

ORDINANCE NO. 779

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS OF TITLE 19 ZONING OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TECHNICAL CORRECTIONS IDENTIFIED BY THE CITY OF UNIVERSITY PLACE PLANNING COMMISSION TO THE CITY'S ZONING CODE

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter GMA) the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state"; and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

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 preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, the Zoning Code requires an update periodically to make land use regulations more usable for residents, developers, and City staff by correcting probable scrivener's errors, eliminating text ambiguities, and improving zoning provisions; and

WHEREAS, on; January 17, 2023, the City Council adopted Resolution No. 1001 establishing the 2023 Planning Commission Workplan to review and recommend development regulations amendments, including directing the Planning Commission to review the municipal code and make recommendation for technical corrections to improve clarity and correct unintentional revisions; and

WHEREAS, the Planning Commission, with staff input, identified seven amendments to various sections of the zoning code and held a hybrid public meeting to study the proposed zoning code amendments on August 16, 2023; and

WHEREAS, the Planning Commission held a hybrid public hearing on September 18, 2023 to consider written and oral public comments on the proposed zoning code amendments; and

WHEREAS, on September 20, 2023, the Planning Commission adopted Commission Resolution 2023-02 forwarding recommendations for amending sections of Title 19 Zoning with supporting findings in accordance with UPMC 22.25.030(E); and

WHEREAS, on September 26, 2023, the city submitted a set of draft amendments to the Department of Commerce to initiate an expedited 14-day state agency review period and received no comments; and

WHEREAS, on September 28, 2023, the city issued a *SEPA Determination of Non-significance* with a 14-day comment period ending on October 12th with no comments received; and

WHEREAS, the City Council considered the Planning Commission's recommended amendments during their regular meeting held on January 16, 2024 and February 5, 2024; and

WHEREAS, the City Council adopts the findings in Planning Commission Resolution and finds the proposed amendments are in the best interest of the citizens and property owners of the City;

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

Section 1. University Place Municipal Code Section 19.10.030 Amended. Section 19.10.030 of the University Place Municipal Code entitled "Definitions" is hereby amended as set forth in Exhibit "A" attached hereto.

Section 2. University Place Municipal Code Section 19.30.040 Amended. Section 19.30.040 of the University Place Municipal Code entitled "Accessory use list" is hereby amended to read as follows:

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/I75	MU-M
Antennas and satellite dishes for private telecommunication services	x	x	x									
Antennas 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, attached or detached	x	x	x	x	x	x	x	x	x	x	x	x
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	
Off-site accessory parking and parking structures to serve developments on parcels zoned MU-U/I75	x						x	x	x	x	x	
On-site hazardous waste treatment and storage											x	
Private docks and mooring facilities	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
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
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.

Section 4. University Place Municipal Code Section 19.35.020 Amended. Section 19.35.020 of the University Place Municipal Code entitled "Temporary uses" is hereby amended to read as follows:

19.35.020 Temporary uses.

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

A. Nonresidential temporary uses may occur in any nonresidential zone, or on nonresidential property on arterial streets within residential zones for a period not to exceed 45 days in any 12-month period. Examples of temporary uses include Christmas tree sales, fireworks stands, flower stands, mobile food units, outdoor sales of general merchandise, promotions, and farmers' markets.

B. Temporary uses are subject to the following requirements:

1. Setback requirements of the zone shall be met for any temporary structure, mobile food unit or recreational vehicle.

2. The use will not result in significant traffic, off-street parking, drainage, fire protection, or other adverse impacts. In the case of off-street parking, any required off-street parking for an existing use shall not be diminished below minimum standards.

3. Temporary sign permits shall be required for all signs and are subject to the provisions of Chapter 19.75 UPMC.

4. The use must provide sanitary facilities if the Health Department finds it is necessary.

5. The use must not infringe on the public right-of-way.

6. A mobile food unit shall not obstruct any drive aisle, ingress/egress, or pedestrian circulation.

7. Drive-up or drive-through mobile food units are prohibited in all zones.

~~86.~~ A performance bond, the amount to be determined by the Director, shall be posted upon the Director's determination that it is necessary to guarantee the removal of the use and that the area be restored to the Director's satisfaction.

~~97.~~ An affidavit signed by the property owner stating that the property is being used for the temporary use with their consent and indicating the number of days the use is permitted to remain on the property.

