

ORDINANCE NO. 307

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING TITLE 19, ZONING, OF THE UNIVERSITY PLACE MUNICIPAL CODE AS PREVIOUSLY ENACTED, AND ADOPTING A NEW TITLE 19, ZONING, TO THE UNIVERSITY PLACE MUNICIPAL CODE

WHEREAS, the University Place City Council by previous ordinance adopted a GMA Comprehensive Plan that became effective on July 13, 1998; and,

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

WHEREAS, in March 1999, the Planning Commission began work developing a new zoning code that to implement the City's GMA comprehensive plan; and

WHEREAS, requests for public comments was sent to thirty special interest groups and individuals, including but not limited to the Master Builders Association, University Place School District, the Chamber of Commerce, Pierce County, the City of Lakewood, and representatives from the local development industry; and

WHEREAS, the Planning Commission held more than 20 public meetings including two public hearings on the zoning code prior to recommending a revised zoning code that is consistent with the City's GMA comprehensive plan to the City Council for consideration; and

WHEREAS, the proposed revised zoning code was timely submitted for the required 60-day State agency review period and the City received no comments back from state agencies; and

WHEREAS, state agencies and surrounding jurisdictions were provided a SEPA checklist for comment in accordance with SEPA requirements; and

WHEREAS, on November 27, 2000 the City issued a SEPA Determination of Nonsignificance with a 14-day comment period ending on December 4, 2000 and an appeal deadline of December 18, 2000; and

WHEREAS, the City Council on January 16, 2001 held a public hearing to consider public comments and questions on the revised zoning code; NOW THEREFORE,

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

Section 1. Repealing Title 19, Zoning, of the University Place Municipal Code, as presently enacted. Title 19, Zoning, of the University Place Municipal Code, as presently enacted, is hereby repealed.

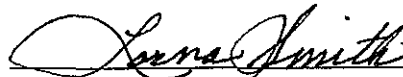
Section 2. Adopting a new Title 19, Zoning, to the University Place Municipal Code. A new Title 19, Zoning, in the form attached in Exhibit A attached hereto, is hereby enacted as the Zoning Code for the City.

Section 3. Copy to be made available. A copy of the City's Zoning Code shall be kept by the City Clerk and be made available for public inspection.

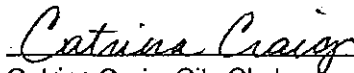
Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. 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.

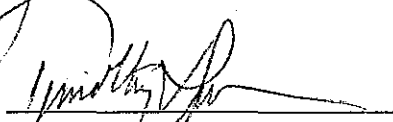
PASSED BY THE CITY COUNCIL ON FEBRUARY 26, 2001


Lorna Smith, Mayor

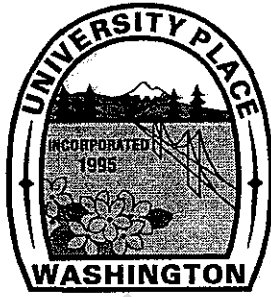
ATTEST:


Catrina Craig, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: 3/1/01
Effective Date: 3/6/01



City of University Place

DRAFT

Zoning Code

Recommended by the Planning Commission
August 16, 2000

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ZONING
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CHAPTER 19.05

AUTHORITY, PURPOSE, MINIMUM REQUIREMENTS, INTERPRETATION, USER'S GUIDE

Sections:

- 19.05.010 Title.**
- 19.05.020 Authority to Adopt Code.**
- 19.05.030 Purpose.**
- 19.05.040 Minimum Requirements.**
- 19.05.050 Interpretation - General.**
- 19.05.060 Brief User's Guide.**
- 19.05.070 Severability.**

19.05.010 Title.

The title of this ordinance shall be known as the City of University Place Zoning Code, hereinafter referred to as "the code".

19.05.020 Authority to Adopt Code.

The code is adopted by the City of University Place Ordinance No. 307, pursuant to Article XI, Section 11 of the Washington State Constitution.

19.05.030 Purpose.

The general purposes of the City of University Place zoning code are:

- A. To implement the City of University Place Growth Management Act (GMA) (RCW36.70A), Comprehensive Plan, and the goals of the Washington State Growth Management Act and subsequent amendments;
- B. To protect the health, safety and general welfare through the regulation of physical development in the City, with specific attention to preserving the character of existing single family neighborhoods;
- C. To provide for adequate public facilities and services to support development;
- D. To provide for orderly development and redevelopment through harmonious groupings of compatible land uses while also ensuring the provision of adequate space for residential, commercial, light-industrial, recreational, and other activities necessary for public welfare;
- E. To protect property rights;
- F. To retain and enhance the natural beauty and aesthetics of the community; and,
- G. To provide for the efficient and effective administration of zoning regulations.

19.05.040 Minimum Requirements.

In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

19.05.050 Interpretation - General.

- A. Regulations, conditions, or procedural requirements specific to an individual land use permit shall supercede regulations, conditions, or procedural requirements of general application.
- B. The zoning code shall be consistent with and implement the city's comprehensive plan. Any conflict between the provision of this title and the comprehensive plan shall be resolved by applying the comprehensive plan.
- C. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.
- D. When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state and federal regulations, the provisions of this title shall control.
- E. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.
- F. In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in Chapter 19.25 shall control.
- G. The words "shall" and "should" are mandatory and the word "may" is discretionary.
- H. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words in and terms used in this code shall have their defined or customary meanings.
- I. The Director or his/her designee are hereby authorized to make code interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, 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.

19.05.060 Brief user's guide.

- A. **Chapters.** The zoning code, UPMC Title 19, contains 18 chapters summarized as follows:

19.05 Introduction. Establishes the purpose, title and basic rules for using the zoning code.

- 19.10 Definitions.** Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.
- 19.15 Penalties and Enforcement.** Provides guidelines for the enforcement and penalties in the administration of the zoning code.
- 19.20 Zones.** Map Designations, Interpretation of Boundaries. Lists the zoning classifications, describes potential and overlay zones, and adopts the zone map and discusses the interpretation of map boundaries.
- 19.25 Zone Classifications and Use Tables.** Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.
- 19.30 Accessory Uses.** Lists and identifies accessory uses allowed in the City of University Place
- 19.35 Temporary Uses.** Lists allowable temporary uses and associated standards.
- 19.40 Essential Public Facilities.** Provides a process for the siting of essential public facilities.
- 19.45 Density and Dimension Standards.** Provides development standards such as density, setbacks, height and lot width.
- 19.50 Design Standards for the Town Center, Mixed Use, Mixed Use-Office and Commercial Zones.** Provides design standards and guidelines for development in these zoning districts.
- 19.55 Overlay Districts and Potential Zones.** Provides regulations for special overlay districts and potential zones within the city.
- 19.60 Off-Street Parking and Loading Requirements.** Provides development standards for off-street parking and access.
- 19.65 Landscape and Buffering.** Provides development standards for landscaping, buffering, significant tree preservation, irrigation and other requirements.
- 19.70 Other General Development Standards.** Includes additional standards to address general and specific uses and standards such as home occupations, accessory dwelling units, agricultural uses, adult entertainment, and improvements.
- 19.75 Signs.** Includes the size, placement and other design criteria required for signs in the City of University Place.
- 19.80 Non-Conforming Lots, Uses and Structures.** Establishes standards for the expansion, continuation and discontinuation of non-conforming lots, uses and structures.
- 19.85 Discretionary Land Use Permits and Decision Criteria.** Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.
- 19.90 Zoning Code Amendments.** Specifies the administrative rules and process for amending the zoning code, provides procedures for revocation, modification, or reclassification of permits.

B. Numbering Scheme. The numbering scheme used in this title operates as shown below:

Title of Chapter	Section	Paragraphs
Authority and 19.05	.010	(A)(1)(a)(i)(A)

19.05.070 Severability.

If any section, subsection, clause, or phrase of this code is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of constitutionality of the remaining portions of this code.

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 Title of this Code.

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.

19.10.030 Definitions

“Abut” means to be contiguous with or touching property lines or right-of-way.

“Accessory dwelling unit” means a second dwelling unit, not exceeding 600 square feet 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.

“Administrative permit” or **“administrative use permit”** means a written decision, granted by the Director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative use permits include, but are not limited to, temporary use permits, recreational vehicle permits, minor amendments, and home occupation permits.

“Administrative review” means a process involving the judgment and discretion of the Director in applying specific decision criteria and requirements.

“Adult entertainment” shall mean:

- A. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of

the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

- B. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy; or,
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
- C. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult 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, which are defined as follows:

"Adult Bathhouse" means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.

"Adult Cabaret" means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

"Adult Entertainment Material" means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

“Adult Retail Establishment” means any bookstore, adult novelty store, and adult video store, or other similar commercial establishment, business, service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material as defined in this chapter. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business’ stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial. In determining whether or not the presumption is rebutted, the director may consider the following factors, which are not conclusive:

- A. Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;
- B. Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;
- C. Whether adult entertainment material is an establishment’s primary or one of its principal business purposes; or
- D. Whether thirty (30) percent or more of an establishment’s revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials. The director shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

“Adult Massage Parlor” means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises.

“Adult Motion Picture Theater” means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by the patrons therein.

“Adult Sauna Parlor” means a commercial sauna establishment, which excludes any person, by virtue of age, from all or any portion of the premises.

“Adult live entertainment establishment” shall mean a commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment to a member of the public on a regular basis or as a substantial part of the premises activity.

“Alter/Alteration” means any change, addition, or modification in construction or occupancy of a building or structure or use of land.

"Amendment" means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of city code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Director or Hearings Examiner.

"Amendment, major" means any change of a discretionary land use permit that is beyond the scope of a minor amendment and requires the same procedure as the initial permit.

"Amendment, minor" means a limited change of a discretionary land use permit that is reviewed and approved, approved with conditions, or denied by the Director. Examples of minor amendments include, but are not limited to: adjustments to the parking area layout, restriping of parking, or site access location; additions of fences, retaining walls, and mechanical equipment; adjustments to building height; adjustments to the landscaping plans such as changes to plant materials; adjustments to the location of structures provided the adjustment is generally consistent with the original approval; and the elimination of a portion of an approved project.

"Antiques" mean any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has age recognized by the United States government as entitling the article to an import duty less than that prescribed for contemporary merchandise.

"Barn" means any building used for agricultural purposes that contains items generally associated with farming including but not limited to farm equipment such as tractors or farm animals such as livestock.

"Bed and breakfast house" means any owner occupied single-family dwelling, in which travelers are lodged for two weeks or less and a morning meal is provided, and for which compensation of any kind is paid. Limited to four guest rooms. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)

"Beauty salon" means a service business operating to provide services related to hair, skin, nail and cosmetology care.

"Berm" means a formed mound of earth that creates a visual and physical barrier between developments, roads, and/or sensitive areas.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

"Brew pub" means an eating and drinking establishment having a microbrewery on the premises which produces beer ale or other malt beverage and where the majority of the beer produced is consumed on premises. This classification allows a brewpub to sell beer at retail and/or act as a wholesaler for beer of its own production for off-site consumption, with appropriate state licenses.

"Building" means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

"Building, detached" means a building surrounded by open space on the same lot.

"Building division" means the building division of the planning and community development department.

"Building, principal or main" means a building devoted to the principal use of the lot on which it is situated.

"Business activity" means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.

"Business or commerce" means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

"Buy-back recycling center" means any business 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.

"Cemetery" means land used or intended to be used for the burial of human dead.

"Central office switching unit" means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks.

"Character" means the distinctive features or attributes of buildings, uses, and site design on abutting and adjacent properties and in the vicinity as required in the comprehensive plan, including but not limited to building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.

"Church" see "Religious Assembly"

"Clubs and lodges" means a meeting place for recreational or social activities of a private or nonprofit-organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

"Commercial vehicle" means any vehicle including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.

"Composting facility" means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable produce for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.

"Composting facility, municipal solid waste" means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

"Conditional use" means a use conditionally permitted in one or more zones as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

"Conditional use permit" means the documented evidence of authority granted by the Examiner to locate a conditional use at a specific location.

"Day care center, adult" means a center that regularly provides care and supervision for a period of less than 24 hours per day for a group of elderly or disabled adults who cannot safely be left alone.

"Day care center, child" means a facility, licensed by the state, which regularly provides care for a group of children for periods less than 24 hours per day. The term shall include, but is not limited to, facilities commonly known as "day care facilities," "day care centers", and "preschools."

"Deck" means an attached or detached raised horizontal platform as opposed to a patio, which is built flush with the ground. Decks are most often constructed of wood.

"Department" means city planning and community development department.

"Development" means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, stockpiling, paving, excavation, drilling or the subdivision of property.

"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 planning and community development department or his/her 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.

“Driveway” means a private vehicle access which serves up to two single family dwelling units, multi family or commercial development.

“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.

“Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

“Employees” means all persons, including proprietors, performing work on-premises, or on all shifts, unless otherwise stated in specific sections of this code.

“Escort service” means an establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.

“Espresso stand” means a walk-up or auto oriented (drive through) business that dispenses hot and/or cold non-alcoholic beverages.

“Essential Public Facilities” means capital facilities typically hard to site (see WAC 365-195-340(2)(I)(C)).

“Examiner” means the city Hearing Examiner.

“Family” means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than five persons who are not related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or adoption shall be counted as one person and all other individuals shall be counted as single individuals.

“Farm” means a parcel of land used for agricultural activities.

“Final development plan” means a plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, serves as the final approval of a discretionary land use permit.

"Floor area" means the sum of the gross horizontal areas of all floors of the building or portion thereof, devoted to a use, including storage areas. However, "floor area" shall not include attic storage, unfinished basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

"Floor area ratio (FAR)" means the floor area of the building or buildings on that lot divided by the area of such lot, or, in the case of planned developments, by the net lot area.

"Funeral and internment services" means establishments primarily engaged in the provision of services involving the care, preparation, and disposition of human dead. Typical uses include crematories, mausoleums or mortuaries.

"Garage, private" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

"Glare" means unwanted light that causes eyestrain, discomfort, nuisance, or adversely affects a visual task.

"Golf course facility" means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including but not limited to: a driving range, miniature golf, pro shops, caddyshack buildings, swimming pools, tennis courts, restaurants, office and meeting rooms and related storage facilities.

"Grade, finished" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure. See Figure 3, UPMC

"Grade – average, finished" means the average elevation of the highest and lowest finished grades immediately adjacent to the side of the structure being measured.

"Gross Vehicle Weight" means the total weight of a vehicle including the weight it is licensed to carry, intended to carry, or carrying, whichever is greater. -

"Hazardous substance" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.

"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed of on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

“Hazardous waste” means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

A. “Dangerous waste” shall mean any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
2. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

B. “Extremely hazardous waste” shall mean any waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and
2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

“Health Club Facilities” means a use offering exercise equipment for public use, and services such as, but not limited to, expertise and instruction for fitness training and aerobics classes. The use does not include massage or other medically related services.

“Hearing Examiner review” means a process involving the judgment and discretion of the Examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

“Height, building or structure” means the vertical distance from the average finished grade measured to the highest point of a building.

“Hobby farm” means noncommercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.

“Home-based day care, adult” means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

“Home-based day care, child” means a facility, licensed by the state, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

“Home occupation” means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not-for-profit basis.

“Hotel” means a building in which there are five or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

“Inoperable vehicle” means any wrecked, dismantled or partially dismantled, inoperative, or unlicensed (without vehicle licensing plates and current tabs), or any other vehicle or vehicles not legally operable upon the roadway; and/or auto body parts, engines or drivetrain parts, or any other parts, assemblies or components of automobiles and other motor vehicles.

“Interim propane storage system” means propane storage facilities serving one or more customers on an interim basis unit extension of natural gas service is feasible.

“Kennel” means a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.

“Kitchen” means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food by having a stove.

“Landfill” means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a solid waste permit under Chapter 70.95 RCW.

“Livestock” means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.

“Lodging and rooming house” means a building with not more than four guestrooms where meals (with or without lodging) are provided for compensation for not more than 10 persons. Guestrooms numbering five or more shall constitute a hotel.

“Lot” means a designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

“Lot area” means the total area within the lot lines of a lot, excluding any street area. For the purposes of this regulation, any portion of a lot lying within a street or below the ordinary high water mark or lawfully constructed bulkhead may not be included in a lot area or density calculation.

“Lot, corner” means a lot situated at the intersection of two or more streets, having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. See Figure 1.

“Lot, interior” means a lot other than a corner lot. See Figure 1.

“Lot – pipe stem” means a lot which gains street access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipe stem-shaped lot abuts two or more streets it shall not meet this definition of a pipe stem lot. Lot dimension, lot area, and setback requirements shall be exclusive of the access stem. See Figure 1.

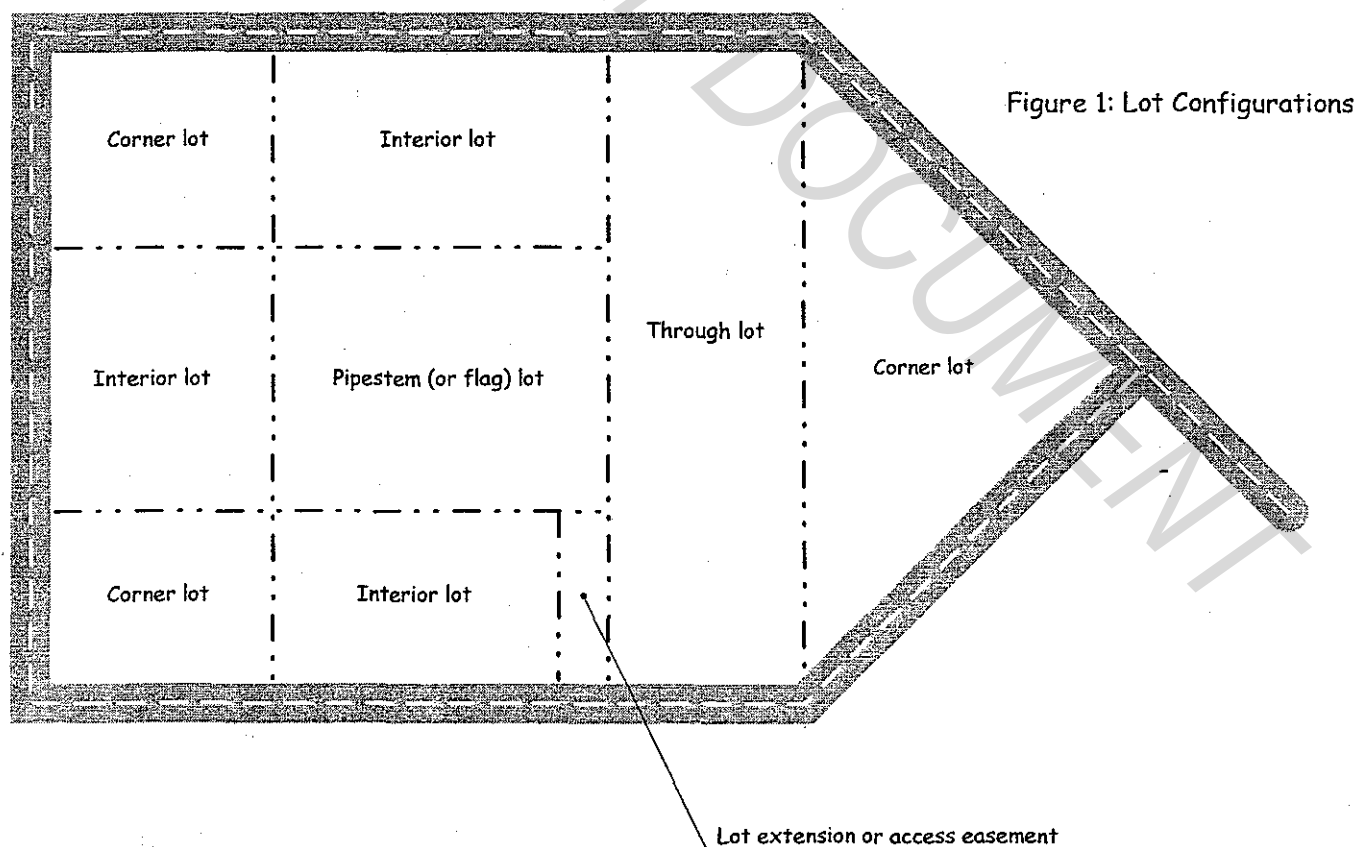
“Lot, through” means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. See Figure 1.

“Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See Figure 1.

“Lot line, front” means the portion of a lot line abutting a street. See Figure 1.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. See Figure 1.

“Lot line, side” means any lot line other than a front or rear lot line. See Figure 1.



“Lot of record” means an area of land designated as a lot on the plat or subdivision recorded or registered, pursuant to statute, with the auditor of Pierce County.

“Major tenant improvement” shall mean improvements to the interior and/or exterior of a structure, except normal maintenance and repair, and life/safety improvements including but not limited to re-roofing, painting, re-carpeting, fire sprinkler installation, improved exiting and accessibility, which within a 12-month period exceeds a cumulative value of 25 percent of the assessed value as assessed by the county assessor's office of the structure.

“Manufactured home” means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the HUD Federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and that is constructed in a way suitable for movement along public highways.

“Massage parlor” means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the state pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.

“Miniwarehouse” means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.

“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed prior to June 15, 1976.

“Mobile home/manufactured home park” means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.

“Moderate risk waste fixed facility” means a solid waste transfer facility needing a solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators (SQGs) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington dangerous waste regulations (Chapter 70.105 RCW).

“Modular home” shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory built housing, and for purposes of this title a modular home is considered single-and two-family housing.

“Motel” means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this code governing dwelling units for the zone in which the establishment is located.

“Mount” means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts:

- A. *Building Mounted.* A personal wireless service facility mount fixed to the roof or side of a building.
- B. *Ground Mounted.* A personal wireless service facility mount fixed to the ground, such as a tower.
- C. *Structure Mounted.* A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

“Multifamily” means a structure containing three or more dwelling units, with the units joined to one another. Multifamily also includes two or more detached or two or more two family dwelling units on a single lot or parcel.

“Museum” means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

“Nonconforming development” means a contiguous area developed, operated and maintained as a single entity accommodating a residential, commercial, industrial or public use or a combination of such uses, which was legal when established but no longer conforms to the applicable development standards including but not limited to parking, loading, access, landscaping, screening, open space or design requirements.

“Nonconforming lot” means a lot that does not conform to the size, shape or density requirements of the zone where it is located

“Nonconforming structure” means a building or structure which was legal when established but no longer conforms to development standards including, but not limited to, parking, landscaping, design, height, setback or coverage requirements.

“Nonconforming use” means the use of land, a building or a structure lawfully existing prior to August 31, 1995 or the effective date of this title or subsequent revisions or amendments thereto and which no longer conforms with the use regulations of the zone in which it is located.

“Nude or Semi-Nude” shall mean a state of complete or partial undress in such costume, attire, clothing so as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Odor control structure” means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

“Off-premises sign” shall mean any sign identifying a use, facility, or service which is not located on the premises, any sign identifying a product which is not produced, sold, or manufactured on the premises, and any sign which advertises or otherwise directs attention to a product, service, or activity, event, person, institution, or business which may or may not be identified by a brand name and which occurs or is generally conducted or offered elsewhere than on the premises where such sign is located.

“Official controls” means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the city, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

“Off-site treatment and storage facility” shall mean a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.

“On-site treatment and storage facility” shall means an accessory facility that treats or stores hazardous waste generated or handled on the same geographically contiguous property.

“Open space” means an area permanently dedicated to remain substantially unimproved in public or private ownership. Open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses.

- “Outdoor advertising display”** means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.
- “Outdoor advertising structure”** means a structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.
- “Outdoor retail sales”** means a retail business or an establishment located outside a building or structure or a retail business with an outdoor sales area.
- “Outdoor storage”** means the storage outside of a building of material not intended for immediate sale or exhibition.
- “Owner occupant”** means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.
- “Package wastewater treatment plant”** means a pre-assembled factory built treatment plant. They can be the size of a motor home or larger.
- “Panorama or Peepshow”** shall mean any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.
- “Panoram premises”** means any premises or portion of a premise on which a panorama is located and which is open to the public, including through membership.
- “Park, community”** means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.
- “Park, linear trail”** means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.

"Park, neighborhood" means a combination playground and park designed primarily for unsupervised, unorganized recreation activities. Neighborhood parks are small in size (about three to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

"Park, regional" means a large recreation area that serves an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.

"Parking area" means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

"Parking area, private" means an open area other than a street alley, or other public property limited to the parking of automobiles of occupants of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house, or lodging house to which these facilities are appurtenant.

"Parking area, public" means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of vehicles.

"Passive recreation" means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

"Pasture land" means property on which grass or other plants grow and are used as food for grazing animals.

"Patio" means an uncovered paved horizontal surface constructed flush with the ground that adjoins a dwelling unit and is used for dining or recreation.

"Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

“Personal wireless telecommunication facilities” shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

“Planned development district (PDD)” means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications.

“Porch” means a covered deck or patio.

“Post office, branch” means a government operated subdivision of a main post office station serving as a base for one or more carrier routes and providing customary customer postal service.

“Post office, contract station” means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

“Post office, terminal” means the government operated principal mail handling facility for a postal geographic service area.

“Preliminary approval” means an approval, based upon an application and conceptual plan for a discretionary land use permit, granted by the Director or Examiner which sets forth certain conditions that must be reflected on final development plans.

“Problem waste” means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes, and contaminated dredge spoils.

“Public bathhouse” means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided, that “public bathhouse” for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.

“Public facilities” include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools.

“Public facility permit” means documented evidence of authority granted by the Examiner to locate a public facility at a specific location.

"Pump/lift station" means the part of a water collection or distribution system which raises water from a lower to a higher elevation.

"Recorded" means, unless otherwise stated, filed for record with the auditor of the county of Pierce, state of Washington.

"Recreational vehicle" means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

"Recreational vehicle park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

"Recycling collection site" means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.

"Recycling processor" means 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. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off-site which is referred to as a "clean" materials resource recovery facility (MRF).

"Religious Assembly" means an establishment, the principal purpose of which is religious worship and/or memorial services. The principal building or other structure containing the sanctuary of the principal place of worship and includes related accessory uses.

"Religious assembly, place of" means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational class rooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

"Religious Assembly, uses" means uses that are secondary to religious purpose of the church and are considered as providing services to members and other individuals. These uses include, but are not limited to cafeteria, child day care, educational classes, and social services.

"Remote switching unit" means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and inter-facilities trunks, normally dependent on one or more central office switching units for full operability.

“Right-of-way” means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a public street or railroad, together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

“Sensitive receptor” shall mean any establishment that provides caretaking, education, or recreation for persons under 18 years of the age.

“Septage” means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

“Service provider” means the department, district or agency responsible for providing the specific public facility or service.

“Setback” means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein. See 1 in Section 19.45.040.

“Sewage system, on-site” means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

“Sewage conveyance system” means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.

“Sign” means any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.

“Single-family, detached” means a dwelling unit that is not attached to another dwelling unit by any means.

“Small animals” means all animals and birds except for livestock and exotics.

“Soil” means the surface layer of earth supporting plant life.

“Soil treatment facility” means a solid waste facility which utilizes bio-remediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vector waste for reuse or final disposal.

“Solid waste” means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, wood wastes, dangerous wastes, and problem wastes.

"Special use permit" means an approval by the Examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not limited to, conditional use, public facilities, preliminary and final plats, nonconforming use, planned development district, site plan review, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, and variance.

"Specified anatomical areas" means:

- A. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or any portion of the nipple, the areola, or the lower half of the female breast;
- B. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

"Specified sexual activities" shall mean an act of:

- A. Sexual intercourse within its ordinary meaning, occurring upon a penetration, however slight; or,
- B. A penetration of the vagina or anus, however slight, by an object; or,
- C. A contact between persons involving the sex organs of one person and the mouth or anus of another; or,
- D. Masturbation, manual or instrumental, of oneself or one person by another; or,
- E. Touching of the sex organs, anus, or female breasts, whether clothed or unclothed, of oneself or of one person by another.

"Stable, Private" means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Street, Public" means a publicly owned access or route which provides vehicle access whether owned in fee simple or as an easement together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways and other similar uses. Road, Avenue, Court, Way and Boulevard are examples of types of streets.

"Street, Private" means a privately owned access or route which provides vehicle access on a commonly owned tract or as an easement providing access to not more than four dwelling units or businesses on separate parcels or any number of uses on a single parcel as allowed by a PDD or in a multi-family zone. A private street may include property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways and other similar uses. (See also Driveway.)

“Stock-in-Trade” means:

- A. The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or,
- B. The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

“Storm water conveyance facilities” means features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells.

“Storm water multiple use facilities” means storm water pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

“Structure” means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.

“Surface mine” shall mean any area or areas within one-half mile to each other, where extraction of minerals from the surface results in removal of 5,000 cubic yards of material, or more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one-foot horizontal to one-foot vertical, or more than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. “Surface mining” shall not include excavations and grading for on-site construction, on-site road maintenance or for the purpose of public safety or restoring the land following a natural disaster.

“Telecommunications radio relay station” means a facility continuing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

“Temporary housing unit, construction” means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract.

"Temporary housing unit, family" means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot's, parcel's, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

"Temporary housing unit, public facility" means a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks, or other public facilities for the purpose of providing on-site security, surveillance, and improved service at public facilities.

"Toxic materials" means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

"Tract" means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

"Trailer, automobile commercial" means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

"Transfer station" means a solid waste facility needing a solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

"Transfer station, drop box" means a solid waste facility needing a solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.

"Two-family" means two dwelling units within the same building. Two-family housing types are also known as duplexes.

"Use" means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.

"Use category" means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.

“Use, permitted” means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

“Use, principal” means the primary or predominant use of any lot or parcel.

“Use type” means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

“Utility or public maintenance facility” means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

“Variance” means an adjustment to the development standards of the zoning regulation, that does not apply to use, that is reviewed and approved, modified, or denied by the Examiner after at least one public hearing or the Director after obtaining an administrative use permit.

“Vehicle repair – major” means servicing, repairing, restoring of vehicles including but not limited to engine work, auto body work, or any other work that may involve dismantling of an automobile or body work that typically requires more than a day to accomplish.

“Vehicle repair – minor” means oil changes, tire changes, replacing headlights and windshield wipers and specialized work to restore antique vehicles. With the exception of restoring antique vehicles, this is typically work that can typically be accomplished within a relatively short period of time and that can be completed with one day.

“Waste separation and recovery facility” means a solid waste facility needing a solid waste permit where mixed solid waste is collected and processed to segregate recyclable components from that portion of the waste stream which is to be permanently disposed. It may be referred to as a materials resource recovery facility (MRF) or as a “dirty MRF.”

“Waste to energy (WTE) facility” means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a usable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste and which requires a solid waste permit under Chapter 70.95 RCW.

“Waste to energy facility, municipal solid” means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources. These facilities are often referred to as municipal incinerators.

“Waste to energy facility, special” means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

“Wastewater” means water carrying waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

“Wastewater transfer facility” means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

“Water purification facility” means treatment plants or facilities for disinfecting water.

“Yard” means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.

“Yard, front” means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.

“Yard, rear” means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.

“Yard, side” means all yards except front yards and rear yards. See Figure 5, UPMC 19.35.020.

“Zone classification” means an area accurately defined as to boundaries and location, and classified by the zoning code as available for certain types of uses and within which other types of uses are excluded.

19.10.040 Unlisted words and phrases.

The definition of any word or phrase not listed in this chapter which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. City development regulations;
- B. Any city resolution, ordinance, code or regulations;
- C. Any statute or regulation of the state of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. The common dictionary.

CHAPTER 19.15 ENFORCEMENT AND PENALTIES

Sections:

- 19.15.010 Purpose.**
- 19.15.015 Applicability.**
- 19.15.020 Violations.**
- 19.15.025 Enforcement Authority/Responsibility.**
- 19.15.030 Right of Entry.**
- 19.15.035 Investigation and Notice of Violation.**
- 19.15.040 Stop Work Orders.**
- 19.15.045 Emergency Order.**
- 19.15.050 Extension of Compliance Date.**
- 19.15.055 Penalties.**
- 19.15.060 Additional Relief.**

19.15.010 Purpose.

The purpose of this section is to provide for the enforcement of Title 19 of the University Place Municipal Code.

19.15.015 Applicability.

This Chapter shall be applicable to the enforcement of each and every provision of Title 19 of the University Place Municipal Code.

19.15.020 Violations.

- A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by this title.
- B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.
- C. It is a violation of this title for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title or Chapter 1.20 UPMC.
- D. It is a violation of this title for any person to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

- E. It is a violation of this title for any person to fail to comply with the requirements of this title, regardless of whether or not a permit is required.

19.15.025 Enforcement Authority/Responsibility.

It shall be the duty of the Director of Planning and Community Development Department to enforce the provisions of this Title. The Director may call upon the police department or another city department of assist in the enforcement of this Title.

19.15.030 Right of Entry.

Upon proper presentation of credentials, the Director, or duly authorized representative may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant enter at reasonable times any building, or premises subject to the consent or warrant to perform the duties imposed by this code.

19.15.035 Investigation and Notice of Violation.

- A. The Director or his representative shall investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this title.
- B. If, after investigation, the Director determines that this Title has been violated, the Director may seek compliance and serve a notice of violation on the owner, tenant or other person responsible for the condition that violates this Title and may otherwise enforce this Title, pursuant to this Chapter, UPMC 19.15.045 below, UPMC Chapter 1.20, Enforcement and UPMC Chapter 9.35, Public Nuisances.

19.15.040 Stop Work Orders.

Whenever a continuing violation of this Title will materially impair the Director's ability to secure compliance with this Title, or when the continuing violation threatens the health or safety of the public, the Director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this Title.

19.15.045 Emergency Order.

- A. Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the Director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this title.
- B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance, and the Director is authorized to abate such nuisance summarily by such means as may be

available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in the manner provided by law.

- C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter 1.20, Enforcement and Chapter 9.35, Public nuisances, of the UPMC.

19.15.50 Extension of Compliance Date.

- A. The Director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the Director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.
- B. An extension of time may be revoked by the Director if it is shown that the conditions at the time the extension was granted have changed, if the Director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

19.15.055 Penalties.

- A. *Civil.* Any violation of any provision of this chapter constitutes a civil violation under Chapter 1.20 of the UPMC for which a monetary penalty may be assessed and abatement may be required as provided therein.
- B. *Criminal.* In addition or as an alternative to any other penalty provided in this chapter or by law, any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine or imprisonment, or both in accordance with the provisions of RCW 9A.20.021(3) relating to criminal penalties for misdemeanors.

19.15.060 Additional Relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance. The Director may bring such an action under this chapter, Chapter 1.20, Enforcement, Chapter 9.35 Public Nuisances, or under the common law or any applicable federal or state law or city ordinance.

CHAPTER 19.20

ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES

Sections:

- 19.20.010 Purpose.**
- 19.20.020 Zone Classifications.**
- 19.20.030 Potential Zones - Purpose.**
- 19.20.040 Overlay Zones - Purpose.**
- 19.20.050 Zoning Map.**
- 19.20.060 Interpretation of Boundaries.**

19.20.010 Purpose.

The purpose of this chapter is to list and describe the zone classifications and their purposes, to list and describe special zoning map techniques and their purposes, establish the official zoning map, and provide for interpretation of zoning map boundaries when interpretations are necessary.

