ORDINANCE NO. 741

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE AND AMENDING THE ZONING MAP; IMPLEMENTING A FORM BASED ZONING CODE IN SUPPORT OF THE UNIVERSITY PLACE REGIONAL GROWTH CENTER SUBAREA PLAN

WHEREAS, in 2014 the Puget Sound Regional Council granted the City of University Place's Regional Growth Center "Provisional" status with full designation dependent of the adoption of a Subarea Plan; and

WHEREAS, the City of University Place adopted the Regional Growth Center Subarea Plan on November 11, 2017 and received full Regional Growth Center Designation from PSRC on July 26, 2018; and

WHEREAS, following the adoption and designation, the City began implementing the Action Strategy of the Subarea Plan. The Action Strategy includes amending the Comprehensive Plan and Zoning Code for consistency with the Subarea Plan. The Action Strategy recommended adopting a Form-Based Code for the Regional Growth Center; and

WHEREAS, the City hired a consultant to assist with developing a form-based code. Several public meetings and an extensive outreach program were employed during code development; 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 developing a Comprehensive Plan for the City and making recommendations to the City Council on amendments to the Comprehensive Plan, the zoning code and map, and other development regulations of the City; and

WHEREAS, on December 3, 2018 the City Council adopted Resolution 879, the 2019 Planning Commission Work Plan to work on amendments to the Zoning Code to implement the Subarea Plan including a Form-Based Code; and

WHEREAS, in 2019 and 2020 the Planning Commission reviewed and recommended amendments to the Zoning Code for consistency with and to implement the Subarea Plan. Amendments include adding a new Chapter 19.54 "A Form Based Code for the Regional Growth Center", designating new zones in the Regional Growth Center, and consolidating design standards; and

WHEREAS, on August 10, 2020 the City published a *Notice of Public Hearing* in the Tacoma News Tribune for a Planning Commission public hearing to be held on August 19, 2020; and

WHEREAS, on August 19, 2020 the Planning Commission found the proposed amendments are consistent with the goals and policies of the Comprehensive Plan and the Regional Growth Center Subarea Plan, are in the best interest of the City's citizens and property owners and will enhance the public health, safety, comfort, convenience, and general welfare; and

WHEREAS, the Planning Commission considered the approval criteria listed in Section 22.25.030 of the University Place Municipal Code and voted unanimously to recommend to the City Council approval of the proposed Zoning Code Amendments with minor revisions in Planning Commission Resolution 2020-01 supported by written findings and conclusions showing the following:

1. That the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan; and

- 2. That the proposed amendment is in the best interest of the citizens and property owners of the City; and
- 3. That the proposed amendment enhances the public health, safety, comfort, convenience, or general welfare; and

WHEREAS, the City issued a SEPA Determination of Non-significance/Incorporation by Reference of Environmental Documents/Adoption of Existing Document/Addendum to Existing Environmental Document pertaining to Draft Comprehensive Plan Amendments on October 30, 2020 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on October 20, 2020 which was issued to state agencies for a 60-day comment period ending December 2, 2020 as required pursuant to Chapter 36A.70 RCW; and

WHEREAS, the City Council considered the proposed Zoning Code Amendments at a study session on November 2, 2020 and directed staff to prepare to hold a public hearing before the City Council on the proposed Zoning Code Amendment; and

WHEREAS, the City Council conducted a public hearing on the Zoning Code Amendments on December 7, 2020, following notice to the public in accordance with the municipal code and state law, to consider public comment and further revisions recommended by staff in response to agency comments received:

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

Section 1. The following chapters, or parts of chapters as denoted in the exhibits set forth herein (sections not identified in the exhibits are not amended), of Title 19 UPMC are hereby amended or promulgated as set forth identified by Exhibit and Chapter number as if set forth herein; Chapter titles containing strikethroughs and underlines are retitled accordingly:

| <u>Exhibit</u> | <u>Chapter</u> | | |
|----------------|---|--|--|
| Α | 19.05 Authority, Purpose, Interpretation, Users Guide | | |
| В | 19.10 Definitions | | |
| С | 19.20 Zones, Map Designations, Interpretation of Boundaries | | |
| D | 19.25 Use and Zone Classification Tables | | |
| E | 19.30 Accessory Uses and Structures | | |
| F | 19.35 Temporary Uses/Temporary Housing Units | | |
| G | 19.40 Essential Public Facilities | | |
| Н | 19.45 Density and Dimension | | |
| | 19.50 Design Standards for Mixed Use Zones | | |
| J | 19.53 Design Standards and Guidelines for Small Lot and Multifamily and Small Lot | | |
| | Development | | |
| K | 19.54 Regional Growth Center Form-Based Code | | |
| L | 19.55 Overlay Zones | | |
| M | 19.60 Off-Street Parking Requirements | | |
| N | 19.65 Landscaping/Trees | | |
| 0 | 19.70 General Development Standards (Drive-Throughs) | | |
| Р | 19.75 Signs | | |
| Q | 19.80 Nonconforming Lots, Uses, and Structures | | |
| R | 19.85 Discretionary Land Use Permits | | |

Section 2. The following chapters of Title 19 UPMC are repealed in their entirety:

Chapter 19.51 UPMC, Chapter 19.52 UPMC.

Section 3. The City of University Place Zoning Map is amended as set forth on Exhibit S attached hereto and adopted by reference.

Section 4. <u>Corrections by City Clerk or Code Reviser</u>. 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 5. <u>Severability</u>. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 6. <u>Savings</u>. No offense committed, no penalty or forfeiture incurred prior to the effective date of this Ordinance, nor any proceeding undertaken to enforce this Ordinance, nor any actions to safeguard public health, public safety public property or the public peace shall be affected by this Ordinance and the same shall proceed in all respects as if this Ordinance had not been enacted. Furthermore, any act, claim or action undertaken pursuant to any provision of this Section is not intended to be lost, impaired or affected by this Ordinance.

Section 7. <u>Effective Date and Publication</u>. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after passage and publication of an approved summary of this ordinance.

PASSED BY THE CITY COUNCIL ON DECEMBER 7, 2020.

Caroline Belleci, Mayor

ATTEST:

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APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 12/09/20 Effective Date: 12/14/20

Exhibit A

Chapter 19.05 AUTHORITY, PURPOSE, INTERPRETATION, USERS GUIDE

(Sections .050, .060 and .070) are amended to read as follows:

19.05.050 Interpretation – General.

- A. Regulations, conditions, or procedural requirements specific to an individual land use permit shall supersede regulations, conditions, or procedural requirements of general application.
- B. The zoning code shall be consistent with and implement the City's Comprehensive Plan.
- C. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.
- D. When the provisions of this title impose greater restrictions than are imposed by other applicable City, County, regional, State and Federal regulations, the provisions of this title shall control.
- E. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.
- F. In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in Chapter 19.25 UPMC shall control.
- G. The words "shall" and "should" are mandatory and the word_"may" is discretionary.
- H. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words in and terms used in this code shall have their defined or customary meanings.
- I. The Director or his/her designee are hereby authorized to make code interpretations. Where these rulesprovisions do not clarify a boundary, definition, use standard, or procedure, the Director shall make the determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

19.05.060 Brief user's guide.

- A. Chapters. The zoning code, UPMC Title 19, contains 21 chapters summarized as follows:
- **19.05** Introduction. Establishes the purpose, title and basic rules for using the zoning code.
- **19.10 Definitions.** Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.
- **19.15 Enforcement and Penalties.** Provides guidelines for the enforcement and penalties in the administration of the zoning code.

- **19.20 Zones, Map Designations, Interpretation of Boundaries.** Lists the zoning classifications, describes potential and overlay zones, and adopts the zone map and discusses the interpretation of map boundaries.
- **19.25 Uses and Zone Classifications Tables.** Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.
- **19.30 Accessory Uses and Structures.** Lists and identifies accessory uses allowed in the City of University Place.
- **19.35 Temporary Uses/Temporary Housing Units.** Lists allowable temporary uses and associated standards.
- 19.40 Essential Public Facilities. Provides a process for the siting of essential public facilities.
- **19.45 Density and Dimension.** Provides development standards such as density, setbacks, height and lot width.
- 19.50 Design Standards for Mixed Use, Mixed Use Office, and Mixed Use Maritime

 Zones. These Provides design standards and guidelines for development in these zoning districts. (See City of University Place Design Manual.) apply in all mixed-use zones including Mixed Use, Mixed Use Office, Mixed Use Maritime, Mixed-Use Neighborhood 45, Mixed-Use Urban 75, Mixed Use Urban/Industrial 75 and Mixed-Use Center 110.
- 19.51 Town Center Design Standards. Provides design standards and guidelines for development in the Town Center zone. (See City of University Place Design Manual.)
- **19.52 Community Commercial Zone Design Standards and Guidelines.** Provides design standards and guidelines for development in this zoning district.
- **19.53 Design Standards and Guidelines for Small Lot and Multifamily Development.** Provides design standards and guidelines that apply to small lot and multifamily development in the R1, R2, MF-L and MF-H zoning districts.
- 19.54 Regional Growth Center Form Based Code. This Chapter includes the regulating plan, allowed uses, building, frontage, and street types and street grid for the City's Regional Growth Center.
- **19.55 Overlay Zones.** Provides regulations for special overlay zones within the City including, for example, Chambers Creek properties, Day Island and transition overlay zones.
- **19.57 Chambers Creek Properties Design Standards.** Provides design standards and guidelines for development of the Chambers Creek properties master site plan. (See City of University Place Design Manual.)
- **19.60 Off-Street Parking Requirements.** Provides development standards for off-street parking and access.
- **19.65 Landscaping/Trees.** Provides development standards for landscaping, buffering, significant tree preservation, irrigation and other landscape requirements.

- **19.70 General Development Standards.** Includes additional standards to address general and specific uses such as home occupations, accessory dwelling units, agricultural uses, adult entertainment, improvements and secure community transition facilities.
- **19.75 Signs.** Includes the size, placement and other design criteria required for signs in the City of University Place.
- **19.80 Nonconforming Lots, Uses and Structures.** Establishes standards for the expansion, continuation and discontinuation of nonconforming lots, uses and structures.
- **19.85 Discretionary Land Use Permits.** Establishes the permit processes and criteria for permits provided by this title, e.g., administrative use permits, conditional use permits, administrative design standard review approvals and variances; provides procedures for amending, revoking or modifying discretionary land use permits; and establishes time limitations on permit approvals and refiling of applications.
- B. Numbering Scheme. The numbering scheme used in this title operates as shown below:

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

19.05.070 Severability.

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

Exhibit B

Chapter 19.10 DEFINITIONS

Sections:

19.10.010 Interpretation.

19.10.020 Specialized definitions.

19.10.030 Definitions.

19.10.040 Unlisted words and phrases.

19.10.010 Interpretation.

Unless the context in which a word is used clearly implies to the contrary, the following definitions shall apply to each chapter of this code.

19.10.020 Specialized definitions.

The following are general definitions for the code. Specialized definitions may be found at the beginning of the chapter where those definitions are used.

19.10.030 Definitions.

- "Abut" means to be contiguous with or touching property lines or right-of-way.
- "Accessory dwelling unit" means a second dwelling unit, detached from, added to, or created within a single-family detached dwelling for use as a completely independent unit.
- "Accessory structure" means a structure either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.
- "Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- "Adjacent" shall mean close, near, or directly across a street, but not abutting.
- "Administrative permit" or "administrative use permit" means a written decision, granted by the Director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative use permits include, but are not limited to, temporary use permits, recreational vehicle permits, minor amendments, and home occupation permits.
- "Administrative review" means a process involving the judgment and discretion of the Director in applying specific decision criteria and requirements.
- "Adult bathhouse" means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.
- "Adult cabaret" means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

"Adult entertainment" shall mean:

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

- B. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
 - 1. Human genitals in a state of sexual stimulation or arousal; or
 - 2. Acts of human masturbation, sexual intercourse or sodomy; or
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
- C. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.
- "Adult entertainment establishment" shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:
- "Adult entertainment material" means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD-ROMs, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."
- "Adult live entertainment establishment" shall mean a commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment to a member of the public on a regular basis or as a substantial part of the premises' activity.
- "Adult massage parlor" means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises.
- "Adult motion picture theater" means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by the patrons therein.

- "Adult retail establishment" means any bookstore, adult novelty store, and adult video store, or other similar commercial establishment, business, service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material as defined in this chapter. For purposes of this provision, it shall be a rebuttable presumption that 30 percent or more of a business' 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% of AMI) Very Low Income (50% of AMI) and Low Income (80% 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.
- "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 guest rooms. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)
- "Beauty salon" means a service business operating to provide services related to hair, skin, nail and cosmetology care.
- "Berm" means a formed mound of earth that creates a visual and physical barrier between developments, roads, and/or sensitive areas.
- "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.
- "Brew pub" means an eating and drinking establishment having a microbrewery on the premises which produces beer, ale or other malt beverage and where the majority most of the beer produced is consumed on premises. This classification allows a brew pub to sell beer at retail and/or act as a wholesaler for beer of its own production for off-site consumption, with appropriate State licenses.
- "Building" means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- "Building, detached" means a building surrounded by open space on the same lot.
- "Building, principal or main" means a building devoted to the principal use of the lot on which it is situated.

- "Business activity" means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.
- "Business or commerce" means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.
- "Buy-back recycling center" means any business which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.
- "Cemetery" means land used or intended to be used for the burial of human dead.
- "Central office switching unit" means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks.
- "Character" means the distinctive features or attributes of buildings, uses, and site design on abutting and adjacent properties and in the vicinity as required in the Comprehensive Plan, including, but not limited to, building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.
- "Church." See "Religious assembly."
- "Clubs and lodges" means a meeting place for recreational or social activities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.
- "Commercial vehicle" means any vehicle including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.
- "Composting facility" means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.
- "Composting facility, municipal solid waste" means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.
- "Composting facility, small scale" means a facility or equipment used in the composting of organic feedstock such as yard waste or food waste to produce a product for use as a soil conditioner or amendment. Such product is intended for use on the property from which it was generated and is not intended for sale.
- "Conditional use" means a use conditionally permitted in one or more zones as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or

demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the Comprehensive Plan, abutting and adjacent uses, and the character of the vicinity.

- "Conditional use permit" means the documented evidence of authority granted by the Examiner to locate a conditional use at a specific location.
- "Correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including State prisons, County and local jails, and other facilities operated by the Department of Corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.
- "Craft production facility" means a commercial or light industrial use that involves the production of arts, crafts, food, and beverages with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible with and are often co-located with retail sales and service uses. Production examples and processes include ceramic art, glass art, candle-making, custom jewelry manufacture, craft foods and nonalcoholic beverages.
- "Day care center, adult" means a center that regularly provides care and supervision for a period of less than 24 hours per day for a group of elderly or disabled adults who cannot safely be left alone.
- "Day care center, child" means a facility, licensed by the State, which regularly provides care for a group of children for periods less than 24 hours per day. The term shall include, but is not limited to, facilities commonly known as "day care facilities," "day care centers," and "preschools."
- "Deck" means an attached or detached raised horizontal platform.
- "Density" means the number of dwelling units allowed per net acre.
- "Department" means the City of University Place Planning and Development Services Department.
- "Development" means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, stockpiling, paving, excavation, drilling or the subdivision of property.
- "Development permit" means any document granting, or granting with conditions, approval 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 Planning and Development Services Department or authorized designee.
- "Discretionary land use permit" means a document granted by official action of the City which authorizes the development or use of land pursuant to a special use permit or administrative permit.

- "Domestic animals" means dogs, cats, birds, and small rodents which can be and are continually kept or raised in a home. Animals not considered to be domestic animals include, but are not limited to, the following: horses, cows, goats, sheep, swine, donkeys, fowl, and any other exotic species of animals.
- "Drive-through" means any establishment, business, or structure where service is provided to a customer and/or vehicle either from a service window, attendant or a self-service device with an access provided by a drive-through lane(s) incorporated into the site design.
- "Drive-up" means a service that allows customers to be served while remaining in their vehicles, including but not limited to services where food or other items are delivered to or received from customers parked in designated parking stalls.
- "**Driveway**" means a private vehicle access, which serves up to two single-family dwelling units, multifamily or commercial development.
- "Dry sewer facilities" means sewer lines designed and constructed in accordance with the local sewer utility standards for future connection to the sewer provider's sanitary sewerage system. Dry sewer lines shall be constructed from the property line to the structure they will serve.
- "Duplex" means a building containing two dwelling units, providing separate living accommodations within each unit, attached in pairs on a single lot.
- "Dwelling" means a building or portion thereof designed exclusively for human habitation, including single-family, duplex and multiple-family dwellings, accessory dwelling units, live-work units, modular homes, manufactured homes and mobile homes, but not including hotel or motel units having no kitchens.
- "Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
- "Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.
- "Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. There are three levels of battery charging stations based on the electrical force, or voltage, at which an electric vehicle's battery is recharged.

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

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

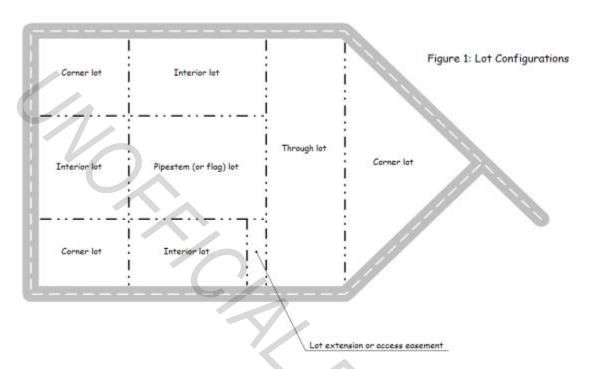
- "Electric vehicle charging station restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general 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 365-195-340196-550).
- "Examiner" means the City Hearings Examiner.
- **"Extended stay"** means lodging containing four or more units/guestrooms that provides accommodation on a nontransient non-transient 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 comply with the conditions set forth in a preliminary approval and, once approved, serves as the final approval of a discretionary land use permit.
- **"Floor area"** means the sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a use, including storage areas. However, "floor area" shall not include attic storage, unfinished basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. The floor area shall be measured from the exterior face of exterior walls and from the centerline of walls dividing uses or establishments. See UPMC 19.45.080 for guidance on calculating floor area ratio.
- "Floor area ratio (FAR)" means the floor area of the building or buildings on a lot or on a project site divided by the area of such lot or project site, excluding any public facilities and structured parking.
- **"Funeral and interment services"** means establishments primarily engaged in the provision of services involving the care, preparation, and disposition of human dead. Typical uses include crematories, mausoleums or mortuaries.

- "Garage, private" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.
- "Glare" means unwanted light that causes eyestrain, discomfort, nuisance, or adversely affects a visual task.
- "Golf course facility" means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to, a driving range, miniature golf, pro shops, caddy shack buildings, swimming pools, tennis courts, restaurants, office and meeting rooms and related storage facilities.
- "Grade average, finished" means the post-construction average elevation of the ground surface as measured at finished grade from base points located at the four corners of the foundation or, if the foundation of a structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.
- "Grade existing" means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.
- "Grade, finished" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure. See Figure 3, UPMC 19.45.040.
- "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. See Figure 3, Chapter 19.45 UPMC.
- "Hobby farm" means noncommercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.
- "Home-based day care, adult" means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.
- "Home-based day care, child" means a facility, licensed by the State, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.
- "Home occupation" means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not-for-profit basis.
- "Hotel" or "motel" means lodging containing four or more guestrooms which may provide incidental services such as restaurants, meeting rooms or recreational facilities provided for compensation at a nightly rate.
- "Inoperable vehicle" means a vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads, such as repair or replacement of a window, windshield, wheel, tire, motor or transmission.
- "Interim on-site septic system" means a new or remodeled on-site septic system permitted after the effective date of the ordinance codified in this section. Interim systems are intended to be temporary in nature until such time as sanitary sewers become available. Interim on-site septic systems will meet the requirements of the Tacoma-Pierce County Health Department.

- "Interim propane storage system" means propane storage facilities serving one or more customers on an interim basis until extension of natural gas service is feasible.
- "Kennel" means a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.
- "**Kitchen**" means any room or area used, intended, or designed to be used for the cooking or preparation of food that contains a range, stove, oven or cooktop that is serviced by gas or a 220/240v outlet, and a kitchen type sink.
- "Landfill" means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a solid waste permit under Chapter 70.95 RCW.
- "Live-work unit" means a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant. Nonresidential use is limited to no more than 50 percent of floor area.
- "Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu
- "Lodging" means any building or group of buildings containing units/guestrooms where accommodations are provided (with or without meals) for compensation. All lodging is either (1) hotel or motel; (2) rooming house; (3) extended stay or (4) bed and breakfast.
- "Lot" means a designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.
- "Lot area" means the total area within the lot lines of a lot, excluding any street area.
- "Lot, corner" means a lot situated at the intersection of two or more streets, having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. See Figure 1.
- "Lot, interior" means a lot other than a corner lot. See Figure 1.
- "Lot line" means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See Figure 1.
- "Lot line, front" means the portion of a lot line abutting a street or railroad right-of-way. See Figure 1.
- "Lot line, rear" means the lot line opposite and most distant from the front lot line. See Figure 1.
- "Lot line, side" means any lot line other than a front or rear lot line. See Figure 1.
- "Lot of record" means an area of land designated as a lot on the plat or subdivision recorded or registered, pursuant to statute, with the Auditor of Pierce County.

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



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

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

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

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

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

- "Manufactured home" means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes, which:
- A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than nominal 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.
- "Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the State pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.
- "Microbeverage production facility" means an establishment that manufactures alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or eating and drinking establishment.
- "Microbrewery" means a business known as a craft brewery that produces 5,000 barrels or less of beer per calendar year. A microbrewery may sell beer of its own production directly to a customer for off-premises consumption and by all other legal means. A microbrewery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microbrewery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.
- "Microdistillery" means a business known as a craft distillery that produces 5,000 proof gallons or less of spirits per calendar year. A microdistillery may sell spirits of its own production directly to a customer for off-premises consumption and by all other legal means. A microdistillery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microdistillery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.
- "Microwinery" means a business engaged primarily in the production, including crushing, fermentation, aging, and bottling, and distribution of no more than 5,000 cases of wine per year. A microwinery may sell wine of its own production directly to a customer for off-premises consumption and by all other legal means. A microwinery may operate a tasting room or in conjunction with a Level 3 eating and drinking establishment. A microwinery must be licensed by the Washington State Liquor Control Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

- "Miniwarehouse" means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential- or commercial-oriented goods.
- "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed prior to June 15, 1976.
- "Mobile home/manufactured home park" means a tract of land designed and maintained under a single ownership or unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.
- "Moderate risk waste fixed facility" means a solid waste transfer facility needing a solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators (SQGs) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington dangerous waste regulations (Chapter 70.105 RCW).
- **"Modular home"** shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory-built housing, and for purposes of this title a modular home is considered single-family and duplex housing.
- "Modulation" means a stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth, as a means of lessening the apparent bulk of a structure's continuous exterior walls.
- **"Mount"** means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts:
- A. Building-Mounted. A personal wireless service facility mount fixed to the roof or side of a building.
- B. Ground-Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
- C. Structure-Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
- "Multifamily" means a structure containing three or more dwelling units, with the units joined to one another.
- "Museum" means an institution operated as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.
- "**Net acre**" is calculated by taking the total gross acreage and subtracting out surface water, undevelopable lands (e.g., wetlands) and street rights-of-way or street easements.
- "New manufactured home" means any manufactured home required to be titled under RCW Title <u>46</u>, 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 an 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 actually resides at the site more than six months out of any given year.
- "Package wastewater treatment plant" means a pre-assembled, factory-built treatment plant. They can be the size of a motor home or larger.
- "Panorama" or "peepshow" shall mean any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.
- "Panorama premises" means any premises or portion of a premises on which a panorama is located and which is open to the public, including through membership.

- "Park, community" means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.
- "Park, linear trail" means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases, linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.
- "Park, neighborhood" means a combination playground and park designed primarily for unsupervised, unorganized recreation activities. Neighborhood parks are small in size (about three to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.
- "Park, regional" means a large recreation area that serves an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.
- "Parking area" means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.
- "Parking area, 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 USC 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone,

personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

- "Pet day care center" means a facility that provides for the care and supervision and/or the boarding of pets for a period of less than 24 hours per day. Boarding pets for more than 24 hours at a time is considered a kennel.
- "Planned development district (PDD)" means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications. Planned development districts are no longer permitted by this title.
- "Porch" means a covered deck or patio.
- "Post office, branch" means a government-operated subdivision of a main post office station serving as a base for one or more carrier routes and providing customary customer postal service.
- "Post office, contract station" means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.
- "Post office, terminal" means the government-operated principal mail handling facility for a postal geographic service area.
- "Preliminary approval" means an approval, based upon an application and conceptual plan for a discretionary land use permit, granted by the Director or Examiner which sets forth certain conditions that must be reflected on final development plans.
- "**Problem waste**" means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes, and contaminated dredge spoils.
- "Project site" means that portion of any lot, parcel, or tract or combinations thereof that encompasses all phases of the total project proposal.
- "Public bathhouse" means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to, Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided, that "public bathhouse" for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.
- "Public facilities" means properties and facilities in which a public agency, jurisdiction, district or similar public entity has a real property interest including, but not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities, public buildings and schools.
- "Public facility permit" means documented evidence of authority granted by the Examiner to locate a public facility at a specific location.
- "Pump/lift station" means the part of a water collection or distribution system which raises water from a lower to a higher elevation.

- "Recorded" means, unless otherwise stated, filed for record with the auditor of the County of Pierce, State of Washington.
- "Recreational vehicle" means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.
- "Recreational vehicle park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.
- "Recycling collection site" means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.
- "Recycling processor" means any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off site which is referred to as a "clean" materials resource recovery facility (MRF).
- "Religious assembly" means an establishment, the principal purpose of which is religious worship and/or memorial services. The principal building or other structure contains the sanctuary of the principal place of worship and includes related accessory uses.
- "Religious assembly, place of" means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.
- "Religious assembly, uses" means uses that are secondary to religious purposes of the church and are considered as providing services to members and other individuals. These uses include, but are not limited to, cafeteria, child day care, educational classes, and social services.
- "Remote switching unit" means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interfacilities trunks, normally dependent on one or more central office switching units for full operability.
- "Right-of-way" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways and horse trails, whether improved or unimproved, including the air rights, subsurface rights and easements related thereto.
- "Rooming house" means lodging where within an owner occupied dwelling unit where not more than four guestrooms are provided for compensation on other than a daily basis and which is not open to transient guests.
- "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established

under Chapter 71.09 RCW and operated by the Washington State Secretary of Social and Health Services or the Secretary's designee.

- "Sensitive receptor" shall mean any establishment that provides caretaking, education, or recreation for persons under 18 years of age, or a location where youth are likely to gather including but not limited to schools, school bus stops, day care facilities, dance studios, and park and recreation uses.
- "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.
- "Service provider" means the department, district or agency responsible for providing the specific public facility or service.
- "Setback" means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein. See Figure 1 in Chapter 19.45 UPMC.
- "Sewage conveyance system" means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.
- "Sewage system, on-site" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on abutting or nearby property under control of the user where the system is not connected to a public or approved private sewer system. On-site systems shall be constructed to meet the requirements of the Tacoma-Pierce County Health Department.
- "Single-family, detached" means a dwelling unit that is not attached to another dwelling unit by any means.
- "Small animals" means all animals and birds except for livestock, wild animals and exotics.
- "Soil" means the surface layer of earth supporting plant life.
- **"Soil treatment facility"** means a solid waste facility which utilizes bio-remediation bioremediation, a thermal desorption process, or similar processes to treat petroleum-contaminated soil or vector waste for reuse or final disposal.
- "Solid waste" means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, wood wastes, dangerous wastes, and problem wastes.
- "Special use permit" means an approval by the Examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not limited to, conditional use, public facilities, preliminary and final plats, shoreline substantial development, shoreline conditional use, shoreline variance, and major variance.
- "Specified anatomical areas" means:

- A. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or any portion of the nipple, the areola, or the lower half of the female breast;
- B. Human male genitals in a discernibly turgid state even if completely or opaquely covered.
- "Specified sexual activities" shall mean an act of:
- A. Sexual intercourse within its ordinary meaning, occurring upon a penetration, however slight; or
- B. A penetration of the vagina or anus, however slight, by an object; or
- C. A contact between persons involving the sex organs of one person and the mouth or anus of another; or
- D. Masturbation, manual or instrumental, of oneself or one person by another; or
- E. Touching of the sex organs, anus, or female breasts, whether clothed or unclothed, of oneself or of one person by another.
- "Stable, private" means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stock-in-trade" means:

- A. The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, disks, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
- B. The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, disks, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.
- "Stormwater conveyance facilities" means features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells.
- "Stormwater multiple use facilities" means stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.
- "Street, private" means a privately owned street that provides vehicle access on a commonly owned tract or private easement. Access is limited to not more than four dwelling units or nonresidential uses on separate parcels or any number of dwelling units or nonresidential uses on a single parcel. A private street may include property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways and other similar uses.
- "Street, public" means a publicly owned and maintained right-of-way; provided, that where the City has acquired an easement from a property owner for right-of-way purposes, the easement area shall not be considered part of the street, but shall be considered part of the property and included in the calculations to determine density, minimum lot size, and setback requirements.

- "Structure" means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.
- "Surface mine" shall mean any area or areas within one-half mile to each other, where extraction of minerals from the surface results in removal of 5,000 cubic yards of material, or more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one foot horizontal to one foot vertical, or more than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. "Surface mining" shall not include excavations and grading for on-site construction, on-site road maintenance or for the purpose of public safety or restoring the land following a natural disaster.
- "Telecommunications radio relay station" means a facility containing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.
- "Temporary housing unit, construction" means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract.
- "Temporary housing unit, family" means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot's, parcel's, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing must be unable to independently maintain a separate type of residence without human assistance because of age, disability, prolonged infirmity, or other similar incapacitation.
- "Temporary housing unit, public facility" means a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks, or other public facilities for the purpose of providing on-site security, surveillance, and improved service at public facilities.
- "**Toxic materials**" means those materials which are capable of causingcan cause injury to living organisms by chemical means when present in relatively small amounts.
- "Tract" means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.
- "Transfer station" means a solid waste facility needing a solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.
- "Transfer station, drop box" means a solid waste facility needing a solid waste permit which is used for placement of a detachable container including the area entrance and exit roads, unloading and turnaround areas. The facility normally serves the general public with loose loads and receives waste from off site.

- **"Use"** means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.
- "Use category" means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.
- "Use, permitted" means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.
- "Use, principal" means the primary or predominant use of any lot or parcel.
- "Use, temporary" means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses include sales by temporary vendors, temporary housing units, temporary real estate offices, temporary construction buildings, and COWs and personal wireless telecommunications facilities exempt under UPMC 23.45.030.
- "Use type" means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.
- "Utility or public maintenance facility" means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.
- "Variance" means an adjustment to the development standards of the zoning regulation that does not apply to use or density, and that is reviewed and approved, modified, or denied by an administrative officer or the Examiner after at least one public hearing or the Director after obtaining an administrative use permit.
- "Vehicle repair, major" means servicing, repairing, or restoring of vehicles including but not limited to engine work, auto body work, or any other work that may involve dismantling of an automobile or body work that typically requires more than a day to accomplish.
- "Vehicle repair, minor" means oil changes, tire changes, replacing headlights and windshield wipers and specialized work to restore antique vehicles. With the exception of 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.

19.10.040 Unlisted words and phrases.

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

- A. City development regulations;
- B. Any City resolution, ordinance, code or 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 (1986);
- F. The City hereby adopts the definitions in WAC 314-55-010 and RCW 69.50.101.

