

ORDINANCE NO. 198

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING UNIVERSITY PLACE MUNICIPAL CODE TITLE 19 - ZONING TO IMPLEMENT THE NEW CITY OF UNIVERSITY PLACE COMPREHENSIVE PLAN ADOPTED PURSUANT TO THE WASHINGTON STATE GROWTH MANAGEMENT ACT (CHAPTER 36.70A RCW), AND INCLUDING AMENDMENTS TO THE ADULT ENTERTAINMENT ESTABLISHMENT PROVISIONS, ZONE CLASSIFICATION AND USE TABLES, DENSITY AND DIMENSION TABLES AND RELATED DEVELOPMENT STANDARDS, AND A NEW ZONING MAP.

Whereas, the Growth Management Act (GMA) requires counties and cities to adopt development regulations that are consistent with and implement their comprehensive plans, Chapter 36.70A RCW; and,

Whereas, GMA Comprehensive Plans are intended to direct and prepare for the future growth and development in the city and its urban growth area; and,

Whereas, after extensive public participation, including two public hearings, and inter-jurisdictional coordination the University Place City Council adopted the GMA Comprehensive Plan on July 6, 1998; and,

Whereas, the City's Comprehensive Plan creates new land use plan map designations requiring immediate implementation by the Zoning Code; and,

Whereas, upon application to the City of University Place Planning and Community Development Department certain property uses may occur under the existing Zoning Code which could undermine the City's GMA Comprehensive Plan; and,

Whereas, amendments to the Zoning Code can reduce conflicts between the comprehensive plan and development regulations until permanent GMA development regulations can be adopted; and,

Whereas, the provisions of this ordinance are intended to be in effect until a new Zoning Code can be adopted in accordance with the procedures and the deadline imposed upon the City by the Washington State Growth Management Act; and,

Whereas, the City of University Place Planning Commission held a public hearing on the Adult Entertainment Establishment provisions to the Zoning Code on April 15, 1998 followed by deliberation and a recommendation, and a public hearing on the balance of the Zoning Code amendments on May 20, 1998 and took action to forward a recommendation to the City Council on June 3, 1998; and,

Whereas, the City Council of the City of University Place held a duly noticed public hearing on the zoning code amendments on June 15, 1998, followed by deliberation and discussions on June 22, 23, and 29, 1998; and,

Whereas, the Final Environmental Impact Statement on the Comprehensive Plan was issued June 19, 1998; and,

Whereas, a Determination of Non-Significance (DNS) was issued on the zoning code amendments on May 15, 1998 with a comment period concluding May 29, 1998 and an appeal period ending June 12, 1998 with no comments received or appeal having been filed; NOW THEREFORE,

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

Section 1. Public Purpose. This ordinance is necessary for the immediate preservation of the public peace, health, safety and support of the city government and its existing institutions because the goals and policies of the adopted comprehensive plan will be undermined without their immediate implementation.

Section 2. Zoning Code Amendments Adopted. The Zoning Code is hereby amended as shown in "Exhibit A", which is attached and incorporated herein, to be consistent with and implement the Comprehensive Plan.

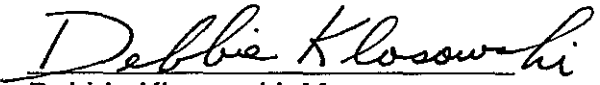
Section 3. University Place Zoning Map Adopted. Development regulations and specifically, land use classifications that are consistent with and implement the Comprehensive Plan are hereby adopted. The "Plan Map" contained within the City of University Place Comprehensive Plan and adopted by the City of University Place City Council on July 6, 1998 or as hereafter amended shall serve as the official Zoning Map of the City of University Place.

Section 4. Findings. The City Council adopts the Findings of Fact pertaining to the Adult Entertainment Establishment amendments attached to this ordinance as "Exhibit B".

Section 5. Severability. If any of the provisions of this ordinance are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 6. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. The ordinance shall become effective five (5) days after its publication.

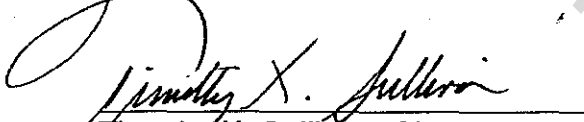
PASSED BY THE CITY COUNCIL ON JULY 6, 1998.


Debbie Klosowski, Mayor

ATTEST:


Susan Mathew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: July 8, 1998
Effective Date: July 13, 1998

ORDINANCE 198

EXHIBIT A

INCLUDING

Exhibit A-1

Zone Classifications Use Tables

Exhibit A-2

Density and Dimension Table

ORDINANCE 198 EXHIBIT A

Section 1

Section 19.05.030, "Interpretation and Application." A. 1, is hereby amended to read as follows,

A. General

1. This interim zoning code shall be consistent with and implement the interim comprehensive plan. Any conflict between the provisions of this title and the interim comprehensive plan shall be resolved by applying the interim comprehensive plan.

Section 2

Section 19.25.020, "List of zone classifications", is hereby amended to read as follows,

Zones are grouped into urban classifications based on their locations inside of an urban growth boundary. See the table below for a list of zone classifications and their symbols. Descriptions and purposes can be found in UPMC 19.25.100, Zone Classifications and Use Tables.

Zone Classification	Symbol
Moderate Intensity Employment Center	MEC
Community Center	CC
Mixed Use District	MUD
High Density Residential	HRD
Moderate Density Single Family	MSF
<u>Residential 1</u>	<u>R1</u>
<u>Residential 2</u>	<u>R2</u>
<u>Multi-Family Residential</u>	<u>MF</u>
<u>Mixed Use-Office</u>	<u>MU-O</u>
<u>Neighborhood Commercial</u>	<u>NC</u>
<u>Mixed Use</u>	<u>MU</u>
<u>Town Center</u>	<u>TC</u>
<u>Commercial</u>	<u>C</u>
<u>Light Industrial-Business Park</u>	<u>IB</u>
<u>Public Facilities</u>	<u>PF</u>

Section 3

Section 19.25.030 "Zoning Map", is hereby amended to read as follows,

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 [Insert effective date of ordinance], 1998 or as hereafter amended. Each property in the City of University Place is classified under this code. Zoning classifications on the official zoning map shall use the symbols or titles shown in UPMC 19.25.020, List of Zone Classifications.

Section 4

Section 19.25.050, "Interpretation of uses and use tables.", is hereby amended to read as follows,

Use tables are provided for urban zoning classifications in UPMC 19.25.100(F D). Zoning classifications are shown across the horizontal axis and use category and type are shown down the vertical axis.

Section 5

"Section 19.25.100, "Zone classifications and use tables.", is hereby amended to read as follows,

A. Zone Classifications and Uses. Zone classifications and uses are identified in Section 19.25.100(D).

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

A. Employment Centers.

1. Purpose. To designate adequate industrial areas to meet the needs of a growing jobs-based economy.

2. Description. An employment center is a concentration of office parks, manufacturing other industrial development, or a combination of activities. It may also include commercial development as part of the center, so long as the commercial development is incidental to the employment activities of the center and supports and serves the needs of the workforce. There is the following employment center zone classification: moderate intensity employment centers.

a. Moderate Intensity Employment centers. The moderate intensity employment center zone classification accommodates lighter industrial type uses warehousing and corporate offices which have a low impact on the surrounding uses.

