ORDINANCE NO. 455

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING" TO RESTRICT DRIVE-THROUGH AND DRIVE-UP USES IN THE TOWN CENTER ZONE, PERMIT DRIVE-THROUGH AND DRIVE UP USES OUTRIGHT IN THE NEIGHBORHOOD COMMERCIAL AND COMMERCIAL ZONES SUBJECT TO DESIGN STANDARDS, DEFINE THE TERMS DRIVE-THROUGH AND DRIVE-UP AS ACCESSORY USES AND ADD A PROVISION REGARDING SUBSTANTIAL DESTRUCTION OF NON-CONFORMING USES.

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 and August 4, 2003, and

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

WHEREAS, In February 2005 in response to two development proposals in the town center zone the City Council directed the Planning Commission to review and recommend amendments to the zoning code with regard to drive-through uses, and

WHEREAS, Over a time period of six months, while under consideration by the Planning Commission, the City published three notices regarding the proposed amendments in the Tacoma News Tribune and mailed over 250 notices to property owners within and around the Town Center Zone and invited drive through business owners by phone to attend a workshop early in the process, and

WHEREAS, The Planning Commission conducted several public meetings including three joint meetings with the City Council and/or the Economic Development Committee appointed by the City Council and a public hearing, taking comments and testimony from numerous citizens and business owner, and

WHEREAS, The City issued a Determination of Nonsignificance on September 26, 2005 and received no comment or appeal, and

WHEREAS, On September 19, 2005 the City requested an expedited state agency review in accordance with RCW36.70A.106(3)(b) and on October 5, 2005 received from the State Department of Community, Trade and Economic Development, notice that the City's obligations under RCW 36.70A.106 had been meet with regard to the proposed amendments, and

WHEREAS, The City's vision statement adopted on August 5, 1998 and revised on July 6, 1998 and May 1, 2000 states in part "The City Hall complex has contributed to the development of a thriving commercial and civic area. This pedestrian friendly town center and community focal point offers civic activities, convenient shopping, and a welcoming downtown park."

WHEREAS, The City's Comprehensive Plan includes numerous goals and policies calling for a pedestrian friendly mixed-use gathering place in the town center where people would come to live, use civic facilities including the city hall and the library, to shop, be entertained and enjoy public art and open spaces, and

WHEREAS, The Zoning Code describes the Town Center Zone as an area located between 35th Street West and 44th Street West along Bridgeport Way that is a focal point for the City that provides a sense of community and civic pride, and

WHEREAS, The Zoning Code's Town Center Zone description indicates the zone is a pedestrian oriented area where new drive-through establishments discouraged.

WHEREAS, the University Place Planning Commission recommends that all drive-through uses including gas stations be prohibited in the Town Center Zone and existing drive-through uses be recognized as legal non-conforming uses, and

WHEREAS, the University Place Planning Commission also recognizes the value of drive-through facilities in the City and recommends easing restrictions on drive-through uses located in the Neighborhood Commercial and Commercial zones subject to design standards, and

WHEREAS, The City Council held a public hearing on September 19, 2005 taking public testimony before continuing the hearing to October 17, 2005 for further council discussion, and

WHEREAS, The City Council having reviewed the City's adopted vision for the Town Center, Comprehensive Plan goals an policies, recognized the public process considered the Planning Commission's recommendation and finds that the proposed amendments serve to realize the Town Center Vision, implement the Comprehensive Plan and is in the public interest, NOW THEREFORE,

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

SECTION 1. <u>TITLE 19 ZONING.</u> Title 19 Zoning of the University Place Municipal Code is hereby amended as set forth-in Exhibit "A" attached.

SECTION 2. <u>COPY TO BE AVAILABLE.</u> One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

SECTION 3. <u>SEVERABILITY</u>. 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 4. <u>PUBLICATION AND EFFECTIVE DATE</u>. 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 THE 17TH DAY OF OCTOBER 2005.