Exhibit C

Chapter 19.20 ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES

Sections:

| 19.20.010 | Purpose. |
|-----------|-------------------------------|
| 19.20.020 | List of zones. |
| 19.20.030 | Zones. |
| 19.20.035 | Repealed. |
| 19.20.040 | Overlay zones. |
| 19.20.045 | Repealed. |
| 19.20.050 | Zoning map. |
| 19.20.060 | Interpretation of boundaries. |

19.20.010 Purpose.

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

19.20.020 List of zones.

In order to accomplish the purposes of this code, the following zones, overlay zones and zoning map symbols are established:

Zone **Map Symbol** 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 **Town Center** TC Community Commercial CC **Light Industrial - Business LI-BP**

Neighborhood Mixed Use **MU-N45** Mixed Use - Urban MU-U75 Mixed Use - Urban / Industrial MU-U/175

Mixed Use Center

Parks and Open Space MU-C110 Mixed Use - Maritime POS

MU-M

Overlay Zones

Chambers Creek Properties Map Symbol

CCPO **Public Facility** PFO Day Island / Day Island

South Spit / Sunset Beach DIO/DISSO/SBO

Transition Properties

TPO

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 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 four dwelling units per acre is allowed, with up to six units per acre permitted for small lot development through the administrative 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 quidelines 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 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, and cultural services, family day care, religious assembly, appropriate home occupations, and minor utility distribution and collection facilities 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 six dwelling units per acre is allowed, with up to nine units per acre permitted for small lot development through the administrative 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 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 and cultural servicescenters, appropriate home occupations, and minor utility distribution facilities 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 administrative 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 and cultural servicescenters, family day care, religious assembly, appropriate home occupations, and minor utility distribution and collection utilities facilities. 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 administrative 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 and cultural services centers, family day care, religious assembly, appropriate home occupations, and minor utility distribution and collection utilitiesfacilities. 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, protects adjoining residential neighborhoods from incompatible uses, and discourages a continuous retail strip along Bridgeport Way. 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, and between the Neighborhood Commercial area at 27th Street West and Bridgeport Way, and the Village at Chambers Bay beginning at 35th Street West and Bridgeport Way. A base density of 60 dwelling units per acre is allowed through the administrative design review process, 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 65 units per acre when an affordable housing component is included in a development. 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, limited retail uses, public parks, community centers and cultural services, administrative government services, and minor utility distribution and collection utilities facilities. 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. The MU classification applies to an area of compatible residential and commercial uses along arterial streets and provides a transition between the more intense Town Center (TC) zone and the R1 zone. The historic commercial center of University Place along 27th Street West, west of Bridgeport Way, is the primary MU area. A base density of 6045 dwelling units per acre is allowed through the administrative design standard review process, 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 650 units per acre when an affordable housing component is included in a development. MU areas located outside of the 27th Street West corridor west of Bridgeport Way may be developed to a higher base density of 60 dwelling units per acre and 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, general retail sales, personal services, restaurants, small food stores, lodging, family entertainment businesses, eating and drinking establishments, hotels and motels, amusement and recreation, public and private parks, community centers and cultural services, administrative government and safety services, and minor utility distribution and collection utilities facilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. 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 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.

- 7. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses. NC classifications apply the Neighborhood Commercial classification applies to the intersections of 27th Street West and Bridgeport Way, Cirque Drive and Bridgeport Way, 67th Avenue West and Bridgeport Way, and Cirque Drive and Orchard Street, Specific restrictions apply to the 67th Avenue West and Bridgeport Way area that prohibit 24-hour business operations and fueling stations, limit vehicular site access, and require screening and buffering between this area and nearby residential properties. The NC areas are compact centers that provide a mix of neighborhood scale retail sales shopping, personal services. banks, professional offices, public parks, community centers and cultural services, administrative government and safety services, and vehicle repair and service stations 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 NC zones and adjoining residential zones. Landscaping, sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere.
- 8. Town Center (TC). The Town Center serves as a focal point for the City and provides a sense of community and civic pride. The TC zone is centered on Bridgeport Way between 35th Street West and the 3800 block. The Town Center is a pedestrian oriented area. Wide sidewalks, pedestrian connections to adjacent residential areas, landscaping, public open spaces, and public art are an integral part of the Town Center. Public facilities in the Town Center include the Civic Building, which houses the University Place branch library, police headquarters and other City offices, City Hall at Windmill Village, West Pierce Fire and Rescue facilities, and Homestead Park, Public facilities and services, retail stores, personal services, professional offices, restaurants, and some entertainment uses are encouraged to locate in the Village at Chambers Bay, which comprises a significant portion of the Town Center area. The TC zone requires a minimum density of 20 units per acre, has no maximum density, and requires projects to be designed consistent with the design standards adopted by reference in Chapter 19.52 UPMC. An overall maximum floor area ratio of 2.0 accommodates a relatively high intensity of use and development. New multifamily development will be allowed only when specific design standards are met, when additional amenities are provided, and when built in conjunction with a permitted commercial use. Design standards for new development, major redevelopment and major tenant improvements and public/private development partnerships help promote a dynamic economy and healthy community.
- 9. Community Commercial (CC). The CC zone is centered on Bridgeport Way between the 3800 block and 44th Street West. This area is slated to become increasingly pedestrian-oriented with redevelopment over time. Uses allowed include adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, general retail, personal services, restaurants, food stores, lodging, public and private parks, community and cultural services, administrative government services, and minor utility distribution facilities. Developments that include a mix of retail, personal services, offices, and residential uses are

encouraged. New multifamily will be allowed only in conjunction with other permitted commercial uses. A base density of 60 dwelling units per acre is allowed when a project is designed consistent with the design standards adopted by reference in Chapter 19.52 UPMC. Density may be increased to a maximum of 65 units per acre when an affordable housing component is included in a development. 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. Light Industrial - Business Park (LI-BP). The primary LI-BP area, 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 LI-BP classification recognizes many of the existing uses in these areas as appropriate, while maintaining a separation of these uses from adjoining residential uses. Uses allowed in the LI-BP zone include light and clean industries, storage and warehousing, automotive repair, contractor vards, limited retail, restaurants, offices, and entertainment uses, parks, community and cultural services, administrative government and safety services, utility and public maintenance facilities, and public transportation services. Inappropriate uses that have a high potential to impact nearby residential and mixed use areas will be disallowed or eliminated over time. Development and redevelopment in the LI-BP 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.

- 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' 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' is allowed in the MU-U75 Zone. To mitigate impacts to adjacent single-family residential zones maximum height is reduced to 45'. 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' is allowed in the MU-U/I75 Zone. To mitigate visual impacts a maximum building height of 45' 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 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' 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 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 utility collection 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.

4412. 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.

4213. Mixed Use – Maritime (MU-M). The Mixed Use – Maritime zoneZone is intended to accommodate; marinas, yacht clubs with boat moorage and related facilities and activities, and other boating facilities. The MU-M zoneZone 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 zeneZone, 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.

19.20.035 Zones.

Repealed by Ord. 607.

19.20.040 Overlay zones.

A. Purpose. The purpose of an "overlay zone" is to identify areas where uses allowed in the underlying zone are permitted subject to special regulatory standards to achieve the goals and policies of the Comprehensive Plan. This is accomplished by establishing overlay zones with special or alternative standards as designated by the City's Comprehensive Plan and this code.

B. Overlay Zones.

- 1. Public Facility Overlay (PFO). The public facility overlay (PFO) designation includes properties currently owned or operated by a public entity. Uses in the public facility overlay include but are not limited to fire district and school district properties. The purpose of the public facility overlay is to recognize that public facilities provide necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land uses must be considered when developing public facilities. New, improved and redeveloped public facilities should incorporate buffers and landscaping into their plans to ensure compatibility with adjacent land uses and zones. Sidewalks, open public spaces and public art shall be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and recreational facilities.
- 2. Chambers Creek Properties Overlay (CCPO). The Chambers Creek properties overlay is an area of land located in the southwest corner of the City that is owned by Pierce County. This property consists of a total of 930 acres with about 700 acres situated in the City. A master plan was developed over several years with the help of area residents, and was originally adopted by Pierce County and the City in 1997 with an update in 2005. In accordance with the Chambers Creek properties master site plan, the "properties," as they are referred to by Pierce County, are

currently developed with a mix of public facilities and services including the County's principal wastewater treatment facility, the County's Environmental Services Building, active and passive open spaces including Chambers Bay, an 18-hole links style golf course, ball fields, open meadows and an extensive trail system. Future development includes restaurants, a golf club house, lodging, a boat launch, more trails and an off-leash dog area. The development of the Chambers Creek properties is subject to a joint procedural agreement and design standards aimed at achieving County and City goals and promoting economic development.

- 3. Day Island/Day Island South Spit/Sunset Beach Overlay (DIO/DISSO/SBO). The purpose of the Day Island/Day Island South Spit/Sunset Beach overlay areas is to preserve the unique residential character of Day Island and Sunset Beach by recognizing and preserving historic development patterns. The Day Island Overlay also supports continued marina operations at the north end of Day Island. Many houses on Day Island and Sunset Beach were built with different building setbacks than current codes allow. There are also numerous encroachments on the public right-of-way, which should be corrected over time. A special set of development standards applies in this area to achieve its purpose.
- 4. Transition Properties Overlays (TPO). The purpose of transition properties overlays is to create a uniform set of design standards aimed at protecting single-family neighborhoods that abut commercial areas, and therefore need extra protection not provided by other standards due to unique circumstances. Four special protection areas have been identified by the City Council including Westwood Square, Menlo Park (two areas), and 28th Street. Design standards for these areas include limits on access, additional buffering and/or setback requirements, building modulation, and location of windows.

19.20.045 Overlay zones.

Repealed by Ord. 607.

19.20.050 Zoning map.

Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the Department and shall be that map entitled "City of University Place Zoning Map." Each property in the City of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in UPMC 19.20.020, List of zones.

19.20.060 Interpretation of boundaries.

A. Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules of interpretation shall apply:

- 1. Where zoning boundaries are indicated as following the centerline of streets, alleys or highways, the centerline shall be the boundary.
- 2. Where zoning boundaries do not show a zoning designation extending into a public right-of-way, alley, private road, railroad right-of-way, or other easement, the zone boundary and designation immediately abutting shall extend to the center of the right-of-way, alley, road, or easement. It is the intent of this statement that all lands in the City are zoned and are subject to the provisions of this title.
- 3. Where zoning boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.

- 4. Shorelands shall be considered to be within the same zone as the abutting upland.
- 5. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.
- 6. Where zoning boundaries divide a parcel created prior to August 31, 1995, the entire parcel shall be considered to be within the classification of the majority of the parcel, i.e., the portion which is greater than 50 percent of the lot area.
- 7. Where these rules do not clarify a boundary issue, the Director shall make the determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.

Exhibit D

Chapter 19.25 USES AND ZONE CLASSIFICATION TABLES

Sections:

| 19.25.010 | Purpose. |
|-----------|--|
| 19.25.020 | Use tables – Interpretations. |
| 19.25.030 | Exempt uses. |
| 19.25.040 | Residential use category – Descriptions. |
| 19.25.050 | Civic/recreation/education use category - Descriptions |
| 19.25.060 | Utilities use category – Descriptions. |
| 19.25.070 | Essential public facilities use category – Descriptions. |
| 19.25.080 | Resource use category – Descriptions. |
| 19.25.090 | Commercial use category – Descriptions. |
| 19.25.100 | Industrial use category – Descriptions. |
| 19.25.110 | Use tables. |
| 19 25 120 | Use table notes |

19.25.010 Purpose.

The purpose of this chapter is to identify which uses may be allowed within zoning districts in the City.

19.25.020 Use tables – Interpretations.

A. Use Categories, Types and Levels. Uses are grouped into eightseven major categories: residential, civic/recreation/education, utilities, essential public facilities, resource, commercial, and industrial. Each use category includes a number of several use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use tables at the end of this chapter.

- B. Typical Uses within Use Types. The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.
- C. Prohibited Uses. If a use is not included An "X" in a use category, use type or level or the use is listed in a cell in on the table indicates that the use type is not allowed followed by blanks under every in the zone listed at the top of the column., the use is prohibited. In accordance with this chapter, the Director shall make the final determination. Appeals shall be processed in accordance with Chapter 22.05 UPMC.
- D. Organization of Uses. In this chapter, uses are organized into use categories, use types and levels, which represent typical uses.

Example:

Commercial Use Category

Lodging Use Type

Level 2. Hotels as a typical use

E. Any use may have accessory uses subordinate to the permitted use.

- F. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the Director shall have the authority to make the final determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.
- G. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use types. When more than one use category or use type level apply to one property, each use shall be classified separately.
- H. Accessory Uses. Accessory uses are described and regulated in Chapter 19.30 UPMC, Accessory Uses and Structures.
- I. Temporary Uses. Temporary uses are described and regulated in Chapter <u>19.35</u> UPMC, Temporary Uses/Temporary Housing Units.
- J. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot; provided, that:
 - 1. Each principal use is permitted in the zone classification;
 - 2. Each principal use meets all pertinent regulatory requirements; and
 - 3. No more than one single-family detached dwelling or duplex shall be permitted as a principal use on any individual lot in R1 or R2 zones except as specifically provided in Chapter 19.70 UPMC, General Development Standards, and Chapter 19.85 UPMC, Discretionary Land Use Permits.

19.25.030 Exempt uses.

Unless otherwise stated, the provisions of this title shall not apply to the following uses:

- A. On-site and community septic systems;
- B. Stormwater conveyance systems which include features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells;
- C. Electrical distribution lines and poles less than 40 feet high and under 55 kilovolts;
- D. Sewerage and water conveyance systems which include small-scale above-ground facilities and underground or flush-with-the-ground features, including but not limited to pipes and manholes;
- E. Water, oil, and natural gas distribution pipelines;
- F. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;
- G. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances less than 40 feet high (not including personal wireless telecommunication facilities; see UPMC 19.25.060, Utilities use category Descriptions);

- H. Streets and linear trails when located in existing rights-of-way;
- I. Fertilizer applications and biosolids applications at or below agronomic rates;
- J. Over-the-air-reception devices such as satellite television antenna (dish) of one meter or less in accordance with the Federal Telecommunications Act of 1996 OTARD Rules; and
- K. Bus shelters less than 80 square feet in area.

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 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.
 - 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. Rooming 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.
- M. Extended Stay. Extended stay use type refers to lodging containing four or more units/guestrooms that provides accommodation on a non-transient basis leased for a period of at least one month. Units/guestrooms which contain a kitchen constitute a residential dwelling unit.
- 19.25.050 Civic/recreation/education use category Descriptions.

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

- B. Animal Control. Animal control use types are facilities such as dog pounds or the humane society where unwanted animals are kept.
- A. Cemetery. Cemetery use type is land used or intended to be used for the burial of human dead including accessory uses such as chapels and mortuaries. Off-site mortuaries/offices may be considered accessory if under the same ownership and within 100 feet of the principal cemetery use.
- B. Community Center and Clubs. Community center use type means an institution used for civic or recreational purposes, operated by a governmental or nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses. This term includes "senior centers." Activities in a community club may include athletic, social, civic or recreational purposes. An example is a Boys and Girls Club.
- E. Community Club. Community club use type means an institution used for athletic, social, civic or recreational purposes operated by a nonprofit organization with membership open to the general public on an equal basis. An example is a Boys and Girls Club.
- F. Courthouse. Courthouse use type means a facility used by any public agency, political subdivision or unit of local government that has responsibility for and jurisdiction to process and provide for the handling of administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions.
- <u>C.</u> Cultural Services. Cultural services use type means nonprofit institutions displaying or preserving objects of interest in one or more of the arts and sciences. This classification includes libraries, museums, educational centers, performing arts theaters, and galleries.
- <u>D.</u> Day Care Centers. Day care centers use type refers to the use of a building or any portion thereof for the care of over 12 individuals needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as "day care facilities," "day care centers," and "preschools." Also see UPMC 19.70.040, Day care facilities.
- <u>E.</u> Education. Education use type refers to educational services provided by public, private or parochial institutions. It also includes specialized instructional courses provided by private instructors.
 - 1. Level 1. Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.
 - 2. Level 2. Trade (or vocational) school shall mean a post-secondary institution that trains persons for qualification in specific trades or occupations, i.e., mechanics, construction, electronics, plumbing, chefs, upholstery, bartending.
 - 3. Level 3. Higher educational facilities such as community colleges, public and private colleges and universities.
 - 4. Level 4. Specialized instruction school means an establishment engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to, art, dance, music, cooking, driving, gymnastics/tumbling, martial arts.

Administrative F. Government Services. Administrative gGovernment services use type refers to the executive, legislative, judicial, administrative and regulatory activities of local, State, Federal, and international governments that may perform public services and work directly with citizens. Typical uses include human and social service offices, community centers, public health offices, public safety, postal services and government offices such as City Hall.

- <u>G.</u> Hospital. Hospital use type means an institution which provides accommodations, facilities and services over a continuous period of 24 hour or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services. This definition includes heliports associated with hospitals but excludes nursing homes and group homes.
 - 1. Level 1. Without heliport.
 - 2. Level 2. With heliport.

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

- L. Postal Services. Postal services use type refers to mailing services provided by the United States
 Postal Service and includes branch post offices, contract stations, terminals and distribution centers. Also
 see commercial use category, business services use type, and industrial use category, warehouse and
 distribution use type for courier and parcel delivery.
 - 1. Level 1. Postal facilities serving neighborhoods, such as contract stations or branch offices.
 - 2. Level 2. Postal facilities, including warehousing and distribution.
- M. Private Clubs and Lodges. Private clubs and lodges use type means an institution used for athletic, social or recreational purposes and operated by a private or nonprofit organization, the use of which is generally restricted to members and their guests. Examples include, but are not limited to, the Elks Club, American Legion, union halls, yacht clubs, and sports clubs.
- N. Public Safety Services. Public safety services refers to public safety and emergency services such as police and fire protection services provided by a public agency, political subdivision or unit of local government, including, but not limited to, municipal corporation, special purpose districts, local service districts, or agency of the State of Washington or of the United States that has responsibility for fire suppression or for law enforcement or police protection services.
- <u>H.</u> Recreation, Nonprofit. Recreation nonprofit use type refers to nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, small or special landscaped areas, <u>open space, trails</u> and community gardens. Also, see commercial category for other types of private recreation. This does not include neighborhood parks and open spaces approved in conjunction with a subdivision approved in accordance with Chapter 58.17 RCW.
 - 1. Level 1 Neighborhood Parks and Open Space. Neighborhood parks range in size up to 10 acres. Open space may be unlimited in size and may or may not have public access.
 - 2. Level 2 Regional Parks. Regional parks exceed 40 acres in size, and may include golf courses.

- 3. Level 3 Linear Trails. Linear trails are long, narrow parks used for walking, jogging and bicycling. (Linear trails are exempt when located in existing rights of way; see UPMC 19.25.030, Exempt uses.)
- I. Recreation, Public. Recreation, public use type refers to publicly owned recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks, open space, trails, performance theater/center, arboretums, small or special landscaped areas, community gardens, and swimming pools. Also see commercial category, amusement and recreation use type for other types of recreation.
 - 1. Level 1 Neighborhood and Community Parks and Open Space. Neighborhood parks typically do not exceed 40 acres. Typical uses include but are not limited to ball fields, sports courts, tot lots, trails, passive open space, community centers, concessions, and park maintenance facilities. Open space may be unlimited in size and may or may not have public access.
 - 2. Level 2 Regional Parks. Regional parks exceed 40 acres in size, and may include uses typical in neighborhood and community parks and larger facilities such as golf courses.
 - 3. Level 3 Linear Trails. Linear trails are long, narrow parks used for walking, jogging, and bicycling. (Linear trails are exempt when located in existing rights-of-way; see UPMC 19.25.030, Exempt uses.)
- J. Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as that which customarily occurs in churches, synagogues, or temples. Accessory uses to churches are those that provide services to members and other individuals including but not limited to bookstores, cafeteria, day care, educational classes, and limited retail of only church-related materials.
 - 1. Level 1. Religious assembly with seating for 250 or fewer persons within the principal place of assembly.
 - 2. Level 2. Religious assembly with seating for greater than 250 persons within the principal place of assembly.
 - 3. Level 3. Religious assembly, on an arterial street, with seating for greater than 250 persons within the principal place of assembly.
- K. School Auxiliary Services. School auxiliary services use type refers to facilities that provide services to all or most school and school facilities in a school district as opposed to an individual school. Services may include but are not limited to transportation, school maintenance and cleaning, facility development, nutrition, printing, warehousing and security.
- L. Transportation. Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, ferry docks, and other types of public and quasi-public transportation facilities.
 - 1. Level 1. Transportation uses serving residential neighborhoods such as bus shelters.
 - 2. Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, weigh stations, bus stations, and transfer centers.

- T. Utility or Public Maintenance Facilities. Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.
 - 1. Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.
 - 2. Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.

19.25.060 Utilities use category - Descriptions.

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

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

- 1. Level 1. Building-mounted wireless facilities.
- 2. Level 2. Structure-mounted wireless facilities.
- 3. Level 3. Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations.
- 4. Level 4. Towers over 60 feet and less than 110 feet in height and central office switching units.
- B. Distribution and Collection Utilities. Distribution and collection utilities includes electrical distribution facilities, water distribution lines, water storage facilities, well heads and pump stations, non-wireless telecommunication facilities (subject to a franchise agreement) natural gas facilities including propane tanks less than 600 gallons, propane or natural gas storage for transportation and gas gate stations of less than 1,000 sq. ft. in area, sewerage collection facilities including sewer lines, odor control structures, pump and lift stations and stormwater collection facilities including roads with drainage systems, catch basins, curbs and gutters, ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater. Also see UPMC 19.25.030, Exempt uses.
- B. Electrical Facilities. Electrical facilities use type refers to aboveground electrical transmission lines of an operating voltage of 55 kV or greater, and aboveground substations and switching stations. Also see UPMC 19.25.030, Exempt uses.
- C. Electrical Generation Facilities. Electrical generation facilities use type refers to facilities that generate or co-generate electric energy for on-site use only.

- D. Natural Gas Facilities. Natural gas facilities use type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities and interim propane storage systems fall within this use type.
 - 1. Level 1. Interim propane storage facilities.
 - 2. Level 2. Natural gas storage for transportation.
 - 3. Level 3. Natural gas gate stations.
- C. Recycling Collection Sites. Dumpsters labeled and used for collection of cardboard, aluminum, tin, glass, newspaper, mixed paper and glass.
- D. Utility or Public Maintenance Facilities. Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.
 - 1. Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.
 - 2. Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.
- F. Sewage Collection Facilities. Sewage collection facilities use type refers to facilities used to collect sewage, including but not limited to waste-water transfer facilities, odor control structures, pump stations and lift stations (also see UPMC 19.25.030, Exempt uses.)
- G. Stormwater Facilities. Stormwater facilities use type includes a conveyance, system of conveyances, and stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater.
 - 1. Level 1. Diversion structures, and pump and lift stations.
 - 2. Level 2. Detention/retention ponds and constructed wetlands.
 - 3. Level 3. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities known as stormwater multiple use facilities.
- H. Water Supply Facilities. Water supply facilities use type refers to water purification facilities, water storage facilities, wellheads, and pump stations.
 - 1. Level 1. Wellheads, pump stations, or water purification facilities not exceeding 1,000 square feet of building area nor exceeding the building height for the zone; water storage facilities not exceeding a 1,000 square foot footprint nor exceeding the building height for the zone.
 - 2. Level 2. Water purification facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone; water storage facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone.

19.25.070 Essential public facilities use category - Descriptions.

Essential public facilities uses are those uses typically difficult to site. All essential public facilities shall be subject to review in accordance with Chapter 19.40 UPMC.

A. Electrical Facilities. Electrical facilities use type includes generating facilities and above-ground electrical transmission lines of an operating voltage of 55kV or greater, and above-ground substations and switching stations over 1 acre in size.

Level 1. Above-ground electrical transmission lines of an operating voltage of 55kV or greater, and above-ground substations and switching stations over 1 acre in size.

Level 2. Electrical generating facilities to generate electricity for off-site use.

B. Essential Public Facilities. Essential public facilities use type includes facilities that are typically difficult to site, including but not limited to uses defined as essential public facilities in RCW 36.70A. These include airports, state education facilities and state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste handling facilities and mental health facilities.

A. Correctional Institutions. Correctional institutions use type means a facility operated by a government agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following arrest or conviction of an offense.

C. Level II Group Home. Level II group homes includes all group homes other than those defined as Level I group homes. Level II group homes include, but are not limited to, facilities where one or more individuals reside for the purposes of incarceration, sex offender housing including secure community transition facilities, or drug or alcohol abuse treatment for a person or persons currently using alcohol or drugs. Level II group homes do not include facilities protected by Washington's law against discrimination, the Fair Housing Act or Fair Housing Act amendments. A Level II group home is considered an essential public facility and subject to review in accordance with Chapter 19.40 UPMC. The gGroup homes use type refers to living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

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

- 1. Level 1. Soil treatment facility.
- 2. Level 2. Composting facility designed to handle more than 40 cubic yards.
- 3. Level 3. MSW composting facility.
- <u>D.</u> Recycling Processor. Recycling processor use type refers to any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off site.

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

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

- 1. Level 1. Inert landfills.
- 2. Level 2. Inert landfills as accessory uses to mineral extraction sites.
- 3. Level 3. Wood waste or demolition landfills.
- 4. Level 4. Special waste to energy facilities designed to burn more than 12 tons per day.
- 5. Level 5. MSW landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and biosolids landfills), and MSW waste to energy facilities.

<u>H.</u> Waste Transfer Facilities. Waste transfer facilities use type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, and moderate risk waste facilities, and tire piles.

- 1. Level 1. Drop box transfer stations.
- 2. Level 2. Transfer stations, waste separation recovery facilities, and moderate-risk waste facilities.

19.25.080 Resource use category – Descriptions.

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

A. Agricultural and Horticultural Sales. Agricultural and horticultural sales use type refers to uses which involve the sales of agricultural products <u>such as produce</u>, <u>shrubbery</u>, <u>plants</u>, <u>eggs</u>, <u>wine and dairy</u> <u>products in a farmers' market format, for example, produce stands. This use type does not include the sales of agricultural supplies, including feed, grain, fertilizers or farming equipment. -or supplies, including feed, grain, fertilizers, and farming equipment.</u>

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

- 2. Level 2. Agricultural sales which primarily involve the sales of agricultural equipment.
- <u>B.</u> Limited Horse Boarding. Limited horse boarding refers to uses involving boarding horses for recreational purposes and providing feed, shelter, and nonveterinary care. Horses may only be boarded at the density allowed in Chapter 19.70 UPMC.
- <u>C.</u> Fisheries Enhancement. Fisheries enhancement use types are intended to enhance and protect the fish resource. Examples include hatcheries, fish ladders and fish counting stations.
- C. Crop Production. Crop production use type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include vegetable crops, fruit trees, and horticultural nurseries.

19.25.090 Commercial use category - Descriptions.

Commercial activities include the provision of services, including offices, and the sale, distribution, or rental of goods that benefit the daily needs of the public, which are not otherwise classified as civic or industrial activities. The commercial use category has been separated into the following types based upon distinguishing features such as nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 50,000 square feet shall be considered a commercial centers use type.

- A. Administrative and Professional Offices. Administrative and professional offices use type refers to offices, private firms or organizations providing professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, chiropractic offices, dental labs, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, offices for nonprofit and quasipublic agencies, and other business offices customarily associated with professional or administrative office services. This category excludes veterinary clinics/animal hospitals.
 - 1. Level 1. Administrative and professional offices with no drive-through facilities.
 - 2. Level 2. Banking services that include drive-through facilities.
 - 3. Level 3. Drive-through facilities associated with nonbanking uses.
- <u>B.</u> Adult Entertainment Establishment. "Adult entertainment establishment" shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses.
- <u>C.</u> Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the public or members for commercial purposes. Examples include video arcades, billiard parlors, bowling alleys, ice or roller skating rinks, performance theaters/centers (not movie theaters), miniature golf courses, golf driving ranges, and outdoor performance centers and private clubs or lodges.

- <u>D.</u> Animal Hospitals Facilities/Veterinary Clinics. Veterinary clinics/animal hospitals facilities use types are uses where small animals receive veterinary services that may include medical and surgical treatment. (See also subsection (K) of this section, Kennel.)
 - 1. Level 1. Small animal veterinary services with boarding of animals incidental to the veterinary function and limited to animals receiving care. All boarding shall be within a fully enclosed portion of the building with walls and windows to significantly reduce noise impacts. Grooming is allowed.
 - 2. Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five animals not receiving care is allowed. Outdoor boarding is permitted. Grooming is allowed.
- E. Beauty Salon. Beauty salon use type provides service related to hair, skin, nail and cosmetology care. This includes barber shops.
- F. Building Materials. Building materials use type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, hardware, and wallpaper. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the wholesale trade use type, commercial use category.
 - 1. Level 1. Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.
 - 2. Level 2. Establishments primarily engaged in selling lumber and a general line of building material. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area typically ranges between 30,000 square feet and 80,000 square feet.
- <u>E.</u> Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.
- F. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a variety of stores, offices, mixed use residential dwellings and services allowed in the zone where the center is located, integrated into a complex utilizing common parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:
 - 1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 50,000 square feet and up to 200,000 square feet.
 - 2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

- <u>G.</u> Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.
 - 1. Level 1. Establishments without drive-through facilities.
 - 2. Level 2. Establishments with drive-through facilities.
 - 3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.
 - 4. Level 4. Delicatessen only, as accessory to a commercial development. Limited to 1,000 square feet of gross floor area with or without beer and wine beverage service.
 - 5. Repealed by Ord. 455.
- J. Food Stores. Food stores use type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.
 - 1. Level 1. Total floor area up to 30,000 square feet.
 - 2. Level 2. Total floor area over 30,000 square feet and up to 200,000 square feet.
- <u>H.</u> Garden Center (Includes Nursery). Garden center use type refers to establishments primarily engaged in the retail sale of lawn and garden supply goods and equipment. This includes nursery, lawn and garden supplies, and garden tools. Nurseries that focus on the retail sales of plants are also included in this category. Utilization of outdoor areas for display and storage purposes may occur as an accessory use.
- <u>I.</u> Health Club. Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardiovascular machines, weight training equipment, swimming pools and racquetball courts (also known as athletic clubs, fitness centers).
- <u>J.</u> Hotel or Motel. Hotel or motel use type refers to establishments that provide 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.
- <u>K.</u> Kennel. Kennel use type means a place where six or more adult cats and/or dogs are temporarily boarded for compensation whether or not for training. An adult cat or dog is one that has reached the age of seven months.
- L. Limited Accessory Retail. Limited accessory retail use type are uses in the mixed use office zone only that are directly associated with an allowed office use or which are retail services that provide a direct service to tenants of an office building. Examples include the limited sales of glasses and optical supplies as part of an optometrist's office or stand-alone card shop/gift shop. Limited accessory retail uses are limited by their size (see use tables in UPMC 19.25.110).
- M. Marijuana Retail Outlet. A marijuana retail outlet is a State-licensed and regulated retail outlet allowed to sell only usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia at retail to persons 21 years of age and older.

- N. Marina. Marina use type means a facility containing operations involved in the mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats.
 - 1. Level 1. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include retail facilities for boat owners, crews, and guests limited to 1,500 square feet of floor area, but that limitation does not apply to areas devoted primarily to the sale of boats. Repair shall be limited to recreational and small commercial boats.
 - 2. Level 2. Mooring, storing, selling, renting, repairing and servicing, fueling, launching and/or securing of boats, as well as personal services businesses that support the needs of boaters. May include eating, sleeping, and retail facilities for boat owners, crews, and guests.
- O. Mini Casinos. Mini casinos use type shall be defined as a "social card game" per RCW 9.46.0282 and means a card game that constitutes gambling and is authorized by the Gambling Commission under RCW 9.46.070. Authorized card games may include a house-banked or a player-funded banked card game. No one may participate in the card game or have an interest in the proceeds of the card game who is not a player or a person licensed by the Commission to participate in social card games. There shall be two or more participants in the card game who are players or persons licensed by the Commission. The card game must be played in accordance with the rules adopted by the Commission under RCW 9.46.070, which shall include but not be limited to rules for the collection of fees, limitation of wagers, and management of player funds. The number of tables authorized shall be set by the Commission but shall not exceed 15 total and separate tables per establishment.
- P. Motor Vehicles and Related Equipment Sales/, Rental/, Repair and Services. Motor vehicles and related equipment sales/, rental/, repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.
 - 1. Level 1. Gasoline service stations, battery exchange stations and Level 3 electric vehicle charging stations together with accessory automobile repair and on convenience shopping, and car wash with a one-car capacity.
 - 2. Level 2. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, lube/oil shops, and auto parts stores which offer installation services.
 - 3. Level 3. On-site rental of automobiles, trucks not exceeding three tons of vehicle weight where not more than 20 vehicles are available for rent at any time.
 - 43. Level 43. On-site sales, lease, or rental of automobiles and trucks not exceeding three tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.
 - 4. Level 4. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile body repair and painting facilities, automobile upholstery services, car washes, lube/oil shops and auto parts stores which offer installation services.