19.20.020 List of zone classifications.

In order to accomplish the purposes of this code, the following zone classifications and zoning map symbols are established.

<u>Zone</u>	<u>Map Symbol</u>
Residential 1	R1
Residential 2	R2
Multi-Family Residential	MF
Mixed Use-Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Town Center	TC
Commercial	C
Light Industrial-Business Park	IB
Public Facilities	PF

Purpose statements and descriptions of each zone classification are contained within the City of University Place Comprehensive Plan.

19.20.030 Potential Zones - Purpose.

The purpose of the "Potential Zone" is to allow more intensive development than the underlying zone provided the proposal meets site-specific design standards. Design standards may include, but are not limited to, architectural design, landscaping, significant tree preservation, buffering, pedestrian facilities, open space and access limitations. It is the intent of the City Council that Potential Zone development will be

higher in quality than development that what would typically occur in the zone identified as Potential.

19.20.040 Overlay Zones - Purpose.

The purpose of an "Overlay Zone" is to identify areas subject to special regulatory standards given special characteristics of the site(s). This is accomplished by establishing overlay zones with special or alternative standards as designated by the city's Comprehensive Plan and this code.

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 of planning and community development and shall be that map entitled "City of University Place Comprehensive Plan - Plan Map" contained within the City of University Place Comprehensive Plan adopted July 13, 1998, or as hereafter amended. 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. Unmapped shorelands shall be considered to be within the same zoning classification or urban growth area designation 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.

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 section is to identify which uses may be allowed within zoning districts in the city.

19.25.020 Use Tables - Interpretations.

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

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 UPMC 19.25.040 through 19.25.100.

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 UPMC 19.25.020(C) the Director shall make the final determination. Appeals shall be processed in accordance with Chapter 22.01.

3. *Organization of Uses.* In UPMC 19.25.040 through 19.25.100, 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

4. 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 19.85.030, Conditional Use Permit.
 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 19.85.020, Administrative Use Permit.
 5. A "PFP" in a cell on the table indicates that the use type is permitted subject to a public facilities permit (UPMC 19.85.060, Public Facilities Permit) if the use is provided by a governmental entity to serve a specific public need as identified in the adopted facility plan.
 6. A number accompanying a "P", "C", "PFP", 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 UPMC 19.25.040 through 19.25.100.
- C. *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 appealable according to UPMC Title 22, Administration of Development Regulations.
- D. *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 type. When more than one use category or use type level apply to one property, each use shall be classified separately.
- E. *Accessory Uses.* Accessory uses are described and regulated in UPMC 19.30, Accessory Uses and Structures.

- F. *Temporary Uses.* Temporary uses are described and regulated in UPMC 19.35, Temporary Uses/Temporary Housing Units.
- G. *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 as specifically provided in UPMC 19.70, Mobile and Manufactured Home Parks, and UPMC 19.85, Planned Development Districts.

19.25.030 Exempt Uses.

- A. *Applicability to Other Chapters.* Unless otherwise stated, the uses exempted in this section are also exempted from Chapters 19.50, Design Standards and 19.85, Discretionary Land Use Permits and Decision Criteria.
- B. *Uses Exempted From This Chapter.* The provisions of this chapter shall not apply to the following uses:
1. On-site and community septic systems;
 2. Stormwater conveyance systems which includes features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and dry-wells;
 3. Electrical distribution lines and poles less than 40 feet high and under 55 kilovolts;
 4. Sewerage and water conveyance systems which include underground or flush-with-the-ground features, including but not limited to pipes and manholes;
 5. Water, oil, and natural gas distribution pipelines;
 6. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;
 7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances less than 40 feet high (not including personal wireless telecommunication facilities; see UPMC 19.25.060(A), Utilities Use Category - Description of Use Categories);
 8. Streets and linear trails when located in existing rights-of-way; and
 9. Fertilizer applications and biosolids applications at or below agronomic rates.

19.25.040 Residential Use Category - Descriptions.

The residential use category includes permanent or transient living accommodations for individuals, families or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as type of structure; number, age and special needs of individuals who reside in the structure; and state and local licensing requirements.

- A. *Adult Family Home*. Adult family home use type means a regular family dwelling unit in which a person or persons provide personal care, special care, room, and board to more than one but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services. (RCW 70.128.010)
- B. *Assisted Living Facilities*. Assisted living facilities use type is a living situation with dwelling units and/or rooms where services such as prepared meals, personal care, supervision of self-administered medication, recreation, and/or transportation are provided. The scope of services provided in assisted living facilities may vary, but it must, at least, provide prepared meals in a group setting and offer transportation services. Assisted living facilities with dwelling units must meet the density requirements of the underlying zone. "Assisted living facilities" with only "rooms" are not subject to the density requirements of the underlying zone.

Level 1. Assisted Living Facilities:

- a. Located on an arterial street;
- b. On two (2) or fewer acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single family and two family residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g. at windows and doors, ornamental use of building materials); and
- e. Maintains twenty (20) foot minimum side yard setbacks.

Level 2. Assisted Living Facilities:

- a. Located on an arterial street;
- b. On more than two (2) acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single family and two family residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g. at windows and doors, ornamental use of building materials);
- e. Maintains twenty (20) foot minimum side yard setbacks; and
- f. Has a minimum twenty (20) percent of open space including setbacks.

Level 3. Assisted Living Facilities with none of the above restrictions.

- C. *Bed and Breakfast*. Bed and Breakfast use type is a dwelling unit within which no more than four (4) guest bedrooms are available for paying guests. The number of guests is limited to no more than six (6) at any one time.
- D. *Group Home*. Group home 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.

Level I includes group homes for the physically/mentally challenged, foster homes, and women's shelters and other groups protected by the Fair Housing Act or Washington Law against discrimination.

Level II includes group homes for drug abuse or alcohol rehabilitation, home-based incarceration and sex offender housing. A level II group home is considered a essential public facility and subject to review in accordance with UPMC 19.40.

- E. *Mobile Home.* Mobile home use type refers to factory-assembled single-wide or double-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.
- F. *Mobile/Manufactured Home Park.* Mobile home park use type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.
- G. *Multi-Family Housing.* Multi-family use type refers to three or more joined dwelling units or two or more single or two-family dwelling units on an individual lot that provide living accommodations for families.
- H. *Nursing Home.* Nursing home use type refers to multi-unit or multi-bed facilities licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours. A nursing home is not a "hospital". Nursing homes with dwelling units must meet the density requirements of the underlying zone. Nursing homes with only "rooms" are not subject to the density requirements of the underlying zone.

Level 1. Nursing Homes:

- a. Located on an arterial street;
- b. On two (2) or fewer acres;
- c. No taller than two stories;
- d. Maintains an architectural character similar to typical single family and two family residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g. at windows and doors, ornamental use of building materials); and
- f. Maintains twenty (20) foot minimum side yard setbacks.

Level 2. Nursing Homes:

- a. Located on an arterial street;
- b. On more than two (2) acres;
- c. Is no taller than two stories;
- d. Maintains an architectural character similar to typical single family and two family residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g. at windows and doors, ornamental use of building materials);
- e. Maintains twenty (20) foot minimum side yard setbacks; and
- f. Has minimum twenty (20) percent of open space including setbacks.

Level 3. Nursing Homes with none of the above restrictions.

- I. *Single-Family Attached Housing.* Single family attached use type refers to a building containing a single dwelling unit that occupies space from the ground to the roof and attached to other dwellings by common walls which may be located on side lot lines. Each dwelling unit is on its own lot.

Level 1. Single family attached with up to two (2) attached units.

Level 2. Single Family attached exceeding two (2) attached units.

- J. *Single-Family/Two-Family Housing.* Single-family/two-family housing use type refers to residential dwelling units, providing living accommodations for individual families, that are either not attached to another dwelling unit by any means or are attached in pairs of two. Single-family and two-family dwelling units include stick-built and modular homes. A two-family housing structure is commonly known as a "duplex".

19.25.050 Civic/Recreation/Education Use Category - Descriptions.

Civic use category includes facilities or services that are strongly associated with public need or social importance, such as certain educational, cultural, medical, protective, and governmental uses.

- A. *Administrative Government Services.* Administrative government services use type refers to the executive, legislative, judicial, administrative and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical uses include human and social service offices, public health offices, and government offices such as City Hall.
- B. *Animal Control.* Animal control use type are facilities such as dog pounds or the humane society where animals are kept.
- C. *Cemetery.* Cemetery use type is land used or intended to be used for the burial of human dead including accessory uses such as chapels and mortuaries. Off site mortuaries/offices may be considered accessory if under the same ownership and within 100 feet of the principal cemetery use.
- D. *Community Center.* Community center use type means an institution used for civic or recreational purposes, operated by a governmental or nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses. This term includes "senior centers".
- E. *Community Club.* Community Club use type means an institution used for athletic, social, civic or recreational purposes operated by a nonprofit organization with membership open to the general public on an equal basis. An example is a Boys and Girls Club.
- F. *Courthouse.* Courthouse use type means a facility used by any public agency, political subdivision or unit of local government that has responsibility for and jurisdiction to process and provide for the handling of administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions.
- G. *Cultural Services.* Cultural services use type means non-profit institutions displaying or preserving objects of interest in one or more of the arts and sciences. This classification includes libraries, museums, educational centers, performing arts theaters, and galleries.
- H. *Day Care Centers.* Day care centers use type refers to the use of a building or any portion thereof for the care of over 12 individuals, needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as "day care facilities", "day care centers", and "preschools". Also see UPMC 19.70, Day Care Facilities.

- I. *Education*. Education use type refers to educational services provided by public, private or parochial institutions. It also includes specialized instructional courses provided by private instructors.

Level 1. Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.

Level 2. Trade (or vocational) school shall mean a post-secondary institution that trains persons for qualification in specific trades or occupations, i.e., mechanics, construction, electronics, plumbing, chefs, upholstery, bartending.

Level 3. Higher educational facilities such as community colleges, public and private colleges and universities.

Level 4. Specialized instruction school means an establishment engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to Art, Dance, Music, Cooking, Driving, Gymnastics/Tumbling, Martial Arts.

- J. *Hospital*. Hospital use type means an institution which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services. This definition includes heliports associated with hospitals but excludes nursing homes and group homes.

Level 1. Without heliport

Level 2. With heliport

- K. *Jails*. Temporary holding facility accessory to a public safety (police) facility only. Individuals are generally held for a period of less than 24 hours.

- L. *Postal Services*. Postal services use type refers to mailing services provided by the United States Postal Service and including branch post offices, contract stations, terminals and distribution centers. Also see commercial use category, business services use type, and industrial use category, warehouse and distribution use type for courier and parcel delivery.

Level 1. Postal facilities serving neighborhoods, such as contract stations or branch offices.

Level 2. Postal facilities, including warehousing and distribution.

- M. *Private Clubs and Lodges*. Private clubs and lodges use type means an institution used for athletic, social or recreational purposes and operated by a private or nonprofit organization, the use of which is generally restricted to members and their guests. Examples include, but are not limited to the Elks Club, American Legion, Union Halls, and sports clubs.

- N. *Public Safety Services*. Public safety services refers to public safety and emergency services such as police and fire protection services provided by a public agency, political subdivision or unit of local government, including but not limited to, municipal corporation, special purpose districts, local service districts, or agency of the state of Washington, or of the United States that has responsibility for fire suppression or for law enforcement or police protection services.

- O. *Recreation, Public.* Recreation, public use type refers to publicly owned recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks, open space, performance theater/center, arboretums, small or special landscaped areas, community gardens, and swimming pools. Also see commercial category, amusement and recreation use type for other types of recreation.

Level 1. Neighborhood and Community Parks and Open Space. Neighborhood parks range in size from approximately three to 40 acres. Open space may be unlimited in size and may or may not have public access.

Level 2. Regional Parks. Regional parks exceed 40 acres in size, and may include golf courses.

Level 3. Linear Trails. Linear trails are long, narrow parks used for walking, jogging, and bicycling. (Linear trails are exempt when located in existing rights-of-way, see UPMC 19.25.030, Exempted Uses).

- P. *Recreation, Nonprofit.* Recreation nonprofit use type refers to nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, small or special landscaped areas, and community gardens. Also, see Commercial category for other types of private recreation. This does not include neighborhood parks and open spaces approved in conjunction with a subdivision approved in accordance with RCW 58.17.

Level 1. Neighborhood Parks and Open Space. Neighborhood parks range in size up to 10 acres. Open space may be unlimited in size and may or may not have public access.

Level 2. Regional Parks. Regional parks exceed 40 acres in size, and may include golf courses.

Level 3. Linear trails. Linear trails are long, narrow parks used for walking, jogging and bicycling. (Linear trails are exempt when located in existing rights-of-way; see UPMC 19.25.030, Exempted Uses).

- Q. *Religious Assembly.* Religious assembly use type refers to religious services involving public assembly such as that which customarily occurs in churches, synagogues, or temples. Accessory uses to churches are those that provide services to members and other individuals including but not limited to bookstores, cafeteria, day care, educational classes, and limited retail of only church related materials.

Level 1. Religious assembly with seating for 250 or fewer persons within the principal place of assembly.

Level 2. Religious assembly with seating for greater than 250 persons within the principal place of assembly.

Level 3. Religious assembly, on an arterial street, with seating for greater than 250 persons within the principal place of assembly.

- R. *Transportation.* Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride

lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, ferry docks, and other types of public and quasi-public transportation facilities.

Level 1. Transportation uses serving residential neighborhoods such as bus shelters.

Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, and transfer centers.

- S. *Utility or Public Maintenance Facilities.* Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.

Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.

Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.

Section 19.25.060 Utilities Use Category - Descriptions.

Utilities use category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of stormwater and for the collection and disposal of sewage and refuse.

- A. *Communication and Personal Wireless Telecommunication Facilities.*

Communication and personal wireless telecommunication facilities type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. Communication facilities include central office switching units, unattended remote switching units, and unattended telecommunications radio relay stations. Personal wireless telecommunication facilities include facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Level 1. Building mounted wireless facilities.

Level 2. Structure mounted wireless facilities.

Level 3. Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations.

Level 4. Towers over 60 feet and less than 110 feet in height and central office switching units.

- B. *Electrical Facilities.* Electrical facilities use type refers to aboveground electrical transmission lines of an operating voltage of 55 kV or greater, and aboveground substations and switching stations. Also see UPMC 19.25.030, Exempted Uses.

- C. *Electrical Generation Facilities.* Electrical generation facilities use type refers to facilities that generate or co-generate electric energy for on-site use only.

- D. *Natural Gas Facilities*. Natural gas facilities use type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities and interim propane storage systems fall within this use type.
- Level 1. Interim propane storage facilities.
 - Level 2. Natural gas storage for transportation.
 - Level 3. Natural gas gate stations.
- E. *Recycling Collection Sites*. Dumpsters labeled and used for collection of cardboard, aluminum, tin, glass, news paper mixed paper and glass.
- F. *Sewage Collection Facilities*. Sewage collection facilities use type refers to facilities used to collect sewage, including but not limited to waste-water transfer facilities, odor control structures, pump stations and lift stations (also see UPMC 19.25.070, Exempted Uses).
- G. *Stormwater Facilities*. Stormwater facilities use type includes a conveyance, system of conveyances, and stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater.
- Level 1. Diversion structures, and pump and lift stations.
 - Level 2. Detention/retention ponds and constructed wetlands.
 - Level 3. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities known as stormwater multiple use facilities.
- H. *Water Supply Facilities*. Water supply facilities use type refers to water purification facilities, water storage facilities, wellheads, and pump stations.
- Level 1. Wellheads, pump stations, water purification facilities not exceeding 1,000 square feet of building area nor exceeding the building height for the zone, water storage facilities not exceeding a 1,000 square foot footprint nor exceeding the building height for the zone.
 - Level 2. Water purification facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone, water storage facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone.

19.25.070 Essential Public Facilities Use Category - Descriptions.

Essential public facilities uses are those uses typically difficult to site. The Public Facilities Permit (PFP) process will be used as a siting process for new or expansion of existing essential public facilities.

- A. *Jails*. Jail 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.
- Level 1. Jail facility for long term incarceration as Principal Use. May have related administrative offices.

B. *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.

Level 1. Soil treatment facilities.

Level 2. Composting facility designed to handle more than 40 cubic yards.

Level 3. MSW composting facility.

C. *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 pack-age 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 pre-treatment facilities, privately owned treatment plants.

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

Level 1. Inert landfills.

Level 2. Inert landfills as accessory uses to mineral extraction sites.

Level 3. Wood waste or demolition landfills.

Level 4. Special waste to energy facilities designed to burn more than 12 tons per day.

Level 5. ^{MSW} landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and bio-solids landfills), MSW waste to energy facilities.

E. *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.

Level 1. Drop box transfer stations.

Level 2. Transfer stations, waste separation recovery facilities, and moderate-risk waste facilities.

19.25.080 Resource Use Category - Descriptions.

Resource use category includes the production or sale of plant and animal products or the sale of products associated with resource based industry.

- A. *Agricultural and Horticultural Sales.* Agricultural and horticultural sales use type refers to uses which involve the sales of agricultural products or supplies, including feed, grain, fertilizers, and farming equipment.

Level 1. Agricultural and horticultural sales uses which involve the sale of goods such as produce, shrubbery, plants, eggs, wine, and dairy products in a farmer's market format. Examples include produce stands, horticultural nurseries, and wineries.

Level 2. Agricultural sales which primarily involves the sales of agricultural equipment

- B. *Limited Horse Boarding.* Limited horse boarding refers to uses involving boarding horses for recreational purposes and providing feed, shelter, and non-veterinary care. Horses may only be boarded at the density allowed in Section 19.70.030.
- C. *Crop Production.* Crop production use type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include vegetable crops, fruit trees, and horticultural nurseries.
- D. *Fishery Enhancement.* Fisheries enhancement use types are intended to enhance and protect the fish resource. Examples include hatcheries, fish ladders and fish counting stations.

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).

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.

Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five (5) 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.

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.

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. *Commercial Centers.* Commercial centers use type refers to any lot or combination of lots with a store or variety of stores, offices, and services allowed in the zone where the center is located, integrated into a complex utilizing uniform 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:

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.

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

- H. *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.

Level 1. Establishments without drive-through facilities.

Level 2. Establishments with drive-through facilities.

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

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

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.

- I. *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.

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

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

- J. *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.

- K. *Health Club.* Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardio-vascular machines, weight training equipment swimming pools and racquetball courts (Also known as athletic clubs, fitness centers).

- L. *Kennel*. Kennel use type means a place where six (6) 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.
- M. *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).
- N. *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
- O. *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 this ordinance.
- P. *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 fifteen total and separate tables per establishment.
- Q. *Movie theaters, Indoor*. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.
- R. *Mobile, Manufactured, and Modular Homes Sales*. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell pre-manufactured homes. The primary purpose is to provide sites for marketing and distribution, not construction.
- S. *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.

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

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.

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.

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 heavy trucks and tractor trailer sales.

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

T. *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.).

U. *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 rental and repair services use type for other services.

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

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

V. *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.

Level 1. Establishments that do not involve outdoor storage.

Level 2. Establishments that involve outdoor storage of equipment.

W. *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.

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

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

- X. *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.
- Y. *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.
- Z. *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.

Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.

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: relatively large acreage requirements, creates substantial odor or noise, creates heavy traffic passenger vehicle and/or truck volumes, employs relatively large numbers of people, and/or creates 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 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, and starch, glucose and dextrine manufacturing, and 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 type is 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.
- J. *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.
- Level 1. Hulk hauling - where no storage of vehicles is permitted.
- Level 2. Salvage yards/ uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).
- K. *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 mini-warehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, also see the motor vehicles and related equipment sales/rental/repair and services use type.
- L. *Vehicle Impound Yards.* Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles.
- M. *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.

Residential Uses Zone Classification Table

Table 1

ZONE CLASSIFICATIONS										
RESIDENTIAL USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Indus.- Business Park	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP	PF
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 (a)	P	P	P	P	P					
4 Mobile/Manufactured Home			P (b)							
5 Mobile Home Park			C							
6 Multi-Family Housing			P	P (c)		P (c)	P (c)			
7 Nursing Home		P1, C2	P3	P3		P3	P3			
8 Single Family Housing (Attached)	P1	P1	P2	P2	P2		P2			
9 Single (Detached) and Two Family Housing	P	P	P	P	P		P			

NOTES

(a) Breakfast is the only meal served.

(b) In approved mobile/manufactured home parks only.

(c) Only permitted in conjunction with a permitted commercial use.

P Permitted

PFP Requires Public Facilities Permit

C Requires Conditional Use Permit

Number Refers to the level of Use Type allowed. See Sections 19.25.250 to 19.25.330.

When no number is present, all levels of the Use Type are allowed.

* New drive-through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center Zone.

Civic and Recreation Uses Zone Classification Table

Table 2

ZONE CLASSIFICATIONS										
CIVIC & RECREATION USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use-Office	Neighborhood Commercial	Town Center**	Mixed Use	Commercial	Light Industrial	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	Commercial	LI-BP	PF
1 Administrative Government Services				P	P	P	P	P	P	PFP
2 Animal Control (Animals kept)									C, PFP	PFP
3 Cemeteries/Mortuaries	C	C								PFP
4 Community Centers	C, PFP	C, PFP	C, PFP	P	P	P	P	P	P	P
5 Community Clubs	C	C	C	P	P	P	P	P	P	P
6 Courthouse						PFP				PFP
7 Cultural Services (Museums, Libraries)				C	P	P	P	P		PFP
8 Daycare Centers (exceeds 12)	C	C	P	P	P	P	P	P	C	P
9 Education	P1	P1	P1	P1*	P1*, 4 C2	P1*, 4, C2, 3	P1*, 4 C 2, 3	C1, 3 P2, 4	P4	P1, PFP3
10 Hospital/24 hour Medical Clinics				P, C2	P, C2	P, C2	P, C2	P, C2	C	
11 Jails						P1	P1		C	PFP
12 Postal Services					P1	P1	P1	P1	P1, 2	
13 Private Clubs and Lodges					P	P	P	P		
14 Public Safety Services	PFP	PFP	PFP	P	P	P	P	P	P	PFP
15 Recreation - Public	P1, 3 PFP2	P1, 3 PFP2	P1, 3, PFP2	P1, 3 PFP2	P1, 3 PFP2	P1, 3 PFP2	P1, 3 PFP2	P1, 3 PFP2	P1	P1, 3, PFP2
16 Recreation -Non-Profit		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 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1	P1, PFP2
19 Utility & Public Maintenance Facilities						P1 C2 PFP	P1 C2 PFP	P1 C2 PFP	P	PFP

NOTES

* Kindergarten and primary school only.

** New drive-through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center Zone.

P Permitted

PFP Requires Public Facilities Permit

C Requires Conditional Use Permit

Number Refers to the level of Use Type allowed. See Sections 19.25.250 to 19.25.330.

When no number is present, all levels of the Use Type are allowed.

Utilities/Essential Public Facilities/Resource Uses Zone Classification Table

Table 3

ZONE CLASSIFICATIONS											
UTILITIES, ESSENTIAL PUBLIC FACILITIES, AND RESOURCE USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Industrial-Business Park	Public Facility	
	R1	R2	MF	MU-O	NC	TC	MU	Commercial	LI-BP	PF	
Utilities Use.											
1 Comm. and Personal Wireless Tele. Fac.	C1 2 3 PFP3 4	C1 2 3 PFP3 4	C1 2 3, PFP3 4	C1 2 3 4, PFP3 4	C1 2 3, PFP3 4	C1 2 3 4, PFP3 4	P1, A2 3, C4	P1, A2,3, C4, PFP4	P1, A2, 3, C4	P1,2,3, PFP 4	
2 Electrical Facilities	C	C	C	P	P	P	P	P	P		
3 Electrical Generation , Accessory on-site only										P	
4 Natural Gas Facilities	P1	P1	P1	P1, 2	P1, 2		P1, 2	P1, 2	P		
5 Recycling Collection Sites	P	P	P	P	P	P	P	P	P	P	
6 Sewage Collection Facilities	P	P	P	P	P	P	P	P	P	PFP	
7 Stormwater Facilities	P	P	P	P	P	P	P	P	P	P1, 2 PFP 3	
8 Water Supply Facilities	P1, C2, PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2, PFP2	P1, C2 PFP2	P1 C2 PFP2	P1 C2, 3	P1 PFP	
Essential Public Facilities Use**											
9 Organic Waste Processing Facilities										PFP	
10 Prisons											
11 Recycling Processor											
12 Sewage Treatment Facilities										PFP	
13 Waste Disposal Facilities										PFP2	
14 Waste Transfer Facilities			P1	P1	P1	P1	P1	P1	P1 C2, 3	P1	
Resource Use											
15 Agricultural Sales					P	P	P	P	P2	PFP	
16 Crop Production	P	P	P							PFP	
17 Fish Enhancement										P	
18 Group Home			PFP	PFP							
19 Limited Horse Boarding	P	P									

NOTES

* New drive-through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center Zone.

** Subject to Essential Public Facility Review

P Permitted

PFP Requires Public Facilities Permit

C Requires Conditional Use Permit

Number Refers to the level of Use Type allowed. See Sections 19.25.250 to 19.25.330.

When no number is present, all levels of the Use Type are allowed.

Commercial Uses Zone Classification Table

Table 4

ZONE CLASSIFICATIONS										
COMMERCIAL USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use-Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Indus.-Business Park	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP	PF
Office/Business Uses										
1 Administrative & Professional Offices				P	P	P	P	P	P	PFP
2 Veterinary Clinics/Animal Hospitals				C1	P1	P1	P1	P1	P	
Retail/Services/Entertainment										
3 Adult Entertainment									C (a)	
4 Amusement and Recreation (Private)					P	P	P	P	P	PFP
5 Beauty Salon/Barber				P(b)	P	P	P	P		
6 Building Materials					P1	P1, C2	P1, C2	P1, C2	P	
7 Business Support Services				P	P	P	P	P	P	
8 Commercial Centers					C	C	C	C		
9 Eating & Drinking Establishment				P4	P1, 3 C2	P1, 3, 5	P1, 3 C2	P1, 3 C2		PFP
10 Food Stores					P1, C2	P	P1, C2	P		
11 Garden Center					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 (c)						
15 Lodging - Hotels and Motels (No RV)					C	P	P	P		PFP
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 Repair & Service					P1, 2	P5	P1, C2	P1, 2	P1, 2 C3, 4	
21 Pawn Shops								P	C	
22 Personal Services (Other)				P1 (b)	P1, C2	P1, C2	P1, C2	P1, C2	P	
23 Rental and Repair Services					P1, C2	P1, C2	P1, C2	P1, C2	P	
24 Sales of General Merchandise					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							C1	C1	P1, C2	

NOTES

(a) Subject to adult entertainment siting criteria.

(b) Permitted (P) only at 1,000 sq. ft. gfa (gross floor area) or less.

(c) Retail uses that are related to a use in an office building, are limited to 1,000 Other retail uses limited to 750 sq. feet each. Total retail uses in a building shall not exceed 20% of the building's leasable square footage.

* New drive-through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center Zone.

P Permitted

PFP Requires Public Facilities Permit

C Requires Conditional Use Permit

Number Refers to the level of use type allowed. See Sections 19.25.2 When no number is present, all levels of the use type are allowed.

Industrial Uses Zone Classification Table

Table 5

ZONE CLASSIFICATIONS										
INDUSTRIAL USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use-Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Indus.-Business Park	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	C	IB	PF
1 Bulk Fuel Dealers									C	
2 Buy Back Recycling										
3 Contractor Yards								C1	P	PFP
4 Food & Related Products									P	
5 Industrial Services & Repair									C	
6 Limited Manufacturing									P	
7 Motion Picture, TV & Radio Production Studios								C1	P	
8 Printing, Publishing & Related Industries									P	
9 Salvage Yards									P1, C2	
10 Storage Units									P	
11 Vehicle Impound Yards									P	
12 Warehousing, Distr. & Freight Movement									C1	

NOTES

* New drive-through uses including but not limited to restaurants, gas stations, banks and drug stores are not permitted in the Town Center Zone.

P Permitted

PFP Requires Public Facilities Permit

C Requires Conditional Use Permit

Number Refers to the level of Use Type allowed. See Sections 19.25.250 to 19.25.330.

When no number is present, all levels of the Use Type are allowed.

Density and Dimension (Setbacks) Table

Table 6

ZONE CLASSIFICATIONS										
DENSITY AND DIMENSIONS (SETBACKS)	One Family Residential	Two Family Residential	Multi-Family Residential	Mixed Use -Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Indus.- Business Park	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	C	IB	PF
Base Density (du/ac) (1), (2)	4/4.6	6	10	10	4	10	10			
Maximum Density (du/ac) (3)	6	8	12	12	6	12	12			
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'	Abutting Zone
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'	Abutting Zone
Setback, Rear (6)	30'	30'	0'/30' (7)	0'/30' (7)	0'/30' (7)	0'/30'	0'/30' (7)	0'/30'	0'/50'	Abutting Zone
Setback Side (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'	Abutting Zone
Height (9)	35'	35'	40'	40'	40'	40'	40'	40'	40'	Abutting Zone

NOTE: Density and Dimension Table identifies setbacks; however, in certain instances landscaping requirements may exceed minimum setback requirements.

- 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.
- Mixed Use Development: Multi-Family 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.
- Maximum Density: shall only be achieved through the application of a planned development district.
- On corner lots: one setback must be a minimum of 25 feet, the other front yard setback may be a minimum of fifteen (15) feet, provided it is on a minor street. Garages facing the street shall be setback minimum of 25 feet.
- Fifteen (15) feet is a minimum setback requirement. Maximum setback is twenty (20) feet. However, see also Design Standards (UPMC Chapter 19.40).
- Side and Rear Yard Setbacks: (a) Side or rear yard setback is *not* required in IB, C, TC, MU, NC, MU-O zones if the parcel does not abut an R1, R2 or PF zone. If abutting a R1,R2, or PF zone a 30-foot setback is required along the abutting lot line(s).
- Single Family and duplex uses in these zones may, at their option, use minimum setbacks of the R1 zone.
- Single family attached shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero (0) feet. The remaining side yard, if not attached, shall setback eight (8) feet.
- Height: in the PF Zone, the maximum height shall be the lowest maximum height limit of abutting properties.

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.**
- 19.40.050 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.

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 Animals	See UPMC 19.70.030
Signs	See UPMC 19.75.
Temporary Uses/ Temporary Housing Units	See UPMC 19.35.040

19.30.030 General Standards.

Accessory uses and structures customarily incidental to either principal residential or non-residential 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.
 - 1. Except as otherwise provided in this code, it is unlawful to construct, erect, or locate private garages, sheds, or other accessory structures in any zone classification without a lawfully permitted principal use on the same lot of record.

2. Refer to UPMC 19.45.040 for regulations governing the placement of accessory uses.
- C. All accessory uses and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
- D. Where there is a question regarding the inclusion of or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

19.30.040 Accessory Use List.

- A. *Residential.* The following accessory uses are customarily incidental to residential uses:
 1. Carports or garages for the sole use of occupants of premises and their guests, (without fee to guests) attached or detached, for storage of motor vehicles, boats, recreational vehicles, and/ or planes.
 2. Greenhouse, private and noncommercial.
 3. Storage buildings for yard maintenance equipment and household goods.
 4. Refer to UPMC 9.30.060 for uses applicable in more than one zone.
 5. Minor auto repair is permitted for persons residing at the residence and for relatives of those residing at the residence and shall not be performed in a public right-of-way.
 6. Major auto repair is permitted only subject to the following provisions on any residential premises in any zone district:
 - a. Work shall be limited to the repair and maintenance of vehicles currently registered to occupant(s) residing at that residence. This limitation precludes auto repair on residential premises by any commercial entity or for commercial purposes.
 - b. Such work shall be conducted on no more than one vehicle at any one time.
 - c. Such work shall only be done within an enclosed structure (such as a garage) or in an area which is screened from public view and neighboring properties.
 - d. Such work shall be done only between the hours of seven a.m. and ten p.m.
 - e. Such work shall not be done in a street or public right-of-way.
 - f. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area screened from public view (i.e. public right-of-way) and neighboring properties.

- g. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.
7. *Parking or storage of inoperable vehicles* subject to the following:
- a. No person owning, leasing, renting, occupying, being in possession or having charge of any residentially used or zoned property in the city, including vacant lots, shall retain or store outdoors an inoperable vehicle for more than seven (7) consecutive or non-consecutive days, except as may be permitted by any other city ordinance, and the following:
 - b. No more than one (1) unenclosed or unscreened inoperable vehicle may be on a property at any one time.
 - c. Storage of inoperable vehicles for any period greater than seven (7) days shall be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level III landscaping pursuant to UPMC 19.65.140.
8. *Commercial Vehicles* Commercial vehicles over 10,000 gross vehicle weight (gvw) and semi-trucks, semi-cabs, tractor trailers or heavy equipment shall not be parked or stored in a residential area whether on a street, private or public property. This provision does not apply to temporary parking for delivery, pick up, moving or service activities. Heavy construction / development equipment may only be parked on a site that is in the process of being developed.
9. *Recreational vehicles and other equipment.* The outdoor storage, or parking of any combination of two (total) currently licensed motorized or non-motorized boats or motorized or non-motorized recreation vehicles is permitted; provided that, they do not interfere with the vision of drivers entering a street from a private driveway by causing a safety hazard for vehicular and pedestrian traffic and that they are maintained in a clean, well kept condition that does not detract from the appearance of the surrounding area. Non-motorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Non-motorized recreation vehicles do not include bicycles, and similar non-motorized sports equipment.
- a. Storage of additional boats and/or non-motorized recreation vehicles shall, where possible, either be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level 1 landscaping pursuant to UPMC 19.35.030(G). Storage of additional vehicles is prohibited in required front or side yard setbacks.
 - b. No recreational vehicle or travel trailer may be used for habitation except as follows:
 - i. One (1) recreational vehicle or travel trailer may be used as a temporary dwelling on private residential property already containing another dwelling unit when the owner or user of the recreational

vehicle or travel trailer is a non-resident visiting a resident of that property.

- ii. Habitation of the recreational vehicle or travel trailer may be permitted for up to five (5) days without a permit and for an extended period not to exceed fourteen (14) days upon issuance of a recreational vehicle use permit by the city.
- iii. No more than one Recreational Vehicle/Travel Trailer Use Permit may be granted within any six (6) month period.
- iv. Habitation of recreational vehicles is not permitted in the public right-of-way.
- v. Exceptions may be made for serious illness in accordance with Section 19.35.040 Temporary Housing Units.
- vi. Recreational Vehicles/Travel Trailers meeting the requirements of this section shall:
 - (A) Be kept in a side or rear yard and screening form adjacent properties is encouraged. If the vehicle cannot be stored in a side or rear yard due to site constraints, the vehicle shall be parked off-site.
 - (B) Must be on hard surface.
 - (C) Not be located in the public right-of way.

