree” means a tree identified on the city’s inventory of significant trees.

“Tree” means any living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of six inches or more at breast height (dbh) measured at 24 inches above the ground level.

“Tree removal permit” means a permit issued by the city to permit clearing and/or tree removal pursuant to the provisions of this chapter.

“Understory” means small trees and shrubs growing below the canopy of larger trees.

“Urban forester” is a licensed professional approved by the city with academic and/or field experience that makes him or her a recognized expert in tree preservation and management. For city approval, an urban forester shall be a certified arborist with the International Society of Arboriculture. Submittal of additional credentials including those of a registered arborist with the American Association of Consulting Arborists is encouraged. An urban forester shall have the necessary training and experience to use and apply the International Society of Arboriculture’s guide to evaluation and management of trees, “Guide to the Evaluation of Hazard Trees in Urban Areas,” and to successfully provide the necessary expertise relating to management of trees specified in this chapter.

“Urban forest management” means the management of trees in the city, whether on public or private property, for the purposes of but not limited to maintaining the wooded character of the city and property values; providing wildlife habitat, buffering, and wind protection; facilitating aquifer recharge and slope stabilization and enhancing our healthy, safe, and attractive environment.

EXHIBIT “F”

AMENDMENTS TO ZONING CODE

Chapter 19.80 Nonconforming Uses

19.80.040 Nonconforming uses.

The party asserting the existence of a lawful nonconforming use has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revisions or amendments, the use was either consistent with the zoning provisions or was a pre-existing legal nonconforming use.

A legal nonconforming use may be continued; provided, that:

A. The nonconforming use is not replaced by a conforming use. If replaced by a conforming use, the nonconforming use may not thereafter be resumed.

B. Abandonment. A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned. If the use ceases for a period of more than one year the subsequent use of the land shall be conforming.

C. Expansion on Land, in Buildings or Structures. The nonconforming use shall not be enlarged, increased, expanded or extended to occupy a greater area of land, building or structure than was occupied on the date the use became nonconforming; except, if the nonconforming use is an accessory use and the principal use is a conforming use, the conforming principal use may expand so long as the nonconforming accessory use is not made more nonconforming.

D. The use is not moved in whole or in part to any other portion of the lot or parcel or another lot or parcel in a zone where the structure would be nonconforming.

E. Substantial Destruction. If the structure in which the use depends is harmed or destroyed by more than 50 percent of the improvement value as shown in the county assessor's data, the nonconforming use ~~shall be deemed abandoned and can no longer continue~~ can no longer continue, except when the structure is damaged or destroyed as a result of accidental fire or natural causes, in which case permits to reconstruct a structure in order to continue the non-conforming use shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

F. Exception for Single-Family Detached Houses. Any existing nonconforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion of nonconforming uses.

EXHIBIT “G”

AMENDMENTS TO ZONING CODE

Chapter 19.85 Discretionary Land Use Permits

19.85.040 Planned development districts.

A. Purpose.

The purpose and intent of the planned development district is:

1. To permit greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations;
2. To promote urban infilling and more economical and efficient use of land;
3. To cluster development in order to preserve significant wildlife habitat and take advantage of existing topography and other natural features to promote environmental and aesthetic goals by optimizing siting, orientation, layout and design of structures to protect natural vegetation, wetlands, drainage areas, slopes and other natural features;
4. To provide a variety of housing choices and a high level of urban amenities that contribute to a strong sense of community;
5. To ensure that new development is compatible with adjoining neighborhoods and existing and potential future land uses within the community;
6. To ensure that the design of the development is exemplary and the amenities to be provided are substantially greater than minimum standards of the underlying zoning district would otherwise require; and
7. To ensure that architectural design is fully considered and integrated with the overall project design so that design excellence is achieved.

~~A planned development district (PDD) is intended to be a flexible zoning concept; it will provide the examiner a chance to mold a district so that it creates more desirable environments and results in better use of land than that produced through the limiting standards provided in the regular zone classifications. Uses allowed in a PDD are those uses allowed in the underlying zone. The residential densities within the PDD may vary depending upon how the land is developed with general aesthetics, natural areas, and open space being an incentive.~~

B. Classifications of Planned Development Districts. Planned developments shall be classified as one of two types: residential or nonresidential. A residential PDD shall mean that the principal purpose of the PDD is to provide one or more types of housing at densities of dwellings the same as densities permitted by the underlying zone and where all other uses shall be considered accessory, supportive, or adjunct to housing. A nonresidential PDD shall mean a development where the preponderance of uses are intended for purposes other than housing and shall include, but are not necessarily limited to, retail, service, industrial, and manufacturing, and where residential uses as are allowed by the underlying zone shall be minor and secondary in purpose to intended use of the district.