- 5. Level 5. Sales, leasing, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.
- 6. Level 6. Sales, leasing, rental, repair and service of boats and other marine-related equipment, snowmobiles, motorcycles, quads and other power sports equipment.
- Q. Movie Theaters, Indoor. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.
- T. Mobile, Manufactured, and Modular Homes Sales. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell premanufactured homes. The primary purpose is to provide sites for marketing and distribution, not construction.
- R. Pawn Shop. Pawn shop use type is an establishment engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. Pawn shops shall be permitted only at a ratio of one shop per each 40,000 population within the City limits (meaning the second pawn shop is allowed at 40,001, etc.).
- S. Personal Services. Personal services use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include beauty salons and barber shops, coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, shoe repair, clothing alterations, tanning salons, tattoo parlors, pet washes and grooming, photographic studios, carpet and upholstery cleaners. Also see subsection (U) of this section, rental and repair services use type, for other services.
 - 1. Level 1. Total floor area does not exceed 2,500 square feet and use does not involve outdoor storage of vehicles.
 - 2. Level 2. Total floor area exceeds 2,500 square feet or use involves outdoor storage of delivery or service vehicles.
- <u>T.</u> Pet Day Care. Pet day care includes establishments where pets are cared for and boarded for periods less than 24 hours. Boarding for more than 24 hours is considered a kennel. Establishments that offer pet washing and grooming with no pet day care is a personal service.
- <u>U.</u> Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.
 - 1. Level 1. Establishments that do not involve outdoor storage.
 - 2. Level 2. Establishments that involve outdoor storage of equipment.

- V. Retail Sales. Retail sales use type refers to establishments that sell at retail, food and merchandise including food stores, apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, building materials and hardware, lawn and garden plants and supplies, and computers and electronics. This use type does not include eating and drinking establishments.
 - 1. Level 1. Total floor area up to 50,000 square feet.
 - 2.Level 2. Total floor area over 50,000 square feet.
- Z. Sales of General Merchandise. Sales of general merchandise use type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, computers and electronics. Also see building materials use type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper or hardware, and also garden center use type for nursery stock and lawn and garden supplies.
 - 1. Level 1. Total floor area up to 30,000 square feet.
 - 2. Level 2. Total floor area over 30,000 square feet.
 - 3. Level 3. Pharmacies that include drive-through facilities.
 - 4. Level 4. Drive-through facilities associated with sales of general merchandise uses other than pharmacies.
- AA. Video Rental. Video rental use type is a store that rents prerecorded videotapes, discs, or similar materials such as video games to the public for a limited period of time. Some limited sales may occur.
- <u>W.</u> Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.
 - 1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.
 - 2. Level 2. Establishments with total floor area of more than 10,000 square feet and with indoor or outdoor storage.

19.25.100 Industrial use category – Descriptions.

Industrial use categories include the on-site production, processing, storage, movement, servicing, or repair of goods and materials. The industrial use types typically have one or more of the following characteristics: create substantial odor or noise, frequent deliveries, heavier truck traffic, employ relatively large numbers of people, and/or create visual impacts incompatible with residential development.

A. Boat Building. Boat building use type refers to establishments that construct or manufacture watercraft not built in shipyards and typically of the type suitable or intended for personal use. Illustrative examples include:

- 1. Dinghy (except inflatable rubber) manufacturing;
- 2. Inflatable plastic boats, heavy-duty, manufacturing;
- 3. Inflatable rubber boats, heavy-duty, manufacturing;
- 4. Motorboats, inboard or outboard, building;
- 5. Rigid inflatable boats (RIBs) manufacturing;
- 6. Rowboats manufacturing;
- 7. Sailboat building, not done in shipyards;
- 8. Yacht building, not done in shipyards.
- B. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.
- C. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without processing which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.
- D. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.
- E. Craft Production Facility. Craft production facility use type refers to establishments that produce 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. This use type includes ceramic art, glass art, candle-making, custom jewelry manufacture, and craft food and nonalcoholic beverage production. Off-site impacts shall be minimal and all activity must be conducted totally within the structure with no outdoor storage or significant emissions of odor, smoke, fumes, or sound that extend beyond the site. Individual tenant spaces or units within a building may constitute the site.
- F. Food and Related Products. Food and related products use type refers to uses which involve the processing, manufacturing, storage and packaging of food materials, raw milk, and ice. Examples include bakeries which distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants; feed and cereal mills; flour mills; vegetable oil manufacturing; refining or storage; yeast plants; starch, glucose and dextrin manufacturing; dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing; sugar refining. This use type may include processing and packaging of red meats, fowl and/or fish, provided the facility complies with all State, Federal and local health regulations, all processing is conducted indoors, and there is no emission

of noxious odors or noise. This use type does not include the slaughtering or boarding of live animals or poultry.

- G. Industrial Services and Repair. Industrial services and repair use type refers to uses involving the repair of medium- and large-sized products, e.g., boats, and trucks exceeding three tons of vehicle weight; uses providing large-scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., bulk laundries, linen supply, dry cleaning plants, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying and towing services, physical and biological research testing laboratories, and industrial wastewater treatment facilities and janitorial services.
- H. Limited Manufacturing. Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This does not include the processing of raw materials. This use type includes but is not limited to:
 - 1. Clothing and fabricated products;
 - 2. Finished products made entirely or mainly of wood for use in construction;
 - 3. Instruments for measuring, testing, analyzing, and controlling;
 - 4. Optical instruments and lenses;
 - 5. Surveying and drafting instruments;
 - 6. Medical instruments and equipment;
 - 7. Photographic equipment;
 - 8. Watches and clocks;
 - 9. Supplies associated with the previous products; and
 - 10. Electronic computer hardware components and related equipment.
- I. Marijuana Processor. A marijuana processor is a State-licensed and regulated marijuana processor which is allowed to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.
- J. Marijuana Producer. A marijuana producer is a state-licensed and regulated marijuana producer allowed to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees.
- K. Microbeverage Production Facility. Microbeverage production facility use type refers to establishments that manufacture 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.

- L. Motion Picture/Television and Radio Production Studios. Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.
- M. Printing, Publishing and Related Industries. Printing, publishing and related industries use type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and plate making; and publishing newspapers, books and periodicals.
- N. Salvage Yards. Salvage yards use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade.
 - 1. Level 1. Hulk hauling Where no storage of vehicles is permitted.
 - 2. Level 2. Salvage yards/uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).
- O. Storage. Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include mini-warehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, see also UPMC 19.25.090(U), the motor vehicles and related equipment sales/rental/repair and services use type.
- P. Vehicle Impound Yards. Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles associated with vehicle towing.
- Q. Warehousing, Distribution and Freight Movement. Warehousing, distribution and freight movement refers to storage of manufactured or processed products for one or more businesses either within a building serviced by loading docks, or in secure outdoor storage areas. Such facilities typically transport product by truck or rail. Examples include grocery chain distribution centers, parcel delivery distribution centers, storage of fabricated concrete blocks, and finished lumber storage yards.

19.25.110 Use tables.

- A. The following use tables indicate which uses are permitted in which zones 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 19.54.080. 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 |
| Town Center | TC |
| Community Commercial | CC |
| Light Industrial - Business | LIBP |
| Park | |
| Neighborhood Mixed Use | <u>MU-N45</u> |
| Mixed Use - Urban | <u>MU-U75</u> |
| Mixed Use – Urban / Industrial | <u>MU-U/I75</u> |
| Mixed Use Center | |
| Parks and Open Space | MU-C110 |
| Mixed Use - Maritime | POS |
| | MU-M |
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- C. Symbols. The following symbols are employed in the use tables:
 - 1. An "X" in a A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.
 - 2. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.
 - 3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.85.020, 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, Administrative dDesign 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 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 CL | ASSIFICA | TIONS | | | | | | | | |
|--------------------------------|---------|----------|--------|-----|--------------|----------|--------------------|------------------|--------------------|------------------|--------------|
| RESIDENTIAL USES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (27) |
| Adult family home (6 or fewer) | Р | Р | Р | X | Р | Р | ₽ | Р | ₽ | | Р |
| Assisted living facility | X | P1, C2 | P3 | X | P3 | X | P3 | P3 | P3 | | X |
| Bed and breakfast (2) | Р | P | Р | X | Р | Р | - | X | - | | X |
| Caretaker unit | P | X | X | Р | X | X | | X | | | P (22) |
| Extended stay lodging | P (32) | X | | X | D (5) | X | D (5) | D (5) | D (5) | | X |
| Family day care facility | Р | Р | Р | X | Р | Р | P | Р | ₽ | | Р |
| Level I group home | Р | Р | P | X | Р | Р | ₽ | Р | ₽ | | Р |
| Live/work unit | X | X | X | X | D (5) | X | | D (5) | D (5) | | D (16) |
| Mobile/manufactured home (3) | X | Х | Р | X | X | X | | X | X | | X |
| New manufactured home (4) | Р | Р | Р | X | X | <u>X</u> | | X | X | | X |
| Mobile home park | X | X | С | X | X | X | | X | X | | X |
| Multifamily housing | | X | D (16) | X | D (5) | <u>X</u> | D (5) | D (5) | D (5) | | D (16) |
| Nursing home | X | P1, C2 | P3 | X | P3 | X | P3 | P3 | P3 | | X |
| Rooming house | Р | Р | | X | X | X | | X | | | X |
| Single-family attached housing | P1 | P1 | P2 | X | P2 | P2 | | P2 | | | X |
| Single-family/duplex housing | Р | Р | Р | X | X | P (28) | | X | | | X |
| Small lot housing | D (17) | D (17) | | X | X | X | | <u>X</u> | | | X |

Civic and Recreation Use Types and Zone Classification Table

| USE TYPES | ZONE C | LASSIFIC | CATIONS | | | | | | | | |
|--|--------------|--------------|--------------|-------------|--------------|------------------|---------------------|---------------------|---|--------------------------------|----------------------------|
| CIVIC AND RECREATION USES | R1 | R2 | MF | POS | MU-O | NC | TC | MU | CC | LI- BP | MU-M (20, 21, 27) |
| Administrative g-Government services | X | X | X | Р | Р | Р | ₽ | Р | ₽ | ₽ | X |
| Animal control (animals kept) | | | | | | | | | | C | - |
| Existing cemeteries/mortuaries | С | С | | | | | _ | | - | - | |
| Community centers | С | С | C | Р | Р | Р | P | Р | P | P | Р |
| Community clubs | e | C | C | P | P | P | P | P | P | P | ₽ |
| Courthouse | | | | | | | C | _ | C | _ | _ |
| Cultural services (museums, libraries) | X | X | X | Р | С | Р | ₽ | Р | ₽ | _ | Р |
| Day care centers (exceeds 12) | С | С | Р | | P | Р | P | Р | P | C | Р |
| Education | P1 | P1 | P1 | | P1 | P1 (6), 4, C2 | P1 (6), 4, C2, 3 | P1 (6), 4, C2, 3 | P1 (6), 4, C2, 3 | P 4 | P4 |
| Hospitals/24-hour medical clinics | X | X | X | <u>X</u> | P, C2 | P, C2 | P, C2 | P, C2 | P, C2 | C | |
| Holding cells | | | | | | | P1 | P1 | P1 | C | _ |
| Postal services | | | | | | P1 | P1 | P1 | P1 | P1, 2 | P1 |
| Private clubs and lodges | | | | | | ₽ | P | P | ₽ | - | ₽ |
| Public safety services | C | C | C | | ₽ | ₽ | P | ₽ | ₽ | ₽ | ₽ |
| Recreation – Public | P1, 3, C2 | P1, 3, C2 | P1, 3, C2 | P1, 2, 3 | P1, 3, C2 | P1, 3, C2 | P1, 3, C2 | P1, 3, C2 | P1, 3, C2 | P1 | P1, 3 |
| Recreation – Nonprofit | Р | Р | С | <u>X</u> | X | С | C | С | C | - | P1, 3 |
| Religious assemblies | P1, C3 | P1, C3 | P1, C3 | X | P1, C2 | Р | P | Р | ₽ | P1 | P1 |

Civic and Recreation Use Types and Zone Classification Table

| USE TYPES | ZONE C | LASSIFIC | CATIONS | | | | | | | | |
|---|--------|----------|---------|-------|--------|--------|-------------------|--------|-------------------|----------------------|----------------------------|
| CIVIC AND RECREATION USES | R1 | R2 | MF | POS | MU-O | NC | IC | MU | CC | LI- BP | MU-M (20, 21, 27) |
| Transportation | P1 | P1 | P1 | X | P1, C2 | P1, C2 | P1, C2 | P1, C2 | P1, C2 | P1 | P1, C2 |
| Utility and public maintenance facilities | X | X | X | P1, 2 | X | X | P1, C2 | P1, C2 | P1, C2 | ₽ | P1, C2 |

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

| USE TYPES | ZONE | CLASSI | FICATION | ONS | | | | | | | |
|--|---------------------------------|---------------------------------|---------------------------------|-------------------|-------------------|---------------------------------|--------------------------------------|-------------------|--------------------------------------|-------------------|----------------------|
| UTILITIES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Distribution and collection utilities | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | | | <u>P</u> |
| Recycling collection sites | <u>P</u> | <u>P</u> | <u>P</u> | P (18) | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Utility and public maintenance facilities | <u>X</u> | X | X | P1, 2 | X | <u>X</u> | P1, C2 | P1, C2 | P1, C2 | P | P1, C2 |
| Wireless telecommunications facilities (7) | C1, 2, 3 | C1, 2, | C1, 2, 3, 4 | P | C1, 2, 3, | C1, 2, 3, 4 | C1, 2, 3, 4 | P1, A2, 3, C4 | C1, 2, 3, 4 | P1, A2, 3, C4 | P1, C2, 3 |
| Electric facilities | C | C | C | | ₽ | ₽ | ₽ | ₽ | ₽ | ₽ | ₽ |
| Electrical generation, accessory, on site only | _ | _ | - | _ | - | _ | - | _ | - | - | - |
| Natural gas facilities | P1 | P1 | P1 | | P1, 2 | P1, 2 | | P1, 2 | - | P | P1, 2 |
| Recycling collection sites | P | P | P | P (18) | P | P | P | P | P | P | P |
| Sewage collection facilities | P | P | P | | P | P | P | P | P | ₽ | P |
| Storm water facilities | ₽ | ₽ | ₽ | ₽ | P | ₽ | ₽ | ₽ | ₽ | ₽ | 무 |
| Water supply facilities | P1, C2 | P1, C2 | P1, C2 | | P1, C2 | P1, C2 | P1, C2 | P1, C2 | P1, C2 | P1, C2 | P1, C2 |
| ESSENTIAL PUBLIC FACILITIES (8) | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Level II group homes | <u>X</u> | <u>X</u> | С | X | С | <u>X</u> | | С | | <u>C</u> | X |
| Organic waste processing facilities | | | | | | | | | | C | |
| Correctional institutions | | | | | | | | | | C | |
| Recycling processors | | | | | | | _ | | | _ | |
| Sewage treatment facilities | | | | | | | _ | | | _ | |

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

| USE TYPES | ZONE | CLASSI | FICATION | SNC | | | | | | | |
|---------------------------|------|--------------|----------|----------|--------------|----------|----------------------------------|------------|----------------------------------|-----------------------------------|----------------------|
| UTILITIES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Waste disposal facilities | - | - | - | _ | _ | - | - | - | | _ | |
| Waste transfer facilities | | | | | | | | | | C1, 2, 3 | |
| RESOURCE USES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Agricultural sales | Х | X | X | P (note) | Х | Р | P | Р | Р | _ | P1 |
| Crop production | ₽ | P | 고 | - | _ | - | _ | _ | | _ | - |
| Fish enhancement | X | X | X | X | X | <u>X</u> | | X | | | Р |
| Limited horse boarding | Р | Р | <u>X</u> | Р | X | <u>X</u> | | <u>X</u> | | _ | X |

| Commer | cial Use Typ | es a | and 2 | Zone (| Classifi | cation Ta | ble | | | | |
|--|--------------------|----------|----------|----------|-------------------|---------------|--------------------------------------|-------------------|--------------------------------------|----------------------------------|----------------------------|
| USE TYPES | ZONE CLA | SSIF | ICA | TIONS | 3 | | | | | | |
| COMMERCIAL USES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Administrative and professional offices | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | P1 | P1, 2, 3 | P1 | P1, 2, 3 | P1, 2 | P1 | P1 |
| Veterinary clinics/animal hospitals | X | <u>X</u> | <u>X</u> | X | C1 | P1 | P1 | P1 | P1 | ₽ | <u>X</u> |
| Adult entertainment | <u>X</u> | X | <u>X</u> | X | X | X | | X | | C (9) | <u>X</u> |
| Amusement and recreation (private) | X | X | <u>X</u> | X | | Р | ₽ | Р | ₽ | ₽ | Р |
| Beauty salon/barber | | | | _ | P (10) | P | P | P | P | - | ₽ |
| Building materials (11) | | | | | | P1 | P1, C2 | P1, C2 | P1, C2 | P | |
| Business support services | X | <u>X</u> | <u>X</u> | <u>X</u> | Р | Р | P | Р | P | P | Р |
| Commercial centers | X | X | <u>X</u> | X | X | С | P1, C2 (12) | С | P1, C2 (12) | - | X |
| Eating and drinking establishment | X | <u>X</u> | <u>X</u> | P4 | P4 | P1, 2, 3 | P1, 3 (30) | P1, 3, C2 | P1, 2, 3 (30) | P1, 3 (19) | P1, 3 |
| Food stores (11) | X | <u>X</u> | <u>X</u> | X | X | P1, C2 | ₽ | P1, C2 | ₽ | - | P1 |
| Garden center (11) | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | Р | ₽ | Р | ₽ | C | <u>X</u> |
| Health club (a.k.a. fitness center) | X | <u>X</u> | <u>X</u> | <u>X</u> | X | P | ₽ | Р | ₽ | C | Р |
| Kennels | X | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | X | × | _ | ₽ | <u>X</u> |
| Limited accessory retail (MU-O only) | X | <u>X</u> | <u>X</u> | <u>X</u> | P (13) | X | | X | | | <u>X</u> |
| Hotels and motels (no RV) | X | <u>X</u> | X | X | X | С | ₽ | Р | ₽ | _ | Р |
| Marinas and other boating facilities (launch ramps and covered moorage) (25) | P1 (23) P2 (24) | X | <u>X</u> | X | X | X | | X | | - | P2 |
| Marijuana retail outlets (29) | X | <u>X</u> | <u>X</u> | X | <u>X</u> | X | | С | _ | - | <u>X</u> |

Commercial Use Types and Zone Classification Table

| USE TYPES | ZONE CLA | SSIF | ICA | TIONS | ; | | | | | | |
|--|----------|----------|----------|----------|--------------|-----------------|--------------------------------------|-----------------|--------------------------------------|---------------------------------------|----------------------------|
| COMMERCIAL USES | R1 | R2 | MF | POS | MU-O (14) | NC | TC (15) | MU (14) | CC (15) | LI-BP | MU-M (20, 21, 27) |
| Mini casinos | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | _ | - | <u>X</u> |
| Movie theaters (indoor only) | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | Р | 무 | С | ₽ | _ | <u>X</u> |
| Mobile, manufactured, and modular home sales | | | | | | | | | | C | X |
| Vehicle sales, repair, service | X | <u>X</u> | X | X | X | P1, 2 | | P1, C2 | - | P1, 2, C3, 4 | P6 (26) |
| Pawn shops | X | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | | X | _ | C | |
| Personal services (other) | X | <u>X</u> | <u>X</u> | X | P1 (10) | P1, C2 | P1, C2 | P1, C2 | P1, C2 | 무 | P1, C2 |
| Pet day care | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | Р | _ | Р | _ | P | |
| Rental and repair | X | X | <u>X</u> | X | X | P1, C2 | _ | P1, C2 | - | P | P1 (26) C2 (26) |
| Retail Sales of general merchandise (11) | X | <u>X</u> | X | X | X | P1, 3, 4, C2 | P1, C2 (31) | P1, 3, 4, C2 | P1, 3, C2 (31) | P1, C2 | P1 |
| Tattoo parlors | | | | | 1 | | | _ | _ | P | _ |
| Video rental | | | | | | P | ₽ | ₽ | ₽ | P | |
| Wholesale trade (11) | X | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | | C1 | | P1, C2 | X |

Light Industrial Use Types and Zone Classification Table

| USE TYPES | ZONE (| CLASSI | FICATIO | NS | | | | | | | |
|---|----------|----------|----------|----------|----------|----------|---------------|----------|---------------|-------------------|----------------------|
| LIGHT INDUSTRIAL USES | R1 | R2 | MF | POS | MU-O | NC | TC | MU | cc | LI-BP | MU-M (20, 21, 27) |
| Boat building | X | X | X | <u>X</u> | X | X | | X | _ | C | С |
| Bulk fuel dealers | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | | C | X |
| Buy-back recycling | X | X | X | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | _ | _ | X |
| Contractor yards | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | = | P | P (26) |
| Craft production facilities | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | = | P | Р |
| Food and related products | X | X | X | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | | P | С |
| Industrial services and repair | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | | C | С |
| Limited manufacturing | <u>X</u> | X | <u>X</u> | X | <u>X</u> | <u>X</u> | | <u>X</u> | | 무 | Р |
| Marijuana processor (29) | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | = | C | <u>X</u> |
| Marijuana producer (29) | <u>X</u> | <u>X</u> | <u>X</u> | X | <u>X</u> | <u>X</u> | | <u>X</u> | _ | C | X |
| Microbeverage production facilities | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | <u>X</u> | | <u>X</u> | = | P | Р |
| Motion picture, TV and radio production studios | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | | С | _ | P | <u>X</u> |
| Printing, publishing and related industries | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | | <u>X</u> | | P | <u>X</u> |
| Salvage yards | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | | P1, C2 | <u>X</u> |
| Storage units | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | <u>X</u> | | 무 | P (26) |
| Vehicle impound yards | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | X | | <u>X</u> | | 무 | <u>X</u> |
| Warehousing, distribution and freight movement | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | | X | | С | С |

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) Only permitted in conjunction with a permitted commercial use and <u>sSubject</u> to compliance with the design standards and guidelines for the Town Center and Community Commercial zones per Chapter 19.52 UPMC or the design standards for the Mixed Use and Mixed Use Office zones per Chapter 19.50 UPMC.
- (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) Subject to adult entertainment siting criteria.
- (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) Commercial centers greater than 200,000 square feet are permitted outright in the Town Center zone subject to the Town Center design standards.
- (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) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to <u>Design standard</u> <u>administrative design</u> review approval to ensure compliance with the design standards and guidelines in Chapter 19.50 UPMC.
- (15) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to administrative design Design standard review approval to ensure compliance with the design standards and guidelines in Chapter 19.52 UPMC.
- (16) 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 adopted by reference in Chapter 19.50 UPMC.
- (17) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter 19.53 UPMC.

- (18) Recycling collection receptacles in the Parks and Open Space zone shall not exceed a maximum capacity of 20 cubic yards.
- (19) Eating and drinking establishments in the Light Industrial/Business Park zone are only permitted north of 24th Street.
- (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) Taverns and nightclubs are not permitted on Larson Lane or Drexler Drive.
- (31) Dollar stores, factory second stores, and retail establishments primarily selling used goods including secondhand stores are not allowed in the TC and CC zones.
- (32) Permitted only in the Chambers Creek Properties overlay in conjunction with a resort and



Exhibit E

Chapter 19.30 ACCESSORY USES AND STRUCTURES

Sections:

| 19.30.010 | Purpose. |
|------------|-------------------------------------|
| 19.30.020 | Accessory uses not in this section. |
| 19.30.030 | General standards. |
| 19.30.040 | Accessory use list. |
| 19.30.050_ | Repealed. |

19.30.010 Purpose.

The purpose of this section is to allow certain accessory uses and structures and provide standards for their regulation.

19.30.020 Accessory uses not in this section.

See the following sections for specific development standards for accessory uses not included in this section. They are:

| Home Occupations | See UPMC 19.70.050 |
|---|---------------------------|
| Accessory Dwelling Units | See UPMC 19.70.010 |
| Day Care Facilities | See UPMC 19.70.040 |
| Agricultural Uses and Animals | See UPMC 19.70.030 |
| Drive-through and Drive- up Facilities | See UPMC 19.70.130 |
| Signs | See Chapter 19.75 UPMC |
| Temporary Uses/ Temporary Housing | See Chapter 19.35 UPMC |

19.30.030 General standards.

Units

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

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

- 1. The accessory use is not excluded from locating in the zone classification; and
- 2. The accessory use meets all regulatory requirements.
- B. Accessory uses and structures, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.
 - 1. Except as otherwise provided in this code, it is unlawful to construct, erect, or locate private garages, sheds, or other accessory structures in any zone classification without a lawfully permitted principal use on the same lot of record.
 - 2. Refer to Chapter 19.45 UPMC for regulations governing the placement of accessory uses.
- C. All accessory uses and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
- D. Where there is a question regarding the inclusion of or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

19.30.040 Accessory use list.

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

| USE TYPES ACCESSORY | | | ZONE CLASSIFICATION | | | | | | | | | |
|--|----|----|---------------------|-----|------|----|--------------|---------------------------|----------|----------------------|--------------------|----------|
| | R1 | R2 | MF | POS | MU-O | NC | TCMU- N45 | MU <u>-</u> <u>U75</u> | CC MU | LI-BP MU- C110 | <u>MU-</u> UI75 | MU-M |
| Antenna and satellite dishes for private telecommunication services | х | Х | х | | - | | - | | | | | |
| Antenna and satellite dishes for commercial telecommunication services | | | х | х | х | х | х | х | х | х | х | |
| Decks and patios | х | X | Х | Х | Х | х | Х | Х | Х | Х | х | <u>x</u> |
| Carports and garages for use by occupants of premises without fee, attached or detached | x | x | х | x | х | х | x | х | х | x | х | <u>x</u> |
| Storage buildings for yard maintenance equipment and household goods | х | Х | X | | - | | - <u>x</u> | | | | | • |
| Facilities used in ground maintenance | | | х | х | х | х | х | х | х | х | х | <u>x</u> |
| Greenhouses – Noncommercial | Х | х | х | |) . | |) - | | | | | |
| Minor auto repair | Х | Х | Х | | - |). | | | | | | - |
| Food service facilities for use primarily by employees with no exterior advertisement of the facility | | | х | х | x | x | x | × | x | х | х | <u>x</u> |
| Incidental storage of raw materials and finished products sold or manufactured on site | | | | | - | | - | | | X- | - <u>X</u> | 1 |
| On-site hazardous waste treatment and storage | | | | | - | | - | | | X- | - <u>x</u> | - |
| Private docks and mooring facilities | Х | х | | | - | | - | | | | X- | <u>x</u> |

| Retaining walls, freestanding walls and fences | х | х | Х | Х | х | х | х | х | х | х | - <u>x</u> | <u>X</u> |
|---|------|---|---|---|---|---|------------|----------------|----------|------------|------------|----------|
| Temporary waste piles authorized by a solid waste permit | | | | | - | | - | | | X - | - <u>x</u> | - |
| Small scale composting facility to handle less than 10 cubic yards | х | х | х | х | - | | - | | | | | - |
| Solid waste dumpsters | | | Х | Х | Х | Х | х | х | х | х | х | <u>X</u> |
| Level 1 and 2 battery and electric vehicle charging stations in nonresidential zones | | | | х | х | х | х | х | х | х | х | X |
| Donation and recycle collection boxes ¹ | | | | | х | Х | - <u>X</u> | X - | х | Х | х | <u>x</u> |
| Yard sales ² | х | х | | | - | | - <u>X</u> | <u>x</u> | <u>x</u> | <u>x</u> | <u>X</u> | <u>x</u> |
| Little free libraries | х | х | X | | - | | 1 | | | | | - |
| | 1 Si | Notes 1 Subject to compliance with applicable design standards for trash and recycling receptacles 2 Subject to temporary use permit and standards in UPMC 19.35.020(C)(1) | | | | | | | | | | |

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

- 1. Major auto repair is permitted only subject to the following provisions on any residential premises in any zone district:
 - a. Work shall be limited to the repair and maintenance of vehicles currently registered to occupant(s) residing at that residence. This limitation precludes auto repair on residential premises by any commercial entity or for commercial purposes.
 - b. Such work shall be conducted on no more than one vehicle at any one time.
 - c. Such work shall only be done within an enclosed structure (such as a garage) or in an area which is screened from public view and neighboring properties.
 - d. Such work shall be done only between the hours of 7:00 a.m. and 10:00 p.m.
 - e. Such work shall not be done in a street or public right-of-way.
 - f. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area screened from public view (i.e., public right-of-way) and neighboring properties.

- g. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.
- 2. Parking or storage of inoperable vehicles subject to the following:
 - a. No person owning, leasing, renting, occupying, being in possession or having charge of any residentially used or zoned property in the City, including vacant lots, shall retain or store outdoors an inoperable vehicle for more than seven consecutive or nonconsecutive days, except as may be permitted by any other City ordinance, subject to the following:
 - (1) No more than one unenclosed or unscreened inoperable vehicle may be on a property at any one time.
 - (2) Storage of inoperable vehicles for any period greater than seven days shall be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level III landscaping pursuant to Chapter 19.65 UPMC.
- 3. Commercial Vehicles. Commercial vehicles licensed to exceed 10,000 pounds gross vehicle weight (GVW) and semi-trucks, semi-cabs, tractor trailers or heavy equipment shall not be parked or stored in a residential area whether on a street, private or public property. This provision does not apply to temporary parking for delivery, pick-up, moving or service activities. Heavy construction/development equipment may only be parked on a site that is in the process of being developed.
- 4. Recreational Vehicles and Other Equipment. The outdoor storage, or parking of any combination of two (total) currently licensed motorized or nonmotorized boats or motorized or nonmotorized recreation vehicles is permitted; provided, that they do not interfere with the vision of drivers entering a street from a private driveway by causing a safety hazard for vehicular and pedestrian traffic and that they are maintained in a clean, well-kept condition that does not detract from the appearance of the surrounding area. Nonmotorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Nonmotorized recreation vehicles do not include bicycles and similar nonmotorized sports equipment.
 - a. Storage of additional boats and/or nonmotorized recreation vehicles shall, where possible, either be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level I landscaping pursuant to Chapter 19.65 UPMC. Storage of additional vehicles is prohibited in required front or side yard setbacks.
 - b. No recreational vehicle or travel trailer may be used for habitation except as follows:
 - (1) One recreational vehicle or travel trailer may be used as a temporary dwelling on private residential property already containing another dwelling unit when the owner or user of the recreational vehicle or travel trailer is a nonresident visiting a resident of that property.
 - (2) Habitation of the recreational vehicle or travel trailer may be permitted for up to five days without a permit and for an extended period not to exceed 14 days upon issuance of a recreational vehicle use permit by the City.

- (3) No more than one recreational vehicle/travel trailer use permit may be granted within any six-month period.
- (4) Habitation of recreational vehicles is not permitted in the public right-of-way.
- (5) Exceptions may be made for serious illness in accordance with Chapter 19.35 UPMC, Temporary Uses/Temporary Housing Units.
- (6) Recreational vehicles/travel trailers meeting the requirements of this section shall:
 - (A) Be kept in a side or rear yard and screening from abutting properties is encouraged. If the vehicle cannot be stored in a side or rear yard due to site constraints, the vehicle shall be parked off site.
 - (B) Be on a hard surface.
 - (C) Not be located in the public right-of-way.

