

ORDINANCE NO. 788

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, AMENDING PORTIONS OF TITLES 13, 19, AND 21 OF THE
UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO CREATING MORE HOUSING
OPTIONS IN CONFORMITY WITH RECENT STATE LEGISLATION**

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, poses 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 meet 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, in 2023 the Washington State legislature passed Engrossed Second Substitute House Bill (E2SHB) 1110 (hereafter referred to as "HB 1110") that requires cities and counties throughout Washington State to increase middle housing in areas traditionally dedicated to single-family detached housing; and

WHEREAS, in passing HB 1110 the State legislature found that Washington is facing a housing crisis for its current population and a lack of housing choices, and is not likely to meet affordability goals for future populations; and

WHEREAS, the State legislature further found that in order to meet the goal of 1,000,000 new homes statewide by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted and that increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those established by the legislature in Engrossed Second Substitute House Bill 1220 (Laws of 2021, Chapter 254); and

WHEREAS, the State legislature further found:

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work;

Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs;

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish anti-displacement policies as required by Engrossed Second Substitute House Bill 1220 (Chapter 254, Laws of 2021);

The State has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment;

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

WHEREAS, HB 1110 is primarily codified in the Revised Code of Washington (RCW) section 36.70A.635; and

WHEREAS, in 2024 the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 2321 (hereafter referred to as “HB 2321”), which modified certain middle housing requirements originally established by HB 1110 in RCW 36.70A.635, as well as amended definitions in RCW 36.70A.030; and

WHEREAS, in 2023 the Washington State Legislature passed Engrossed Second Substitute Senate Bill 5258 (Chapter 337, Laws of 2023), referred to hereafter as “SB 5258,” relating to increasing the supply and affordable condominium units and townhouses as an option for homeownership; and

WHEREAS, SB 5258 requires University Place to adopt procedures for unit lot short subdivisions, which are located within Title 21, the Subdivision Regulations; and

WHEREAS, a unit lot short subdivision is a type of subdivision that divides middle housing units on one parcel, referred to as the “parent lot,” into individual “unit lots” (sometimes called child lots); and

WHEREAS, the unit lots are individual, sellable, legal lots of record with their own tax or parcel identification numbers, but they are not intended to be further subdivided unless regulations allow, and development regulations (e.g., setbacks, lot coverage, lot size, etc.) will be applicable to the parent as a whole – not the individual unit lots themselves; and

WHEREAS, State law also provides that portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association; and

WHEREAS, the City Council adopted Resolution 1026 on December 4, 2023 adopting the Annual Planning Commission Work Plan for 2024, and Resolution 1062 on January 6, 2025 adopting the Annual Planning Commission Work Plan for 2025, which both directed the Planning Commission to review the requirements of House Bill 1110 and Senate Bill 5258 and recommend draft development and subdivision regulations which implement the requirements of these bills; and

WHEREAS, the City entered into a Professional Services Agreement (PSA) on May 20, 2024 with MAKERS architecture and urban design to assist the City with developing design standards for middle housing and amending sections of the UPMC for consistency with the aforementioned state bills; and

WHEREAS, the Planning Commission held four hybrid public meetings to review and discuss amendments to the Zoning Code and Subdivision Code incorporating the requirements of HB 1110 and SB 5258; and

WHEREAS the Planning Commission held a hybrid public hearing on March 19, 2025 to consider written and oral public comments on the proposed zoning and subdivision code amendments; and

WHEREAS, on March 19, 2025, the Planning Commission adopted Commission Resolution 2025-02 forwarding recommendations for amending sections of Title 19 Zoning to implement the requirements of HB 1110 and Title 21 Subdivisions, implementing the requirements of SB 5258, with supporting findings in accordance with UPMC 22.25.030(E); and

WHEREAS on March 21, 2025, the City submitted a set of draft amendments to the Department of Commerce to initiate a 60-day state agency review period. Commerce reached out for clarification on the draft code amendments, but provided no official comments; and

WHEREAS, on April 30, 2025, the City issued a *SEPA Determination of Non-significance* with a 14-day comment period ending on May 14th with no comments received; and

WHEREAS, the City Council heard a staff presentation and considered the State Legislature's requirements from HB 1110, HB 2321, and SB 5258 during their regular meeting held January 21, 2025; and

WHEREAS, the City Council heard a presentation from staff and MAKERS, and considered the Planning Commission's recommended amendments during their regular meeting held on April 21, 2025; and

WHEREAS, the City Council hereby adopts the findings in the Planning Commission Resolution and finds the proposed amendments are in the best interest of the citizens and property owners of the City, and comply with the requirements of Engrossed Second Substitute House Bill 1110, Engrossed Substitute House Bill 2321, and Engrossed Second Substitute Senate Bill 5258;

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 amended to read as set forth in **Exhibit A** attached hereto.

Section 2. University Place Municipal Code Section 19.20.030 Amended. Section 19.20.030 of the University Place Municipal Code entitled, "Zones" is amended to read as set forth in **Exhibit B** attached hereto.

Section 3. University Place Municipal Code Sections 19.25.040, 19.25.110, and 19.25.120 Amended. Section 19.25.040 entitled, "Residential Use Category – Descriptions," Section 19.25.110 entitled, "Use Tables," and Section 19.25.120 entitled, "Use Table Notes" of the University Place Municipal Code are amended to read as set forth in **Exhibit C** attached hereto.

Section 4. University Place Municipal Code Sections 19.45.030, a new Section 19.45.035, Section 19.45.100, and Section 19.45.110 Amended. Section 19.45.030 entitled, "Density Standards," a new Section 19.45.035 entitled, "Units Allowed Per Lot," and Section 19.45.100 entitled, "Density and Dimensions Tables," and Section 19.45.110 entitled, "Density and Dimension Table Notes" of the University Place Municipal Code are created/amended to read as set forth in **Exhibit D** attached hereto.

Section 5. University Place Municipal Code Chapter 19.47 created. A new Chapter 19.47 entitled, "Middle Housing Design Standards" of the University Place Municipal Code has been created as set forth in **Exhibit E** attached hereto.

Section 6. University Place Municipal Code Section 19.60.050 Amended. Section 19.60.050 entitled, "Off-Street Parking Spaces Required for Particular Uses" of the University Place Municipal Code is amended to read as set forth in **Exhibit F** attached hereto.

Section 7. University Place Municipal Code Section 19.70.010 Amended. Section 19.70.010 entitled, "Accessory Dwelling Units" of the University Place Municipal Code is amended to read as set forth in **Exhibit G** attached hereto.

Section 8. University Place Municipal Code Section 13.20.245 Amended. Section 13.20.245 entitled, “Driveways” of the University Place Municipal Code is amended to read as set forth in **Exhibit H** attached hereto.

Section 9. University Place Municipal Code Section 21.05.020 Amended. Section 21.05.020 entitled, “Applicability” of the University Place Municipal Code is amended to read as set forth in **Exhibit I** attached hereto.

Section 10. University Place Municipal Code Section 21.10.010 Amended. Section 21.10.010 entitled, “Definitions” of the University Place Municipal Code is amended to read as set forth in **Exhibit J** attached hereto.

Section 11. University Place Municipal Code Section 21.35.010 Amended. Section 21.35.010 entitled, “Applicability” of the University Place Municipal Code is amended to read as set forth in **Exhibit K** attached hereto.

Section 12. University Place Municipal Code Section 21.50.010 Amended. Section 21.50.010 entitled, “Purpose” of the University Place Municipal Code is amended to read as set forth in **Exhibit L** attached hereto.

Section 13. University Place Municipal Code Section 21.55.030 Amended. Section 21.55.030 entitled, “Critical Areas” of the University Place Municipal Code is amended to read as set forth in **Exhibit M** attached hereto.

Section 14. University Place Municipal Code Section 21.60.020 Amended. Section 21.60.020 entitled, “Scope” of the University Place Municipal Code is amended to read as set forth in **Exhibit N** attached hereto.

Section 15. University Place Municipal Code Section 21.65.050 and Title 21, Appendix B Amended. Section 21.65.050 entitled, “Administrative Review,” and Title 21, Appendix B entitled, “Plat Requirements Matrix” of the University Place Municipal Code is amended to read as set forth in **Exhibit O** attached hereto.

Section 16. University Place Municipal Code Chapter 21.75 Created. A new Chapter 21.75 entitled, “Unit Lot Subdivisions” of the University Place Municipal Code has been created as set forth in **Exhibit P** attached hereto.

Section 17. 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 18. 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 19. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON JUNE 2, 2025.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 06/03/25

Effective Date: 06/10/25

UNOFFICIAL DOCUMENT

EXHIBIT A

Section 19.10.030

Definitions

19.10.030 Definitions.

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

“Accessory dwelling unit” means an ~~additional second~~ dwelling unit, detached from, added to, or created within a ~~principal residential building 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.

“Courtyard housing” means at least three dwelling units arranged on at least two sides of a yard or court.

“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 ~~residential building with two dwelling units~~**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.

“Fourplex” means a residential building with four dwelling units.

“Frequent transit stop” means a transit stop that meets the conditions of RCW 36.70A.696(8).

“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.

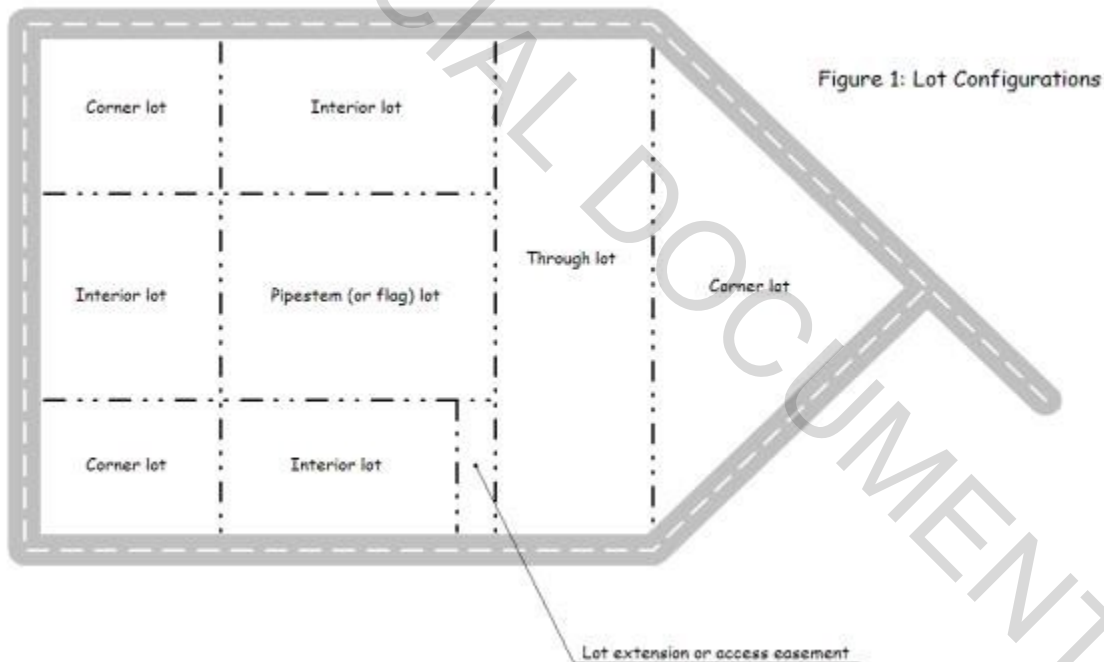
“Lot line, front” means the portion of a lot line abutting a street or railroad right-of-way. See Figure 1.

“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.