Ken Grassi, Mayor

ATTEST:

Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:

Janean Polkinghorn, City Attorney

Date of Publication:

10-21-05

Effective Date:

10-26-05



Chapter 19.10 DEFINITIONS

Sections:

19.10.010 Interpretation.

19.10.020 Specialized definitions.

19.10.030 Definitions.

19.10.040 Unlisted words and phrases.

19.10.010 Interpretation.

Unless the context in which a word is used clearly implies to the contrary, the following definitions shall apply to each chapter of this code. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.10.020 Specialized definitions.

The following are general definitions for the code. Specialized definitions may be found at the beginning of the chapter where those definitions are used.

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.10.030 Definitions.

"Abut" means to be contiguous with or touching property lines or rightof-way.

"Accessory dwelling unit" means a second dwelling unit, detached from, added to, or created within a single-family detached dwelling for use as a completely independent unit.

"Accessory structure" means a structure, either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

"Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

"Adjacent" shall mean close, near, or directly across a street, but not abutting.

"Development permit" means any document granting, or granting with conditions, approval for a land use designation or redesignation, zoning or rezoning, subdivision plat, site plan, building permit, special exception, variance, or any other official action of the city having the effect of authorizing the development of land.

"Director" means the director of the community development department or authorized designee.

"Discretionary land use permit" means a document granted by official action of the city which authorizes the development or use of land pursuant to a special use permit or administrative permit.

"Domestic animals" means dogs, cats, birds, and small rodents which can be and are continually kept or raised in a home. Animals not considered to be domestic animals include, but are not limited to, the following: horses, cows, goats, sheep, swine, donkeys, fowl, and any other exotic species of animals.

"Drive-through" means any establishment, business, or structure where service is provided to a customer and/or vehicle either from a service window, attendant or a self-service devise with an access provided by a drive-through lane(s) incorporated into the site design.

"Drive-up" means a service that allows customers to be served while remaining in their vehicles, including but not limited to services where food or other items are delivered to or received from customers parked in designated parking stalls.

"Driveway" means a private vehicle access, which serves up to two single-family dwelling units, multifamily or commercial development.

"Dry sewer facilities" means sewer lines designed and constructed in accordance with the local sewer utility standards for future connection to the sewer provider's sanitary sewerage system. Dry sewer lines shall be constructed from the property line to the structure it will serve.

"Duplex." See "Two-family."

"Dwelling" means a building or portion thereof designed exclusively for human habitation, including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.

Chapter 19.25 USES AND ZONE CLASSIFICATION TABLES

Sections:

- 19.25.010 Purpose.
- 19.25.020 Use tables Interpretations.
- 19.25.030 Exempt uses.
- 19.25.040 Residential use category Descriptions.
- 19.25.050 Civic/recreation/education use category Descriptions.
- 19.25.060 Utilities use category Descriptions.
- 19.25.070 Essential public facilities use category Descriptions.
- 19.25.080 Resource use category Descriptions.
- 19.25.090 Commercial use category Descriptions.
- 19.25.100 Industrial use category Descriptions.

19.25.010 Purpose.

The purpose of this chapter is to identify which uses may be allowed within zoning districts in the city.

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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.

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

- 1. 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.
- 2. 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.

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 with or without drive through facilities, 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. Veterinary Clinics/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 kennels).
- 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.

- 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. Level 5. Establishments with drive through facilities in existence as of July 13, 1998, provided that:
- a. The drive through eating and drinking establishment is not permitted to move to another site or expand beyond the original parcel; and
- b. There is no gain of drive-through eating and drinking establishments; and
- c. The drive through eating and drinking establishment is not replaced with a non-drive through use.
- 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.

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.
- Level 5. Service station sites in use and in existence as of July 13, 1998.

Residential Uses Zone Classification Table

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

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.

(Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

Civic and Recreation Uses Zone Classification Table

				ZONE CLA	SSIFICATIO	NS				
	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	тс	MU	С	LI-BP
1	Administrative government services		13:		P	Р	Р	Р	Р	Р
2	Animal control (animals kept)									С
3	Cemeteries/mortuaries	С	С							
4	Community centers	С	С	С	Р	P	Р	Р	Р	Р
5	Community clubs	С	С	С	Р	Р	Р	Р	Р	P
6	Courthouse						С			
7	Cultural services (museums, libraries)				С	P	Р	Р	Р	
8	Day care centers (exceeds 12)	С	С	P	Р	P	Р	Р	Р	С
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	С
11	Holding cells						P1	P1		С
12	Postal services					P1	P1	P1	P1	P1, 2
13	Private clubs and lodges					Р	Р	Р	P	
14	Public safety services	С	С	С	Р	Р	P	P	Р	Р
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		С	С		C)	С	С	С	
17	Religious assembly	P1, C3	P1, C3	P1, C3	P1, C2	P	P	Р	С	
18	Transportation	P1	P1	P 1	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1
19	Utility and public maintenance facilities						P1, C2	P1, C2	P1, C2	Р

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. 1, 2003).

(Ord. 394 § 1, 2003).

Utilities/Essential Public Facilities Uses Zone Classification Table

			ZONE	CLASSIFICA	TIONS					
	UTILITIES/ESSENTIAL PUBLIC FACILITIES USES	One-Family Residential	Two- Family Residential	Multifamily	Mixed Use - Office	Neighborhood Commercial	Town Center (1)	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	С	LI-BP
UTIL	ITIES 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	С	С	С	Р	Р	Р	Р	Р	Р
3	Electrical generation, accessory on-site only									
4	Natural gas facilities	P1	P1	P1	P1, 2	P1, 2		P1, 2	P1, 2	Р
5	Recycling collection facilities	Р	Р	P	Р	P	Р	P	Р	Р
6	Sewage collection facilities	P	P	Р	Р	Р	Р	Р	Р	Р
7	Stormwater facilities	P	P.	Р	Р	Р	Р	P	P	Р
8	Water supply facilities	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
ESS	ENTIAL PUBLIC FACILITIES USE (8)									
9	Level II group home			С	C .			С		C
10	Organic waste processing facilities									С
11	Correctional institutions									С
12	Recycling processor							· · · · · · · · · · · · · · · · · · ·		
13	Sewage treatment facilities									
14	Waste disposal facilities									
15	Waste transfer facilities		<u></u>	<u> </u>			[C1, 2, 3
RES	OURCE USE	······································								
16	Agricultural sales					Р	Р	Р	Р	P2
17	Crop production	Р	Р	Р						
18	Fish enhancement									
19	Limited horse boarding	Р	Р							

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.

(Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

Commercial Uses Zone Classification Table

	ZONE CLASSIFICATIONS ZONE CLASSIFICATIONS									
	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use - Office	Neighborhood Commercial	Town Center (1)	Mixed Use	Commercial	Light Industrial - Business Park
		R1	R2	MF	MU-O	NC	TC	MU	С	LI-BP
1	Administrative and professional offices			ļ	Р	Р	Р	Р	Р	Р
2	Veterinary clinics/animal hospitals				C1	P1	P1	P1	P1	Р
Re	tail/Services/Entertainment									
3	Adult entertainment									C (9)
4	Amusement and recreation (private)					₽	Р	Р	Р	Р
5	Beauty salon/barber				P (10)	P	P	Р	Р	
6	Building materials (11)					P1	P1, C2	P1, C2	P1, C2	Р
7	Business support services				Р	P	<u> </u>	P	P	P
8	Commercial centers					С	P1, C2 (12)	С	С	
9	Eating and drinking establishment				P4	P1, <u>2,</u> 3, C2	P1, 3,- 5	P1, 3, C2	P1, <u>2,</u> 3, -C2	
10	Food stores (11)					P1, C2	Р	P1, C2	Р	
11	Garden center (11)					Р	P1	P1	Р	C
12	Health club (a.k.a. fitness center)					P	Ρ	Р	Р	[C]
13	Kennels								С	Р
_	Limited accessory retail (MU-O only)				P (13)					
-						C	Р	P	Р	
	Marinas, existing only	Р					<u>.</u>	<u> </u>		
	Movie theaters (indoor only)					P	Р		Р	
18	Mini-Casinos									
19	Mobile, manufactured, and modular home sales									<u>C</u>
20	Vehicle sales, repair, service					P1, 2	P5	P1, C2	P1, 2	P1, 2, C3, 4
21	Pawn shops								P	С
22	Personal services (other)				P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	Р
23	Rental and repair					P1, C2	P1, C2	P1, C2	P1, C2	Р
24	Sales of general merchandise (11)					P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
25	Tattoo parlors					·		A	С	
26	Video rental					Р	Р	P	Р	Р
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.