~~B. Community Centers.~~

~~1. Purpose. To provide for major concentrations of employment, shopping, services, and multifamily housing.~~

~~2. The Community Center zone classification has, as its focus, a significant commercial traffic generator, around which develops a concentration of other commercial office and service developments. The commercial activity within the center is directed to a customer base drawn from more than one neighborhood, but should be at a scale which is residential areas.~~

~~C. Urban Districts.~~

~~1. Purpose. To allow multifamily, office, and other commercial uses that provide economic diversity and housing opportunities near transit routes and business activity.~~

~~2. Description: There are two urban districts zone classifications: Mixed Use Districts and high density residential districts.~~

~~a. Mixed Use Districts. The mixed use district zone classification includes area that are concentrations of commercial, office and multi-family developments located along major arterials.~~

~~b. High Density Residential Districts. The high density residential district zone classification includes areas that are composed of multifamily and high density single-family housing which are located along major arterials, state highways and major transit routes that connect to activity, community or employment centers.~~

~~D. Residential.~~

~~1. Purpose. To provide for single family and two family dwelling unit living in a residential environment.~~

~~2. Description. One urban residential zone classification is included in title, moderate density single family.~~

~~a. Moderate Density Single Family. The moderate density single-family zone classification covers areas included within but which fall outside of an employment center, urban center or urban district. The primary use of the classification is single family and two family residential.~~

~~E C. Overlay Zones. (Reserved)~~

~~F D. Zone Classifications Use Tables~~

The table under the heading of "Zone Classifications Use Tables." is hereby deleted and replaced with the attached tables contained in Exhibit A-1.

Section 6

19.25.260, "Residential use category - Description of use categories.", is hereby amended to read as follows,

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. Fraternity and Sorority House. Fraternity and Sorority use type refers to living accommodations for unrelated individuals belonging to a fraternity or sorority who share a residential structure in affiliation with a school or higher education.~~

~~B. A. Group Home. Group home use type refers to...~~

~~C. B. Mobile Home. Mobile home use type refers to...~~

~~D. C. Mobile Home Park. Mobile home park use type refers to...~~

~~E. D. Multi-Family Housing. Multifamily housing use type refers to...~~

F. E. Nursing Home. Nursing home use type refers to multi-unit or multi-bed facilities that are licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours.

1. Level 1. "Nursing Homes":

i) Located on an arterial street;

ii) On two (2) or fewer acres;

iii) No taller than two stories;

iv) 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,

v) Which maintain minimum twenty (20) foot side yard setbacks.

2. Level 2. "Nursing Homes":

- i) Located on an arterial street;
- ii) On more than two (2) acres;
- iii) Is no taller than two stories;
- iv. 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);
- v. Which maintain minimum twenty (20) foot side yard setbacks; and,
- vi. Which have a minimum 20 percent of open space including setbacks.

3. Level 3. "Nursing Homes".

G. F. Senior Housing. Senior Housing use type refers to living accommodations where at least one member of the family or an individual is age 55 or over and no member of the household is under 18 years of age. Housing types consist of grouped multifamily housing where elderly individual reside or care for themselves. Assisted living facilities provide rooms, meals, personal care, supervision of self-administered medication, recreational activities, financial services, and transportation

Senior housing consists of:

- a) "Independent living facilities" comprised of grouped housing, often multi-family, where individuals or families primarily reside and care for themselves (although a home health nurse or aide may be present). Examples include housing with individual dwelling units where the level of assisted personal care is minimal;
- b) "Assisted living facilities" with dwelling units and/or rooms where services such as prepared meals, personal care, supervision of self-administered medication, recreation, financial, and/or transportation are provided. The scope of services provided in assisted living facilities may vary.

At least one family member or individual in Senior Housing shall be 55 years of age or over and no member of the household shall be less than 18 years of age.

1. Level 1. "Assisted Living Facilities":

- i) Located on an arterial street;
- ii) On two (2) or fewer acres;
- iii) Is limited to two stories in height;

- iv) 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,
- v) Which maintain minimum twenty (20) foot side yard setbacks.

2. Level 2. "Assisted Living Facilities":

- i) Located on an arterial street;
- ii) On more than two (2) acres;
- iii) Is limited to two stories in height;
- iv) 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);
- v) Which maintain minimum twenty (20) foot side yard setbacks; and,
- vi) Which have a minimum 20 percent of open space including setbacks.

3. Level 3. "Assisted Living Facilities".

4. Level 4. "Independent Living Facilities" in single family dwellings or duplexes only.

5. Level 5. "Independent Living Facilities".

Senior Housing facilities with dwelling units must meet the density requirements of the underlying zone. "Senior housing" with "rooms" are not subject to the density requirements of the underlying zone."

H. G. Single Family/Two-Family Housing. Single Family/Two Family housing use type...

H. Single Family Attached Housing. (Reserved).

Section 7

Section 19.25.270 C, and G through L, "Civic use category - Description of use categories." are hereby amended to read as follows,

C. Community and Cultural Services Use Type refers to establishments primarily engaged in the provision of services that are

~~strongly associated with of community, social, or public importance. Typical uses include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, community clubs and organizations, granges, blood banks, food banks and shelters for the homeless. Also see Essential Public Facilities, Residential and Commercial Use Categories."~~

~~1. Level 1. Uses that serve primarily the neighborhood in which they are located and are open to the public on an equal basis, with or without fee. Examples include: community clubs, senior centers, cemeteries and accessory mortuaries/offices under the same ownership and within 100 feet of the principal cemetery use, grange halls.~~

~~2. Level 2. Uses that generally serve more than one neighborhoods and are open to the public on an equal basis, with or without a fee. Examples include: boys and girls clubs, libraries, museums, blood banks, performing arts theaters, food banks, shelters for the homeless.~~

~~3. Level 3. Uses that serve one or more neighborhoods and are restricted to members which are chosen through invitation and their guests. Examples include: fraternal organizations, but excluding fraternities and sorority's with on-site living quarters, and private clubs, shelters for the homeless.~~

G. Recreation, nonprofit public. Recreation nonprofit public use type refers to publicly owned or non-profit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, open space arboretums, small or special landscaped areas, community gardens, fairgrounds, zoos and swimming pools. Rest areas associated with major transportation routes would also fall into this category. Also see commercial category, amusements and recreation use types for other types of recreation.

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

2. Level 2. Community Parks. Community Parks exceed 10 acres in size.

3. Level 3. Regional Parks. Regional parks exceed 40 acres in size and may include golf courses.

4. Level 4. 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 19.25.070, Exempted Uses).

H. Recreation, Nonprofit . Recreation nonprofit use type refers to nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, open space arboretums, small or special landscaped areas, community gardens, fairgrounds, zoos and swimming pools. Also see commercial category, amusements and recreation use types for other types of recreation.

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

2. Level 2. Community Parks. Community Parks exceed 10 acres in size.

3. Level 3. Regional Parks. Regional parks exceed 40 acres in size and may include golf courses.

4. Level 4. 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 19.25.070, Exempted Uses).

H. I. Religious Assembly. Religious assembly use type refers to...

I. J. Safety Services and Animal Control. Safety services and animal control type...

J. K. Transportation. Transportation use type refers to the provision of public and semi-public transportation services. ...

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

2. 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, and ferry docks.

3. Level 3. Airports, heliports, and landing fields.

K. L. Utility or Public Maintenance Facilities. ...

Section 8

Section 19.25.280 E – L, “Utilities use category – Description of use categories”, is hereby amended as follows,

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

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

~~F. E. Pipelines. Pipelines use type refers to facilities engaged in the transmission of water, petroleum, oil or natural gas.~~

~~G. F. Sewage Collection Facilities...~~

~~H. Sewage Treatment Facilities. Sewage Treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants.. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial pre-treatment facilities, privately owned treatment plants for industrial waste water, or wastewater collection systems.~~

~~I. G. Storm Water Facilities. Storm water facilities use type....~~

~~J. H. Waste Disposal Facilities. Waste disposal facilities use...~~

~~K. I. Waste Transfer Facilities. Waste transfer facilities....~~

~~L. J. Water Supply Facilities. Waste supply facilities....~~

Section 9

Add, as a new section 19.25.290 entitled “Essential Public Facilities use category, the following,

Section 19.25.290 Essential Public Facilities use category – Description of use categories.

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

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

B. Sewage Treatment Facilities. Sewage treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pre-treatment facilities, privately owned treatment plants for industrial waste water, or wastewater collection systems.