B. *Industrial.* The following accessory uses are customarily incidental to industrial uses:

- 1. Dwelling units used exclusively for caretaker or superintendent and his or her family; and
- 2. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

19.30.050 Accessory Uses Applicable to Principal Uses in More than One Zone.

A. The following accessory uses are customarily incidental to uses in more than one zone:

- 1. Antennae and satellite dishes for private telecommunication services;
- 2. Decks and patios;
- 3. Facilities used in ground maintenance;
- 4. Food service facilities for use primarily by employees with no exterior advertisement of the facility;
- 5. Incidental storage of raw materials and finished products sold or manufactured on-site;
- 6. Non-commercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use;
- 7. On-site hazardous waste treatment and storage;

8. Private docks and mooring facilities;
9. Retaining walls, freestanding walls and fences;
10. Temporary Waste piles authorized by a solid waste permit;
11. Small scale composting facility to handle less than 10 cubic yards;
12. Solid waste dumpsters.

- B. *Other Uses and Structures.* Uses and associated structures deemed by the Director to be customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- C. *Other city codes.* Please refer to shoreline management use regulations for specific specialized accessory use standards.
- D. *Parking Cars on Vacant Lots.* It shall be unlawful for the owner of a motor vehicle or trailer to park or allow it to be parked on a vacant lot or parking lot owned by another person of the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a legally established vehicle sales use at that location. It shall also be unlawful for the owner or lessee of such property to allow another person to park a motor vehicle or trailer on the property the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a legally established vehicle sales use at that location.

CHAPTER 19.35

TEMPORARY USES/TEMPORARY HOUSING UNITS

Sections:

- 19.35.010 Purpose.**
- 19.35.020 Seasonal Uses.**
- 19.35.030 Temporary Structures.**
- 19.35.040 Temporary Housing Unit Standards.**
- 19.35.050 Temporary Personal Wireless Telecommunication Facility.**
- 19.35.060 Coordination with Other City Codes.**

19.35.010 Purpose.

The purpose of this section is to establish certain allowed seasonal uses and certain temporary uses and structures, and provide standards and conditions for regulating such uses and structures. Temporary uses are uses that do not require permanent construction and which are approved with a specified time limit.

19.35.020 Seasonal uses.

It is the intent of this chapter to regulate certain temporary seasonal uses of property which are not otherwise regulated by other city ordinances or regulations.

- A. Seasonal uses may occur in any nonresidential zone, or on non-residential property on arterial streets within residential zones for a period not to exceed forty five (45) days in any twelve (12) month period. Examples of seasonal uses include Christmas tree sales, firework stands, flower stands and farmer's markets.
- B. Seasonal uses are subject to the following requirements.
 - 1. Setback requirements of the zone shall be met for any temporary structure or recreational vehicle.
 - 2. The use will not result in significant traffic, off-street parking, drainage, fire protection, or other adverse impacts. In the case of off-street parking, any required off-street parking for an existing use shall not be diminished below minimum standards.
 - 3. Temporary sign permits shall be required for all signs and are subject to the provisions of Chapter 19.75.
 - 3. The use must provide sanitary facilities if the Health Department finds it is necessary.
 - 4. The use must not infringe on public right-of-way.
 - 5. A performance bond, the amount to be determined by the Director shall be posted upon the Director's determination that it is necessary to guarantee the removal of the use and that the area be restored to the Director's satisfaction.

6. An affidavit signed by the property owner stating that the property is being used for the temporary use with their consent and indicating the number of days the use is permitted to remain on the property.

19.35.030 Temporary Structures.

A. Temporary Structures may be allowed subject to the following:

1. In conjunction with a seasonal use identified in UPMC 19.35.020 above.
2. Recreational Vehicles shall not be used as temporary housing units in any zone except as specifically permitted in UPMC 19.30.
3. *Temporary Construction Buildings.* One or more temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. The temporary construction building shall be removed from the site within 30 days after completion of the project or 30 days after cessation of work.
4. *Temporary Real Estate Office.* One temporary real estate sales office may be located on any new subdivision in any zone provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located and provided further, that if the subdivision is in any R1 or R2 zone, the temporary real estate office shall be removed when ninety (90) percent of the lots within the approved subdivision have been sold or, in the event of a subdivision with 10 or fewer lots, three or fewer are unsold.

19.35.040 Temporary Housing Units.

A. *Temporary Housing Unit - Construction.* A "temporary housing unit, construction" may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract provided:

1. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site whichever may occur sooner.
2. The unit is not located in any required front or side yard.
3. An administrative use permit is required and shall be valid for the life of the construction permit, not to exceed one year.
4. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.

B. *Temporary Housing Unit - Public Facility.* A "temporary housing unit, public facility" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks or other public facility for the purpose of providing on-site security, surveillance, and improved service at public facilities provided:

1. The unit is not located in any required front or side yards or designated open space.

2. Prior to the issuance of a temporary permit, the site shall be reviewed by the health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.
 3. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the unit will be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.
 4. The building permit shall be valid until a permanent housing unit is incorporated into the public facility at such time, the temporary unit shall be removed.
- C. The Director may authorize a mobile or manufactured home as caretaker quarters in commercial and industrial zones subject to the following:
1. The initial approval of such caretaker's quarters shall be for no more than one year.
 2. Prior to approval, the Director shall receive from the police chief sufficient advice that there is need for a caretaker on the subject site.
 3. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.
 4. Renewal may be sought on a year-by-year basis for no more than the aggregate of five years and provided all other criteria remain valid and there is evidence that the unit is maintained and operated in a clean, safe and attractive manner.
- D. *Temporary Housing Units - Medical Situations.* Temporary housing unit means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The applicant must submit an affidavit that the requirements specified herein will be maintained, and a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance.
- E. Occupancy of a temporary housing unit shall require written approval from the Planning & Community Development Department. Temporary housing units shall meet the following requirements.
1. The mobile home is one bearing the seal of the State Department of Labor and Industries and/or HUD.
 2. The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a

temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.

3. Temporary housing units having a width in excess of 14 feet shall be permitted only on lots or tracts of land having a total area of one acre or more.
 4. The temporary housing unit shall not be located in any required yard or open space required by this code nor shall the unit be located closer than 20 feet nor more than 100 feet from the principal dwelling on the same lot.
 5. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the Director may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.
 6. Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
 7. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the temporary permit expires or occupancy ceases.
- F. *Renewals.* Temporary housing permits shall be valid for the period of time the parent or close relative resides in the mobile home provided that, after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the planning division. When obtaining a renewal, the planning division shall confirm by affidavit from the applicant and by a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.

19.35.050 Temporary Personal Wireless Telecommunication Facility.

A temporary personal wireless telecommunication facility shall be permitted for a maximum of 90 days subject to an administrative use permit or during an emergency declared by the city.

19.35.060 Coordination with Other City Codes.

- A. Temporary uses shall comply with all applicable adopted city ordinances.
- B. Uses regulated by the home occupation regulations are not subject to the provisions of this chapter.

CHAPTER 19.40

ESSENTIAL PUBLIC FACILITIES

Sections:

- 19.40.010 Purpose.**
- 19.40.020 List of Essential Public Facilities.**
- 19.40.030 Determination of Applicability.**
- 19.40.040 Essential Public Facilities Review Process.**
- 19.40.050 Burden of Proof.**
- 19.40.060 Decision.**

19.40.010 Purpose.

The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in Chapter 19.10, Definitions. Essential Public Facilities, which meet the definition but are not listed in UPMC 19.25.070 of the Use shall also be reviewed according to the Essential Public Facility review process.

19.40.020 List of Essential Public Facilities.

A use or facility may be added to the list of essential public facilities based on one of the following criteria:

- A. The use meets the definition of an essential public facility; and
- B. The use is identified on the State list of essential public facilities maintained by the State of Washington Office Financial Management.

19.40.030 Applicability.

- A. Listed Essential Public Facilities. All listed Essential Public Facilities shall be reviewed through the Essential Public Facility review process.
- B. Unlisted Facilities: The Planning and Community Development Director shall make a determination that a facility be reviewed pursuant to this section based on the following criteria:
 - 1. The facility is a type difficult to site because of one of the following:
 - a. The facility needs a type of site of which there are few sites;
 - b. The facility can locate only near another public facility;
 - c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site;
 - d. The facility is of a type that has been difficult to site in the past;
 - e. It is likely that the facility will be difficult to site; or
 - f. There is a need for the facility and University Place is in the facility service area.

19.40.040 Essential Public Facilities Review Process.

- A. Agencies planning on siting Essential Public Facilities shall submit an application to the department. The application shall be on a form provided by the city and shall be accompanied by the following documents and information as are determined to be necessary by the Director.
- B. Essential Public Facilities shall be reviewed as follows:
 - 1. If an essential public facility is listed as either a permitted or conditional use within a zoning district, then the use is restricted to that district.
 - 2. If an essential public facility is not expressly a permitted or conditional use within the zoning district, then the use shall be limited to the Light-Industrial Business Park zone or Chambers Creek Properties. Essential public facilities that are not expressly listed in a zoning district are subject to either a) Conditional Use permit process; or B) Comprehensive Plan/rezone process.
- C. An applicant may have one or more alternative sites considered during the same process,
- D. The Director has the authority to require the consideration of sites outside of the City of University Place. Alternative sites shall cover the service area of the proposed essential public facility.
- E. An amplified public involvement process shall be required. The purpose of the public involvement process is to involve affected persons of likely and foreseeable impacts if the involvement process has the potential to lead to more appropriate design/location or if that process could lead to development of incentives to address modifications to the facility which would make the siting of that facility more acceptable.
- F. The applicant shall propose an acceptable public involvement process to be reviewed and approved by the Director.
- G. Public involvement activities shall be conducted and paid for by the applicant.
- H. The public involvement process shall be initiated by the applicant as early as possible.
- I. The Director may require a multi-jurisdictional process if the facility serves a regional, County-wide, Statewide, or national need. If this process is required, an applicant shall design an acceptable process to be reviewed and approved by the Planning and Community Development Director. Applicant shall be required to pay for this process.
- J. An analysis of the facility's impact on city finances shall be undertaken. Mitigation of adverse financial impacts shall be required.
- K. The following criteria shall be used to make a determination on the application

1. The federal, state, regional, local agency (applicant) shall provide a justifiable need for the essential public facility and for its location with the City of University Place.
2. The impact of the facility on the surrounding uses and environment, the city and, if applicable, the region.
3. Whether the design of the facility can or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
4. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts in affected areas and the environment.
5. Whether the proposed essential public facility is consistent with the City of University Place Comprehensive Plan.
6. If a variance is requested the proposal shall also comply with the variance criteria.
7. Essential public facilities shall also comply with all other applicable State siting and permitting requirements.

19.40.050 Burden of Proof.

The applicant has the burden of proving that the proposed use meets all criteria set forth in Section 19.40.040 (K).

19.40.060 Decision.

The Director may approve an application for an Essential Public Facility, approve with conditions or require modification of the proposal to comply with specified requirements or local conditions. The Director may deny an application for an Essential Public Facility if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code.

Chapter 19.45

DENSITY AND DIMENSION

Sections:

- 19.45.010 Purpose.
- 19.45.020 Tables.
- 19.45.030 Density Standards.
- 19.45.040 Setback Standards.
- 19.45.050 Height Standards.
- 19.45.060 General Development Standards.
- 19.45.070 Fences, Bulkheads and Retaining Walls.

19.45.010 Purpose.

The purpose of this section is to establish density and dimensional standards for development.

19.45.020 Tables.

Interpretation of Tables. The density and dimension tables are arranged in a matrix format. Development standards are listed down the left side of both tables and the zones are listed across the top. The matrix cells contain the minimum dimensional requirements of the zone. The footnotes in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that the cell is not applicable.

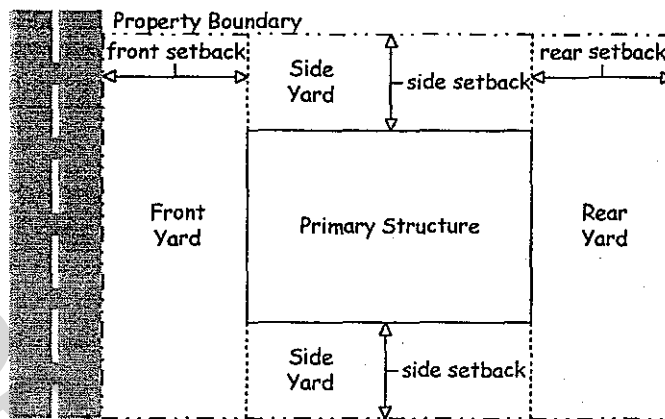
19.45.030 Density Standards.

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 17.22.100). Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage. (See also, Definitions, "Lot Area") Density is rounded to the nearest whole number.

19.45.040 Setback Standards.

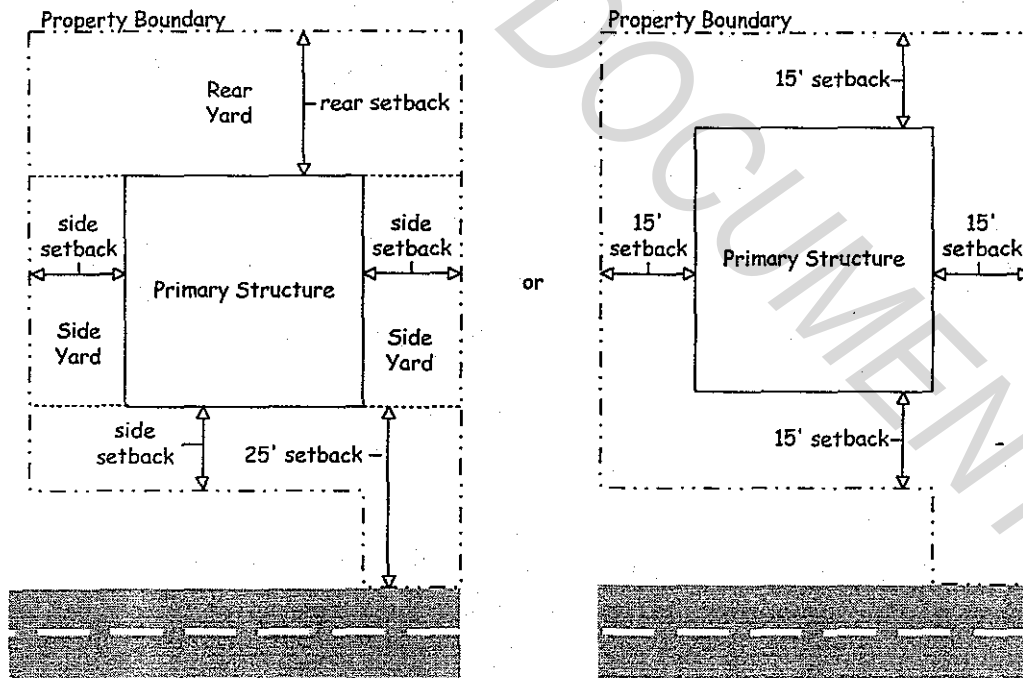
- A. *Setback Measurement.* A setback is measured from the edge of a street. Where there is no street a setback is measured from the property line. Setbacks are not measured from driveways unless the driveway is built on an access easement in which case a minimum eight (8) foot setback measured from the edge of the access easement is required. 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.

Figure 1: Interior Lot Yards & Setbacks



- 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.

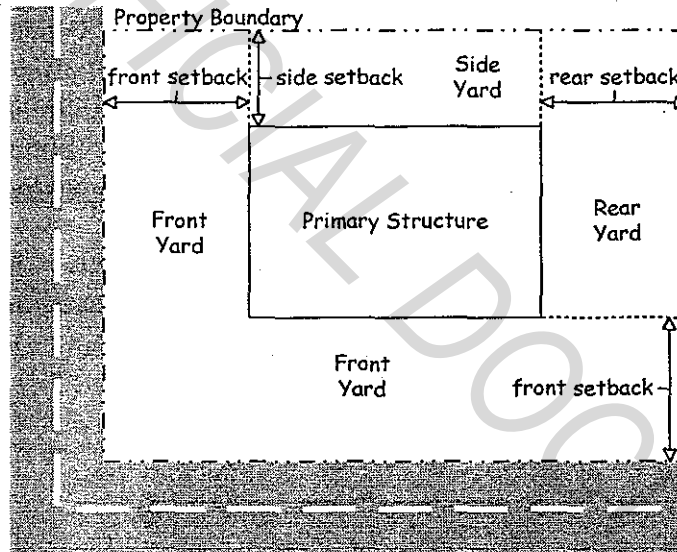
Figure 2: Pipestem Lot Yards & Setbacks



- 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 ten (10) feet from the edge of the right-of-way or easement.

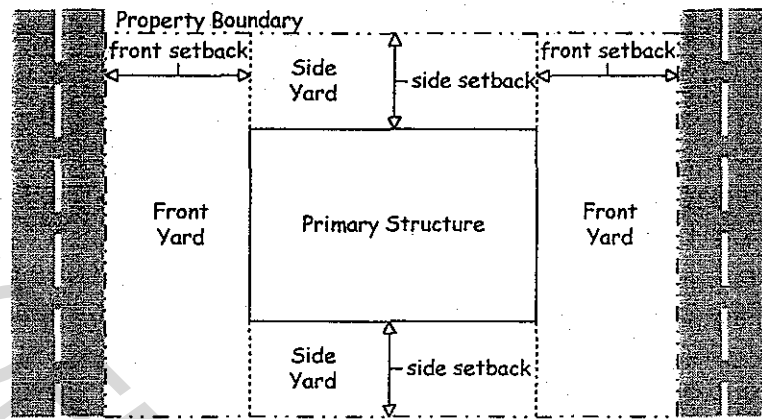
- D. Where the city has acquired easements for right of way purposes for property in the Neighborhood Commercial zone, the city may reduce the minimum required setback to fifteen (15) feet from the edge of the right-of-way or easement.
- E. *Designation of Required Setbacks.* All lots must contain at 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 sideyard 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, which does not provide the principle access (vehicular) to the lot may be reduced to fifteen (15) feet, provided the reduced yard does not abut an arterial street. 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.

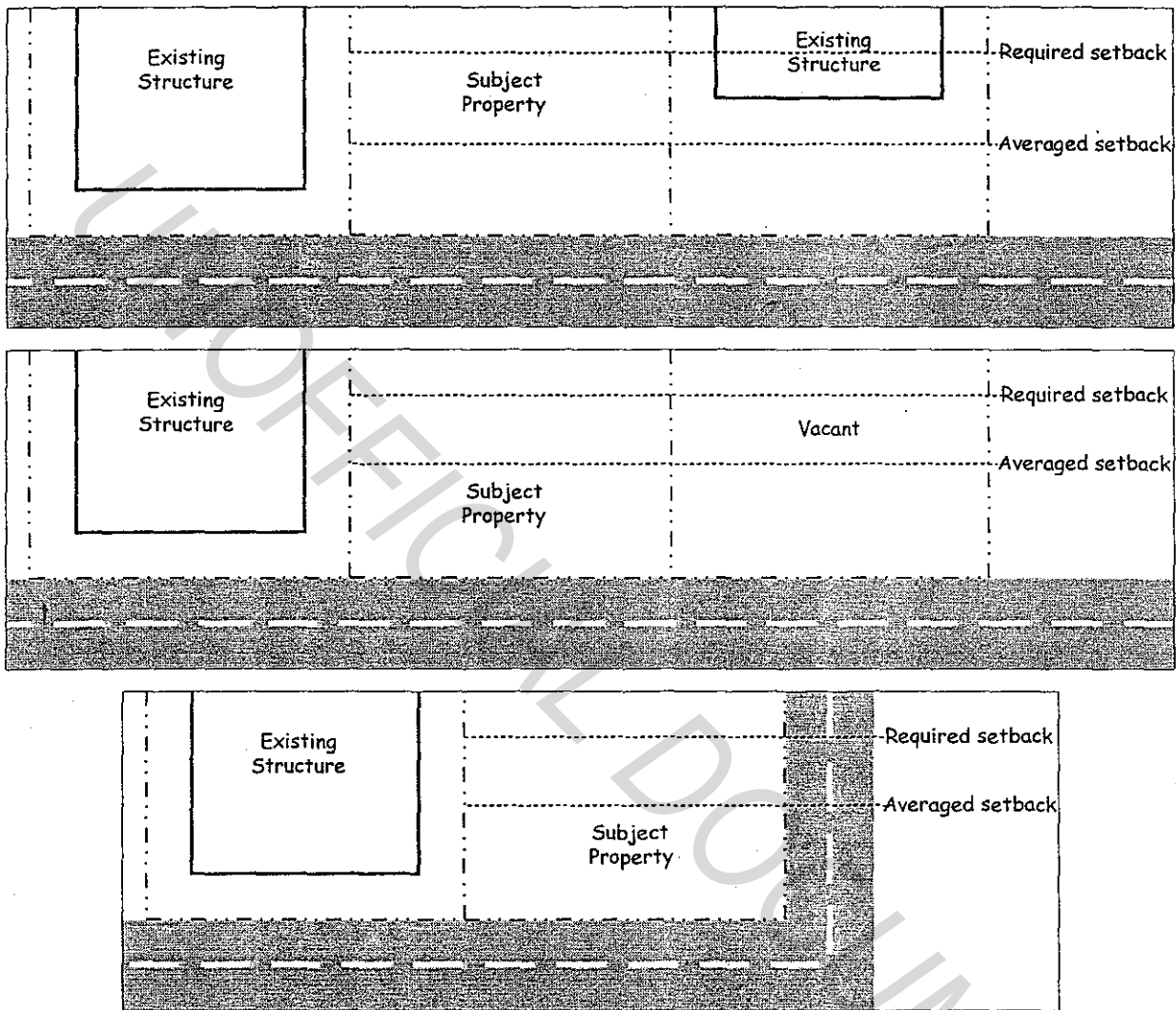
Figure 4: Through Lot Yards & Setbacks



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

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

Figure 5: Setback Averaging



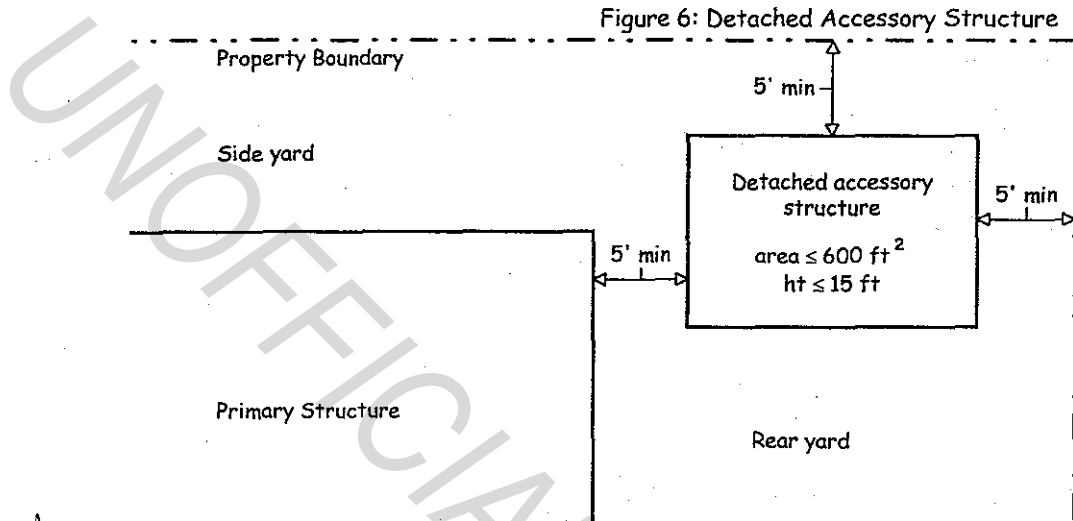
H. *Slopes.* If the topography of a lot is such that the minimum front yard setback line is eight (8) feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five (5) feet back from the right-of-way.

I. *Detached Accessory Structures, Rear and Side Yard 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.

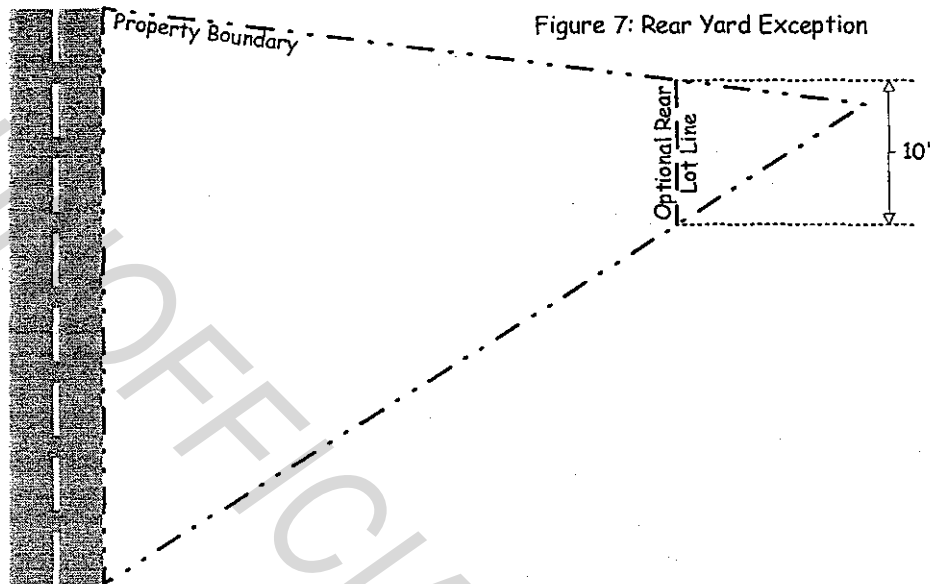
- a. The total area of structures shall be no larger than 600 square feet in gross floor area;
- b. Maintain five (5) foot minimum side and rear yard setbacks;

- c. Have no portion of the structure, such as eaves, closer than three (3) feet from any property line;
- d. Be no greater than 15 feet in height; and
- e. Be no closer than five (5) 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 (5) feet from a side and/or rear property boundary.
- 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. Fireplace structures, bay or garden windows, enclosed stair landings, covered but unenclosed porches, ornamental features, or similar structures may project into any setback; provided such projections are:
 - a. Limited to two (2) per required yard.
 - b. Not wider than ten (10) feet.
 - c. Not more than two (2) feet into an interior or rear yard setback.
 - d. Not more than three (3) 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 (5) feet into a front yard setback, three (3) feet into a side yard setback, and 15 feet into a rear yard 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 owners discretion. See Figure 7.



M. *Exemption for Personal Wireless Telecommunication Facilities.* In residential zones personal wireless telecommunications towers shall be setback a distance equal to the height of the tower. In all other zones personal wireless telecommunications towers shall comply with the minimum setback requirements of the area in which they are located. These setbacks shall apply unless there are unusual geographical limitations or other public policy considerations as determined in the sole and absolute discretion of the city. Such considerations shall include, by way of illustration and not limitation, but are not limited to:

1. Impact on adjacent properties.
2. Alternative sites for personal wireless facilities.
3. The extent to which screening and camouflaging will mitigate the effects of the personal wireless telecommunication facilities.

The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way.

N. *Accessory Structures, Front Yard Exception.* Children's play equipment, excluding swimming pools, may be placed in the required front yard provided that a minimum fifteen (15) foot front yard setback is maintained.

19.40.050 Height Standards.

- A. No residential accessory structure shall exceed the height of the principal structure, except barns on property exceeding five acres.
- B. *Exceptions.* Height standards shall not apply to the following:

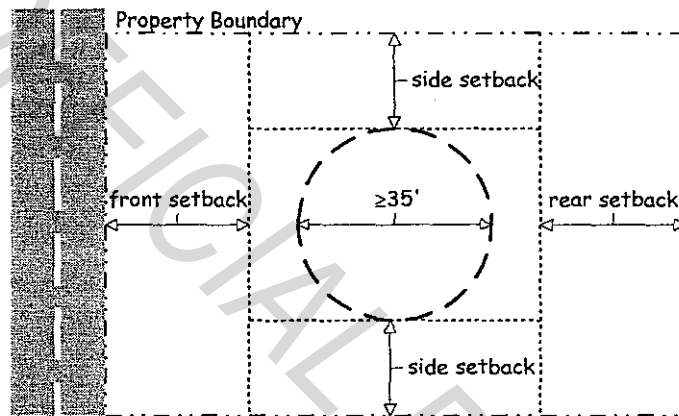
1. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures; provided the structure is setback from all property lines a distance equal to the height of the structure.
2. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided all equipment is setback 10 feet from the edge of the roof.
3. Personal wireless telecommunication antenna may project no more than 16 feet above the roofline including parapets. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.

19.40.060 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 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. *Existing Platted Lot - Two Family Dwelling Permitted.* Two family dwelling units (duplexes) may be constructed on platted lots in the R1 and R2 zones which do not meet the density requirements of the zone provided that all of the following are met:
 1. The lot was legally created prior to July 13, 1998;
 2. The lot has a minimum lot size of 13,500 square feet including that portion set aside as a private street;
 3. A completed building permit application is submitted to the city within three years of July 13, 1998; and
 4. The proposal meets all other applicable requirements of this code.
- 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.
- D. *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.
- E. **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.

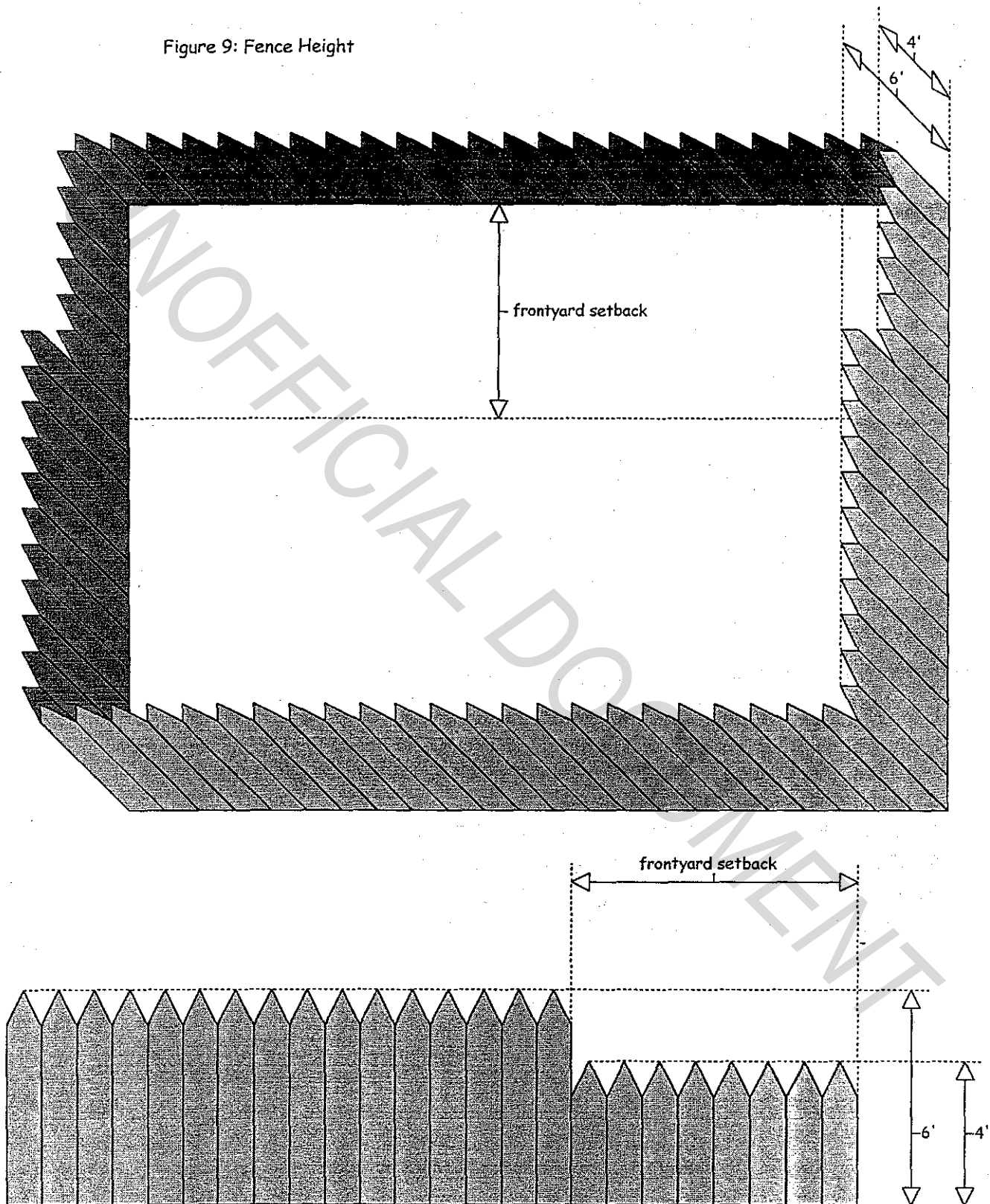
Figure 8: Minimum Lot Dimension



19.40.070 Fences, Bulkheads, Retaining Walls

- A. **Fences.** Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within required setbacks as follows; provided, that all applicable site distance requirements are met: See figure 9.
1. Side and rear setbacks to a maximum height of six feet.
 2. Front yard setbacks to a maximum height of four feet.
 3. Except that in required front yard setbacks for houses fronting on and facing an arterial street, the maximum height shall be six feet.

Figure 9: Fence Height



B. The total height of a fence located on a retaining wall, or berm shall not exceed a height of ten feet within a required setback area. The height shall be measured

from the top of the fence to the grade on the low side of the retaining wall or berm.

The total height of the fence itself, measured from the top of the fence to the top of the retaining wall or berm shall not exceed six feet.

Fences located on a retaining wall or berm outside required setback areas shall not exceed the building height of the zone, provide that the fence itself shall not exceed six feet.

- C. *Bulkheads and Retaining Walls.* Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required setbacks; up to the maximum height allowed in the zone provided that it shall be made of attractive materials such as native rock, split face concrete masonry units or with the use of form liners and provided further that all applicable site distance requirements are met.

CHAPTER 19.50

DESIGN STANDARDS FOR TOWN CENTER, MIXED USE, MIXED USE-OFFICE, AND COMMERCIAL ZONES

Sections:

- 19.50.010 Purpose.**
- 19.50.020 Definitions.**
- 19.50.030 Authority and Applications.**
- 19.50.040 Development Plan: Filing Requirements.**
- 19.50.050 Review Process.**
- 19.50.060 Pedestrian Circulation.**
- 19.50.070 Site Planning and Building Orientation.**
- 19.50.080 Open Space and Amenities.**
- 19.50.090 Building Design.**
- 19.50.100 Surface Parking.**
- 19.50.110 Mixed Use Development.**

19.50.010 Purpose.

The following special design standards are intended to promote integrated development and pedestrian-oriented design and to improve the character and quality of development in the Town Center, Commercial, Mixed Use, and Mixed Use-Office zones.