“Major transit stop” means a transit stop that meets the conditions of RCW 36.70A.030(25).

“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 and Cannabis 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 and Cannabis 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 and Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

“Middle housing” means residential buildings that are compatible in scale, form, and character with single-family houses and that contain two to four dwelling units. Middle housing includes duplexes, triplexes, fourplexes, townhouses, courtyard housing, and stacked flats.

“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.

“Multifamily structures containing three to four dwelling units can also be defined as middle housing.”

“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.

“Parent lot” means a lot which is subdivided into unit lots through the unit lot subdivision process.

“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 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.

“Stacked flat” means dwelling units in a residential building in which each floor, or a portion thereof, may be separately rented or owned.

“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.

“Townhouse” means a dwelling unit attached to one or more such units by one or more common vertical walls in which each unit occupies the building from the bottom of the foundation to the roof and no unit is located over another unit.

“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.

“Triplex” means a residential building with three dwelling units.

“Unit lot” means a lot created from a parent lot and approved through the unit lot subdivision process.

“Unit lot subdivision” means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

“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

Section 19.20.030

Zones

19.20.030 Zones.

A. Purpose. The purpose of zones is to divide the City into areas or zones to achieve the goals and policies of the Comprehensive Plan. Foremost amongst the goals of the City's Comprehensive Plan is to protect residential areas from incompatible land uses, encourage economic development, protect the environment, maintain the City's character, and improve and maintain quality of life. Zones separate or combine various land uses, help maintain property values, protect public health, safety and welfare and aid in City administration. Use, density, building height, setbacks and sign types are examples of land uses regulated by zone.

B. Zones.

1. Residential 1 (R1). Single-family neighborhoods with areas of middle housing comprise a large percentage of the City's land area. Consistent with community preferences, protection of single-family residential neighborhoods is a priority in the Comprehensive Plan. To protect and enhance the character of these neighborhoods, properties within them are zoned R1. A base density of ~~two~~four dwelling units per ~~lot~~ acre is allowed, with four dwelling units per lot allowed if one unit is affordable or near major transit. Four up to six units per ~~lot~~ acre are permitted for small lot development through the design standard review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. ~~Duplexes may be developed at a base density of five dwelling units per acre.~~ Uses allowed include single-family attached and detached dwellings, duplexes, triplexes, fourplexes, townhomes, courtyard housing, attached and detached single-family/duplex housing, small lot housing, attached and detached accessory dwelling units, adult family homes, Level I group homes, schools, public parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. The character of R1 neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and protecting the physical environment; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

2. Residential 2 (R2). To achieve a mix of housing types and densities while maintaining healthy residential neighborhoods, the R2 classification applies to areas that have developed with a mix of single-family attached and detached housing. A base density of ~~two~~six dwelling units per ~~lot~~ acre is allowed, with four dwelling units per lot allowed if one unit is affordable or near major transit. Six up to nine units per ~~lot~~ acre are permitted for small lot development through the design standard review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. Uses allowed include single-family attached and detached dwellings, duplexes, triplexes, fourplexes, townhomes, courtyard housing, attached and detached single-family/duplex housing, small lot housing, attached and detached accessory dwelling units, adult family homes, Level I group homes, schools, family day care, assisted living and nursing homes, religious assembly, public parks, community centers, appropriate home occupations, and distribution and collection utilities. The character of these neighborhoods shall be preserved and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and

protecting the physical environment; providing opportunities for a wide range of high quality housing choices; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

3. Multifamily Residential – Low (MF-L). Multifamily Residential – Low zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing lower density residential development. In the MF-L zone, a base density of 35 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter [19.53](#) UPMC. Density may be increased to a maximum of 40 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-L zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes, schools, public and private parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. Compliance with design standards is required and screening, buffers, open space, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Pedestrian sidewalks, trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

4. Multifamily Residential – High (MF-H). Multifamily Residential – High zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing higher density residential development. In the MF-H zone, a base density of 55 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter [19.53](#) UPMC. Density may be increased to a maximum of 60 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-H zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes, schools, public and private parks, community centers, family day care, religious assembly, appropriate home occupations, and distribution and collection utilities. Compliance with design standards is required and screening, buffers, open space, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Pedestrian sidewalks, trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

5. Mixed Use – Office (MU-O). It is the City's intent to create a well-balanced, well-organized combination of land uses that recognizes historic development patterns and protects adjoining residential neighborhoods from incompatible uses. The MU-O classification serves as a transition zone providing separation between more intense commercial activities and residential areas at the corner of 54th Avenue and Bridgeport Way. A base density of 60 dwelling units per acre is allowed through the design standard review process, when a project is designed consistent with the design standards adopted by reference in Chapter [19.50](#) UPMC. Uses allowed include multifamily housing, adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, limited retail uses, public parks, community centers and cultural services, government services, and distribution and collection utilities. New multifamily will be allowed only in conjunction with other permitted commercial uses. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

6. Mixed Use (MU). The MU classification is associated with properties located at 19th Street West and Bridgeport Way and on Orchard Street north of Cirque Drive. A base density of 60 dwelling units per acre is allowed through the design standard review process. Density may be increased to a maximum of 65 units per acre when an affordable housing component is included in a development. Maximum height is 45 feet. Uses allowed include multifamily housing, attached single-family housing, adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail sales, personal services, eating and drinking establishments, hotels and motels, amusement

and recreation, public and private parks, community centers and cultural services, government services, and distribution and collection utilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. Sidewalks, bicycle facilities, and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

7. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses, the Neighborhood Commercial classification applies to the intersections of 67th Avenue West and Bridgeport Way, and Cirque Drive and Orchard Street. The NC areas are compact centers that provide a mix of retail sales, personal services, professional offices, public parks, community centers and cultural services, government services, and vehicle repair and service that serve the daily needs of the portion of the City where they are located. Residential development is limited to adult family homes, bed and breakfasts, and attached single-family housing. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between the Neighborhood Commercial zones and adjoining residential zones. Landscaping, sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere.

8. Mixed Use – Neighborhood (MU-N45). The MU-N45 zone serves as a transition zone providing separation between more intense commercial activities and residential areas. Uses allowed include multifamily housing, adult family homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail uses, public parks, public and private recreation, government services, and minor utility distribution facilities. A maximum building height of 45 feet is allowed, to mitigate visual impacts to adjacent residential areas. Building types and construction include multiplex, townhouse, courts, live-work units, commercial and mixed use building types of up to four levels of wood frame construction. Screening, buffers, landscaping, and other design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

9. Mixed Use – Urban (MU-U75). The MU-U75 zone applies to an area of multifamily residential and commercial uses along arterial streets. In most areas the Mixed Use – Urban zone is separated from single-family homes by the Mixed Use – Neighborhood zone. The Town Center from 42nd Street to 35th Street along Bridgeport Way, the commercial corridor along 27th Street east of Bridgeport Way, and the Grandview Plaza at the intersection of 27th Street and Grandview Drive are the MU-U75 areas. A building height of 75 feet is allowed in the MU-U75 zone. To mitigate impacts to adjacent single-family residential zones maximum height is reduced to 45 feet. Building types and construction include multiplexes, townhomes, courts, live-work units, commercial, liner and mixed use building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-U75 zone would generally be a mixed use with a focus on residential upper floors and active uses at the ground floor level. On arterial streets such as Bridgeport Way and 27th Street West the ground floor level may support retail, restaurants, office space and other active uses, while on other street frontages the ground floor level could be designed to support residential uses. Uses allowed include multifamily housing, nursing homes and assisted living facilities, day care, religious assembly, professional offices, retail sales, personal services, eating and drinking establishments, hotels and motels, public and private recreation, government services, and distribution and collection utilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. Screening, buffers, landscaping, and other design elements shall be incorporated into all developments to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks, bicycle facilities, and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

10. Mixed Use – Urban/Industrial (MU-U/I75). The MU-U/I75 zone, which has historically been used for light manufacturing and light industrial uses, is located south of 27th Street West between Morrison Road on the west, 67th Avenue on the east, and Morrison Pond on the south. Additional light industrial and business park uses are located along the east side of 70th Avenue West north of 27th Avenue West. The

MU-U/I75 zone recognizes many of the existing uses in these areas as appropriate, while maintaining a separation of these uses from adjoining residential uses. A building height of 75 feet is allowed in the MU-U/I75 zone. To mitigate visual impacts a maximum building height of 45 feet is allowed adjacent to single-family residential zones. Building types and construction include multiplexes, townhouses, live-work units, courts, commercial, liner and mixed use building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-U/I75 zone would generally be mixed use with a focus on residential upper floors with active uses at the ground floor level. On 27th Street, the ground floor level needs to be designed to support retail, restaurants, office space, and other active uses, while on other street frontages, the ground floor level could be designed to support residential uses. Uses allowed in the MU-U/I75 zone include light and clean industries, storage and warehousing, vehicle sales, service and repair, contractor yards, retail sales, eating and drinking establishments, professional offices, amusement and recreational, multifamily, senior housing and assisted living, parks, government services, utility and public maintenance facilities and public transportation services. Development and redevelopment in the MU-U/I75 zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, functional and attractive signage, traffic control and privately coordinated management and maintenance. Buffers and design elements shall be incorporated into all new developments and substantial redevelopments to mitigate adverse impacts that may be associated with the transition to adjacent zones and land uses.

11. Mixed Use – Center (MU-C110). The Mixed Use – Center zone is bounded by 19th Street to the north, 27th Street to the south, Mildred Street to the east and 70th Avenue to the west except that portion of 70th Street south of 22nd Street which is part of the Mixed Use Urban/Industrial zone. Building height of 110 feet is allowed in the MU-C110 zone. Building types and construction include, court, commercial, mixed use and liner building types. The building height would allow five wood frame stories over a one- or two-level concrete podium. The form of development in the MU-C110 zone would generally be mixed use with a focus on residential upper floors with active uses at the ground floor level. On 19th, 27th, and Mildred Streets, the ground floor level must be designed to accommodate retail, restaurants, office space, and other active uses, while on other street frontages, the ground floor level could be designed to support residential uses. Uses allowed in the MU-C110 zone include multifamily, senior housing and assisted living, retail, eating and drinking establishments, professional offices, amusement and recreational, parks, community and cultural services, government services, and distribution and collection utilities. Development and redevelopment in the MU-C110 zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, functional and attractive signage, traffic control and privately coordinated management and maintenance. Buffers and design elements shall be incorporated into all new developments and substantial redevelopments to mitigate adverse impacts that may be associated with the transition to adjacent zones and land uses.

12. Parks and Open Space (POS). The purpose of the Parks and Open Space zone is to recognize those lands designated for City parks and public open space. Parks include developed City parks where typical uses include active and passive outdoor recreational activities, including but not limited to ball fields, sport courts, tot lots, trails, open space, and cultural activities. Park buildings and structures, concessionaires, general park operations and maintenance activities, storm drainage facilities, caretaker's quarters, other compatible public uses and structures, and uses customarily incidental to parks are also allowed.

Open space includes undeveloped City park lands and critical areas such as wetlands, steep slopes, and stream corridors owned by the City. Until developed as park land, uses in these areas should be low impact, low intensity uses such as permanent open space, passive hiking trails, and passive interpretative trails.