C. Residential Zone Temporary Uses. The following residential temporary uses are allowed on private property subject to the following requirements:

1. Yard, estate and similar types of sales as an accessory use to a residential property provided sales last no more than four consecutive days and are held no more than three times per calendar year, provided:

a. Merchandise offered for sale is only displayed during the duration of the sale; and

b. Signs are in compliance with UPMC 19.75.090(I).

2. A portable storage unit for a period not to exceed two weeks and no more than four times per calendar year, except such units may be permitted for the duration of a construction permit.

Section 5. University Place Municipal Code Section 19.45.100. Section 19.45.100 of the University Place Municipal Code entitled "Density and dimension tables" is hereby amended as set forth in Exhibit "B" attached hereto.

Section 6. University Place Municipal Code Section 19.54.050. Section 19.54.050 of the University Place Municipal Code entitled "Land use standards" is hereby amended to read as follows:

19.54.050 Land use standards.

A. Permitted Land Uses. This section establishes the permitted land uses in each zone and the corresponding permit requirements. A parcel or building subject to the RGC FBC shall be occupied with only the land uses allowed by Table 2, Permitted Land Uses. Definitions of allowed land uses are provided in Chapter 19.25 UPMC. If a land use is not defined in this section, the Planning Director may determine that the use is not permitted, or determine the appropriate definition and determine the proposed use to be permitted provided the Planning Director makes the following findings in writing:

1. The land use will not impair the orderly implementation of the RGC Subarea Plan.

2. The land use is consistent with the purpose of the applicable zoning district.

3. The characteristics and activities associated with the proposed land use are similar to one or more of the listed uses in Table 2 and will not produce greater impacts than the land uses listed for the zoning district.

4. The land use will be compatible with the other land uses allowed in the zoning district.

5. The land use is not listed as allowed in another zoning district.

B. Symbols. The following symbols are employed in Table 2, Permitted Land Uses:

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

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

3. An “X” in a cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.

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

Table 2 – Permitted Land Uses

Residential uses	MU-N45	MU-U75	MU-U/I75	MU-C110
Adult family home (6 or fewer)	P	P	P	P
Assisted living facility	P	P	P	P
Bed and breakfast	P	X	X	X
Family day care facility	P	P	P	P
Live-work unit	P	P	P	P
Mobile/manufactured home	X	X	X	X
New manufactured home	P	X	X	X
Mobile home park	X	X	X	X
Multifamily housing	P	P	P	P
Nursing home	P	P	P	P
Single-family attached housing	P	X	X	X
Single-family detached housing	X	X	X	X
Existing single-family detached housing	P	P	P	P
Duplex housing	X	X	X	X
Small lot housing	X	X	X	X

Civic and recreation types and uses	MU-N45	MU-U75	MU-U/I75	MU-C110
Government services	P	P	P	P
Mortuaries	P	X	X	X
Day care centers	P	P	P	P
Education	P1	P	P	P
Hospitals/24-hour medical clinics	P	P	P	P
Recreation – public, private, nonprofit	P	P	P	P
Religious assemblies	P1 C2	P1 C2	P1 C2	P1 C2

Commercial uses	MU-N45	MU-U75	MU-U/I75	MU-C110
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Administrative and professional offices ¹	P	P	P	P
Adult entertainment	X	X	C	X
Amusement and recreation (private)	P	P	P	P
Business support services	P	P	P	P
Craft production facilities	P1	P1	P1, 2	P1
Eating and drinking establishment ¹	P1, 2, 3	P1, 2, 3	P1, 2, 3	P1, 2, 3
Electric vehicle charge stations	P	P	P	P
Health club (a.k.a. fitness center)	P	P	P	P
Micro-beverage production (with drinking establishments)	P	P	P	P
Kennels	X	X	X	X
<u>Pet Day Care</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail ¹	P1, <u>C2</u>	<u>C1</u> <u>P</u>	P	P
Lodging	P	P	P	P
Marijuana retail ²	X	X	X	X
Mini casinos	X	X	X	X
Mobile, manufactured, and modular home sales	X	X	X	X
Motor vehicles sales, rental and repair	C1 ³ , 2, 4, 6	C1 ³ , 2	P1, 2, 3, 4, 6 C5	C1, 2, 6
Parking garages (standalone)	P	P	P	P
Personal services	P	P	P	P
Vehicle sales (showroom sales only)	P	P	P	P
Pawn shops (indoor only) and second-hand stores	X	X	P	X
Rental and repair (indoor, excludes auto)	X	X	P	X
Veterinary clinics/animal hospitals (no outdoor boarding)	P	P	P	P
Wholesale trade	X	X	P	X

Notes:

¹Drive-through uses prohibited between 28th and 38th Streets on Bridgeport Way.