Exhibit F

Chapter 19.35 TEMPORARY USES/TEMPORARY HOUSING UNITS

Sections:

| 19.35.010 | Purpose. |
|-----------|--|
| 19.35.020 | Temporary uses. |
| 19.35.030 | Temporary structures. |
| 19.35.040 | Temporary housing units. |
| 19.35.050 | Temporary personal wireless telecommunication facility |
| 19.35.060 | Coordination with other City codes. |

19.35.010 Purpose.

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

19.35.020 Temporary uses.

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

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

- B. Temporary uses are subject to the following requirements:
 - 1. Setback requirements of the zone shall be met for any temporary structure or recreational vehicle.
 - 2. The use will not result in significant traffic, off-street parking, drainage, fire protection, or other adverse impacts. In the case of off-street parking, any required off-street parking for an existing use shall not be diminished below minimum standards.
 - 3. Temporary sign permits shall be required for all signs and are subject to the provisions of Chapter 19.75 UPMC.
 - 4. The use must provide sanitary facilities if the Health Department finds it is necessary.
 - 5. The use must not infringe on the public right-of-way.
 - 6. A performance bond, the amount to be determined by the Director, shall be posted upon the Director's determination that it is necessary to guarantee the removal of the use and that the area be restored to the Director's satisfaction.

- 7. An affidavit signed by the property owner stating that the property is being used for the temporary use with their consent and indicating the number of days the use is permitted to remain on the property.
- C. Residential Zone Temporary Uses. The following residential temporary uses are allowed on private property subject to the following requirements:
 - 1. Yard, estate and similar types of sales as an accessory use to a residential property provided sales last no more than four consecutive days and are held no more than three times per calendar year, provided:
 - a. Merchandise offered for sale is only displayed during the duration of the sale; and
 - b. Signs are in compliance with UPMC 19.75.090(G).
 - 2. A portable storage unit for a period not to exceed two weeks and no more than four times per calendar year, except such units may be permitted for the duration of a construction permit.

19.35.030 Temporary structures.

Temporary structures may be allowed subject to the following:

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

19.35.040 Temporary housing units.

- A. Temporary Housing Unit Construction. A "temporary housing unit, construction" may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract provided:
 - 1. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.
 - 2. The unit is not located in any required front or side yard.

- 3. An administrative use permit is required and shall be valid for the life of the construction permit, not to exceed one year.
- 4. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.
- B. Temporary Housing Unit Public Facility. A "temporary housing unit, public facility" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks or other public facilities for the purpose of providing on-site security, surveillance, and improved service at public facilities provided:
 - 1. The unit is not located in any required front or side yards or designated open space.
 - 2. Prior to the issuance of a temporary permit, the site shall be reviewed by the Health Department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.
 - 3. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the unit will be located so as to take advantage of the natural growing material available to screen said unit from abutting properties.
 - 4. The building permit shall be valid until a permanent housing unit is incorporated into the public facility; at such time, the temporary unit shall be removed.
- C. The Director may authorize a mobile or manufactured home as caretaker quarters in commercial and industrial zones subject to the following:
 - 1. The initial approval of such caretaker's quarters shall be for no more than one year.
 - 2. Prior to approval, the Director shall receive from the Police Chief sufficient advice that there is need for a caretaker on the subject site.
 - 3. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.
 - 4. Renewal may be sought on a year-by-year basis for no more than the aggregate of five years and provided all other criteria remain valid and there is evidence that the unit is maintained and operated in a clean, safe and attractive manner.
- D. Temporary Housing Units Medical Situations. Temporary housing unit means a mobile or manufactured home which is located temporarily on a lot, parcel or tract of land. The applicant must submit an affidavit that the requirements specified herein will be maintained, and a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance.
- E. Occupancy of all types of (construction, public facility, medical) temporary housing units shall require written approval from the City. Temporary housing units shall meet the following requirements:
 - 1. The mobile or manufactured home is one bearing the seal of the State Department of Labor and Industries and/or HUD.

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

19.35.050 Temporary personal wireless telecommunication facility.

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

19.35.060 Coordination with other city codes.

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

Exhibit G

Chapter 19.40 ESSENTIAL PUBLIC FACILITIES

Sections:

19.40.020 List of essential public facilities.

19.40.020 List of essential public facilities.

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

- A. The use meets the definition of an essential public facility in RCW 36.70A.200; and
- B. The use is identified on the state list of essential public facilities maintained by the State of Washington Office of Financial Management.

Exhibit H

Chapter 19.45 DENSITY AND DIMENSION

Sections:

| 19.45.010 | Purpose. |
|-----------|-------------------------------------|
| 19.45.020 | Tables. |
| 19.45.030 | Density standards. |
| 19.45.040 | Setback standards. |
| 19.45.050 | Height standards. |
| 19.45.060 | General development standards. |
| 19.45.070 | Fences, bulkheads, retaining walls. |
| 19.45.080 | Floor area ratio (FAR) standards. |
| 19.45.090 | Minimum lot size standards. |
| 19.45.100 | Density and dimension tables. |
| 19.45.110 | Density and dimension table notes. |

19.45.010 Purpose.

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

19.45.020 Tables.

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

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 Cityacquired 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 for each zoning district that allows residential use. 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, CC, and TC districts. New 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.

19.45.040 Setback standards.

A. A setback is 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. A setback is typically measured from the property line, which may coincide with a public street right-of-way. Where a property line is located within a private street easement, the setback is measured from the edge of the easement. Where the City has acquired an easement for street improvements adjoining an existing public street right-of-way, the setback is measured from the public street right-of-way/property line. A minimum eight-foot setback measured from the edge of a driveway access easement is required. An eight-foot setback is required from portions of hammerhead turnaround easements used only for emergency vehicle access. A setback is measured to the leading edge of a structure or the foundation of a building. Once a determination has been made as to whether a particular yard constitutes a front, side or rear yard, and a structure has been placed on the lot in accordance with applicable setback requirements, the established yard determination shall be maintained. See Figure 1.

Property Boundary

front setback

Side
Yard

Front
Yard

Primary Structure

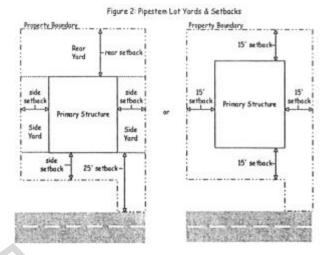
Side
Yard

Side
Yard

Side setback

Figure 1: Interior Lot Yards & Setbacks

- B. Pipestem Lots. The owner of a pipestem where the pipestem is either part of the lot or an easement to the lot may select one of the following setbacks:
 - 1. Minimum 15 feet from all property lines for both principal and accessory structures.
 - 2. A 25-foot setback from a line drawn parallel to the street, at the street end of the pipestem, with all other applicable side and rear yard setbacks for the zone. See Figure 2.



- C. Where the City has acquired easements for right-of-way purposes, the City may reduce the minimum required setback from the edge of the right-of-way or easement.
- D. Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots when the provision of subsection (B)(1) of this section is applied. A front yard setback shall be required abutting each street. Corner lots and through lots may have two or more front yards. All lots must contain one rear yard setback except for through and pipestem lots when the provision of subsection (B)(1) of this section is applied. All other setbacks will be considered side yard setbacks.
 - 1. Corner Lots Exception. If a lot abuts the intersection of two or more streets, the front yard setback on one side of the lot may be reduced to 15 feet, provided the reduced yard does not abut an arterial street. Garages and carports shall be designed to ensure a minimum distance of 25 feet from the garage door to the front property line. See Figure 3a. If a lot abuts a curving street that has no distinct intersection to define two street frontages, the midpoint on the curved front property line shall define the two front yards. See Figure 3b.

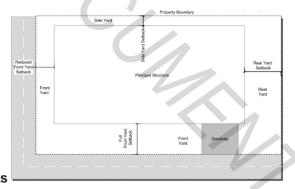


Figure 3a: Corner Lot Yards and Setbacks

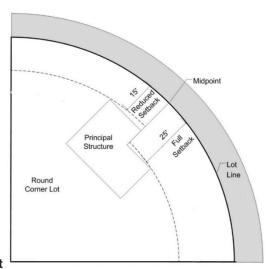


Figure 3b: Curving Street Corner Lot

E. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-ofway. However, no rear yard setback is required. See Figure 4.

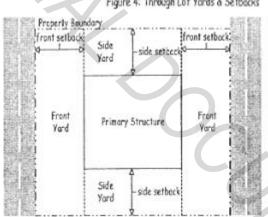
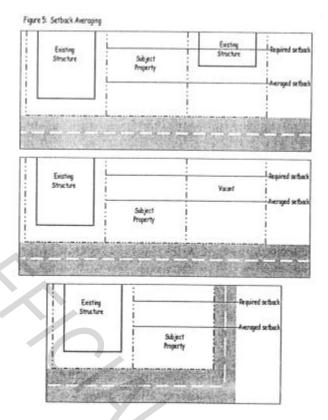


Figure 4: Through Lot Yards & Setbacks

- F. Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been legally established on an abutting lot(s) within the required yard. This provision shall not apply if the abutting lot(s) has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows: See Figure 5.
 - 1. Averaging shall be calculated by adding the existing front yard setbacks of the abutting lots together and dividing that figure by two.
 - 2. In the case of a corner lot or when an abutting lot is vacant, averaging shall be calculated by adding the front yard setback of the abutting developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two.

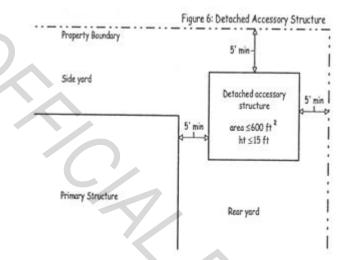


- G. Slopes. If the topography of a lot is such that the minimum front yard setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet back from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

4

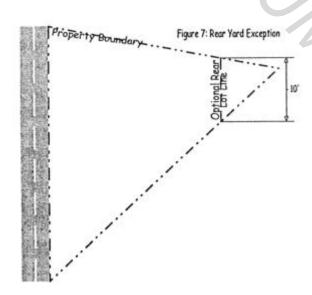
- 1. Detached accessory structures including, but not limited to, garages, carports, garden sheds, and other accessory buildings may be placed in the required side and/or rear yard setback or a front yard which abuts an alley or serves as a rear yard where no access is provided (except accessory RV storage gates) from the yard to the street subject to the following requirements. See Figure 6.
 - a. The total area of structures shall be no larger than 600 square feet in gross floor area;
 - b. Maintain five-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 18 feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall; and
 - e. Be no closer than five feet to the primary structure.
- 2. Large children's play equipment such as swing sets, big toys, and swimming pools (above- and in-ground) shall be set back a minimum of five feet from a side and/or rear property boundary.

- 3. Children's play equipment, excluding swimming pools, may be placed in the required front yard; provided, that a minimum 15-foot front yard setback is maintained.
- 4. Detached accessory structures located within a small lot or multifamily development shall comply with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.
- 5. Detached accessory structures, play equipment, and related improvements located within a shoreline vegetation conservation area shall comply with the requirements in UPMC 18.25.100(E) and 18.30.130(C).



- 6. Mechanical equipment, including air conditioning units, heat pumps, swamp coolers and other HVAC equipment, shall be set back at least five feet from any side or rear property line and shall not encroach into required front yard setbacks.
- I. Bus Shelters. School district or transit authority bus shelters may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height; provided, all applicable site distance requirements are met.
- J. Projection Exception.
 - 1. Projections including, but not limited to, fireplace structures, bay or garden windows, building wall modulations and enclosed stair landings may project into any setback, provided such projections are:
 - a. Limited to two per required yard, separated from each other by at least 10 feet.
 - b. Not wider than 10 feet.
 - c. Not more than two feet into an interior side or rear yard setback.
 - d. Not more than two feet into the setback that extends landward from a shoreline vegetation conservation area buffer established per UPMC 18.25.100(C)(3), except for building wall modulations, which are not allowed to encroach into this setback.

- e. Not more than three feet into a front yard setback.
- 2. Uncovered decks with floors that do not exceed 30 inches from average finished grade measured at the perimeter of the deck may project into any setback, provided such projections do not extend more than six feet into a front yard setback, three feet into a side yard setback, and 15 feet into a rear yard setback. In no case shall a deck encroach further into a yard than 50 percent of the setback. Decks located within a shoreline vegetation conservation area buffer shall comply with the standards specified in UPMC 18.25.100(E)(3).
- 3. Unenclosed covered porches with floors that do not exceed 30 inches from average finished grade measured at the perimeter of the porch may project six feet into a required front yard setback. Steps providing access to the porch may further encroach into the required setback as needed to meet code.
- 4. Patio covers and unenclosed covered decks or porches with floors that do not exceed 30 inches from average finished grade measured at the perimeter of the patio cover, deck or porch may project 10 feet into a required rear yard.
- 5. Wheelchair ramps may project into any required setback.
- 6. Eaves may extend 24 inches into a required setback.
- 7. Patios, paved walkways and driveways may extend to property lines.
- 8. Projection exceptions for small lot or multifamily development shall comply with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.
- 9. Projection exceptions for properties located within the City's shoreline jurisdiction shall comply with the vegetation conservation area requirements in UPMC 18.25.100(E), when applicable.
- K. Rear Yards Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line, may be considered the "rear lot line" at the owner's discretion. See Figure 7.



- L. Exemption for Personal Wireless Telecommunication Facilities. Setback exemptions for personal wireless telecommunication facilities are provided in Chapter <u>23.45</u> UPMC.
- M. Variances to Exceptions Not Permitted. An exception is not allowed, except for eaves, when a variance has already been granted for the same purpose. For example, a side yard projection exception may not be used if a side yard variance has been granted to extend the same structural component into the required side yard setback.

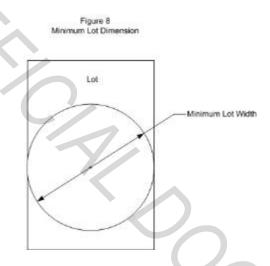
19.45.050 Height standards.

- A. No residential accessory structure shall exceed the height of the principal structure by more than five feet, except barns on property exceeding five acres.
- B. Building lots shall not be modified by placement of fill for the purpose of raising the grade level from which building height is measured. Typical modifications necessary to allow development or redevelopment of a site shall be permitted; provided, that the modifications are functionally necessary and represent the minimal intervention required to establish the use on the site. Typical modifications include, but are not limited to, providing access to the structure, ensuring slope stability and/or facilitating on-site stormwater management.
- C. Exceptions. Height standards shall not apply to the following:
 - 1. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures; provided, the structure is set back from all property lines a distance equal to the height of the structure.
 - 2. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided, all equipment is set back 10 feet from the edge of the roof.
 - 3. Personal Wireless Telecommunication Antenna. See Chapter 23.45 UPMC.

19.45.060 General development standards.

- A. Existing Lot Single-Family Dwelling Permitted. In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density and minimum lot dimension requirements of the zone where the lot was legally created prior to the effective date of the ordinance codified in this section. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located. Single-family dwellings located on substandard lots shall comply with the maximum height, FAR and impervious surface coverage standards specified for small lot development in the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.
- B. Repealed by Ord. 394.
- C. Legally Created Lots Development Permitted Proof.
 - 1. Development shall be permitted only on legally created lots.
 - 2. To establish that a lot has been legally created, the applicant must provide one of the following:

- a. A copy of formal plat, short plat, or large lot subdivision approved by Pierce County or the City of University Place separately describing the lot.
- b. A copy of the boundary line adjustment or lot combination separately describing the lot.
- c. Documentation that the creation of the lot was exempt from the provisions of the applicable subdivision regulations.
- d. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974, that separately describes the lot.
- D. Newly created lots shall be of such shape that a circle with a diameter equal to the minimum lot width specified in the density and dimensions table in UPMC 19.45.080 can fit within the boundary of the lot. See Figure 8.



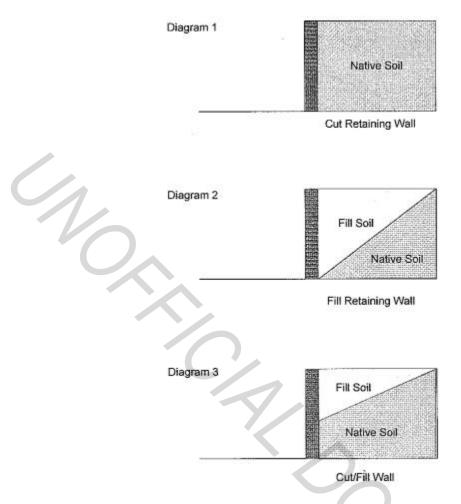
19.45.070 Fences, bulkheads, retaining walls.

A. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within a required yard subject to compliance with the following height limits and applicable sight distance requirements in UPMC 13.20.250. Fences located outside of required yards are subject to the height limits specified for the applicable zone.

| Yard Location | Maximum Height |
|--|----------------|
| Required front yard | 4 feet |
| Required side and rear yards | 6 feet |
| Required front yard of R1 or R2 zoned property separated from a commercially zoned or developed property by an arterial street | 6 feet |
| Required front yard reduced where corner lot exception is applied, per UPMC 19.45.040(D)(1) | 6 feet |
| Required front yard of a through lot where no vehicular access is provided to the abutting street, per UPMC 19.45.040(E). | 6 feet |

| Yard Location | Maximum Height |
|---|----------------|
| Shoreline jurisdiction yard – varies depending on commercial, industrial, recreational or residential use | |

- B. Maximum Retaining Wall and Berm Heights.
 - 1. Fill Retaining Walls.
 - a. Within a required setback area the height of a fill retaining wall in an R1 or R2 zone or on a property line abutting an R1 or R2 zone shall not exceed six feet in height.
 - b. Fences on the high side of the wall or berm located a horizontal distance less than or equal to the height of the fence from the face of the wall or berm shall be considered to be located on the wall or berm.
 - c. The total height of a fence on a retaining wall or berm, measured from the top of the fence to the top of the retaining wall or berm, shall not exceed six feet.
 - d. Outside a required setback area the combined height of a fence located on a fill retaining wall or berm shall not exceed the building height of the zone; provided, that the fence itself shall not exceed six feet.
 - e. Where multiple walls are situated in a terrace-like pattern they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than one-half the combined height of the walls.
 - 2. Cut Retaining Walls. The maximum height of a retaining wall in a cut section shall not be limited; provided, that the final grade at the top of the wall is within one foot of the preexisting grade.



Retaining walls depicted in these diagrams are intended for illustrative purposes only and do not in any way reflect design needed to comply with building codes.

- 3. Combination Fill/Cut Walls. The maximum height of the cut section of a cut/fill wall shall be no higher than the pre-existing grade. However, the fill section shall not be higher than six feet in height measured from the top of the cut.
- C. Fences located within a small lot or multifamily development shall comply with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.

D. Definitions.

"Height of fence or wall" means the measured distance between the finished grade on the low side of the fence or wall to the top of the fence or wall.

"Maximum height of fence or wall" means the maximum allowed height of wall measured at any point along the wall.

"Retaining wall – cut" means a retaining wall that serves to protect an alteration or excavation of an existing slope of native soils material resulting in a new face or slope (see Diagrams 1 and 3).

"Retaining wall – fill" means a retaining wall built to support fill soils to achieve a new ground surface (see Diagrams 2 and 3).

19.45.080 Floor area ratio (FAR) standards.

- A. The intent of FAR standards is to ensure the size of new homes in small lot and cottage developments and on existing substandard lots of record will be scaled proportionally to the size of the lots on which they are situated so that new infill development will be generally consistent in scale and proportion with previously constructed homes and neighborhoods in the City. FAR standards should be used in conjunction with other bulk requirements and design standards and guidelines to be effective in achieving this intent.
- B. FAR is the ratio of the total floor area of buildings on a site to the size of the land at that location. FAR is the total building square footage divided by the total site area square footage, except as noted below.
- C. Floor area for purposes of calculating FAR and maximum floor area does not include the following:
 - 1. Attic floor area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof, and attics with structural roof trusses and usable attic space that is completely contained within the roof area (excluding dormers).
 - 2. Basement floor area with a ceiling height less than four feet above the average finished grade, as defined in UPMC 19.10.030. Ceiling height will be measured to the top of the structural members of the floor above.
 - 3. The first 600 square feet of detached accessory building floor area on a lot.
 - 4. Uncovered and covered decks, porches, and walkways.
- D. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable FAR.
- E. FAR is calculated using a site's buildable area, including private street area, and excluding area located waterward of the ordinary high-water mark and critical areas and their required associated buffers.
- F. FAR shall not exceed the standards established in UPMC 19.45.100.
- G. FAR standards shall not apply to substandard lots of record located within the Day Island South Spit Overlay and Sunset Beach Overlay.

19.45.090 Minimum lot size standards.

A. Minimum lot sizes are established in UPMC 19.45.100 for the R1 and R2 districts. These standards apply to new lots created through the short plat or subdivision process. Minimum lot size varies depending on the type of residential use and the zone in which a property is located.

When determining the number of lots that would be permitted within a short plat or conventional preliminary plat while meeting the applicable minimum lot size standard, the calculation shall be based upon the net acreage as defined in UPMC 19.45.030. For example, if a one acre subdivision (43,560 square feet) in the R1 district dedicates 17+/- percent of gross acreage to street right-of-way.

approximately 36,000 square feet of lot area (net acreage) would remain for development. This net acreage could be subdivided into four 9,000 square foot lots that meet the R1 minimum lot size standard. This would equate to the R1 base density of four units per gross acre. For a one acre subdivision in the R2 zone, the same 36,000 square feet of lot area (net acreage) could be subdivided into six 6,000-square foot lots that meet the R2 minimum lot size standard. This would equate to the R2 base density of six units per gross acre.

B. For small lot developments that provide additional open space and greater amenities in exchange for design flexibility in the R1 and R2 districts, minimum lot size standards do not apply. Instead, compliance with density standards per UPMC 19.45.030 and 19.45.100 is required.

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 | ZONE CLASSIF | FICATIONS | | | | | | | | | | | |
|-----------------------------------|--|---|-------|-------|--------------------------------------|-------|-------------------------|----------------------------------|------------------|------------------------------------|---------------------------|------------------|--------------------------------------|
| STANDARDS | R1 | R2 | MF-L | MF-H | MU-O | NC | TC MU-N45 | M <u>U-U75</u> (9) | CC MU | LI-BP <u>MU-C110</u> | <u>MU-</u> <u>UI75</u> | POS ¹ | MU-M |
| Base Density (du/ac) (1) | 4 SFD; 5 duplex | 6 | 35 | 55 | 45/60 (2) (7) | 4 | | | 60 | | | | 30 |
| Maximum Density (du/ac) (3) | 6 small lot housing | 9 small lot housing | 40 | 60 | 50/ 65 (2) (7) | 6 | <u>None</u> | <u>None</u> | 65 | None | <u>None</u> | | 35 |
| Minimum Lot Size (16) | 9,000 detached SFD, 6,750 attached SFD, and 13,500 duplex in conventional plat; none specified for small lot housing | 6,000 SFD, 12,000 duplex in conventional plat; none specified for small lot housing | 4,000 | 2,500 | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 | 4.000 | <u>4,000</u> | | |
| Single Family Detached | 9,000 | 6,000 | | | | | | | | | | | |
| Single Family Attached (7) | <u>6750</u> | | | | | | | | | | | | |
| <u>Duplex</u> | <u>13,500</u> | 12,000 | | | | | | | | | | | |
| Small Lot Development | None | None | | | | | | | | | | | |
| Minimum Lot Width (15) | 60' | 55' | | | | | | | | | | | |
| Maximum Lot Coverage | 50% (17) | 50% (17) | 50% | | 45% | 45% | | 45% | | | | | 50 – 65% (22) 75 – 90% (23) |

Density and Dimensions Table

| DEVELOPMENT | ZONE CLASSIF | FICATIONS | | | | | | | | | | | |
|------------------------------|--|--|--------|------|---------------------------|---------------|---|-----------------------------------|-----------------------------------|-------------------------------|--------------------|------------------|---------------------|
| STANDARDS | R1 | R2 | MF-L | MF-H | MU-O | NC | TC MU-N45 | M <u>U-U75</u> (9) | | LI-BP MU-C110 | <u>MU-</u> UI75 | POS ¹ | MU-M |
| Setback, Arterial Streets | 25' (19) | 25' (19) | 25' | | 15'/20' min/max (5) | 25' | 0'/20' (18) (2) | 15'/20' min/ma * (2) (5) | 0'/10' min/ma x (18) (5) | 35' (2) | <u>(2)</u> | 25' | 0' |
| Setback, Other Roads | 25' (19) | 25' (19) | 25' | | 15'/20' min/max (5) | 20' | 0'/20' (18) (2) | 15'/20' min/ma × (5) (2) | 0'/10' min/ma x (18) (5) | 25' <u>(2)</u> | <u>(2)</u> | 25' | 0' |
| Setback, Rear (4) | 30' (19) | 30' (19) | 0'/30' | | 0'/30' | 0'/30' | 0'/50' (13) | 0'/30' | 0'/30' | 0'/50' | | 30' | 0'/30' |
| Setback, Side (4) | 8' (8) (19) | 8' (8) (19) | 0'/30' | (8) | 0'/30' (8) | 0'/30' (8) | 0'/10' (13) | 0'/30' (8) | 0'/30' | 0'/50' | | 8' | 0'/30' |
| Maximum Height | 35' SFD or duplex, 30' small lot (20) | 35' SFD or duplex, 30' small lot (20) | 45' | | 45' | 40' | 45' 75'/120 '/55' (14) | 45' <u>/75'</u> (14) | 45' (18) | 4 0' _ <u>110'</u> | <u>75'</u> (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) | | | | | 1 | | | | | | |

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 Z | 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) Mixed Use Development. Multifamily residential development is only permitted in conjunction with a permitted commercial use and subject to applicable 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 45, Mixed-Use Urban 75, Mixed Use-Urban/Industrial 75 and Mixed-Use Center 110 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-O, MU-M, CC, 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 LI-BP, CC, TC, MU, NC, MF-L, MF-H, MU-M, and MU-O, MU-N 45, MU-U75, MU-U/I 75 or MU-C 110 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 the subject parcel is in a transition overlay, in which case a 20-foot setback is required along the abutting lot line(s). No setback is required in the MU-M zone where the parcel abuts a railroad right-of-way
- (5) Fifteen feet is a minimum setback requirement. Maximum setback is 20 feet. However, see also See design standards (Chapter 19.50 UPMC).
- (6) Refer to underlying zone.
- (7) Within the 27th Street business district west of Bridgeport Way West, base density is 45 dwelling units per acre and maximum density is 50 units per acre. In other MU areas, base density is 60 dwelling units per acre and maximum density is 65 dwelling units per acre.
- (7) Single Family Attached: For two attached units the minimum lot size is same as minimum as 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) Mixed use (MU) zoned properties on the north side of 27th Street West between Grandview Drive and Crystal Springs Road may increase height and density in accordance with UPMC 19.55.080.

(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. Town Center Zone Setbacks.
 - (a) Front Yard. No setback is required from streets except at significant corners where a 20-foot setback is required;
 - (b) Rear Yard. A rear yard setback is not required if the parcel does not abut a parcel in the R1 or R2 zone. If abutting a parcel in the R1 or R2 zone, a 50-foot setback is required along the abutting lot lines;
 - (c) Side Yard. A side yard setback is not required. If a side yard setback is provided, a minimum of 10 feet is required.
- (14) Within the Town Center zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and Drexler Drive West, height shall not exceed 120 feet. East of Drexler Drive West, height shall not exceed 55 feet. Specific height requirements and exceptions are provided in the Town Center design standards.
- (14) Maximum height shall be limited to 45'on those portions of a property abutting an R1 or R2 zone.
- (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 <u>administrative design Design standard</u> review process.
- (16) Minimum lot sizes for detached single-family dwelling/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the administrative design 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. Maximum height adjacent to R1 or R2 zones shall be 45 feet. Review Chapter 19.52 UPMC for additional information regarding setbacks, height, density and design standards for the Town Center and Community Commercial zones.
- (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.

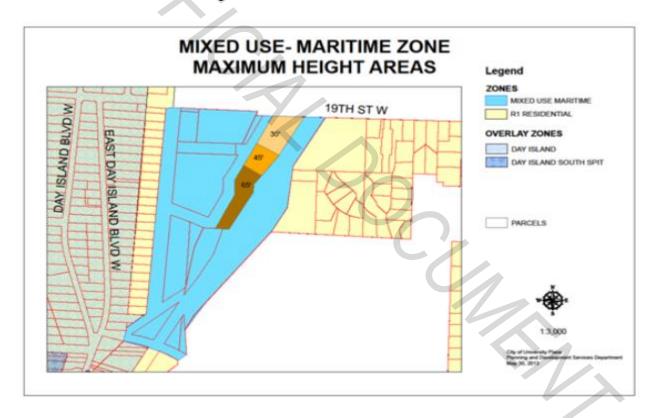


Figure 11

- (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.

Creek overlay. A maximum of 130 extended stay lodging residential units are allowed in conjunction with the resort and hotel.

(27) Only uses included in the Chambers Creek Properties master site plan are allowed in the Chambers

Exhibit I

Chapter 19.50 DESIGN STANDARDS FOR MIXED USE, MIXED USE-OFFICE, AND MIXED USE — MARITIME ZONES

| Sections: | |
|------------------|---|
| 19.50.010 | Purpose. |
| 19.50.020 | Authority and applications. |
| 19.50.030 | Review process. |
| 19.50.040 | |
| 19.50.050 | Design standards and guidelines adopted Height. |
| <u>19.50.060</u> | |
| <u>19.50.070</u> | |
| <u>19.50.080</u> | Courtyards. |
| <u>19.50.090</u> | Plazas. |
| <u>19.50.100</u> | Primary building facades. |
| <u>19.50.110</u> | Secondary building facades. |
| <u>19.50.120</u> | Significant corners. |
| <u>19.50.130</u> | Architectural features. |
| <u>19.50.140</u> | Projections. |
| <u>19.50.150</u> | |
| <u>19.50.160</u> | |
| <u>19.50.170</u> | |
| <u>19.50.180</u> | |
| <u>19.50.190</u> | |
| <u>19.50.200</u> | |
| <u>19.50.210</u> | Windows. |
| | Doors and entryways. |
| | Parking - General. |
| <u>19.50.240</u> | On-street parking. |
| | Structured parking. |
| | Loading spaces. |
| | Streetscapes. |
| | Street paving. |
| | Sidewalks and curbs. |
| | Street lighting. |
| <u>19.50.310</u> | Special effects lighting. |
| | Street trees and landscaping. |
| | Street furniture. |
| <u>19.50.340</u> | |
| | Water features. |
| | Transit facilities. |
| | Outdoor kiosks. |
| <u>19.50.380</u> | Trash and recycling receptables. |
| <u>19.50.390</u> | Utility accessories |
| <u>19.50.400</u> | Handrails and fencing. |
| <u>19.50.410</u> | |
| | Bicycle racks. |
| <u>19.50.430</u> | Mailboxes and other miscellaneous features. |
| <u>19.50.440</u> | Major arterials. |
| | |

19.50.450 Other arterials.

19.50.010 Purpose.

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

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

19.50.020 Authority and applications.

- A. The provisions of this chapter shall augment and/or supersede existing regulations in the University Place zoning code <u>in allregarding</u> Mixed Use, <u>Mixed Use</u> <u>Office</u>, <u>and Mixed Use</u> <u>Maritime</u> zones defined in the official zoning map. The chapter provisions shall apply to and are subject to the following:
 - 1. All new construction on vacant land requiring building or development permits;
 - 2. Major redevelopment (as defined in Chapter 19.10 UPMC);
 - 3. Major improvement (as defined in Chapter 19.10 UPMC);
 - 4. When the provisions of this chapter apply, they apply to the entire property where the use is situated:
 - 5. Renovation of an existing single-family structure for residential or commercial use is exempt from this chapter, provided no expansion of the structure occurs.
 - 6. Standards are mandatory while guidelines are discretionary.
 - 7. A minimum of 50 percent of a project site's building floor area at the ground floor level at storefront locations shown on the Regulating Plan (Section 19.54.040 UPMC) shall be designed to accommodate commercial or other nonresidential or non-parking use(s). Residential or residential accessory uses other than parking may occupy this space, provided the space is not rendered unusable for future commercial uses.
 - 8. Any exterior alterations shall comply with these standards. When expanding the footprint of an existing building that is nonconforming with regard to its distance from the edge of a sidewalk, the

building footprint shall be expanded in the direction of the sidewalk to decrease the nonconforming setback, unless it can be demonstrated this is not structurally possible.