13. Mixed Use – Maritime (MU-M). The Mixed Use – Maritime zone is intended to accommodate marinas, yacht clubs with boat moorage and related facilities and activities, and other boating facilities. The MU-M zone is also intended to accommodate mixed use development that may include a variety of water-oriented commercial, transportation and light industrial uses, and moderate density residential uses, located in the vicinity of Day Island. A base density of 30 dwelling units per acre is allowed when a project is designed consistent with the design standards adopted by reference in Chapter [19.50](#) UPMC. Density may be increased to a maximum of 35 units per acre when an affordable housing component is included in a development. Additional purposes are to provide public access to the shoreline and recreational uses

oriented toward the waterfront, and to accommodate non-water-oriented uses on a limited basis where appropriate. Under the MU-M zone, existing ecological functions are to be protected and ecological functions restored, where restoration is reasonably feasible, in areas that have been previously degraded, consistent with the intent of the Day Island Medium Intensity Shoreline Environment and other Shoreline Master Program requirements in UPMC Title [18](#), when applicable.

UNOFFICIAL DOCUMENT

EXHIBIT C

Sections 19.25.040, 19.25.110, and 19.25.120

19.25.040 Residential use category - Descriptions.

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

A. Adult Family Home. Adult family home use type means a residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a licensed operator, resident manager, or caregiver who resides in the home. (Chapter [70.128](#) RCW.) An adult family home shall not serve as a Level II group home.

B. Assisted Living Facilities. "Assisted living facilities" means any home or other institution that provides housing and basic services, assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care to seven or more residents. Assisted living facilities do not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations. Residential communities that include a mix of assisted living and independent housing facilities must meet the density requirements of the underlying zone for independent housing that includes dwelling units. An assisted living facility shall not serve as a Level II group home.

1. Level 1. Assisted living facilities:

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

2. Level 2. Assisted living facilities:

- a. Located on an arterial street;
- b. Located on more than two acres;
- c. Limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- e. Provides at least 20 percent of site area as open space.

3. Level 3. Assisted living facilities with none of the above restrictions.

C. Bed and Breakfast. Bed and breakfast use type is a dwelling unit within which no more than four guest bedrooms are available for paying guests. The number of guests is limited to no more than eight at any one time. A bed and breakfast shall not serve as a group home.

D. Level I group home use type includes group homes for the physically/mentally challenged, foster homes, and women's shelters and other groups protected by the Fair Housing Act or Washington's law against discrimination. Group homes are living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

Level II: See essential public facilities (UPMC [19.25.070\(B\)](#)).

E. Caretaker unit use type means a dwelling used exclusively as the residence for a caretaker or watchperson and their family.

F. Mobile Home. Mobile home use type refers to factory-assembled single-wide or double-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.

G. Mobile/Manufactured Home Park. Mobile home park use type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.

H. Multifamily Housing. Multifamily use type refers to three or more joined dwelling units except for Level 2 middle housing types, as specified in UPMC 19.25.040(K), in R1 or R2 zones or two or more detached single-family dwellings or duplexes on an individual lot that provide living accommodations for families.

I. Nursing Home. "Nursing home" means any home, place or institution that operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Nursing homes do not include general hospitals or other places that provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both.

1. Level 1. Nursing homes:

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

2. Level 2. Nursing homes:

- a. Located on an arterial street;
- b. Located on more than two acres;
- c. Limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- e. Provides at least 20 percent of site area as open space.

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

J. Single-Family Attached Housing. Single-family attached housing use type refers to a building containing two or more dwelling units that occupy space from the ground to the roof and are attached by one or more common walls located on one or more common lot lines. Each dwelling unit is located on a separate lot and may be occupied by no more than one family as defined in UPMC 19.10.030. Examples include, but are not limited to, row houses and townhouses where units are located side by side rather than stacked. Single-family attached housing is also considered a middle housing type as specified in UPMC 19.25.040(K), in R1 or R2 zones.

1. Level 1. Two attached units.

2. Level 2. More than two attached units.

K. Single-Family/~~Duplex~~ Housing. Single-family/~~duplex~~ housing use type refers to a building containing one ~~or two~~ dwelling units, ~~providing separate living accommodations within each unit. Single-family/duplex housing includes freestanding dwelling units that are not attached to another dwelling unit by any means, or two units attached in pairs on a single lot. A single-family/duplex housing unit may be occupied by no more than one family as defined in UPMC 19.10.030.~~

L. Middle Housing. Middle housing use type refers to buildings containing two to four dwelling units.

1. Level 1. Middle housing types containing two dwelling units.

2. Level 2. Middle housing types containing three to four dwelling units.

M.LRooming House. Rooming house use type refers to an owner-occupied dwelling unit where not more than four guestrooms are rented for living or staying temporarily for compensation on other than a daily basis.

NM. Extended Stay. Extended stay use type refers to 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.

19.25.110 Use tables.

A. The following use tables indicate which uses are permitted in the R1, R2, MF-L, MF-H, POS, MU-O, MU, NC and MU-M zones. Uses permitted in the MU-N, MU-U, MU-U/I and MU-C zones are listed in UPMC 19.54.050. Zones are shown across the horizontal axis and use category and types are shown down the vertical axis.

B. Zone Acronyms. The following acronyms are used in the use tables in place of zone names:

Zone	Acronym
Residential 1	R1
Residential 2	R2
Multifamily Residential – Low	MF-L
Multifamily Residential – High	MF-H
Mixed Use – Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Mixed Use – Neighborhood	MU-N45
Mixed Use – Urban	MU-U75
Mixed Use – Urban/Industrial	MU-U/I75
Mixed Use – Center	MU-C110
Parks and Open Space	POS
Mixed Use – Maritime	MU-M

C. Symbols. The following symbols are employed in the use tables:

1. 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.
2. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.
3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, Conditional use permits.
4. A "D" in a cell on the table indicates that the use type is permitted subject to design review under the provisions specified in UPMC 19.85.050, Design standard review.
5. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provisions specified in UPMC 19.85.010, Administrative use permits.
6. A number accompanying a "P," "C," "D" or "A" in a cell refers to the level of the use type, [as specified in UPMC 19.25.040](#), 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.

Residential Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (27)
Adult family home (6 or fewer)	P	P	P	X	P	P	P	P
Assisted living facility	X	P1, C2	P3	X	P3	X	P3	X
Bed and breakfast (2)	P	P	P	X	P	P	X	X
Caretaker unit	X	X	X	P	X	X	X	P (22)
Extended stay lodging	P (32)	X	X	X	D (5)	X	D	X
Family day care facility	P	P	P	X	P	P	P	P
Level I group home	P	P	P	X	P	P	P	P
Live-work unit	X	X	X	X	D (5)	X	D (5)	D (17)
Mobile/manufactured home (3)	X	X	P	X	X	X	X	X
New manufactured home (4)	P	P	P	X	X	X	X	X
Mobile home park	X	X	C	X	X	X	X	X
Multifamily housing	X	X	D (17)	X	D (5)	X	D (5)	D (17)
Nursing home	X	P1, C2	P3	X	P3	X	P3	X
Rooming house	P	P	X	X	X	X	X	X
Single-family attached housing	P1, P2(30)	P1, P2(30)	P2	X	P2	P2	P2	X
Single-family/ duplex housing	P	P	P	X	X	P (28)	X	X
Middle housing (9)(12)	P1, P2(30)	P1, P2(30)						
Small lot housing	D (18)	D (18)	X	X	X	X	X	X

See notes in UPMC [19.25.120](#).

Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Government services	X	X	X	P	P	P	P	X
Existing cemeteries/mortuaries	C	C	X	X	X	X	X	X
Community centers	C	C	C	P	P	P	P	P
Cultural services (museums, libraries)	X	X	X	P	C	P	P	P
Day care centers (exceeds 12)	C	C	P	X	P	P	P	P
Education	P1	P1	P1	X	P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P4
Hospitals/24-hour medical clinics	X	X	X	X	P, C2	P, C2	P, C2	X
Recreation – Public	P, C	P, C	P, C	P	P, C	P, C	P, C	P
Recreation – Nonprofit	P	P	C	X	X	C	C	P
Religious assemblies	P1, C	P1, C	P1, C	X	P1, C2	P	P	P1
Transportation	P1	P1	P1	X	P1, C2	P1, C2	P1, C2	P1, C2

See notes in UPMC [19.25.120](#).

Utilities/Essential Public Facilities/Resources Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
UTILITIES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Distribution and collection utilities	P	P	P	P	P	P	P	P
Recycling collection sites	P	P	P	P (19)	P	P	P	P
Utility and public maintenance facilities	X	X	X	P1, 2	X	X	P1, C2	P1, C2
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	P	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	P1, C2, 3
ESSENTIAL PUBLIC FACILITIES (8)	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Level II group homes	X	X	C	X	C	X	C	X
Recycling processors	X	X	X	X	X	X	X	X
Sewage treatment facilities	X	X	X	X	X	X	X	X
Waste transfer facilities	X	X	X	X	X	X	X	X
RESOURCE USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)

Utilities/Essential Public Facilities/Resources Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
UTILITIES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Agricultural sales	X	X	X	P (note)	X	P	P	P
Fishery enhancement	X	X	X	X	X	X	X	P
Limited horse boarding	P	P	X	P	X	X	X	X

See notes in UPMC [19.25.120](#).

Commercial Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
COMMERCIAL USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Administrative and professional offices	X	X	X	X	P	P	P	P
Veterinary clinics/animal hospitals	X	X	X	X	C1	P1	P1	X
Adult entertainment	X	X	X	X	X	X	X	X
Amusement and recreation (private)	C (14)	X	X	X	X	P	P	P
Business support services	X	X	X	X	P	P	P	P
Commercial centers	X	X	X	X	X	C	C	X
Craft production facilities	X	X	X	X	X	X	X	P
Eating and drinking establishment	X	X	X	P	P	P1, 2, 3	P1, 3, C2	P1, 3
Garden center (11)	X	X	X	X	X	P	P	X
Health club (a.k.a. fitness center)	X	X	X	X	X	P	P	P
Kennels	X	X	X	X	X	X	X	X
Limited accessory retail (MU-O only)	X	X	X	X	P (13)	X	X	X
Hotels and motels (no RV)	X	X	X	X	X	C	P	P
Marinas and other boating facilities (launch ramps and covered moorage) (25)	P1 (23) P2 (24)	X	X	X	X	X	X	P2
Marijuana retail outlets (29)	X	X	X	X	X	X	C	X
Mini casinos	X	X	X	X	X	X	X	X
Movie theaters (indoor only)	X	X	X	X	X	P	C	X
Vehicle sales, repair, service	X	X	X	X	X	P1, 4	P1, C4	P6 (26)
Pawn shops	X	X	X	X	X	X	X	X
Personal services	X	X	X	X	P1 (10)	P1, C2	P1, C2	P1, C2
Pet day care	X	X	X	X	X	P	P	X

Commercial Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
COMMERCIAL USES	R1	R2	MF	POS	MU-O (15)	NC	MU (15)	MU-M (20, 21, 27)
Rental and repair	X	X	X	X	X	P1, C2	P1, C2	P1 (26) C2 (26)
Retail sales (11)	X	X	X	X	X	P1, C2	P1, C2	P1
Wholesale trade (11)	X	X	X	X	X	X	C1	X

See notes in UPMC [19.25.120](#).

Light Industrial Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS							
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	MU	MU-M (20, 21, 27)
Boat building	X	X	X	X	X	X	X	C
Bulk fuel dealers	X	X	X	X	X	X	X	X
Buy-back recycling	X	X	X	X	X	X	X	X
Contractor yards	X	X	X	X	X	X	X	P (26)
Food and related products	X	X	X	X	X	X	X	C
Industrial services and repair	X	X	X	X	X	X	X	C
Limited manufacturing	X	X	X	X	X	X	X	P
Marijuana processor (29)	X	X	X	X	X	X	X	X
Marijuana producer (29)	X	X	X	X	X	X	X	X
Microbeverage production facilities	X	X	X	X	X	X	X	P
Motion picture, TV and radio production studios	X	X	X	X	X	X	C	X
Printing, publishing and related industries	X	X	X	X	X	X	X	X
Salvage yards	X	X	X	X	X	X	X	X
Storage units	X	X	X	X	X	X	X	P (26)
Vehicle impound yards	X	X	X	X	X	X	X	X
Warehousing, distribution and freight movement	X	X	X	X	X	X	X	C

See notes in UPMC [19.25.120](#).