C. Initiation of a PDD. An application for a planned development district may be initiated by the property owner(s), contract purchaser(s) of property involved in a proposed PDD, or a public agency.

D. PDD – Minimum Area Required. The examiner, to protect the public health, safety, welfare, and general interest, may limit or restrict development in a PDD or any portion thereof in relationship to the size of the area being developed or redeveloped with the nature of uses intended, lot coverage, parking and loading requirements, provisions for open space, adequacy of roads and utility systems to accommodate the use as well as to minimize the impact the development will have on the existing or intended development of adjacent lands and the general neighborhood.

1. Residential PDD: Not less than three ~~one~~ acres.

2. Nonresidential PDD: No minimum area.

E. Applicability of PDD requirements to R-1 and R-2 zones. All subdivision proposals with a gross area of five acres or larger or with 15 or more building lots or units shall be processed as a planned development in accordance with the PDD requirements of UPMC 19.85.040.

FF. PDD – Staging. The applicant may elect or the examiner may require that the development of a PDD be accomplished or constructed in stages; provided, that when a residential PDD is developed in stages, the first and each succeeding and accumulation of stages thereafter shall not be developed at a greater density of dwelling units than would be allowed in the underlying zone, as specified in UPMC 19.45.030, Density standards.

FG. Redevelopment. When deemed necessary, prior to development of a PDD, the examiner may require the removal of all or portions of existing structures.

GH. Uses Permitted in a PDD.

1. Residential. Housing concepts of all types are limited only by the density and uses permitted in the underlying zone when authorized upon land either subdivided into two or more ownerships or held in common, unified, or single ownership. Examples include the following:

- a. Single-family homes;
- b. Duplexes;
- c. Condominiums and townhouses;
- d. Customary accessory uses and structures common to individual or group dwellings;
- e. Assisted living facilities/nursing homes; and
- f. Nonresidential uses such as schools, churches, and libraries as authorized in the PDD.

2. Nonresidential. Uses permitted by the underlying zone as authorized in the development plan.

HI. Use Permit Exceptions. When a special use permit or administrative use permit is authorized as part of a development plan and when said uses are permitted by the underlying zone as requiring a permit from the examiner, said procedure for obtaining the permit shall be waived.

IJ. PDD – Procedure for Approval. Except as provided in this section, applications for PDDs shall be processed as a Type III permit pursuant to UPMC Title 22, Administration of Development Regulations. A two-step procedure shall be followed in the approval of a PDD as follows:

1. The conditional approval of a preliminary development plan by the examiner;
2. The conditional approval by the examiner shall not become final and effective until the date the final development plan is approved by the director, and at such date the final development plan shall be deemed to be adopted. The final development plan may be approved and adopted in stages but must be completed in the time set forth in the preliminary approval. The final development plan shall be approved by the director after determining that it conforms with the specific guidelines set forth by the examiner.

JK. PDD Approval within the MF-L, MF-H, MU-O, NC, TC, and MU zones. – Findings Required. The action by the examiner to approve a preliminary development plan for a proposed PDD with or without modifications shall be based upon the following findings listed below. If the examiner cannot make such findings, the proposed PDD shall be denied.

1. That the proposed development is in substantial conformance with the city of University Place comprehensive plan;
2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program. The design and amenities proposed and provided must be substantially greater than minimum requirements. The design should be exemplary.

To be considered exemplary design, a proposal must have at least two of the following elements:

- a. A minimum 50 percent more usable open space than required;
- b. A large usable area dedicated for public use;
- c. A public pedestrian path that leads through the development to an adjacent commercial area, school or park;
- d. A nature trail around a wetland or other significant natural feature; and
- e. Double the required landscaping and tree preservation;
- f. Additional amenities that would be substantially greater than the minimum requirements, subject to approval by the Director.