9. When reference is made to required or recommended use, streetscape amenity landscaping or parking in the zone, refer to specific standards and/or guidelines regarding those items. For example, if landscaping is required in parking areas, refer to the landscaping section in streetscapes for specific plant and irrigation standards and guidelines.

B. All University Place Municipal Code provisions apply unless preempted by a specific standard in this title. The following UPMC provisions do not apply:

19.65.100 Street Frontage Landscaping

19.65.120 Perimeter Landscaping*

<u>19.65.270 – 19.65.320 Tree Preservation</u>

19.75.090(D) Signs on Marquees, Canopies and Awnings

*Except adjacent to R1 & R2 Zones.

BC. The following zoning classifications are exempt from the provisions of this chapter:

- 1. Light Industrial Business Park;
- 21. Neighborhood Commercial;
- 3. Town Center:
- **42**. Multifamily Low;
- **53**. Multifamily High;
- 64. Residential 1;
- 75. Residential 2; and
- 8. Community Commercial; and
- 96. Parks and Open Space.

<u>CD</u>. When provisions included in these design standards conflict with the definitions in Chapter 19.10 UPMC and requirements of the University Place zoning code, these design standards shall apply unless otherwise provided. These design standards shall not supersede provisions of the zoning code regarding uses and density.

DE. When provisions included in these design standards conflict with Shoreline Master Program requirements in UPMC Title 18, the Shoreline Master Program requirements shall apply.

<u>EF</u>. The following mixed use design standards adopted by reference in this chapter shall apply to the Mixed Use − Maritime zone:

- 1. Pedestrian circulation.
- 2. Site Planning and Building Placement. Provisions relating to exterior lighting and abutting development.
- 3. Open space and amenities.
- 4. Building Design. Provisions relating to pedestrian building entries, treatment of blank walls, roof lines, rooftop equipment, and character and massing.
- 5. Surface Parking. Provisions relating to encouraging joint-use parking areas, parking lot landscaping and treatment of perimeter, and pedestrian circulation through parking lots.

19.50.030 Review process.

Administrative design review approval is required when these standards apply (Chapter 19.85 UPMC). The City shall review such applications in accordance with UPMC 19.85.050.

19.50.040 Approval criteria.

- A. The Director shall approve an application when any of the following findings is made:
 - 1. The proposal meets all standards of this chapter and the administrative design review criteria in UPMC 19.85.050(C); or
 - 2. The proposal is unable to meet all standards of this chapter but has been determined by the Director to meet or exceed the intent of the standards in this chapter and the administrative design review criteria in UPMC 19.85.050(C).

Prior to making such a decision, the Director shall seek a recommendation from the Planning Commission. The Planning Commission shall act as an advisory ad hoc design review committee. The Planning Commission may take public comment and shall make an advisory recommendation to the Director based upon the proposal's consistency with the findings that follow:

- a. That the departure from the design standards is consistent with both the Comprehensive Plan and with the intent statements of the design standards.
- b. That departure from the strict application of the design standards will not have a significant negative impact on the public, or surrounding properties, or on the character of the zone.
- c. That the proposal creates an equal or better environment, results in an equal or better use of land and an equal or better design than that which could be produced through the strict application of the design standards.
- d. That the departures from the design standards are compensated by the provision of additional design features and amenities in the development plan that would not normally be required. The additional design features and amenities must be of equal or greater design benefit and function.

Based on a recommendation from the Planning Commission, the Director may approve all or part of an applicant's request for a departure from the strict application of the design standards, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.

The Director shall deny a request for modification from the design standards if the proposal does not meet or cannot be conditioned to meet the required findings in this section.

19.50.040 Setbacks.

<u>Building</u> to the back of the sidewalk, courtyard or plaza facilitates easy pedestrian access. Varying building setback and projection provides horizontal articulation and architectural interest.

- 1. All site plan layouts shall give first consideration to pedestrians.
- 2. All buildings shall be oriented and built at the edge of the sidewalk except:
 - a. Where a plaza or courtyard lies between the building and sidewalk, in which case the building shall be built to the edge of the plaza or courtyard.
 - b. At significant corners a minimum setback of 20 feet is required between the building and sidewalk, to accommodate a plaza or courtyard.
 - c. When a minimum of 60 percent of a lot's street frontage is occupied by buildings, additional buildings maycan be built in the interior of the project site.
 - d. As provided in subsection (B) of this section.
- 3. No side setbacks are required; however, if a building is set back, then a minimum of 10 feet is required to provide access between buildings.
- 4. At least 40 percent of the street facade of a building shall be set back a maximum of 10 feet to provide horizontal articulation of the building facade.
- 5. A minimum 30-foot setback is required from R1 and R2 zones, except that accessory structures no greater than 15 feet in height may be located 10 feet from R1 or R2 zones provided:
 - a. For all enclosed structures such as garages and sheds all openings are directed away from R1 and R2 zones; and
 - b. For all unenclosed structures such as carports and gazebos a fence shall be located between the structure(s) and the R1 or R2 zone to mitigate noise and light impacts.
- B. Drive-Through and Drive-Up Facilities in Commercial Center Exception.
 - 1. Where drive-through or drive-up facilities are proposed to be located within existing commercial centers, and where drive-through lanes are permitted between a building and a street in accordance with UPMC 19.70.130(D)(2)(d)(1), a minimum of two of the following requirements shall be met:

- a. An additional pedestrian connection between the public street and the principal building within the commercial center.
- b. An additional pedestrian connection to a second public street for commercial centers with two or more street frontages.
- c. Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
- d. Provide an additional 750 square feet of plaza area within the commercial center. The plaza area shall be improved in accordance with this chapter.
- e. Provide a pedestrian connection from the principal building to a neighboring property.
- <u>f. Provide enhanced walkways that exceed the design standards through landscaping and design.</u>
- g. Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (B)(2) of this section.
- h. Provide amenities that achieve the goal of the CC zone, that meet or exceed the options listed above and are approved by the Director.
- 2. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint-striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.

19.50.050 Design standards and guidelines adopted.

The "Design Standards for Mixed Use, Mixed Use – Office, Mixed Use – Maritime, and Commercial Zones" are adopted by reference and contained in a separate City design manual titled "Design Standards for Mixed Use, Mixed Use – Office, Mixed Use – Maritime, and Commercial Zones."

19.50.050 Height

- 1. The maximum building height abutting R1 and R2 zoned property shall be 45 feet subject to the following:
 - a. Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including parapet walls, towers, cupolas, domes and roof, may exceed building height up to 10 percent of the permitted building height.
 - b. Mechanical penthouses over elevator shafts, ventilator shafts, roof top access, antennas, chimneys, fire sprinkler tanks or other mechanical equipment may extend up to 10 feet above

the permitted building height; provided, that they shall be set back from the exterior wall of the building at least a distance that is equal to their height, or they shall be treated architecturally or located within enclosures with an architectural treatment so as to be consistent or compatible with the exterior design of the building facade.

- 2. Buildings shall be a minimum of 25 feet in height.
- 3. On arterial streets and Market Place height shall be measured from the elevation of the arterial street which abuts the building at the midpoint of the building to the midpoint of a gabled or pitched roof or the top of a flat or parapet roof. Where there is no arterial street abutting the property, height shall be measured in accordance with 19.10.030 and 19.45.050.

19.50.060 Walkways.

Walkways are connections that give pedestrians access to plazas, courtyards, streets or parking areas.

A. Standards.

- 1. Walkways shall be a minimum of seven feet wide unless located between buildings that are 20 feet or less apart, then the walkways shall be a minimum of 10 feet in width.
- 2. Provide decorative paving, lighting, landscaping and at least one discovery element such as artwork, potted plants, or murals within walkways.
- 3. The design of buildings and structures adjacent to walkways shall allow ample sunlight to light the walkway during daylight hours and walkways shall be well lit at night to enhance safety.
- 4. Where there are setbacks between buildings, walkways shall be provided to provide better pedestrian circulation.

B. Guidelines.

- 1. Walkways should have storefronts facing them; if possible, storefront entries should open to walkways. Windows should face walkways. Windows facing walkways allow people to see out into the walkway, enhancing safety.
- 2. Where appropriate, accommodate cafe seating.
- 3. Provide a distinct character to help with orientation, such as a name or unique decorative paving treatment.
- 4. Curve walkways around landscaping and other streetscape features to provide interest.

19.50.070 Gateways.

Gateways are elements that provide a sense of arrival for pedestrians and/or vehicles.

A. Standards.

1. Provide a gateway to at least one principal entrance to a plaza or building.

- 2. Gateways shall have qualities that make them distinct from the surroundings, including but not limited to decorative paving, landscaping and signage.
- 3. A minimum of 25 percent of the gateway area shall be finished with decorative pavers, stamped concrete or a similar feature.

- 1. Gateways can be freestanding elements or be designated by a change in pavement or landscaping design.
- 2. Gateways should incorporate elements unique to the South Puget Sound, reflecting local heritage.
- 3. Where an arch or other overhead feature provides a gateway, consider hanging elements such as flowerpots or decorations to provide interest.

19.50.080 Courtyards.

Courtyards are smaller improved open space areas that allow pedestrians to relax and enjoy the outdoors.

A. Standards.

- 1. Commercial or mixed-use developments shall have at least one courtyard.
- 2. All developments over 2,000 square feet shall provide one courtyard.
- 3. The size of the courtyard(s) shall be 2.5 percent of the building footprint or footprints of all the buildings within a multiple- building development.
- 4. The maximum size of a courtyard shall be 500 square feet. Multiple courtyards may be used or required to meet this requirement.
- 5. Install seating in courtyards to provide an inviting place to sit back and relax.
 - a. A minimum of 10 percent of the courtyard area shall be landscaped with trees, shrubs and groundcover. Landscaping should reflect a respect for and sustainability of the environment.
 - b. A minimum of 25 percent of the courtyard area shall be finished with decorative pavers or stamped concrete.

B. Guidelines.

- 1. Use decorative pavement in courtyards.
- 2. Provide art or a water feature accessible to the public, encouraging discovery.
- 3. Provide landscaping treatments or gardens that allow interaction.

4. Provide courtyards on ground level, along a walkway, on mid-level patios, or as part of a rooftop garden.

19.50.090 Plazas.

<u>Plazas are gathering places with room and facilities to host special events, or to allow pedestrians to sit and enjoy the outdoors.</u>

A. Standards.

- 1. All developments over 3,000 square feet shall provide a plaza.
- 2. The size of the plaza shall be 10 percent of the building footprint or the footprints of all the buildings within a multiple-building development.
- 3. Provide in-ground electrical facilities and water bibs to facilitate temporary and seasonal uses.
- 4. Movable planters, bollards, outdoor seating, accessible artwork and other streetscape amenities shall be used to configure plaza uses.
- 5. Plazas shall include a water feature or artwork.
- 6. Plazas shall use decorative paving or distinctive surface treatments to distinguish active from passive areas.
- 7. Include unreserved outdoor seating for relaxation or eating by providing amenities, benches, tables and trash receptacles.
- 8. A minimum of 10 percent of the plaza area shall be landscaped with trees, shrubs and groundcover. Landscaping may be in-ground or potted.
- 9. A minimum of 25 percent of the plaza area shall be finished with decorative pavers, stamped concrete or a similar feature.
- 10. Use special effects lighting to highlight significant features such as a water feature, artwork or a building facade adjacent to the plaza.

B. Guidelines.

- 1. Bollards, outdoor seating and planters should be used rather than curbs where a plaza abuts a street to allow the plaza to expand for certain large events.
- 2. Use decorative pavers or distinctive surface treatments to distinguish active and passive areas within plazas. Active areas should be vibrant; passive areas should be relaxing.
- 3. Create places for individuals and groups.
- 4. Provide piped-in music with inconspicuous speakers to provide acoustic atmosphere during events or to highlight a season.

- 5. Choreographed or recreational fountains are encouraged.
 - 6. To facilitate special events, a temporary bandstand, stage or in-ground electrical facilities for which a stage could be erected may be appropriate in some plazas.

19.50.100 Primary building facades.

A building's primary facade is the elevation that faces pedestrian-intensive streets and/or public open spaces.

A. Standards.

- 1. Use only high quality materials on primary facades.
- 2. Divide horizontal facades into vertical segments not greater than 50 feet in width to provide differentiation and the appearance that the street was developed over time.
- 3. To articulate the horizontal primary building facade, vertical segments shall be different in color and shall include two or more of the following architectural elements:
 - a. Columns.
 - b. Mullions.
 - c. Projections.
 - d. Setbacks.
 - e. Style.
 - f. Material.
- 4. Provide vertical facade articulation by including a cornice, lintel or header separating the first floor and upper floors.
- 5. Integrate top-to-bottom building architecture.
- 6. Blank walls, including walls distinguished only by changes in color, are prohibited.
- 7. Primary facades shall have a higher level of architectural detail at street level and on storefront designs.
- 8. Provide a cornice or eaves to create distinctive rooflines.

B. Guidelines.

1. Although a change in the horizontal building facade is required at least every 50 feet, shorter segments of 15 to 30 feet are recommended.

- 2. Balconies, trellises, railings, and similar architectural elements should be added to upper floors.
- 3. At corners, the roof design should emphasize the corner.

19.50.110 Secondary building facades.

Secondary facades are oriented toward pedestrian-only corridors.

A. Standards.

- 1. Maintain high quality materials on secondary facades.
- 2. Blank walls, including walls distinguished only by changes in color, are prohibited.
- 3. Secondary facade design shall be a simplified expression of the primary facade, with fewer vertical segment changes along the length of the facade.

B. Guidelines.

- 1. Provide a streetscape treatment that is complementary to the primary elevations, but that is executed in a simplified scheme.
- 2. Provide surprise elements, such as murals, portals, artwork or landscaping.

19.50.120 Significant corners.

Significant corners are located at street intersections on Bridgeport Way West and include intersections at Cirque Drive, 44th Street West, 40th Street West, 37th Street West, 35th Street West, and 27th Street West. On 27th Street West and Grandview Drive and Mildred at 24th Street West. Significant corners shall include a distinctive architectural element.

- 1. Significant corners shall have a standout architectural design. Standout architectural design shall be achieved by one of the following methods or approved equivalent:
 - a. An element such as a tower that projects higher than the surrounding buildings.
 - b. A concave facade.
 - c. A rounded facade.
 - d. An angled facade.
- 2. Provide the highest level of architectural detail and high-quality material at significant corners.
- 3. A plaza or courtyard shall be located between the building facade and the sidewalk. This plaza or courtyard area may be used to meet plaza or courtyard area requirements.

- 1. Significant corners may have entrances at street level while others may only be distinguished architecturally.
- 2. Building corners should have distinctive character from block to block to help with orientation.

19.50.130 Architectural features.

Architectural features, including columns, cornices, mullions, balconies, railings and window boxes, add interest to a building.

A. Standards.

1. On buildings where an upper story setback is provided, the setback should be improved with an upper story courtyard, balcony or roof garden.

B. Guidelines.

- 1. Traditional elements found around windows, such as shutters, lintels and windowsills, should be used to provide character and detail to facades.
- 2. Incorporate trestles on upper floors to add interest.
- 3. Developers, tenants and residents should be encouraged to provide plants on upper story balconies.

19.50.140 **Projections.**

Projections include awnings, canopies, signs and architectural features.

A. Standards.

- 1. Projections into a public right-of-way require a right-of-way permit.
- 2. Projections shall be more than eight feet above the ground elevation.
- 3. Projections shall not interfere with trees, utilities, transit shelters or other street furnishings.
- 4. Individual AC units and fire escape ladders shall not be permitted on the exterior of buildings.
- 5. The minimum pedestrian zone width shall be maintained unobstructed.

B. Guidelines.

- 1. Roof eaves may project up to 36 inches beyond the building face or architectural projection.
- 2. Satellite dishes should not be allowed on primary facades, secondary facades and significant corners.

19.50.150 Awnings and canopies.

Awnings and canopies provide protection from the elements and add dimension to a building facade.

A. Standards.

- 1. Design and placement of canopies or awnings shall be proportional to the size of the building facade.
- 2. On buildings with canopies, canopies shall be designed as an integral part of the building.
- 3. Ground-mounted canopy or awning supports shall be placed at least two feet from the back edge of the curb.
- 4. Canopies shall not extend along the full length of a facade creating an arcade.
- 5. Individual awnings and canopies shall not exceed 30 feet in length.
- 6. Canopies shall extend a minimum of five feet over sidewalks to provide protection from inclement weather.
- 7. Awnings shall be made of a durable material such as woven fabric or canvas. Vinyl awnings are prohibited.
- 8. Canopies shall be made of permanent materials such as wood, metal and/or glass.
- 9. Awnings shall not be internally lit.

B. Guidelines.

- 1. Provide awnings in strategic locations to provide pedestrians shelter from weather.
- 2. Collective placement of awnings along a street should maintain overall design integrity and avoid a uniform awning layout.
- 3. Awnings should accommodate comfortable pedestrian access and sight lines.
- 4. Retractable or open side awnings are preferred. Awning and canopy colors should complement building color.
- 5. Close-ended canopies are discouraged.

19.50.160 Building Materials.

Building materials native to the Northwest provide a character in keeping with the vision.

- 1. Use high quality materials that enhance the building and convey a sense of permanence. Durable materials are especially critical at street level where pedestrian contact will be considerable.
- 2. Opaque, smoked and reflective glass shall be used for accents only.

- 1. On primary facades and significant corners materials native to the Northwest should be used whenever possible, including:
 - a. Smooth exterior grade woods, such as oak, maple, fir and hemlock.
 - b. Cobbles, river rock, slate and granite.
- 2. Desirable facade materials for new or renovated facades also include:
 - a. Brick, tile and stone, including marble.
 - b. Decorative fiber-reinforced cement.
 - c. Glass.
 - d. Other woods.
- 3. Nonnative materials, such as those listed below, may be used for architectural trim and accent applications, including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters and porch and balcony railings.
 - a. Cast iron, bronze, brass, copper (including terne coated).
 - b. Glazed ceramic and porcelain tile.
 - c. Glass, brick and metal.
 - d. Fiber-reinforced plastic (not including plastic or vinyl siding products).
- 4. Building materials and construction methods should be "green" to the greatest extent possible, to emphasize the core value of a sustainable environment and conservation of natural resources including energy.
- <u>5. Developers should use the New Buildings Institute Energy Benchmark for High Performance</u> Buildings to improve indoor environmental quality and energy efficiency.

19.50.170 Colors.

| Colors common in nature around the South Puget Sound create community that fits in the regi | Co | olors | common in | nature around | the S | South Puaet | Sound create | community | v that fits in th | e region |
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- A. Standards.
 - 1. Primary colors shall be natural to the South Puget Sound. Bright, highly contrasting colors shall only be used as accents.

19.50.180 Roof design and materials.

<u>Varied rooflines and materials are important elements to articulate building facades both vertically and horizontally.</u>

A. Standards.

- 1. Roofing materials visible from streets, plazas or courtyards shall be finished with an attractive nonreflective material, including, but not limited to, wood shingles, copper (including terne coated), factory-finished painted metal, slate, synthetic slate, terra cotta and cement tile and glass fiber shingles.
- 2. Adjacent buildings with roofs visible from streets and plazas or courtyards shall use a different slope, design, type or color of roof material to break up building mass and provide variety.
- 3. Articulate roof form and material to break up building mass.
- 4. Roof top mechanical equipment shall not be visible from adjacent rights of ways or neighboring properties' ground floors. The equipment shall be integrated into the building design or set back from the edge of the roof at a distance far enough to not be visible.
- 5. Roof flashing shall not be visible from streets, plazas or courtyards.

B. Guidelines.

1. Rooftop courtyards and gardens are encouraged.

19.50.190 Materials to avoid.

Inexpensive materials detract from the quality the community envisions for mixed use zones.

A. Standards.

- 1. Multi-floor glass curtain walls are prohibited. Integrate glass with other materials.
- 2. Vinyl siding may only be used above 20 feet or a second story, whichever is greater.
- 3. Unfinished concrete block is prohibited.
- 4. Chain link fencing and unfinished wood fencing are prohibited.
- 5. Decorative metal gates or fences are allowed.
- 6. Roll-up metal security doors in front of storefronts and exterior-applied metal security bars are prohibited. Roll-up metal doors are allowed at service entrances.

B. Guidelines.

1. Avoid large expanses and nondetailed stucco. Integrate stucco with other materials.

19.50.200 Storefronts.

Quality storefront design is welcoming and improves safety.

A. Standards.

- 1. Storefront design shall include at least one of the following elements:
 - a. A large display window or windows of clear glass.
 - b. A large header.
 - c. A canopy or awning.
 - d. A recessed entry.
 - e. A projected entry.
- 2. Vacant storefronts shall be attractively screened using a painted screen rather than boarded up. The painted screen should display a mural or advertise the coming use. Advertising shall be considered a sign.
- 3. Window displays shall display merchandise or services sold by the tenant. Storefront display windows shall not be blocked off to prevent views into or out of the store.
- 4. Tenants shall avoid cookie cutter representations of their identity and create an expression that is complementary to the area architecture.
- 5. Storefronts shall be predominantly glassed to provide views into the store, but glass shall not be the exclusive material.
- 6. A sidewalk merchandising zone for the temporary display of merchandise extends two feet from the building facade. A right-of-way permit is required to utilize this merchandising zone in the public right-of-way.

B. Lighting.

- 1. Storefront facades, recessed doorways, outdoor spaces and passageways shall be lit.
- 2. Fixtures shall be located and angled to ensure that they spotlight the tenant's merchandise and do not point toward the window or cause distracting reflections. Use down lighting or cut-off lenses to avoid excessive glare.
- 3. Include "after hours" lighting within the fronts of stores to contribute to pedestrian lighting and provide for a comfortable nighttime strolling experience.
- 4. Lighting fixtures shall not extend more than three feet from the facade or hang below eight feet.

C. Guidelines.

1. Storefront designs should express their individual character or brand identity so that a varied texture and experience can be achieved along the length of the street.

- 2. Modern and creative design solutions may be employed if the traditional storefront proportions are maintained.
- 3. Display window designs should allow a visual connection between the interior and exterior.
- 4. Landscaping and potted or hanging plants should be used to provide accents and depth.
- 5. Limit the number of light fixtures to prevent a cluttered look.

19.50.210 Windows.

Ground floor window displays add interest for shoppers and pedestrians. Upper story windows help put "eyes on the street," creating a safer and more welcoming atmosphere.

A. Standards.

- 1. Upper story windows shall be designed to create shadow lines or to break up flat surfaces by recessing, projecting or trimming windows.
- 2. Fake and masked-off windows are prohibited.
- 3. A minimum of sixty percent (60%) of the ground floor façade located in the storefront designated areas shall be in nonreflective transparent glazing
- 4. Windows shall comprise at least forty percent (40%) of the primary upper floor facades visible from streets and at least twenty percent (20%) of other upper floor facades and should reflect a rhythm, scale, and proportion compatible with the overall building design.

19.50.220 Doors and entryways.

Doors and entryways provide a welcoming sense of arrival and attract people to enter.

- 1. Primary building and store entrances shall be oriented toward the principal street except in Level II commercial centers. Where a grade difference of more than six feet and a slope greater than 150 percent between the adjacent street and the property in question preclude direct pedestrian entrance from a street, a minimum of two of the following requirements shall be met:
 - a. An additional pedestrian connection between the public street and the principal building within the commercial center.
 - b. An additional pedestrian connection to a second public street for commercial centers with two or more street frontages.
 - c. Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
 - d. Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with this chapter.

- e. Provide a pedestrian connection from the principal building to a neighboring property.
- <u>f. Provide enhanced walkways that exceed the design standards through landscaping and design.</u>
- g. Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (A)(2) of this section.
- h. Provide amenities that achieve the goal of the Community Commercial zone that meet or exceed the options listed above and are approved by the Director.
- 2. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint-striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.
- 3. Recessed or projecting entrances shall be designed so that they do not exceed 50 percent of the width of the storefront, nor 10 feet in depth/projection.
- 4. Placement and design of doors shall provide a direct connection to the sidewalks and streets.
- 5. Provide a diversity of entrance types, including recessed, projecting and traditional entrances.

- 1. Tenants should create a unique and identifiable entryway that distinguishes their brand identity.
- 2. Additional entrances may be on a walkway, plaza or courtyard.
- 3. Restaurants are encouraged to provide a clear throughway and a visual connection to exterior seating areas.

19.50.230 Parking - General.

On-street, structured and surface parking provides a choice of parking opportunities.

- 1. With the following exceptions, parking shall be provided pursuant to Chapter 19.60 UPMC:
 - a. Entries and exits to and from parking areas shall be clearly marked for both vehicles and pedestrians by changes in material, lighting, and signage.
 - b. Provide raised or clearly marked walkways in surface and structured parking lots.
 - c. Abutting on-street parking and shared parking may be counted toward the off-street parking requirement.

- d. Compact spaces shall not be allowed on street and shall be limited to off-street parking locations.
- e. Parking lots shall be in the rear, in the interior of a block or in structured parking in the interior of a block, below a structure or hidden by the structure.
- f. Surface parking lots must be located to the side or rear of buildings.
- g. Delineate parking for residential uses from parking for other uses.
- h. A maximum of two levels of structured parking is allowed abutting an R1 and R2 zone, except that a third level may be added provided the third level is set back an additional 30 feet and the perimeter buffer is increased to 30 feet wide and a third row of evergreen trees is planted 15 feet on center in accordance with Chapter 19.65 UPMC.
- i. Surface parking lots and parking structures adjacent to Homestead Park shall install a Level II buffer between parking and the park. Parking structures shall also provide planter boxes and vegetation to screen at least 50 percent of the building.
- j. Design landscaping in surface parking lots to accommodate storm water runoff and infiltration in accordance with the Low Impact Development Technical Guidance Manual for Puget Sound.

- 1. Meeting parking requirements with off-street surface parking is discouraged.
- 2. Use Design landscaping in surface parking lots to handle storm water runoff.
- 3. Consider durable pervious surfaces to reduce storm water runoff.
- 4. Use native plants in parking lot landscaping.
- <u>5. Consider using pavers, colored concrete and landscaping to delineate walkways through parking lots.</u>

19.50.240 On-street parking.

On-street parking provides easy access to shops and provides a separation between vehicles and pedestrians. On-street parking can be attractive and flexible.

A. Standards.

- 1. Only parallel and back in angle parking is permitted in public rights of way.
- 2. Provide bump-outs to delineate the end of parking from an intersection or crosswalk.

19.50.250 Structured parking.

Structured parking that takes advantage of the topography is preferred.

A. Standards.

- 1. Entrances to structured parking shall be the minimum size to permit reasonable entry and shall be consistent with the building facade design.
- 2. Any elevation of a parking structure visible from an adjacent street or a residential zone shall have a solid decorative parapet wall of not less than 46 inches high and shall utilize materials and colors consistent with the surrounding buildings.
- 3. On walls facing a residential zone, planter boxes supporting vines and other vegetative screening materials shall be attached to the exterior of the structure.
- 4. If not abutting a street, structured parking facilities shall be provided with adequate access from public streets via a private drive and/or an access easement.
- 5. Provide high ceilings and ample lighting at pedestrian entrances to elevate safety and comfort.

B. Guidelines.

- 1. Structured parking should not be visible, except at entrances.
- 2. Provide enough clearance and appropriate curve radius in structured parking to facilitate delivery, maintenance and emergency vehicle routes.

19.50.260 Loading spaces.

- 1. The minimum dimensions of loading spaces shall be as follows:
 - a. Regular size space: 10 feet by 25 feet.
 - b. Large space: 10 feet by 50 feet.
- 2. The calculation of the minimum number of off-street loading spaces shall be in conformance with the following schedule:
 - a. Office uses or portion of building devoted to office uses:
 - i. Zero to 49,999 square feet (sf): zero spaces.
 - ii. Fifty thousand to 149,999 sf: one regular space.
 - iii. One hundred fifty thousand to 249,999 sf: two regular spaces.
 - iv. Two hundred fifty thousand sf and up: three regular spaces.
 - b. Retail uses with the following tenant size:

- i. Zero to 9,999 sf: zero spaces.
- ii. Ten thousand to 49,999 sf: one regular space.
- iii. Fifty thousand to 99,999 sf: one regular space and one large space.
- iv. One hundred thousand sf and up: two large spaces.
- c. Restaurant uses with the following tenant size:
 - i. Zero to 9,999 sf: zero spaces.
 - ii. Ten thousand sf and up: one regular space.
- 3. Loading spaces that are adjacent and accessible to several buildings or tenant spaces, including buildings and tenant spaces on separate lots, may be used to meet the loading requirements for the individual buildings or tenants; provided, that: (a) the number of spaces satisfies the requirements for the combined square footages for the buildings or tenants in question, and (b) an agreement evidencing the right of tenants to share the loading spaces shall be provided to the City.
- 4. Loading and service areas shall be located and designed to minimize visibility from streets, public spaces and semi-public spaces. Loading areas shall be underground or recessed to hide them from view.
- 5. Use walls and/or landscaping to screen views of loading areas.
- 6. Install attractive loading dock doors so that when not in use loading docks do not present an eyesore.

19.50.270 Streetscapes.

A. General Requirements. The purpose of this section is to provide for the coordinated provision of functional and aesthetically pleasing transportation and related facilities. The streetscape is comprised of streets, sidewalks and all features located within the street, sidewalk or right-of-way.

- 1. Streetscapes shall be designed at a pedestrian scale to promote a feeling of comfort and security.
- 2. Streets shall be designed to promote multiple modes of transportation.
- 3. Pedestrian circulation shall be facilitated via wide sidewalks, walkways, well-defined crossings and utilization of on-street parking.
- 4. Streetscapes shall be designed to encourage visual interest.
- <u>5. Sidewalks shall include a pedestrian zone directly adjacent to storefronts and an amenity zone for roadside features, located adjacent to the street edge.</u>

- 6. All roadside features, except as otherwise noted, shall be in the sidewalk amenity zone.
- 7. Building and site features shall not project into the pedestrian zone within the vertical area eight feet above sidewalk grade, except as specifically allowed by these standards. In no case shall projections reduce the width of the pedestrian zone to less than the minimum required.
- 8. Roadside features located adjacent to parallel parking lanes shall be set back a minimum of 30 inches from face of curb/edge of street.
- 9. Roadside features shall be designed and placed to minimize visual obstruction of adjacent building signage, windows and entries.

1. Unique elements of the streetscape should catch people's attention as they move down the street.

19.50.280 Street paving.

The intent of this section is to provide for decorative pavers, stamped and/or colored concrete or asphalt to designate special use areas along streets, including gateways, crosswalks and key intersections.

A. Standards.

- 1. Streets shall be paved with asphalt concrete, except at key intersections, gateways and crosswalks.
- 2. Key intersections, gateways and crosswalks, as specifically identified in other sections of this title, shall be constructed of stamped concrete or asphalt, or brick or asphalt pavers.
- 3. Painted stop bars are required at all crossings and intersections.

19.50.290 Sidewalks and curbs.

The intent of this section is to provide for safe and attractive sidewalks and curbs on streets. Wide, attractive sidewalks provide ample room for pedestrians to stroll, pass, linger and enjoy streetscape amenities.