Section 10

Section 19.25.300 A., “Administrative and Professional Offices”, is hereby amended to read as follows,

A. Administrative and Professional Offices. Administrative and professional offices use type refers to...

1. Level 1. Offices with a maximum floor area ratio of .75:1.
2. Level 2. Offices with a maximum floor area ratio of 2:1.
3. Level 3. ~~Offices with a maximum floor area ratio of more than 2:1.~~

Section 11

Sections 19.25.320 A, H, and L. "Commercial use category – Description of use categories", are hereby amended to read as follows,

~~A. Adult Business. Adult business use type refers to establishments which provide entertainment, devices or services that are sexually explicit in nature and generate social impacts, thus locationally sensitive to other uses and where minors are excluded. Examples include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.~~

A. 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, 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 Bookstore" means a retail establishment in which

- a) 30% or more of the stock-in-trade consists of books, magazines, posters, pictures, periodicals, or other printed materials distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and/or,
- b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

"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 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 Retail Store" means a retail establishment in which:

- a) 30% or more of the stock-in-trade consists of items, products, or equipment distinguished or characterized by an emphasis on or a simulation of "specified sexual activities" or "specified anatomical areas"; and/or,
- b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such items, products, or equipment are sold.

"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 Video Store" means a retail establishment in which:

- a) 30% or more of the stock-in-trade consists of prerecorded video tapes, discs, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and/or,
- b) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such prerecorded video tapes, disks, or similar material are displayed or sold.

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

1. Level 1. Establishments without drive through facilities.

2. Level 2. Establishments with drive through facilities.
3. Level 3. Establishments that serve alcoholic beverages, including brew-pubs.
4. Level 4. Establishments with drive through facilities developed in conjunction with a service station in existence as of July [Insert the effective date of this ordinance], 1998.

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

1. Level 1. Gasoline service stations together with accessory automobile repair and convenience shopping, and automobile laundry with one car capacity.
2. Level 2. Automotive repair shops and automobile laundries. Typical uses include general repair shops, transmission and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, and lube/oil shops.
3. Level 3. On-site sales, lease, or rental of automobiles, trucks, not exceeding three tons in vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.
4. Level 4. Sales, lease or rental of heavy trucks and heavy equipment exceeding three tons of vehicle weight, supplies intended or outdoor use and truck service stations. Typical uses include truck stops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.
5. Level 5. Service station sites in use and in existence as of July [insert the effective date of this ordinance], 1998.

Section 12

Section 19.25.400 E. 1. f, "Accessory uses and structures. Accessory Use List, Residential, is hereby amended to read as follows,

E. Accessory Use List. The following accessory uses are customarily found within one or more use categories.

1. Residential.
 - a. Carports or garages...
 - b. ...
 - c. ...
 - d. ...
 - e. ...

f. The outdoor storage of vehicles or parts thereof, for a period of 72 hours or more, is permitted in ~~MSF and HRD~~ PF, R1, R2 and MF zones subject to the following provisions

i. The outdoor storage of inoperable vehicles...

ii. In no event shall outdoor storage of commercial vehicles in excess of 10,000 GVW be permitted in the ~~MSF or HRD~~ PF, R1, R2, or MF zones...."

Section 13

Section 19.25.500 B. 3., "Temporary uses/temporary housing units., Standards, Temporary Real Estate Office", is hereby amended to read as follows,

B. Standards.

1. ...

2. ...

3. Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone; provided the activity 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 MSF R1 or R2 zone, the temporary..."

Section 14

Section 19.35.020 B.2., "Density and Dimension Tables.", (including footnotes), is hereby deleted and replaced as follows,

The Density and Dimension table in Section 19.35.020 B.2. (including footnotes) is hereby deleted and replaced under the same heading with the Density and Dimension table attached as **Exhibit A-2** to this ordinance.

Section 15

Section 19.35.020 C. 1-3, "Density Standards.", is hereby amended as follows,

C. 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 as, but not limited to, wetlands, floodways, and steep slopes. 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").

- ~~1. Residential Density Incentives. In MUD and HRD, a density bonus of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every five percent of the total gross acreage of the project site designated as urban open space.~~

~~1. 2. Transfer of Development Rights. If a site...~~

~~2. 3. Shoreline Density Exception. For the creation of new lots abutting..."~~

Section 16

Section 19.35.020 D. 7., "Density and Dimensions, Setback Standards, Accessory Structures, Rear Yard Exception.", is hereby amended as follows,

D. Setback Standards.

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...

~~7. Accessory Structures, Rear Yard Exception. One single story garden shed and greenhouse not to exceed 80 square feet, children's play equipment, swimming, pools, arbors and gazebos may be placed in a rear yard, but shall be no closer than five feet to a property line and shall meet the requirements of 19.25.400(D)(1). An accessory garage up to 800 square feet may be placed within the rear yard, but must maintain a minimum 10 foot setback from the rear property line, and be located at least five feet from the primary structure.~~

7. Detached Accessory Structures, Rear and Side Yard Exceptions.

a. A detached accessory garage may be placed in the required rear and/or side yard subject to all of the following provisions.

The accessory garage shall:

- i. Be no greater than 600 square feet in gross floor area;
- ii. Maintain five (5) foot minimum side and rear yard setbacks;

iii. Have no portion of the structure, such as eaves, closer than three feet from a property line.

iv. Be no greater than 15 feet in height (see definitions, "Height, Building"); and,

v. Be no closer than five (5) feet to the primary structure.

Accessory garages up to 800 square feet in area may be permitted through administrative use permit approval.

b. One single story garden shed and greenhouse not to exceed 80 square feet in area, children's play equipment, swimming pools, arbors, and/or gazebos may be placed in the required side or rear yard setback, but shall also be no closer than five (5) feet to a property line and shall meet the requirements of Section 25.400.D.1.

Also, add as a new provision (Section 19.35.020 D. 12.) the following:

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

Section 17

Section 19.35.020 F. 2-7. "General Development Standards." is hereby amended as follows,

"F. General Development Standards.

1. Existing Lot – Single Family Dwelling Permitted. In any zone that permits a single family dwelling unit...

2. 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:

a. The lot was legally created prior to July [Insert effective date of this ordinance], 1998;

b. The lot has a minimum lot size of 13,500 square feet including that portion set aside as a private street;

c. A completed building permit application is submitted to the City within three years of July [Insert effective date of this ordinance], 1998; and

d. The proposal meets all other applicable requirements of this code.

- 2. 3. Combining Lots – Interior Side Yard Exception. ...
- 3. 4. Legally Created Lots – Development Permitted – Proof. ...
- 4. 5. Minimum Lot Dimension – Shape. ...
- 5. 6. Pipestem Lots. ...
- 6. 7. Fences. ...
- 7. 8. Bulkheads and Retaining Walls. ...

Section 18

Section 19.35.030 B.2.b., “Landscaping and buffering. Requirements - Perimeter Landscape Buffering., Minimum requirements., Requirements when abutting vacant land.”, is hereby amended to read as follows,

B. Requirements - Perimeter Landscape Buffering.

7. Minimum Requirements.

- a. ...
- b. Requirements when abutting vacant land. Canopy vegetation shall be installed at the rate set forth in subsection (G)(1)(b)(iii) of this section along the interior lot line of all parcels in ~~MEC, CC, MUD, HRD~~ IB, C, MU-O, MU, TC, NC, MF zones and around new subdivisions that abut vacant lands in ~~HRD~~ MF, PF, R2, and R1 MSF. When the vacant parcel....

Section 19

Section 19.35.070 B. 2., “Day care facilities. Home Based Day Care Facilities., Administrative use permit.”, is hereby amended to read as follows,

“B. Home-Based Day Care Facilities. Home-based day care...

- 1. Operating Criteria for Home Based Day Care Facilities.
...
- 2. Administrative Use Permit. In a ~~moderate density single family (MSF)~~ PF, R1 or R2 classification, an administrative use permit...”.

Section 20

Add the following as a new section 19.35.100,

Section 19.35.100 Adult entertainment establishments.