²In accordance with Chapter 5.35 UPMC and UPMC 19.70.140.

³Prohibited between 28th and 44th Streets in MU-U75 and MU-N45.

Utilities	MU-N45	MU-U75	MU-U/I75	MU-C110
Distribution and collection utilities	P	P	P	P
Transportation	P	P	P	P
Utility and public maintenance facilities	C	C	P	C

Wireless telecommunications facilities ¹	P1, 2 C3, 4	P1, 2, 3 C4	P1, 2, 3 C4	P 1, 2, 3 C4
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Note:

¹According to the siting criteria and standards of Chapter 23.45 UPMC, Macro Wireless Communication Facilities, and essential public facilities in Chapter 19.40 UPMC.

Essential public facilities	MU-N45	MU-U75	MU-U/I75	MU-C110
Electrical facilities	C1	C1	P1 C2	C1
Essential public facilities per WAC 365-196-550	X	X	C	X
Level II group homes	X	X	C	X
Recycling processors	X	X	C	X
Waste transfer facilities	X	X	C	X

Light industrial uses	MU-N45	MU-U75	MU-U/I75	MU-C110
Buy-back recycling	X	X	C	X
Contractor yards	X	X	P	X
Food and related products	X	X	P	X
Industrial services and repair	X	X	X	X
Limited manufacturing	X	X	P	X
Marijuana processor or producer ¹	X	X	C ¹	X
Micro-beverage production facilities (no drinking establishments)	X	X	P	X
Motion picture, TV and radio production studios	C	P	P	P
Printing, publishing and related industries	X	X	P	X
Salvage yards	X	X	X	X
Existing vehicle impound yards	X	X	C ²	X
Warehousing, storage units, distribution and freight movement	X	X	C	X

Notes:

¹Pursuant to UPMC 5.35.010(C).

²In conjunction with towing.

Section 7. University Place Municipal Code Section 19.45.080 Amended. Section 19.45.080 of the University Place Municipal Code entitled "Floor area ratio (FAR) standards" is hereby amended to read as follows:

19.45.080 Floor area ratio (FAR) standards.

A. The intent of FAR standards is to ensure the size of new homes/structures and additions in small lot and cottage developments and on existing substandard lots of record will be scaled proportionally to the size of

the lots on which they are situated so that new infill development will be generally consistent in scale and proportion with previously constructed homes and neighborhoods in the City. FAR standards should be used in conjunction with other bulk requirements and design standards and guidelines to be effective in achieving this intent.

B. FAR is the ratio of the total floor area of buildings on a site to the size of the land at that location. FAR is the total building square footage divided by the total site area square footage, except as noted below.

C. Floor area for purposes of calculating FAR and maximum floor area does not include the following:

1. Attic floor area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof, and attics with structural roof trusses and usable attic space that is completely contained within the roof area (excluding dormers).
2. Basement floor area with a ceiling height less than four feet above the average finished grade, as defined in UPMC 19.10.030. Ceiling height will be measured to the top of the structural members of the floor above.
3. The first 600 square feet of detached accessory building floor area on a lot.
4. Uncovered and covered decks, porches, and walkways.

D. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable FAR.

E. FAR is calculated using a site's buildable area, including private street area, and excluding area located waterward of the ordinary high-water mark and critical areas and their required associated buffers.

F. FAR shall not exceed the standards established in UPMC 19.45.100.

G. FAR standards shall not apply to substandard lots of record located within the Day Island South Spit overlay and Sunset Beach overlay.

H. FAR shall apply to additions to existing structures. Additions to existing structures nonconforming to the FAR requirement are allowed to add a maximum 10 percent of the existing floor area.