- A. Design standards help guide architects, developers and property owners to know what is expected of their development projects, and what could make their designs responsive to the plans and policies adopted by the city, as outlined in the city's Vision and Comprehensive Plan and other city documents.
- B. Examples or illustrations of how certain design standards can be achieved are included. The graphic examples are just that--examples. They are not the only acceptable solutions. Applicants and project designers may consider designs, styles and techniques which are not pictured in the examples but fulfill the intent of the design standard.
- C. The design standards also provide ways to reduce negative impacts of development on adjacent properties.
- D. The standards help establish a character for the town center, commercial and mixed use areas which includes varied uses and is pedestrian friendly. Impacts of the automobile are reduced, while easy access and movement through the area are maintained. The standards will implement the intent of the City of University Place Comprehensive Plan.

19.50.020 Definitions.

As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

"Access Road" means the road providing direct access to a parcel or project.

"Arch" means a structural device, especially of masonry, forming the curved, pointed or flat upper edge of an opening or a support, as in a bridge or doorway.

"Balcony" means a platform projecting from the wall of a building and surrounded by a railing, balustrade or parapet.

"Bay Window" means a compartment projecting outward from the wall of a building and containing a window or windows.

"Building Footprint" means the outer perimeter of a building excluding eave overhangs, and other cantilevered portions of the building projecting no more than 18 inches and no wider than ten feet.

"Building Front" means, usually, the building side where architectural detailing is emphasized most, and is typically the side where the primary entrance is located.

"Column" means a vertical shaft or pillar that supports, or appears to support, a load.

"Common Area" means an on-site outdoor space designed for outdoor activities and leisure for customers of commercial development.

"Cornice" means a horizontal molded projection that crowns or completes a building.

"Dormer" means a window set vertically in a small gable projecting from a sloping roof, or a gable holding a dormer.

"Eaves" means the projecting overhang at the lower borders of a roof.

"Elevation" means a scaled drawing from the side, front or rear of a particular structure without any allowance for the laws of perspective.

"Facade" means the front or principal face of a building, any side of the building that faces a street or other public place.

"Fenestration" means the arrangement and design of windows and doors in a building.

"Full Mansard Roof" See "Pitched Roof".

"Gable" means the portion, above eaves level, of an end wall of a building with a pitched or gambrel roof. In the case of a pitched roof this takes the form of a triangle.

"Gambrel Roof" means a gable roof design, but with two pitches on each side of the ridge, the lower slope having the steeper pitch.

"Hip" means one of the sloped faces of a hipped roof, usually referring to the narrow end.

“Hipped Roof” means a roof with pitched or sloped roof planes on all sides, usually of the same pitch.

“Marquee” means a roof-like structure made of solid materials, projecting over an entrance to a building and connected to the wall with no columnar support. The front of the marquee is often hung from chains or rods extending out from the face of the building.

“Mass/Massing” means the physical bulk or volume of a building. In architectural terms, a single mass building is a single geometric form such as rectangle or square, and may include a simple roof form with no variation in the roof line. Massing refers to variation in the mass and may involve multiple masses joined together.

“Mixed Use, Vertical” means a single story structure which provides retail service or commercial and office uses on the ground floor, and residential and office uses on the above floors.

“Mixed Use - Horizontal Attached” means a single structure that provides retail, service, or commercial uses in the portion fronting the street with attached residential or office uses behind.

“Parapets” mean a low protective wall (usually solid) along the edge of a roof or balcony.

“Perspective Drawing” means a three dimensional representation of a building or site providing the appearance of depth as seen by normal binocular vision.

“Pitch” means the angle of a roof pitch, usually expressed as a ratio of units of vertical distance to 12 units of horizontal distance. For example, 8/12 means 8 units of vertical rise to every 12 units of horizontal run.

“Pitched Roof” means a roof with angled edges, with or without a defined ridgeline and extended eaves.

“Plan Drawing” means a drawing representing a downward view of an object or building, or a horizontal section of it. A floor plan drawing of a building will show the arrangement of the walls, partition, rooms, doors, and windows.

“Porch” means a covered entrance to a building, either open or up to 1/3 enclosed.

“Primary Structure” means a structure designed to serve as a focal point to the site and to suggest a point of activity. On parcels with more than one structure, it is the primary or anchor tenant building. Structures joined to a primary structure with minor connections such as breezeways or low walls shall be considered separate structures.

“Primary Walkway” means the main pedestrian walkway that connects a building's entrance to the public right-of-way (see secondary walkway definition).

“Secondary Walkway” means pedestrian walkways that provide for pedestrian movement between buildings without depending on parking lots or landscape areas for this purpose.

"Siding" means material used for the finished surface of a frame building.

"Story" means the horizontal division between a floor and an adjacent ceiling or floor.

"Terraced Roof" means a roofline incorporating setbacks for balconies, roof gardens or patios.

"Transit Stop" means an area designated as a waiting area for riders of mass transit.

19.50.030 Authority & Applications.

- A. The provisions of this Chapter shall augment and/or supersede existing regulation in the University Place Zoning Code regarding Town Center, Mixed Use, Mixed Use-Office, and Commercial zones defined in the Official Zoning Map. The Chapter provisions shall apply to:
 - 1. All new construction on vacant land requiring building or development permits; and
 - 2. Major Redevelopment: Redevelopment or additions to a building/complex/site which total 50% or more of the gross floor area (gfa) of the existing building/complex/site or,
 - 3. Major Tenant Improvement: For projects where the construction budget is 50% or more of the assessed value of the existing building, the building/complex/site being redeveloped or added to shall integrate the design standards and other parking, landscaping and regulations into the redevelopment or addition.
 - 4. Renovation of an existing single-family structure for residential or commercial use is exempt from the following sections, provided no expansion of the structure occurs.
- B. The following zoning designations are exempt from the provisions of this Chapter:
 - 1. Multi-family;
 - 2. Public Facility (outside Town Center, Mixed Use, Mixed Use-Office, and Commercial zones);
 - 3. Light Industrial-Business Park;
 - 4. Neighborhood Commercial;
 - 5. Multi-family; and
 - 6. Residential.
- C. When provisions included in these design standards conflict with the definitions in Chapter 19.10 and requirements of the University Place Zoning Code, these design standards shall apply unless otherwise provided. These design standards shall not supersede provisions of the Zoning Code regarding uses and density.

19.50.040 Development Plan: Filing Requirements.

Development applications must be submitted in such detail as to allow the review of the specific project in accordance with these standards, SEPA, and other applicable city codes. Developers are encouraged to discuss their plans at a pre-application Technical Review Conference as provided in Title 22. In addition to existing application requirements, the following information must be included as elements in the development application:

A. *Site Plan.*

A site plan, at a scale no smaller than one inch equals thirty (30) feet, must show the location, size and finished grade of all proposed and existing on-site structures, as well as the existing topography with a maximum interval of five (5) feet and the grade of the street or streets on which the site fronts. The site plan must also show the location and arrangement of on-site parking, access routes for vehicles, pedestrians and bicycles, both on-site and linking to adjacent developments, common areas or plazas, (including paving materials, street furniture and accessories) and the location of existing significant trees.

B. *Building Elevations.*

A complete set of elevation drawings for all proposed buildings on the project site showing all trim details, dimensions and exterior materials including roofing, siding, windows and trim. Provide details on how all-mechanical and utility rooftop equipment will be screened.

C. *Vicinity Area Plan.*

A vicinity area plan must show lot lines and footprints of all buildings on the project site plus on parcels that abut the site and share one or more street frontages with the site. The vicinity area plan shall label adjacent streets, show the dimension of all lot lines, and the distance of each building footprint from its nearest lot line border. Show also links to adjacent open spaces and landscaped areas.

D. *Landscape Plan.*

In accordance with Chapter 19.65 of the Zoning Code.

E. *Grading And Drainage Plan.*

In accordance with Title 13, Public Works Standards.

F. *Use Charts.*

To determine allowable uses in the Town Center, Mixed Use, Mixed Use-Office and Commercial zones, please see Chapter 19.25 of the Zoning Code.

19.50.050 Review Process.

Review of proposals for compliance with the design standards shall be done administratively. Proposals that do not comply with the design standards shall be denied. However, in situations where a proposal cannot comply with the standards because of the size, shape, or topography of the parcel or if, in the opinion of the applicant, a proposal offers an equivalent or better design than could be achieved

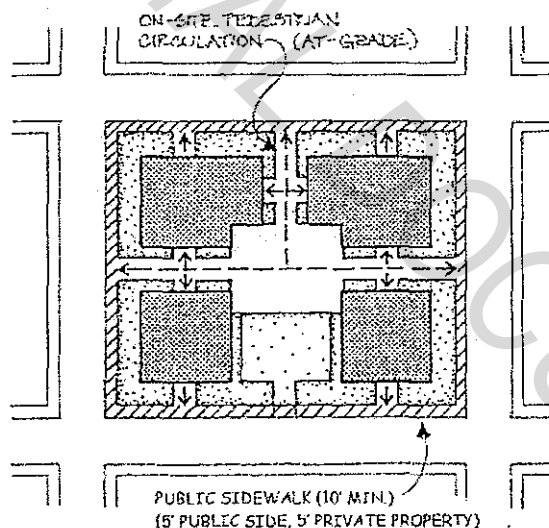
through the strict application of the design guidelines, then the applicant may voluntarily request review and public comments before the Planning Commission. The Planning Commission shall act as an Advisory Ad Hoc Design Review Committee. The Commission may take public comment and shall make an advisory recommendation to the Director based upon the proposal's consistency with the findings below.

- A. *Required Findings.* Departure from the standards of this chapter shall only be granted by the Director if all of the following findings are made:
 - 1. That the departure from the Design Standards is consistent with both the Comprehensive Plan and with the intent statements of the Design Standards.
 - 2. That departure from the strict application of the Design Standards will not have a significant negative impact on the public, or surrounding properties or on the character of the zone.
 - 3. That the proposal creates a more desirable environment and results in better use of land and a better design than that which could be produced through the strict application of the Design Standards.
 - 4. That the departures from the Design Standards are compensated by the applicant's provision of additional design features and amenities in the development plan that would not normally be required. The additional design features and amenities must be of equal or greater design benefit and function.
- B. *Approval.* Based upon a recommendation from the Planning Commission, the Director may approve all or part of an applicant's request for a departure from the strict application of the Design Standards, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- C. *Denial.* The Director shall deny a request for modification from the Design Standards if the proposal does not meet or cannot be conditioned to meet the required findings in this section.
- D. Appeals of an administrative decision will be taken to the Hearing Examiner in accordance with Title 22.

119.50.060 Pedestrian Circulation.

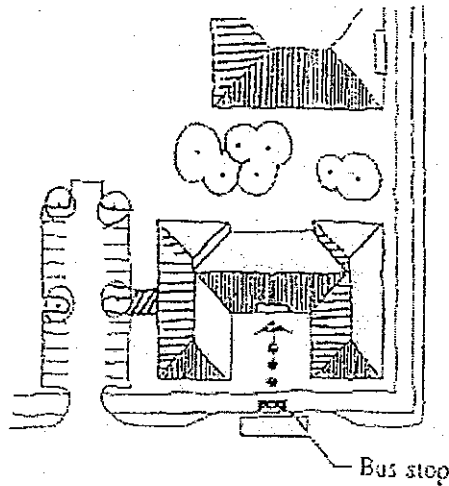
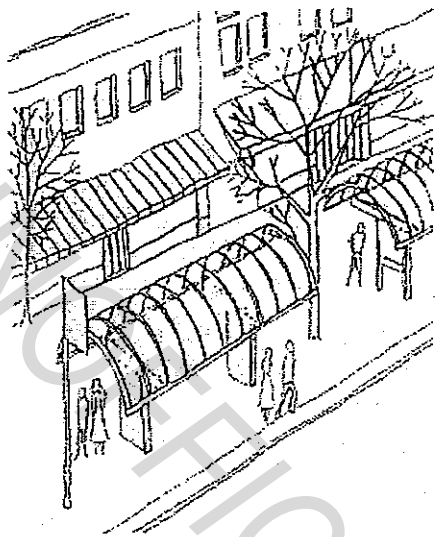
- A. The intent of the pedestrian circulation standards is to:
 - 1. Improve property values through increased access and coordination of private and public projects;
 - 2. Improve pedestrian access to commercial areas;
 - 3. Allow an incremental improvement process to link private and public properties and to coordinate with city capital improvement projects; and
 - 4. Ensure development of an integrated, safe and convenient system of sidewalks, trails and bicycle paths which connect to auto access, parking and entry areas.
- B. *Pedestrian Circulation.*

1. All development plans proposing multiple buildings shall connect building entrances to one another and to sidewalks on adjacent streets via a walkway system separated from vehicular traffic. Public sidewalks should be considered part of the walkway system.
2. Pedestrian pathways identified in an adopted city plan shall be concrete, a minimum of ten (10) feet wide and will meet ADA (Americans with Disabilities Act) requirements. Pedestrian pathways shall be designed to connect to off-site pathway systems on adjoining properties and public rights-of-way. On-site extensions of pedestrian circulation shall link to existing or a planned walkway system defined in this and other city documents.
3. Primary pedestrian circulation and access shall be at grade. Pedestrian entry routes interrupted by driveways shall be distinguished from the driveway surface by decorative paving to the building entrance.
4. Driveway stacking lanes associated with drive-through facilities shall not be located between the building and a city street.
5. Buildings constructed across a designated pedestrian right-of-way shall provide public pedestrian access 24 hours a day through a corridor, plaza or walkway through the property.



C. Pedestrian Access to Transit.

1. To facilitate public transit use, paved sidewalks or walkways shall be provided between building entrances and the property edge nearest to a transit stop. Fences, landscaping and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.
2. Lighting shall be provided along pedestrian walkway connections to parking lots and public sidewalks.
3. Wherever possible, buildings shall be sited to encourage the use of transit.



D. Pedestrian Safety.

1. Clearly distinguish the pedestrian walkway network from vehicle and transit circulation areas. This is particularly important where these various travel modes intersect, such as in parking lots.
 - a. Where walkways cross vehicular driveway aisles, provide a continuous crossing marked by a contrasting paving material from the driveway surface, adding color mixture to concrete, stamping asphalt or striping with reflective paint. (Safety striping is permitted but must be in addition to other treatment, not as a substitute.)



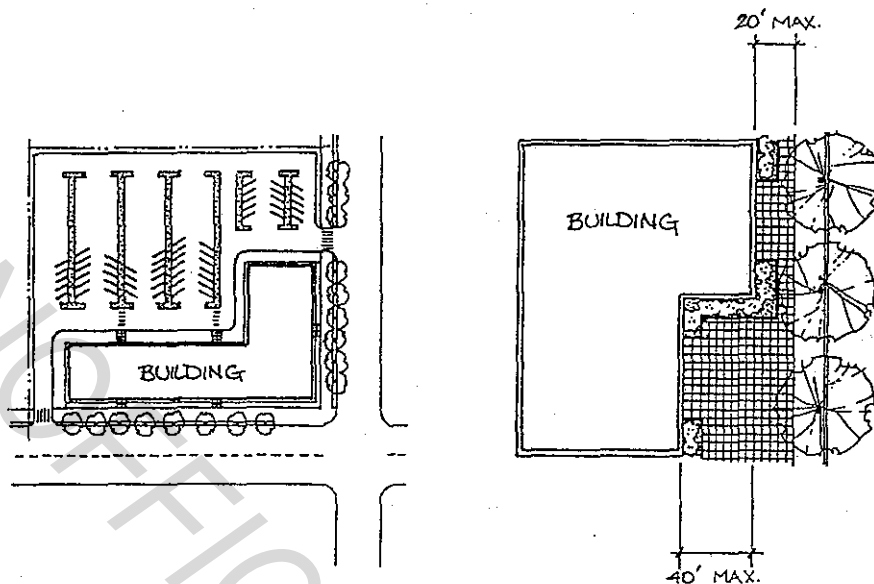
19.50.070 Site Planning and Building Orientation.

- A. The intent for the site planning and building orientation design standards is to:

1. Enhance the visibility of the commercial and retail use and to support the pedestrian character of the street;
2. Improve public safety;
3. Establish a pleasing visual character for the area between the building and the street;
4. Create a comprehensive set of street and pedestrian connections between parcels and streets to improve local access within an area and to adjacent areas;
5. Protect adjacent residential areas from potential impacts of parking, lighting, and undesirable scale of commercial building elements; and
6. Provide a variety of public amenities in commercial projects.

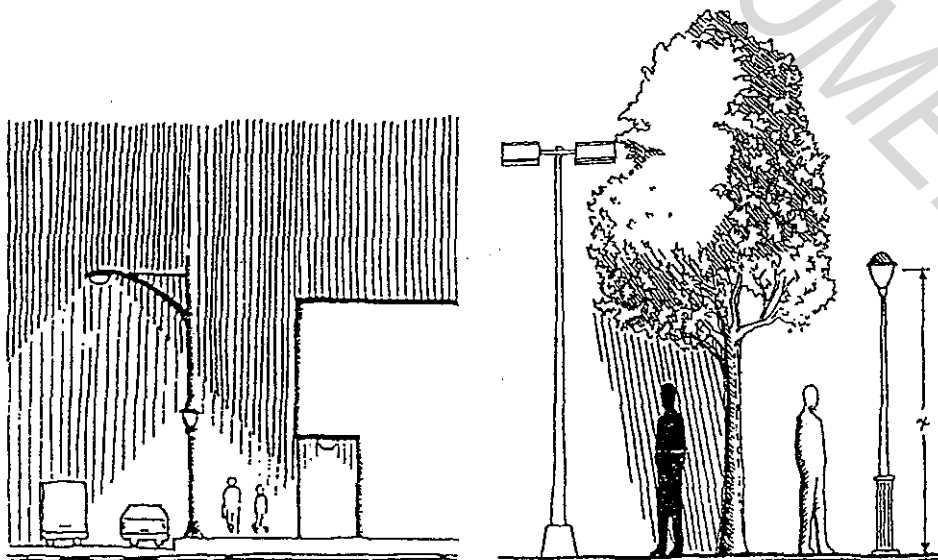
B. *Site Planning and Building Placement.*

1. The facade (front) of a building shall be oriented toward the property line abutting the principal street, and shall have architecturally prominent entrance(s). Additional building entrances may be oriented toward the rear or side of the building for access to and from parking lots.
2. All buildings, except those for single family residential and duplex residential uses, shall have a minimum fifteen foot (15) average setback from the street property line and a maximum setback not to exceed twenty (20) feet, for the purpose of accommodating public open space, utility structures, or recessed building drop-off/entries. At major intersections with Bridgeport Way in the Town Center zone, (35th, 37th, 40th, and 44th streets) the setback from the property line shall be a minimum of 25 feet for that portion extending 25 feet along each street from the corner. Along Bridgeport Way at least fifty (50) percent of the building front shall be located within the maximum front yard setback of twenty (20) feet. The remaining portions of the front facade may be stepped back a maximum of forty (40) feet from the curb or property line of Bridgeport Way.



3. Single family residential and duplex residential uses shall meet the setback requirements of the R1 zone (see UPMC Section 19.45.020, Density and Dimension Table).
4. If the subject property abuts two city streets, except when the secondary street is a local residential street, the property owner shall either:
 - a. Design a single building with entrances oriented toward both streets; or
 - b. Orient one or more buildings toward the principal street with a separate building or buildings oriented toward the secondary street.
5. If the subject property is a through lot and the secondary street is a classified local street with single family (R1) or two family (R2) residential zoning directly across the street, the following shall be required for non-residential uses:
 - a. A 25 foot minimum setback from the classified local street;
 - b. Level I landscaping within the setback along the local street;
 - c. Direct vehicle access shall not be permitted to the local street;
 - d. A solid 100 percent, sight-obscuring six-foot high fence or wall shall be located within or along the required setback along the secondary local street. The location of the fence or wall shall be approved by the Planning and Community Development Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence; and,
 - e. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses.
6. *North side of 28th Street West between 79th Avenue West and Louise Drive West.* Properties on the north side of 28th Street West that front 28th Street West between 79th Avenue West and Louise Drive West may develop for non-residential uses only if all of the following conditions are met:

- a. Direct vehicle access shall only be allowed to 27th Street West, Louise Street West or 79th Avenue West. No direct vehicular access to 28th Street West shall be permitted;
 - b. A 25 foot minimum setback along 28th Street West is provided;
 - c. Level I landscaping within the setback along 28th Street West is provided;
 - d. A solid 100 percent, sight-obscuring six-foot high fence or wall shall be located within or along the required setback along 28th Street West. The exact location shall be approved by the Planning and Community Development Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence; and,
 - e. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses.
- C. *Exterior Lighting.* Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car and transit circulation, as well as to accent architectural features of a building, such as building entrances.
- 1. Use pedestrian-scaled lighting supports no greater than sixteen (16) feet in height to illuminate streetfronts, parking areas, and pedestrian circulation paths between buildings. Light fixtures shall be sited and designed to minimize glare to residential areas and along sidewalks.
 - 2. Place lighting standards as a buffer element between pedestrian pathways and driveways or parking areas.
 - 3. Coordinate landscape and lighting elements to minimize potentials for shadows.
 - a. Use a mix of street and pedestrian lights.
 - b. Minimize shadows caused by the conflict between tree and light standard locations.

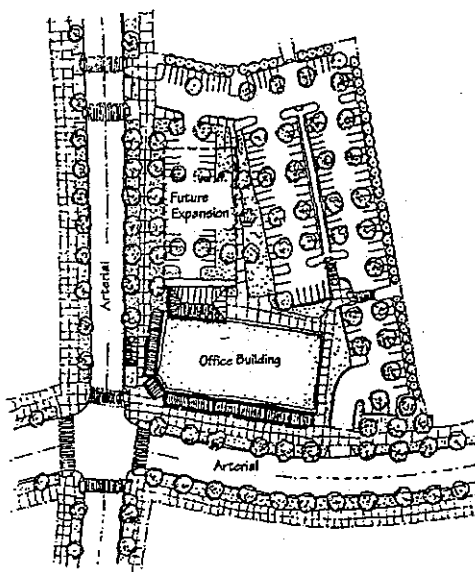


D. Front Yard Setback Pedestrian Zone.

1. A Front Yard Setback Pedestrian Zone shall be provided adjacent to the public sidewalk (public right-of-way). The Front Yard Setback Pedestrian Zone shall consist of a minimum five (5) foot wide paving area free of physical obstructions to pedestrian movement. Paving shall be the same as the public sidewalk or shall be complementary decorative paving as approved by the Planning and Community Development Director.
2. Site elements over four (4) feet in height or other features that form visual barriers or block views to the street wall windows of a ground level retail, service, or commercial use are to be avoided within the front yard setback.

E. Development Abutting Two Or More Street Frontages.

1. Buildings on corner lots shall orient front facades to both the corner and adjacent public street fronts. Building on corner lots involving three street frontages shall be oriented toward the corner formed by the street with the highest functional classification. Pedestrian entrances near or on the corner are encouraged.
 - a. Development at the intersection of a major arterial with another arterial shall include architectural focal points that increase the visibility and landmark status of corner buildings, for example, one or more of the following:
 - i. Transparent glazing incorporated into corner building design;
 - ii. Tower elements and/or roof lines that accentuate the corner; and
 - iii. Balconies or building terraces at or near the corner.



CORNER FEATURES

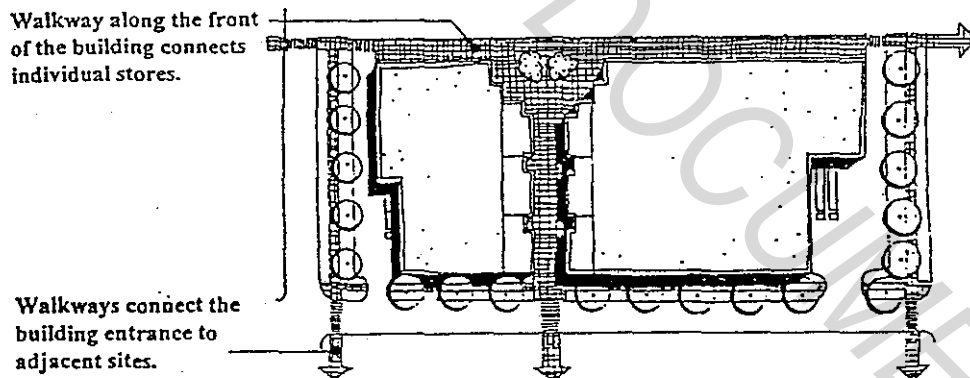


Balconies



Accentuated roofline

- F. *Relation to Adjacent Development.* Proposed developments shall coordinate with existing or planned site plans and development on adjoining parcels to take advantage of opportunities to mutually improve pedestrian access to each development. Proposed connections to existing adjacent development or future developments shall be located to maximize pedestrian linkages between sites.
1. Adjacent developments shall link open spaces, landscaping or pathways whenever possible.
 2. Proposed developments shall provide connections to adjacent residential neighborhoods via a through-block walkway or links to sidewalks. Provide stairs or ramps where necessary when topographic barriers, such as steep slopes, inhibit direct access to surrounding development or destination points, such as transit stops.
 3. Where single or multi-family residential development is located adjacent to retail, commercial, employment, or institutional uses, side and rear yard landscape buffers shall be intersected by approved pedestrian circulation routes to facilitate convenient walking connections to adjacent uses or services.
 4. Buildings or structures which terminate view corridors shall include architectural features that increase the visibility of the subject building facade, such as a clearly defined building modulation and/or a roof line that accentuates the building as a focal point.



19.50.080 Open Space and Amenities.

- A. The intent of the open space and amenities design standards is to:
1. Create pedestrian friendly commercial and mixed use areas which include natural landscapes;
 2. Achieve a more integrated urban design for the Town Center through establishing a public realm of parks, trails and natural areas;
 3. Preserve and enhance visual and noise separation between residential and commercial areas;
 4. Encourage a variety of public open spaces;

5. Provide public amenities in park and plaza spaces such that people will enjoy shopping, walking and meeting together;
6. Reflect and preserve the existing topography and to capture potential views from properties; and
7. Protect existing trees and drainage areas.

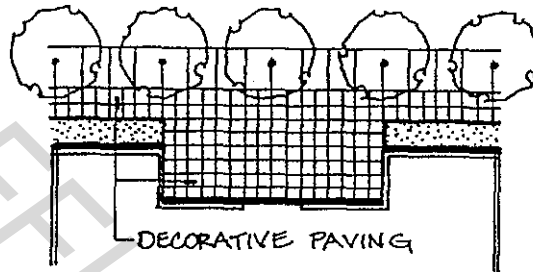
B. Usable Open Space Required.

1. Commercial and/or mixed-use developments with a building footprint over 2,000 sq. ft. shall provide a minimum of twenty (20)% of gross site area as usable open space, accessible to the public.
2. Usable open space for employees and the public shall include one or more of the following:
 - a. Outdoor recreation areas;
 - b. Multi-purpose green-spaces;
 - c. Pedestrian trails and pathways separate from the public roadway system; and
 - d. Publicly accessible plazas, courtyards, and pocket parks located within the front yard setback or elsewhere on site.
3. The required landscape buffering (excluding required landscaping of parking areas) and the Streetfront Pedestrian Zone landscape area may be counted to meet this requirement, up to 50% of the total usable open space requirement.
4. If site development conditions preclude on-site development of the required public open space, at the approval of the Director of Planning and Community Development, the project proponent may be allowed to contribute to an off-site open space project in the vicinity to fulfill the requirement.

C. Usable Open Space Within the Front Yard Setback.

1. Within the front yard setback, a square footage equivalent of the street frontage landscaping requirement (which requires a minimum planting bed width of five (5) feet – see Chapter 19.65.100 of the Zoning Code) may be achieved with at least two of the following open space amenities:
 - a. *Plazas and Courtyards.* Publicly accessible open space, adjacent to pedestrian building entrances, of a minimum two hundred (200) square feet, consisting of at least eighty (80) percent decorative paving. The remaining twenty (20) percent of required open space area may be installed as plantings within or immediately adjacent to the plaza or courtyard;
 - b. *Pocket Parks.* A combination of vegetation, pathways, and seating areas of a minimum two hundred (200) square feet;
 - c. *Decorative Paving Contiguous with Sidewalk.* Minimum five (5) feet wide decorative paving area constructed contiguous with a new or existing sidewalk along the length of the front yard building facade.

2. Usable open space within the front yard setback shall be accessible to the public during business hours and shall be directly connected to a streetfront sidewalk.
3. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers. Materials used adjacent to the public sidewalk should be of compatible construction and finish.



D. Open Space Amenities.

1. *Focal Point For Outdoor Pedestrian Areas.* Plazas, courtyards, and pocket parks adjacent to a public right-of-way shall incorporate one or more of the following open space amenities to encourage pedestrian use and activity:
 - a. Public seating, play areas;
 - b. Public art, such as a water feature or sculpture, play sculptures, sidewalk art;
 - c. Transit stops;
 - d. Performance/stage areas, or specialty plantings; and
 - e. Other public amenities, as approved by the Planning and Community Development Director.
2. *Outdoor Seating.* Provide at least two (2) seating arrangements on site in the form of free-standing outdoor benches or seating incorporated into low walls, raised planters or building foundations. Low walls or planter edges to be used for seating shall be at least 8 inches wide and 18 inches high.
3. *Accessory Site Furnishings.* Waste receptacles, public telephones, movable planters and other accessory site furnishings shall be of compatible design, and located so as not to obstruct pedestrian or vehicular access along sidewalks and to businesses.
4. Open space amenities shall not be impacted by shadows from signs nor shall the views into or from these areas be blocked by signage.

E. Fences.

1. Fences shall not be used except to separate commercial and residential areas or around refuse containers or other similar facilities.
2. Fences must be stoutly built of either wood or masonry. Chain link fences are only permitted when approved by the Director and when no other form of

fencing is acceptable for security purposes. All chain link fencing shall be plastic coated. Plastic slats in chain link fences are prohibited.

3. Wood fences must be attractively built and include post caps, molding boards and/or other feature that distinguishes it from a fence constructed of slats attached on one side to 2x4 boards held in place by 4x4 posts.
4. Masonry walls shall be constructed of rock, red brick, split face concrete masonry units, or solid concrete walls formed with decorative liners.

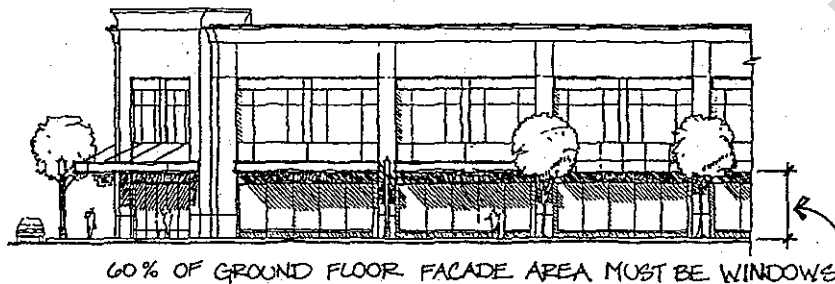
19.50.090 Building Design.

A. The intent of the building design standards is to:

1. Improve the visual appeal and visibility of storefronts and businesses to attract more customers and improve the business climate;
2. Clearly identify entrances and emphasize store merchandise from both pedestrian and auto areas;
3. Provide convenient and safe walkways that encourage shopping and interaction between people;
4. Create a livelier pedestrian zone that provides visual appeal and to reduce the scale of long building walls;
5. Reduce visual and noise impacts of mechanical equipment for shoppers and adjacent residential areas; and
6. Reduce the scale and mass of large buildings by allowing flexible ways to break up the size/volume of the building mass.

B. Ground Floor Transparency Requirements.

1. Windows shall be provided on the street level rather than blank walls to encourage a visual and economic link between the business and passing pedestrians.
 - a. A minimum of sixty (60)% of the ground floor (first floor) building wall which faces the street shall be in non-reflective, transparent glazing material. At this building level, darkly tinted or reflective glass shall not be used.



- b. Transparency requirements shall apply to that area of the ground floor building wall fronting the street up to the finished ceiling height of the ground floor space. Transparency requirements shall also apply to the ground floor of parking structures that include a ground floor retail, service,

or commercial use. Window painting shall not exceed 20% of glazing area.

- c. Windows shall begin from 12 to 30 inches above the finished grade of the ground floor building space.
- d. Transparency requirements shall not apply to the ground floor of single use residential structures.

2. Interior "dead space" along window walls at pedestrian level is discouraged.

C. Pedestrian Building Entries.

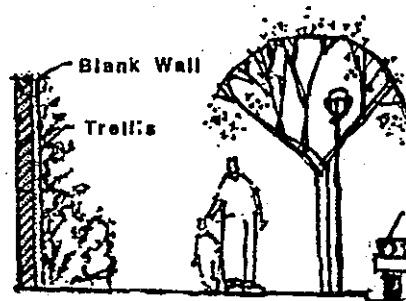
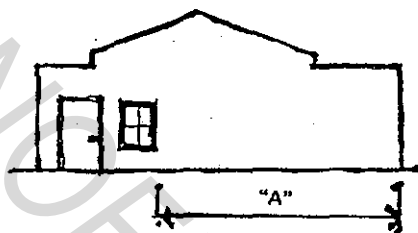
- 1. Primary building entries shall be designed to be clearly visible or recognizable from the public right-of-way through incorporation of two or more of the following features:
 - a. Canopies or other entry coverings that provide pedestrian shelter and interest;
 - b. Distinctive architectural elements such as a variation in the building footprint, roof form, materials or amount of transparent glazing;
 - c. Pedestrian-scaled lighting no greater than sixteen (16) feet in height; and
 - d. Landscaping designed as entry focal point.
- 2. All ground level building entries which front the street shall be located no more than three (3) feet above or below the grade of the sidewalk. In the case of an allowable grade difference between a building entry and sidewalk, provide stairs and/or ramps to accommodate pedestrian access. Waivers to this requirement may be granted by the Director of Planning and Community Development based on substantial topographical differences, particularly along certain portions of Bridgeport Way.

D. Treatment of Blank Walls Visible from a Public Street or Residential Area. The definition of a "blank wall" is any wall or portion of a wall that is located within forty (40) feet of the street right-of-way and is without a ground level window, door or other architectural feature along a wall of twenty five (25) feet in length or more.

- 1. Where blank wall sections are unavoidable due to the requirements of a particular land use or interior layout, they shall not exceed a length of fifty (50) feet, or twenty (20) percent of the length of the wall facing the street, whichever is less.
- 2. Blank wall sections of allowed lengths shall receive one or more of the following special design treatments to increase pedestrian comfort and interest:
 - a. Install vertical trellis in front of the wall for up to two floors with climbing vines or other plant materials;
 - b. Provide a decorative masonry pattern over at least 30% of the blank wall surface;
 - c. Employ a combination of small setbacks, indentations, or a change in texture, color or materials to break up the wall's surface; and

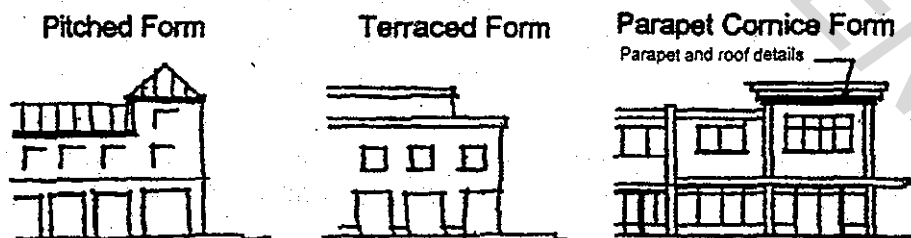
- d. Artistic murals on exterior blank walls are permitted but shall not be used as signs to advertise a product or business.