A. Purpose. The purpose of this section is to regulate adult entertainment establishments and to provide certain limitation 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 or hereafter amended.

C. Locational Requirements.

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". Distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.

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 that 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 Impacts

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 Section 19.45.

c. The exterior of an adult business, if painted, must be painted (stained or otherwise covered) 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

a. In addition to the restrictions imposed by Chapter 19.45 the following restrictions apply to any adult business.

b. There may be no more than two (2) signs (one freestanding 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.
 - v. Have the background in one solid color.
- c. Readerboard signs are not allowed

F. Nonconforming Adult Entertainment Establishments.

An adult entertainment use shall be deemed a legal nonconforming use and shall be subject to the requirements of Section 19.35.130 (Nonconforming Standards) if a zone that allows residential uses is located adjacent to the adult entertainment establishment or if a sensitive receptor identified in Section 19.35.100 C. locates within 50 feet of the adult entertainment establishment facility after the date the adult entertainment establishment facility has located within the city in accordance with the requirements of this chapter.

Section 21

Section 19.35.120 D. 2.a. i. (A) and (C), “Solid/hazardous waste handling, treatment, and storage facilities, Solid Waste Handling Facilities - Landscaping and Buffering Standards”, is hereby amended to read as follows,

“(A) A perimeter sight-obscuring earth berm when adjacent to existing public, residential or commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C. The earth berm...

(B)

(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 and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C.

Section 22

Section 19.35.120 D 2.b. i. and iii. (A), “Solid/hazardous waste handling, treatment, and storage facilities., Solid Waste Handling Facilities- Landscaping and Buffering Standards., Municipal Solid Waste (MSW) Composting facility., Buffer Areas., and Landscape Screening”, is hereby amended to read as follows,

i. Buffer Areas. A facility composting municipal solid waste shall have a buffer area 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 uses or public, residential and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C."

and,

iii. Landscape Screening. ...

(A) A perimeter, sight-obscuring earth berm when adjacent to existing public, residential or commercial uses or public, residential and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C. The earth berm shall be....

Section 23

Section 19.35.120. D. 3.a. ii. and 3.b.i., "Solid/hazardous waste handling, treatment, and storage facilities., Solid Waste Handling Facilities-Landscaping and Buffering, Waste transfer Facilities, Landscape Screening.,' are hereby amended to read as follows,

3. Waste Transfer Facilities

a) Drop Box Transfer Station. ...

i. Fencing ...

ii. Landscape Screening. To be adequately screened from residential development, a drop box transfer facility 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 and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C. Landscape screening....

and

i. Buffer Areas. A transfer station, waste separation recovery facility or a moderate risk facility shall have a buffer zone around the active area so that the active area is no closer that 50 feet to the facility property line when adjacent to existing public, residential or commercial uses or public, residential and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C.

Section 24

Section 19.35.120. 3.b.iii. (A) and (C), “Solid/hazardous waste handling, treatment, and storage facilities. Waste transfer Facilities, Transfer stations, Landscape Screening”, is hereby amended to read as follows,

(A) A perimeter, sight-obscuring earth berm when adjacent to existing public, residential or commercial uses or public, residential and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C. The earth berm...

(B)...

(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 and commercial zones CC, MUD, HRD, and MSF PF, R1, R2, MF, MU-O, MU, NC, TC, and C.

Section 25

Section 19.35.140 D. “Sanitary Sewers”, is hereby amended to read as follows,

E. Sanitary Sewers. At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within 300 feet of the property at the property owners expense.

1. 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 [insert effective date of this ordinance], 1998 shall be required to hook up to a sanitary sewer at the property owner’s expense regardless of distance to existing and available sewers.

Section 26

19.45.075 B. 23. b., “Exemptions, Real Estate Signs, Residential Open House”, is hereby amended to read as follows,

b. Residential open house A-board signs” in the MSF R1 and R2 zones. Such signs shall....

Section 27

Section 19.45.300 “Setback lines.” is hereby amended to read as follows,

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. When a sign has less than 10 feet six inches clearance above the ground, the setback shall be not less than 15 feet from a street frontage property line nor less than five feet from a side property line except in the CC C zone. When a sign has...

Section 28

19.45.340 C. 1., and 2.a., "Size and types of signs permitted in various zones.", is hereby amended to read as follows,

A. Chart - Purpose. ...

B. ...

C. Where Permitted.

1. GROUP I: MSF, HRD R1, R2, MF, PF

2. GROUP II: CC, MUD, MEC C, TC, NC, MU, MU-O, IB (except see below).

a. Nameplates, identification, real estate and construction signs, as permitted in MSF R1, R2 zones....

ORDINANCE 198 EXHIBIT A-1
Section 19.25.100D.
Zone Classification Use Table

ZONE CLASSIFICATIONS										
Use Categories and Use Types	Light Indus.- Business Park	Commercial	Town Center	Mixed Use	Neighborhood Commercial	Mixed Use - Office	Multi-Family Residential	R2	R1	Public Facility
	IB	C	TC	MU	NC	MU-O	MF	R2	R1	PF
Residential Use Category										
Group Homes							C			
Mobile/Manufactured Home							P*			
Mobile Home Park							C			
Multi-Family Housing			P**	P**		P**	P			
Nursing Home			P 3	P 3		P 3	P 3	P1, C2		
Senior Housing			P 3, 5	P 3, 5		P 3, 5	P 3, 5	P1, 4 C2	P4	
Two Family Housing (Duplex)				P	P	P	P	P	P	
Single Family Housing (Attached)										
Single Family Housing (Detached)				P	P	P	P	P	P	

*Permitted only in mobile home parks.

** Mixed Use only. Allowed only in conjunction with a permitted commercial use.

P	Permitted
PFP	If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities Permit is required. Otherwise the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. See Sections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review

ORDINANCE 198 EXHIBIT A-1

Zone Classification Use Table (continued)

ZONE CLASSIFICATIONS										
Use Categories and Use Types	Light Indus.- Business Park IB	Commercial C	Town Center TC	Mixed Use MU	Neighborhood Commercial NC	Mixed Use Office MU-O	Multi-Family Residential MF	R2 R2	R1 R1	Public Facility PF
Civic Use Category										
Administrative Government Services	P	P	P	P	P	P				PFP
Daycare Centers		P	P	P	P	P	P	C	C	
Community and Cultural Services	P	P C3	P C3	P C3	P1, 2 C3	P1, 2 C3	P1 C2 PFP	C 1, 2 PFP	C 1, 2 PFP	C1, PFP
Education Facilities		P1 C2 PFP	P1 C2 PFP	P1 C2 PFP	P1 C2 PFP	P1 C2 PFP	P1 PFP	P1 PFP	P1 PFP	P1, PFP
Health Services	P	P	P	P	P	P				
Postal Services	P1	P1	P1	P1	P1					
Recreation -- Public	P1, 2, 4	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3	P1, 2, 4 PFP3
Recreation, Nonprofit		C1	C1	C1	C1		C1			
Religious Assembly			P	P	P	P1 C2	P1 C2	P1 C2	P1 C2	
Safety Services and Animal Control	P1, 2	P1	P1	P1	P1	P1	C1 PFP1	C1 PFP1	C1 PFP1	P1
Transportation	P1	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1, C2 PFP2	P1	P1	P1	P1, PFP 2
Utility & Public Maintenance Facilities	P	P1 C2 PFP	P1 C2 PFP	P1 C2 PFP				C1 PFP	C1 PFP	PFP

P Permitted

PFP If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities Permit is required. Otherwise the use is allowed according to the applicable symbol.

C Requires Conditional Use Permit

Number Refers to the level of Use Type allowed. See Sections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.