3. That the proposal is in harmony with the surrounding area or its potential future use;
4. That the system of ownership and means of developing, preserving, and maintaining open space is suitable;
5. That the approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts; and
6. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.

L. Residential PDD Approval – Findings Required within R-1 and R-2 zones. The action by the examiner to approve a preliminary development plan for a proposed Residential PDD with or without modifications shall be based on the criteria below. If the examiner cannot make such findings, the proposed PDD shall be denied.

1. That the proposed development is in substantial conformance with the city of University Place comprehensive plan;

2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program. The design and amenities proposed and provided must be substantially greater than minimum requirements. The design should be exemplary.

To be considered exemplary design, a proposal must choose from the list below and achieve a total of 50 points. Proposals requesting 20% or less of an increase in the base density and a 20% or less of a reduction in required setbacks per yard are required to meet a total of 40 points.

#	AMENITY	POINTS
<u>1</u>	<u>Usable Open Space (10.5% Minimum)</u>	<u>10</u>
<u>2</u>	<u>10% Affordable Housing or Accessory Dwelling Units</u>	<u>10</u>
<u>3</u>	<u>Maximum Number of Alley Loaded Units</u>	<u>10</u>
<u>4</u>	<u>Curvilinear Streets Reflective of Existing Topography.)</u>	<u>8</u>
<u>5</u>	<u>400' Maximum Block Length. (This provision applies, where feasible, in large scale developments with multiple streets and access points)</u>	<u>8</u>
<u>6</u>	<u>Sustainable Building and Site Design (Comparable to LEED certification for homes or LEED certification for neighborhood development)</u>	<u>8</u>
<u>7</u>	<u>Residential Fire sprinkler systems in all Homes</u>	<u>8</u>
<u>8</u>	<u>Landscape Enhanced Storm Pond, Wildlife Features; or An Underground Storm water Facility.</u>	<u>8</u>
<u>9</u>	<u>Internal Street Lighting (Lighting shall be pedestrian in scale and designed to minimize light pollution)</u>	<u>8</u>
<u>10</u>	<u>Trees (A minimum of six planted trees per lot.) (Trees may be planted on building lots and/or common areas subject to examiner approval. A mix of deciduous trees with an average size of two inches dbh, evergreen trees with a minimum 6' height, and native trees of varying sizes, is required.</u>	<u>5</u>
<u>11</u>	<u>Enhanced Facades. Front of homes finished with stone, brick or similar building material.</u>	<u>5</u>
<u>12</u>	<u>Pedestrian Trail or Path to Public Park, School or Commercial Area</u>	<u>5</u>
<u>13</u>	<u>Widened Planter strips (Minimum eight feet in width)</u>	<u>5</u>

<u>14</u>	<u>Recessed Garages (Front-loaded garages and garage doors shall be set back at least five feet from the building line or façade of a home)</u>	<u>5</u>
<u>15</u>	<u>Usable Front Porches, (At least 65% of the homes incorporate into their design front porches with a minimum depth of six feet and a minimum area of 60 square feet)</u>	<u>5</u>
<u>16</u>	<u>Proportional Garages. Width of attached, front-loaded garages do not exceed 50% of the width of a home measured at its building line or façade</u>	<u>5</u>
<u>17</u>	<u>Upgraded Window Treatments, Windows are vertically oriented and human scaled, with trim on all sides that is appropriate for the architectural character home (generally no less than 3.5" wide)</u>	<u>5</u>
<u>18</u>	<u>Additional Amenities (Amenities must be substantially greater than the minimum requirements and approved by Director)</u>	<u>Maximum of 16</u>

3. That the proposal is in harmony with the surrounding area or its potential future use;

4. That the system of ownership and means of developing, preserving, and maintaining open space is suitable;

5. That the approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts; and

6. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.

7. That the proposed development incorporates, at a minimum, the following design elements:

- a. A range of lot sizes, where at least 25% of the lots are at least 10% larger or smaller than the average lot size
- b. Varied front yard setbacks, where at least 25% of the homes have front yard setbacks at least five feet greater or less than the average front yard setback. For example, if the average front yard setback is 25 feet, then at least one-quarter of the homes must have front setbacks of less than 20 feet or greater than 30 feet.
- c. Varied home design, where a maximum of 25% of the homes use the same design. Home designs that vary primarily because of differences in elevations are considered to be the same design. The locations of homes using the same design shall be mixed throughout a PDD to ensure variety within each block.