(Ord. 394 § 1, 2003).

Industrial Uses Zone Classification Table

				ZONE C	LASSIFICATI	ONS				
	INDUSTRIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use - Office	Neighborhood Commercial	Town Center (4)	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	С	LI-BP
1	Bulk fuel dealers									С
2	Buy-back recycling									
3	Contractor yards								C1	Р
4	Food and related products									Р
	Industrial services and repair									C
6	Limited manufacturing									Р
	Motion picture, TV and radio production studios								C1	Р
8	Printing, publishing and related industries									Р
9	Salvage yards]			P1, C2
10	Storage units									Р
11	Vehicle impound yards									Р
	Warehousing, distribution and freight movement									C1

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.

(Ord. 394 § 1, 2003).

NOTES

- (1) New drive through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center zone.
- (2) Breakfast is the only meal served.
- (3) In approved mobile/manufactured home parks only.
- (4)Permitted subject to standards in UMPC 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.

Chapter 19.30 ACCESSORY USES AND STRUCTURES

Sections:

19.30.010 Purpose.

19.30.020 Accessory uses not in this section.

19.30.030 General standards.

19.30.040 Accessory use list.

19.30.050 Accessory uses applicable to principal uses in more than one zone.

19.30.010 Purpose.

The purpose of this section is to allow certain accessory uses and structures and provide standards for their regulation. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.020 Accessory uses not in this section.

See the following sections for specific development standards for accessory uses not included in this section. They are:

Home Occupations See UPMC 19.70.050
Accessory Dwelling Units See UPMC 19.70.010
Day Care Facilities See UPMC 19.70.040
Agricultural Uses and

Agricultural Oses and See UPMC 19.70.030

Drive-through and Drive-up See UPMC 19.70.130

Signs See Chapter 19.75 UPMC

Temporary Uses/
Temporary Housing Units
See Chapter 19.35 UPMC

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.030 General standards.

Accessory uses and structures customarily incidental to either principal residential or nonresidential structures are allowed in zone classifications unless otherwise provided herein. The following provisions apply to all zone classifications:

A. In all zones there shall be no limit as to the number of accessory uses allowed on a lot; provided:

- 1. The accessory use is not excluded from locating in the zone classification; and
 - 2. The accessory use meets all regulatory requirements.
- B. Accessory uses and structures, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.

Chapter 19.70 GENERAL DEVELOPMENT STANDARDS

Sections:

- 19.70.010 Accessory dwelling units.
- 19.70.020 Adult entertainment establishments.
- 19.70.030 Agricultural uses and animals.
- 19.70.040 Day care facilities.
- 19.70.050 Home occupations.
- 19.70.060 Improvements.
- 19.70.070 Mobile and manufactured home parks.
- 19.70.080 Open space and set-aside lands.
- 19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.
- 19.70.100 Vehicle impound yards.
- 19.70.110 Secure community transition facilities.
- 19.70.120 Manufactured Housing
- 19.70.130 Drive-Through and Drive-Up Facilities

19.70.010 Accessory dwelling units.

- A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the city while protecting the existing character of single-family neighborhoods.
- B. General Requirements. The creation of an ADU shall be subject to the following general requirements:
- 1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.
- 2. Type of Unit. An ADU will be permitted as a second dwelling unit and may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., apartment above garage).
- 3. Size. In no case shall an ADU be more than 40 percent of the principal building's total floor area of which it is a part, nor have more than 600 square feet, nor have more than two bedrooms.
- 4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
- a. If detached, the building shall be of the same materials/architectural style as the main dwelling on the site.
- b. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

