

ORDINANCE NO. 756

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPROVING ZONING TEXT AMENDMENTS RELATIVE TO MU-U/I 75 AND R1 ZONED PROPERTIES

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and developing a comprehensive plan for the City and making recommendations to the City Council on amendments to the comprehensive plan, the zoning code and map, and other development regulations of the City; and

WHEREAS, as provided by UPMC 22.25.020(C), on September 13, 2021, the City of University Place received from an interested party, Venture Real Estate Group LLC proposed amendments to the City's development regulations, as follows:

To Sections 19.30.030(C) and 040 UPMC pertaining to accessory uses, to allow surface and underground parking on R1 zoned property accessory to be a permitted principal use on abutting MU-U/I 75; and

To Section 19.45.110 Note 4 UPMC, reducing setbacks from R1 zoned property from 30' to 10' when the R1 zoned property is abutting and a part of the project site; and

To Section 19.45.110 Note 14 UPMC allowing buildings with a maximum height of 75' when abutting R1 zoned property when the R1 zoned property is part of the project site; and

WHEREAS, the Planning Commission held a study session on October 6, 2021 to review the proposed amendments and identify issues that might require further analysis or consideration by the applicant or staff; and

WHEREAS, on October 20, 2021, the City published a public hearing notice in the Tacoma News Tribune regarding a November 3, 2021, public hearing to be held by the Planning Commission on the proposed amendments; and

WHEREAS, the Planning Commission conducted a public hearing on November 3, 2021 to consider public comments on the proposed zoning text amendments; and

WHEREAS, the City submitted a *Notice of Intent to Adopt Amendments* to the Washington State Department of Commerce on November 24, 2021, which was issued to state agencies for a 14-day comment period, as required pursuant to RCW 36A.70 RCW, and did not receive any formal comments in response to this *Notice*; and

WHEREAS, the City issued a *SEPA Determination of Non-significance* pertaining to the proposed text amendments on November 24, 2021 with a 14-day comment period, and received comments from the Department of Ecology which were forwarded to the applicant; and

WHEREAS, the Planning Commission, having considered public comment and the approval criteria listed in UPMC 22.25.030(E), voted unanimously on November 3, 2021, to recommend to the City Council approval of the zoning text amendment pursuant to Planning Commission Resolution No. 2021-01; and

WHEREAS, the City Council conducted a public review of the recommended zoning text amendments at study sessions held on December 6, 2021 and January 18, 2021; and

WHEREAS, on January 26, 2022, the City published a public hearing notice in the Tacoma News Tribune regarding a February 7, 2022, public hearing to be held by the City Council on the proposed amendments; and

WHEREAS, the City Council conducted a public hearing on February 7, 2022, to consider public comments on the proposed zoning text amendments; and

WHEREAS, as more fully set forth below, the City Council finds the proposed amendments are consistent with the goals and policies of the Comprehensive Plan and the Regional Growth Center Subarea Plan, are in the best interest of the City's citizens and property owners and will enhance the public health, safety, comfort, convenience, and general welfare;

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

Section 1. Findings. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan and the Regional Growth Center Subarea Plan, are in the best interest of the City's citizens and property owners and will enhance the public health, safety, comfort, convenience, and general welfare. Accordingly, the City Council adopts in full the Findings and Conclusions expressed by the City of University Place Planning Commission in Planning Commission Resolution 2021-01.

Section 2. University Place Municipal Code Chapter 19.30 Amended. Sections 19.30.030 and 19.30.040 of the University Place Municipal Code are amended as set forth in Exhibit A and attached hereto by reference.

Section 3. University Place Municipal Code Section 19.45.110 Amended. Section 19.45.110 of the University Place Municipal Code is amended as set forth in Exhibit B and attached hereto by reference.

Section 4. Severability. If any section, sentence, clause, or phrase of this Title 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 Title.

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 be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON FEBURARY 7, 2022.

Steve Worthington, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 02/09/22

Effective Date: 02/14/22

EXHIBIT A

19.30.030 General standards.

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

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

1. The accessory use is not excluded from locating in the zone classification; and
2. The accessory use meets all regulatory requirements.