- 1. Sidewalks shall be comprised of a pedestrian zone and an amenity zone.
- 2. Vertical curb and gutter shall be installed on all streets unless curbless parking is specifically required or allowed.
- 3. Except as otherwise allowed, sidewalks shall be constructed of a simple, uniform style of concrete.
- 4. Significant corners, gateways and other amenity areas as specifically identified in other sections of this title shall be constructed of subtle colored, patterned, scored, sandblasted or stamped concrete, pavers, bricks or similar materials. When significant corners are re-developed they should

use similar materials to the other redeveloped corners. The intent is to ensure a similar theme to the entire intersection.

B. Guidelines.

- 1. A subtle color, material or pattern change should be incorporated into the amenity zone to distinguish the separation from the pedestrian zone.
- 2. Complicated patterns, sharp color contrasts and bright colors should be avoided except when used in artwork or for accents.

19.50.300 Street lighting.

The intent of this section is to provide for aesthetically pleasing and adequate lighting for both pedestrians and drivers. Streetlights create ambiance and a safe and welcoming environment.

A. Standards.

- 1. Streetlights shall provide both vehicular and pedestrian lighting. The model and level of illumination shall be as specified in UPMC Title 13.
- 2. Streetlights shall be designed with the capability to turn off selected lights during energy shortages.
- 3. Streetlights shall be located at the same distance from the street edge along the length of the entire street.
- 4. Luminaires shall be translucent or glare-free.
- 5. Diffusers and refractors shall be installed to reduce glare and light pollution, particularly adjacent to residential areas.

19.50.310 Special effects lighting.

The intent of this section is to provide for special effects lighting that helps create an inviting and safe environment. Special effects lighting provides emphasis on architectural features, highlights vegetation and celebrates seasons.

- 1. Special effects lighting shall be utilized in plazas to highlight required art or water features.
- 2. Effect lighting shall be used to highlight trees and other roadside features, buildings and site features as specifically identified in other sections of this title.
- 3. Lighting shall be shielded, as necessary, to avoid glare to pedestrians, vehicles and adjacent sites.
- 4. Outlets or fixtures for effects lighting shall be installed in tree grates or otherwise integrated in an unobtrusive manner.

19.50.320 Street trees and landscaping.

The intent of this section is to provide for ample vegetation within the streetscape and plaza areas.

- 1. Street trees shall be provided in accordance with UPMC 19.50.430 and 19.50.440, arterial streets.
- 2. Street trees shall include only those species specified in UPMC Title 13.
- 3. Street trees shall have a minimum diameter of that specified in UPMC Title 13.
- 4. Landscaping in courtyards and plazas shall include:
 - a. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. There shall be at least one tree per 250 square feet of required landscaping area within courtyard and plaza areas.
 - b. The area that is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 250 square feet of that portion of the landscape area that is not planted in groundcover. Lawn may be used for up to 75 percent of the required groundcover.
- 5. Landscaping located on private property shall be approved by the Development Services Department, prior to planting, as part of the review of landscape plans required by UPMC 19.65.200. Landscaping in the public right-of-way shall be in accordance with UPMC 13.20.870.
- 6. Particular care shall be used in tree selection and placement to avoid visual obstruction of adjacent retail signage, windows and entries.
- 7. If mixing species, different species shall be alternated in a regular pattern. Regular spacing is encouraged. Spacing may be altered where necessary to minimize visual obstruction of adjacent retail uses.
- 8. Trees shall be planted a uniform distance from the curb/edge of street.
- 9. Street trees shall be placed in tree grates, large planters or pots, or planter strip sections.
- 10. Planter strips shall be permanently irrigated per Chapter 13.20 UPMC.
- 11. Landscaped area shall include shrubs and groundcover sized and irrigated in accordance with Chapter 19.65 UPMC.
- 12. A maximum of 50 percent of required landscaping in plazas and courtyards may be potted.
- 13. Potted plants shall not be placed anywhere that impedes pedestrian or vehicular traffic and may function as a separation between pedestrians and vehicles.

- 14. Pots shall be of a uniform type.
- 15. Tree grates shall be designed to reflect local art, history or wildlife.
- 16. Tree grates shall allow for tree growth.
- 17. Tree grates shall be ADA approved.
- 18. Electrical outlets shall be provided within the tree grate area to allow for lighting opportunities.

- 1. Potted plants may be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety.
- 2. Large pots are preferred to fixed boxes to allow for maintenance or service access.
- 3. Larger trees are preferred and may be used to reduce the number of trees required, provided the overall diameter of required trees added together is not reduced.

19.50.330 Street furniture.

The intent of this section is to provide for functional and attractive street furnishings. Street furnishings, including benches, chairs and tables, are an important element of the streetscape, providing pedestrian comfort and convenience.

- 1. Street furniture shall be provided in accordance with UPMC 19.50.430 and 19.50.440, arterial streets.
- <u>2. Benches shall be Victor Stanley, Classic Style, SC-138 in VS Black. Other street furniture shall be complementary to the above style. When an exception is granted all furniture shall be a common model unless a unique type is integral to storefront design.</u>
- 3. Street furniture shall be comfortable, durable, easy to clean and vandalism/graffiti resistant to the greatest extent possible.
- 4. Up to 25 percent of required seating may be provided by incorporating a bench into a planter box by widening planter and wall edges to provide seating.
- 5. Furniture other than cafe seating shall be permanently attached to the ground.
- 6. Cafe and restaurant seating if located on a public sidewalk shall meet the following:
 - a. A right-of-way permit shall be required.
 - b. The minimum pedestrian zone shall be maintained.
 - c. The seating shall not visually obstruct adjacent retail uses.

d. The seating does not displace other publicly beneficial amenities.

B. Guidelines.

- 1. Seating should be grouped together as much as possible and should be placed at busier pedestrian nodes and gathering points.
- 2. Seating should be oriented to take advantage of attractive views.
- 3. Street furniture should be oriented to maximize the feeling of comfort and security for both users and passing pedestrians.

19.50.340 Artwork.

The intent of this section is to provide for artwork that reflects the values, culture and history of the Northwest and the City of University Place, complements building design and adds to our sense of place.

A. Standards.

- 1. Artwork in publicly owned places shall be consistent with the City public art policy.
- 2. Artwork shall be located within areas as specifically identified in other sections of this title.
- 3. Permanent art pieces shall not be located in areas designated for performing arts functions.
- 4. Artwork shall:
 - a. Be made of durable, weatherproof materials; and
 - b. Not interfere with pedestrian circulation or cause a traffic hazard; and
 - c. Be designed to avoid physical hazards to the public who come in contact with it.

B. Guidelines.

- 1. Art should reflect the values, culture and history of the Northwest and the City of University Place. Themes to consider include orchards, timber, mining, vikings, canoe making, and wildlife such as bears, deer, salmon and waterfowl.
- 2. Appropriately scaled art pieces or sculptures should be located in the streetscape and in plazas and courtyards where they do not visually obscure adjacent retail uses.
- 3. Art pieces should be accessible physically and intellectually.
- 4. Local sources of art should be considered.
- 5. Artwork may be part of a collection or a single piece.

6. Artwork may include water, seating, planting, decorative architectural elements or plaza space as part of the design.

19.50.350 Water features.

The intent of this section is to provide for water features with designs that reflect the community's values or heritage, allow interaction with water and serve as focal points in plazas and courtyards.

A. Standards.

- 1. Water features shall be located in areas as specifically identified in other sections of this title.
- 2. Where required, water features shall allow people to interact with the display using at least one of the following:
 - a. Allow for ample pedestrian circulation on all sides.
 - b. Provide seating as part of the water feature design, using a low wall.
 - c. Promote physical contact with water.
- 3. Where required, water features shall be a minimum of 25 square feet and maintain a minimum constant or intermittent recirculating flow of 300 gallons per hour.

B. Guidelines.

- 1. Water features should be designed to reflect the community's core values and an appreciation of nature, education and the arts.
- 2. Design water features that are attractive as art objects when water flow must be discontinued during times of drought or cold weather.

19.50.360 Transit facilities.

The intent of this section is to promote multi-modal transportation options through public transit opportunities. Public transit is a key component of sustainable mixed-use type development.

A. Standards.

- 1. Placement and design of transit facilities shall be coordinated with Pierce Transit. Non-Pierce Transit financing is required.
- 2. Transit facilities shall be designed and constructed to represent a common style throughout mixed-use zones unless an exception is granted.
- 3. Streets where transit is expected to operate shall be built to arterial street standards, in order to withstand continuing transit vehicle use.

B. Guidelines.

- 1. Transit facilities should be near pedestrian crossings.
- 2. Transit patron waiting facilities should be covered for weather protection.
- 3. Transit stops should be convenient for pedestrians to facilitate their use and placed to be safely and efficiently served by transit vehicles.

19.50.370 Outdoor kiosks.

The intent of this section is to provide for functional and attractive kiosks. Kiosks serve to provide information, or direction, or are used for the sale of retail goods or food.

A. Standards.

- 1. Kiosks from which merchandise or food is sold shall be attended when open for business.
- 2. Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings.
- 3. Kiosks shall be well illuminated.
- 4. All sides of a kiosk shall have a finished look.

B. Guidelines.

- 1. Kiosks that provide information or directory assistance may be attended or unattended.
- 2. Kiosks should be accessible from all sides.
- 3. Kiosks should be located in areas of high pedestrian traffic.
- 4. Kiosks should be positioned to complement and respect other street furnishings such as benches and lighting.
- 5. Kiosks are not required to be fixed and may be mobile to allow for flexibility in public areas.

19.50.380 Trash and recycling receptables.

The intent of this section is to provide for functional and attractive trash and recycling receptacles. Trash and recycling receptacles include both streetscape and large facilities. Streetscape receptacles are attractively designed, matching other street furnishings, whereas large facilities are screened from view.

- 1. Streetscape receptacles shall be Victory Stanley, Ironsites Series, SD-42, with side gate in VS Black. When an exception is granted all receptacles shall be the same model unless integral to storefront design.
- 2. Ash urns shall be Victory Stanley, Ironsites Series, S-20, in VS Black. When an exception is granted all urns shall be the same model unless integral to storefront design.

- 3. Recycling receptacles shall be of a similar style as the above-referenced trash receptacles. Design of recycling receptacles shall be acceptable to the local refuse service provider.
- 4. Streetscape receptacles shall be located at convenient locations, especially at intersections, and in the proximity of kiosks or restaurants where take-out food is sold or consumed.
- 5. Streetscape waste and recycling receptacles shall be permanently attached, have sealed bottoms and tops sufficient to keep contents dry and concealed from view, and be designed for easy collection and service.
- 6. Streetscape trash and recycling receptacles shall be durable, easy to clean and vandalism/graffiti resistant to the greatest extent possible.
- 7. Location of trash and recycling facilities shall be coordinated with the local refuse service provider.
- 8. Recycling receptacles shall be located in conjunction with at least 50 percent of all trash receptacles.
- 9. Large-scale trash and recycling collection sites, including dumpsters, shall be screened by a fence or wall at least as high as the receptacle and constructed of the same materials or given a similar finish as the buildings they serve.
- 10. The color of any screening fences or walls shall be consistent with adjacent buildings.
- 11. Trash and recycling receptacles shall be maintained in a sanitary condition, and shall be emptied when full.

- 1. Trash and recycling receptacles should blend with surroundings and be visually unobtrusive.
- 2. Restaurants with outdoor seating should provide additional streetscape trash receptacles near seating.

19.50.390 Utility accessories.

The intent of this section is to provide for functional and visually attractive utility accessories, including utility boxes, meters, manhole covers and fire hydrants.

- 1. New utility systems shall be underground.
- 2. Utility accessories shall be uniform in design and color throughout a development and shall:
 - a. Blend in with surroundings to minimize visual and physical impact;
 - b. Be readily accessible and placed so as not to obstruct pedestrian movement; and

- c. Be coordinated with other streetscape accessories.
- 3. Utility accessory design and construction must be approved by the Development Services Department.

19.50.400 Handrails and fencing.

The intent of this section is to provide for functional and attractive handrails and fencing.

A. Standards.

- 1. Handrails shall be installed where necessary for safety or where desired for aesthetics.
- 2. Low fencing or rails (36 inches or lower) shall be permitted where they provide a sense of enclosure in a larger open area, where they separate distinct areas and where they do not obstruct pedestrian mobility.
- 3. Handrails and fencing shall be designed to complement the architectural style of adjacent buildings.
- 4. Solid, slat and plastic fences are prohibited.
- 5. Chain link fences are prohibited, except when approved for public safety applications.

B. Guideline.

1. Metal is the preferred material.

19.50.410 Bollards.

The intent of this section is to provide for functional and attractive bollards. Use of bollards is an attractive way to provide semi-permanent separation of uses.

A. Standards.

- 1. Bollards shall be uniform in design and color throughout a development unless integral to a specific storefront or restaurant design.
- 2. Bollards shall be set back from parking lanes to allow movement of car doors.
- 3. Bollards shall be utilized where necessary to physically separate vehicles from pedestrians.
- 4. Bollard color and design shall be similar to and aesthetically complement other streetscape elements including but not limited to street furniture and streetscape waste receptacles.

B. Guidelines.

1. Removable bollards may be utilized where service vehicles need periodic access and for street closures in the event of festivals or community events.

2. Bollards may be chained together to ensure pedestrian safety or to define areas for public functions.

19.50.420 Bicycle racks.

The intent of this section is to provide for functional and interesting bicycle racks.

A. Standards.

- 1. All bike racks in a development shall be uniform in design or theme and consistent with the development's design or function.
- 2. Bicycle racks shall be permanently mounted and located adjacent to areas with potential high bicycle traffic volumes.
- 3. Bicycle racks shall allow the frame and at least one wheel to be locked.
- 4. Bike racks shall be integrated into overall streetscape design.

19.50.430 Mailboxes and other miscellaneous features.

The intent of this section is to provide direction for mailbox location, reduce street clutter and allow for the inclusion of miscellaneous street features.

A. Standards.

- 1. Mailboxes shall be located in coordination with the U.S. Postal Service.
- 2. All mailboxes shall be located inside buildings unless otherwise required by the U.S. Postal Service.
- 3. When located outside a building, mailboxes shall be designed and integrated with building design.
- 4. Other miscellaneous features typical to the streetscape environment shall be permitted subject to approval of the director. Examples include cash machines, street speakers and parking meters.

B. Guidelines.

- 1. Mailboxes should be located in lobbies or common rooms.
- 2. Mailboxes should be grouped to the greatest extent possible.

19.50.440 Major arterials

Major arterials carry the highest volume of vehicular traffic. The envisioned streetscape is a pedestrian-friendly and highly visible retail street. Wide sidewalks and on-street parking provide a secure shopping environment separated from vehicular traffic. Streetscape amenities are designed to allow high visibility to passing motorists who are provided parallel parking opportunities on both sides of the street.

A. Standards.

- 1. In Storefront locations a 16-foot sidewalk shall be comprised of an eight- to 11-foot pedestrian zone and a 5.5- to eight-foot amenity zone.
- 2. Street trees shall be spaced at 45 feet on center.
- 3. Each development on major arterials shall install a minimum of one street furniture feature, excluding cafe seating, within the right-of-way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street, this requirement applies to both sides.
- 4. A maximum of 50 percent of the amenity zone can be in planter strip sections.
- 5. Roadside features such as streetlights, bike racks, trash and recycling receptacles, drinking fountains, phone booths and newspaper racks shall be of a consistent color and design along the street.

B. Guidelines.

- 1. Art features may be located within the amenity zone.
- 2. Raised planter sections two to three feet high should be considered to further buffer pedestrians.

19.50.450 Other arterials.

- 1. Twelve_and_one-_half_foot sidewalks shall be comprised of a seven-foot pedestrian zone and a 5.5-foot amenity zone.
- 2. Street trees shall be spaced at 38 feet on center.
- 3. Each development located at an intersection shall install a minimum of one street furniture feature, excluding cafe seating, within the right-of-way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street, this requirement applies to both sides.
- 4. Roadside features such as streetlights, bike racks, trash and recycling receptacles, drinking fountains and newspaper racks shall be of a consistent type along the street.

Exhibit J

Chapter 19.53 DESIGN STANDARDS FOR MIXED USEMULTI-FAMILY AND SMALL LOT DEVELOPMENT

The following Sections of UPMC 19.53 are amended to read as follows:

19.53.040 Review Process

Administrative design Design standard review is required for development that is subject to compliance with the adopted standards and guidelines. The City shall review applications in accordance with Chapter 19.85 UPMC.

19.53.070 Applicability and use types.

- A. The design standards and guidelines apply to "small lot" single-family and "multifamily" developments. "Small lots" typically are those less than 6,000 square feet, and small lot developments encourage diversity in the size of dwelling units by promoting and preserving smaller homes on smaller lots. "Multifamily" buildings are designed for occupancy by three or more families in three or more dwelling units, and multifamily developments can be designed to accommodate rental or owner-occupied units. The standards and guidelines apply to new small lot developments in R1 Residential and R2 Residential zones and new multifamily developments in Multifamily Low (MF-L) and Multifamily High (MF-H) zones. They will also apply to infill single-family dwellings on existing substandard lots of record and qualifying modifications to existing small lot and multifamily development. Provisions are organized by and based on development type, rather than zoning designation.
- B. For a complete listing of qualifying and exempt residential projects, see UPMC 19.53.030.
- C. Qualifying residential projects will be subject to administrative design_Design standard review in accordance with UPMC 19.85.050 to ensure conformance with the design standards and guidelines. In some cases, design provisions are mandated and in other cases there is more flexibility in how a project can meet a particular design objective. Generally, the following rules apply to language used in Articles IV and V of this chapter:
 - 1. "Shall" or "must" indicates a design standard and means that conformance is mandatory.
 - 2. "Should" or "encouraged" means the guideline is intended to be a recommendation about how to implement the goals of the design standards and guidelines.
- D. The design standards and guidelines shall be used in conjunction with other documents adopted by the City that contain goals, development parameters, and more specific regulations relative to a particular type of development. Projects shall comply with applicable provisions of the Comprehensive Plan, zoning code and other municipal code requirements. When provisions included in the design standards and guidelines conflict with other requirements of this title, these standards and guidelines shall apply unless otherwise provided.

19.53.080 Design review process.

One of the paramount goals of the City's Comprehensive Plan is to retain or create the qualities that comprise livable, memorable and diverse community life. Zoning and other numerical standards and formulas are inadequate tools, by themselves, for building a livable community in that they cannot ensure quality of physical design. Design review is intended to be a complementary means of retaining, enhancing, or creating a sense of community through its physical structures. Administrative design Design standard review (19.85.050 UPMC) is a discretionary process established to determine the compliance of a development proposal with applicable design standards and guidelines. The design standard review process ensures that there is a harmonious balance between the natural and built environments in a community. It is also used to ensure quality development in accordance with the City's design objectives and to ensure that the appearance of development will be compatible and harmonious with the use and enjoyment of surrounding properties.

Applicants should review this document's stated purpose and objectives, design goals and concepts section, and design standards and guidelines section, to understand the rationale and spirit of the guidelines. Applicants should contact the City early in the project planning and design process to determine application and processing requirements and discuss key issues particular to a specific site.

19.53.090 Organization of the document.

The Design Standards and Guidelines for Small Lot and Multifamily Development document is structured into the following articles:

- A. Article II, Introduction.
- B. Article III, Design Goals and Concepts.
- C. Article IV, Small Lot and Multifamily Design Standards.
- D. Article V, Landscape Design Standards and Guidelines.

Article III provides an introduction to introduces overall design goals and design concepts. Article IV includes specific standards and guidelines that meet the design goals and implement the neighborhood design concept. Article IV is organized into separate sections for small lot residential development and multifamily development. For each residential use type, there are key design components with specific approval standards and corresponding design guidelines to meet the City's design objectives. Graphics and photos are used throughout Article IV to illustrate design objectives, but are not intended to depict the only design solution to a specific criteria or guideline. Article V includes standards and guidelines for landscape design that is common to small lot and multifamily projects. This document also includes appendices for definitions of special terms used (see UPMC 19.53.100), a checklist for small lot development applications, and a checklist for multifamily development applications.

19.53.100 Definitions.

Articulation: The manner in which way portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.).

Authentic architectural style: Architecture that encompasses many styles within an architectural theme, a holistic approach. Possessing appropriate architectural characteristics, massing, and detail consistent with a specific architectural style.

Canopy: A roofed structure constructed of fabric or other material placed to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Compatible: Capable of existing together without conflict or detrimental effects.

Cornice: A continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Deck: An open, unroofed porch or platform extending from a house or other building.

Design elements: The individual visual components within an architectural composition.

Design guidelines: These minimum guidelines or recommendations are intended to guide the design of buildings, lighting, landscaping and neighborhoods. Where conditions are not specifically addressed in the guidelines, it is the responsibility of the proponent to show that the proposed design solution meets the intent of the most closely related guidelines.

Easement: The legal right to use a described piece of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land.

Effective impervious surface: Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on single-family residences are considered ineffective if the runoff is dispersed through at least 100 feet of native vegetation.

Facade: The front or principal face of a building, a side of a building that faces a street or other open space.

Human scale: The size or proportion of a building element or space relative to the structural or functional dimensions of the human body. Used generally to refer to building elements that are smaller in scale, more proportional to the human body, rather than monumental (or larger scale).

Low impact development (LID): Low impact development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls.

Massing: The three-dimensional bulk of a structure: height, width and depth.

Modulation: Means a stepping back or projecting forward of portions of a building face within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure's continuous exterior walls.

Natural grade: Natural grade is considered existing topography prior to proposed construction.

Pedestrian scale: The proportional relationship between an individual and his or her environment.

Privacy fence: A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.

Scale: The spatial relationship among structures along a street or block front, including height, bulk, and yard relationships. Proportional relationship of the size of parts to one another and to the human figure.

Standards: Minimum/maximum requirements based on quantifiable criteria.

Xeriscape: A landscaping method that employs drought-resistant plants native to the region in an effort to conserve resources.

19.53.120 Overall design goals.

The design standards and guidelines have been created to help protect and improve the existing character of University Place's established residential neighborhoods. Overall design goals for small lot and multifamily developments are listed below.

- A. Preserve and enhance the existing character of established residential neighborhoods by encouraging development that creates a strong community image and a harmonious appearance;
- B. Promote new construction that respects and responds to the character of the surrounding built and natural environments and is compatible with existing and evolving residential neighborhoods' site development patterns, mass and scale, and streetscape appearance;
- C. Encourage new small lot and multifamily developments that balance diversity of style with respect for the surrounding context;
- D. Decrease the visual prominence of the automobile and related facilities, such as streets, driveways and parking areas, in residential neighborhoods;
- E. Encourage greater variety in housing types, housing choices, site planning and density mixes in order to provide more diversity and visual interest in the City's residential development, while preserving the City's predominantly single-family residential character;
- F. Foster consideration of neighbors' concerns regarding privacy, scale, massing and streetscape;
- G. Provide design parameters for residential structures so that the projects are harmoniously integrated as they relate to the architecture in the vicinity in terms of colors and materials, scale and building design. Designs should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity, and should enhance important community gateways and view corridors;
- H. Encourage development that contributes to the character of University Place by establishing linkages to community focal points, such as open space, parks, schools and civic buildings;
- I. Strengthen the pedestrian realm by encouraging landscaping and building elements, such as enhanced paving materials, accent lighting, streetscape furniture and adequate sidewalk space, which will contribute to pedestrian environments that are attractive and physically safe;
- J. Maximize stormwater infiltration within developments and minimize the amount of stormwater that is transferred off site <u>usingthrough the use of</u> LID techniques; and
- K. Encourage new development that is urban, environmentally sustainable and energy efficient in scale, treatment and character.

19.53.180 Site planning and design.

C. SL3: Lot Standards.

Design Objective: To strengthen the mutual relationship between housing units, roads, open space and pedestrian amenities for creating small lot developments that protect the privacy of individuals while creating pedestrian-oriented environments.

SL3.1. Approval Standards.

- SL3.1.1. Building placement shall be configured to support the neighborhood's existing site patterns, including building location, setbacks and yard areas, where existing patterns are clearly established and consistent.
- SL3.1.2. Standards for Lot Size and Width.
 - a. Lot Size. There is no minimum lot size. Lot size shall be determined through the administrative design Design standard review process.
 - b. Lot Width. Minimum 40-foot-wide lots for homes with front-loaded and side-loaded garages. No minimum width for lots with alley-loaded and other garage designs.
- SL3.1.3. Setbacks shall ensure separation of homes and private spaces while allowing moderate density. Small-lot homes shall complement existing setback patterns in terms of distance to the street and spacing between homes while considering the smaller lot sizes and need for more private usable open space.
- SL3.1.4. If used, reciprocal side and/or rear yard use easements shall be delineated on the site plan.
- SL3.1.5. If a side yard use easement is used, the wall facing the side yard shall be constructed as a "privacy wall." Privacy walls shall not have doors entering into the yard space of the adjacent home, nor have windows that are within five feet of ground level.

Chapter 19.54 REGIONAL GROWTH CENTER FORM-BASED CODE

Sections: 19.54.010 Purpose of Form-based code 19.54.020 Authority 19.54.030 Responsibility for administration 19.54.040 Zones and regulating plan 19.54.050 Land use standards 19.54.060 Building types and standards 19.54.070 Frontage types 19.54.080 Street grid and standards

A Form-Based Code (FBC) is an alternative to conventional zoning regulations where different use categories are separated into zones to group compatible uses together. Conventional zoning relies on development and design standards to regulate use, building height, residential density, parking, landscaping, signs and other elements of development to mitigate development impacts and create a livable environment. A Form-Based Code relies on many of the same development and design standards, with less emphasis on separation of uses but instead with an increased focus on the design of the public realm – the public space defined by the exterior of buildings and the surrounding streets and open spaces.

The Form-Based Code implements the Regional Growth Area Subarea Plan's goals and policies. The prescriptive standards in the FBC ensure that new development projects exhibit the highest standards of urban design, architecture, and landscaping at the scale of neighborhood, block, lot, and building.

The purpose of the Regional Growth Center Subarea Plan is to create a compact, walkable, and mixed-use Regional Growth Center. The urban form is intended to be inviting, comfortable, safe, and ecologically resilient. The FBC allows a mix of uses within a walkable environment so driving is an option, not a necessity, to meet every-day needs.

19.54.020 Authority.

- 1. Chapter 19.54 of the University Place Municipal Code (UPMC) shall be referred to as the "Form-Based Code" (FBC). The FBC provides requirements for development and land use activity within the boundaries of the Regional Growth Center (RGC). This Chapter applies to all new development, exterior alterations and major redevelopment or major improvements in the Mixed-Use Neighborhood 45, Mixed Use-Urban 75, Mixed-Use Urban/ Industrial 75 and Mixed-Use Center 110 zones.
- 2. All provisions of the University Place Municipal Code requirements continue to apply unless otherwise specified in this Chapter. Where a requirement exists for the same topic in this Chapter and other Chapters of the University Place Municipal Code, the requirement of this Chapter shall prevail unless otherwise specified.
- 3. Photos and diagrams are included to convey intent, to depict what is meant by a standard.
- 4. Design standard review is required for all development subject to these design standards. The process and procedure for obtaining design review approval is provided in Section 19.85.050 UPMC.

19.54.030 Responsibility for administration.

The Planning and Development Services Department shall be the department responsible for administering the FBC where the FBC applies outside of rights-of-way. The Engineering Department shall be the department responsible for administering the FBC within rights-of-way.

19.54.040 Zones and regulating plan

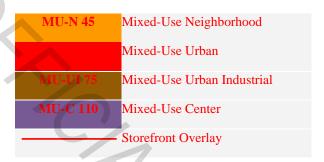
A. Purpose and establishment of zoning districts and overlays

This section establishes the zoning districts and overlays to implement the FBC for property and rights-of-way within the RGC boundaries. Property and rights-of-way subject to the RGC FBC shall be divided into the following zones and overlays, which shall be applied to all property as shown on Figure 2, the Regulating Plan.

B. Zoning districts and overlays

Table 1 lists the zoning districts and overlays that are established and applied to property within the boundaries of the RGC. Refer to Figure 1 for the intent and descriptions of the zoning districts.

Table 1



C. Zoning Districts

Building types, the desired form, streetscape and public realm, parking and use in the four zone districts are summarized in Figure 1 below.

D. Regulating plan

This section establishes the regulating plan, Figure 2, as the map that identifies the location of the zoning districts and storefront overlay.

E. Storefront Frontage Overlay

This overlay requires buildings to have storefront frontage and a minimum floor-to-ceiling height to accommodate ground floor live-work, commercial, retail or other such nonresidential activity on streets where the vision expects active, pedestrian-oriented streetscapes.

Figure 1

| MU-N 45 | |
|---------------------|---|
| Example Building | |
| Types | |
| Desired Form | New buildings have a maximum height of 45 feet. Buildings are built close to the street. Active ground floor uses are encouraged but not required. |
| Streetscape | A variety of street types front the MU-N 45 zone depending on location. All street types |
| and Public | provide sidewalks, bike lanes, landscaping and drive lanes. |
| Realm | Some street types include parking and center medians. |
| Parking | Parking is located on-site behind buildings on surface lots or in underground parking |
| | structures. On-street parking may be available depending on the street type. |
| Use | Active ground floor uses are encouraged but not required. Upper floor and area behind |
| | storefronts may be offices, lodging or residential uses. |

| MU-U 75 and Example Building Types | |
|------------------------------------|--|
| Desired Form | New buildings have an allowed height of 75 feet with additional height available if affordable housing or employment are included. Maximum height is 110 feet. Buildings are built close to the street. |
| Streetscape and Public | A variety of street types are used in the MU-U 75 and MU-U/I 75 zones. Both public and private street types provide access to existing and proposed roads that make up the road |
| Realm | grid. Street types range from those with four travel lanes, a center median, bike lanes, on-street parking, landscaping and wide sidewalks in front of stores to local access streets and alleys. |
| Parking | Parking is located behind buildings or in above or underground parking structures. On- street parking may be available depending on the street type. Reduced parking requirements are allowed along transit routes. |
| Use | Ground floor uses may include commercial, retail restaurant and/or office spaces. Ground floor storefront architecture is required in storefront overlay zones. Upper floors and areas behind storefronts may be office, lodging or residential. |

| Example Building Types New buildings have an allowed height of 110 feet with additional height available if affordable housing or employment are included by variance. Buildings are built close to the street. Streetscape and Public Realm Yes provide access to existing and proposed roads that make up the road grid. Street types range from those with two travel lanes, and center median, bike lanes, landscaping and wide sidewalks in front of stores to local access streets and alleys. Parking Parking is located behind buildings or in above or underground parking structures. On- street parking may be available depending on the street type. Reduced parking requirements are allowed along transit routes. Ground floor uses may include commercial, retail restaurant and/or office spaces. Ground floor storefront architecture is required in storefront overlay zones. Upper floors and areas behind storefronts may be office, lodging or residential. | ı | MU-C 110 | |
|---|---|----------------|--|
| Desired Form New buildings have an allowed height of 110 feet with additional height available if affordable housing or employment are included by variance. Buildings are built close to the street. Streetscape and Public Realm types provide access to existing and proposed roads that make up the road grid. Street types range from those with two travel lanes, and center median, bike lanes, landscaping and wide sidewalks in front of stores to local access streets and alleys. Parking Parking is located behind buildings or in above or underground parking structures. Onstreet parking may be available depending on the street type. Reduced parking requirements are allowed along transit routes. Use Ground floor uses may include commercial, retail restaurant and/or office spaces. Ground floor storefront architecture is required in storefront overlay zones. Upper floors and areas behind storefronts may be office, lodging or residential. | ŀ | | |
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| Streetscape and Public Realm A variety of street types are used in the MU-C 110 zone. Both public and private street types provide access to existing and proposed roads that make up the road grid. Street types range from those with two travel lanes, and center median, bike lanes, landscaping and wide sidewalks in front of stores to local access streets and alleys. Parking Parking is located behind buildings or in above or underground parking structures. Onstreet parking may be available depending on the street type. Reduced parking requirements are allowed along transit routes. Use Ground floor uses may include commercial, retail restaurant and/or office spaces. Ground floor storefront architecture is required in storefront overlay zones. Upper floors and areas behind storefronts may be office, lodging or residential. | | Desired Politi | |
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| requirements are allowed along transit routes. Use Ground floor uses may include commercial, retail restaurant and/or office spaces. Ground floor storefront architecture is required in storefront overlay zones. Upper floors and areas behind storefronts may be office, lodging or residential. | | 1 arking | |
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| areas behind storefronts may be office, lodging or residential. | | | |
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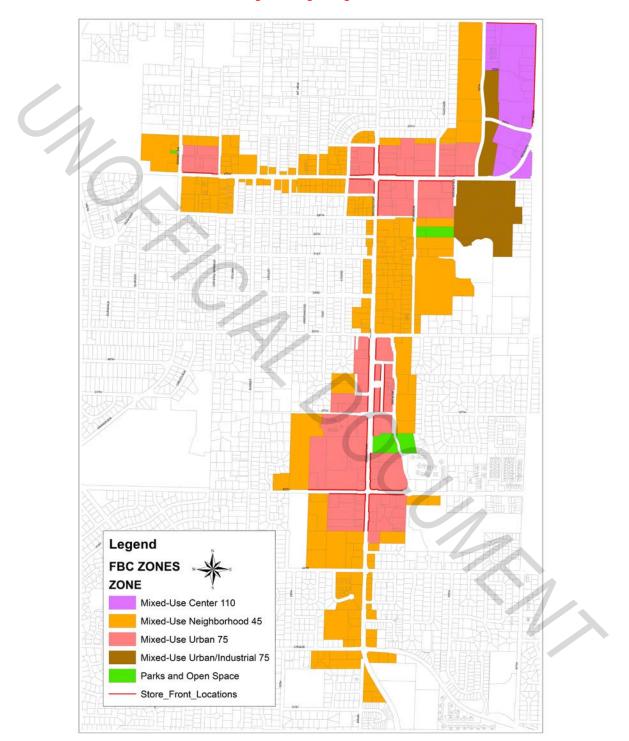


Figure 2 Regulating Plan

1//>

19.54.050 Land use standards

A. Permitted land uses

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

- 1. The land use will not impair the orderly implementation of the RGC Subarea Plan.
- 2. The land use is consistent with the purpose of the applicable zoning district.
- 3. The characteristics and activities associated with the proposed land use are similar to one or more of the listed uses in Table 2 and will not produce greater impacts than the land uses listed for the zoning district.
- 4. The land use will be compatible with the other land uses allowed in the zoning district.
- 5. The land use is not listed as allowed in another zoning district
- **B. Symbols**. The following symbols are employed in Table 2 Permitted Land Uses:
 - 1. A "P" in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.
 - 2. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in Section 19.85.020, UPMC Conditional use permits.
 - 3. An "X" in a cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.
 - 4. A number accompanying a "P," "C," "D" or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this Chapter.