Section 8. University Place Municipal Code Section 19.50.050 Amended. Section 19.50.050 of the University Place Municipal Code entitled "Height" is hereby amended to read as follows:

19.50.50 Height.

A. Standards.

1. The maximum building height abutting R1 and R2 zoned property shall be 45 feet, subject to the following:

2. Height shall be measured from either the elevation of the street which abuts the building at the midpoint of the building or in accordance with UPMC 19.10.030 (definition of "height, building or structure"), whichever is greater. The maximum height shall be measured to the midpoint of a gable or pitched roof or the top of a flat or parapet roof.

~~23. Buildings shall be a minimum of 25 feet in height.~~

~~4. Building lots shall not be modified by placement of fill for the purpose of raising the grade level from which building height is measured. Typical modifications necessary to allow development or redevelopment of a site shall be permitted; provided that the modifications are functionally necessary and represent the minimal intervention required to establish the use on the site. Typical modifications include, but are not limited to, providing access to the structure, ensuring slope stability and/or facilitating on-site stormwater management.~~

~~5. The following height exceptions are allowed:~~

a. Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including parapet walls, towers, cupolas, domes and roof, may exceed building height up to 10 percent of the permitted building height.

b. Mechanical penthouses over elevator shafts, ventilator shafts, rooftop access, antennas, chimneys, fire sprinkler tanks or other mechanical equipment may extend up to ~~10-14~~ feet above the permitted building height; provided, that they shall be set back from the exterior wall of the building at least a distance that is equal to their height, or they shall be treated architecturally or located within enclosures with an architectural treatment so as to be consistent or compatible with the exterior design of the building facade.

~~2. Buildings shall be a minimum of 25 feet in height.~~

~~3. On arterial streets and Market Place height shall be measured from the elevation of the arterial street which abuts the building at the midpoint of the building to the midpoint of a gabled or pitched roof or the top of a flat or parapet roof. Where there is no arterial street abutting the property, height shall be measured in accordance with UPMC ~~19.10.030~~ and ~~19.45.050~~.~~

Section 9. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 10. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 11. Effective Date. Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON MARCH 4, 2024.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Date of Publication: 03/06/24

Effective Date: 03/11/24

UNOFFICIAL DOCUMENT

Exhibit A
Ordinance No. 779

Chapter 19.10 DEFINITIONS

Section .030 are amended to read as follows:

19.10.030 Definitions.

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

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

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

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

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

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

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

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

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

“Adult entertainment” shall mean:

A. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal; or
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or

C. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

“Adult entertainment establishment” shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

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

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

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

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

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

"Adult sauna parlor" means a commercial sauna establishment, which excludes any person, by virtue of age, from all or any portion of the premises.

"Affordable housing" means housing which is deemed affordable to those with household incomes at or below the area median income (AMI). Households in need include extreme low income (30 percent of AMI) very low income (50 percent of AMI) and low income (80 percent of AMI).

"Alter/alteration" means any change, addition, or modification in construction or occupancy of a building or structure or use of land.

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

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

"Amendment, minor" means a limited change of a discretionary land use permit that is reviewed and approved, approved with conditions, or denied by the Director.

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

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles. There are three levels of battery charging stations based on the electrical force, or voltage, at which an electric vehicle's battery is recharged.

Level 1 is considered slow charging and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet.

Level 2 is considered medium charging and typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.

Level 3 is considered fast or rapid charging primarily for commercial and public applications and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

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

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

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

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

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

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

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

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

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

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

“Buy-back recycling center” means any business which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

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

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

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

“Church.” See “Religious assembly.”

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

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

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

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

“Composting facility, small scale” means a facility or equipment used in the composting of organic feedstock such as yard waste or food waste to produce a product for use as a soil conditioner or amendment. Such product is intended for use on the property from which it was generated and is not intended for sale.

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

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

“Correctional institution” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including State prisons, County and local jails, and other facilities operated by the Department of Corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

“Craft production facility” means a commercial or light industrial use that involves the production of arts, crafts, food, and beverages with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible with and are often co-located with retail sales and service uses. Production examples and processes include ceramic art, glass art, candle-making, custom jewelry manufacture, craft foods and nonalcoholic beverages.

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

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

“Deck” means an attached or detached raised horizontal platform.

“Density” means the number of dwelling units allowed per net acre.

“Department” means the City of University Place Department of Community and Economic Development.

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

“Development permit” means any document granting, or granting with conditions, approval of a land use decision, zoning or rezoning, subdivision plat, site plan, building permit, special exception, special use permit, variance, or any other official action of the City having the effect of authorizing the development of land.