19.25.120 Use table notes.

(1) *Repealed by Ord. 455.*

(2) Breakfast is the only meal served.

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

(4) Permitted subject to standards in UPMC [19.70.120](#).

(5) Subject to compliance with the design standards.

(6) Kindergarten and primary school only.

(7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title [23](#).

(8) Subject to essential public facility review.

(9) Housing types under the "middle housing" use type include duplexes, triplexes, fourplexes, townhomes, courtyard housing, and stacked flats. See the definition section in UPMC 19.10.030 for definitions of the housing types~~Reserved.~~

(10) Permitted only at 1,000 square feet gross floor area or less.

(11) Establishments over 80,000 square feet are considered commercial centers.

(12) Subject to compliance with design standards in Chapter 19.47 UPMC~~Reserved.~~

(13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.

(14) Only where such use is a shooting facility that lawfully existed prior to January 1, 2008, and is located on at least 20 acres. Shooting facilities include rifle, shotgun and pistol shooting ranges and supporting facilities.

(15) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to design standard review approval to ensure compliance with the design standards and guidelines in Chapter [19.50](#) UPMC.

(16) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to design standard review approval to ensure compliance with the design standards for mixed use zones in Chapter [19.50](#) UPMC.

(17) Allowed in MF-L, MF-H and MU-M zones subject to compliance with multifamily design standards and guidelines per Chapter [19.53](#) UPMC. Vertical mixed use buildings that include multifamily units in the MU-M zone are exempt from these provisions and subject to compliance with the mixed use design standards in Chapter [19.50](#) UPMC.

(18) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter [19.53](#) UPMC.

(19) Recycling collection receptacles in the Parks and Open Space zone shall not exceed a maximum capacity of 20 cubic yards.

(20) Uses allowed subject to compliance with mixed use design standards per Chapter [19.50](#) UPMC. The Director may exempt development proposals from compliance with specific mixed use design standards that conflict with UPMC Title [18](#), Shoreline Master Program, requirements.

(21) Uses located within the Day Island Medium Intensity (DIMI) Shoreline Environment are also subject to compliance with the requirements of UPMC Title [18](#). Non-water-oriented commercial, industrial and recreation uses, certain transportation and utility uses, and over-water portions of marinas and other boating facilities are subject to shoreline conditional use permit approval in accordance with Table 18.30.A.

(22) May be authorized only in conjunction with an approved marina or other boating facility.

(23) Modifications to existing marinas and other boating facilities may be authorized in accordance with Level 1 zoning requirements and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Day Island overlay zone. Level 2 marinas are not permitted in the R1 Day Island overlay zone.

(24) Level 2 marinas and other boating facilities may be authorized in accordance with the Chambers Creek Properties master site plan and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Chambers Creek Properties overlay.

(25) Covered moorage lawfully established prior to adoption of the Shoreline Master Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be maintained, modified or replaced, but not extended in terms of cumulative footprint and shading of water. See UPMC [18.30.070](#)(G).

(26) Predominantly marine-related activities, facilities, services, merchandise, and uses. "Predominant" means the most common, main or prevalent activities measured by the proportion of a site or building floor area devoted to such activities. The City may consider additional factors in determining whether marine-related activities are the predominant use of a site or building.

(27) Conditional use permit required for buildings or structures exceeding 45 feet in height.

(28) Lawfully established units existing prior to the effective date of the ordinance codified in this section; and conversion of nonresidential buildings, which were originally permitted and constructed as single-family/duplex housing and subsequently converted to nonresidential use, to their original single-family or duplex housing use.

(29) Subject to the development standards in UPMC [19.70.140](#).

(30) Level 2 middle housing is subject to compliance with transit proximity or affordability standards in UPMC 19.45.035(D)Reserved.

(31) Reserved.

(32) Permitted only in the Chambers Creek Properties overlay in conjunction with a resort and hotel lodging.

EXHIBIT D

Sections 19.45.030, 19.45.035, 19.45.100, and 19.45.110

19.45.030 Density Standards.

A. All density provisions shall be calculated in dwelling units per acre (du/ac). The density calculation shall be based upon the net acreage, subtracting out land that, by City, State or Federal regulation, is unbuildable, including:

1. Critical areas including, but not limited to, wetlands, floodways, landslide hazard areas, and fish and wildlife habitat areas. On-site density transfer provided for in UPMC [17.35.050](#) shall be factored into the calculation;
2. Land below the ordinary high water mark; and
3. Land set aside by dedication or easement for public or private streets. Property within City-acquired easements per subsection (B) of this section, easements for shared driveways serving no more than two units or lots, or easements for alleys is not excluded from density calculations and is counted as buildable acreage.

Land that may be difficult or expensive to build upon, but where development is not prohibited, is included as buildable acreage. (See also UPMC [19.10.030](#), Definitions, "Density.") When calculating density, no rounding is used.

B. Where the City has acquired an easement for street improvements adjoining an existing public street right-of-way, the area of the easement shall be used in density and minimum lot size calculations to determine the number of dwelling units allowed.

C. Base densities are established in UPMC [19.45.100](#). Compliance with base density and maximum density standards is required for dwelling units in the MF-L, MF-H, MU-O, MU, MU-M and NC districts. New lots (excluding unit lots) created through a short plat or conventional subdivision in the R1 and R2 districts shall comply with minimum lot size requirements to achieve a density that is equivalent to the base density.

D. Densities may be increased above the specified base density to the maximum density specified in UPMC [19.45.100](#) for small lot developments that achieve reduced lot sizes in exchange for the provision of open space and greater amenities. For small lot developments that are not subject to minimum lot size standards, compliance with maximum density standards is required.

19.45.035 Units allowed per lot.

A. The standards in this section apply to all residential uses in the R1 and R2 districts.

B. For the purposes of this section, "units" refer to dwelling units, including accessory dwelling units (ADUs).

C. All lots in R1 and R2 districts may be developed with two units (shown in UPMC 19.45.100) when in compliance with all other relevant standards of this chapter, UPMC 19.47 and UPMC 19.70.010.

1. For substandard lots that do not meet the minimum lot size of the underlying R1 and R2 districts listed in UPMC 19.25.110, two units may be developed by:
 - a. One two-unit middle housing type; or
 - b. One single-family home and one ADU.
2. For lots that meet the applicable minimum lot sizes, an additional ADU may be permitted under the following scenarios:

- a. Two ADUs may be built on a lot containing a single-family detached dwelling.
- b. One ADU may be built on a lot containing a duplex or other two-unit middle housing type.

D. All lots in R1 and R2 districts may be developed with up to four units (shown in UPMC 19.45.110) when complying with the following transit proximity or affordable housing conditions:

1. The lot is within one-quarter mile of a major transit stop (as defined in UPMC 19.10.030), or
2. At least one unit on the lot meets the affordable housing requirements of subsections (a) through (e) below.
 - a. Dwelling units that qualify as affordable housing shall have monthly costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for Pierce County where the household is located, as reported by the United States Department of Housing and Urban Development, as adjusted annually:
 - i. Rental housing unit(s): 60 percent.
 - ii. Owner-occupied housing unit(s): 80 percent.
 - b. The units shall be maintained as affordable for a term of no less than 50 years, and the property shall satisfy that commitment, and all required affordability and income eligibility conditions.
 - c. A covenant or deed restriction shall be recorded that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.
 - d. The unit(s) dedicated as affordable housing shall:
 - i. Be provided in a range of sizes comparable to other units in the development.
 - ii. The number of bedrooms in affordable unit(s) shall be in the same proportion as the number of bedrooms in units within the entire development.

19.45.100 Density and dimensions 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/I75	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
<u>Small Lot Housing Maximum Density (du/ac)(3)</u>	<u>6</u>	<u>9</u>											
<u>Base Units Allowed per Lot (7)</u>	<u>2</u>	<u>2</u>											
<u>Maximum Units Allowed per Lot (Transit or</u>	<u>4</u>	<u>4</u>											

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
<u>Affordability Bonus</u>													
Minimum Lot Size (16)	<u>9,000</u>	<u>6,000</u>	4,000	2,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000		
<u>Single-Family Detached</u>	<u>9,000</u>	<u>6,000</u>											
<u>Single-Family Attached (7)</u>	<u>6,750</u>	-											
<u>Duplex</u>	<u>13,500</u>	<u>12,000</u>											
<u>Small Lot Development</u>	<u>None</u>	<u>None</u>											
Minimum Lot Width (15)	60'	55'											
Maximum Lot Coverage	50% (17)	50% (17)	50%		45%	45%							50 – 65% (22) 75 – 90% (23)
Setback, <u>Front Arterial Streets</u>	<u>205'</u> (19)	<u>205'</u> (19)	<u>205'</u>		(5)	<u>205'</u>	(2)	(2)	(5)	(2)	(2)	25'	0'
Setback, <u>Front with Garage/Carport Other Roads</u>	25' (19)	25' (19)	25'		(5)	<u>250'</u>	(2)	(2)	(5)	(2)	(2)	25'	0'
Setback, Rear (4)	30' (19)	30' (19)	0'/30'		0'/30'	0'/30'	0'/30'	0'/30'	0'/30'	0'/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'/30' (8)	0'/30' (8)	8'	0'/30'
Maximum Height	35' <u>SFD</u> <u>or duplex, except</u> 30' small lot (20)	35' <u>SFD</u> <u>or duplex, except</u> 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'

19.45.110 Density and dimension table notes.

(1) Base Density. These densities may be achieved outright by following the applicable development and design standards.

(2) Review Chapters [19.50](#) and [19.54](#) UPMC for additional information regarding setbacks, height, and design standards for the Mixed Use – Neighborhood, Mixed Use – Urban, Mixed Use – Urban/Industrial and Mixed Use – Center zones. Existing single-family homes and duplexes in mixed use zones are exempt from Chapters [19.50](#) and [19.54](#) UPMC. Density and dimension standards applicable in the R1 zone shall apply to existing single-family homes and duplexes in mixed use zones.

(3) Maximum density in R1, R2 or specified overlay districts may only be achieved through approval of a small lot development designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC. Maximum density in MF-L, MF-H, MU-M, NC or MU districts may only be achieved for a multifamily project that receives Washington State Housing Finance Commission approval for a low income housing tax credit (LIHTC) and is designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC.

(4) Side and Rear Yard Setbacks. A side or rear yard setback is not required in MU, NC, MF-L, MF-H, MU-M, MU-O, MU-N45, MU-U75, MU-U/I75 or MU-C110 zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s), unless either (i) the subject parcel is in a transition overlay, in which case a 20-foot setback is required along the abutting lot line(s), or (ii) the abutting R1 or R2 parcels are part of the project site in which case a 10-foot setback is required along the abutting lot lines. No setback is required in the MU-M zone where the parcel abuts a railroad right-of-way.

(5) See design standards (Chapter [19.50](#) UPMC).

(6) Refer to underlying zone.

(7) ~~See additional ADU allowances on conforming lots specified in UPMC 19.45.035(C). Single-Family Attached. For two attached units the minimum lot size is the same as that of a duplex in R1 and R2 zones. In multifamily zones the minimum lot size is the same as the underlying zone.~~

(8) Single-family attached units shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.