Table 2 Permitted Land Uses

| Residential uses | MU-N 45 | | MU- UI 75 | MU- C 110 |
|---|---------|---|-----------|-----------|
| Adult family home (6 or fewer) | P | P | P | P |
| Assisted living facility | P | P | P | P |
| Bed and breakfast | P | X | X | X |
| Family day care facility | P | P | P | P |
| Live/work unit | P | P | P | P |
| Mobile/manufactured home | X | X | X | X |
| New manufactured home | P | X | X | X |
| Mobile home park | X | X | X | X |
| Multifamily housing | P | P | P | P |
| Nursing home | P | P | P | P |
| Single-family attached housing | P | X | X | X |
| Single-family detached housing | X | X | X | X |
| Existing single-family detached housing | P | P | P | P |
| Duplex housing | X | X | X | X |
| Small lot housing | X | X | X | X |
| | | | | |

| Civic & recreation types and uses | MU-N45 | MU-U75 | MU-UI75 | MU-C110 |
|---|--------|--------|---------|---------|
| Government services | P | P | P | P |
| Mortuaries | P | X | X | X |
| Day care centers | P | P | P | P |
| Education | P1 | P | P | P |
| Hospitals/24-hour medical clinics | P | P | P | P |
| Recreation – Public, Private, Nonprofit | P | P | P | P |
| Religious assemblies | P1 C2 | P1 C2 | P1 C2 | P1 C2 |

| Commercial uses | MU-N 45 | | MU-UI 75 | MU-C 110 |
|---|------------------------------|-----------|----------------------|-------------|
| Administrative and professional offices ¹ | P | P | P | P |
| Adult entertainment | X | X | С | X |
| Amusement and recreation (private) | P | P | P | P |
| Business support services | P | P | P | P |
| Craft production facilities | P | P | P | P |
| Eating and drinking establishment ¹ | P1, 2 | P1, 2 | P1, 2 | P1, 2 |
| Electric vehicle charge stations | P | P | P | P |
| Health club (a.k.a. fitness center) | P | P | P | P |
| Micro-beverage production (with drinking establishments) | P | P | P | P |
| Kennels | X | X | X | X |
| Retail ¹ | Pl | C1 | P | P |
| Lodging | P | P | P | P |
| Marijuana Retail ² | X | X | X | X |
| Mini casinos | X | X | X | X |
| Mobile, manufactured, and modular home sales | X | X | X | X |
| Motor Vehicles Sales, Rental and Repair | C1 ³ , 2, 4, 3, 6 | C1, 2, 3, | P1, 2, 3, 4, 6 C5 | C1, 2, 3, 6 |
| Parking garages (stand-alone) | P | P | P | P |
| Personal services | P | P | P | P |
| Vehicle sales (showroom sales only) | P | P | P | P |
| Pawn shops (indoor only) and second-hand stores | X | X | P | X |
| Rental and repair (indoor, excludes auto) | X | X | P | X |
| Veterinary clinics/animal hospitals (no outdoor boarding) | P | P | P | P |
| Wholesale trade | X | X | P | X |

Notes:

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

²In accordance with Chapter 5.35 UPMC and Section 19.70.140 UPMC.

³Prohibited between 28th and 44th Streets in MU-U 75 and MU-N 45.

| Utilities | MU-N 45 | | MU-UI 75 | MU-C 110 |
|---|--------------|-------------|-------------|---------------|
| Distribution and Collection Utilities | P | P | P | P |
| Transportation | P | P | P | P |
| Utility and public maintenance facilities | C | C | P | С |
| Wireless telecommunications facilities ¹ | P1, 2 C 3, 4 | P1,2, 3 C 4 | P1,2, 3 C 4 | P 1, 2, 3 C 4 |

Note:

¹According to the siting criteria and standards of Chapter 23.45 UPMC Wireless Communication Facilities and Essential Public Facilities in Chapter 19.40 UPMC.

| Essential public facilities | MU-N 45 | | MU-UI 75 | MU-C 110 |
|---|---------|----|----------|----------|
| Electrical facilities | C1 | C1 | P1 C2 | C1 |
| Essential public facilities per WAC 365-196-550 | X | X | С | X |
| Level II group homes | X | X | С | X |
| Recycling processors | X | X | С | X |
| Waste transfer facilities | X | X | С | X |

| Light industrial uses | MU-N 45 | | MU-UI 75 | MU-C 110 |
|---|---------|---|----------------|----------|
| Buy-back recycling | X | X | С | X |
| Craft production | | P | P | P |
| Contractor yards | X | X | P | X |
| Food and related products | X | X | P | X |
| Industrial services and repair | X | X | X | X |
| Limited manufacturing | X | X | P | X |
| Marijuana processor or producer ¹ | X | X | C1 | |
| Micro-beverage production facilities (no drinking establishments) | X | X | P | X |
| Motion picture, TV and radio production studios | С | P | P | P |
| Printing, publishing and related industries | X | X | P | X |
| Salvage yards | X | X | X | X |
| Existing vehicle impound yards | X | X | \mathbb{C}^2 | X |
| Warehousing, storage units, distribution and freight movement | X | X | С | X |

Notes:

¹Pursuant to Section 5.35.010.(C) UPMC.

²In conjunction with towing.

19.54.060 Building types and standards

This section provides description and design standards for individual building types to ensure that proposed development is consistent with the RGC Subarea Plan's goals for building form, physical character, land use, and quality.

Each building shall be designed in compliance with the applicable general requirements in Chapter 19.50 UPMC and all applicable requirements of the Washington Building and Fire Codes as amended and adopted by the City.

Development standards for each building type generate the individual buildings on a block that, collectively with other buildings, shape the form of the public realm.

The standards to shape and locate buildings are based on their physical characteristics and compatibility. The successful fit of a new project into an existing character depends on how it relates to neighboring buildings to its side and rear in terms of setbacks, height, massing, scale, and arrangement of shared and open spaces.

Architectural features such as porches, stoops, bay windows, balconies and cornices can project into the setback area. In the RGC, balconies, cornices, awnings, stands selling magazines, fruits, vegetables, or flowers may project into the public right-of-way, subject to a right-of-way permit. Encroachments animate street life and should not affect pedestrian movement and maintenance of utilities.

Accessory Structures: The height or footprint of an accessory structure may not exceed the height or footprint area of the principal structure.

A. Multiplex. A Multiplex is a medium-sized structure that consists of 3–6 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. The Multiplex should have the appearance of a medium-sized family home and is appropriately scaled to provide a transition from single-family neighborhoods into higher density areas. The Multiplex type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

| 1. Where Allowed and maximum height | |
|--|--|
| MU-N 45 feet (Not permitted on storefront lots) | |
| MU-U 75 feet (Not permitted on storefront lots) | |
| MU U/I 75 feet (Not permitted on storefront lots) | |
| MU-C 110 feet (Not permitted on storefront lots) | |
| 3. Setbacks | |
| Front 5-20 feet | |
| Side 5 feet* | |
| Rear 10 feet | |
| 4. Building size and massing | A C M IC I |
| Maximum frontage length without modulation – 50 feet | Axonometric diagram of a Multiplex |
| Maximum length on side yard – 80 feet | |
| 5. Open Space | |
| See Section 19.50.050-080UPMC | |
| 6. Main Pedestrian Access | |
| Primary street | |
| 7. Allowed Frontages | The second secon |
| Porch, stoop, dooryard, or light court | and the second s |
| 8. Parking | |
| Type: Enclosed, covered, or open. | Illustrative picture of a multiplex. |
| Location: Rear or on side | |

* Subject to Building Code

B. Townhouse. A townhouse is a small- to medium-sized building comprised of 3 or more attached dwelling units arrayed side by side, with the ground floor raised above grade in order to provide privacy for ground floor rooms. The primary building sits at the front of the property, with the garage at the rear, separated from the primary building by a rear yard. Each dwelling unit is directly accessed from the front yard/street. Garages must be located and accessed from the rear of the lot.

This building type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This building type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

The front elevation and massing of each rowhouse building may be either symmetrical or asymmetrical, repetitive or unique in disposition, if the delineation of each individual unit is evident.

MU-N 45 feet (Not permitted on storefront lots)

MU-U 75 feet (Not permitted on storefront lots)

MU U/I 75 feet (Not permitted on storefront lots)

MU-C 110 feet (Not permitted on storefront lots)

2. Setbacks

Front 5-20 feet

Side 0 feet between units, 5 feet from property line*

Rear 10 feet, 30 feet from R1/R2

3. Building size and massing

Minimum unit width – 15 feet

Maximum unit width – 30 feet

Maximum overall frontage 120 feet

4. Open space

See Section 19.50.050-080 UPMC

Main Pedestrian Access

Primary Street

6. Allowed Frontages

Porch, stoop, or dooryard

7. Parking

Type: Enclosed, covered, or open.

Location: Rear

Subject to Building Code



Axonometric diagram of a Townhouse



Illustrative picture of townhouses with stoop frontages.

C. Live-Work. A Live-Work is a small to medium-sized attached or detached structure that consists of single dwelling unit above and/or behind a flexible ground floor space that can be used for home-office uses such as residential, personal and general service, small-scale craft production or retail uses. Both the ground-floor flex space and the unit above are owned by one entity.

This building type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into an urban neighborhood street. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing neighborhood main streets to expand as the market demands. Garages must be located in the rear of the lot. The workspace is accessed directly from the primary street, and the living space at the rear or above is accessed directly or indirectly from the working space

| M | | N 4 | 15 1 | FΔ | Δt |
|-----|-----|-----|------|----|----|
| IVI | U-1 | | | L | υı |

MU-U 75 feet

MU U/I 75 feet

MU-C 110 feet

2. Setbacks

Front 0-10 feet

Side 0 feet between units, 5 feet from property line*

Rear 5 feet from alley, 30 feet from R1/R2

3. Building size and massing

Minimum unit width - 15 feet

Maximum unit width – 30 feet

Maximum overall frontage 120 feet

Minimum first floor height – 15 feet

Minimum upper story height – 9 feet

4. Open space

See Section 19.50.050-080UPMC

5 Main Pedestrian Access

Primary Street

6. Allowed Frontages

Porch, forecourt, or dooryard.

7. Parking

Type: Enclosed, covered, or open.

Location: Rear.

*Subject to Building Code



Axonometric diagram of Live-Work Townhomes



Illustrative photo of Live-Work Townhomes

D. Court. A Court building accommodates 5 or more dwelling units vertically and horizontally integrated arranged to share one or more common courtyards. The courtyard is intended to be a semi-public outdoor room that is an extension of the public realm.

The main entry to ground floor units should be directly off the courtyard or from the primary street. Access to second story units should be directly from the courtyard through stairs. Elevator access, if any, should be provided between the underground garage and courtyard-podium only.

This building type is typically located within medium-to high density neighborhoods and is subject to the City's design standards. It is important for providing a broad choice of housing types including affordable housing.

This building must include shopfront first floor architecture in the shopfront overlay which may be in the form of live-work units.

| 1. Where allowed and height | |
|---|--|
| MU-N 45 feet (Not permitted on storefront lots) | |
| MU-U 75 feet (Not permitted on storefront lots) | |
| MU U/I 75 feet (Not permitted on storefront lots) | |
| MU-C 110 feet (Not permitted on storefront lots) | |
| 2. Setbacks | |
| Front 10-20 feet | |
| Side 0-10 feet* | |
| Rear 5 from alley, 30 from R1/R2 | |
| 3. Building size and massing | |
| Minimum frontage width – 200 feet | |
| Maximum depth – 100 feet | |
| Open space | Axonometric diagram of a Court |
| See Section 19.50.050-080UPMC | |
| 5. Vehicle access | |
| From alley, for lots without alley, from driveway, maximum width of 12 feet located as close to side yard property line as possible | |
| 6. Main Pedestrian Access | H. A. C. |
| Primary Street. Second story access may be from stairs or | |

elevator from internal courtyard.

Porch, stoop, dooryard, or forecourt

Location: Rear or tuck under in rear.

*Subject to Building Code

Type: Enclosed, covered, or open, underground garage.

E. Apartment. An apartment building accommodates 5 or more dwelling units vertically and horizontally integrated arranged to share common amenities and open space.

Ground floor units on primary or secondary streets must have their entrances directly on to the street. Non-street front ground floor units shall access to a courtyard or plaza. Access to upper story units should be directly from a common entrance or from an internal lobby courtyard or plaza.

To differentiate between the ground floor and upper stories along street frontages alternate exterior materials shall be used. Examples would include brick or stone.

Parking is located behind/beside or under the building.

This building type is typically located within higher density neighborhoods and is subject to the City's design standards. It is important for providing a broad choice of housing types including affordable housing.

Must include shopfront first floor architecture in shopfront overlay which may be in the form of live-work.

1. Where allowed and height

MU-N 45 feet (Not permitted on storefront lots)

MU-U 75 feet (Not permitted on storefront lots)

MU U/I 75 feet (Not permitted on storefront lots)

MU-C 110 feet (Not permitted on storefront lots)

Setbacks

Front 10-20 feet

Side 0-10 feet*

Rear 5 feet from alley, 30 feet from R1/R2

3. Building size and massing

Minimum frontage width – 100 feet

Maximum depth – 100 feet

Minimum first floor height 10 feet. Upper stories 9 feet.

Open space

See Section 19.50.050-080UPMC.

Vehicle access

From alley, for lots without alley, from driveway, maximum width of 12 feet located as close to side yard property line as possible

Main Pedestrian Access

Primary Street. Second story access may be from stairs or elevator from internal courtyard.

7. Allowed Frontages

Porch, stoop, dooryard, forecourt, or light court

8 Parking

Type: Enclosed, covered, open, or garage.

Location: Rear, side, tuck under, or underground.

*Subject to Building Code



Axonometric diagram of an Apartment



Illustrative Photo of an apartment

F. Commercial Building. A commercial building is a building type designed exclusively for commercial uses for retail, restaurants, services and or offices. Commercial buildings may be single story or have multiple stories. Ground floor pedestrian access is provided from the primary street in mid-block locations and from primary and secondary streets in corner locations. Upper floors are accessed through a street level lobby.

The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.

| 1. Where allowed and height | |
|--|--|
| MU-N 45 feet | |
| MU-U 75 feet | |
| MU U/I 75 feet | |
| MU-C 110 feet | |
| Minimum height 25 feet/Accessory buildings 15 feet | |
| 2. Setbacks | |
| Front 0-10 feet | |
| Side 0-10 feet* | |
| Rear 0 feet*, 30 feet from R1/R2 | |
| 3. Building size and massing | Axonometric diagram of a commercial building |
| Maximum frontage width – 400 feet | |
| Maximum side length – 140 feet | |
| Minimum first floor height – 15 feet | |
| Minimum upper story height – 9 feet | |
| 4. Open Space | |
| See Section 19.50.050-080 UPMC | |
| 5. Main Pedestrian Access | |
| Primary Street | |
| 6. Allowed Frontages | |
| Forecourt, storefront, or arcade | |
| 7. Parking | |
| Type: Enclosed, covered, open, garage | |
| Location: Rear, or underground. | |

Illustrative Photo of a Commercial Building

Subject to Building Code

G. Mixed Use: A Mixed-Use Building is a vertical building typically of a single massing element, designed for occupancy by retail, service, or office uses on the ground floor, with upper floors configured for retail, service, office, and/ or residential uses. Upper floors are accessed through a street level lobby. Location: Mid-block or corner. Parking is underground garage, surface, tuck under, or a combination.

The floor to ceiling height of the first floor is greater than the rest of the floors to accommodate the unique needs of commercial space and increase the comfort of occupants and guests. The main entrance to each ground floor tenant bay should be directly from the street. Parking is accommodated in an underground garage, surface lot, structure, tuck under facility, or some combination.

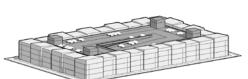
| 1. Where allowed and height | |
|--|---|
| MU-N 45 feet | |
| MU-U 75 feet | |
| MU U/I 75 feet | |
| MU-C 110 feet | |
| 2. Setbacks | |
| Front 0-10 feet | |
| Side 0-10 feet* | |
| Rear 0 feet*, 30 feet from R1/R2 | |
| 3. Building size and massing | |
| Maximum frontage width – 400 feet | |
| Maximum side length – 140 feet | |
| Minimum first floor height – 15 feet | Axonometric diagram of a Mixed-Use |
| Minimum upper story height – 9 feet | Building |
| 4. Open Space | |
| See Section 19.50.050-080 UPMC. | |
| 5. Main Pedestrian Access | |
| Primary Street | |
| 6. Allowed Frontages | |
| On Primary Street: Forecourt, storefront, or arcade | |
| Residential Entrances Porch, stoop, dooryard, or light court | |
| 7. Parking | |
| Type: Enclosed, covered, or open, garage. | Illustrative Photo of a Mixed-Use Building. |
| Location: Rear, tuck under, or underground | indutative i noto of a winder-ose building. |
| * Subject to Building Code | |
| | |

H. Liner Building. A Liner Building has a thin footprint that conceals a parking garage or other large-scale faceless building, such as a movie theater, or "big box" store to create a pedestrian-friendly environment. The building can be designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. The main entrance to each ground floor storefront and the theater or big box retail is directly from the street. Entrance to the upper levels of the building is through a street-level lobby accessible from the street or through a side yard.

Location: Mid-block or corner. Parking is underground garage, surface, tuck under, or a combination.

Parking is accommodated in an underground garage, surface parking at the rear of the lot, parking tucked under from the back, or a combination of any of the above.

| 1. Where allowed and height | |
|---|------|
| MU-N 45 feet | |
| MU-U 75 feet | |
| MU U/I 75 feet | |
| MU-C 110 feet | |
| 2.Setbacks | |
| Front 0 feet Minimum, 10 feet Maximum | |
| Side 0 feet Minimum* 10 feet Maximum | |
| Rear 0 feet*, 30 feet from R1/R2 | Ax |
| 3. Building size and massing | AX |
| Maximum frontage – 400 feet | |
| Maximum side length – 140 feet | |
| Minimum first floor height – 16 feet | |
| Minimum upper story height – 10 feet | |
| 4. Open Space | |
| See Section 19.50.050-080 UPMC. | |
| 5. Location | |
| Mid-Block or Corner | Illu |
| 5. Main Pedestrian Access | |
| Primary Street | |
| 6. Allowed Frontages | |
| Forecourt, storefront, gallery, or arcade | |
| 7. Parking | |
| Type: Garage. | |
| Location: Interior, or underground. | |
| * Subject to Building Code | |



Axonometric diagram of a Liner Building



Illustrative photo of a Liner Building

19.54.070 Frontage types.

A. Purpose

This section sets forth the standards applicable to the development of private frontages. Private frontages are the components of a building that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). These standards supplement the standards for each zone that the frontage types are allowed within. For each frontage type, a description, a statement of the type's intent, and design standards are provided. These standards are intended to ensure that proposed development is consistent with the City's goals for building form, physical character, land use activity and quality.

B. Applicability

These standards work in combination with the standards found in Sections 19.54.050 Building Types and Standards and are applicable to all private frontages.

C. Stoop

<u>Description</u>: The primary facade is near the front property line and the elevated stoop connects to the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This type is appropriate for residential uses with small setback.

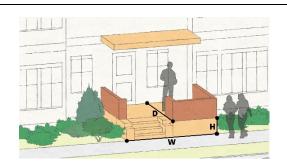
Size

W. Width: Minimum 5 feet **D**. Depth: Minimum 8 feet

H. Average finished level above sidewalk: minimum 18 inches, maximum 4 feet.

Design standards

- 1) Stairs may be parallel or perpendicular to the building facade.
- 2) Ramps, if constructed, shall be parallel to facade or along the side of the building.
- 3) Entry doors are to be covered or recessed 3 feet to provide shelter from the elements.



Axonometric diagram of a Stoop



Illustrative photo of a Stoop

D. Porch

<u>Description</u>: The porch provides a physical transition from the sidewalk to the private lot and building while maintaining visual connection between buildings and the public space of the street. The porch frontage consists of a building with a front set back from the property line and a porch encroaching into that front setback.

Size.

W. Width: Minimum 8 feet.

D. Depth: Minimum 6 feet.

H. Porch height above public sidewalk: Maximum 3 feet 6 inches.

Pathway: Minimum width 3 feet.

<u>Design standards</u>. Projecting porches must be open on 3 sides and have a roof providing at least 3 feet of cover.



Axonometric diagram of a Porch



Illustrative photo of a Porch

E. Doorvard

Description: The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, or at grade and is intended for ground floor residential.

Size.

W. Width: Minimum 8 feet. **D.** Depth: Minimum 6 feet.

H. Porch height above public sidewalk: Maximum 3 feet 6 inches.

Pathway width: Minimum 3 feet.

<u>Design standards</u>. For live/work, retail and service uses, these standards are to be used in conjunction with those for the Storefront Frontage Type. In case of conflict between them, the Dooryard Frontage Type standards shall prevail.



Axonometric diagram of a Dooryard



Illustrative photo of a Dooryard

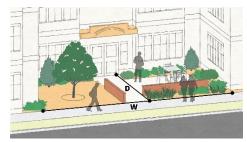
F. Forecourt

<u>Description</u>: The main facade of the building is at or near the frontage line and a small percentage is set back creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area.

Size.

W. Width: Minimum 12 feet.D. Depth: Minimum 12 feet.Width to Depth ratio: Maximum 2:1

<u>Design standards</u>. The proportions and orientation of these spaces should consider solar orientation and user comfort.



Axonometric diagram of a Forecourt



Illustrative photo of a Forecourt

G. Light-court

<u>Description</u>: The main facade of the building is set back from the front property line by an elevated terrace or a sunken light-court. This type buffers residential, retail, or service uses from urban sidewalks and separates the private yard from public encroachment.

Size.

W. Width: Minimum 8 feet.

H. Landing height below sidewalk: Maximum 4 feet.

<u>Design standards</u>. A short fence may be placed along the built-to-line or setback where it is not defined by a building. Maximum fence height 4 feet.



Axonometric diagram of a Light-court



Illustrative photo of a Light-court

H. Storefront

Description: The main facade is at or near the front property line with an at-grade entrance facing the sidewalk. This type has substantial glazing at the sidewalk level and typically includes an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types such as an arcade.

<u>Size.</u> Ground Floor Transparency: 50% of storefront frontage minimum.

Door recessed from property line: Maximum 12 feet.

Design standards.

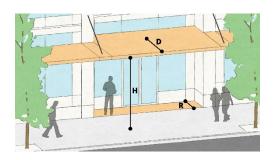
- 1) Storefront glass shall be clear without reflective glass frosting or dark tinting.
- 2) Storefront windows may have clerestory windows between the storefront and second floor/top of single-story parapet. Glass in clerestory may be of a character to allow light such as stained glass, glass block, painted glass, or frosted glass.
- 3) Storefronts with accordion style doors/windows or other operable windows that allow the space to open to the street are encouraged.

4) Awnings are encouraged.

Awning:

Depth: Minimum 4 feet.

Setback from curb: Minimum 2 feet. Height clearance: Minimum 8 feet.



Axonometric diagram of a Storefront



Illustrative photo of a Storefront

J. Arcade

<u>Description</u>: Arcade frontages are composed of a building with ground floor facades built to the property line and upper floors that project over the arcade. Arcades contain ground-floor storefronts, making them ideal for retail use as the arcade shelters the pedestrian and shades the storefront glass, preventing glare that might obscure views of merchandise.

Size.

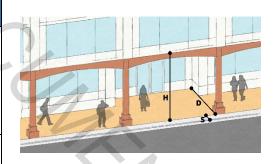
Depth: Minimum 8 feet.

Ground floor height: Minimum15 feet.

Setback from curb: Minimum 1 foot, Maximum 2 feet.

Design standards.

- 1) Arcades shall be combined with the Storefront frontage type.
- 2) Arcades shall be entirely on private property.
- 3) Column spacing and colonnade detailing, including lighting, shall be consistent with the style of the building to which it is attached.
- 4) Columns shall be placed in relation to curbs to allow passage around and to allow for passengers of cars to disembark.



Axonometric diagram of an Arcade



Illustrative photo of an Arcade

19.54.080 Street grid and standards

A. Purpose

This section provides design standards to ensure that proposed development is consistent with the RGC Subarea Plan's goals for an interconnected and walkable network of blocks and streets that support the intended physical character, land use activity, and quality. Streets must not only provide for the efficient and safe movement of people, goods, and services, but must also facilitate great places which contribute to the look, feel, and experience of the downtown area.

B. Applicability

- 1. This section describes the standards for streets in the RGC and supplements Engineering Standards.
- 2. These street standards are applicable to the transformation of existing streets and the creation of new streets in the RGC.
- 3. Additional street standards can be integrated into this section when approved by the City.

C. Design objectives.

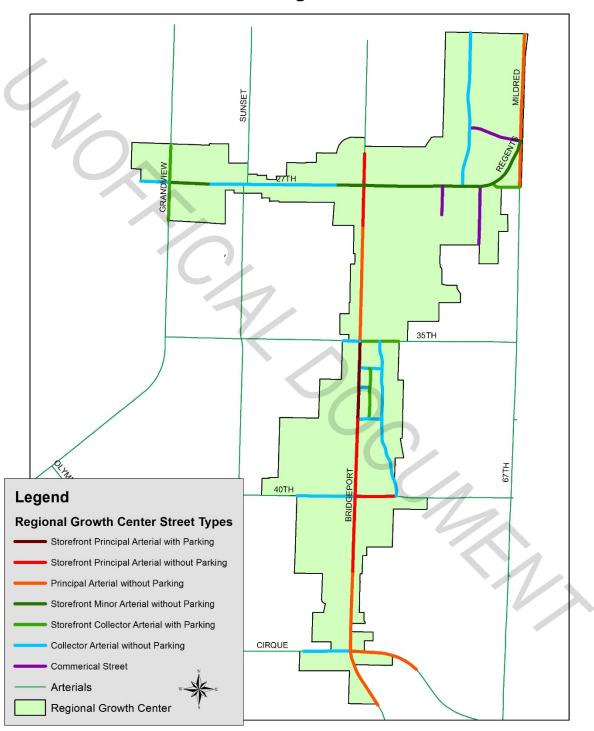
- 1. Streets are one of the most important elements in defining RGC character. Due to this important role in place-making, in addition to their contribution of a major percentage of public space, street standards must be considered alongside building form, building types, frontage types, civic spaces, and landscaping in creating urban environments.
- 2. In accordance with the intent of this section, new or modified streets shall be designed to incorporate the following criteria for street design:
 - a. Function: Ensuring access to premises for deliveries and servicing, effective use of curb space to support RGC activities and upgrading utilities under the roads to serve the RGC's growing needs.
 - b. Mobility: Safe, efficient, and reliable movement supporting access of people and goods.
 - c. Livability: Providing good and inclusive places for all, which supports vital economic, cultural, and community activity.
- 3. All elements of the streets are character based. Overall width, pavement width, the number of lanes, and lane width are listed. Street edges include drainage, planter type, lighting type, and walkway type and curb radii at intersections. Bulb-outs are encouraged to facilitate a pedestrian-friendly environment.

D. Street Grid.

When new development or redevelopment occurs on large blocks or without through access, new roads shall be required to provide access in accordance with the adopted City street grid. New development or redevelopment on large blocks or without through access, development shall also account for the proposed future street grid maps and standards.

Ally / Paseo / Drive aisles street types are placeholders for streets of higher classifications. The intent is to reserve these throughfares by not encumbering them with buildings. Streets of higher classifications shall be open to the public to provide connectivity with the existing street grid.