“Development project” means a contiguous area developed, operated and maintained as a single entity accommodating residential, commercial, industrial or public use(s) or a combination of such uses which may or may not be under single ownership.

“Director” means the Director of the Department of Community and Economic Development or authorized designee.

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

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

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

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

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

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

“Duplex” means a building containing two dwelling units, providing separate living accommodations within each unit, attached in pairs on a single lot.

“Dwelling” means a building or portion thereof designed exclusively for human habitation, including single-family, duplex and multiple-family dwellings, accessory dwelling units, live-work units, modular homes, manufactured homes and mobile homes, but not including hotel or motel units having no kitchens.

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

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. There are three levels of battery charging stations based on the electrical force, or voltage, at which an electric vehicle’s battery is recharged.

Level 1 is considered slow charging and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet.

Level 2 is considered medium charging and typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.

Level 3 is considered fast or rapid charging primarily for commercial and public applications and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

“Electric vehicle charging station – restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated

employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

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

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

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

“Essential public facilities” means capital facilities typically hard to site (see WAC [365-196-550](#)).

“Examiner” means the City Hearings Examiner.

“Extended stay” means lodging containing four or more units/guestrooms that provides accommodation on a nontransient basis leased for a period of at least one month. Units/guestrooms which contain a kitchen constitute a residential dwelling unit.

“Family” means individuals consisting of two or more persons related by genetics, or adoption or marriage, or a group of five or fewer persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption or marriage to all of the members of such group living in a dwelling unit. For the purposes of this definition, persons with handicaps or otherwise protected by the Federal Fair Housing Act ([42 U.S.C. 3601](#) et seq.) shall not be counted as unrelated persons.

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

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

“Floor area” means the sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a use, including storage areas. However, “floor area” shall not include attic storage, unfinished basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. The floor area shall be measured from the exterior face of exterior walls and from the centerline of walls dividing uses or establishments. See UPMC [19.45.080](#) for guidance on calculating floor area ratio.

“Floor area ratio (FAR)” means the floor area of the building or buildings on a lot or on a project site divided by the area of such lot or project site, excluding any public facilities and structured parking.

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

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

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

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

“Grade – average, finished” means the post-construction average elevation of the ground surface as measured at finished grade from base points located at the four corners of the foundation or, if the foundation of a structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.

“Grade – existing” means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

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

“Gross vehicle weight” means the total weight of a vehicle including the weight it is licensed to carry, intended to carry, or carrying, whichever is greater.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Hotel” or **“motel”** means lodging containing four or more guestrooms which may provide incidental services such as restaurants, meeting rooms or recreational facilities provided for compensation at a nightly rate.

“Inoperable vehicle” means a vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads, such as repair or replacement of a window, windshield, wheel, tire, motor or transmission.

“Interim on-site septic system” means a new or remodeled on-site septic system permitted after the effective date of the ordinance codified in this section. Interim systems are intended to be temporary in nature until such time as sanitary sewers become available. Interim on-site septic systems will meet the requirements of the Tacoma-Pierce County Health Department.

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

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

“Kitchen” means any room or area used, intended, or designed to be used for the cooking or preparation of food that contains a range, stove, oven or cooktop that is serviced by gas or a 220/240v outlet, and a kitchen-type sink.

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

“Live-work unit” means a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant. Nonresidential use is limited to no more than 50 percent of floor area.

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

“Lodging” means any building or group of buildings containing units/guestrooms where accommodations are provided (with or without meals) for compensation. All lodging is either (1) hotel or motel; (2) rooming house; (3) extended stay; or (4) bed and breakfast.

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

“Lot area” means the total area within the lot lines of a lot, excluding any street area.