If "A" is greater than 25 feet
then the facade is considered
a "blank wall".



- E. *Roof Lines.* To provide a visual terminus to the tops of buildings and soften flat roof designs, roof designs must conform to one of the following options:

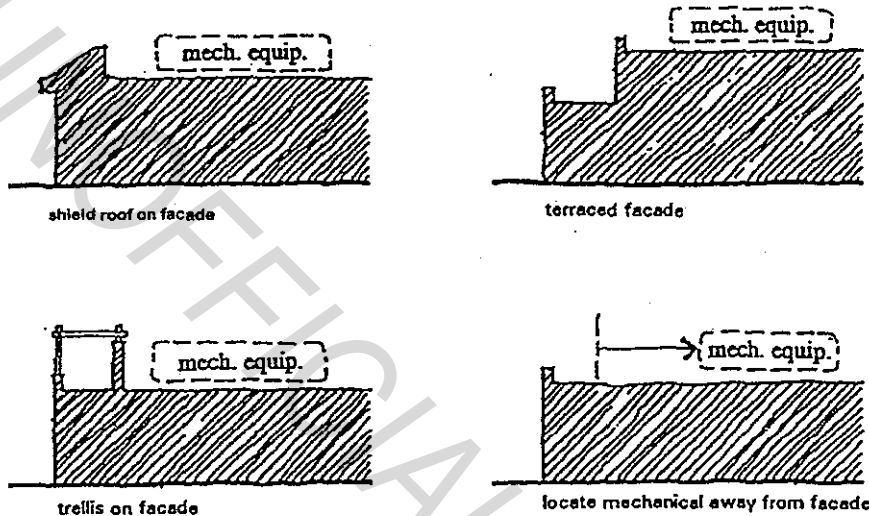
1. *Roof Line With Architectural Focal Point.* A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.
2. *Roof Line Variation.* The roof line articulated through a variation or step in roof height or detail, such as:
 - a. *Projecting Cornice.* Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
 - b. *Articulated Parapet.* Roof line parapets shall incorporate angled or curved detail elements.
3. *Pitched Roof or Full Mansard.* A roof with angled edges, with or without a defined ridgeline and extended eaves.
4. *Terraced Roof.* A roofline incorporating setbacks for balconies, roof gardens, or patios.



- F. *Rooftop Equipment.* Rooftops shall effectively screen mechanical equipment from view through one or more of the following methods:

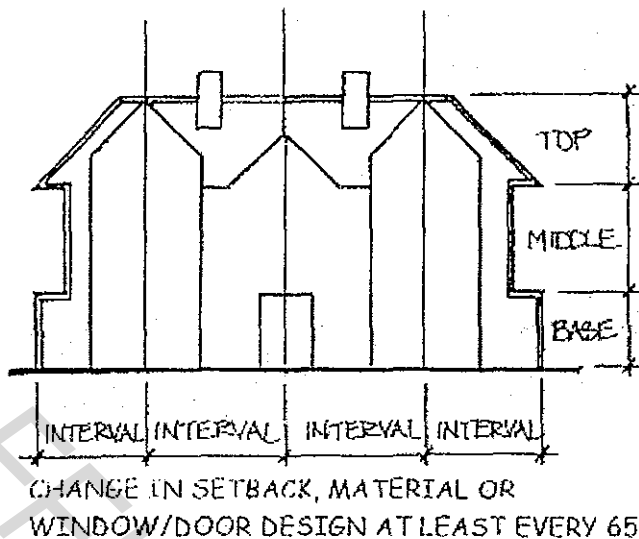
1. A concealing roof line;
2. A terraced facade;

3. A screening wall or grillwork directly surrounding the equipment;
4. Sufficient setback from the facade edge to be concealed from street-level view; or
5. Where roofs are visible from adjacent residential areas a trellis structure or roof will be required to cover mechanical units from view.



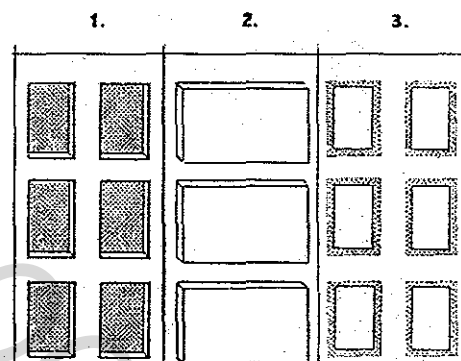
G. Character and Massing.

1. Building elevations over 100 feet in length visible from city streets shall incorporate a change in setback, material, finish, or window and door design at least every sixty-five (65) feet through either a vertical subdivision or a horizontal subdivision process, such as:
 - a. Vertical or horizontal changes in architectural detailing, window design, material, or finish;
 - b. Distinctive building bays or balconies;
 - c. Ground floor recesses or projections;
 - d. The upper floors distinguished from the facade of the ground floor through a change in material or finish; or
 - e. Pedestrian arcades, colonnades, awning covers or the setback of the upper floors.
2. Front facades incorporating a variation in building setback shall include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, storefront or bay windows, seating and/or planting areas.



- H. *Upper Story Window Treatment.* The pattern and proportion of upper story windows shall be designed to create shadow lines or to break up flat surfaces, through such techniques as:

1. Recessing the windows into the face of the building;
2. Projecting the windows in bays; or
3. Framing each window with decorative window trim.



19.50.100 Surface Parking.

The following parking standards shall be in addition to the parking standards established under Chapter 19.60 and will in some cases supersede existing regulation.

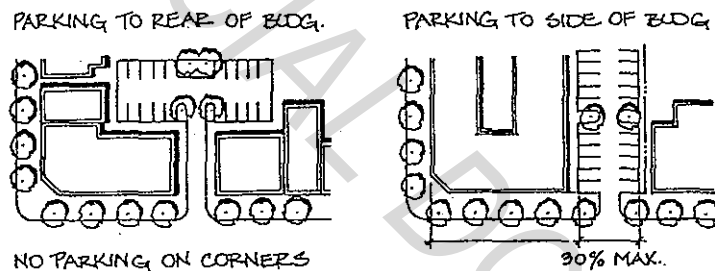
- A. The intent of surface parking design standards is to:

1. Reduce the negative visual impacts of surface parking lots in front of developments;
2. Improve circulation and connections to adjacent projects and to allow the closest spaces to the entry and street to fill first. In this way the business looks active, clearly open and a sea of asphalt does not confront a pedestrian entering the site;
3. Improve both pedestrian and vehicular safety along the street and encourage sharing of driveways and curb cuts along the street to save money and improve traffic flow;
4. Reduce the asphalt area, enhance landscaping thus decreasing drainage impacts and detention requirements;
5. Link stores and allow people to drive between stores without returning to the main street;

6. Reduce the scale and negative impacts of large parking areas to improve safety and security as well as aesthetic appeal of a project/building; and
7. Organize pedestrian movements through a site along clearly delineated pathways to improve pedestrian and auto safety.

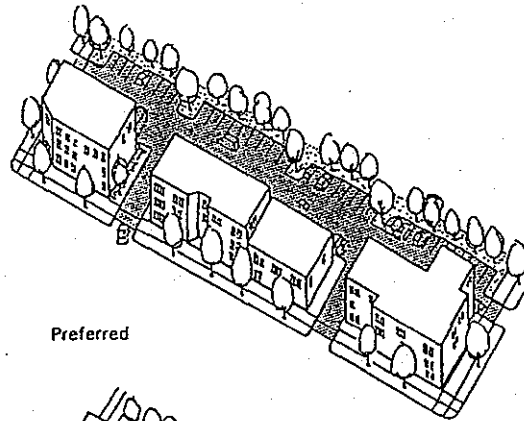
B. Location of Surface Parking Lots.

1. Parking shall not be located between the building and the front property line, other than a driveway for passenger loading and off-loading only. Surface parking shall be located behind a building or to the side of a building.
2. Parking located next to a building shall occupy no more than thirty (30) percent of the site along the primary street frontage, and no more than seventy-five (75) percent of the secondary street frontage.
3. On corner lots, no parking shall be located between the building and either of the streets.
4. Facilities for bicycle parking shall be provided within fifty (50) feet of the building in compliance with requirements of 19.60.

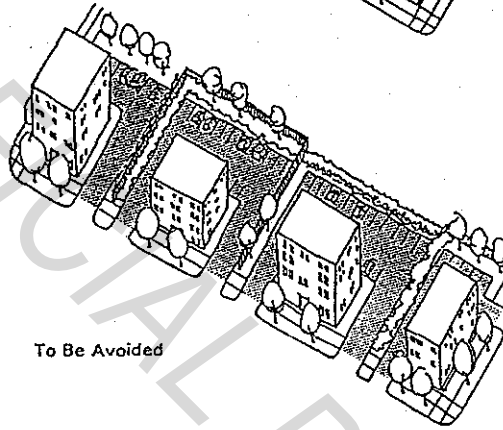


C. Encouraging Joint Use Parking Areas.

1. Joint use parking areas shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between adjacent properties to qualify parking areas as a joint use parking facility. As an incentive, the city will consider the following options:
 - a. For adjacent parcels that have linked parking lots, side yard setback and landscape requirements will be waived along the access corridor;
 - b. Parking associated with multiple tenant retail and commercial facilities, on the same or separate parcels, will be treated as a joint use parking facility; or
 - c. Allowing overall reduction in the parking ratio of up to fifty (50)% of the requirement for primary night-time uses such as theaters, bowling alleys, and restaurants when coordinated with a parking supply which serves primarily day-time uses such as banks, offices, and retail stores.



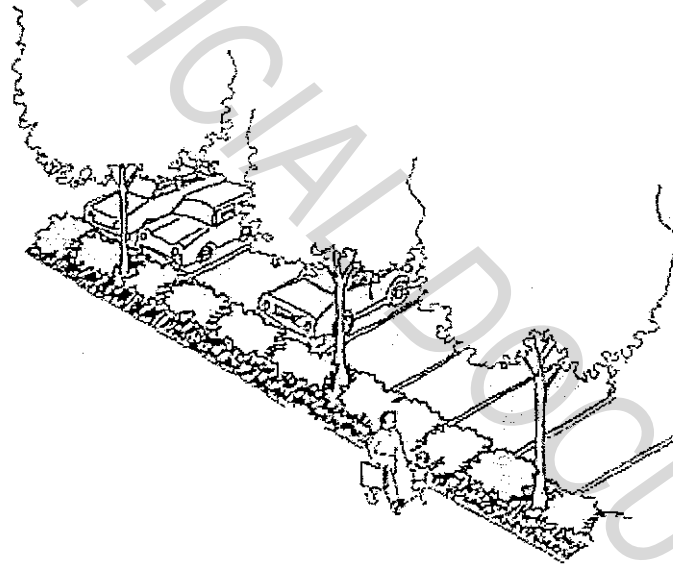
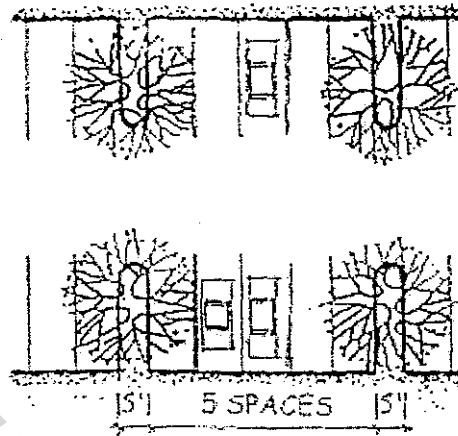
Preferred



To Be Avoided

D. *Parking Lot Landscaping And Treatment Of Perimeter.*

1. At least ten (10) percent of the interior surface parking area shall have landscaping when the total number of parking stalls exceeds ten (10). A minimum of one (1) tree for every five (5) parking stalls shall be reasonably distributed throughout the parking lot and principally at the ends of rows.
2. Surface parking shall be visually screened from streets by means of building placement and/or landscaping. The perimeter of a parking lot shall be planted with five (5) foot wide landscaping buffers.
3. The required width of interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Except as noted in this subsection, trees and required landscaping shall be placed in planting beds at least five (5) feet wide between parking rows within the interior of the parking lot.

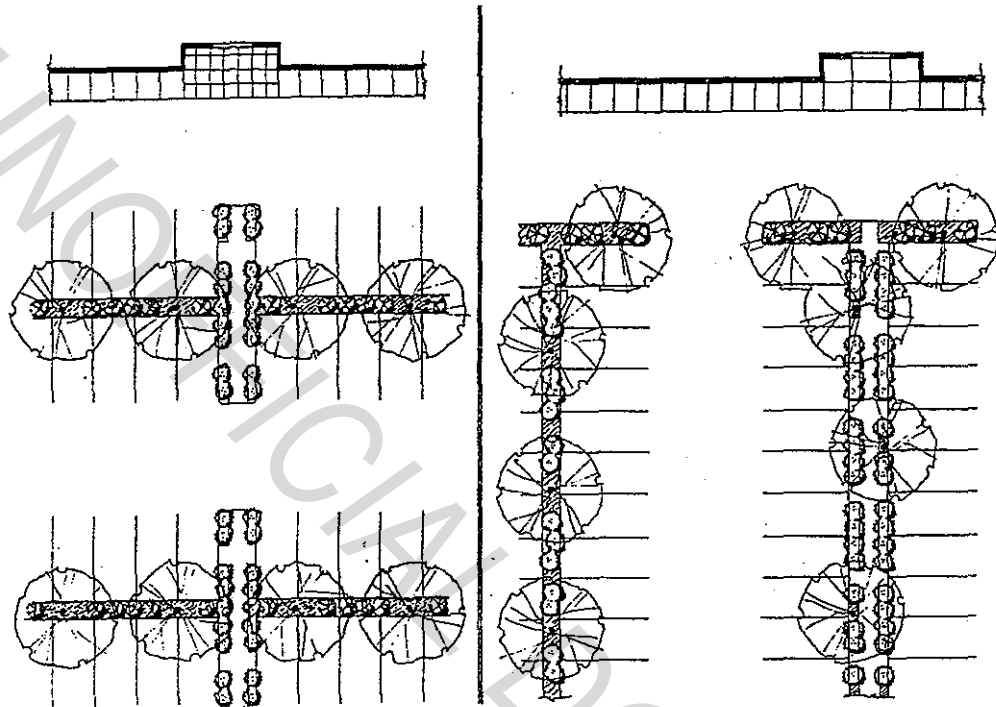


E. *Pedestrian Circulation Through Parking Lots.*

1. Surface parking lots shall provide pedestrian walkways through the parking area. Pedestrian walkways shall be a minimum of five (5) feet-wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-streetfront building entrances or existing pedestrian walkways.
 - a. For parking rows perpendicular to the principal building, pedestrian walkways shall be located between two rows of parking spaces at a minimum of one (1) walkway every 3 bays or approximately two hundred (200) feet. Pedestrian walkways shall be located between minimum five (5) foot wide planting beds or adjacent to one, ten (10) foot wide minimum planting bed which includes wheel stops.
 - b. For parking rows parallel to the principal building facade, pedestrian walkways shall be incorporated adjacent to a series of aligned landscape

islands at a minimum of one (1) walkway every twenty-one (21) parking spaces.

2. Provide regular access links through or between planting beds to allow convenient connections between parking areas and pedestrian walkway.



Parking Rows Parallel

Parking Rows Perpendicular

19.35.110 Mixed Use Development

A. The intent of design standards for mixed use development is to:

1. Reduce the separation between uses such as residential and retail so that more pedestrian activity can occur and fewer auto trips are necessary;
2. Provide flexibility and alternatives for achieving a greater density and mix of uses on one site;
3. Increase pedestrian activities and provide for a mix of day time and night time use; and
4. Encourage quality residential and commercial infill projects, an attractive streetscape, and a pedestrian-friendly environment.

B. *Definition of Mixed Use.*

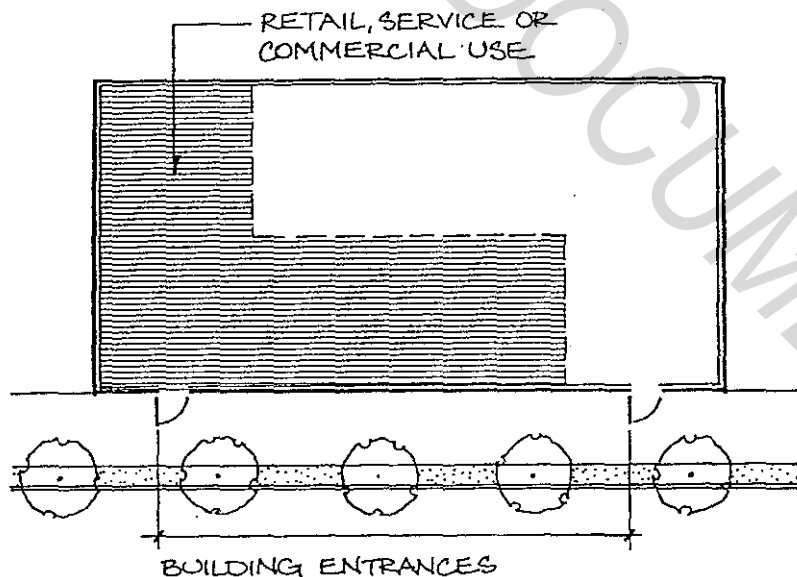
1. Mixed use refers to the combining of retail, service or office uses with residential use in the same building or on the same site in one of the following ways:
 - a. *Vertical Mixed Use.* A single structure which provides retail, service or commercial and office uses on the ground floor, and residential and/or office uses on the above floors.

- b. *Horizontal Mixed Use.* Attached: A single structure that provides retail, service or commercial use in the portion fronting the street with attached residential or office uses behind.
- 2. Residential uses in mixed use projects are not permitted on the ground floor facing the classified principal arterial (e.g. Bridgeport Way) in any of the above options.

C. *Ground Floor Uses in Mixed Use Projects.*

Within the maximum front yard setback:

1. A minimum of fifty (50)% of the ground floor area shall be designed for retail, service, public uses or commercial uses, such as those specified below:
 - a. *Retail.* Retail uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, and other retail uses that are not specifically auto-oriented (gas stations, fast food drive-through, or auto services) in scale or nature.
 - b. *Services.* Personal, professional, financial, insurance and real estate services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries and health clubs;
 - c. *Commercial.* Hotels and general offices;
 - d. *Public uses.* Public uses include Post Office and public agencies.
2. The building shall include a building entry arrangement suited to the division of ground level tenant spaces and access to upper floor uses.



D. *Mixed Use Building Base.*

1. Vertically mixed use buildings shall be designed to differentiate the upper floor uses above from the ground level uses below in at least two of the following ways:

- a. A minimum 8 foot wide arcade that extends beyond the building for buildings 40 feet in height or less. For buildings exceeding 40 feet, either an arcade or a minimum five (5) feet setback from the facade of the ground floor retail, service or commercial base;
 - b. Changing material, finish or texture between the base and upper floors;
 - c. A heavy cornice line at the top and a continuous 10 foot deep awning at the first level;
 - d. A series of distinctive entry canopy fronts for each retail entry along the facade with a minimum of 15 feet in width and 8 feet deep.
2. The minimum clear interior ceiling height for the retail, service, or other commercial use portion of mixed use buildings shall be 10 feet for all ground floor building space.
 3. The minimum depth of ground level space for the 50% required retail, service or commercial uses shall be twenty (20) ft. This area can be averaged through approval by the Planning and Community Development Director.

CHAPTER 19.55 OVERLAY/POTENTIAL ZONES

SECTIONS

- 19.55.010 Purpose.**
- 19.55.020 Westwood Square Potential Zone Standards.**
- 19.55.030 Day Island Overlay Zone.**
- 19.55.040 Sunset Beach Overlay Zone.**

19.55.010 Purpose.

The purpose of the Overlay/Potential zones is to establish special standards for certain areas of the city characterized by unique historical development patterns or which may require special standards due to other unique circumstances applicable to the properties. (See also UPMC Section 19.20.030 and 19.20.040).

19.55.020 Westwood Square potential zone standards.

- A. *Purpose.* The purpose of the Westwood Square Potential zone standards is to implement the Comprehensive Plan by allowing for more intensive development of parcels designated as Mixed Use-Office "Potential Zone" on the Comprehensive Plan land use map.
- B. Mixed-Use Office development in the Westwood Square Potential Zone is subject to the following special development standards:
 - 1. There shall be a 25-foot minimum setback from 74th Avenue West.
 - 2. Level 3 landscaping is required within the setback along 74th Avenue West or from R1 property to the east, whichever abuts. A landscape easement of the same width on abutting property may be used to satisfy this requirement.
 - 3. Vehicle access shall not be permitted onto 74th Avenue West;
 - 4. A solid 100 percent sight-obscuring six-foot high fence or wall shall be located within or along the required setback along 74th Avenue West. The location of the fence or wall shall be approved by the Planning and Community Development Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence; and,
 - 5. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses.
 - 6. Whenever a commercial building abuts the landscape requirement, or when the lower story of a commercial building is used for non-residential purposes, only high (those that do not provide easy viewing) windows may be used on the east side of the building. This does not apply to residential uses.

19.55.030 Day Island Overlay zone.

A. *Purpose.* The purpose of the Day Island overlay zone is to preserve the unique residential character of Day Island by allowing flexibility in building setbacks and other development standards.

B. *Day Island Development Standards.*

1. Unless otherwise specified in this section, all development standards of this code also apply.
2. For the purpose of the Day Island Development Standards, Day Island is divided into two areas, Day Island and the South Spit. Day island is generally that portion north of the 27th street bridge and the south spit, generally that portion south of the 27th Street bridge. Specific lots subject to the development standards are identified in Figure 1. The following table specifies setback and height requirements for Day Island areas.

Setbacks	Day Island	South Spit
Front Yard Minimum	20 feet	0
Side Yard Minimum	5 feet	0
Rear Yard Minimum	20 feet	NA
Garages (a)	5 feet	NA
Accessory Structures (b)	5 feet	NA
Boat Houses (c)	0 feet	NA
Height (Maximum)		
Principal Structure	35	35 (d)

- a. One garage or carport is permitted in the front yard setback but no closer than five (5) feet from the street providing the garage does not exceed a maximum width of 24 feet and size of 600 square feet.
- b. Accessory structures may be constructed in the rear yard setback.
- c. Boathouses may be built in the rear yard setback.
- d. From street centerline elevation.

C. *Porches & Decks.* The following porches and decks are allowed to project into the required setbacks as follows:

1. A porch or deck built at the same elevation as the floor of the house where the principal access door is located may project 5 feet into the front yard.
2. A porch or deck with a maximum height of 5 feet from finished grade may project 3 feet into the side yard.
3. A porch or deck no higher than the floor of the top story may project 15 feet into the rear yard.

- D. *Fences.* Fences not to exceed six (6) feet in height may be located in the required setbacks.

19.55.040 Sunset Beach Overlay Zone.

- A. *Purpose.* The purpose of the Sunset Beach overlay zone is to recognize the building constraints associated with lots located between the shoreline and railroad right-of-way and to preserve the unique residential character of Sunset Beach by allowing flexibility in building setbacks and other development standards.
- B. *Sunset Beach Development Standards.*
1. Unless otherwise specified in this section all development standards of this code also apply.
 2. The following table specifies minimum setback and maximum height.

Setback Area	Standards
Front Yard (a)	0 / 20 feet
Side Yard (b)	5 feet
Rear Yard	30 feet
Height	
Principal Structure	35 feet

- a. A zero-foot front yard setback shall be allowed until additional right-of-way is purchased from the railroad at which time a setback equal to the distance between the front of the house and the edge of the railroad right-of-way or 20 feet, whichever is less, shall be required.
 - b. A combined total of 5-foot side yard setback is required. This can be accomplished by providing five (5) feet on one side and zero on the other, or 2 feet on one side and 3 feet on the other. However, in no case shall one of the side yard setbacks be less than 3 (three) feet wide.
- C. *Porches & Decks.* A covered deck or porch may be constructed in a required side yard providing emergency access is available from the front to the rear of the house or structure.
- D. *Fences.* Fences not to exceed six (6) feet in height may be located in the required setbacks.

CHAPTER 19.60

OFF-STREET PARKING REQUIREMENTS

Sections:

- 19.60.010 Purpose.**
- 19.60.020 Required Off-Street Parking Spaces.**
- 19.60.030 Location.**
- 19.60.040 Calculation of Required Off-Street Parking Spaces.**
- 19.60.050 Off Street Parking Spaces Required for Particular Uses.**
- 19.60.060 Off-Street Loading Space Requirements.**
- 19.60.070 Uses Not Specified.**
- 19.60.080 Cooperative (Joint-Use) Parking Facilities.**
- 19.60.090 Building Rehabilitation, Expansion, or Change of Use.**
- 19.60.100 Nonconformity.**
- 19.60.110 Parking on Vacant Lots.**
- 19.60.120 Parking Prohibited in R1 and R2 Residential Front Setback Areas.**
- 19.60.130 Surfacing for Driveways and Parking Lots.**
- 19.60.140 Maximum Number of Off-Street Parking Spaces.**
- 19.60.150 Compact Car Allowance.**
- 19.60.160 Accessible Parking Requirements.**
- 19.60.170 Bicycle Parking.**
- 19.60.180 Transit and Ride Share Provisions.**
- 19.60.190 Parking Dimensions, Size and Access.**

19.60.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses permitted in the code, to reduce demand for parking by encouraging shared parking, alternative means of transportation including public transit, ride-sharing and bicycles, and to increase pedestrian mobility in the City of University Place by:

- A. Requiring compliance with Design Standards for "Surface Parking" within Town Center (TC), Mixed-Use (MU), Mixed-Use Office (MU-O) and Commercial (C) zones as described in 19.50.100.
- B. Setting minimum and maximum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities;
- C. Providing incentives to ride-share through preferred parking arrangements;
- D. Providing for parking and storage of bicycles; and,
- E. Requiring uses which attract large numbers of employees or customers to provide transit stops.

19.60.020 Required Off-Street Parking Spaces.

Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section.

19.60.030 Location.

Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

- A. Surface Parking Lots within the Town Center (TC), Mixed-Use (MU), Mixed-Use Office (MU-O) and Commercial (C) zones shall comply with Design Standards for "Location of Surface Parking Lots" as described in 19.50.100.
- B. For a single-family dwelling, duplexes or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.
- C. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, primary parking facilities shall be located not farther than 150 feet from the facility.
- D. For uses other than those specified, parking facilities shall be located not farther than 500 feet in the "Town Center (TC)" zone and 300 feet in all other zones from the facility.

19.60.040 Calculation of Required Off-Street Parking Spaces.

Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in Section 19.60.50. If the formula for determining the number of parking spaces results in a fraction, the number of spaces shall be rounded up to the nearest whole number.

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	.5 per bed
Bed and Breakfast	1 per room
Group Homes	.5 per bed
Mobile/Manufactured Home	1 per unit

Multi-Family Housing	1.5 per unit
Nursing Home	.25 per bed
Single Family Housing (Attached)	2 per unit
Single (Detached) and Two Family Housing	2 per unit

CIVIC & RECREATION USES

Administrative Government Services	400
Animal Control	400
Cemeteries/Mortuaries	1 per five seats
Community Centers	200
Community Clubs	200
Courthouse	200
Cultural Services (Museums, Libraries)	250
Daycare Centers (exceeds 12)	1 per employee + 1 per 10 per clients
High School	1 per facility + 1 per 10 students
Elementary & Intermediate	1 per facility + 10
Hospital & 24 hour Medical Clinics	1 per employee + 1 per bed
Jails	1 per employee + .25 per bed
Postal Services	250 for retail area
Private Clubs and Lodges	200
Public Safety Services	400
Recreation - Public	2 / acre of open space
Recreation - Non-Profit	2/ acre of open space
Religious Assembly	1 per 5 seats
Utility & Public Maintenance Facilities	400

UTILITIES AND RESOURCE USES

Utilities Use

Comm. and Personal Wireless Tele. Facility	400*
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Essential Public Facilities Use

Organic Waste Processing Facilities	1 per employee + 10
Sewage Treatment Facilities	1 per employee + 10

Resource Use

Agricultural Sales	250
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*Note: for telecom towers = 1 for towers.

COMMERCIAL USES

Office/Business Uses

Administrative & Professional Offices	400
Veterinary Clinics/Animal Hospitals	400

Retail/Services/Entertainment

Adult Entertainment	200
Amusement and Recreation (Private)	200
Beauty Salon/Barber	400
Building Materials	250
Business Support Services	400
Eating & Drinking Establishment	200
Garden Supplies (Nursery)	250
Health Club (AKA Fitness Center)	200
Kennels	1 per employee, + 1 per 10 cages
Limited Accessory Retail (MU-O Only) (add definition)	250
Lodging - Hotels and Motels (No RV)	1 per room
Marinas, Existing only	1 per slip
Mini-Casinos	200
Movie Theaters (Indoor only)	1 per three seats
Mobile, Manufactured, and Modular Home Sales	400
Motor Vehicle & Related Equipment Sales,	400
Pawn Shops	250
Personal Services (Other)	250
Rental and Repair Services	400
Sales of General Merchandise	250
Tattoo Parlors	250
Video Rental/Sales	250
Wholesale Trade	250

INDUSTRIAL USES

Bulk Fuel Dealers	400 office 1000 other
Buy Back Recycling	400 office 1000 other
Contractor Yards	400 office 1000 other
Food & Related Products	400 office 1000 other
Industrial Services & Repair	400 office 1000 other
Limited Manufacturing	400 office 1000 other
Motion Picture, TV & Radio Production Studios	400
Printing, Publishing & Related Industries	400 office 1000 other

Salvage Yards	400 office
Storage Units	250
Warehousing, Distr. & Freight Movement	400 office 2000 other

19.60.060 Off-Street Loading Space Requirements.

- A. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area	Number of Loading Spaces
10,000 to 16,000 sf	1
16,001 to 40,000 sf	2
40,001 to 64,000 sf	3
64,001 to 96,000 sf	4
96,001 to 128,000 sf	5
128,001 to 160,000 sf	6
160,001 to 196,000 sf	7
For additional 35,000 sf.....	1 additional

- B. Every hospital, church, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar assembly-type uses shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area	Number of Spaces
40,000 to 60,000 sf	1
60,001 to 160,000 sf	2
160,001 to 264,000 sf	3

- C. Every hotel, office building and restaurant shall provide a minimum of one (1) loading space; provided any of these uses over fifty thousand (50,000) square feet shall provide two (2) loading spaces.
- D. Each loading space shall be a minimum of ten (10) feet wide, thirty (30) feet long, and have an unobstructed vertical clearance of fourteen (14) feet, six (6) inches. Loading spaces shall be located to prevent trucks from projecting into any public right-of-way, parking area, and parking aisle. All loading spaces shall be designated and located in the rear or side of the building and away from frontage roads.

19.60.070 Uses Not Specified.

In the case of a use not specifically mentioned in Section 19.60.050 of this section, the requirements for off-street parking facilities shall be determined by the Director. Such determination shall be based upon the requirements for the most comparable use specified.

19.60.080 Cooperative (Joint Use) Parking Facilities.

When two or more uses occupy the same building or when two or more buildings or uses cooperatively share an off-street parking facility, the total requirements for off-street parking and loading facilities shall be at least the sum of the requirements for the greater of the uses at any one time or as allowed by the Director. All applications for cooperative parking shall be reviewed and approved by the Director as an Administrative Decision. The following review criteria shall be considered by the Director:

- A. The applicant shall demonstrate compliance with Design Standards for "Encouraging Joint Use Parking Areas" within Town Center (TC), Mixed-Use (MU), Mixed-Use Office (MU-O) and Commercial (C) zones as described in 19.40.100.B.
- B. The applicant shall demonstrate that there will not be a conflict with the operating hours of the businesses that seek to have cooperative parking.
- C. The applicant shall submit a formal cooperative parking agreement.
- D. A change of one or more of the uses voids the agreement. A new agreement shall be prepared for consideration.

The discontinuation of a use or uses subject to a cooperative parking agreement shall terminate such agreement and shall require the submittal of a new agreement for the Director's approval.

19.60.090 Building rehabilitation, Expansion or Change of Use.

Provided existing parking conforms with parking requirements at the time the use was established, additional parking shall not be required as a result of a building remodel or tenant improvement, a change in use or tenancy, or a new certificate of occupancy; provided such changes result in no more than a 25% increase in the required off street parking spaces. If the required number of required off-street parking spaces exceeds 25 percent then, additional parking shall be provided in accordance with the parking requirements of this section.

19.60.100 Nonconformities.

Land uses and buildings legally in existence prior to the adoption of these regulations shall not be required to comply with these provisions except that portions of new uses and expansions of structures shall conform. Nothing in this code shall be construed to require off-street parking spaces for the portion of said building or structure existing at the effective date of the ordinance codified in this title.

19.60.110 Parking on Vacant Lots.

It shall be unlawful for the owner of a motor vehicle, boat, or trailer, to park it or allow it to be parked on a vacant lot or parking lot owned by another person for the purpose of displaying it for sale, unless the property is zoned for such use. It shall also be unlawful for the owner or lessee of such property to allow another person to park a motor vehicle or trailer on the property for the purpose of displaying it for sale unless the property is zoned for such use.

19.60.120 Parking Prohibited in R1 and R2 Residential Front Setback Areas.

In R1 and R2 residential zoning districts, parking other than in driveways is not permitted in front setback areas. Parking shall be permitted in and upon designated driveways as provided in this section. The designated driveway is defined as the paved graveled or similar roadway leading from the street to a garage or covered parking area.

19.60.130 Surfacing for Driveways and Parking Lots.

- A. Required driveways and areas for required loading, parking and maneuvering shall have a paved surface (asphalt or concrete) which is durable and able to withstand all weather conditions, unless modified with approval of the Director.
- B. Residential and commercial off street parking areas and driveways that are not required for the purposes of meeting the minimum off-street parking and loading requirements may be gravel or other non-pavement surface.

19.60.140 Maximum Number of Parking Spaces.

For nonresidential developments of over 4,000 square feet, the maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in UPMC 19.60.50. Requests for a Variance to allow for greater than 15 percent over the minimum parking standards shall be reviewed as a Variance in accordance with chapter UPMC 19.85.030.

19.60.150 Compact Car Allowance.

In any development containing more than 20 parking spaces, up to 33 percent of the total number of the spaces may be sized to accommodate compact cars, subject to the following:

- A. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;
- B. Aisle widths shall conform to the standards set in [Figures 1 and 2] below;
- C. Apartment developments with less than 20 parking spaces may designate up to 33 percent of the required parking spaces as compact spaces.

19.60.160 Accessible Parking Requirements.

Off-street parking and access for physically handicapped persons shall be provided in accordance with Chapter 19.27 RCW, State Building Code, as detailed in Chapter 51-40 WAC or as revised by SBCC.

19.60.170 Bicycle Parking.

The number of bicycle parking spaces shall be 10 percent of the number of required off-street parking spaces for non-residential uses. Bicycle parking shall be provided in racks or other similar facility and shall not be located within the off-street parking area.