(9) Reserved.

(10) *Repealed by Ord. 636.*

(11) Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.

(12) The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.

(13) Reserved.

(14) Maximum height shall be limited to 45 feet on those portions of a property abutting an R1 or R2 zone, if the R1 or R2 zone is not part of the project site. If the abutting R1 or R2 zoned parcels are part of the project site, the maximum height is 75 feet.

(15) Newly created lots shall be of such shape that a circle with a diameter equal to the minimum specified lot width can fit within the boundary of the lot. Minimum lot widths for small lot developments shall be determined through the design standard review process.

(16) Minimum lot sizes for detached single-family dwelling/~~duplex-dwelling~~middle housing or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the design standard review process. A legally nonconforming duplex lot existing prior to the effective date of the ordinance codified in this section may be subdivided into two attached single-family lots, one or both of which may contain less than the required lot area.

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

(18) Reserved.

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

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

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

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

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

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

UPMC [18.25.110](#) regarding view protection. The 35-foot, 45-foot and 65-foot limit areas located east of 91st Avenue West are shown in Figure 11.

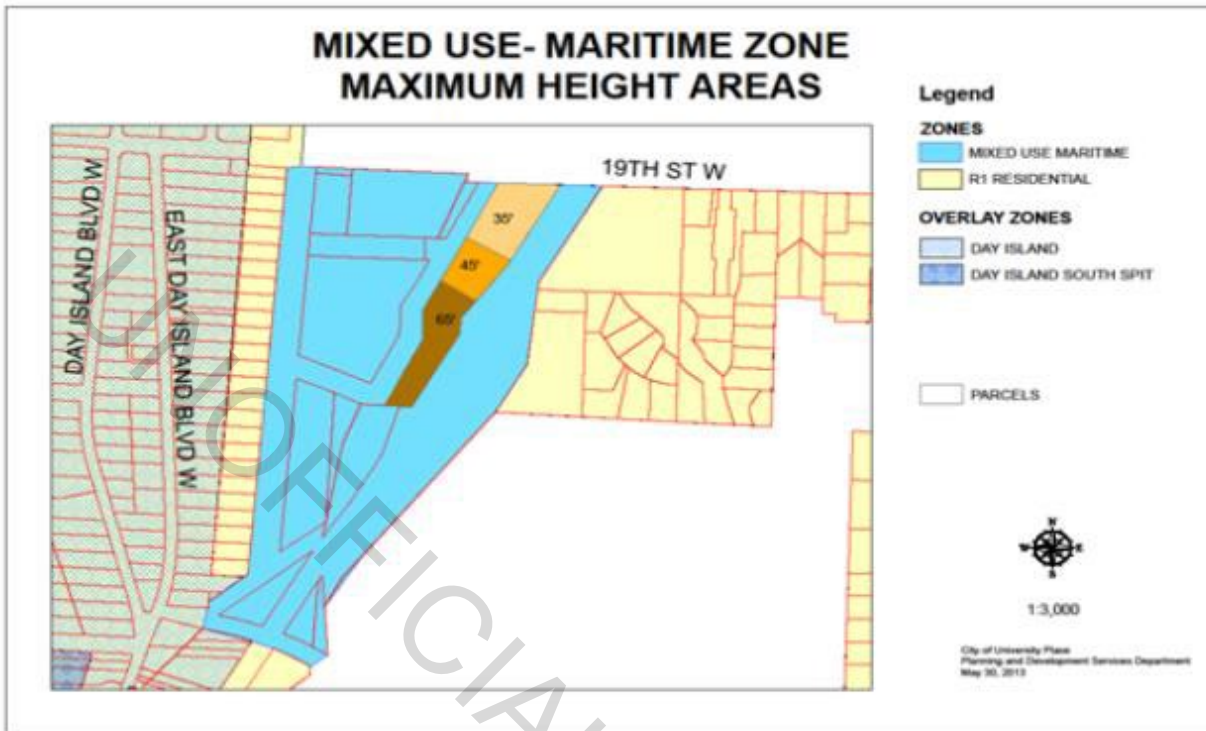


Figure 11

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

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

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

EXHIBIT E

Chapter 19.47

Middle Housing Design Standards

Sections:

<u>19.47.010</u>	<u>Applicability</u>
<u>19.47.020</u>	<u>Purpose</u>
<u>19.47.030</u>	<u>Review process</u>
<u>19.47.040</u>	<u>Entries</u>
<u>19.47.050</u>	<u>Windows and doors</u>
<u>19.47.060</u>	<u>Vehicle access, carports, garages, and driveways</u>
<u>19.47.070</u>	<u>Pedestrian access</u>
<u>19.47.080</u>	<u>Unit articulation</u>
<u>19.47.090</u>	<u>Courtyard housing</u>
<u>19.47.100</u>	<u>Departures</u>

19.47.010 **Applicability**

- A. These standards apply to all permitted middle housing types developed with up to four units per lot. Specific courtyard housing standards apply to only that middle housing type.
- B. For the purposes of this section, a "street" refers to any public or private street and does not include alleys.
- C. These design standards do not apply to the conversion of a structure to a middle housing type with up to four attached units, if the floor area of the structure does not increase more than 25 percent within any twenty-four-month period.

19.47.020 **Purpose**

The purpose of these standards is to:

- A. Promote compatibility of middle housing with other residential uses, including single-family houses.
- B. De-emphasize garages and driveways as major visual elements along the street.
- C. Provide clear and accessible pedestrian routes between buildings and streets.

19.47.030 **Review process**

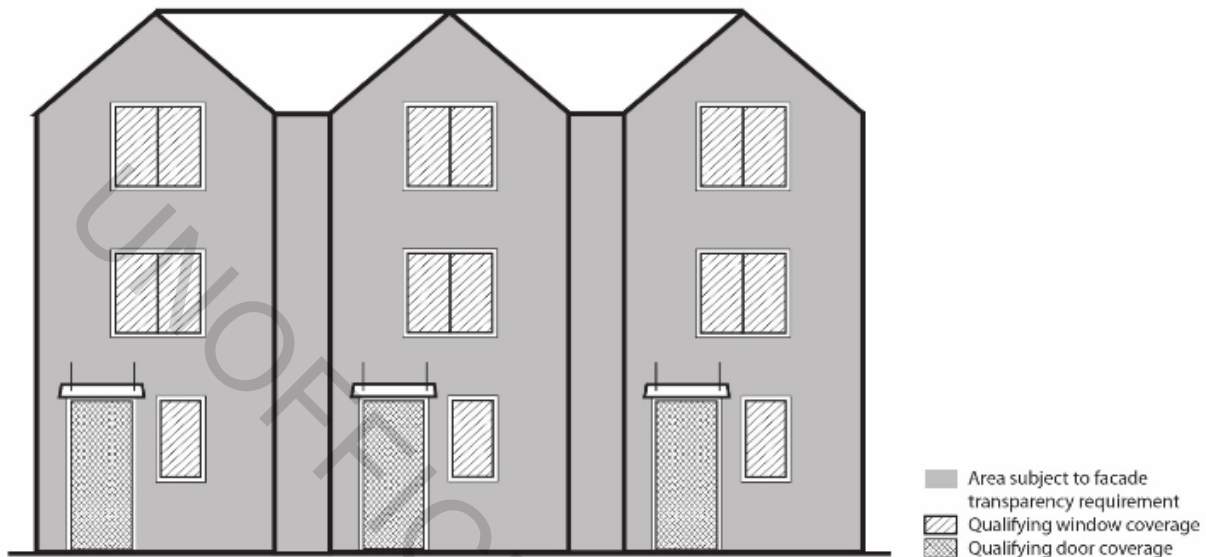
The process used for reviewing compliance with middle housing design standards shall be Type I (Administrative) per Chapter 22.05, UPMC.

19.47.040 **Entries**

- A. Each middle housing building fronting the street shall have an entry that faces the street and incorporates a primary covered entry feature that projects at least six feet from the front facade of the residence (measured from the front door). The covered entry feature must be no less than eight feet wide and shall be unenclosed on all sides except for the side abutting the front exterior wall of the residence.
- B. For middle housing buildings that don't front a street, each middle housing building shall incorporate a covered entry feature that projects at least over the width of the front door.

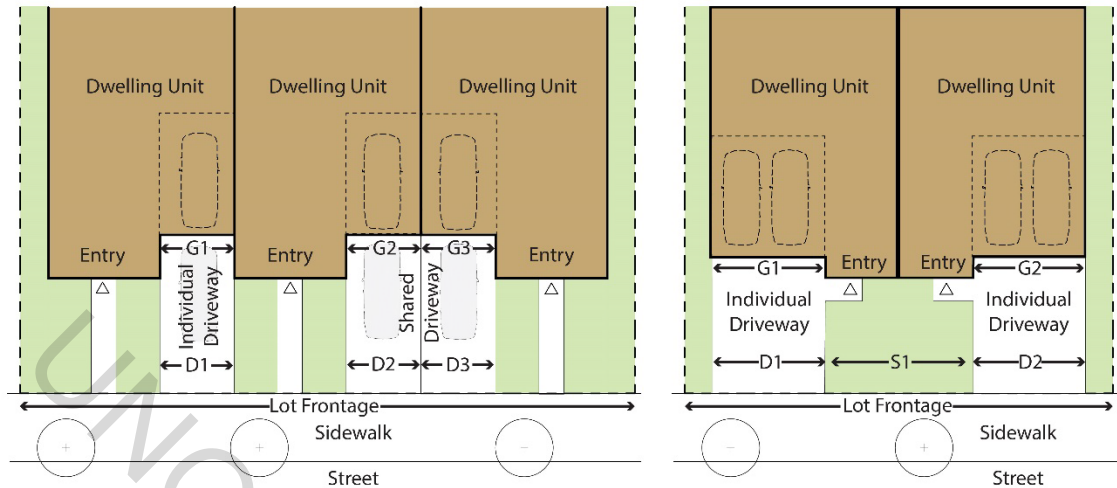
19.47.050 **Windows and doors**

A minimum of 15 percent of the area of the street-facing façade elevation shall include windows or doors. Garage doors are excluded from window and doors calculations and facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.



19.47.060 Vehicle access, carports, garages, and driveways

- A. For lots abutting a functional alley that meets the city's standard for width and useability, vehicular access shall be taken from the alley. Lots without access to a functional alley and taking vehicular access from a street shall meet the other standards of subsection (B) through (F) below.
- B. The total width of driveway approaches, street facing garage doors, and unenclosed parking areas visible from the street shall not exceed a total of 32 feet and 50 percent of the lot frontage, as detailed below. Exception: Flag lots and lots at the end of a cul-de-sac that are less than 40 feet wide at the front property line are exempt from the 50 percent rule.
 1. The 50 percent rule for driveway approaches is measured by width at the front property line.
 2. The 50 percent rule for garage doors is measured perpendicularly between side property lines at the front façade of the dwelling.
 3. The 50 percent rule for unenclosed parking areas is measured at their widest point between the side property lines between the front property line and the building.
- C. Individual driveway approaches shall not exceed 20 feet in width. Multiple driveways may be used provided they comply with the standards herein.
- D. Individual driveway approaches that are at least 16 feet wide must have at least 15 feet of separation between another driveway approach.
- E. Individual front facing garage doors shall not exceed 16 feet. Multiple front facing garage doors may be used provided they comply with the standards herein.