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

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

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

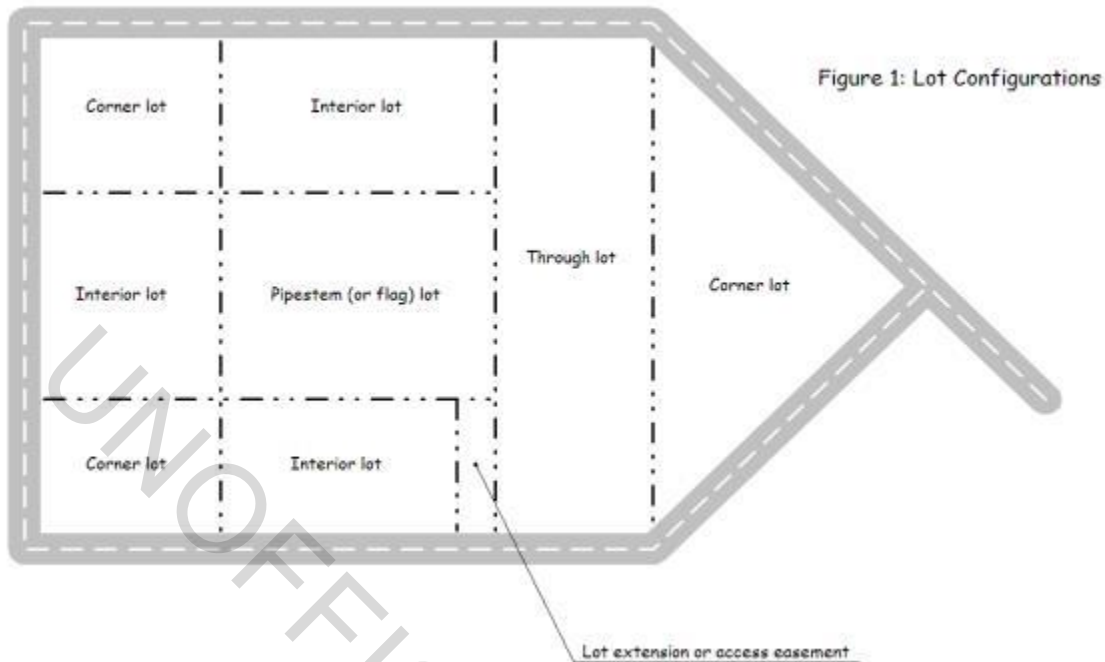
“Lot line, front” means the portion of a lot line abutting a street or railroad right-of-way. See Figure 1.

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

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

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

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



“Lot size, minimum” means the smallest lot that can be created through a land division process, consistent with applicable development regulations.

“Lot, substandard” means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

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

“Major improvement” shall mean improvements to the interior and/or exterior of a principal building, except normal maintenance and repair and life/safety improvements, which within a 12-month period exceed a cumulative value of 25 percent of the assessed value as assessed by the Pierce County Assessor’s Office of the principal building. The 12-month period shall include the value of all improvements made in conjunction with permits issued within a 12-month period preceding the application for a new permit. Normal maintenance and repair and life/safety improvements include but are not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility.

“Major redevelopment” shall mean the redevelopment of or addition to a principal building or principal buildings within a development project, except normal maintenance and repair and life/safety improvements, which result in the remodeling of or addition of 25 percent or more of the gross floor area of the existing building or, collectively, to any buildings in a development project. Normal maintenance and repair and life/safety improvements include but are not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility.

“Manufactured home” means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes, which:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than nominal 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

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

“Microbeverage production facility” means an establishment that manufactures alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or eating and drinking establishment.

“Microbrewery” means a business known as a craft brewery that produces 5,000 barrels or less of beer per calendar year. A microbrewery may sell beer of its own production directly to a customer for off-premises consumption and by all other legal means. A microbrewery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microbrewery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

“Microdistillery” means a business known as a craft distillery that produces 5,000 proof gallons or less of spirits per calendar year. A microdistillery may sell spirits of its own production directly to a customer for off-premises consumption and by all other legal means. A microdistillery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microdistillery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

“Microwinery” means a business engaged primarily in the production, including crushing, fermentation, aging, and bottling, and distribution of no more than 5,000 cases of wine per year. A microwinery may sell wine of its own production directly to a customer for off-premises consumption and by all other legal means. A microwinery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microwinery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

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

"Mobile food unit" means a readily movable eating and drinking establishment. Mobile food units include any vehicle, trailer, pushcart, motorized food wagon, stand, tent or structure not affixed to a permanent foundation, with or without wheels, which may be moved from one location to another under its own power or by other means.

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

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

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

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

"Modulation" means a stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth, as a means of lessening the apparent bulk of a structure's continuous exterior walls.

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

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

"Multifamily" means a structure containing three or more dwelling units, with the units joined to one another.