19.70.180 Transit and Rideshare Provisions.

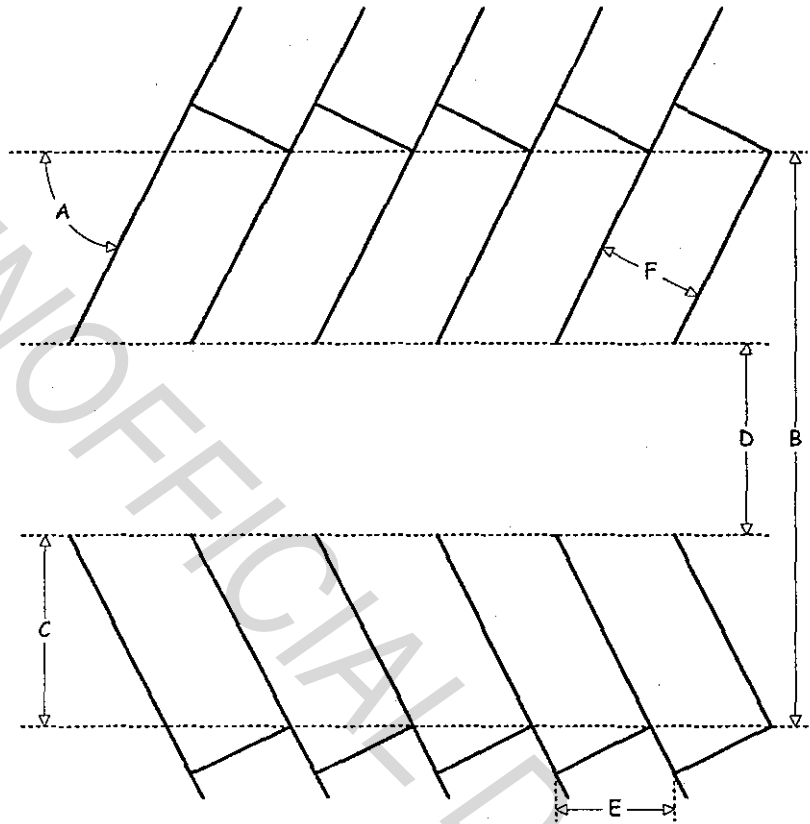
All land uses that include government/business and manufacturing shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:

- A. The parking spaces shall be located closer to the primary employee entrance;
- B. Reserved areas shall have markings and signs indicating the space is reserved; and
- C. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.

19.60.190 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 on Figure(s) 1 and 2.

Figure 1: Parking Dimensions

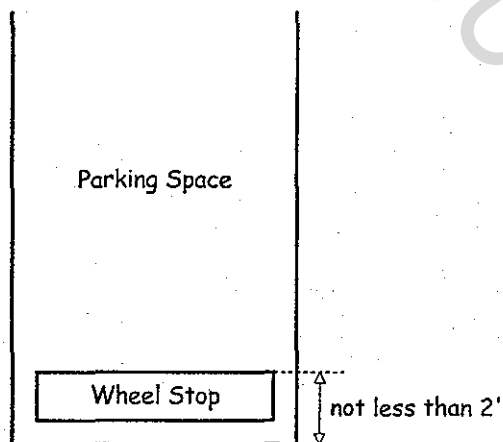


One-Way Traffic

	A	B	C	D	E	F
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 Traffic						
	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'

Figure 2: Wheel Stops



CHAPTER 19.65

LANDSCAPING/TREES

Sections

- 19.65.010 Purpose.**
- 19.65.020 Authority.**
- 19.65.030 Disclaimer of Liability.**
- 19.65.040 Enforcement and Penalties.**
- 19.65.050 Permits.**
- 19.65.060 Definitions.**
- 19.65.070 Exemptions.**
- 19.65.080 Required Water Conservation.**
- 19.65.090 Landscaping.**
- 19.65.100 Street Frontage Landscaping.**
- 19.65.110 Parking Lot Landscaping.**
- 19.65.120 Perimeter Landscape Buffering.**
- 19.65.130 Interior Landscaping/Site Stabilization.**
- 19.65.140 Landscape Levels.**
- 19.65.150 Perimeter landscape Tables.**
- 19.65.160 Not Required in Wetlands or Across Streams.**
- 19.65.170 Modification of Landscaping Requirements.**
- 19.65.180 Planter Boxes.**
- 19.65.190 Sizes and Types of Landscaping.**
- 19.65.200 Landscape Plans.**
- 19.65.210 Maintenance.**
- 19.65.220 Replacement.**
- 19.65.230 Financial Guarantees.**
- 19.65.240 Urban Forest Management.**
- 19.65.250 City Tree Account.**
- 19.65.260 Significant Trees.**
- 19.65.270 Tree Retention.**
- 19.65.280 Tree Retention Plans.**
- 19.65.290 Tree Protection.**
- 19.65.300 Tree Removal in Subdivisions.**
- 19.65.310 Tree Replacement.**
- 19.65.320 Common Area Management Plans.**

19.65.010 Purpose.

The purposes of this Section are:

- A. To implement the city's vision statement and the goals and policies of the Comprehensive Plan;
- B. To protect and enhance the natural green and wooded character of University Place;
- C. To promote the compatibility between land uses and zones by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;
- D. To protect critical areas from the impacts of development, by facilitating aquifer recharge, protecting urban wildlife habitat, reducing storm water runoff and pollution of surface waters and controlling dust, erosion and sedimentation;
- E. To promote the use and protection of vegetation native and common to the Puget Sound region;
- F. To promote the application of water efficient techniques in the design, installation and maintenance of landscaping; and
- G. To provide physical safety of pedestrians and motorists through the proper location and placement of vegetation.

19.65.020 Authority.

The Planning and Community Development Department shall review and may approve, disapprove or approve with modification all permits, site plans, and/or landscape plans for all uses and developments which are required to comply with the provisions of this section. This section includes landscaping requirements and urban forest management. RCW 76.09 and WAC 222-20 authorize the urban forest management provisions of this chapter.

19.65.030 Disclaimer of Liability.

The city is not liable for any damage to property or injury to persons that results because of landscaping or trees that must be retained as required by this section whether by natural and or other causes. It shall be the responsibility of property owners to question the safety of landscape requirements or the health and safety of trees and to request modification of landscape requirements or review of diseased and/or dangerous trees as provided for in this section.

19.65.040 Enforcement and Penalties.

- A. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or state law for a violation of any provision of this section or failure to comply with any permit or other written order or decision issued pursuant to this section, a monetary penalty shall be assessed that is the greater of:

1. Five hundred dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or
 2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The replacement value shall be determined using the methods described in the Guild for Plant Appraisal published by the International Society of Arboricultural, most current edition; or
 3. An amount reasonably determined by the Director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.
- B. In the case of urban forest management the city shall impose a six year moratorium on the development of the subject property when a property owner either fails to obtain a tree removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.

19.65.050 Permits

- A. *Tree Removal Permit.* A tree removal permit is required to cut or otherwise remove six (6) or more trees in any consecutive thirty-six (36) month period. An application for a tree removal permit and any information required by this section shall be submitted for any tree removal activity not exempt by this section. If six or more trees are to be removed, a tree removal permit application shall be submitted at the same time an application for a building permit, development permit or land use permit is submitted. The application shall be on a form provided by the city and shall be accompanied by documents and information as are determined to be necessary by the Director. Notification of adjacent property owners is required.
- B. The city may refer applications to an urban forester for comments. Any permit granted shall expire one (1) year from the date of issuance. Upon a showing of good cause, a permit may be extended by the Director for one six (6) month period. The permit may be suspended or revoked by the Director because of incorrect information supplied or any violation of the provisions of this chapter. No work shall begin until a public notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

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 trees 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.

“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 4½ ft. above ground.

“Conversion” means converting the use of land from forestry to non-forestry uses.

“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, land fill, 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 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.

“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.

“Forest Practices” means any activity relating to growing tree 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.

“Limited Tree Removal” is the removal of fewer than five (5) trees or less in any thirty-six (36) consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening. Tree removal in a land slide 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, changing the ground level in the area of the trees 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 6 feet and measures at least 6 feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least 3 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, and each having a diameter of six (6) inches or more measured at twenty-four 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 Society of Consulting Arborists are 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 section.

"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, to facilitate aquifer recharge and slope stabilization and enhance our healthy, safe, and attractive environment.

19.65.070 Exemptions.

- A. The following shall be exempt from the tree removal permit requirements of this section but shall satisfy all standards and requirements of Section 19.65.240 and other sections as noted below. Except for "limited tree removal", a written exemption must be obtained from the city prior to commencing any clearing or tree removal.
 1. Limited tree removal except in the following critical area, landslide and erosion hazard area, wildlife habitat area, and/or wetland or wetland buffer unless otherwise specified. city notification is required to assist in record keeping.

2. Removal of trees and groundcover in conjunction with new construction within a maximum of ten feet of the perimeter of the new building and any area proposed to be cleared for driveway and septic purposes as indicated on a plot plan submitted with a building permit application. Provided, however, the Director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems where such modifications will promote the goals of the chapter and still satisfy the need and function of improvements. This exemption does not allow tree removal prior to preliminary plat, final plat, or short plat approval.
3. Removal of hazard trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards as determined by the city. Replacement of any trees removed is required in accordance with the replacement provisions of this section.
4. Removal of obviously dead or diseased groundcover or trees. Replacement of any trees removed is required in accordance with the replacement provisions of this section.
5. Emergencies. Removal of trees necessary to protect public safety or public or private property from imminent danger in response to emergencies declared by the city, county, state or federal governments. In the case of a declared emergency the written approval requirement shall be waived.
6. Removal of street trees, when performed by or on behalf of the city to maintain right-of-ways and in the interest of public safety.
7. Removal of trees that interfere with existing utility transmission lines when pruning is not sufficient to alleviate the interference condition. Topping is prohibited.

19.65.080 Required Water Conservation.

During periods when water conservation is required, new landscaping and maintenance of existing required landscaping shall not be required. However, following the lifting of water restrictions, any landscaping required during the period of the required conservation shall be installed and all required landscaping shall be restored to a healthy condition. Any required landscaping that has died shall be replaced in accordance with Section 19.65.150.

19.65.090 Landscaping.

Landscaping shall be located along street frontages, around the perimeter, in parking areas and/or on other areas of a site in accordance with following sections and landscape tables 19.65.120(A) and (B). This subsection shall apply to the following:

- A. *New Development.* All new uses shall provide landscaping in accordance with the requirements of this chapter. The landscape tables indicate the particular landscape category, which applies to proposed uses. The tables and other sections of this chapter shall be used as standards when landscaping requirements are imposed as part of a discretionary permit review process.

B. *Expansions of or Alterations to Existing Uses.* The requirements of this section shall apply to remodeling or expansion of existing uses when the remodeling or expansion constitutes a major tenant improvement. All landscape requirements of this section shall apply to the entire property when there is a major tenant improvement. The landscape tables indicate the particular landscape category, which applies to proposed expansion or alteration. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Director shall determine how the code is to be applied. The Director shall use landscape averaging by requiring more landscaping in one area and reducing it in another. In determining how to apply the landscaping requirements in such circumstances, the Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

1. Compliance with street frontage landscaping standards;
2. Compliance with perimeter landscaping standards;
3. Compliance with internal area of parking lot standards;
4. Compliance with other landscaping standards of this title.

C. *Change of Use or Occupancy.* When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in section 19.65.090(B), such use need not provide additional landscaping except under the following circumstances:

1. Additional off-street parking is required, in which case the landscaping required by Section 19.65.110 shall be required for all new parking spaces or parking facilities provided.
2. The use is subject to special use permit in which case the review authority shall establish the minimum landscape requirements for the specific use.
3. New uses, storage or other activities will take place outdoors in which case, the requirements of section 19.65.120 shall apply.
4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established.
5. *Difference of Standards.* Where there is a difference in the standards listed in this section and the specific requirements listed for specific uses, the more stringent will apply. The Director may permit alternative landscaping, as provided in section 19.65.170 of this section, when the overall site development plan proposed provides equivalent or better results than required by this title.
6. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required.
7. No street front landscaping is required for single-family or two-family dwellings constructed on a lot of record that existed on the effective date of this Code.

19.65.100 Street Frontage Landscaping.

Any portion of any use that abuts a public right-of-way shall install a Level III landscaping unless otherwise specified. See Figure 1.

19.65.110 Parking Lot Landscaping.

- A. *Perimeter Street Landscaping for the Parking Lot.* Any portion of a parking lot, or outdoor sales area which is within 20 feet of a public road right-of-way shall install Level III landscaping along that portion of the parking lot perimeter. See Figures ___ for illustration.
- B. *Interior Landscaping within the Parking Lot.* All surface parking lots with 10 or more spaces or combined outdoor sales areas greater than 1,600 square feet must provide interior landscaping which complies with one of the options stated below. When a parking lot is divided into distinct areas different options may be used in distinct areas of the lot. Parking lots shall be located no closer to an interior lot line than the minimum width of required perimeter landscape buffer.
1. *Option 1.* Interior landscaping must be provided at the rate of 25 square feet per stall. At least 1 tree must be planted for every 200 square feet landscaped area. No parking stall shall be more than 100 feet from any landscape area. Planting islands shall have a minimum width of 5 feet. Planting areas for the trees must be a minimum of 5 feet by 5 feet. Vegetative groundcover or lawn is required to cover all required landscape areas. Planting of lawn in areas less than 10 feet in width is discouraged due to associated water waste in order to keep these lawn areas green. Refer to Figure ___ for illustration; or
 2. *Option 2.* One tree must be provided for every 5 parking spaces. Planting islands shall have a minimum width of 5 feet. Planting areas for the trees must be a minimum of 5 feet by 5 feet. Trees shall be spaced at distances not to exceed 12 parking spaces. Ground cover planting is required around trees. Refer to Figure ___ for illustration.

19.65.120 Perimeter Landscape Buffering.

- A. *Intent.* The intent of this section is to provide for a physical, visual and noise buffer and transition between uses. Different landscape/buffer levels are used to address different uses, compatibility and in conjunction with new subdivisions.
- B. *General Requirements.* Refer to tables 19.65.150(A) and (B) for the landscape level required by the proposed use, expansion or alteration. Each lot line will have a required landscape level based on the abutting land use except that when two or more properties abut and share a common driveway or parking area, perimeter landscaping along the shared property line may be waived. Pedestrian walkways shall be permitted to cross required landscape areas. Refer to Figures _____ for illustration of perimeter landscaping requirements.

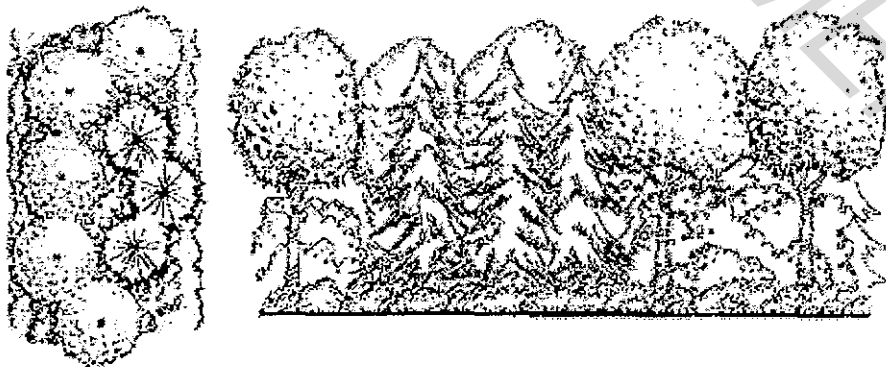
19.65.130 Interior Landscaping/Site Stabilization.

All interior portions of lots, parcels or tracts which are not developed with buildings, parking areas and/or accessory uses or where other more specific landscaping regulations are required shall be landscaped with Level IV landscaping, unless native vegetation already exists, and shall be maintained. This includes temporary stabilization of development sites.

19.65.140 Landscape Levels.

- A. *Level I: Visual Screen.* Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight-obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Level I landscaping shall consist of the following:
1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen, which creates a solid sight-obscuring barrier within three years of planting. Evergreen trees shall be planted no greater than fifteen feet on center.
 2. The width of a Level I landscape buffer shall be no less than 20 feet. The area which is not planted with trees shall be planted with shrubs and ground cover. Shrubs shall be spaced no greater than 5 feet on center. Shrubs and ground cover shall be planted to attain a coverage of ninety percent of the planting area within three years.
 3. Lawns may be used to cover up to seventy-five percent of the landscape area, which is not planted with trees or shrubs.

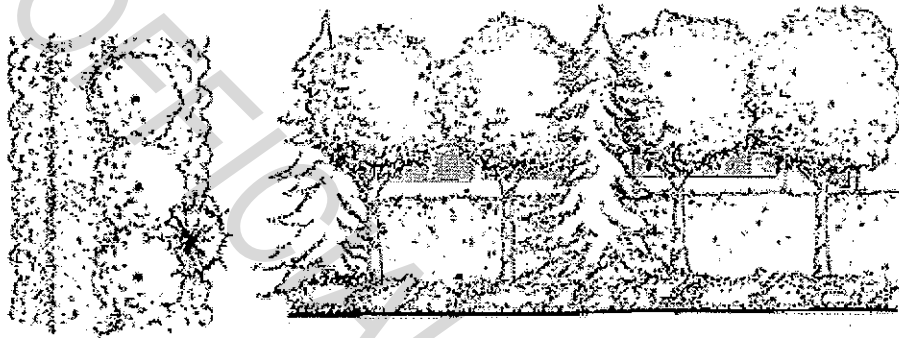
Figure 1: Landscaping Level 1, Visual Screen



- B. *Level II See-Through Buffer.* Level II landscaping is intended to create a visual separation between uses and zones. Level II landscaping shall consist of:

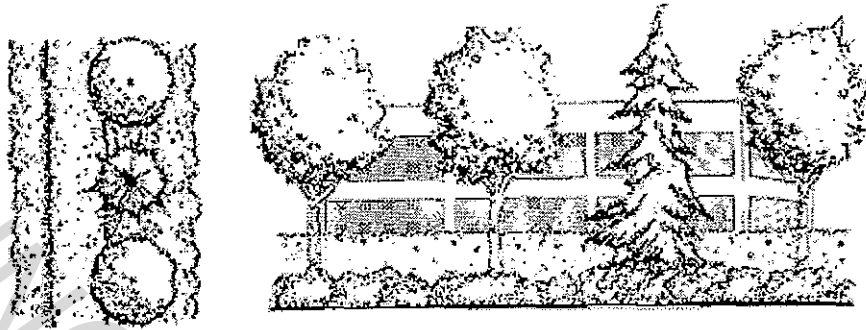
1. A mix of evergreen and deciduous trees, with no more than thirty percent being deciduous. All trees shall be planted at intervals no greater than twenty feet on center.
2. The width of a Level II landscape buffer shall be no less than 12 feet. The area which is not planted with trees shall be planted with a mix of evergreen and deciduous shrubs, with not more than thirty percent being deciduous, planted at a density of seven per one hundred square feet of planting area, together with other living ground cover planted to attain a coverage of ninety percent within three years of planting.

Figure 2: Landscaping Level II, See-Through Buffer



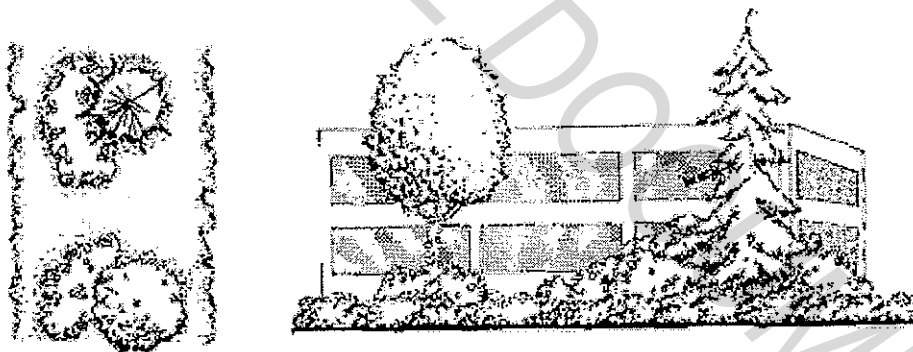
- C. *Level III: Ornamental Effects Landscaping.* Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:
1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous ground covers and low shrubs. Up to one hundred percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than thirty feet on center.
 2. The width of a Level III landscape buffer shall be no less than 5 feet. The area, which is not planted with trees, shall be planted with shrubs and living ground cover chosen and planted to attain a coverage of ninety percent within three years of planting. Shrubs shall be planted at a density of five shrubs per one hundred square feet of that portion of the landscape area, which is not planted in lawn. Lawn may be used for up to seventy-five percent of the required ground cover.
 3. Landscaping located within public rights-of-way shall be approved by the public works department, prior to planting, as part of the review of landscape plans required by Section 19.65.190. Landscaping in the public right-of-way shall be in accordance with UPMC 13.15.520.

Figure 3: Landscaping Level III, Ornamental Effects



- D. *Level IV: Soil Stabilizing Vegetation/Landscaping.* Level IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation of off-site properties and improvements. Level IV landscaping shall consist of lawn, other living ground cover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices. Level IV landscaping shall be established on all portions of development sites that are or have remained undeveloped for a period of six months.

Figure 4: Landscaping Level IV, Soil Stabilizing



19.65.150 Perimeter Landscape Tables.

A. Residential, Commercial and Industrial Table.

Proposed Uses	Existing Uses			Offices & Services	Commercial Uses	Industrial Uses
	Single or Two Family Subdivisions	Single or Two Two Family Dwellings	Multi Family & Senior Housing			
Single or Two Family Subdivisions, including Short Plats	L2	NA	L1	L1	L1	L1
*Multi-Family & Senior Housing	L1	L1	L2	L1	L1	L1
Religious Assembly & Day Care	L1	L1	L2	L1	L1	L1
Offices & Services	L1	L1	L1	L3	L3	L2
Commercial Uses	L1	L1	L1	L3	L3	L2
Industrial Uses	L1	L1	L1	L2	L2	L3

*Includes mobile home parks

B. Public Facilities and Utilities Table.

Proposed Uses	Existing Uses			Offices & Services	Commercial Uses	Industrial Uses
	Single or Two Family Subdivisions	Single or Two Two Family Dwellings	Multi Family & Senior Housing			
Government & Utility Offices	L1	L1	L1	L3	L3	L2
Schools & Parks	L1	L1	L1	L2	L2	L1
Government & Utility Maintenance Facilities	L1	L1	L1	L2	L2	L3
Sewage Treatment Plants	L1	L1	L1	L1	L1	L1
Accessory Utility Facilities	L2	L2	L2	L3	L3	L3

19.65.160 Not Required in Wetlands or Across Streams.

The landscape requirements of this section are not required in a wetland, wetland buffer, fish and wildlife buffers or across streams.

19.65.170 Modification of Landscaping Requirements.

- A. The Director may authorize a reduced width of planting or waive some or all of the landscaping requirements in the following instances:
1. Where, except those areas where Level IV landscaping is required, the requirement of this chapter would require more than fifty percent of the site area (excluding parking lots) to be landscaped, the Director may modify the requirements so that not more than fifty percent of the site area (excluding parking lots) must be landscaped. The Director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape level cannot be satisfied.
 2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape level.
 3. When existing conditions on or adjacent to the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this section ineffective.
 4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the Director shall consider the applicant's request in light of the intent of Level I landscaping and the nature of the use or development, which is being screened.
 5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which the Director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.
 6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.
- B. When approving a request for a modification of landscaping requirements, the Director shall issue finding upon which the approval is based. The Director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape level and any modification thereof is maintained.

19.65.180 Planter Boxes.

In limited circumstances the Director may approve the use of planter boxes in lieu of Level III landscaping where such planter boxes will not obstruct sight distance.

19.65.190 Sizes and Types of Landscaping.

A. Landscape areas required pursuant to sections 19.65.090-130 shall conform to the following standards. All plant material shall meet or exceed ANSI Z60.1-1996 American Standards for Nursery Stock.

1. *Trees, Evergreen.* Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than 6 feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.
2. *Trees, deciduous.* Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of 2" and a minimum height of 10 feet at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.
3. *Shrubs and Hedges.* Size: Shrubs may be comprised of a mixture of sizes but shall not be less than 24 inches at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 3 years of installation.
4. *Groundcover, vegetative.* Size: Groundcover shall be planted to achieve a minimum planting area coverage of 90% of required coverage within 3 years of installation and shall achieve 100% of required coverage within 5 years of installation.
5. *Groundcover, inert.* Wood chips, bark, decorative rock or other appropriate inert organic material may be used.
6. *Lawn sodded and seeded.* Newly seeded lawns or installed sod shall be comprised of drought resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use.

19.65.200 Landscape Plans.

- A. A Landscape plan includes a planting plan and an irrigation plan and is required to be prepared for any landscape areas required in sections 19.65.100-120 including active recreation areas in formal subdivisions and short subdivisions. Other areas require only a planting plan. Plans shall be submitted to the department for review and approval.
- B. Landscape plans shall be prepared by a Washington State registered landscape architect, a Washington state certified nurseryperson, or a Washington state certified landscaper, except that landscape plans for short subdivisions and for

street tree requirements may be prepared by the applicant. A certified irrigation designer shall prepare the irrigation plan.

- C. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:
1. The location of existing vegetation to be retained, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.
 2. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.
 3. Whenever possible the landscape Plan shall incorporate the recommendations contained in the city's publication on root control, water conservation and suggested plant material.
- D. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. All landscaped areas must provide an irrigation method as stated below:
1. *Option 1.* A permanent underground irrigation method with an automatic controller plus an overriding rain switch.
 2. *Option 2.* An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought tolerant by the Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.
- E. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The Director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued or final inspection. However, the Director may approve an alternative timeline associated with a phased project.
- F. Following installation of the landscaping and irrigation the person or persons who prepared the planting and irrigation plans shall submit, within 30 days, a signed affidavit that the landscaping and irrigation system has been installed per the approved plans. The city will conduct an inspection prior to final approval of the landscape plan.

19.65.210 Maintenance.

- A. The following standards shall be followed for all required landscaping:
 - 1. The property owner shall maintain all landscaping for the life of the land use.
 - 2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.
 - 3. All landscape areas shall be kept free of trash.
- B. Uses permitted by special use permits issued before the city's incorporation where landscaping was required as a condition of approval shall be subject to the maintenance provisions of this section.

19.65.220 Replacement.

The following standards apply to the replacement of vegetation within required landscape areas.

- A. Any installed plant material located within required landscape areas which dies shall be replaced during the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.
- B. Any tree existing on site at the time of development, greater than 4" dbh, located within a required perimeter landscape buffer or parking lot landscape areas shall be replaced during the spring or fall growing season following death or following a determination by an urban forester or the city that the tree is diseased or damaged and has a significant chance of toppling in high winds, but not greater than 180 days from time of loss. The existing tree shall be replaced on a 2 for 1 basis. Any future replacement of the initial replacement trees shall occur at 1 for 1 ratio. This standard applies for the life of the project.

19.25.230 Financial Guarantees.

- A. Performance bonds or other appropriate security (including an assignment of funds) in the amount of 125% of project cost shall be required if landscaping is not installed prior to issuance of occupancy permits or before final inspection. Prior to accepting a financial guarantee the city shall have approved the landscape plans and a cost estimate for completing the landscaping. The cost estimate shall include the cost of plant material, irrigation and labor, installation, and materials.
- B. For all projects, which require landscaping, an 18-month landscaping maintenance guarantee equal to the cost of the landscaping less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 18 month period the applicant shall request the city inspect the landscaping to insure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with 19.65.220 and inspected prior to the release of the maintenance guarantee. After the maintenance bond is released landscaping shall be maintained in accordance with Section 19.65.210.

19.65.240 Urban Forest Management.

The intent of this section is best stated in Comprehensive Plan policy EN3G which states, "Protect and enhance the natural green and wooded character of University Place". Therefore projects shall be designed around existing trees, preserving the maximum amount of trees and existing native vegetation as possible. The intent is not to allow clear cutting of a project site, mass grading and then replanting with smaller trees. Forest practices except for Christmas tree cultivation is prohibited in University Place. Because of the likelihood that all lands within the city will be converted to urban development in the near future all trees shall be managed in accordance with this Chapter.

19.65.250 City Tree Account.

Funds kept for planting and maintenance of trees on city property and in public rights-of-way shall be kept in a city tree account. Funds shall be placed in the account by the City Council, from fines collected as a result of violations of this chapter, from payments in lieu of replacement trees, from private donations and from grants and loans for the purpose of establishing and maintaining trees in the city. A schedule of tree costs including tree purchase, installation and maintenance is adopted by separate resolution.

19.65.260 Significant Trees.

The city shall maintain an inventory of significant trees. Significant trees shall be identified by citizen volunteers or city staff.

19.65.270 Tree Retention

- A. Except as provided in Section 19.65.270(C) below, trees shall be retained in all development when:
 - 1. Removing six (6) or more trees in thirty-six (36) consecutive months; or
 - 2. Subdividing property.
- B. The following trees shall be retained:
 - 1. The maximum number of trees located within any required perimeter landscaping area and in no case less than 75%;
 - 2. Twenty five percent (25%) of the trees located in the interior of the lot, excluding critical areas or their buffers.
 - 3. All trees within a critical area including wetlands or wetland buffers, fish and wildlife buffers or landslide and erosion hazard areas with slopes requiring preservation (Trees and vegetation shall be maintained in these critical areas in accordance with Title 22 of the University Place Municipal Code.);
 - 4. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the city's Parks and Recreation Plan or the Comprehensive Plan; and
 - 5. All significant trees.
- C. Except as provided in subsection B(3), trees to be retained shall not include trees that, following inspection by an Urban Forester, are determined to be:

1. Damaged or diseased;
 2. A safety hazard due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.
- D. The urban forester shall use the most recent guidelines established by the International Society of Arboriculture in it's guild to the professional evaluation of landscape trees, shrubs and evergreens to make the determination that a tree is either a damaged, diseased and/or a safety hazard.
- E. At the discretion of the city, damaged or diseased or standing dead trees may be retained and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees.

19.65.280 Tree Retention Plans.

On timbered property greater in size than one half (1/2) acre or commercial property with more than fifteen trees, or other sites the city deems it necessary because of special circumstances or complexity, the city shall review the site and be involved in the following three phases of tree retention. The city may retain a consulting arborist to work on the city's behalf. The consulting arborist shall be paid by the city and the applicant shall reimburse the city for all consulting arborist costs. Consulting arborist expenses shall be reimbursed prior to the issuance of any building permits or final approval whichever is first required following the work done by the consulting arborist.

A. Planning Phase.

1. The applicant shall provide a survey of the location of all trees and place them on the site plan. If there is an overwhelming number of trees, the city may do a preliminary site evaluation to delineate where the better trees are located based on species, condition, size, soils, and exposure.
2. All trees located near future buildings, roads, and high to moderately used areas, shall be evaluated. The tree identification number, species, size, condition, vigor, structure, risk of failure, and maintenance recommendations shall be documented in the plan.
3. Once the survey and evaluation is completed the applicant can begin to plan the project to avoid the more favorable trees and vegetation. The applicant shall work with the city to help determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.

B. Design Phase.

1. The Critical Root Zone (CRZ) of all trees to be retained near clearing, grading, or other disturbances shall be shown on all site plan construction documents. Any grading, construction, or utility installation within the CRZ shall be called out on the plan. Required work in these areas shall be under the direction or instruction of the city.
2. The location of the tree protection barrier shall be shown on the clearing and grading plans. The tree protection barrier shall be shown along the edge of the CRZ or adjusted under the direction of the city.

C. Construction Phase.

1. A pre-construction meeting is required before any clearing takes place, the city shall point out retained trees to the general contractor, review tree preservation guidelines, and answer questions regarding tree protection.
2. The city shall inspect and approve the tree protection barrier prior to any work on the site, make adjustments where necessary, and discuss techniques to work within CRZ's as needed.
3. The city shall establish a schedule to periodically monitor the tree retention plan based on the number of trees and difficulty of protecting trees during construction.
4. When clearing and grading activities are completed, the applicant shall request an inspection. The city may require tree maintenance and remedial action to improve tree health and vigor. If any unauthorized trees are removed, the city shall take action in accordance with 19.65.040.

19.65.290 Tree Protection.

- A. To provide the best protection for remaining trees:
 1. No tree removal that requires a permit shall be allowed on a site until approval of the tree removal permit.
 2. An area free of disturbance, generally corresponding to the CRZ of each tree shall be identified on the site plan. During construction a temporary five-foot high chain link or plastic net fence shall be installed around the trees or group of trees to be retained.
 3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area enclosed by such fencing.
 4. A rock wall shall be constructed if the grade level around a tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree.
 5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - a. The drip line of the tree(s); or
 - b. An area around the tree equal to one (1) foot diameter or each inch of tree trunk diameter measured four (4) feet above the ground.
- B. The city may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques shall be those recommended by an urban forester.
- C. No impervious surface or fill shall be placed within the drip line of the tree unless the city determines that the long-term health of the tree will not be significantly harmed.

19.65.300 Tree Removal in Subdivisions.

When subdividing property either by short or preliminary plat only areas where roads and utilities are to be constructed can be cleared of trees and groundcover prior to final

plat approval. No clearing of trees or ground cover may take place until preliminary plat or short plat approval has been granted and road construction plans have been approved by the city. Road locations must be staked prior to clearing. No tree removal or brushing shall take place on individual lots or in designated open space areas except on a lot by lot or tract basis after individual building permit applications have been made and clearing activities have been approved.

19.65.310 Tree Replacement.

- A. When the required number of trees cannot be retained as determined at the sole discretion of the city, trees that are removed shall be replaced with new trees of the same species in accordance with 19.65.220, at a replacement rate of three trees for every tree removed.
- B. When the required number of trees cannot be physically retained or replaced on site, the applicant may have the option of:
 - 1. Planting the required number of replacement trees at locations approved by the city prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or
 - 2. Payment in lieu of replacement may be made to the city Tree Account for planting of trees in various areas of the city. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the city's tree replacement cost schedule. The payment in lieu of planting trees on site shall be made prior to the issuance of any building permit or final subdivision approval.

19.65.320 Common Area Management Plans.

In those cases where a subdivision or planned development has common areas, which are managed by a homeowner's association, a common area management plan may be developed in lieu of obtaining consecutive tree removal permits. A common areas management plan shall be developed by a certified arborist and submitted to the city for review and approval.

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/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.
- 19.70.010 Accessory Dwelling Units.

- A. *Purpose.* Accessory dwelling units (ADU's) 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 or accessory 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.

5. *Parking.* One off-street parking space shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to UPMC 19.60.040, Calculation of Required Off-Street Parking Spaces. Such parking must be provided in the rear of the lot when alley access is available.
6. *Setbacks.* Detached accessory dwelling units shall be a minimum of eight (8) feet from the side and ten (10) feet from rear lot lines.