$\frac{(G1+G2+G3)}{\text{Lot Frontage}}$ must be no more than 50% *

$(D1+D2+D3)$ must not exceed 32 feet per frontage

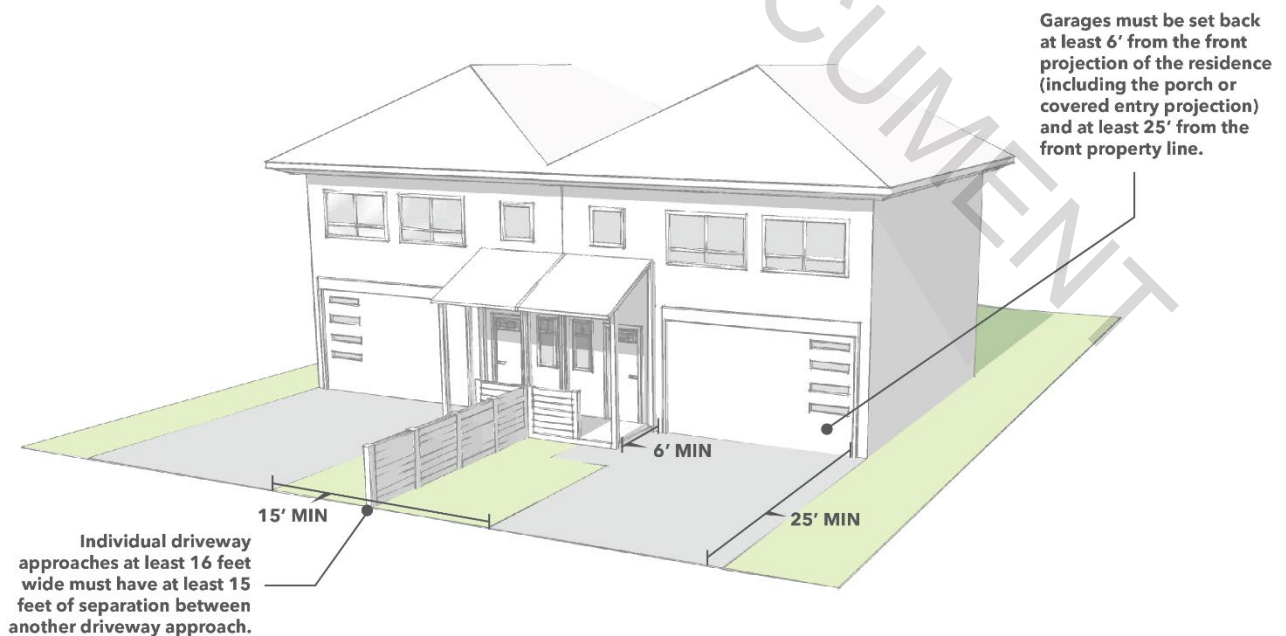
Individual driveway width (any "D#") shall not exceed 20 feet

Individual garage door width (any "G#") shall not exceed 16 feet

At least 15 feet of separation (S1) between individual driveways if one is at least 16 feet wide

*Since example lots are perfectly rectangular, the particular "lot frontage" measurements where the 50% rule is applied to driveways, parking areas, and garage doors is exactly the same.

- F. Garages must be setback at least six feet from the front projection of the residence (including the porch or covered entry feature), and no less than twenty-five feet from the front property line.

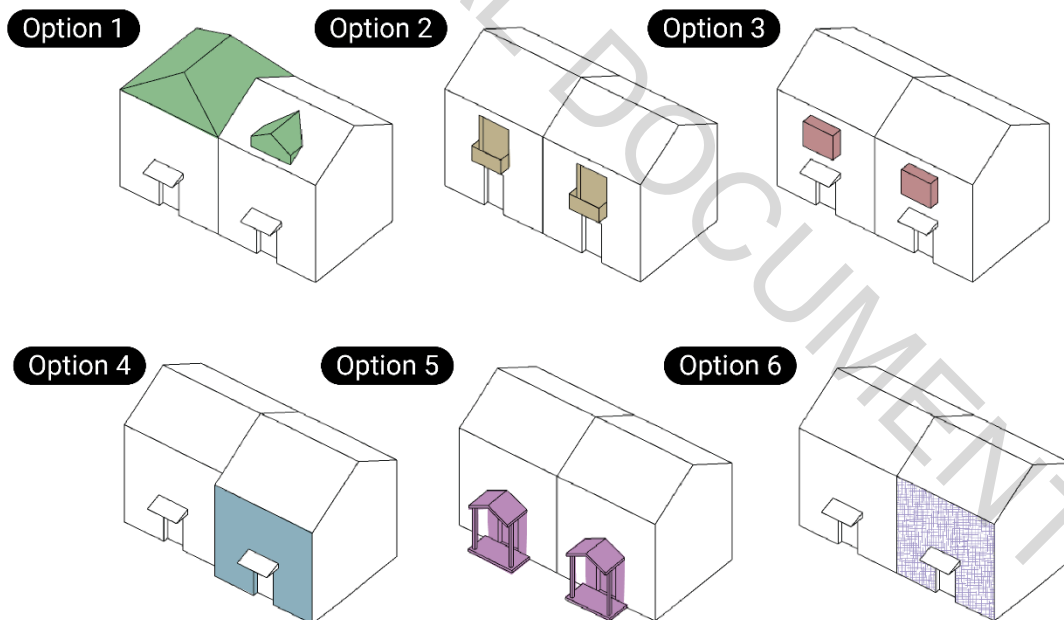


19.47.070 Pedestrian access

A paved pedestrian connection at least three and a half feet wide is required between each middle housing building and the right-of-way. Driveways may be used to meet this requirement.

19.47.080 Façade articulation

- A. In a middle housing building facing the street, each unit with a separate ground level entrance shall include at least three of the articulation options listed in subsection (B) below. Middle housing buildings with one shared ground level entrance, or facades separated from the street by a building or located more than 100 feet from a street are exempt from this standard.
- B. Articulation options:
1. Roofline change or a roof dormer with a minimum exterior width of four feet and is accessible from an interior space.
 2. A balcony with a minimum of five feet in depth and eight feet in width and accessible from an interior room.
 3. A bay window that extends from the façade a minimum of three feet.
 4. An offset of the façade of a minimum of three feet in depth from the neighboring unit.
 5. A roofed porch at least 60 square feet in size.
 6. Use of different cladding materials.



19.47.090 Courtyard housing

- A. At least one outdoor common open space is required.
- B. Common open space shall be bordered by dwelling units on two or three sides.

- C. Common open space shall be at least 250 square feet per unit and shall be a minimum dimension of 15 feet on any side.
- D. Parking areas and vehicular areas do not qualify as a common open space.
- E. Ground-related courtyard housing units shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or common open space.
- F. Courtyard housing units abutting the common open space shall be oriented around and have the primary entrance face the common open space.

19.47.100 Departures

This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the “purpose” of the particular standard and any additional departure criteria established for the particular departure opportunity.

- A. Departures are voluntary. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted below.
- B. Applicability. Departure opportunities are available for the specific standards for entries (19.47.040), windows and doors (19.47.050), and façade articulation (19.47.080). Requested departures other than the applicable standards listed shall require a Type II (Administrative) application per Chapter 22.05, UPMC.
- C. Departure provisions:
 - 1. The purpose of the entry standards is to provide distinct primary entry ways near the street frontage, to make clear where the entry to a specific unit is and add visual interest. Alternative designs shall meet this purpose and ensure the primary entry features minimum weather protection of three feet by three feet, facing the street.
 - 2. The purpose of the window and door standards is to avoid blank or barren walls facing the street and provide sufficient space for occupants to view the street while in their homes. Alternative designs shall meet this purpose and ensure a minimum of 10 percent of the area of the street-facing façade elevation includes windows or doors.
 - 3. The purpose of the façade articulation standards is to reduce the perceived scale of multi-unit buildings and add architectural variety and visual interest. Alternative designs shall meet this purpose and ensure each unit with a separate ground level entrance shall include at least one of the articulation options listed in 19.47.080(B).
- D. Procedures. Permit applications that include departure requests go through the standard review procedures in this division depending on the application type.
- E. Approval criteria. Project applicants shall successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
- F. Documentation. The decision-maker shall document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city.

EXHIBIT F

Section 19.60.050

Off-Street Parking Spaces Required for Particular Uses

19.60.050 Off-street parking spaces required for particular uses.

Unless otherwise specified the number of parking spaces required is calculated on a per-square-foot basis. For example, if 200 appears in the table next to the use type, then one parking space is required for every 200 square feet of floor area. In commercial centers, the required parking is calculated for each use separately to determine the total amount of parking required. The minimum number of off-street parking spaces required shall be as set forth in the following table:

Parking Requirements

RESIDENTIAL USES

Adult Family Home (6 or Fewer) 1 per employee¹ + 2

Assisted Living Facility 0.5 per bed

Affordable Senior Multifamily Housing² 0.6 per unit

Bed and Breakfast 0.5 per room

Group Home 0.5 per bed

Mobile/Manufactured Home 1 per unit

Multifamily Housing

Studio and 1 Bedroom Unit 1 per unit

2 Bedroom Units 1.25 per unit

3+ Bedroom Units 1.5 per unit

Nursing Home 0.25 per bed

Single-Family Housing (Attached) 2 per unit

Single-Family Housing (Attached) in Small Lot Development 1.5 per unit + 1 guest stall

Single-Family Housing (Detached) in Small Lot Development 2 per unit + 1 guest stall

Parking Requirements

Single-Family (Detached) and Duplex Housing	2 per unit
<u>Middle Housing</u>	<u>1 per unit for lots 6,000 sq ft or less</u>
	<u>2 per unit for lots greater than 6,000 sq ft</u>

CIVIC AND RECREATION USES

Cemetery/Mortuary	1 per 5 seats
Community Centers and Clubs	200
Cultural Service (Museum, Library)	250
Day Care Center (Exceeds 12)	1 per employee ¹ + 1 per 10 clients
Government Service	400
High School	1 per employee ¹ + 1 per 10 students
Elementary and Intermediate	1 per employee ¹ + 10
Hospital and 24-Hour Medical Clinic	1 per employee ¹ + 1 per bed
Recreation – Public	2/acre of open space
Recreation – Nonprofit	2/acre of open space
Religious Assembly	1 per 5 seats
Utility and Public Maintenance Facility	400
Vocational and Specialty School	1 per student

UTILITIES AND RESOURCE USES

Utilities Use

Comm. and Personal Wireless Telecommunication Facility	400*
--	------

Essential Public Facilities Use

Parking Requirements

Organic Waste Processing Facility	1 per employee ¹ + 10
-----------------------------------	----------------------------------

Sewage Treatment Facility	1 per employee ¹ + 10
---------------------------	----------------------------------

Resource Use

Agricultural Sale	250
-------------------	-----

*Note: For telecom towers = 1 per tower.