A Requires Administrative Review

ORDINANCE 198 EXHIBIT A-1

Zone Classification Use Table (continued)

ZONE CLASSIFICATIONS										
Use Categories and Use Types	Light Indus.- Business Park	Commercial	Town Center	Mixed Use	Neighborhood Commercial	Mixed Use Office	Multi-Family Residential	R2	R1	Public Facility
	IB	C	TC	MU	NC	MU-O	MF	R2	R1	PF
Resource Use Category										
Agricultural Sales		P1	P1	P1	P1					
Animal Production/Boarding, exc. Kennels*								P	P	PFP
Crop Production								P	P	PFP
Commercial Use Category										
Adult Entertainment Business	C (a)									
Amusements & Recreation	P1 C2	P1 C 2, 3	P1, C2	C1, 2						PFP
Bldg Materials & Garden Supplies	P1 C2	P1 C2	P1 C2	P1	P1					
Bulk Fuel Dealers	C									
Business Services	P	P	P	P	P	P				
Commercial Centers		C1	C1	C1	C1					
Delicatessen, Coffee Shop	P	P	P	P	P		P			PFP
Eating & Drinking Establishment	P3	P1, 3 C2	P1, 3, 4	P1, 3 C2	P1, 3 C2					PFP
Food Stores		P1, 2 C3	P1, 2 C3	P1, 2, 3	P1, 2, 3					
Limited Accessory Retail (MU-O Only)						P**				
Lodging		P2	P2	C2	C2					PFP 1
Mobile, Mfg. and Modular Home Sales	C									
Motor Vehicle & Related Equipment Sales, Rental, Repair & Service	P1, 2 C3, 4	P1, 2	P5	P1, C2	P1, 2					
Personal Services	P	P1 C2	P1 C2	P1 C2	P1 C2	P1***, C2				
Pet Sales and Service	P	P1 C2	P1 C2	P1 C2	P1 C2	C1****				
Rental and Repair Services	P	P1 C2	P1 C2	P1 C2	P1 C2					
Sales of General Merchandise	P1, 2 C3	P1,2 C3	P1,2 C3	P1,2 C3	P1,2 C3					
Wholesale Trade	P1 C2	C		C1						

* No breeding/boarding kennels.

**Retail related to a use in the office building are limited to 1,000 sq. ft. each. Other retail uses limited to 750 sq. feet each. Total retail uses in a building shall not exceed more than 20% of building's leasable square footage.

***Permitted (P) only at 1,000 sq. ft gfa or less.

**** Veterinary Clinics only

(a) Subject to adult entertainment siting criteria per UPMC _____, Section 19.35.100.

P	Permitted
PFP	If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities Permit is required. Otherwise the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. See Sections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review

ORDINANCE 198 EXHIBIT A-1

Zone Classification Use Table (continued)

ZONE CLASSIFICATIONS										
Use Categories and Use Types	Light Indus.- Business Park IB	Commercial C	Town Center TC	Mixed Use MU	Neighborhood Commercial NC	Mixed Use - Office MU-O	Multi-Family Residential MF	R2 R2	R1 R1	Public Facility PF
Utilities Use Category										
Comm. and Personal Wireless Tele. Fac.	P1, A2, 3, C4	P1, A2,3, C4, PFP4	C1 2 3, PFP3 4	P1, A2 3, C4	C1 2 3, PFP3 4	C1 2 3, PFP3 4	C1 2 3, PFP3 4	C1 2 3 PFP3 4	C1 2 3 PFP3 4	P1,2,3, PFP 4
Electrical Facilities	P	P	P	P	P	P	C	C	C	
Natural Gas Facilities	P1, 2, 3	P1, 2		P1, 2	P1, 2	P1, 2	P1	P1	P1	
Pipelines	P	P	P	P	P	P	P	P	P	P
Sewage Collection Facilities	P	P	P	P	P	P	P	P	P	PFP
Stormwater Facilities	P	P	P	P	P	P	P	P	P	P1, 2 PFP 3
Waste Transfer Facilities	P1 C	P1	P1	P1	P1	P1	P1			P1
Water Supply Facilities	P1 C2	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 PFP
Essential Public Facilities Use Category										
Organic Waste Processing Facilities										PFP
Sewage Treatment Facilities										PFP
Office/Business Use Category										
Administrative & Professional Offices	P1, 2	P1 2 C3	P1, C2	P1, C2	P1, C2	P1, C2				
Educational Services	P1 C2	P1 C2	P1 C2	P1, C2	P1, C2	P1				

P	Permitted
PFP	If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities Permit is required. Otherwise the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. See Sections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review

ORDINANCE 198 EXHIBIT A-1 **Zone Classification Use Table (continued)**

ZONE CLASSIFICATIONS										
Use Categories and Use Types	Light Indus.- Business Park IB	Commercial C	Town Center TC	Mixed Use MU	Neighborhood Commercial NC	Mixed Use - Office MU-O	Multi-family Residential MF	R2 R2	R1 R1	Public Facility PF
Industrial Use Category										
Contractor Yards	P									
Food & Related Products	P	C1								
Industrial Services & Repair	C									
Limited Manufacturing	P									
Motion Picture, Television & Radio Production	P	C								
Printing, Publishing & Related Industries	P	C1								
Salvage Yards/Vehicle Storage Facilities	P1 C									
Storage Units	P									
Warehousing, Distr. & Freight Movement	C1									

P	Permitted
PFP	If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities Permit is required. Otherwise the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. See Sections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review

ORDINANCE 198 EXHIBIT A-2

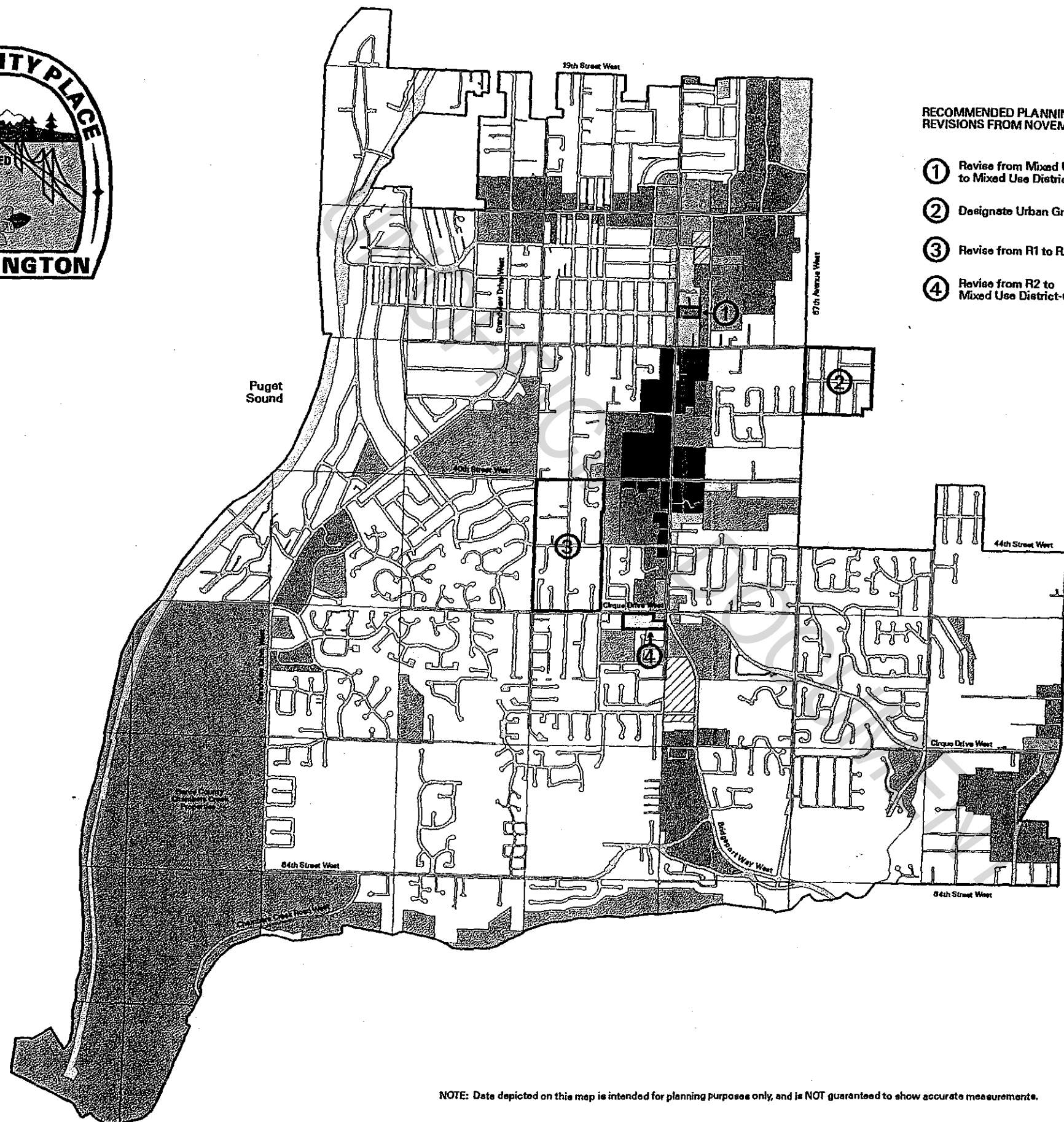
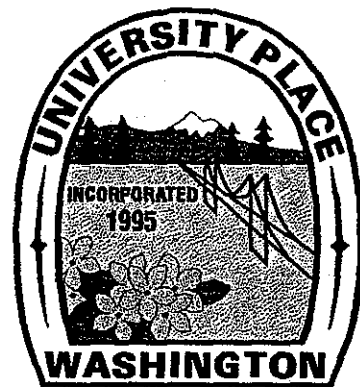
Section 19.35.020B.2