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

"Net acre" is calculated by taking the total gross acreage and subtracting out surface water, undevelopable lands (e.g., wetlands) and street rights-of-way or street easements.

“New manufactured home” means any manufactured home required to be titled under RCW Title [46](#), which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW [82.45.032](#)(2).

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

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

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

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

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

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

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

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

“Outdoor storage” means the storage, outside of a building, of material not intended for immediate sale or exhibition.

“Owner occupant” means a property owner, as reflected in title records, that makes his or her legal residence at the site, and resides at the site more than six months out of any given year.

“Package wastewater treatment plant” means a pre-assembled, factory-built treatment plant. They can be the size of a motor home or larger.

“Panorama” or **“peepshow”** shall mean any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.

“Panorama premises” means any premises or portion of a premises on which a panorama is located and which is open to the public, including through membership.

“Park, community” means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.

“Park, linear trail” means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases, linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.

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

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

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

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

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

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

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

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

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

“Pet day care center” means a facility that provides for the care and supervision and/or the boarding of pets for a period of less than 24 hours per day. Boarding pets for more than 24 hours at a time is considered a kennel.

“Planned development district (PDD)” means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications. Planned development districts are no longer permitted by this title.

“Porch” means a covered deck or patio.

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

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

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

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

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

“Project site” means that portion of any lot, parcel, or tract or combinations thereof that encompasses all phases of the total project proposal.

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

“Public facilities” means properties and facilities in which a public agency, jurisdiction, district or similar public entity has a real property interest including, but not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities, public buildings and schools.

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

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

“Recorded” means, unless otherwise stated, filed for record with the auditor of the County of Pierce, State of Washington.

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

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

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

“Recycling processor” means any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off site which is referred to as a “clean” materials resource recovery facility (MRF).

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

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

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

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

“Right-of-way” means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways and horse trails, whether improved or unimproved, including the air rights, subsurface rights and easements related thereto.

“Rooming house” means lodging where within an owner-occupied dwelling unit where not more than four guestrooms are provided for compensation on other than a daily basis and which is not open to transient guests.

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter [71.09](#) RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to Chapter [71.09](#) RCW and any community-based facilities established under Chapter [71.09](#) RCW and operated by the Washington State Secretary of Social and Health Services or the Secretary’s designee.

“Sensitive receptor” shall mean any establishment that provides caretaking, education, or recreation for persons under 18 years of age, or a location where youth are likely to gather including but not limited to schools, school bus stops, day care facilities, dance studios, and park and recreation uses.

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

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

“Setback” means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein. See Figure 1 in Chapter [19.45](#) UPMC.

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

“Sewage system, on-site” means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on abutting or nearby property under control of the user where the system is not connected to a public or approved private sewer system. On-site systems shall be constructed to meet the requirements of the Tacoma-Pierce County Health Department.

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

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

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

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

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

“Special use permit” means an approval by the Examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not

limited to, conditional use, public facilities, preliminary and final plats, shoreline substantial development, shoreline conditional use, shoreline variance, and major variance.

“Specified anatomical areas” means:

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

“Specified sexual activities” shall mean an act of:

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

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

“Stock-in-trade” means:

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

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

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

“Street, private” means a privately owned street that provides vehicle access on a commonly owned tract or private easement. Access is limited to not more than four dwelling units or nonresidential uses on separate parcels or any number of dwelling units or nonresidential uses on a single parcel. A private street may include property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways and other similar uses.

“Street, public” means a publicly owned and maintained right-of-way; provided, that where the City has acquired an easement from a property owner for right-of-way purposes, the easement area shall not be considered part of the street but shall be considered part of the property and included in the calculations to determine density, minimum lot size, and setback requirements.

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

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

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

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

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

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

“Toxic materials” means those materials which can cause injury to living organisms by chemical means when present in relatively small amounts.

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

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

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

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

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

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

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

“Use, temporary” means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses include sales by temporary vendors, temporary housing units, temporary real estate offices, temporary construction buildings, and COWs and personal wireless telecommunications facilities exempt under UPMC [23.45.030](#).

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

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

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

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

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

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

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

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

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

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

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

“Wild animal” means an untamed or undomesticated animal including but not limited to wolves, coyotes, foxes, bears, cougars, bobcats, deer, raccoons, beavers, and raptors.