B. Accessory uses and structures, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.

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 Chapter 19.45 UPMC 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; except that accessory surface parking and underground parking structures may be located on parcels zoned R-1 when the R1 zoned properties are part of the project site, and that parking is accessory to a permitted use on an abutting parcel zoned MU-U/175.

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.

(Ord. 741 § 1 (Exh. E), 2020; Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.040 Accessory use list.

A. The following table lists accessory uses permitted in each zone classification. Zones are shown in the row heading and accessory use types are shown in the left column.

USE TYPES ACCESSORY	ZONE CLASSIFICATION											
	R1	R2	MF	POS	MU-O	NC	MU-N45	MU-U75	MU	MU-C110	MU-U/175	MU-M
Antenna and satellite dishes for private telecommunication services	x	x	x									
Antenna and satellite dishes for commercial telecommunication services			x	x	x	x	x	x	x	x	x	
Decks and patios	x	x	x	x	x	x	x	x	x	x	x	x
Carports and garages for use by occupants of premises without fee,	x	x	x	x	x	x	x	x	x	x	x	x

USE TYPES ACCESSORY	ZONE CLASSIFICATION											
	R1	R2	MF	POS	MU-O	NC	MU-N45	MU-U75	MU	MU-C110	MU-U/I75	MU-M
attached or detached												
Storage buildings for yard maintenance equipment and household goods	x	x	x				x					
Facilities used in ground maintenance			x	x	x	x	x	x	x	x	x	x
Greenhouses – Noncommercial	x	x	x									
Minor auto repair	x	x	x									
Food service facilities for use primarily by employees with no exterior advertisement of the facility			x	x	x	x	x	x	x	x	x	x
Incidental storage of raw materials and finished products sold or manufactured on site											x	

Offsite accessory parking and parking structures to serve developments on parcels zoned MU-U/I 75

x

x

x

x

x

x

On-site hazardous waste treatment and storage											x	
Private docks and mooring facilities	x	x										x
Retaining walls, freestanding walls and fences	x	x	x	x	x	x	x	x	x	x	x	x
Temporary waste piles authorized by a solid waste permit											x	
Small scale composting facility to handle less than 10 cubic yards	x	x	x	x								
Solid waste dumpsters			x	x	x	x	x	x	x	x	x	x
Level 1 and 2 battery and electric vehicle charging stations in nonresidential zones				x	x	x	x	x	x	x	x	x
Donation and recycle collection boxes ¹					x	x	x		x	x	x	x
Yard sales ²	x	x					x	x	x	x	x	x

USE TYPES ACCESSORY	ZONE CLASSIFICATION											
	R1	R2	MF	POS	MU-O	NC	MU-N45	MU-U75	MU	MU-C110	MU-U/I75	MU-M
Little free libraries	x	x	x									
Notes ¹ Subject to compliance with applicable design standards for trash and recycling receptacles ² Subject to temporary use permit and standards in UPMC 19.35.020(C)(1)												

B. In addition to the accessory use types permitted in subsection (A) of this section, the following accessory uses are permitted subject to the performance standards listed below:

1. 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 7:00 a.m. and 10:00 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.

2. 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 consecutive or nonconsecutive days, except as may be permitted by any other City ordinance, subject to the following:
 - (1) No more than one unenclosed or unscreened inoperable vehicle may be on a property at any one time.
 - (2) Storage of inoperable vehicles for any period greater than seven 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 Chapter 19.65 UPMC.

3. Commercial Vehicles. Commercial vehicles licensed to exceed 10,000 pounds 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.

4. Recreational Vehicles and Other Equipment. The outdoor storage or parking of any combination of two (total) currently licensed motorized or nonmotorized boats or motorized or nonmotorized 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. Nonmotorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Nonmotorized recreation vehicles do not include bicycles and similar nonmotorized sports equipment.

a. Storage of additional boats and/or nonmotorized 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 I landscaping pursuant to Chapter 19.65 UPMC. 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:

(1) One 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 nonresident visiting a resident of that property.

(2) Habitation of the recreational vehicle or travel trailer may be permitted for up to five days without a permit and for an extended period not to exceed 14 days upon issuance of a recreational vehicle use permit by the City.

(3) No more than one recreational vehicle/travel trailer use permit may be granted within any six-month period.

(4) Habitation of recreational vehicles is not permitted in the public right-of-way.