Density and Dimension Table

Density and Dimension	ZONE CLASSIFICATIONS									
	Light Indus.- Business Park	Commercial	Town Center	Mixed Use	Neighborhood Commercial	Mixed Use - Office	Multi-Family Residential	R2	R1	Public Facility
	IB	C	TC	MU	NC	MU-O	MF	R2	R1	PF
Base Density (du/ac) (1), (2)			10	10	4	10	10	6	4/4.6	
Maximum Density (du/ac) (3)			12	12	6	12	12	8	6	
Setback, Arterial Streets	35'	15'/20' max(4)	15'/20' max(4)	15' /20'max (4)	25	15'/20'max (4)	25	25'	25'	Abutting Zone
Setback, Other Roads	25'	15'/20'max(4)	15'/20'max(4)	15'/20'max(4)	20'	15'/20'max(4)	25'	25'	25'	Abutting Zone
Setback, Rear (5)	0'/50'	0'/30'	0'/30'	0'/30'	0'/30'	0'/30'	0'/30'	30'	30'	Abutting Zone
Setback Side (5)	0'/50'	0'/30'	0'/30'	0'/30'	0'/30'	0'/30'	0'/30'	8'	8'	Abutting Zone
Height	40'	40'	40'	40'	40'	40'	40'	35'	35'	Abutting Zone (6)

- 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; 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 standards.
- Maximum Density: These densities shall only be achieved through one of the following methods: the application of residential density incentives, transfer of development rights and/or planned development district.
- Fifteen (15) feet is a minimum average setback requirement.
- 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, the larger number in the cell applies. (b) Side yard or rear yard setback is not required for multi-family development in the MF zone unless abutting a R1, R2 or PF zone. If abutting an R1, R2, or PF zone a 30 foot setback is required along the abutting lot line(s).
- Height - Or adjacent zone in the case of front yard setbacks. In the PF Zone, the maximum height shall be the lowest maximum height limit of the abutting properties.

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



RECOMMENDED PLANNING COMMISSION
REVISIONS FROM NOVEMBER 1997 DRAFT

- ① Revise from Mixed Use District-Office to Mixed Use District.
- ② Designate Urban Growth Area as R1.
- ③ Revise from R1 to R2.
- ④ Revise from R2 to Mixed Use District-Office.

Planning Commission Proposed Zoning Designations

(Recommended February 4, 1998)

ZONING DESIGNATION	RES. DENSITY
R1	4 du/acre
R2	6 du/acre
Multi-Family	10 du/acre
Town Center	10 du/acre*
Neighborhood Commercial	4 du acre
Mixed Use District	10 du/acre*
Mixed Use District-Office	10 du/acre*
Commercial	
Manufacturing/Industrial	
Public Facilities	
Streets	
Railroad	
Potential Zone	

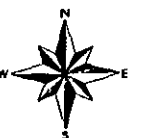
* Multi-family only allowed in conjunction with a permitted commercial use.

Source: University Place Planning, 1997

SCALE 1: 28,000



Miles



map_uppczone_co.aml, 08 Apr 98

NOTE: Data depicted on this map is intended for planning purposes only, and is NOT guaranteed to show accurate measurements.

R2 GIS Mapping and Database Development By:
R2 Resource Consultants, Inc., Redmond, WA

EXHIBIT B

FINDINGS OF FACT

ADULT ENTERTAINMENT ESTABLISHMENT CODE AMENDMENTS

UNOFFICIAL DOCUMENT

**ORDINANCE 198
EXHIBIT B**

City Council FINDINGS of FACT

Regarding: ADULT ENTERTAINMENT Provisions
Zoning Code Amendment

Findings

1. Comprehensive Plan Policy LU3H states:

Policy LU3H

"Protect residential areas, public gathering places, such as parks, schools and churches and community business areas from the negative impacts of "adult" business and entertainment establishments".

Discussion: A city is allowed to regulate adult entertainment businesses as long as a "reasonable opportunity" is provided to operate such a business within the municipal boundaries. To limit the negative impacts of these establishments within the city, adult entertainment businesses shall be regulated in a manner that protects residential, public, and other business uses from the negative impacts of these businesses, and associated criminal activities such as narcotics, prostitution, and breaches of the peace.

2. The amendment meets the provisions of Policy LU3H of the GMA Comprehensive Plan recommended by the Planning Commission to the City Council and as adopted by the City Council on July 6, 1998.
3. A Determination of Nonsignificance (DNS) was issued May 15, 1998 on the zoning code amendment with an appeal period ending June 12, 1998. No comments were submitted or appeals filed.
4. Since licensing and siting regulations were not in place prior to incorporation, the City of University Place has had a moratorium on applications for adult businesses since July 24, 1995. The moratorium has been extended by ordinance to August 18, 1998.
5. The City adopted Ordinance 173 (Adult Business Licensing Regulations) on November 17, 1997 and Ordinance 175 (Regulations for Adult Use Facilities, Panorama and Peepshows) on December 1, 1997.
6. To determine the most appropriate method of siting adult entertainment establishments, the City Council directed staff to research the issues and develop recommendations for the Planning Commission. The commission studied this issue on February 18, 1998, March 4, 1998, and held a joint Executive Session with the City Council on March 18, 1998. The Planning Commission conducted a public hearing on April 15, 1998 and forwarded a recommendation to the City Council. The City Council held a public hearing on June 15, 1998.