19.70.130 Drive Through Facilities

- A. Purpose: The purpose of this section is to recognize that drive-through and drive-up uses may be appropriate at some locations provided that such uses are located in consideration of adjacent land uses, traffic patterns, aesthetics compatibility, vehicular/pedestrian conflicts, noise, light and glare, odor and emissions, and litter.
- B. Where Permitted: Drive-Through and Drive Up uses are permitted as an accessory use to any principal use allowed in the following zones subject to the standards included in this section and a conditional use permit if applicable.
 - 1. Neighborhood Commercial
 - 2. Mixed Use District
 - Commercial
- C. Exemptions: Uses regulated by this section include any use that utilizes a drive-through or drive-up as part of their service to customers. Examples include but are not limited to automobile services, restaurants, including espresso stands, financial institutions, retail and service uses and drop boxes. The following uses are exempt from this Section:
 - 1. Delivery and loading spaces required pursuant to UPMC 19.60.
 - 2. Drop boxes, including library, bank and video drop boxes.
 - 3. Hotel porticos and valet parking services.
- D Standards Where permitted, drive-through and drive-up facilities shall comply with the following standards: Except that where drive-through and drive up uses are non-conforming these standards shall apply to all major improvements or major redevelopments.
 - 1. Traffic and Circulation.
- a. Except at entry and exit points, drive-through stacking lanes shall be separated physically (i.e., by a wall, raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

Use	Length of Stacking Lane(s)
Bank /Retail	3—6 cars, depending upon volume
Restaurants	8—12 cars, depending upon volume
Automobile Service, Other	Determined on an individual basis,
	depending on volume

b. The entrance and exit from a drive-through lane, or designated drive-up parking spaces shall be internal to the site and not a separate entrance/exit to or from the street.

- The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot.
- d. Drive-through lanes and drive-up spaces shall be located in the rear or side yards and shall not be placed between a street and the building, See diagram 1.
- e. Reserved parking spaces for drive-through orders may be required.
 - f. Vehicle conflicts with pedestrians and bicycles shall be minimized.

2. Landscaping and Screening

- a. Drive-through windows, menu boards, stacking lanes, drop-offs, and drive-up spaces shall be located to minimize impacts to adjacent properties and screened from the public right-of-way to the maximum extent possible. At a minimum, a berm or wall and Level III landscaping shall be required.
- b. The drive-through, drop-off or drive-up facility shall be buffered and visually screened from residential development with a wall and Level I landscaping, or by other equivalent natural or constructed barriers, such as other commercial development.
- 3. Architecture: Drive-through elements shall be architecturally integrated into building design and not appearing to be applied or stuck on to the building.





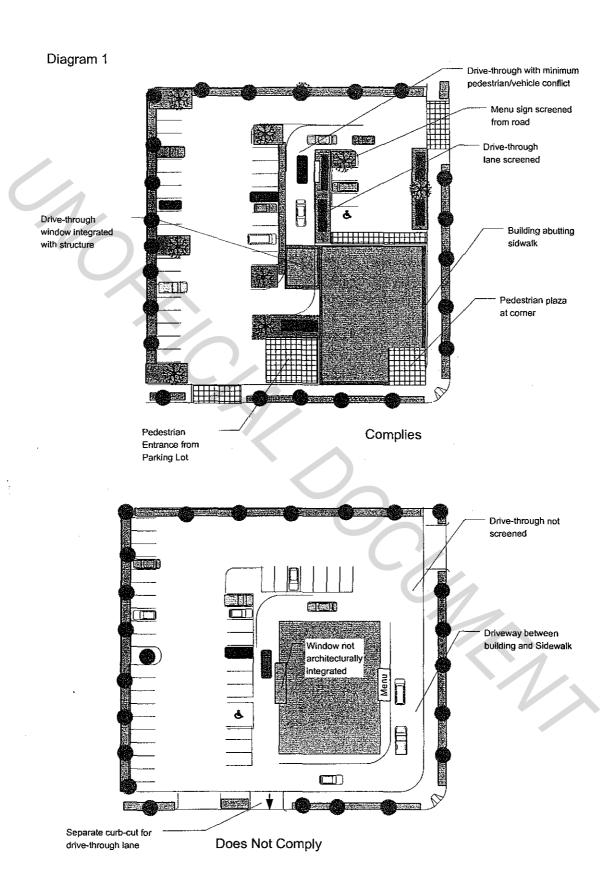
Not Architecturally Integrated Architecturally Integrated

4. Noise

- a. The project applicant shall provide the plans and specifications for any potential noise sources, such as intercom system, trash compactor, etc. Plans shall include measures to mitigate any potential adverse impact from such noise sources.
- b. Speakers at drive-through facilities shall not be audible to adjacent residential uses or disturbing to adjacent nonresidential uses.