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

“Yard, front” means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. See the figures in Chapter [19.45](#) UPMC.

“Yard, rear” means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. See the figures in Chapter [19.45](#) UPMC.

“Yard sale” means all temporary and intermittent sales that may be variously referred to as “yard sale,” “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” or any similar casual sale of tangible personal property from a residence or community use that is advertised by any means whereby the public at large is or can be made aware of the sale, and that is clearly secondary to the primary use of the site.

“Yard, side” means all yards except front yards and rear yards. See the figures in Chapter [19.45](#) UPMC.

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

Exhibit B
Ordinance No. 779
Chapter 19.45 DENSITY AND DIMENSION

Section .100 are amended to read as follows:

19.45.100 Density and dimension tables

A. The following table specifies development standards for each zone classification. Zones are shown across the row heading and development standard categories are shown in the left column.

Density and Dimensions Table

DEVELOPMENT STANDARDS	ZONE CLASSIFICATIONS												
	R1	R2	MF-L	MF-H	MU-O	NC	MU-N45	MU-U75	MU	MU-C110	MU-U/175	POS ¹	MU-M
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	35	55	60 (2)	4			60				30
Maximum Density (du/ac) (3)	6 small lot housing	9 small lot housing	40	60	65 (2)	6	None	None	65	None	None		35
Minimum Lot Size (16)			4,000	2,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000		
Single-Family Detached	9,000	6,000											
Single-Family Attached (7)	6,750												
Duplex	13,500	12,000											
Small Lot Development	None	None											
Minimum Lot Width (15)	60'	55'											

Density and Dimensions Table

DEVELOPMENT STANDARDS	ZONE CLASSIFICATIONS												
	R1	R2	MF-L	MF-H	MU-O	NC	MU-N45	MU-U75	MU	MU-C110	MU-U/I75	POS ¹	MU-M
Maximum Lot Coverage	50% (17)	50% (17)	50%		45%	45%							50 – 65% (22) 75 – 90% (23)
Setback, Arterial Streets	25' (19)	25' (19)	25'		(5)	25'	(2)	(2)	(5)	(2)	(2)	25'	0'
Setback, Other Roads	25' (19)	25' (19)	25'		(5)	20'	(2)	(2)	(5)	(2)	(2)	25'	0'
Setback, Rear (4)	30' (19)	30' (19)	0'/30'		0'/30'	0'/30'	0'/ 50 30'	0'/30'	0'/30'	0'/ 50 30'	0'/30'	30'	0'/30'
Setback, Side (4)	8' (8) (19)	8' (8) (19)	0'/30' (8)		0'/30' (8)	0'/30' (8)	0'/30' (8)	0'/30' (8)	0'/30' (8)	0'/ 50 30' (8)	0'/30' (8)	8'	0'/30'
Maximum Height	35' SFD or duplex, 30' small lot (20)	35' SFD or duplex, 30' small lot (20)	45'		45'	40'	45'	45'/75' (14)	45'	110'	75' (14)	45'	35'/45'/65' (24)
Floor Area Ratio (FAR)	.42 average and .47 maximum for small lot housing; .42 maximum for existing substandard lot (21)	.42 average and .47 maximum for small lot housing; and .42 for existing substandard lot (21)											

B. The following table specifies development standards for each overlay zone classification. Overlay zones are shown across the row heading and development standard categories are shown in the left column.

Overlay Zones Density and Dimensions (Setbacks)

DEVELOPMENT STANDARDS	OVERLAY ZONE CLASSIFICATIONS					
	Chambers Creek Properties	Public Facility (6)	Transition Properties	Day Island	Day Island South Spit	Sunset Beach
	(CCPO)	(PFO)	(TPO)	(DIO)	(DISSO)	(SBO)
Base Density (du/ac) (1), (2)	(27)		(6)	4	4	4
Maximum Density (du/ac)	(27)		(6)	6 (3)	6 (3)	6 (3)
Setback, Arterial Streets	25'		(6)	NA	NA	NA
Setback, Other Roads	25'		25'	20' (11)	0'	0'/20' (12)
Setback, Rear (4)	0'		(6)	20'/35' (25)	5' (26)	5' (26)
Setback, Side (4)	0'		(4)	5'	0'	5' Total
Height	45'		(6)	35'	30'	35'