C. *Procedures.* Any owner occupant seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. *Application.* The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.
2. *Property Owner.* The property owner, which shall include title holders and contract purchasers, or an on-site property manager must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied unit. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner-occupied.
3. *Affidavit.* An affidavit affirming that the owner or an on-site property manager will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.
4. *Notice of Title.* Prior to issuance of building permits, the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the department and shall include as a minimum:
5. *Reports.* The department shall report annually to the city council on ADU applications, the number of units established and their distribution throughout the city, the average size of the units, and the number and types of complaints and enforcement related actions.

19.70.020 Adult Entertainment Establishments.

- A. *Purpose.* The purpose of this section is to regulate adult entertainment establishments and to provide certain limitations to the siting of these uses. Development standards are used to reduce conflicts between these uses and other uses that may not be compatible.
- B. *Uses Permitted.* Adult entertainment establishments may be permitted by conditional use permit in the "Light Industrial-Business Park" zone pursuant to the City of University Place Comprehensive Plan and zoning ordinance as now and hereafter amended.
- C. *Locational Requirements.* Distances provided in this section shall be measured by following a straight line, without regard for intervening buildings, from the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.

1. Adult entertainment establishments shall not be located on lots adjacent to (directly touching or across a street from) any zone that allows residential uses.
 2. Adult entertainment establishments shall not be allowed within fifty (50) feet of any other adult business (as measured from property lines).
 3. Adult entertainment establishments shall not be allowed within fifty (50) feet of any "sensitive receptor".
- D. *Variance to Locational Requirements.* A variance to the dispersal provisions may be granted by the Hearing Examiner if all the following criteria can be met:
1. That free speech rights which are entitled to protection by the First Amendment to the United States Constitution of an applicant for an adult business cannot be adequately protected on parcels allowed for siting because other adult businesses are in place, or sensitive receptors limit additional uses in the IB zone.
 2. That the natural or built environment in the immediate vicinity would result in an effective separation between the proposed adult entertainment establishment and any sensitive zones or uses in terms of visibility and access.
 3. The proposed use complies with the goals and policies of the Comprehensive Plan.
 4. The proposed use is otherwise compatible with adjacent and surrounding land uses.
 5. The applicant has proposed conditions the would minimize the secondary adverse effects of the proposed use.
- E. *Development Requirements.* The development standards in this section shall apply to all buildings, uses, and property used for adult business or entertainment establishment purposes. The development standards for adult entertainment establishment uses are the same as the applicable zoning regulations for the zoning district in which they are located, except as follows:
1. Visual Impact.
 - a. No owner or operator of an adult business shall allow any merchandise or activity of the establishment to be visible from any point outside the establishment.
 - b. No owner or operator of an adult business shall allow the exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or pictorial representations of any kind other than to the extent permitted by this section or UPMC 19.75, Signs.
 - c. The exterior of an adult business, if painted, must be painted (stained or otherwise colored) in a single achromatic color, except if:
 - i. The adult business is part of a commercial multi-unit center; and
 - ii. The exteriors of each individual unit in the commercial multi-unit center, including the adult business, are painted the same color as one

another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial center.

2. Signage. In addition to the restrictions imposed by Chapter 19.75, the following restrictions apply to any adult business:

- a. There may be no more than two (2) signs (one free standing sign and one wall sign, or two wall signs), even if the business fronts on more than one street. Each display surface of a sign must:
 - i. Be a flat plane, rectangular in shape;
 - ii. Not be flashing or pulsating;
 - iii. Have characters of a solid color;
 - iv. Have all characters of the same print type, size, and color; and
 - v. Have all background in one solid color.
- b. Readerboard signs are not allowed.

- F. Nonconforming Adult Entertainment Establishments. An adult entertainment use shall be deemed a legal conforming use and shall be subject to the requirements of Chapter 19.80 (Nonconforming Lots, Uses, and Structures) if a zone that allows residential uses is located adjacent to the adult entertainment establishment or if a sensitive receptor identified in Section 19.10.030 locates within 50 feet of the adult entertainment establishment facility after the date the adult entertainment facility has located within the city in accordance with the requirements of this section.

19.70.030 Agricultural Uses and Animals.

- A. *Purpose.* The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

- B. *Exceptions.*

1. *Hobby Farms.* Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit, provided:
 - a. The applicant completes a hobby farm agreement provided by the department. Each hobby farm agreement shall:
 - i. Define the type and intensity of all proposed agricultural activities;
 - ii. Clarify that the use of the site is for private noncommercial use;
 - iii. Provide time frames for periodic departmental monitoring; and
 - iv. Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.
 - b. Hobby farms must comply with all other requirements of this section.

2. *Wildlife Rehabilitation.*

- a. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:
 - i. Small mammals;
 - ii. Medium mammals;
 - iii. Lagomorphs (rabbits, hares, pikes); and
 - iv. Nonraptor avians;
- b. Other categories, including carnivores and raptors, are excluded from this exemption.

C. *Standards.* Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling, subject to the following requirements:

1. *Animals Accessory to Residential Use.* Animals kept shall be permitted subject to the following criteria:

- a. *Livestock.* Livestock shall be permitted as an accessory use to a dwelling unit on any lot, subject to the following provisions:
 - i. *Area Requirements.*
 - (A) Livestock are not permitted in lots of less than one acre.
 - (B) On any lot from one acre to less than two acres in size, the number of animals shall not exceed two that are 12 months or more of age.
 - (C) On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.
 - (D) All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.
 - ii. A fence used to enclose pasturelands may be constructed on the property line, provided such pasture is maintained as required in this section.
 - iii. A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required following wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.
- b. *Small Animals.* Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:
 - i. *Poultry, Pigeons, Peacocks, and Rabbits.* Poultry, peacocks, pigeons, and similar birds, or rabbits and similar mammals (e.g. ferrets, pot-belly pigs) raised for domestic, non commercial use shall be permitted, provided:

- (A) All animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.
- (B) A minimum setback of 35 feet from all property lines shall be required for all pens, hutches, coops, or similar enclosures.
- (C) No more than 12 poultry, peacocks, or rabbits or similar mammals shall be permitted per acre. This requirement shall be calculated on a fractional basis. The allowed number of animals shall be rounded down to the nearest whole number.
- (D) Aviaries or lofts shall provide for one square foot for each pigeon or similar bird, and shall not exceed 600 square feet.
- ii. *Dogs and Cats.* Any combination of five dogs or cats that individually exceed seven months of age are permitted. Kennels for six or more dogs or cats are prohibited.
- c. *Wild Animals and Reptiles.* No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, or other exotic, vicious, or poisonous animal or reptile.
- 2. *Crop Production Accessory to Residential Use.* Agricultural activities such as non-commercial gardens and orchards shall be permitted and shall not be limited in any zone classification.
- D. *Additional Standards for Critical Areas.* Areas have been classified as critical areas in the city code and designated conservancy low on the city shoreline management use regulation. In addition to the other requirements of this section, the following standards shall apply to all commercial and non-commercial agricultural uses in critical areas:
 - 1. Livestock shall be limited to one (1) animal per acre of fenced usable pasture.
 - 2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight (8) animals per acre.
- E. *Commercial Agricultural Activities.* See UPMC 19.25.080, Resource Use Category, for commercial agricultural uses, and UPMC 19.70.050, Home Occupations, for same.

19.70.040 Day Care Facilities.

- A. The purpose of this section is to provide operating criteria to meet the need for quality, affordable and safe day care facilities for adults and children in all areas of University Place. There are two type of day care facilities: home-based day care facilities and day care centers.
- B. *Family Day Care Provider's Facilities.* Home-based day care facilities operate from a residence and are restricted to a maximum of 12 children.

Family day care provider's facilities shall be permitted in residential dwellings located in an area zoned for residential and commercial use.

C. *Day Care Centers.* Day care centers are facilities that operate in places other than a residence with no limited number of clients. There are two types of day care centers: adult day care center and child day care center.

1. *Operating Criteria for Day Care Centers.*

- a. *Minimum Fencing/Screening Required.* Outdoor recreation areas must be enclosed by a six-foot high fence.
- b. *Off-Street Parking.* A minimum of one stall for every employee plus one for every ten children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in UPMC 19.65.110, Parking Lot Landscaping.
- c. *Loading.* There shall be an off-street area for loading and unloading children or adults, clearly marked. Adequate vehicle turnaround shall be provided on-site for parking and loading so as to preclude the necessity of backing out onto the street.
- d. *Signs.* One sign will be permitted at a size to be determined by the zone classification where the facility is located.

2. *Permitted Zones.* Day care centers shall be permitted as specified in UPMC 19.25, Zone Classification and Use Tables.

19.70.050 Home Occupations.

A. *Purpose.* The purpose of this section is to provide standards which allow a resident of a dwelling unit to operate a limited business activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values, and preserving environmental quality.

B. *Applicability.* Home occupations are allowed as an accessory use in conjunction with a dwelling unit.

C. *Permit Exemptions.* Businesses with no outside employees, no customers or clients visiting the business, no outward manifestation of the business, and no outside display or storage of materials, merchandise or equipment are exempt from the regulations of this section.

D. *Performance Standards.*

1. *Intent.* It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to residential use. Activities exceeding these performance standards shall refer to UPMC 19.25, Zone Classification and Use Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. *General Provisions and Standards.* The following general provisions and standards shall apply to all home occupation activities:

- a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
- b. There shall be no structural or decorative external alteration relating to the home occupation, which is inconsistent with the residential character of the structure and neighborhood.
- c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
- d. The activity does not require truck delivery or pick-up not common to a residential dwelling.
- e. The activity does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling or any other usage that creates a level of noise, vibration, smoke, dust, odors, heat, or glare beyond that which is common to a residential area at or beyond the property line of the subject property.
- f. The activity does not involve production, generation, storage, or use of hazardous waste, as defined by the State Department of Ecology.
- g. Use of electrical or mechanical equipment which creates visible or audible interference on radio or television receivers or fluctuation in line voltage at or beyond the property line is prohibited.
- h. Manufacturing shall be limited to small scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items or furniture or other wood items as long as the activity meets the other standards of this section.
- i. One non-lighted sign not exceeding two (2) square feet in size is permitted which shall be attached to the residence or accessory structure or placed in a window.
- j. No more than one (1) outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting.
- k. The activity shall be performed completely inside the residence, an accessory structure, or a combination of the two. The activity shall be limited to an area of less than 500 square feet or a size equivalent to 50 percent or total floor area of the living space within the residence, whichever is less.
- l. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 - i. No more than one such vehicle shall be allowed.
 - ii. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets.
 - iii. Such vehicle shall not exceed a weight capacity of one ton.

- m. There shall be no outside display or storage of materials, merchandise, or equipment.
- E. *Conditions and Decision Criteria.* In addition to the standards set forth in subsection (D), the Director shall have authority to impose additional conditions or to deny a home occupation permit based upon the following criteria:
 - 1. Activities that are potentially harmful or hazardous and may adversely affect the surrounding residential character or the environment may be modified or denied.
 - 2. Activities which are not clearly incidental and secondary to the use of the property for residential purposes shall be denied.
 - 3. A home occupation where the dwelling is not occupied for residential use shall be denied.
- F. *Revocation of Permits.* A home occupation permit may be revoked pursuant to UPMC 19.90.030, Revocation and Expiration, if the applicant is found to be in noncompliance with any standards of this section.

19.70.060 Improvements.

- A. *Purpose.* The purpose of this section is to provide standards for the minimum improvements to meet the goals of the Comprehensive Plan.
- B. *Sanitary Sewers.*
 - 1. All new subdivisions shall hook up to sanitary sewers.
 - 2. Sanitary sewer hook ups shall be required for all new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the city may permit such development to use interim septic on-site systems and dry sewer facilities. Dry sewer facilities include any means effective to permit connection to future extended sewer lines.
 - 3. *Leach Creek Area.* There is hereby established on the zoning map the "Leach Creek Area". The "Leach Creek Area" includes all properties zoned R2 within the area bounded by 44th Street West to the north, Orchard Street to the east, Cirque Drive to the south, and Alameda Avenue to the west. Within this area, development more intense than a single family dwelling on an existing lot as of July 13, 1998 shall be required to hook up to sanitary sewer at the property owner's expense regardless of distance to existing and available sewers.
- C. *Access.* All new residential lots shall access off internal plat roads, except as authorized by the city engineer.
- D. *Lighting.* Street lighting shall be provided in conjunction with all new development or major tenant improvement. Street lighting shall be provided along arterial streets in accordance with specification and standards approved by the city engineer. In multifamily, commercial, and industrial developments and major tenant improvements, lighting and glare shall be shielded or directed away from moderate density single-family zones and residential uses.

- E. *Equipment and Outdoor Activities.* Mechanical equipment or outdoor activities such as but not limited to storage, loading, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single-family neighborhoods and screened from view.
- F. *Open Space and Parks.* In new single-family subdivisions of 10 or more lots and multifamily residential developments of greater than 10 units, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.

19.70.070 Mobile and Manufactured Home Parks.

- A. *Purpose.* The purpose of this section is to provide regulations for the development of mobile and manufactured home parks.
- B. *Design Criteria.* The following criteria shall govern the design of a mobile or manufactured home park:
1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC 19.45.030, Density Standards.
 2. A mobile or manufactured home park shall not be established in on any site providing less than a 30-foot wide access to a public street.
 3. Only one mobile home park or manufactured home dwelling unit shall occupy any given space in the park.
 4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:
 - a. Mobile or manufactured home used as single-family residence only;
 - b. A patio, carport, or garage as an accessory use for a mobile or manufactured home;
 - c. Recreation buildings and structures including facilities such as swimming pool for the exclusive use of park residents and their guests;
 - d. One residence for the use of the owner, manager, or caretaker responsible for maintaining or operating the property, which may be either a mobile or manufactured home or a site built structure; or
 - e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.
 5. *Setbacks.* No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. A mobile or manufactured home or

accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.

6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by twenty feet and shall be paved or a crushed rock surface and maintained in a dust free surface. On-street or curbside parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.
7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turn-around, exclusive of parking lanes.
8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight obscuring fence or hedgerow.
9. There shall be Level IV landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
10. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the city building official. Each mobile or manufactured home shall be skirted with weather resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.

C. *Phased Development.* Proposed mobile or manufactured home parks of 10 or more acres in size developed after the effective date of the ordinance codified in this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan. This exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

D. *Park Administration.*

1. It shall be the responsibility of the park owner and manager to assure that the provisions of this code are observed and maintained within the mobile or manufactured home park. Violations of this code shall subject both the owner

and the manager of the facility to any penalties provided for violation of the code.

2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters. However, the parking of an unoccupied recreational vehicle in duly designated storage areas shall be permitted.
3. All refuse shall be stored in insect proof, animal proof, watertight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.
4. Construction of accessory structures and alterations and additions to the mobile or manufactured home park shall be subject to review by the building official, and necessary permits and inspections shall be obtained as required for such construction.
5. All electrical connections to each mobile or manufactured home shall comply with the electrical code and shall be inspected.
6. Portable fire extinguishers rated for class A, B, and C shall be kept in service buildings and at other locations, conveniently and readily accessible for use by all residents, and shall be maintained in good operating condition.
7. The park shall be maintained free of any brush, leaves, and weeds, which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home. The county health department shall inspect each park annually, prior to licensing, and submit to the park owner and manager a written report stating whether or not the park is in compliance and listing any repairs which may be required prior to issuance of a license renewal. An extension of time to complete repairs may be granted if no risk to public health or safety is created by such extension.
8. Individual mailboxes shall be provided for each space in the park.
9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park.

19.70.080 Open Space and Set-Aside Lands.

A. *Purpose.* The purpose of this section is to outline the provisions for classifying open space or designating set aside lands in conjunction with new development. Open space serves to:

1. Preserve the character of the natural environment;
2. Protect stream corridors, ridgelines, shorelines, critical areas, and fish and wildlife movement corridors;
3. Provide residents with usable open space for passive recreation and alternative non-motorized transportation corridors; and

4. Protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality, and flood water storage capacity.
- B. *Incentives.* As a mechanism to encourage open space classification or set aside designation, the following incentives shall be available:
1. *Tax Relief.* Any property owner who has classified open space in accordance with this section may apply for tax relief pursuant to the provision of Chapter 84.34 RCW, Open Space, Agricultural, and Timber Lands - Current Use Assessment - Conservation Futures.
- C. *General Provisions.*
1. *Open Space Locational Criteria.*
 - a. The location of a proposed classification of open space shall be determined utilizing one or more of the following criteria:
 - i. Tract(s) which are identified for a proposed new trail or extension of an existing trail system;
 - ii. Tract(s) which create a linkage to another classified open space or public park on an adjacent parcel;
 - iii. Tract(s) which create a linkage to a critical area and its associated buffer(s);
 - iv. Tract(s) which provide access to marine, lake, river, creek, or stream shoreline areas;
 - v. Tract(s) which preserve sensitive areas for aquifer recharge and enhancement of water quality or provide flood water storage capacity;
 - vi. Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and usability; or
 - vii. Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas.
 - b. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established.
 2. *Permitted Uses.* The following uses shall be permitted in areas which have been classified for open space:
 - a. *Urban Open Space.*
 - i. Pervious and impervious surface trails;
 - ii. Passive recreation and accessory structures;
 - iii. Agricultural practices and associated agricultural structures;
 - iv. Aquaculture;
 - v. Utility easements; and
 - vi. Drainfields.

D. *Classification of Open Space.*

1. *Classification Mechanism.*

- a. To assure that the open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within the open space are limited to those identified in subsection (C)(2) of this section.
- b. Prior to or concurrent with final approval of a discretionary land use permit or building permit, the open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the department.

2. *Public Access.*

- a. If tax benefit incentive is used, the department shall require public access to the open space tract(s) except as provided in (c) below.
- b. If the department requires public access to an open space tract(s), as specified in subsection (D)(2)(a) of this section, then prior to or concurrent with final approval of a discretionary land use permit or building permit, an easement shall be granted to the City of University Place providing for public access to the classified tract(s).
- c. Public access is not required when determined to be inappropriate due to the presence of sensitive environmental areas or other unique feature which would be better preserved and protected by limiting access.

19.70.090 Solid/Hazardous Waste Handling, Treatment, and Storage Facilities.

A. *Purpose.* The purpose of this section is to use buffering, fencing, and landscaping concepts to:

1. Provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and state agencies;
2. Promote compatibility between land uses and unify development with aesthetic screening;
3. Provide mitigation measures for security, vector, and fire control;
4. Provide for potential corrective measures for ground water protection; and
5. Promote the use of water conservation in the design, planting, and maintenance of landscaping.

B. *Development Standards.* The following development standards are applicable to all solid waste facilities whether or not a solid waste permit is required by state regulations or the Tacoma-Pierce County Health Department, unless otherwise stated. These standards are in addition to the other requirements of each zone classification. Individual facilities requiring a special use permit may be subject to increases to these standards by the Hearings Examiner.

C. *Waste Handling Facilities.*

1. *Applicability.* These development standards apply to the following types of facilities:
 - a. Organic waste processing facility, including any solid waste facility specializing in the controlled composition of organic solid waste and requiring a solid waste permit under Chapter 70.95 RCW, and to any soil treatment or composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste;
 - b. Municipal solid waste (MSW) composting facility, including any MSW composting facility which requires a solid waste permit including a facility located within an enclosed structure; and
 - c. Transfer station, waste separation recovery facility, and moderate-risk waste facility, including all interim transfer facilities receiving solid waste from off-site and which require a solid waste permit under Chapter 70.95 RCW.
2. *Buffering.* Waste handling facilities shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing public, residential, or commercial zones PF, R1, R2, MF, MU-O, MU, NC, TC, and C.
3. *Fencing.* To impede entry by the public and animals, a waste handling facility shall have perimeter fencing six feet in height with lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning sagging, missing sections or broken supports.
4. *Landscape Screening.* To be adequately screened to prevent blowing of litter and minimize noise and dust nuisances, a waste handling facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress and egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate the following elements:
 - a. A perimeter, sight-obscuring earth berm when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones PF, R1, R2, MF, MU-O, MU, NC, TC, and C, at least three feet high with a slope of not more than 40 percent (1:2.5) on the side away from the active area, and terraced and/or planted with groundcover to minimize erosion;
 - b. At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart;

- c. At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones PF, R1, R2, MF, MU-O, MU, NC, TC, and C; and
 - d. A mixture of lawn, low growing shrubs, or hardy evergreen groundcover over the balance of the area.
5. *Use of Existing Vegetation to Satisfy Requirements.* The applicant is responsible for submitting to the city an alternative conceptual landscape plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area, or critical area buffer to fully comply with the intent of this section.
- D. *Drop Box Transfer Station.* This section applies to all drop box transfer stations receiving solid waste from off-site and requiring a solid waste permit under Chapter 70.95 RCW.
- 1. *Fencing.* To impede entry by the public and animals, a drop box transfer station shall have perimeter fencing six feet in height with lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections or broken supports.
 - 2. *Landscape Screening.* To be adequately screen from residential development, a drop box transfer station shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six feet in width when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones PF, R1, R2, MF, MU-O, MU, NC, TC, and C. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season.

19.70.100 Vehicle Impound Yards.

Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles. Vehicle impound yards are subject to all the following performance standards:

- A. The maximum size of a vehicle impound yard is one acre.
- B. One vehicle impound yard is permitted per every 10,000 city population (based on most recent State Office of Financial Management population estimate).
- C. A minimum 50 foot setback shall be required between a vehicle impound yard area and all zones other than LI-BP.

- D. That portion of a vehicle impound yard within 200 feet of a zone other than LI-BP shall provide Level I landscaping. Portions of vehicle impound yards beyond 200 feet of zones other than LI-BP shall provide Level III landscaping.
- E. A sound attenuating wall shall be required between the vehicle impound yard and any zone other than LI-BP within 200 feet. The wall shall be approved by the Director.
- F. Lighting shall be shielded from residential areas.
- G. Water quality protection systems for the vehicle impound yard shall be provided in compliance with city standards and best management practices.
- H. That portion of a vehicle impound yard within 200 feet of a zone other than IB shall have hours of operation only between 7:00 a.m. and 8:00 p.m.

Chapter 19.75
SIGNS

The attached Chapter 19.45 Signs is Hereby adopted by Reference. All Chapter/Section citations shall be considered 19.75 rather than 19.45.

UNOFFICIAL DOCUMENT

Chapter 19.45**SIGNS****Sections:**

- 19.45.010 Code adopted.
- 19.45.020 Purpose.
- 19.45.030 Definitions.
- 19.45.040 Administration and enforcement.
- 19.45.050 Permits required.
- 19.45.060 Applications for sign permits.
- 19.45.070 Prohibited signs.
- 19.45.075 Exemptions.
- 19.45.090 Permit issuance.
- 19.45.100 Right of entry.
- 19.45.110 Compliance with zoning regulations.
- 19.45.115 Sign record.
- 19.45.120 Conflicting regulations.
- 19.45.130 Liability.
- 19.45.140 Revocation of permits.
- 19.45.150 Nuisance declared – Abatement.
- 19.45.160 Damaged nonconforming signs.
- 19.45.170 Permit fees.
- 19.45.180 Freestanding letters.
- 19.45.190 Plans filed.
- 19.45.200 Individual signs.
- 19.45.210 Permits issued to whom.
- 19.45.220 Marquee – Canopy – Awnings – Eyebrow.
- 19.45.230 Wall signs.
- 19.45.240 Street banners – Decorations.
- 19.45.250 Signs not to obstruct traffic signals.
- 19.45.260 Public right-of-way.
- 19.45.270 Billboards – General requirements.
- 19.45.280 Billboards – General.
- 19.45.290 Billboard lighting.
- 19.45.300 Setback lines.
- 19.45.310 Height.
- 19.45.315 Width.
- 19.45.320 Visibility.
- 19.45.330 Establishment of property lines.
- 19.45.340 Sizes and types of signs permitted in various zones.
- 19.45.350 Planter boxes – Bumper guards – Shrubs – Plants.
- 19.45.360 Entrance and exit signs.
- 19.45.370 Entrance and exit ways – Ingress and egress – Gateways.
- 19.45.380 A-board and similar type signs.
- 19.45.390 Electric power lines – Clearance.
- 19.45.400 Signs on fences.
- 19.45.410 Temporary residential development area signs.
- 19.45.415 Temporary signs.
- 19.45.420 Nonconforming signs.

- 19.45.430 Replacement of nonconforming signs.
- 19.45.440 Sign removal provisions – Nonconforming and abandoned signs.
- 19.45.450 Removal of sign – Time period.
- 19.45.460 Penalty for violations.
- 19.45.470 Severability.

19.45.010 Code adopted.

These sign code regulations are adopted as the sign code for the City of University Place. (Ord. 79 § 1, 1996).

19.45.020 Purpose.

The purpose of this code is to provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures. (Ord. 79 § 1, 1996).

19.45.030 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as follows:

1. "A-board and similar signs" means small type signs, either single or double faced, portable or permanently installed, upon which is generally placed advertising copy denoting products being offered upon the premises on which such signs are placed. Such signs may also bear other messages or copy.

2. "Awning" means any structure made of cloth or metal with a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

3. "Billboard" means a preprinted or hand-painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

4. "Billboard face" means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing pre-printed poster panels or by painted copy.

5. "Building line" means a line established by ordinance beyond which no building or structure may extend.

6. "Building official" means the officer or other person charged with the administration and enforcement of this code or his duly authorized deputy.

7. "Business sign" means a sign located on the premises of the business it is associated with.

8. "Canopy" means any structure, other than an awning, made of cloth or metal with metal framework attached to a building or carried by a frame supported by the ground.

9. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.

10. "Electric sign" means any sign containing electrical wiring, but not including signs illuminated by exterior light source.

11. "Freestanding letters" means individual letters, characters, or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a steel framework for support.

12. "Marquee" means a permanent-roofed structure attached to and supported by a building.

13. "May" means permissible and shall be solely the decision of planning director.

14. "Nonconforming" means a sign or sign structure erected prior to this code that does not conform to the provisions as contained in this chapter.

15. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.

16. "Owner-user" means the outright owner of a sign or sign structure or lessor in case of leased signs or sign structures, or the lessee in the case of leased signs or sign structures.

17. "Painted signs" means a sign or sign structure, nonelectrical in nature, except such signs

may have illumination from an exterior light source.

18. "Person" means one or more persons of either sex, an association, copartnership, or a corporation, whether acting by themselves or by a servant, agent, employee, guardian or trustee; the singular shall be understood to include the feminine.

19. "Pole sign" means any sign, electric or otherwise, hung, supported or cantilevered from structural steel, pipe or combinations of same and mounted in concrete.

20. "Portable sign" means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.

21. "Projection" means the distance by which a sign extends beyond its means of support.

22. "Revolving sign" means any sign or sign structure that revolves or partially revolves by means of some mechanical method.

23. "Roof sign" means a sign or sign structure erected upon or above a roof or parapet of a building or structure.

24. "Sign" means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods or service.

25. "Sign, construction" means a sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises.

26. "Sign, flashing" means an illuminated sign on which the light is not constant in apparent intensity and color when in use; provided, that a slowly revolving sign will not be considered a flashing sign.

27. "Sign, freestanding" means a sign which is supported on a structure used exclusively for the support of the sign or for a group of signs.

28. "Sign, gross area of" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

29. "Sign, identification" means a sign which directs attention to uses other than private residence or home occupation, which uses are permitted outright or by conditional use permit in residential or multiresidential zone.

30. "Sign, nameplate" means a sign which indicates no more than the name, address, and home occupation of the resident of the premises.

31. "Sign, off-premises" means a sign which advertises a business or service which is not located on the site where the sign is displayed.

32. "Sign, real estate" means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premises.

33. "Sign structure" means the supports, uprights, braces, and framework of the sign.

34. "Special displays" means and includes displays of merchandise, animals, balloons, cars, airplanes, and/or other objects used to attract attention for purposes of advertising.

35. Special displays shall not be included as "signs" as that term is used in this code.

A. "Double face" means a sign carrying advertising on both faces.

B. "Horizontal sign" means a projecting sign having a greater horizontal than vertical dimension.

C. "Marquee sign" means any sign affixed to any marquee.

D. "Single face" means a sign carrying advertising on one surface only.

E. "Vertical sign" means a projecting sign having a greater vertical than horizontal dimension.

36. "Structure" means that which is built or constructed, an edifice or building of any kind, or any

piece or work artificially built up or composed of parts joined together in some definite manner.

37. "Temporary sign" means and includes an A-board/sandwich sign, banner, or flag constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames intended to be displayed for a limited time only.

38. "UBC Standards" means the current of the Uniform Building Code Standards, published by the International Conference of Building Officials.

39. "Uniform Building Code" means the current version of the Uniform Building Code, published by the International Conference of Building Officials.

40. "Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
(Ord. 118 § 1, 1996; Ord. 79 § 1, 1996).

19.45.040 Administration and enforcement.

The administration and enforcement authority shall be the city planning director.
(Ord. 79 § 1, 1996).

19.45.050 Permits required.

No sign shall hereafter be erected, re-erected, constructed, or altered, except as provided by this code; and provided, that a sign permit for the same has been issued by the planning department. Also, any sign for which a building permit is required under the UBC must obtain a building permit. A sign permit shall be required for each sign installed at one time on contiguous property.
(Ord. 79 § 1, 1996).

19.45.060 Applications for sign permits.

A. Any person entitled to apply for and receive a sign permit shall make application on forms provided for that purpose at the office of the city planning department.

B. Such application shall contain the following information:

1. Name and address of applicant;
2. Name and address of location of sign erection;
3. Provide a reasonable sketch on 8 1/2-inch by 11-inch paper of the proposed sign erection giving all sizes and measurements including foot-

ing details, height and proposed location of the sign on the property;

4. The planning director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure proper compliance with this code, as is provided in UPMC 19.35.200;

5. The type of sign and number of faces;

6. An affidavit that the written consent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained.

(Ord. 79 § 1, 1996).

19.45.070 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

A. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under UPMC 19.45.075 as temporary signs.

B. Private signs on utility poles.

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, including, but not limited to, signs containing words such as "stop," "look," and "danger."

D. Signs located in the public right-of-way or on city property, except where permitted in this chapter.

E. Poster, pennants, banners or streamers, string of lights, blinking lights or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in UPMC 19.45.075 as grand opening displays, or the following other exceptions:

1. National, state, and institutional flags when properly displayed;

2. Signs and banners approved as temporary signs; and

3. Balloons as approved as temporary signs.

F. Changing message center signs, where the message changes more frequently than every three minutes, except for display of time and temperature.

G. No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other regulations as specified in the Uniform Building Code.

H. Signs erected at intersections of any streets in such a manner as to materially obstruct free and clear vision.

I. No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure. Barber shop poles are excluded from this provision.

J. Any sign attached to or placed upon a vehicle or trailer parked on public or private property. The prohibition of this paragraph does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.

K. No public address system or sound devices shall be used in conjunction with any sign or advertising device.

L. No roof signs or signs which project above the roof shall be permitted.

M. Obscenity. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.

N. Traffic Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

O. Abandoned signs.

P. Signs painted on bus benches.

Q. No sign shall be used as a fence nor shall any fence be used as a sign.

R. Off-premises signs except as authorized by this chapter.

S. Real estate "arrow directional signs." See UPMC 19.45.075 for "open house" signs. (Ord. 107 § 1, 1996; Ord. 79 § 1, 1996).

19.45.075 Exemptions.

A. Exemption from the sign permit request of this chapter shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city or the state of Washington, including the prohibition against placing signs upon city right-of-way.

B. A sign permit will not be required for the following signs:

1. Professional nameplates not exceeding two square feet in area.

2. Signs denoting the architect, engineer, or contractor when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area and must be placed at least 10 feet back from the property line.

3. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area.

4. Signs of the state, city, or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or Adopt-A-Road litter control program signs.

5. Painting, repainting or cleaning of any sign, unless a structural change is made, while sign is still in position.

6. a. The city recognizes the right of political candidates to exercise their right of free speech in a traditional public forum. Candidates or proponents of ballot measures are encouraged to recognize the concerns of citizens regarding sign blight and to limit placement of signs to a reasonable time before the election. Signs for a successful primary candidate may remain in place until after the general election. The exemption of political signs from city regulation is limited by the following provisions.

b. Signs relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election are political signs and exempt from the sign permit requirement; provided, that such political signs shall be removed

10 days after the date of the election for which they are intended. If political signs are not removed within the specified time, they will be subject to removal by the city in addition to any other remedies provided in this chapter. The city will notify the candidates or their designated representatives of sign removal and a designated location for picking up signs that have been removed. When these appropriate individuals cannot be contacted or do not respond within five working days, the signs will be destroyed.

c. No political sign shall be erected upon any private property without permission of the resident or owner thereof.

d. Political signs along the edge of the right-of-way shall not exceed three square feet in area per sign face nor three feet in height, and shall not obstruct safe visibility of any mobile or pedestrian traffic, nor interfere with routine maintenance and other common uses of the right-of-way such as public parking, pedestrian and bicycle traffic or access to utilities.

7. Historic site markers or plaques, grave-stones, and address numbers.

8. Signs required by law, or intended to notify the public of public meetings or hearings, including but not limited to:

a. Official or legal notices issued and posted by any public agency or court;

b. Temporary sandwich/A-frame signs or bulletin board signs; or

c. Traffic directional or warning signs.

9. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency. Incidental signs are signs, emblems, and decals designed to inform the public of goods, facilities, or services available on the premises, and may include but are not limited to signs designating restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths and recycling containers.

10. State or federal flags.

11. Religious symbols.

12. The flag of a commercial institution; provided no more than one flag is permitted per business premises; and further provided, the flag does not exceed 20 square feet in surface area.

13. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes.

14. Building addresses with numbers and letters not more than 10 inches in height.

15. Signs not oriented or intended to be legible from a right-of-way, other property, or from the air.

16. Signs inside of a building, except for strobe lights or flashing neon lights visible from a right-of-way, other property or from the air.

17. Painted wall decorations.

18. Painted wall highlights.

19. Signs affected by stipulated judgments to which the city is a party, entered by courts of competent jurisdiction.

20. Interior window signs.

21. Strings of incandescent lights in nonresidential zones where the lights do not exceed five watts per bulb, the bulbs are placed no closer than six inches apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.

22. Temporary signs painted or placed upon a window in a nonresidential zone, when such signs do not obscure more than 20 percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of this code for permanent signs.

23. Real Estate Signs.

a. Temporary, non-illuminated real estate signs or construction signs (not more than one per tax lot), located on the property which is for sale or lease, not exceeding six (6) square feet in residential areas or twelve (12) square feet in commercial and industrial areas and not over six feet in height, provided said signs are removed 15 days from the sale, lease, or rental of the property or within seven days of completion of the project.

b. "Residential open house A-board signs" in the R1 and R2 zones. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs within one mile of the subject property. If a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to three off-premises, "open house" signs for the entire development or subdivision. Such signs are permitted only during daylight hours while the realtor or seller or an agent is in attendance at the property for sale or lease. No such sign shall exceed five square feet per sign face with a limit of two faces. The signs may not be placed within a public right-of-way, but may be placed adjacent to the right-of-way. This exemption does not apply to apartment and condominium "for rent" or "for lease" signs.