(5) Exceptions may be made for serious illness in accordance with Chapter 19.35 UPMC, Temporary Uses/Temporary Housing Units.

(6) Recreational vehicles/travel trailers meeting the requirements of this section shall:

(A) Be kept in a side or rear yard and screening from abutting 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) Be on a hard surface.

(C) Not be located in the public right-of-way.

(Ord. 741 § 1 (Exh. E), 2020; Ord. 688 § 1 (Exh. A), 2017; Ord. 607 § 1 (Exh. A), 2012; Ord. 597 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

EXHIBIT B

19.45.110 Density and dimension table notes.

- (1) Base Density. These densities may be achieved outright by following the applicable development and design standards.
- (2) Review Chapters 19.50 and 19.54 UPMC for additional information regarding setbacks, height, and design standards for the Mixed Use – Neighborhood, Mixed Use – Urban, Mixed Use – Urban/Industrial and Mixed Use – Center zones.
- (3) Maximum density in R1, R2 or specified overlay districts may only be achieved through approval of a small lot development designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC. Maximum density in MF-L, MF-H, MU-M, NC or MU districts may only be achieved for a multifamily project that receives Washington State Housing Finance Commission approval for a low income housing tax credit (LIHTC) and is designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC.
- (4) Side and Rear Yard Setbacks. A side or rear yard setback is not required in MU, NC, MF-L, MF-H, MU-M, MU-O, MU-N45, MU-U75, MU-U/I75 or MU-C110 zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s), unless either (i) –the subject parcel is in a transition overlay, in which case a 20-foot setback is required along the abutting lot line(s)–, or (ii) the abutting R1 or R2 parcels are part of the project site in which case a 10-foot setback is required along the abutting lot lines. No setback is required in the MU-M zone where the parcel abuts a railroad right-of-way.
- (5) See design standards (Chapter 19.50 UPMC).
- (6) Refer to underlying zone.
- (7) Single-Family Attached. For two attached units the minimum lot size is the same as that of a duplex in R1 and R2 zones. In multifamily zones the minimum lot size is the same as the underlying zone.
- (8) Single-family attached units shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.
- (9) Reserved.
- (10) *Repealed by Ord. 636.*
- (11) Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.
- (12) The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.
- (13) Reserved.
- (14) Maximum height shall be limited to 45 feet on those portions of a property abutting an R1 or R2 zone, if the R1 or R2 zone is not part of the project site. If the abutting R1 or R2 zoned parcels are part of the project site, the maximum height is 75 feet.
- (15) Newly created lots shall be of such shape that a circle with a diameter equal to the minimum specified lot width can fit within the boundary of the lot. Minimum lot widths for small lot developments shall be determined through the design standard review process.
- (16) Minimum lot sizes for detached single-family dwelling/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the design standard review process. A legally nonconforming duplex lot existing prior to the effective date of the ordinance codified in this section may be subdivided into two attached single-family lots, one or both of which may contain less than the required lot area.

(17) Lot coverage refers to the percentage of a lot covered by buildings. For small lot developments, the lot coverage standard applies to buildings, private streets, parking lots, driveways and other impervious surfaces combined.

(18) Reserved.

(19) Setbacks for small lot developments shall be in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC.

(20) See the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC for additional information regarding height limits for small lot developments.

(21) Floor area ratios for small lot development are based on the average for the entire project; FARs for individual lots may vary. See UPMC 19.45.080 for additional information concerning FAR standards.

(22) Impervious area located within 100 feet of the ordinary high water mark; may be increased from 50 to 65 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC 18.25.100.

(23) Impervious area located more than 100 feet from the ordinary high water mark; may be increased from 75 to 90 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC 18.25.100.

(24) Maximum height of a building or structure is 35 feet when located within 100 feet of the ordinary high water mark (OHWM). Height may be increased for buildings or structures located more than 100 feet from the OHWM or when located on the upland (easterly) side of 91st Avenue West, up to a range of 45 to 65 feet, when a visual impact assessment is submitted in accordance with UPMC 18.25.110(E) and the decision-maker determines that a proposal will comply with the purpose and intent of UPMC 18.25.110 regarding view protection. The 35-foot, 45-foot and 65-foot limit areas located east of 91st Avenue West are shown in Figure 11.