KM. Examiner's Actions – Appeals. The action of the examiner in conditionally approving or denying a preliminary development plan shall be final and conclusive unless an appeal is filed pursuant to the city's appeals procedures.

LN. Motion – Effect. The conditional approval by the examiner approving a preliminary development plan shall mean approval by the examiner in principle with the PDD concept. The effective date of the amending action shall be the date that the director approves the final development plan.

MO. Building and Site Development Permits – Issuance. Site development and building permits shall be issued for only those portions of a PDD for which a final development plan has been approved by the director.

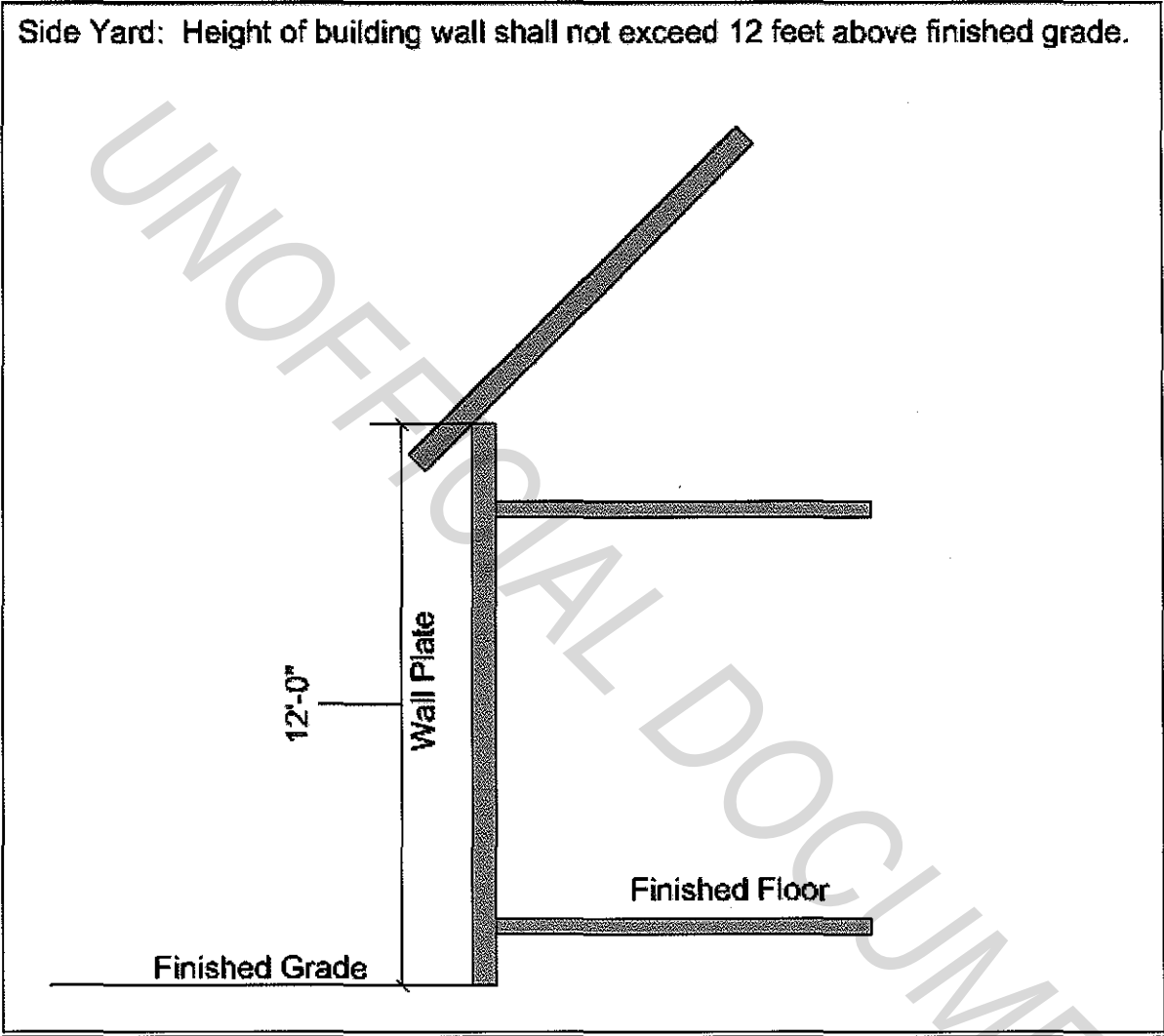
NP. Subdivisions. When an applicant subdivides or resubdivides all or portions of property within a proposed PDD, application for approval of a preliminary subdivision may be filed and considered concurrently with an application for approval of a preliminary development plan. Subject to density of dwelling units, the minimum yard requirements for subdivision lots proposed within a PDD may be less than the minimum specified in the underlying zone district if the design of the subdivision is in accordance with the intent and purpose of this section. Except for necessary roads, the balance of the total tract intended for subdivision shall be devoted to open space.