24. Temporary nonilluminated signs not exceeding 16 square feet for charitable fundraising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.

25. Signs on private property when such signs are solely designated to direct pedestrians or vehicular traffic while on the parcel of real estate on which the signs are located.

26. Signs on private property which are required by any law or ordinance.

27. Nonilluminated signs not exceeding four square feet placed on lawns or buildings or in windows and containing a noncommercial political, religious, or personal message.

(Ord. 205, § 1, 1998; Ord. 198, § 26, 1998; Ord. 113 § 1, 1996; Ord. 107 § 2, 1996; Ord. 79 § 1, 1996).

19.45.090 Permit issuance.

It shall be the duty of the planning director or his duly authorized representative, upon the filing of an application for a sign permit, to investigate the same, and if it shall appear to be in compliance with all the requirements of this code, he shall then issue the permit. The planning director shall not issue a permanent or temporary sign permit if it is determined that any temporary sign on the premises does not comply with the provisions of this code.

(Ord. 79 § 1, 1996).

19.45.100 Right of entry.

Upon proper presentation of credentials, the planning director or his duly authorized representative may enter at reasonable times any building, structure or premises within the city to perform any duty imposed upon him by this code.

(Ord. 79 § 1, 1996).

19.45.110 Compliance with zoning regulations.

Only signs of the type or types as designated by the city zoning regulations shall be permitted in the respective zoned areas.

(Ord. 79 § 1, 1996).

19.45.115 Sign record.

The planning and community development department shall maintain a list of all currently permitted signs, including the status of such signs and shall make the list available for public inspection.

(Ord. 79 § 1, 1996).

19.45.120 Conflicting regulations.

If any portion of this code shall conflict with any other regulation the most restrictive shall apply.
(Ord. 79 § 1, 1996).

19.45.130 Liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign for personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workman, in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the city or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.
(Ord. 79 § 1, 1996).

19.45.140 Revocation of permits.

The planning director is authorized and empowered to revoke any sign permit issued by him upon failure of the holder thereof to comply with any provision or provisions of this code.
(Ord. 79 § 1, 1996).

19.45.150 Nuisance declared – Abatement.

Signs constructed, altered or maintained in violation of the provisions of this code are declared to be public nuisances. When judgment is rendered against any person, firm or corporation finding them guilty of violating any provisions of this code, the court may, in addition to or in lieu of imposing other penalties, order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within 48 hours, the same shall be abated and removed by any officer authorized by order of the court. In the event the owner of such sign cannot be found or refuses to comply, the director or office authorized by the court shall have the nonconforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.
(Ord. 79 § 1, 1996).

19.45.160 Damaged nonconforming signs.

A nonconforming sign or sign structure damaged to the extent of more than 25 percent of its value at the time of damage by fire, wind or other

casualty shall not be restored as a nonconforming sign or sign structure.
(Ord. 79 § 1, 1996).

19.45.170 Permit fees.

Permit fees shall be as set forth in the city's fee resolution.
(Ord. 79 § 1, 1996).

19.45.180 Freestanding letters.

For the purpose of computing the permit fee, freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.
(Ord. 79 § 1, 1996).

19.45.190 Plans filed.

The planning director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this code.
(Ord. 79 § 1, 1996).

19.45.200 Individual signs.

Each individual sign shall require a separate permit.
(Ord. 79 § 1, 1996).

19.45.210 Permits issued to whom.

Sign permits shall be issued only to the firm, company, corporation or person making the installation and shall not be transferable.
(Ord. 79 § 1, 1996).

19.45.220 Marquee – Canopy – Awnings – Eyebrow.

A. No sign shall be designed as a marquee, canopy, awning or eyebrow, either in part or whole, that will change the required setback or setbacks for the building to which it may be attached.

B. Signs may be placed on the outer face of a marquee; provided they shall not exceed 18 inches in thickness and such marquees are constructed as specified by the Uniform Building Code.
(Ord. 79 § 1, 1996).

19.45.230 Wall signs.

Wall signs as defined in subsection (40) of UPMC 19.45.030 shall not exceed 18 inches in thickness.
(Ord. 79 § 1, 1996).

19.45.240 Street banners – Decorations.

Street banners, decorations and/or other similar items shall not be permitted, except by special permit issued by the city engineer, and shall comply with the regulations governing such items. (Ord. 79 § 1, 1996).

19.45.250 Signs not to obstruct traffic signals.

The issuance of a sign permit as regulated by this code shall not relieve the permit holder from fully complying with the state of Washington law or any other law governing the obstruction of any authorized traffic sign, signal or device. (Ord. 79 § 1, 1996).

19.45.260 Public right-of-way.

No person, organization, or agency shall place any signs, indicators, advertisements, stakes, posts or any other foreign object or objects upon a public highway or right-of-way of any public highway in this city without the express permission, in writing, of the city engineer, and any such foreign objects now upon the highways or public highway rights-of-way as designated in this section are declared illegal, except for those now in place with written permission of the city engineer; and provided, that this section shall not apply to mailboxes and attached newspaper boxes, placed on the city right-of-way, where these are placed as far removed from the driving portion of the right-of-way as possible, except that the placement shall be subject to approval of the city engineer. In the event the owner of such sign cannot be found or refuses to comply, the director shall have the non-conforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.

Signs which the director finds are so located as to present a hazard to the public may be immediately removed without prior notice. (Ord. 79 § 1, 1996).

19.45.270 Billboards – General requirements.

A. The total number of billboard faces within the City of University Place shall not exceed the total number of billboard faces existing on the date of incorporation.

B. The demolition or removal of any billboard reduces the number of allowable billboard faces by the number removed.

C. In the event that the City of University Place annexes areas containing billboards after the date

of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.

D. Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered nonconforming.

E. Except as provided in subsections (F) and (G) following, billboards shall not be altered with regard to size, shape, orientation, height, or location.

F. Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within 90 days of permit issuance.

G. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of billboard shall not require a permit. Billboard copy replacement may occur at any time and is also exempt from the requirement for a permit. (Ord. 79 § 1, 1996).

19.45.280 Billboards – General.

A. Billboards shall not be erected or maintained which have any moving parts.

B. Billboards shall not be erected or maintained which have any projections that extend more than three feet out from the surface of the billboard face. (Ord. 79 § 1, 1996).

19.45.290 Billboard lighting.

Billboards shall not be erected or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights. Billboards shall not include lighting unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Signs found to be too bright, in the opinion of the city director, shall be adjusted in accordance with the instructions of the director. (Ord. 79 § 1, 1996).

19.45.300 Setback lines.

Setbacks for Signs. Unless otherwise provided by this chapter, the setback point shall be that portion of any sign or sign structure that is closest to the property line. No sign shall be closer than five (5) feet from the edge of a right-of-way. Signs greater than five (5) feet in height shall be set back a minimum of fifteen (15) feet from the right-of-way. Signs set back fifteen (15) feet from the edge of the right-of-way may be up to ten (10) feet in height. - See also Diagram 1 following this Chapter. (Ord. 205 § 1, 1998; Ord. 198 § 27, 1998; Ord. 118 § 2, 1996; Ord. 79 § 1, 1996).

19.45.310 Height

Sign height shall be measured from the average finished grade at the sign foundation. Maximum height of all signs or any part of the sign structure shall be ten (10) feet above average finished grade. The average finished grade for signs on grades lower than the adjacent right-of-way shall be considered the same as the average grade of the adjacent right-of-way. See Diagram 1 following this Chapter. (Ord. 205 § 1, 1998; Ord. 79 § 1, 1996).

19.45.315 Width

The maximum width of a freestanding sign structure shall be twelve (12) feet. (Ord. 205 § 1, 1998)

19.45.320 Visibility.

No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility of any mobile or pedestrian traffic. (Ord. 79 § 1, 1996).

19.45.330 Establishment of property lines.

A. It shall be the responsibility of the property owner or his authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken.

B. In the event of a dispute or discrepancy in the establishment of the property lines involved, the planning director may order an independent survey where, in his opinion, such information is necessary to insure compliance with this code. (Ord. 79 § 1, 1996).

19.45.340 Sizes and types of signs permitted in various zones.

A. Chart - Purpose. A description designating the various zones and sizes and types of signs

permitted in each zone appears in subsection (C) of this section.

B. Application for Variances. Applications for variance of setback, height and size requirements shall be made with the planning department.

C. Where Permitted.**1. GROUP I: R1, R2, MF, PF.**

a. One nameplate, not greater than two square feet in gross area, not over four feet in height if detached from the residence, and non-flashing.

b. One identification sign, real estate signs, not greater than 20 square feet in area, not greater than five feet in height, and nonflashing.

c. Construction signs, not greater than 16 square feet in area, not greater than five feet in height, and nonflashing.

2. GROUP II: C, TC, NC, MU, MU-O, IB, and Schools, Churches, and Parks in any zone (except see below).

a. Nameplates, identification, real estate and construction signs, as permitted in R1, R2 zones.

b. Wall signs are permitted; provided they do not total an area more than 15 percent of the building facade on which they are located.

c. Freestanding Signs.

i. One freestanding sign not exceeding twenty (20) square feet for single tenant buildings, not exceeding thirty-five (35) square feet for buildings or commercial centers with five (5) or fewer tenants and not exceeding fifty (50) square feet for buildings or commercial centers with six (6) or more tenants is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign.

d. Temporary Signs. One- temporary sign shall be allowed per contiguous lot or business entity subject to the provisions of UPMC 19.45.415.

The planning and community development department may prescribe reduced area and height, more controlled illumination and greater setback for those zones in which site plan approval is required.

(Ord. 205 § 1, 1998; Ord. 198 § 28, 1998; Ord. 79 § 1, 1996).

19.45.350 Planter boxes – Bumper guards – Shrubs – Plants.

A. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line.

B. Planter boxes, planter boxes containing shrubs, bumper guards, plants or shrubs shall be limited to and maintained at not more than 36 inches above the closest ground level. See also UPMC 19.45.320 covering visibility. (Ord. 79 § 1, 1996).

19.45.360 Entrance and exit signs.

A. Entrance and exit signs and/or other similarly worded signs when used for the sole purpose of controlling mobile traffic shall be limited to the following:

1. Number: Only one sign for each entrance or exit.
2. Horizontal: Not to exceed 36 inches in height above ground level. The maximum size shall be six square feet.
3. Vertical: Not to exceed 16 inches in width. The maximum size shall be six square feet.

B. See also UPMC 19.45.320 covering visibility. (Ord. 79 § 1, 1996).

19.45.370 Entrance and exit ways – Ingress and egress – Gateways.

The use of concrete, wood, stone, brick, steel, masonry and/or other similar materials in constructing entrance and exit ways and/or gateways shall be subject to:

A. Location to be approved by the city engineer.

B. Height shall be limited to four feet above natural grade, except when such structures are 25 feet from a secondary highway or 35 feet from a primary highway.

C. The incorporation of signs, plaques, emblems and/or other similar items in or on such structures shall be by special permission of the planning director. (Ord. 79 § 1, 1996).

19.45.380 A-board and similar type signs.

Placing of A-board and other similar type signs whether portable or stationary shall be governed by UPMC 19.45.260, 19.45.320, and 19.45.415

and shall not be less than 15 feet from a street property line. (Ord. 79 § 1, 1996).

19.45.390 Electric power lines – Clearance.

Horizontal and vertical clearance of signs or sign structures from energized power lines shall not be less than 12 feet. (Ord. 79 § 1, 1996).

19.45.400 Signs on fences.

No sign shall be used for a fence nor shall any fence be used for a sign. (Ord. 79 § 1, 1996).

19.45.410 Temporary residential development area signs.

Temporary signs or sign structures designating residential development areas may be permitted upon receiving special permission from the planning department. Such signs or sign structures shall be limited to a two-year period. (Ord. 79 § 1, 1996).

19.45.415 Temporary signs.

A. Authorization. The director shall be empowered to authorize temporary signs not exempted by UPMC 19.45.070(A) and (E). The director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

B. Issuance Authority:

1. The director may issue temporary sign permits for A-board/sandwich signs, banners, flags, strings of flags, balloons, and streamers only.

2. No permit for a temporary A-board/sandwich sign, banner, or flag shall be issued for a period longer than 60 days. The 60-day time period may be used as one 60-day period, two separate 30-day periods, four 15-day periods, or six 10-day periods.

3. No permit for a temporary string of flags, balloons, or streamers shall be issued for a period of longer than three days, but may be issued in conjunction with a temporary A-board/sandwich sign, banner, or flags under the same permit fee.

C. Type of locations of temporary signs shall be as follows:

1. The total number of temporary signs shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings.

2. The total area of a temporary signs shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 48 square feet. Banners in the rights-of-way shall be permitted only with written permission by the city engineer who shall indicate maximum size.

D. Location. Temporary signs which may obscure the vision of motorists shall be located at least 20 feet from intersections and driveways. Temporary signs shall meet the setback requirements in UPMC 19.45.300 except that temporary A-board/sandwich signs may be placed at least five feet off a right-of-way. Temporary signs are not permitted for single-family and duplex dwellings.

E. Attachment. Temporary signs may not be permanently attached to the ground, building, or other structures.

F. Deposit. A deposit shall be submitted along with an affidavit stating that the applicant for a temporary sign will comply with all provisions of this section is required prior to the issuance of a temporary sign permit. The affidavit shall state that all temporary signs must be removed within three working days after the expiration of the permit. The deposit shall be equal to the permit fee. If the applicant fails to remove signs in the time required and the city must enforce pursuant to UPMC 19.45.100 and 19.45.150, the deposit shall be forfeited and the applicant will not be eligible for another temporary sign permit for a period of 12 months.

G. Removal. Each sign permit shall specify a removal date for streamers, banners, pennants, A-boards, and other temporary signs. The applicant is responsible for the prompt removal of such temporary signs at the termination of the specifies time period. Temporary A-board/sandwich signs shall be removed at the close of each business day. (Ord. 148 § 5, 1997; Ord. 118 § 3, 1996; Ord. 79 § 1, 1996).

19.45.420 Nonconforming signs.

A. Any sign which is replaced shall immediately be brought into compliance with all of the provisions of this chapter. Maintenance and repair of a sign on-site or away from the site, to a safe condition shall be permitted without loss of nonconforming status, if the cost of the maintenance or repair is less than 50 percent of the cost of replacing the sign with a conforming sign. However, signs must be restored to their original design or to a more conforming design. Acts of God or vandalism which damage nonconforming signs are not exempt from this section. Any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it less in compliance with the requirements of this code.

B. For purposes of this title, a sign face or message change shall be subject to the following provisions:

1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;

2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and

3. No sign permit shall be required for allowable sign face or message changes.

C. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs, use of par spotlights or rotating beacons, rotating and revolving signs, flags, banners, streamers, or strings of lights, balloons or temporary or incidental signs shall be made to conform within 90 days from written notice by certified mail given by the director.

D. Any nonconforming sign must be brought into conformance in conjunction with:

1. A major tenant improvement; or

2. Prior to any expansion or change in use which requires a conditional use permit.

All nonconforming signs must be brought into conformance with the same provisions as are required for new signs.

(Ord. 280 § 1, 2000; Ord. 79 § 1, 1996).

19.45.430 Replacement of nonconforming signs.

A. To ease the economic impact of this code on uses with substantial investment in signs in existence on the date of adoption of this section, this section provides until July 1, 2004, for continued use of a nonconforming sign in its existing state. Any sign which is nonconforming with respect to the regulations in this chapter shall either be removed or brought into compliance with the chapter requirements within the time period specified herein.

B. The director shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the director shall use reasonable efforts to so notify in writing, the sign user or owner of the sign, and where practicable the owner of the property on which the sign is located. The business with which the sign is associated shall be presumed to be the sign user under this code. Notification shall include:

1. Whether the sign is conforming, nonconforming or illegal;
2. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

C. Any sign which does not conform with the provisions of this code is eligible for a nonconforming sign permit; provided it meets all of the following requirements:

1. The sign must be an on-premise sign;
2. The sign must not be a temporary sign;
3. The sign must not be a sign prohibited by UPMC 19.45.070; and
4. The sign must not be an illegal sign (constructed or placed illegally).

D. Each sign user having nonconforming signs which meet the requirements of subsection (C) of this section shall be permitted to retain one (only) such sign along each street upon which the business premises fronts. A nonconforming sign permit must be obtained for each sign to be retained.

E. A nonconforming sign permit is required for each nonconforming sign identified under subsection

(B) of this section. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located, within 60 days of notification by the city (under subsection (B) of this section) that the sign is nonconforming. The permit shall expire on July 1, 2004. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the director may require to ensure compliance with the code. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

F. A nonconforming sign for which no permit has been issued within the 60-day period shall within six months from the date of initial notice by the city be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, sign owner or owner of the property on which the sign is located to the remedies and penalties of UPMC Chapter 1.20. If a sign loses its nonconforming status because it is replaced the nonconforming sign permit shall become void and the director shall notify the sign user, sign owner and/or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall be removed.

G. An illegal sign which does not comply with the requirements of this code and which is not eligible for a nonconforming sign permit under subsection (C) may be immediately removed by the city if the sign is located on city property or right-of-way. The city may remove an illegal sign located on private property in accordance with the provisions of UPMC Chapter 1.20

H. Nonconforming signs for which a nonconforming sign permit has been issued may remain until July 1, 2004 after which the sign shall be removed.

I. Any sign not removed within the time limit stated herein shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the city if the sign owner or property owner fails to do so after being so ordered by the director or designee. Cost of said removal shall be borne by the sign owner or property owner and may be recovered by the city, if

necessary, by placing a lien on the property from which the sign has been removed.

(Ord. 280 § 2, 2000; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.45.440 Sign removal provisions – Nonconforming and abandoned signs.

A. All signs erected after the effective date of the ordinance codified in this chapter, which are in violation of any provisions of this chapter, shall be removed or brought into conformance upon written notice by the director.

B. If the owner of sign, building, structure or premises fails to comply with the written order, the director may then cite the owner into court subject to Chapter 1.20 UPMC, Enforcement.

C. All signs and sign structures nonconforming in the structural requirements as specified in the UBC which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the director may specify:

1. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the director shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

D. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign or sign structure when the sign has been abandoned:

1. If the person who owns or leases such sign fails to remove it as provided in this section, the director shall give the owner of the building, structure or premises upon which such sign is located 60 days' written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days' notice, the director may remove such sign at cost to the owner of the building, structure or premises; and

3. Costs incurred by the city due to removal may be made by a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.

(Ord. 79 § 1, 1996).

19.45.450 Removal of sign – Time period.

Every person maintaining a sign shall, upon vacating the premises where a sign is maintained, remove or cause to be removed the sign within a 30-day period. Upon failure to comply with the provisions of this section, the planning director shall issue a notice to the owner to remove the sign within a 10-day period or be in violation of this code.

(Ord. 79 § 1, 1996).

19.45.460 Penalty for violations.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

B. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter 1.20 UPMC, Enforcement.

(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.45.470 Severability.

If any provision of this chapter or its application to any person or circumstance is invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 79 § 1, 1996).

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 Use of Land.**
- 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.

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.

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.

19.80.040 Nonconforming Uses

The party exerting the existence of a lawful nonconforming use has the burden of establishing that as of August 31, 1995, the effective date of 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 1 year the subsequent use of the land shall be conforming.
- B. 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;
- C. 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.
- D. 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.

19.80.050 Nonconforming Structures.

The party asserting the existence of a lawful nonconforming structure has the burden of establishing that as of August 31, 1995, the effective date of this chapter, or subsequent revision or amendments, the structure was constructed in conformance with the zoning provisions in place at the time the structure was built, or that the structure was built pursuant to the granting of a Variance.

- A. A nonconforming structure may remain and be used, provided that:
 - 1. The nonconforming portion of the structure shall not be expanded in any direction which increases its degree of nonconformity, except as specifically authorized through a Variance (see UPMC 19.75.040, Variances).
 - 2. If moved, the structure shall be made to conform to regulations of this code.
 - 3. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.
 - 4. Substantial Destruction. If the structure is harmed or destroyed by more than fifty percent (50%) of its replacement value, as determined by the building official, the structure must be reconstructed in compliance with the requirements of the zone in which it is located.

5. Permits to reconstruct a nonconforming structure after damage by fire, or natural causes where more than 50% of the structures value remains shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

19.80.060 Nonconforming Parking, Loading, Signs, Landscaping and Other Required Improvements.

If improvements required for a given use including but not limited to off-street parking, signs, landscaping, and open space are not in accordance with the requirements of this title, no change that increases the nonconformity with such requirements is permitted. Changes that decreases the nonconformity to the requirements of this title is permitted.

19.80.070 Unclassified Use Permits.

Unless redefined as a public facility permit, in accordance with Section 19.85. unclassified use permits shall be considered non-conforming uses and subject to the requirements of this section.

CHAPTER 19.85

DISCRETIONARY LAND USE PERMITS

Sections:

- 19.85.010 Administrative Use Permits.**
- 19.85.020 Conditional Use Permits.**
- 19.85.030 Variances.**
- 19.85.040 Planned Development Districts.**
- 19.85.050 Public Facilities Permits.**

19.85.010 Administrative Use Permit.

- A. *Purpose.* The purpose of this section is to establish decision criteria and procedures for uses that, due to their unique qualities, may require additional regulations or other special degrees of control. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

Administrative Use Permits include:

1. Accessory Dwelling Units;
2. RV Permits;
3. Telecommunication Facility Review;
4. Temporary Uses; and
5. Tree Permits.

- B. *Decision Criteria.* The Director shall review applications for administrative use permits in accordance with specific findings as set forth below.

1. *Requirements and Decision Criteria Unique to Certain Uses.* The development standards of this code shall be used by the applicant in preparing the administrative use permit application and by the Director in determining the acceptability of permitting a use in a certain location.
2. *Required Findings.* The Director shall grant approval of an administrative use permit if all of the criteria pertaining to that type of permit (such as Home Occupation permit) and all of the following findings can be made and supported by the record:
 - a. That the granting of the proposed administrative use permit approval will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Adversely affect the established character of the surrounding vicinity; nor
 - iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;

- b. That the granting of the proposed administrative use permit approval is consistent and compatible with the intent of goals, objectives, and policies of the city's comprehensive plan, and any implementing regulation;
 - c. That all conditions necessary to mitigate the impacts of the proposed use can be monitored and enforced; and
 - d. That all requirements for a specific use have been addressed by the applicant.
- C. *Burden of Proof.* The applicant has the burden of proving that the proposed use meets all criteria set forth in subsection (B)(2) of this section, Decision Criteria.
- D. *Approval.* The Director may approve an application for an administrative use permit, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.
- E. *Denial.* The Director may deny an application for an administrative use permit if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of complying with specific standards set forth in this code, and if any of the above required findings are not supported by evidence in the record as determined by the Director.

19.85.020 Conditional Use permit.

- A. *Purpose.* The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.
- Conditional uses will be subject to review by the Examiner and the issuance of a conditional use permit. This process allows the Examiner to:
- 1. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and
 - 2. Make further stipulations and conditions that may reasonably assure that the basic intent of this code will be served.
- B. *Decision Criteria.* The Examiner shall review conditional use permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The Examiner may reduce or increase bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.
- 1. *Required Findings.* The Examiner may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

- a. That the granting of the proposed conditional use permit will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Adversely affect the established character of the surrounding vicinity;
nor
 - iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
 - b. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the vision statement, goals, and policies of the city's comprehensive plan, and any implementing regulation;
 - c. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced;
 - d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard;
 - e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services; and
 - f. That the level of service standards for public facilities and services are met in accordance with the concurrency management requirements.
- C. *Burden of Proof.* The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (B)(1) of this section, Decision Criteria.
- D. *Approval.* The Examiner may approve an application for a conditional use permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- E. *Denial.* The Examiner shall deny a conditional use permit if the proposal does not meet or cannot be conditioned or modified to meet subsection (B)(1) of this section, Decision Criteria.

19.85.030 Variances.

- A. *Purpose.* The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.
- B. *Administrative and Examiner Variances.* There are two types of variances hereby established. A "minor" or administrative variance, and a "major" or Examiner variance. An administrative variance is one, which is within 25 percent of the standard contained in the code. An Examiner variance is one that is greater than 25 percent of the standard contained in the code. Both types are based on the same decision criteria, as found in subsection (D) below.

C. *Granting of Variances.* The Director and the Examiner shall have the authority to grant a variance from the provisions of this code, when, in their opinions, the conditions as set forth in subsection (D) herein have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done.

D. *Decision Criteria.* Before any variance may be granted, it shall be shown that the applicant demonstrates all of the following:

1. That the granting of such variance will not adversely affect the comprehensive plan;
2. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;
4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
5. That strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
6. That the need for the variance is not the result of deliberate actions of the applicant or property owner;
7. That the variance does not relieve an applicant from any of the procedural provisions of this title;
8. That the variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
9. That the variance does not relieve the applicant from conditions of approval established during prior permit review;
10. That the variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
11. That the variance does not allow the creation of lots or densities that exceed the base residential density of the zone;
12. That the variance is the minimum necessary to grant relief to the applicant; and
13. That the variance does not relieve the applicant from any of the provisions of the critical areas code, except for the required buffer widths.

- E. *Burden of Proof.* The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (D) of this section, Decision Criteria.
- F. *Approval.* The Director or Examiner may approve an application for a conditional use permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- G. *Denial.* The Director or Examiner shall deny a conditional use permit if the proposal does not meet or cannot be conditioned or modified to meet subsection (D) of this section, Decision Criteria.

19.85.040 Planned development districts.

- A. *Purpose.* 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 non-residential 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 an amendment to the official map proposing 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 one acre.
 2. Nonresidential PDD: No minimum area.
- E. *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.
- F. *Redevelopment.* When deemed necessary, prior to development of a PDD, the Examiner may require the removal of all or portions of existing structures.
- G. *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, libraries as authorized in the PDD.
 2. Nonresidential. Uses permitted by the underlying zone as authorized in the development plan.
- H. *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.
- I. *PDD - Procedure for Approval.* The approval of a PDD shall be considered an amendment to the official maps and, except as provided in this section, 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.

- J. *PDD Approval - 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% 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;
 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.
- K. *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.
- L. *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.
- M. *Building and Site Development Permits - Issuance.* Building permits shall be issued for only those portions of a PDD for which a final development plan has been approved by the Director.
- N. *Subdivisions.* When an applicant subdivides or re-subdivides 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.

- O. *Final Development Plan - Time Limitation.* Within three (3) 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.
- P. *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 (1) 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 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.
 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.

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.

Q. *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.

R. *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.

(Ord. 148 §§ 6, 7, 1997; Ord. 130 § 5 Exh. A, 1996; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.85.050 Public Facilities Permit.

A. *Purpose.* The purpose of this section is to establish decision criteria and procedures for the permitting of public facilities, and to provide coordinated review with local and state agencies. Certain public facilities provide necessary services to other uses but are deemed unique due to factors such as siting criteria, size, technological processes, and requirements for municipal comprehensive facility planning and budgeting. These uses require a special degree of review to incorporate and document consistency with the comprehensive plan, facility plans, or capital improvement programs, and to assure compatibility with adjacent uses.

B. *Decision Criteria.* The Examiner shall review public facility permit applications (PFP) in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the public facility permit. The Examiner may increase, reduce, or modify bulk requirements, off-street parking and loading requirements, and impose design standards as conditions of granting the permit.

1. *Required Findings.* The Examiner may approve a public facility permit only if all of the following findings can be made regarding the proposal and are supported by the record:

- a. That the granting of the proposed public facilities permit will not:
 - i. be detrimental to the public health, safety, and general welfare;
 - ii. be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor

- iii. adversely affect the established character of the surrounding vicinity;
 - b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
 - c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives and policies of the city comprehensive plan; comprehensive general or utility plans for sewage, storm water, water, solid waste, park and recreation, transportation or other facility plans; capital facility plan or capital improvement programs; and any implementing regulation;
 - d. That the facility site and environmental designs:
 - i. Meet local and state siting criteria and design requirements adopted as standard mitigation and as administrated by local and state agencies; and
 - ii. Have been reviewed and commented upon by local and state agencies responsible for issuing permits;
 - e. That all conditions to mitigate the site specific impacts of the proposed use which were identified through SEPA review can be monitored and enforced;
 - f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with character of the surrounding area; and
 - g. That the public facilities permit will be supported by, and not adversely affect, adequate public facilities and services or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
- C. *Burden of Proof.* The applicant has the burden of proving that the proposed public facility meets all the criteria in subsection (B)(1) of this section.
- D. *Approval.* The Hearings Examiner may approve an application for a public facilities permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- E. *Denial.* The Examiner shall deny a public facility permit if the proposal does not meet or cannot be conditioned or modified to meet the required findings in subsection (B)(1) of this section.
- F. *Remodels and Expansions.* For a facility with a public facility permit, remodeling, additions or expansions to the facility shall not require an amendment to the permit if the additions or expansions were included in the original public facility permit.
- G. *Recognition of Previously Granted Permits for Public Facilities.* Any previously granted development permit, zoning permit or otherwise lawfully established public facility and/or activity, which existed prior to the effective date of these regulat

der these regulations, subject to any specific conditions imposed on the approval of said authority. Any public facility and/ or activity which does not possess one of these authorities, but has been legally established prior to the effective date of these regulations, shall be defined as an existing and approved public facility permit, but shall be subject to the limitations imposed on all legally established uses under the bulk regulations and special use design standards until the specific public facility permit is amended pursuant to these regulations.

Any facility or activity which possesses a public facility permit as established herein shall not be defined as a nonconforming use under these regulations. Existing state and federal permits, including, but not limited to, federal mining permits and leases, surface mine permits (SM), national pollution discharge elimination permits (NPDES), and solid waste permits may be used to aid in the establishment of a public facility permit for any existing facility or activity. The planning and community development department shall establish and maintain a list of these public facility permits.

CHAPTER 19.90 ZONING CODE AMENDMENTS

Sections:

- 19.90.010 Amendments.
- 19.90.020 Docketing of Requests.
- 19.90.030 Revocation and Expiration.

19.90.010 Amendments.

- A. *Purpose.* The purpose of this section is to define types of amendments to special use permits development regulations, and other official controls and to identify procedures for those actions.
- B. *Amendment Standards – Special Use Permits.* This section is to provide the method for amending conditions of approval and final development plans that have received a Special Use permit.
 - 1. *Minor Amendment.* The following procedures shall be required for all minor amendments.
 - a. Request for minor amendments shall be in writing from the property owner or the owner's authorized agent.
 - b. Minor amendment applications may be routed to any city division or agency with jurisdiction. This distribution shall be subject to the discretion of the department.
 - c. A copy of all applications and any department recommendation for minor amendments shall be routed to the Examiner. The Examiner shall determine if the proposal is consistent with the original decision. Each minor amendment approval is subject to the consensus of the Examiner.
 - d. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - i. The Examiner does not object to the minor amendment.
 - ii. A change to a condition of approval does not modify the intent of the original condition.
 - iii. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.
 - iv. The proposal does not increase the overall residential density of a site.
 - v. The proposal does not change or modify housing types.
 - vi. The proposal does not reduce the designated open space.
 - vii. The proposal does not add more than five percent gross square footage of structures to the site.
 - viii. The proposal does not increase the overall impervious surface on the site by more than five percent.

- ix. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
 - e. *Burden of Proof.* The applicant has the burden of proving that the proposed amendment meets all of the criteria in subsection (B)(1)(d) of this section.
 - f. *Approval.* The administrative official may approve an application for a minor amendment, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.
 - g. *Denial.* The administrative official shall deny an application for amendment if the proposal does not meet or cannot be conditioned to meet subsection (B)(1)(d) of this section.
2. *Major Amendments.*
- a. Any modification exceeding the provisions of subsection (B)(1)(d) of this section shall follow the same procedure required for a new application.
 - b. Major amendments shall be subject to the most current city codes.
 - c. Any modification that requires a discretionary permit other than the type granted for the initial application shall require the new permit type.

19.90.020 Amendments and Docketing of Requests.

- A. *Amendments - Development Regulations and Other Official Controls.* This section provides the method for docketing, adopting and amending the text and tables of the Zoning Code and other official controls. Request to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under procedures for amendments to the comprehensive plan.
- B. Any interested person, including applicants, citizens, City Council, Planning Commission, Hearing Examiners, city staff, or staff of other agencies may request amendments to the zoning code or other development regulations.
- C. Requested amendments shall be docketed and considered at least on a bi-annual basis, consistent with the provisions of RCW 36.70A.130. Docketing shall mean the compilation and maintenance of a list of suggested changes to the development regulation in a manner that will ensure suggested changes will be considered by the city and will be available for review by the public.
- D. *Application Required.*
 - 1. For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the department may require a pre-filing conference.
 - 2. The department shall provide the application forms and submittal requirements for amendments.
 - 3. No amendment shall be processed until the information necessary to review and decide upon the amendment is deemed complete by the Director.

4. A fee may be required, adopted by separate resolution.
- E. *Planning and Community Development Department Report.* The department shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and the applicant before the public hearing. Each report shall contain:
 1. Any factual finding of the city department proposing the amendment;
 2. Any comments from other city departments;
 3. The environmental assessment or copy of any environmental determination or final environmental impact statement; and
 4. The planning division's recommendations on the amendment if any are to be made.
- F. *Public Hearing Required by Planning Commission.* The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any official control. Alternatively the Planning Commission may hold a joint public hearing with the City Council.
- G. *Adoption by the City Council.* An amendment to the development regulation or other official controls shall be adopted by the City Council by ordinance after a report from the Planning Commission.

19.90.030 Revocation and Expiration.

- A. *Purpose.* The purpose of this section is to provide the procedures for revocation, modification, or reclassification of permits.
- B. *Examiner May Revoke Permits.* The Examiner may revoke or modify any special use permit or administrative use permit.
- C. *Initiation of an Action.* An action to revoke, modify, or reclassify any matter set forth in subsection (B) of this section may be initiated by:
 1. The City Council, upon its own motion to refer said matter to the Examiner; or
 2. The Director.
- D. *Public Hearing.* Prior to such revocation, or modification, or reclassification, a public hearing shall be held by the Examiner and the procedures concerning notice, reporting, and appeals shall be in accordance with UPMC Title 22, Administration of Development Regulations; provided, that when any variance, conditional use permit, or public facility permit is not exercised within the time specified in such permit or, if no date is specified, within one year from the date of approval of said permit, said permit shall automatically become null and void and no public hearing by the Examiner shall be required on the matter.
- E. *Grounds for Revocation, Modification, or Reclassification.* Such revocation or modification or reclassification shall be made on any one or more of the following grounds:
 1. That the approval was obtained by fraud;
 2. That the use for which such approval was granted is not being exercised;

3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 4. That the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law, or regulation; or
 5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- F. *Expiration.* If no action is taken by the applicant on any application for a discretionary land use permit, special use permit, or administrative use permit for a period of one year, the application shall be deemed null and void, and the applicant will need to reapply as required by this code unless otherwise permitted in writing by the Director. This provision shall not apply to short plats.
- G. *Time Computations.* Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.
- H. *Relinquishment of Discretionary Land Use Approvals.* A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:
1. The property owner must submit in writing to the department the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.
 2. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure for a decision.
 3. The department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.