Sound attenuation walls or other mitigation measures shall be required as necessary.

- c. Speaker boxes of any point-to-point intercom system shall be oriented away from residential development and other sensitive receptors located in the general area of the drive-through facility.
- d: Outdoor maintenance and cleaning activities shall be limited if determined necessary by the City to achieve compatibility with surrounding land uses.
- e. The on-site manager shall not permit any loud music, noise or other sounds by means of radio, or other broadcasting apparatus or device, and shall not permit fighting, guarreling, loitering, or loud noise or other nuisance which disturbs the guiet and peace of the premises or the neighborhood.
- f. Hours of operation shall be limited as determined necessary by the City to achieve compatibility with surrounding land uses.
- 5. Emission Control: Drive-through and drop-off lanes and drive-up spaces shall not be located adjacent to plazas and other pedestrian use areas, other than walkways, and are discouraged adjacent to nonresidential buildings within thirty feet (30') of the proposed lane. Drive-through stacking lanes shall not be located within fifty feet (50') of any residential uses.
- 6. Light and Glare: All lighting fixtures shall be designed, installed and maintained so as to direct light only onto the subject property.
- 7. Maintenance: The site shall be maintained in a litter free condition and no undesirable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that the trash or litter originating from the use is not deposited on adjacent properties. Trash enclosures and bins shall be enclosed on all sides to suppress odors and prevent spillage of materials. Graffiti shall be removed within 48 hours.
- E Additional Conditions: The standards above constitute the minimum deemed necessary under general circumstances and in most cases to prevent adverse effects from drive-through facilities. Other and further standards may be required as conditions of approval to ensure that such uses are consistent with the Comprehensive Plan, and findings required to grant a Conditional Use Permit if one is required.
- F. Continuation of Use: Any non-conforming drive-through or drive-up facility is discontinued for a period of 12 months or longer, any new drive-through facility shall comply with these standards.
- a. A non-conforming drive-through lane or drive-up may relocate to a more conforming location consistent with this section.



Note: This diagram is for illustrative purposes only and ${\bf NOT}$ intended to dictate required site layout or design

Chapter 19.80 NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

19.80.010 Applicability.

19.80.020 Intent.

19.80.030 Nonconforming lots.

19.80.040 Nonconforming uses.

19.80.050 Nonconforming structures.

19.80.060 Nonconforming parking, loading, signs, landscaping and other required improvements.

19.80.070 Unclassified use permits.

19.80.010 Applicability.

This chapter applies to any land, structure, or use that became nonconforming after August 31, 1995, by the passage of any zoning ordinance of the city.

(Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.020 Intent.

This chapter is intended to permit legal nonconforming developments, lots, structures and uses to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconforming developments, lots, structures and uses not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Because nonconforming developments, lots, structures and uses do not conform to requirements of the zone where they are located, they are declared by this chapter to be incompatible with the permitted developments, lots, structures and uses in the zone. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.030 Nonconforming lots.

The party asserting the existence of a lawful nonconforming lot has the burden of establishing that the lot was not substandard according to the requirements in effect at the time of its creation.

A. Nonconforming Single Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office prior to August 31, 1995, may be used for the purposes permitted by this title notwithstanding the minimum lot area required.

B. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Compliance with applicable development standards such as height and setbacks is required. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 non-conforming use is an accessory use and the principal tise is a conforming accessory use is not made increased accessory use is not made increased.
- 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 non-conforming use shall be deemed abandoned and can no longer continue.
- EE. 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. (Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).