OQ. Final Development Plan – Time Limitation. Within three years from the date of conditional approval of a preliminary development plan by the examiner, the applicant shall submit a final development plan for the PDD. When deemed reasonable and appropriate, the examiner may grant not more than one extension of one year for such submittal. If, after a year since a final development plan has been approved, the applicant has not applied for a building permit or the building permit has expired without construction, the PDD approval shall become void unless associated with a subdivision. If the PDD is associated with a subdivision, the time limits specified in the city subdivision code shall apply. Once the PDD has expired, the land and the structures on the site may be used only for a lawful purpose permissible within the underlying zone.

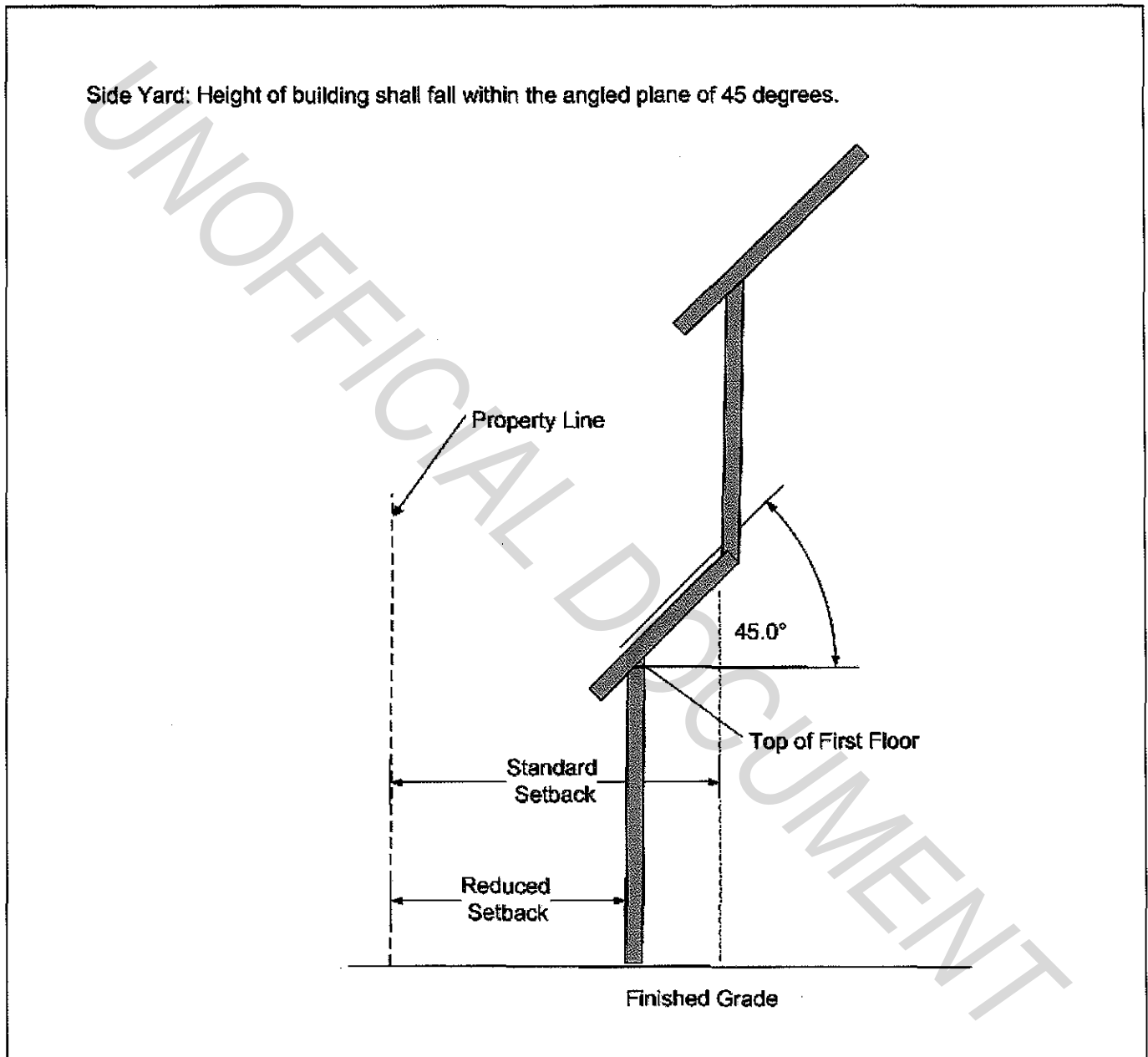
PR. Permissive Variation from Standard Requirements. In considering a proposed development plan, the approval may involve modifications in the regulations, requirements, and standards of the underlying zone in which the project is located to appropriately accomplish the purpose of this section. In making such modifications as are deemed appropriate, the following, except for subsection (R)(1) of this section which may not be exceeded, guidelines shall apply:

1. **Off-Street Parking and Loading.** The total required off-street parking facilities should not be less than the sum of the required parking facilities for the various uses computed separately.
2. **Height of Buildings.** The height of buildings and structures within a PDD should be limited to the height permitted by the underlying zone, or as required by the city as a special limitation. The height of buildings and structures may be increased in relationship to provisions for greater open space and separation between buildings on the same or adjoining property and when adequate provision is made for light, air, and safety.
3. **Lot Area Coverage.** The maximum lot coverage within a PDD or any portion thereof shall be determined by the examiner at the time of consideration of a preliminary development plan.
4. **Yards.** The requirement for yards in a PDD should be the same as required by the underlying zone for those yards abutting the exterior boundary of the PDD. Yard requirements for any yard not abutting or adjoining an exterior boundary of a PDD shall be as authorized in the preliminary development plan. Side yard setbacks within a PDD may be reduced only upon a demonstration that:

a. The top of the wall plate located within the reduced side yard will not exceed 12 feet above finished grade, as shown in the illustration, below.

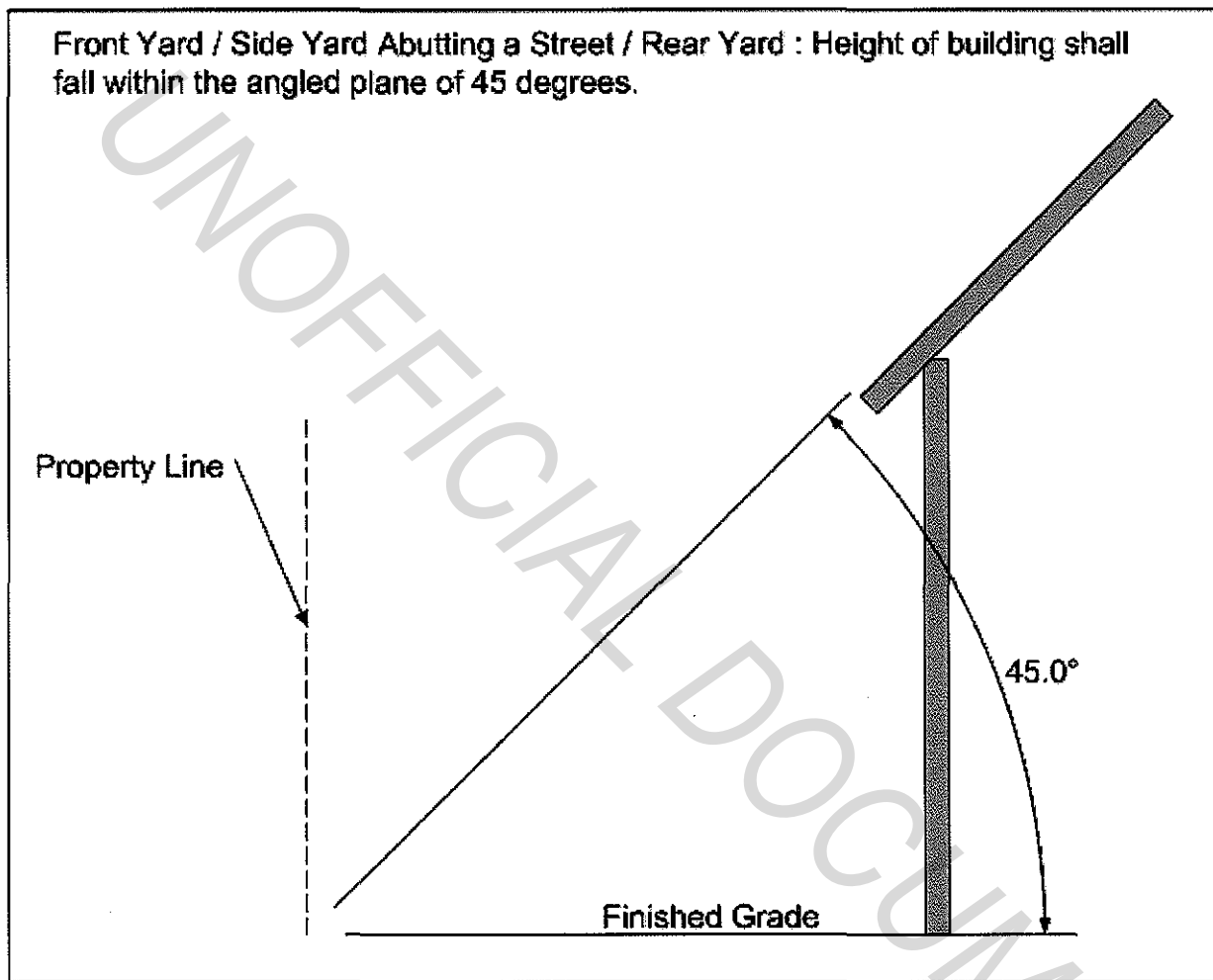


b. The height of the building will not exceed the angled plane of 45 degrees that extends from the building wall located in the reduced side yard to the setback line required in the underlying zoning district, as shown in the illustration below.



Setbacks from a front property line, side property line abutting a street, and rear property line within a PDD may be reduced only upon a demonstration that the height of the building will fall within the angled plane of 45 degrees that extends from the property line to the setback line required in the underlying zoning district, as shown in the illustration, below. An individual dormer or similar roof form may project

into the setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and distinct roof forms may project into the setback plane if their combined width is less than one-half of the total structure width at 20 feet in height.