7. Finding appropriate sites for adult entertainment establishments to locate in University Place with minimal negative impacts is constrained by the city's existing land use pattern. The City has evolved (under Pierce County land use codes) as a suburban residential community and has a very limited amount of commercially and industrially zoned land, approximately six percent (6%) of total land area. Furthermore, much of this commercial and industrial land is developed. In the greater than 80% residentially zoned balance of the city many development projects are currently underway. Most, if not all, large remaining parcels will be built upon in the near future.
8. The law requires that reasonable opportunities for location of such businesses be given. The Light Industrial/Business Park (IB) zone is best suited for providing reasonable locational opportunities while minimizing adverse impacts associated with adult businesses. Most uses in the IB have limited use by minors. Other commercial areas in the city are predominantly made up of uses in which minors are allowed. The IB area is also more isolated from residential uses. Locating in the IB zone can minimize use conflicts and problems involving minors.
9. The University Place City Council adopts the following:
 - Allow uses defined as Adult Entertainment in the Light Industrial/Business Park (IB) zone by Conditional Use Permit
 - Uses shall not be located on lots abutting any zone that allows residential uses
 - Uses shall not be allowed within fifty (50) feet of any other adult business (as measured from property lines).
 - Uses shall not be allowed within fifty (50) feet of any "sensitive receptor" which is defined as:

"Any establishment which provides caretaking, education, or recreation for persons under 18 years of the age."
 - A Variance to the dispersal provisions may be granted by the Examiner if it can be demonstrated that free speech rights protected by the First Amendment to the Constitution expressed by an adult business cannot be afforded on parcels allowed for siting because other adult businesses are in place, or sensitive receptors limit additional uses in the IB zone.
10. Calculating all parcels in industrial and commercial zones, and using the locational standards above, approximately four percent (4%) of industrial and commercial lands in the city are zoned for adult entertainment uses.
11. Taking into account the sensitive receptors in the area, there are approximately twelve (12) sites currently available for adult entertainment uses in the IB zone. All sites are served with adequate urban services and access, are not critical areas, and include lots that are underutilized and/or have potential for redevelopment of existing facilities.
12. The City adopts and reaffirms the findings cited in the other adopted Adult Entertainment and moratorium ordinances passed since incorporation. These findings are on file with the City Clerk.

13. The City further takes notice of and specifically relies upon the experiences of and studies utilized by other cities and counties in mitigating the secondary adverse impacts of adult entertainment establishments including nude and semi-nude dancing.
14. University Place also relies upon the City of Lakewood's study: "*Regulation of Adult Businesses*", by the Lakewood Adult Entertainment Task Force (February, 1998). Lakewood is University Place's neighbor immediately to the south and has a number of adult businesses within its corporate limits. This study documents nuisance and criminal activities associated with the adult entertainment establishments.
15. When Lakewood incorporated on February 28, 1996, there were seven (7) adult business establishments located in the new city. These businesses consisted of four adult cabarets:

- "Lipstix": 3862 Steilacoom Boulevard
- "Déjà Vu": 8920 South Tacoma Way
- "Visions Showbar": 9321 South Tacoma Way
- "New Players Club": 12822 Pacific Highway SW

and three adult bookstores/novelties/panorams:

- Elmo's: 3924 100th Street SW
- Freedom Bookstore: 3710 100th Street SW
- Jerry's Adult Bookstore 12626 Pacific Highway SW

Of special note is Visions Showbar, a combination adult cabaret, adult novelty shop, and panoram. In addition to the businesses listed above, there are also five spas and saunas (Royal Steam Bath, Ginseng Spa, Hong Kong Spa, Shanghai Sauna, Rainbow Spa).

16. These adult businesses in Lakewood are within four or five miles of University Place, close enough to be available to residents of UP that choose to patronize these establishments.
17. The City has reviewed studies from other cities arising from adult retail establishments (a subset of adult entertainment uses), whose stock in trade is devoted in whole or in substantial or significant part to books, magazines, cards, pictures, periodicals, prerecorded video tapes, disks, film or other such media, instruments, devices, equipment, paraphernalia, toys and novelties, games, clothing or other merchandise which are distinguished by an emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities, and sexual conduct, as those terms are defined in UPMC Chapter 19.15, Definitions.
18. The City is concerned that the studies from other cities conclude that adverse secondary effects from such adult retail establishments include, but are not limited to increased crime rates, depreciation of property values, deterioration of community character, and a decrease in the quality of life.

19. The City is also concerned that the studies from other cities conclude that such adult retail establishments tend to be concentrated in certain areas, and that the proximity of those establishments to sensitive uses such as schools, residential zones, places of worship and parks result in similar or increased adverse secondary effects.
20. The City relies upon findings in *Northend Cinema v. City of Seattle* (90 Wn. 2d 709, 585 P. 2d 1153) regarding adverse secondary effects of adult uses on residential neighborhoods, and the 1998 *New York Times* study relating to adult retail uses.
21. The City of University Place finds a compelling need to protect all citizens, but especially minors from criminal and unlawful activities and impacts associated with adult entertainment establishments.
22. The City has determined, through public testimony and the receipt of other evidence, that adult entertainment uses cause secondary impacts that are detrimental to the public health, safety, morals, protection of minors and general welfare of the citizens of the City of University Place. Therefore, such activities must be regulated.
23. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred. This history of criminal activity in the adult entertainment industry has included prostitution, illegal employment of minors, narcotics and alcoholic beverage law violation, breaches of the peace, tax evasion, and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.
24. Proximity between entertainers and patrons during live adult entertainment performances can facilitate sexual contact, the spread of sexually transmitted diseases, prostitution, and other crimes. Concerns about crime, the transmission of diseases and public sexual activity are legitimate and compelling concerns of the city which demand reasonable regulation of live adult entertainment establishments to protect the public health, safety and general welfare.
25. The activities described in the two subsections above occur, in the absence of regulation, regardless of whether the live adult entertainment is presented in conjunction with the sale of alcoholic beverages (liquor).
26. There are sufficient and important government interests to provide a constitutional basis for reasonable regulation of time, place, and manner under which adult businesses and entertainment establishments can operate as well as the location of such businesses.
27. The provisions of this ordinance are necessary to ensure that adult entertainment establishments in University Place are conducted in a manner consistent with the legitimate government interests of the City, and conducted at a reasonable distance from residential neighborhoods and from places where minors gather regularly.
28. It is not the intent of this ordinance to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article 1, Section 5 of the Washington State Constitution, but rather to enact regulations which address the compelling interests of the city to mitigate the secondary effects of adult entertainment

establishments while conforming with the standards described by the Washington Supreme Court in the case of Ino Ino, Inc. v. Bellevue.