COMMERCIAL USES

Office/Business Uses

Administrative and Professional Office	400
--	-----

Veterinary Clinic/Animal Hospital	400
-----------------------------------	-----

Retail/Services/Entertainment

Adult Entertainment	200
---------------------	-----

Amusement and Recreation (Private)	200
------------------------------------	-----

Business Service	400
------------------	-----

Eating and Drinking Establishment	200
-----------------------------------	-----

Garden Supply (Nursery)	250
-------------------------	-----

Health Club (a.k.a. Fitness Center)	200
-------------------------------------	-----

Kennel	1 per employee ¹ + 1 per 10 cages
--------	---

Limited Accessory Retail (MU-O Only)	250
--------------------------------------	-----

Lodging – Hotel and Motel (No RV)	1 per room
-----------------------------------	------------

Marina and Other Boating Facility	1 per slip
-----------------------------------	------------

Parking Requirements

Medical and Dental Office	250
Mini Casino	200
Movie Theater (Indoor Only)	1 per 4 seats
Mobile, Manufactured and Modular Home Sales	400
Motor Vehicle and Related Equipment Sales	400
Pawn Shop	250
Personal Service	250
Rental and Repair Service	400
Retail Sales	250
Wholesale Trade	250

INDUSTRIAL USES

Boat Building	400 office, 1,000 other
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	400 office, 1,000 other
Craft Production Facility	400 office, 1,000 other
Food and Related Products	400 office, 1,000 other
Industrial Service and Repair	400 office, 1,000 other
Limited Manufacturing	400 office, 1,000 other
Microbeverage Production Facility	400 office and tasting room, 1,000 other
Motion Picture, TV and Radio Production Studio	400
Printing, Publishing and Related Industry	400 office, 1,000 other

Parking Requirements

Salvage Yard	400 office
Storage Unit	2,500
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

¹ Employees per largest shift.

² “Affordable” means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington. “Senior” means dwelling units specifically designed for and occupied by elderly persons under a Federal, State or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

EXHIBIT G

Section 19.70.010

Accessory Dwelling Units

19.70.010 Accessory Dwelling Units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the City while protecting the existing character of single-family neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. Up to two ADUs shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure, provided, only one detached ADU shall be allowed on a lot that does not meet the minimum lot size for the zone in which the property is located. One ADU shall be allowed on a lot of record as an accessory use in conjunction with a two-unit middle housing building type, provided, the lot conforms to the minimum lot size for the zone in which the property is located.

2. Type of Unit. An ADU may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., carriage unit above garage).

3. Size. An ADU shall not exceed 1,000 square feet; provided, if the ADU is to be established within an existing multistory structure and located entirely on a single floor, the Director may allow increased size in order to efficiently use all area of this single floor.

4. Location. An attached ADU shall be physically connected to the principal unit by a shared wall or attached covered structure. Attached ADUs shall meet the same setbacks, height requirements, and other dimensional standards as the principal unit.

A detached ADU not to exceed 1,000 square feet may be placed in a side and/or rear yard in accordance with UPMC [19.45.040](#)(H) and shall comply with the following building standards:

a. The total area of a detached ADU and other detached accessory structures placed in a side or rear yard shall not exceed the size limitations set forth in UPMC [19.45.040](#)(H)(1)(a);

(1) The total ground floor footprint of a structure with an ADU located above (e.g., carriage unit) shall not exceed 600 square feet in gross floor area;

(2) For ground floor ADUs that exceed 600 square feet in gross floor area, no additional accessory structure floor area (e.g., garages, carports, and sheds) shall be permitted in the side or rear yard setback;

b. Maintain five-foot minimum side and rear yard setbacks;

c. Have no portion of the structure, such as eaves, closer than three feet from any property line;

d. Be no greater than 24 feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall, if located within a required side or rear yard;

e. Be no closer than five feet to the primary structure;

f. No more than one detached ADU may be placed within the reduced setbacks. Any second detached ADU must comply with the setbacks applicable to the principal unit; and

g. A detached ADU may be located at a property line abutting a public alley, as defined in Chapter [13.20](#) UPMC, provided the City does not routinely plow the public alley for snow. No portion of the structure shall encroach into the public alley.

5. Parking. No off-street parking shall be required for an ADU when the property is within one-half mile walking distance of a major transit stop as defined in RCW [36.70A.696](#). Property not subject to this exemption shall provide off-street parking for accessory dwelling units as follows:

- a. One off-street parking space shall be required per ADU on lots 6,000 square feet or smaller.
- b. Two off-street parking spaces shall be required per ADU on lots greater than 6,000 square feet.
- c. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.

6. In order to encourage the development of housing units for people with disabilities, the Director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.

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

1. Application. The owner shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and parking standards are met.

2. Notice of Title. Prior to issuance of building permits, the owner shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department.

3. Reports. The Department shall report annually to the City Council on ADU applications, the number of units established and their distribution throughout the City, the average size of the units, and the number and types of complaints and enforcement-related actions.

EXHIBIT H

Section 13.20.245

Driveways

13.20.245 Driveways.

A. General.

1. Driveways and driveway approaches shall be constructed in accordance with the University Place Standard Notes and Details. Driveways and driveway approaches for middle housing developments shall also meet the standards in UPMC 19.47.060.

2. All abandoned driveway approaches on the same frontage shall be removed and the curbing and sidewalk or shoulder and ditch section shall be properly restored.

3. All driveway approaches at locations with curb and gutter shall be constructed of Portland cement concrete and shall be subject to the same testing and inspection requirements as curb, gutter, and sidewalk construction.

4. All driveway approaches at locations without curb, gutter or sidewalk may be constructed with either Portland cement concrete, asphalt concrete, or pervious pavement. Approach grade at these locations shall not exceed two percent within the right-of-way in order to accommodate future sidewalk construction.

5. Shared driveways.

a. Are allowed when shared between detached single family dwelling units on adjacent lots and for middle housing units on a parent lot.

b. Are permitted upon formal written agreement by allboth property owners and approval of the Director. The agreement shall be a recorded easement for allboth parcels of land specifying joint usage.

c. Shared driveways shall be a minimum of 15 feet wide and paved along that portion which serves allboth parcels. Shared driveway width may be reduced within small lot and innovative housing developments to achieve design goals and reduce impervious surface consistent with the City's low impact development goals and objectives.

6. Grade Breaks. The maximum change in driveway grade shall be eight percent within any 10 feet of distance on a crest and 12 percent within any 10 feet of distance in a sag vertical curve. These grades may be exceeded with proper use of smooth vertical curbs in accordance with AASHTO guidelines.

7. No commercial driveway shall be allowed where backing onto a sidewalk or street will occur.

8. Driveway locations shall be unified whenever possible to create the fewest number of accesses onto a street.

9. Driveways that serve only one lot shall be located a minimum of seven and one-half feet from the property line where the driveway enters the right-of-way.

B. Arterial Streets.

1. No driveway may access an arterial street within 75 feet (measured along the arterial) of any other driveway access on either side of the street unless aligned directly opposite another driveway. This distance may be reduced to 35 feet for neighborhood collector arterial streets, provided adequate sight distance is provided.

2. No driveway may access an arterial street within 150 feet of the nearest right-of-way line of an intersecting street. This distance may be reduced to 75 feet along neighborhood collector arterial streets, provided adequate sight distance is provided.

3. Access to arterial streets may be limited to one driveway for each tract of property separately owned. Properties contiguous to each other and owned by the same person are considered to be one tract.

4. Driveways giving direct access onto arterials may be denied if alternate access is available.

5. Wherever a potential access exists to any property from both a public road and a private easement, the City may refuse access to the public road.

6. The Director and Pierce Transit will determine the minimum separation that will be allowed between an existing bus stop and a proposed driveway based on sight obstruction and vehicular and pedestrian traffic.

7. Residential driveways accessing arterial streets shall provide a turn-around for residential vehicles so these vehicles will not have to back out into the arterial. This may be waived along neighborhood collector arterial streets, provided adequate sight distance is provided.

C. Local Streets.

1. Residential driveways shall be constructed a minimum of 35 feet from a side street or intersection. The distance is measured from the street right-of-way line to the nearest edge of the driveway.

2. Wherever a potential access exists to any property from both a public road and a private easement, the City may refuse access to the public road.

D. Width.

1. The maximum driveway width for two-way access onto an arterial or collector shall be 24 feet for residential, 30 feet for commercial uses, and 35 feet for industrial uses. Maximum driveway widths for one-way access onto an arterial or collector shall be 20 feet for residential, 20 feet for commercial, and 25 feet for industrial uses. A road approach or wider driveway width may be approved by the Director where a substantial percentage of over-sized vehicle traffic exists, where divisional islands are desired, or where multiple exit or entrance lanes are needed.

2. The maximum two-way driveway width onto a local access street shall be 24 feet for residential uses and 26 feet for commercial uses.

3. The maximum one-way driveway width shall be 15 feet for residential and 22 feet for commercial driveways.

4. The minimum residential driveway width shall be 10 feet.

5. The Director may require intersection geometry in lieu of a driveway approach and/or ingress and egress tapers in industrial and commercially zoned areas.

6. Commercial drive aisles shall conform to UPMC Title [19](#).

EXHIBIT I

Section 21.05.020

Applicability

21.05.020 Applicability.

Every division of land including but not limited to subdivisions, short subdivisions, unit lot subdivisions, binding site plans, and boundary line adjustments shall comply with the provisions of Chapter 58.17 RCW, this title, UPMC Title 22, and other applicable laws. After final plat or short plat approval, any subsequent division of land shall be in compliance with this title and other applicable UPMC code provisions. To the maximum extent permitted by law the requirements of this title shall be applicable to any plats or lots approved prior to the effective date of this title.

EXHIBIT J

Section 21.10.010

Definitions

21.10.010 Definitions.

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

“Binding site plan” means a division of land for sale or lease of commercially or industrially zoned property as provided in RCW [58.17.040](#)(4), divisions of property for lease as provided in RCW [58.17.040](#)(5), and divisions of properties as provided for in RCW [58.17.040](#)(7).

“Block” means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

“City Engineer” means a licensed professional engineer appointed by the City Manager as the City Engineer or authorized designee.

“Council” means the City Council.

“County Assessor-Treasurer” means the Pierce County Assessor.

“County Auditor” means the Pierce County Auditor.

“Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, [unit lot subdivision](#), or large lot subdivision showing the dedication thereon; and the acceptance by the City shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

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

“Developer” shall mean the person, party, firm, or corporation who applies for approval of a subdivision, short plat, [unit lot subdivision](#), or large lot subdivision.

“Development regulations” means any of the City’s regulations that specify how land can be developed and/or used, including but not limited to the zoning code, subdivision regulations, shoreline regulations, critical area regulations, building codes, and public works code.

“Director” means the Director of the City of University Place Department of Community and Economic Development or authorized designee or representative.

“Electric utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

“Examiner” means the Land Use Hearings Examiner who is herein authorized to approve subdivisions and hear appeals on short subdivisions, large lot divisions, and other administrative decisions.

“Final plat” is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals 100 feet unless approval of another scale is given by the director, on standard 18-inch by 24-inch

sheet size, prepared for filing for record with the county auditor, and containing all elements and requirements set forth in state law and in this title.

"Improvement" shall mean any thing or structure constructed for the benefit of all or some residents of a subdivision, short subdivision, unit lot subdivision, or binding site plan or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, storm drainage containment facilities, and recreational facilities.

"Land division" shall mean a subdivision, short subdivision, unit lot subdivision, binding site plan, or boundary line adjustment.

"Lot" is a fractional part of divided lands having fixed boundaries, and of sufficient area and dimension to meet minimum zoning requirements for width and area, except for unit lots approved per Chapter 21.75 UPMC. The term "lot" includes tracts or parcels. Lots shall also include those lots legally established prior to the effective date of this title. See definition of "parent lot" and "unit lot" for lots created through the unit lot subdivision process.

"Model home" means a dwelling unit(s) used to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc.

"Original tract" means all contiguous units of land that the applicant(s) own(s), or in which the applicant(s) holds controlling ownership and all contiguous lands under separate ownership when said owners have a direct or indirect common property interest in the subdivision or where a husband and wife own contiguous lots in separate or community ownership.

"Parent lot" means a lot which is subdivided into unit lots through the unit lot subdivision process.

"Personal wireless services" means any federally licensed personal wireless service facility including unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

"Planning agency" means the Department of Community and Economic Development or other such department designated by the City Manager.

"Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision or unit lot subdivision, showing the general layout of streets and alleys, lots, blocks, and the restrictive covenants applicable to a subdivision. A preliminary plat furnishes a basis for the approval or disapproval of the general layout of a subdivision.

"Short plat" is the map or representation of a short subdivision.

"Short subdivision" is any voluntary or involuntary division or redivision of land into nine or fewer lots, tracts, parcels, sites, unit lots, or subdivisions for the purpose of sale, lease, or transfer of ownership. Other lots, tracts, or parcels created by the short subdivision shall be used exclusively for roads, utilities, open space, or protection of critical areas including but not limited to wetlands, and determined unbuildable or do not have the potential for future development as a residential building site.

"Subdivision" is any voluntary or involuntary division or redivision of land into 10 or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership, or which do not otherwise satisfy the requirements for a short subdivision.

"Unit lot" means a lot created from a parent lot and approved through the unit lot subdivision process.

"Unit lot subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

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

- A. City development regulations;
- B. Any City resolution, ordinance, code, or regulation;
- C. Any statute or regulation of the State of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986.

EXHIBIT K

Section 21.35.010

Applicability

21.35.010 Applicability.

Every short plat, ~~and~~ short subdivision, and unit lot subdivision shall comply with the provisions of this chapter.

A. Exemptions. The provisions of this chapter are not applicable to the following:

1. All exemptions listed in UPMC [21.05.060](#).
2. Deed releases, for the purpose of obtaining building financing; provided, that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.
3. Divisions that were surveyed in accordance with the Survey Recording Act and are recorded with the auditor prior to August 13, 1974.
4. Up to four model homes may be established on a single tract of land without short platting; provided, the City has approved a preliminary subdivision that includes the specific lots upon which the model homes are to be located.
5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.
6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.
7. Any division or divisions of land for the sole purpose of enabling the City of University Place or other public agency to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

B. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application.

C. Further Divisions. Land within a short subdivision shall not be further divided in any manner for a period of five years from the date said approved short plat is recorded with the auditor without the filing of a final plat on the land that is proposed to be further divided, except that when the short plat contains fewer than nine residential building lots, the owner who filed the short plat may file an alteration within the five-year period to create a total of up to nine lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

EXHIBIT L

Section 21.50.010

Purpose

21.50.010 Purpose.

The purpose of this chapter is to provide the procedures to amend preliminary plats, unit lot subdivisions, and short subdivisions, alter subdivisions, amend binding site plans, and vacate plats and binding site plans.

UNOFFICIAL DOCUMENT

EXHIBIT M

Section 21.55.030

Critical Areas

21.55.030 Critical Areas.

A. Flood or Geological Hazard. If any portion of the land where structures will be permitted within the boundaries of a land division, whether a plat, short plat, unit lot subdivision, or binding site plan is subject to flood or geological hazard, the Examiner or Director may disapprove the land division or that portion of the land division so affected. In making such decision, the Examiner or Director shall use the most recent National Flood Insurance Program, Flood Hazard Boundary Map (FHBM) for Pierce County, Washington, or other authoritative data. Alternatively, the Examiner or Director may require protective improvements to be constructed as a condition of approval.

B. If any portion of a land division is subject to flood or geological hazard, such area shall be clearly shown on the plat, short plat, unit lot subdivision, or binding site plan by a prominent note on each sheet of such map whereon any portion is shown.

C. No land division shall be approved by the Examiner or Director that is situated wholly or partially within a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology.

EXHIBIT N

Section 21.60.020

Scope

21.60.020 Scope.

The boundary lines separating two or more platted or unplatted lots of record may only be adjusted under the provisions of this chapter. Extinguishing such lot lines is not a boundary line adjustment subject to the requirements of this chapter. Actions that change or impair conditions or requirements imposed by previous land division decisions must be accomplished pursuant to this chapter.

A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line, or to remedy adverse topographical features. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable City land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat, ~~or~~ short subdivision, or unit lot subdivision. Boundary line adjustments shall not:

- A. Create any additional lot, tract, parcel, site, or division;
- B. Result in a lot, tract, parcel, site, or division that contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations. This provision shall not be construed to require correction or remedy of pre-existing nonconformities or substandard conditions;
- C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site, or division;
- D. Create or diminish any easement or deprive any parcel of access or utilities;
- E. Increase the nonconforming aspects of an existing nonconforming lot or create a nonconforming lot from a conforming one;
- F. Replat, alter (except as provided in RCW 58.17.140), or vacate a plat, ~~or~~ short subdivision, or unit lot subdivision; or
- G. Amend the conditions of approval for previously platted property.

EXHIBIT O

Section 21.65.050 and Title 21, Appendix B

21.65.050 Administrative Review.

Lot combination may be approved provided it does not result in one or more of the following:

- A. Create any additional lot, tract, parcel, site or division;
- B. Result in a lot, tract, parcel, site or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension;
- C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;
- D. Diminish any easement or deprive any parcel of access or utilities, unless alternate easements, access or utilities can be satisfactorily provided;
- E. Replat or vacate a plat, ~~or~~ short subdivision, or unit lot subdivision;
- F. Amend the conditions of approval for previously platted property; or
- G. Includes property currently not annexed to the City.

Title 21, Appendix B – Plat Requirements Matrix

Plat Requirements Matrix

Plat Requirements	Pre. Plat	Final	Short/ <u>ULS</u>	BSP	BLA/COMB.
All plats shall comply with RCW Title <u>58</u> , the Survey Recording Act, and the following:	X	X	X	X	X
The plat shall be drawn to the scale of one inch equals 100 feet or larger	X	X	X	X	X
The boundary and dimensions of the “original tract” including its assessor’s parcel number, section, township and range, and all adjoining public or private streets and identifying names	X	X	X	X	X
The lot and tract layout with lot and tract line dimensions, the area in square feet contained in each lot and tract; a number identifying each lot and a letter identifying each tract	X	X	X	X	X
The location, names, and right-of-way widths of all proposed streets	X	X	X	X	
The location, names, and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed land division	X		X	X	

Plat Requirements Matrix

Plat Requirements	Pre. Plat	Final	Short/ <u>ULS</u>	BSP	BLA/COMB.
Drawn on a sheet size of 18-inch by 24-inch (preliminary plats shall be on drawn on a 24-inch x 36-inch sheet)	X	X	X	X	X
The location, size, and use of all proposed and existing common and public areas and a description of uses contemplated	X	X	X	X	
The location and use of all existing buildings within the proposed land division, indicating which buildings are to remain and which are to be removed	X		X	X	X
The location, width, and a description of all existing easements in the land division including notes regarding and proposed easement changes	X	X	X	X	X
The location of any state shorelines and associated wetlands within the subdivision	X	X	X	X	X
A title block listing the proposed name of the land division	X	X	X	X	X
A title block including name and address of the original tract owner, the name, address, and phone number of the applicant, the name, address, and phone number of the engineer, surveyor, or other individual responsible for laying out the land division, a north arrow, the scale of the drawing, and the date of the drawing	X	X	X	X	X
The location in or within 200 feet of the land division of any springs, creeks, drainage courses, drainage ways, wetlands, and wetland buffers, slopes over 15 percent, and 100-year floodplain boundaries including the elevation of the 100-year flood at the point immediately upstream from the land division	X	X	X	X	X
An information block containing the original tract size in acres; gross density; net density (gross minus roads, unbuildable critical areas, open spaces, and or storm drainage facilities, etc.); the area of roads, critical areas by type, and open spaces; the number of lots; the number of tracts; the minimum lot size; the average lot size; the maximum lot size; and a legal description of the original tract	X				
The use and approximate location of all buildings within 50 feet of the boundaries of the proposed land division	X				
The location and disposition of any wells, septic tanks, and/or drain fields in or within 50 feet of the proposed land division	X		X		X
The location, size, and type of utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision	X				
Topography in not less than five-foot contour intervals certified by the engineer or surveyor within the proposed subdivision and not less than 10-foot contour intervals within 50 feet of the proposed subdivision	X		X	X	

Plat Requirements Matrix

Plat Requirements	Pre. Plat	Final	Short/ <u>ULS</u>	BSP	BLA/COMB.
A vicinity map drawn to a scale of four inches equals one mile or other approved scale of sufficient detail to orient the location of the original tract	X		X	X	
The location of any public facilities such as schools and parks within 200 feet of the proposed subdivision	X				
Zoning designations within and adjacent to the subdivision	X		X	X	
Space on a second 18-inch by 24-inch Mylar sheet shall be reserved for comments, conditions, and appropriate city signatures			X	X	
The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles				X	
The number and location of proposed or existing parking spaces on and off the site				X	
Include elevations and floor plans as known				X	
A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years				X	
BLA / Lt Combo The proposed lines for all affected lots, indicated by heavy solid lines					X
The existing lot lines proposed to be changed, indicated by heavy broken lines					X
The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structures/improvements and the proposed lot/boundary lines					X
The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.					X
The position of rebar and caps set at each new property corner					X

EXHIBIT P

Chapter 21.75

Unit Lot Subdivisions

21.75 Unit Lot Subdivisions

Sections:

- 21.75.010 Applicability.
- 21.75.020 Filing procedures and fee.
- 21.75.030 General regulations.
- 21.75.040 Recording.

21.75.010 Applicability.

Every unit lot subdivision shall comply with the provisions of this chapter.

A. A unit lot subdivision creates a relationship between the parent lot and each “unit” lot created, allowing for individual ownership of housing on each unit lot while only applying site specific development standards to the parent lot as a whole.

B. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.

C. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure.

D. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.

21.75.020 Filing procedures and fee.

Unit lot subdivisions resulting in nine or fewer lots shall be processed as short subdivisions per Chapter 21.35 UPMC, and all others shall be processed as subdivisions and subject to all provisions of Chapter 21.20 and Chapter 21.25 UPMC. A complete application shall be submitted to the Department using forms provided by the Department together with the application filing fee. See Appendices A and B for short subdivision and subdivision application submittal requirements.

21.75.030 General regulations.

A. Development as a whole on the parent lot, rather than individual unit lots, shall comply with the applicable design and development standards for the underlying zone.

B. Within the parent lot, parking required for a dwelling unit may be provided on a different unit lot than the unit lot with the dwelling unit for which the parking serves, as long as the right to use the parking is included in notes on the face of the plat or formalized by an easement recorded with the Pierce County Auditor.

C. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

D. The individual unit lots are not separate buildable sites. Additional design and development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

E. Unit lots may not be further divided by additional unit lot subdivisions, except in compliance with applicable units allowed per lot as set forth in UPMC 19.45.040. Further subdivision or alterations to unit lots or the larger parent lot must follow the amendments, alterations, and variation process in UPMC 21.50.

21.75.040 Recording.

A. Further Divisions. Land within a unit lot subdivision shall not be further divided in any manner for a period of five years from the date said approved unit lot is recorded with the auditor without the filing of a final unit lot on the land that is proposed to be further divided, except that when the parent lot contains fewer than nine residential building unit lots, the owner who filed the unit lot subdivision may file an alteration within the five-year period to create a total of up to nine unit lots within the original parent lot boundary.

B. The title of the plat shall include the phrase "Unit Lot Subdivision."

C. Notes shall be placed on the face of the plat or short plat as recorded with the County Auditor to state the following:

1. Approval of the design and layout of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
2. Subsequent subdivision sections, additions, or modifications to unit structure(s) shall not create or increase any nonconformity of the parent lot.
3. Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

D. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common facilities and features and shall be recorded with the county auditor. Common facilities and features include, but are not limited to, common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features.