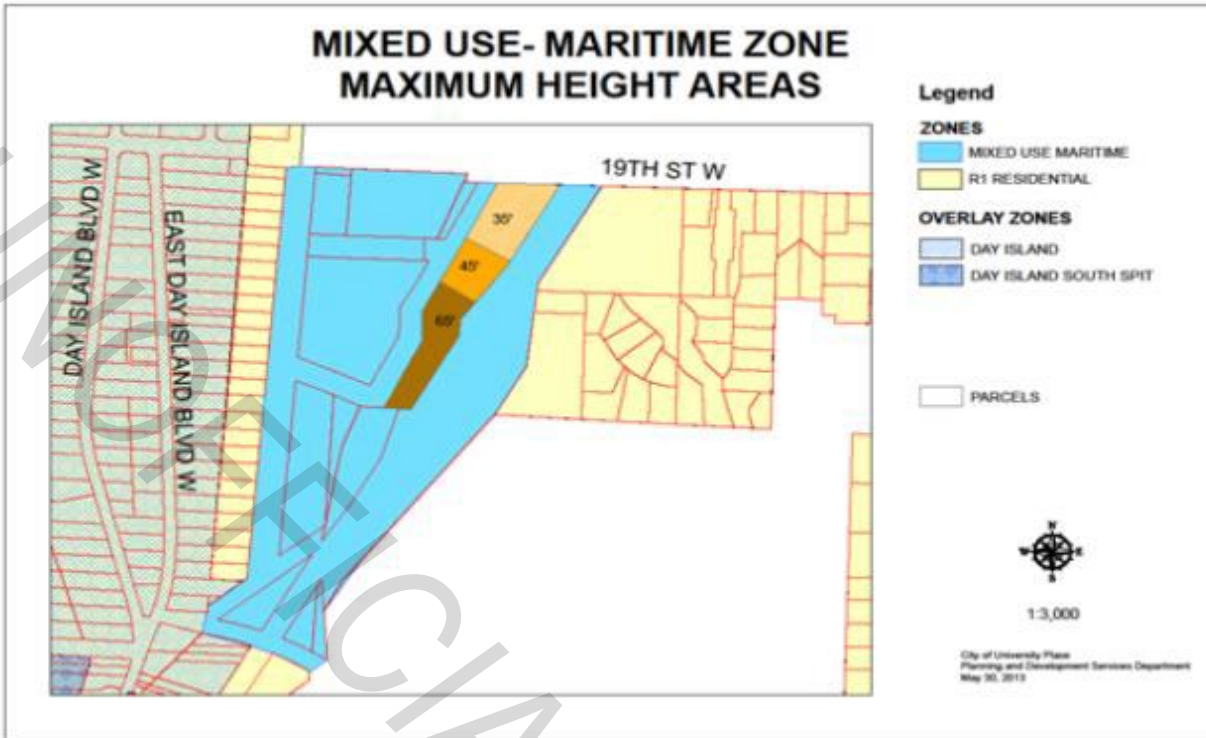


Figure 11

(25) A 35-foot rear setback measured from the ordinary high water mark is required for properties located within shoreline jurisdiction.

(26) Rear setback is measured from the ordinary high water mark.

(27) Only uses included in the Chambers Creek Properties master site plan are allowed in the Chambers Creek overlay. A maximum of 130 extended stay lodging residential units are allowed in conjunction with the resort and hotel.

(Ord. 741 § 1 (Exh. H), 2020; Ord. 722 § 5, 2019; Ord. 689 § 1 (Exh. A), 2017; Ord. 668 § 1 (Exh. A), 2017; Ord. 662 § 1 (Exh. A), 2015¹; Ord. 636 § 2 (Exh. A), 2014; Ord. 628 § 1 (Exh. A), 2013; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 559 § 4 (Exh. A), 2009; Ord. 544 § 1 (Exh. A), 2009; Ord. 514 § 3, 2008; Ord. 470 § 1 (Exh. A), 2006; Ord. 443 § 1 (Exh. A), 2005; Ord. 441 § 1, 2005; Ord. 422 § 2, 2004; Ord. 409 § 7, 2004; Ord. 394 § 1, 2003. Formerly 19.45.100).

¹ Code reviser's note: Ord. 662 inadvertently left out the amendments of Ord. 636. Those amendments have been restored per the intent of the City.