UNOFFICIAL DOCUMENT

BARCUS

Zoning

Planning Com.
City Council

R1
R2

BRIDGEPORT WAY

EAST BRIDGEPORT

Zoning

Planning Com.
City Council

R1
R2

DORIA STEFONI

Zoning

Planning Com.
City Council

NC
R2

SIPES

Zoning

Planning Com.
City Council

MU-O w/ MU potential
MU-O

27TH STREET WEST

ACKENSON

Zoning

Planning Com.
City Council

MU-O w/ MU potential
MF

HAYES

Zoning

Planning Com.
City Council

MU
MU-O

HAYES

Zoning

Planning Com.
City Council

MU
R2

Sunset Drive West

35th Street West

35th Street West

Bridgeport Wa

THOMAS

Zoning

Planning Com.
City Council

R2
MF

WINDMILL VILLAGE

Zoning

Planning Com.
City Council

PF
TC

40th Street West

Narrows
View
Intern.
School

40th Street West

Narrows
View
Interm.
School

BOURGAIZE

Zoning

Planning Com.
City Council

MU-O
TC

Evergre

UP TIRE CENTER

Zoning

Planning Com.
City Council

TC
MU

VAN BUSKIRK/ FELTSHER

Zoning

Planning Com.
City Council

R1

R1 w/ MU-O Potential Zone

Cirque Drive West

Drum
Intermediate
School

40th Street West

Narrows
View
Intern.
School

SUNSET DR

44th ST WEST

AREA 3

Zoning

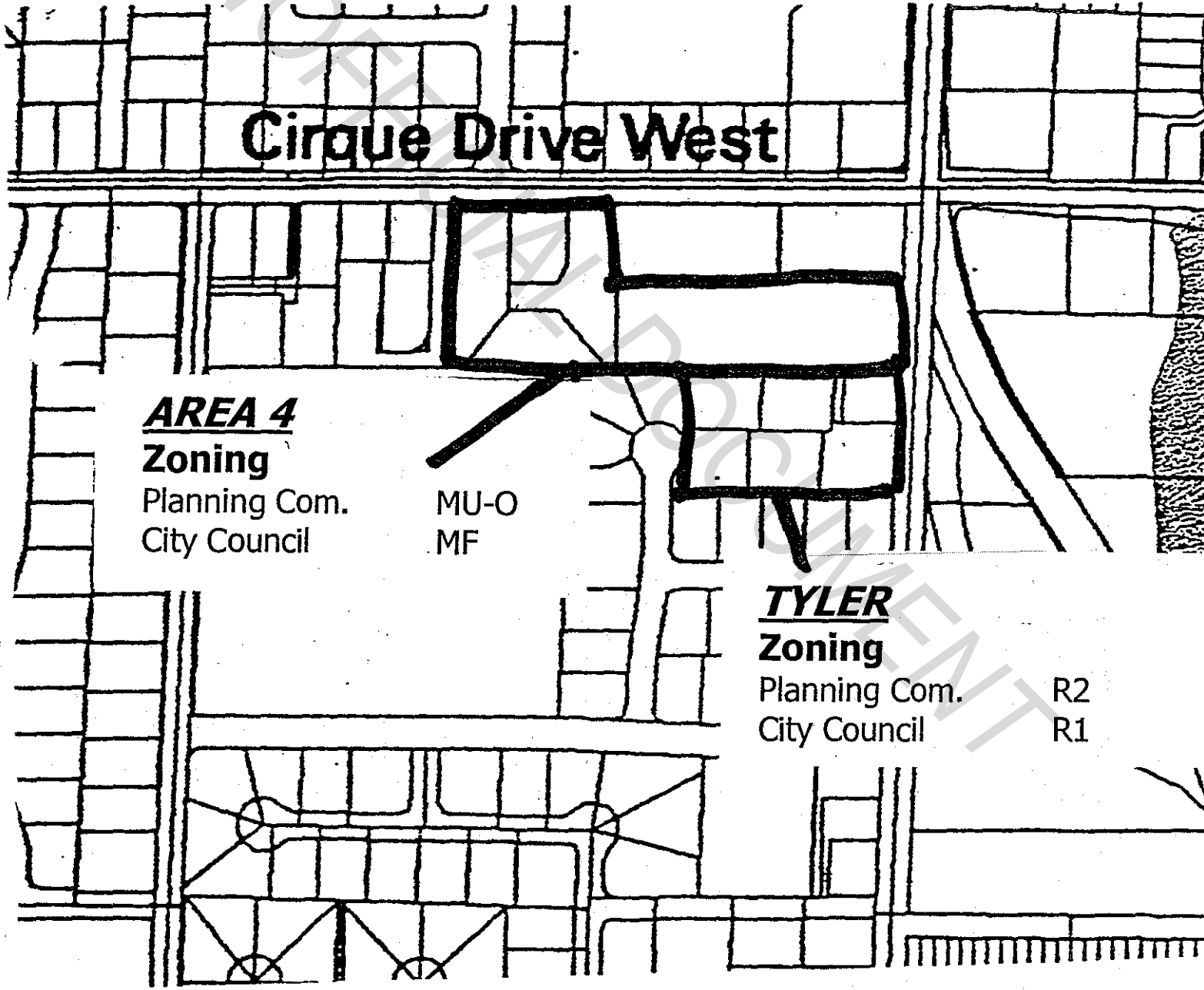
Planning Com.
City Council

R2

R1

Cirque Drive West

Drum
Intermediate
School



Cirque Drive West

AREA 4

Zoning

Planning Com.
City Council

MU-O
MF

TYLER

Zoning

Planning Com.
City Council

R2
R1

DRUM/ OLSON, SIMCHUK/ HANSEN, EDWARDS

Zoning

Planning Com.
City Council

R1 w/ MU-O Potential
R2

UP CARE CENTER

Zoning

Planning Com.
City Council

R1
MF

Scho

Charles Wright
Private School

McGuire

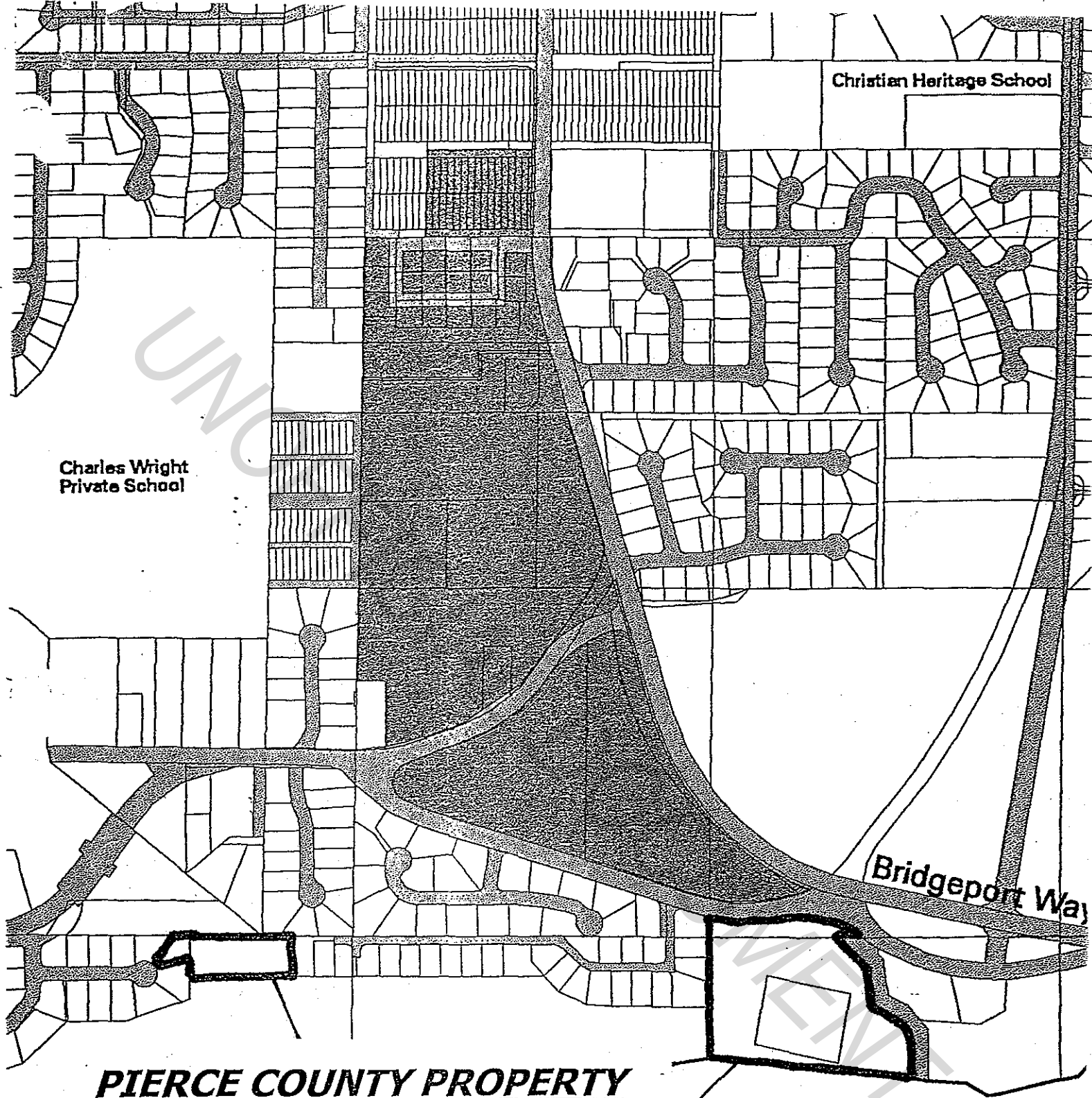
Zoning

Planning Com.
City Council

R1
R2

Bridgepor

Charles Wright
Private School



PIERCE COUNTY PROPERTY

Zoning

Planning Com.

R1

City Council

PF

ORCHARD/ LEACH CREEK

Zoning

Planning Com.

R1

City Council

R2

a) Sewer Condition

b) Special Study by Planning Commission

PARK

Cirque Drive West

South Orchard Street

UNGER

Zoning

Planning Com.

MF

City Council

NC