~~5. Internal Roads. All internal roads shall be constructed to public road standards, except when permitted by the examiner, the road right of way width may be reduced to not less than 40 feet. Road right of way area cannot be counted in allowed density calculations. To offset the reduction in road right of way width, an area adjacent to public property not smaller than the area equal to the difference in area between the reduced road right of way width and the required road right of way width shall be dedicated or transferred into public ownership. The city must approve the area for dedication or transfer. The area dedicated or transferred to the public may be used in density calculations.~~

5. Private Roads. All roads in a planned development district shall be built to the requirements of Title 13.

~~6. Private Roads. All roads in a planned development district shall be public roads and constructed to public road standards notwithstanding subsection (P)(5) of this section unless the planned development~~

~~district is a short plat consisting of no more than four residential lots, or serves any number of residential or business units on a property under single ownership.~~

6. Lot Area. The minimum lot area for attached dwellings, cottage housing units, cluster housing units, and other innovative types of housing within a PDD shall be determined by the examiner at the time of consideration of a preliminary development plan.

QS. Prior Existing Planned Unit Developments. Planned unit developments previously authorized by unclassified use permit, prior to the effective date of the ordinance codified in this section, shall be repealed and reclassified to planned development districts pursuant to this section as is now in effect.

RT. Parties Bound by PDD District. Once the preliminary development plan is approved by the examiner, all persons and parties, their successors, and heirs who own or have any interest in the real property within the proposed PDD are bound by the examiner's action. The applicant(s) shall record a deed restriction on the subject property. The deed restriction shall include the conditions of PDD approval.