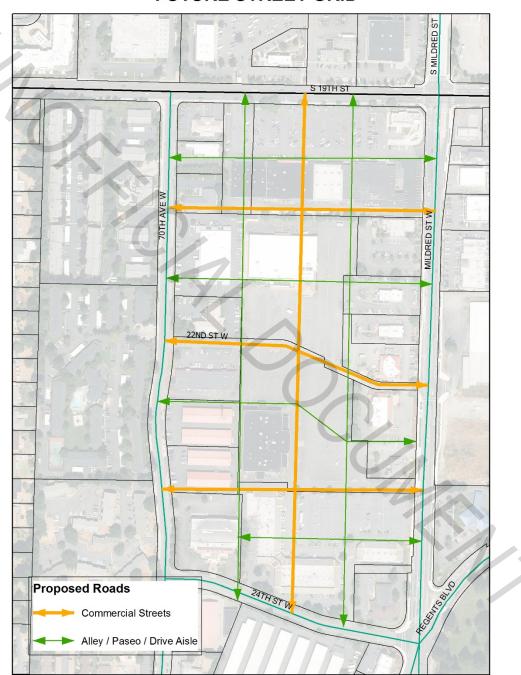
Form-Based Code Street Grid Existing Streets



Street Type Locations

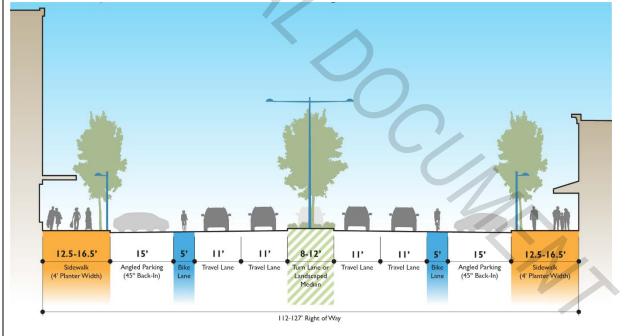
| Street Type | Street Name | From | To |
|------------------------------------|-------------------------|-------------------------|-------------------------|
| Storefront Principal | Bridgeport Way | 35 th Street | 38 th Street |
| Arterial with On-Street | | | |
| Parking | | | |
| Storefront Principal | Bridgeport Way | 26 th Street | 35 th Street |
| Arterial and Principal | | 40 th Street | 50 th Street |
| Arterial without On-Street Parking | Mildred | 19 th Street | 27 th Street |
| Falking | 40 th Street | Drexler | Bridgeport Way |
| Storefront Minor Arterial | 27 th Street | Grandview Drive | Crystal Springs |
| without On-Street Parking | | Louise Street | Regents Blvd. |
| | | | |
| | Regents | 27 th Street | Mildred |
| Storefront Collector | Market Place | 35 th Street | 38 th Street |
| Arterial with On-Street | 35 th Street | Bridgeport Way | Drexler Drive |
| Parking | Grandview Drive | 25 th Street | 29 th Street |
| Ť | 27 th Street | Regents Blvd. | 67 th Avenue |
| Collector Arterial without | 27 th Street | Crystal Springs | Louise |
| On-Street Parking | | Grandview | Elwood |
| | 70 th Avenue | 19 th Street | 27 th Street |
| | 40 th Street | Bridgeport Way | 79 th Street |
| | Cirque Drive | Bridgeport Way | 77 th Street |
| Commercial Street with | Drexler Drive | 35 th Street | 42 nd Street |
| or without On-Street | Larson Lane | 35 th Street | 42 nd Street |
| Parking | 35 th Street | Bridgeport Way | Larson Lane |
| | 37 th Street | Bridgeport Way | Drexler Drive |
| | Rochester | 27th Street | End |
| | 69th Avenue | 27 th Street | End |
| | 24 th Street | Mildred | 70 th Street |
| Alleyway / Paseo | Market Court | Market Place | Drexler Drive |
| 2-Way Alley | TBD | | |
| 1-Way Alley | TBD | | |
| Woonerf | TBD | | |
| Woolch | TBD | | |

MU-C 110 ZONE PROPOSED FUTURE STREET GRID

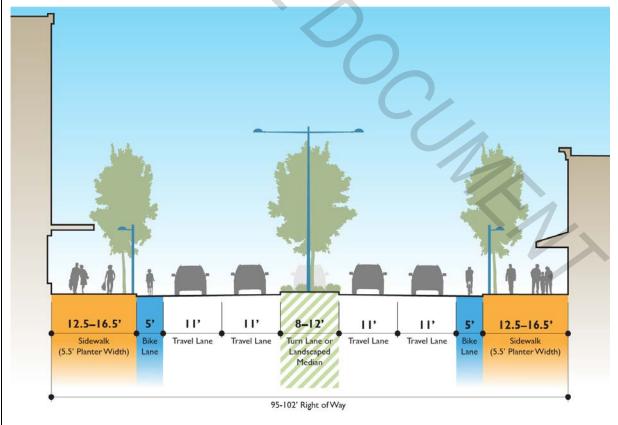


The proposed street locations are approximate and are for illustrative purposes only.

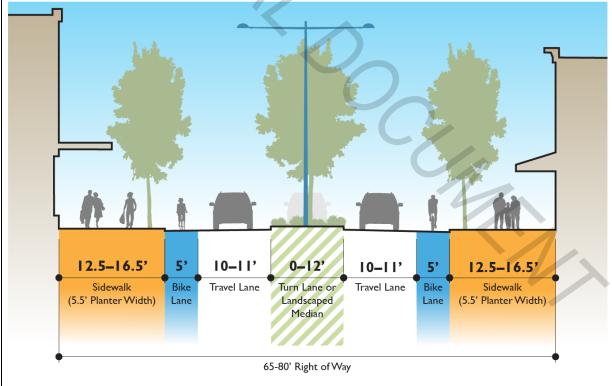
| Storefront Principal Arterial with On-Street Parking | | |
|--|---|--|
| Assembly | | |
| Right-of-Way width | 112-127 feet | |
| Pavement width | 84 feet | |
| Travel Way | | |
| Number lanes | 4 lanes, 2 each way (Variable) | |
| Lane width | 11 feet | |
| Parking lane | 1 lane each side, 45°, back-in | |
| Movement speed | Slow | |
| Median width | 8-12 feet | |
| Median landscaping | Street trees, shrubs and ground cover | |
| Median lighting | See Chapter 13 UPMC | |
| Bicycle lane width | 5 feet both sides | |
| Public transit | Bus | |
| Frontage improvements | | |
| Curb type | Vertical curb | |
| Curb radius | 30 feet inside | |
| Sidewalk width | 12.5-16.5 feet including amenity zone and planter | |
| Sidewalk surface | Concrete (pavers allowed in amenity zone) | |
| Planter width | 5.5 feet both sides (including curb) | |
| Planter landscaping | Columnar street trees limbed up for visibility and pedestrian | |
| | access and groundcover in tree wells. | |
| Lighting | See Chapter 13 UPMC | |
| | | |



| Storefront Principal Arterial and Principal | pal Arterial without On-Street Parking |
|--|---|
| Assembly | |
| Right-of-Way width | 95-102 feet |
| Pavement width | 54 feet |
| Travel Way | |
| Number lanes | 4 lanes, 2 each way |
| Lane width | 11 feet |
| Parking lane | None |
| Movement speed | Slow |
| Median width | 8-12 feet |
| Median landscaping | Street trees, shrubs and ground cover |
| Median lighting | See Chapter 13 UPMC |
| Bicycle lane width | 5 feet |
| Public transit | Bus |
| | |
| Curb type | Vertical curb |
| Curb radius | 30 feet inside |
| Sidewalk width | 12.5 – 16.5 feet including amenity zone and planter |
| Sidewalk surface | Concrete (pavers allowed in amenity zone) |
| Planter width | 5.5 feet both sides (including curb) |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| | pedestrian access and groundcover in tree wells. |
| Frontage lighting | See Chapter 13 UPMC |
| | |



| Storefront Minor Arterial without On Street Par | king |
|---|---|
| Assembly | King |
| Right-of-Way width | 65-80 feet |
| Pavement width | 32 feet |
| Travel Way | |
| Number lanes | 2 lanes, 1 each way |
| Lane width | 10-11 feet (depending on truck traffic) |
| Parking lane | None |
| Movement speed | Slow |
| Median width | 0-12 feet |
| Median landscaping | Street trees, shrubs and ground cover |
| Median lighting | See Chapter 13 UPMC |
| Bicycle lane width | 5 feet |
| Public transit | Bus |
| Frontage Improvements | |
| Curb type | Vertical curb |
| Curb radius | 25-30 feet |
| Sidewalk width | 12.5 – 16.5 feet including amenity zone and planter |
| Sidewalk surface | Concrete (pavers allowed in amenity zone) |
| Planter width | 5.5 feet |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| | pedestrian access and groundcover in tree wells. |
| Frontage lighting | See Chapter 13 UPMC |
| | |
| 1 Marian and a second a second and a second | |
| A A | |



| Assembly Right-of-Way width | 53-96 feet |
|---------------------------------------|---|
| Pavement width | 36-60 feet |
| Cravel Way | 30-00 1001 |
| Number lanes | 2 lanes, 1 each way |
| Lane width | 10 feet |
| Parking lane | 8-15 feet both sides |
| Speed | 25 mph |
| Median width | No median |
| Median landscaping | No median |
| Median lighting | No median |
| Bicycle lane width | 5 feet |
| Public transit | Bus |
| Frontage improvements | |
| Curb type | Vertical curb |
| Curb radius | 25-30 feet |
| Sidewalk width | 12.5 - 16.5 feet including amenity zone and planter |
| Sidewalk surface | Concrete |
| Planter width | 5.5 feet |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| | pedestrian access and groundcover in tree wells. |
| Frontage lighting See Chapter 13 UPMC | |
| | |
| | |
| 12.5–16.5' 15' 5' | 10' 10' 5' 8' 12.5-16.5' |
| | Travel Lane Travel Lane Bike Parking Sidewalk |

| Collector Arterial without On-Street Parking | |
|---|--|
| Assembly | 10.71 |
| Right-of-Way width | 60-71 feet |
| Pavement width | 32 feet |
| Travel Way | |
| Number lanes | 2 lanes, 1 each way |
| Lane width | 11 feet |
| Parking lane | None |
| Movement speed | Slow |
| Median width | 8-12 feet |
| Median landscaping | Street trees, shrubs, and ground cover |
| Median lighting | See Chapter 13 UPMC |
| Bicycle lane width | 5 feet |
| Public transit | Bus |
| Frontage Improvements | |
| Curb type | Vertical curb |
| Curb radius | 25-30 feet |
| Sidewalk width | 12.5 feet including amenity zone and planter |
| Sidewalk surface | Concrete |
| Planter width | 5.5 feet |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| a lancer landscaping | pedestrian access and groundcover in tree wells. |
| Frontage lighting | See Chapter 13 UPMC |
| Tomage righting | See Chapter 13 Of Me |
| Sidewalk Bike Travel Lane Turn L (4' Planter Width) Lane Lands | 12' 11' 5' 11.5' ane or Travel Lane Bike Caped dian Sidewalk (4' Planter Width) |
| 60.71/ Pi | ght of Way |



| Commercial Street with or without On-Street Park | ing |
|--|--|
| Assembly | 45.6 |
| Right-of-Way width | 47 feet |
| Pavement width | 24 feet |
| Travel Way | |
| Number lanes | 2 lanes, 1 each way |
| Lane width | 12 feet |
| Parking lane | 0 – 7 feet |
| Speed | 25 mph |
| Median width | None |
| Median landscaping | None |
| Median lighting | None |
| Bicycle lane width | None |
| Public transit | None |
| Frontage improvements | |
| Curb type | Vertical curb |
| Curb radius | 20 feet |
| Sidewalk width | 11.5 feet including planter |
| Sidewalk surface | Concrete |
| Planter width | 5.5 feet |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| Transcriping | pedestrian access and groundcover in tree wells. |
| Frontage lighting | |
| Trontage righting | see chapter is erivic |
| Frontage lighting See Chapter 13 UPMC 12.5' 12' 12' 7' 12.5' Sidewalk (4' Planter Width) Travel Lane Travel Lane Parking Sidewalk (4' Planter Width) | |
| 49-63' Right of Way | |

Right-of-Way width 32 feet 20 feet Pavement width Number lanes 2 lanes, 1 each way Lane width 10 feet Parking lane None Speed 20 mph Median width None Median landscaping None Median lighting None Bicycle lane width None Public transit None Curb type Vertical curb Curb radius 10 feet Sidewalk width 6 feet Sidewalk surface Concrete Planter width Planter landscaping Street trees and ground cover Frontage lighting 10' 10' Sidewalk Travel Lane Travel Lane Sidewalk 32' Right of Way

| 2. Way Alley | |
|-----------------------|----------------------|
| Assembly | |
| Right-of-Way width | 32 feet |
| Pavement width | 20 feet |
| Travel Way | 20 1001 |
| Number lanes | 2 lanes, 1 each way |
| Lane width | 10 feet |
| Parking lane | None |
| Speed | 20 mph |
| Median width | NA NA |
| Median landscaping | NA |
| Median lighting | NA |
| Bicycle lane width | NA |
| Public transit | NA |
| Frontage Improvements | - 11- |
| Curb type | NA |
| Curb radius | NA |
| Sidewalk width | NA |
| Sidewalk surface | NA |
| Planter width | NA |
| Planter landscaping | NA |
| Frontage lighting | NA |
| | |
| Travel Land | IO' e Travel Lane |
| 20' Right of Way | |

| 1- Way Alley | |
|-----------------------|---------------|
| Assembly | |
| Right-of-Way width | 16 feet |
| Pavement width | 16 feet |
| Travel Way | 10 100 |
| Number lanes | 1 lane, 1 way |
| Lane width | 16 feet |
| Parking lane | None |
| Speed | 15 mph |
| Median width | NA |
| Median landscaping | NA |
| Median lighting | NA |
| Bicycle lane width | NA |
| Public transit | NA |
| Frontage Improvements | |
| Curb type | NA |
| Curb radius | NA |
| Sidewalk width | NA |
| Sidewalk surface | NA |
| Planter width | NA |
| Planter landscaping | NA |
| Frontage lighting | |
| Frontage lighting | |
| 16' Right of Way | |

| Woonerf | |
|------------------------------|--|
| Assembly | |
| Right-of-Way width | 35 feet |
| Pavement width | 35 feet |
| Travel Way | 35 1000 |
| Number lanes | 2 lanes, 2 way |
| Lane width | 35 feet shared space |
| Parking lane | Shared space |
| Speed | 20 mph |
| Median width | NA |
| Median landscaping | NA |
| Median lighting | NA |
| Bicycle lane width | Shared space |
| Public transit | NA |
| Frontage Improvements | |
| Curb type | Flat curb |
| Curb radius | NA |
| Sidewalk width | Shared space |
| Sidewalk surface | Concrete or pavers |
| Planter width | Shared space |
| Planter landscaping | Columnar street trees limbed up for visibility and |
| Trainer randscaping | pedestrian access. |
| Frontage lighting | See Title 13. UPMC |
| 6' I 6' Sidewalk Travel Lane | 7' 6' Planter Sidewalk |
| 35' Right of | Way |

| Parklet | |
|---------------------|--|
| Assembly Type | Temporary use of on-street parking stall |
| Width | 10 x 20 foot parking stall |
| Pavement width | 35 feet |
| Surface | Raised wooden platform over on- street roadway |
| | parking stall |
| Planter landscaping | Planter boxes or pots to distinguish parklet from |
| | adjacent parking stalls |
| | |
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Exhibit L

Chapter 19.55

OVERLAY ZONES

Sections:

| 19.55.010 | Purpose. |
|-----------|--|
| 19.55.020 | Transition properties overlay zone standards. |
| 19.55.030 | Day Island/Day Island South Spit overlay zones |
| 19.55.040 | Sunset Beach overlay zone. |
| 19.55.050 | Repealed. |
| 19.55.060 | Chambers Creek Properties overlay zone. |
| 19.55.070 | Public facilities overlay zone. |
| 10 55 080 | Miyad usa district incentive overlay zone |

19.55.010 Purpose.

The purpose of overlay zones is to establish special standards for certain areas of the City characterized by unique historical development patterns or which may require special standards due to other unique circumstances applicable to the properties and to implement the goals and policies of the Comprehensive Plan regarding economic development and protection of residential neighborhoods.

19.55.020 Transition properties overlay zone standards.

- A. Purpose. The purpose of the transition properties overlay zone standards is to provide extra protection for selected residential neighborhoods that abut or are across the street from commercial development.
- B. Future development or redevelopment of nonsingle-family uses (attached or detached) of properties designated as transition properties shall be subject to the following standards:
 - 1. There shall be a 25-foot minimum setback from all local streets;
 - 2. Level I Llandscaping is required within the front yard setback abutting all local streets as defined in Chapter 13.20 UPMC, Article II, and in rear yard setbacks abutting R1 property. A landscape easement of the same width on abutting property may be used to satisfy this requirement;
 - 3. Vehicle access shall not be permitted onto local streets unless provided specifically by ordinance:
 - 4. A solid 100 percent sight-obscuring six-foot-high fence or wall shall be located within or along the required setback along all local streets. The location of the fence or wall shall be approved by the Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence;
 - 5. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses;
 - 6. Whenever a commercial building abuts the landscape requirement, or when the lower story of a commercial building is used for nonresidential purposes, only high (those that do not provide easy viewing) windows may be used on the side of the building abutting a residential use. This does not apply to residential uses.

19.55.030 Day Island/Day Island South Spit overlay zones.

A. Purpose. The purpose of the Day Island/Day Island South Spit overlay zones is to preserve the unique residential character of Day Island and support continued marina operations at the north end of Day Island by allowing flexibility in building setbacks and other development standards.

- B. Day Island Development Standards.
 - 1. Unless otherwise specified in this section, all development standards of this code and UPMC Title 18, where applicable, also apply.
 - 2. For the purpose of the Day Island development standards, Day Island is divided into two areas, Day Island and the South Spit. Day Island is generally that portion north of the 27th Street Bridge, and the South Spit generally that portion south of the 27th Street Bridge. Specific lots subject to the development standards are identified in Figure 1.

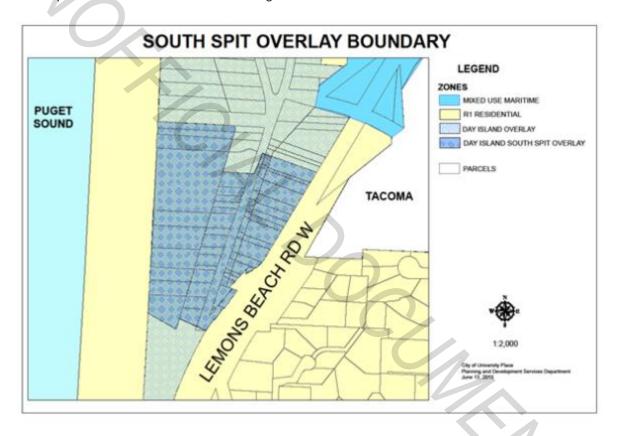


Figure 1

3. The following table specifies development standards for Day Island and Day Island South Spit areas.

Development Standards Day Day Island

Island South Spit

Front Yard Minimum 20 feet 0

Setback

Development Standards Day Day Island

Island South Spit

Side Yard Minimum

Setback

20/35 NA

Rear Yard Minimum Setback (a) 20/35 feet

5 feet

Garage Front Yard

Setback (b)

5 feet NA

Accessory Structure Rear 5/35

Yard Setback (c)

feet

Setback from OHWM (d) 35 feet 5 feet

Building Setback from

10 feet NA

VCA (e)

Principal Structure

35 feet 30 feet (f)

NA

Maximum Height

Principal Structure Maximum Floor Area NA (g) 1,600 square feet

(h)

Notes:

- a. A 35-foot rear setback measured from the Ordinary High Water Mark is required for properties located within shoreline jurisdiction. Otherwise a 20-foot setback measured from property line is required.
- b. One single-story garage or carport not exceeding 15 feet in height from street centerline elevation is permitted in the front yard setback but no closer than five feet from the street providing the garage does not exceed a maximum width of 24 feet and size of 600 square feet.
- c. Accessory structures may be constructed in the rear yard setback but no closer than 35 feet from the Ordinary High Water Mark.
- d. Ordinary High Water Mark. See UPMC 18.10.020 and 18.30.040, Table 18.30.B.
- e. Vegetation Conservation Area. See UPMC 18.25.100.
- f. From street centerline elevation.
- g. Maximum floor area may be limited pursuant to UPMC 19.45.080, FAR standards.
- h. Maximum floor area is exempt from UPMC 19.45.080, FAR standards.
- C. Porches and Decks. The following porches and decks are allowed to project into the required setbacks as follows:
 - 1. A porch or deck with a floor level no higher than the elevation of the floor of the house where the principal access door is located may project five feet into the front yard.
 - 2. A porch or deck with a maximum floor level height of five feet above finished grade may project three feet into the side yard.

- 3. A porch or deck with a floor level no higher than the floor of the top story may project 15 feet into the rear yard but shall maintain a minimum 10-foot setback from any vegetation conservation area required under UPMC 18.25.100. Uncovered decks or patios with a walking surface no more than two feet above grade and consisting of pervious materials and designs may encroach into the required rear yard and vegetation conservation area to the extent permitted in UPMC 18.25.100(E)(3) when located within the Shoreline Residential shoreline environment.
- D. Fences. Fences not to exceed four feet in height may be located in the required front yard setback. Fences not to exceed six feet in height may be located in the required side and rear yard setbacks. Fences located within the rear yard setback from OHWM shall comply with the requirements in UPMC 18.30.130(C)(9).

19.55.040 Sunset Beach overlay zone.

- A. Purpose. The purpose of the Sunset Beach overlay zone is to recognize the building constraints associated with lots located between the shoreline and railroad right-of-way and to preserve the unique residential character of Sunset Beach by allowing flexibility in building setbacks and other development standards.
- B. Sunset Beach Development Standards.
 - 1. Unless otherwise specified in this section, all development standards of this code and UPMC Title 18, where applicable, also apply.
 - 2. The following table specifies development standards for Sunset Beach.

Sunset Beach Development Standards

Front Yard Minimum Setback (a) 0/20 feet

Side Yard Minimum Setback (b) 0-5

feet

Rear Yard Minimum Setback from

OHWM (c)

5 feet

Principal Structure Maximum Height 35 feet
Principal Structure Maximum Floor NA (d)

Area

Notes:

- a. A zero-foot front yard setback measured from the railroad right-of-way shall be allowed until additional right-of-way is purchased from the railroad at which time a setback equal to the distance between the front of the house and the edge of the railroad right-of-way or 20 feet, whichever is less, shall be required.
- b. A minimum side yard setback of zero is permitted. The two side yards combined must total at least five feet.
- c. Rear yard is measured from the ordinary high water mark see UPMC 18.10.020 and 18.30.040, Table 18.30.B.

- d. Maximum floor area is exempt from UPMC 19.45.080, FAR standards.
- C. Porches and Decks. A covered deck or porch may be constructed in a required side yard providing emergency access is available from the front to the rear of the house or structure.
- D. Fences. Fences not to exceed six feet in height may be located in the required front and side yard setbacks. Fences located within the rear yard setback from OHWM shall comply with the requirements in UPMC 18.30.130(C)(9).

19.55.050 Town Center overlay.

Repealed by Ord. 662.

19.55.060 Chambers Creek Properties overlay zone.

- A. Purpose. The purpose of the Chambers Creek Properties overlay zone (CCPO) is to promote the development of the Chambers Creek Properties master site plan. The overlay will allow the City and County to manage the development of the Chambers Creek Properties in a way that is most beneficial to the County and community.
- B. Standards. The City has adopted the Chambers Creek Properties master site plan, joint procedural agreement and the Chambers Creek Properties design standards in this title to implement the master site plan. These documents are hereby incorporated by reference. Portions of the Chambers Creek Properties overlay located within the City's shoreline jurisdiction shall be subject to the Shoreline Master Program requirements in UPMC Title 18.
- C. Use. The following uses shall be permitted in the Chambers Creek Properties overlay:
 - 1. Uses and uses commonly accessory to those uses identified in the Chambers Creek Properties master site plan shall be permitted within the overlay zone subject to the Chambers Creek joint procedural agreement and the Chambers Creek Properties design standards.
 - 2. Essential public facilities, existing on January 1, 2005, located outside the master site plan area and permitted in accordance with Chapter 19.40 UPMC.
 - 3. Administrative government offices.
 - 4. Level 1 public maintenance facilities outside the master site plan area.
 - 5. Level 2 public maintenance facilities outside the master site plan area subject to a conditional use permit.
 - 6. Uses and activities described in the Chambers Creek Properties master site plan that are not listed as exemptions in the joint procedural agreement may occur without the requirement to obtain a land use permit (e.g., nonconforming use permit, conditional use permit, or special use permit); however, the requirements for building permits, land development permits, and environmental permits still apply. Uses and activities specifically exempted under the joint procedural agreement will continue to occur within the CCPO and may require modification of existing permits and approvals and/or issuance of new permits and approvals subject to the UMPC.

D. Scope of CCPO. The total acreage subject to the master site plan and CCPO provisions in this title may be increased upon submittal by the County of a formal written notice describing additional, contiguous properties acquired and approval by the City.

19.55.070 Public facilities overlay zone.

- A. Purpose. The purpose of the public facilities overlay zone is to ensure the impacts associated with public facilities are appropriately mitigated and to provide exceptions to allow public facilities to best serve their clients and community with less cost to the taxpayer.
- B. Standards. Unless otherwise specified, all uses and standards of the underlying zone apply.
- C. Use. The following land uses shall be permitted in the public facilities overlay:
 - 1. Uses Permitted Outright.
 - a. Education Level 1.
 - b. Public maintenance facilities (established prior to July 1, 2012).
 - c. Public safety services (established prior to July 1, 2012).
 - d. Transportation Level I and II (established prior to July 1, 2012).
 - 2. Uses Permitted by Conditional Use Permit.
 - a. Public maintenance facilities.
 - b. Public safety services.
 - c. Public school auxiliary services.
 - d. Transportation Level I and II.
- D. Signs. Gateway and changing message signs are permitted subject to design and construction standards, general and specific sign requirements, and other requirements of Chapter 19.75 UPMC, notwithstanding any restrictions otherwise prohibiting such signs. For the purposes of this provision, gateway sign shall have the same definition as "ccity gateway sign." The following restrictions apply to gateway and changing message signs in the public facilities overlay zone:
 - 1. Gateway signs existing as of the effective date of this provision may be maintained or reconstructed. No additional gateway signs are permitted.
 - 2. Changing message signs shall be programmed so that the transmission of changing messages is limited to 5:30 a.m. to 6:30 p.m. during standard time and 5:30 a.m. to 8:30 p.m. during daylight savings time, except when the transmission of emergency messages is determined to be in the public interest.
 - 3. Changing messages shall be limited to text. Messages that include graphics, animation, video clips or other non-text images are prohibited.

- 4. Changing message signs shall be limited in area to 12 square feet. A changing message sign may be incorporated into an identification sign that includes additional area devoted to static (non-changing) messages.
- 5. Changing message signs shall be programmed to adjust illumination levels to reflect ambient light levels and ensure that illumination levels will not create excessive glare that may result in traffic hazards or other public nuisance.

19.55.080 Mixed use district incentive overlay zone.

A. Purpose. The purpose of the mixed use district incentive overlay zone is to provide incentives for the quality redevelopment of those mixed use zoned properties on the north side of 27th Street West between Grandview Drive West and Crystal Springs Road. The redevelopment of these properties serves to implement the Comprehensive Plan and economic development strategy.

B. Incentives. Those properties in the area described in subsection (A) of this section are permitted a maximum height of 59 feet and maximum density of 50 dwelling units per acre subject to this section.

C. Applicability.

- 1. These standards apply to all new development, exterior alterations and major improvements.
- 2. All University Place Municipal Code (UPMC) provisions apply unless in conflict with standards in this chapter. The following specific UPMC provisions do not apply:

19.30.040(B)(3) Commercial Vehicles

19.35.040(D) Temporary Housing

Units - Medical

Situations

19.45.040(J) Projection Exception

19.45.050 Height standards

19.50.020 - 19.50.030 Design Review

19.70.060(F) Open Space and Parks

19.70.080(B) Incentives

D. Process.

- 1. An administrative use permit is required to take advantage of the incentives (Chapter 19.85 UPMC). The City shall review the applications in accordance with the process below.
- 2. Pre-Submittal Concept Review. A pre-design meeting may be scheduled with the City's technical review committee prior to formal project development and application. The applicant may present schematic sketches and a general outline of the proposed project. This meeting will allow City staff to acquaint the applicant with the design standards, submittal requirements and the application procedures, and provide early input on the proposed project.

- 3. Submittal Requirements. Applicants shall submit a design review application form(s) provided by the City, along with the correct number of documents, plans and support material required in the application checklist.
- 4. Review Fees. Design review fees must be paid at the time of submittal.
- 5. Time Frame and Procedure. Design review shall be conducted in accordance with the timelines and procedures set forth in UPMC Title 22, Administration of Development Regulations, and shall be considered a Type I permit.
- 6. Review Criteria. The City shall approve applications when any of the following findings are made:
 - a. The applicant meets all standards of this chapter; or
 - b. The application sets forth a proposal that the Director determines is equivalent to or exceeds the standards of this chapter. The Director shall seek a recommendation from the Planning Commission on exceptions in accordance with Chapter 19.50 UPMC.
- 7. Written Decisions. The City shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.
- 8. Exceptions. A standard may be replaced with an equivalent item(s) if the applicant can demonstrate to the satisfaction of the City that the standard is of equal or greater quality or quantity.
- 9. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two years from the date of permit issuance, or if appealed within two years of the final decision, design review approval shall expire. The City may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration of the permit.
- 10. Appeals. Any decision of the City may be appealed to the City Hearings Examiner. Appeals shall be filed as set forth in UPMC Title 22.
- E. Mixed Use. Mixed use refers to the combining of retail, service or office uses with residential use in the same building or on the same site in one of the following ways:
 - 1. Vertical Mixed Use. A single structure that typically provides retail, service or office uses on the ground floor, and residential and/or office uses on the above floors.
 - 2. Horizontal Mixed Use Attached. A single structure that typically provides retail, service or office uses in the portion fronting the street with attached residential uses located toward the rear of the same building.
 - 3. Horizontal Mixed Use Detached. Two or more structures where retail, service or office uses are provided in one or more building(s) and residential uses are provided in one or more separate building(s). Horizontal mixed use detached is only permitted when:
 - a. All buildings are located on the same parcel or buildings are located on separate parcels subject to a binding site plan; and

b. A development agreement has been executed in accordance with Chapter 22.30 UPMC that requires the commercial component to be built within five years of the date of the agreement.

F. Design Standards. The Design Standards and Guidelines for the Mixed Use Incentive Zoning Overlay are adopted by reference and contained in a separate City design manual titled "Design Standards and Guidelines for Mixed Use Incentive Zoning Overlay."



Exhibit M

Chapter 19.60

OFF-STREET PARKING REQUIREMENTS

| Continuo | |
|-----------|---|
| Sections: | D. |
| 19.60.010 | A - F |
| 19.60.020 | Required off-street parking spaces. |
| 19.60.030 | Location. |
| 19.60.040 | Calculation of required off-street parking spaces. |
| 19.60.050 | Off-street parking spaces required for particular uses. |
| 19.60.060 | Off-street loading space requirements. |
| 19.60.070 | Uses not specified. |
| 19.60.080 | Cooperative (joint-use) parking facilities. |
| 19.60.090 | Building rehabilitation, expansion or change of use. |
| 19.60.100 | Parking on vacant lots. |
| 19.60.110 | Parking prohibited in R1 and R2 residential front setback areas |
| 19.60.120 | Driveways and parking lot designs. |
| 19.60.130 | Maximum number of parking spaces. |
| 19.60.140 | Compact car allowance. |
| 19.60.150 | Accessible parking requirements. |
| 19.60.160 | Bicycle parking. |
| 19.60.170 | Transit and ride-share provisions. |
| 19.60.180 | Parking dimensions, size and access. |

19.60.010 Purpose.

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

- A. Requiring compliance with design standards for surface and structured parking;
- B. Setting minimum and maximum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities;
- C. Providing incentives to ride-share through preferred parking arrangements;
- D. Providing for parking and storage of bicycles; and
- E. Requiring uses which attract large numbers of employees or customers to provide transit stops.

19.60.020 Required off-street parking spaces.

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

19.60.030 Location.

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

- A. Surface parking lots within the TC, MU, MU-O, MU-M, MU-N45, MU-U75, MU-UI75 and CC MU-C110 zones shall comply with design standards for location of surface parking lots as described in the applicable design standards.
- B. For a single-family dwelling, duplexes or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.
- C. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, and community clubs, primary parking facilities shall be located not farther than 150 feet from the facility.
- D. For uses other than those specified, parking facilities shall be located not farther than 500 feet in the TC and CC zones and 300 feet in all other zones from the facility.

19.60.040 Calculation of required off-street parking spaces.

Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in UPMC 19.60.050. If the formula for determining the number of parking spaces results in a fraction, the number of spaces shall be rounded up to the nearest whole number.

19.60.050 Off-street parking spaces required for particular uses.

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

| | Parking Requirements |
|---|-------------------------------|
| RESIDENTIAL USES | |
| Adult Family Home (6 or Fewer) | 1 per employee ¹ + |
| Assisted Living Facility | 0.5 per bed |
| Affordable Senior Multifamily Housing ² | 0.6 |
| 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 |

Parking Requirements

2 Bedroom Units 1.25 per unit 3+ Bedroom Units 1.5 per unit **Nursing Home** 0.25 per bed 2 per unit

Single-Family Housing

(Attached)

1.5 per unit + 1

Single-Family Housing (Attached) in Small Lot

Development

guest stall

Single-Family Housing (Detached) in Small Lot

Development

2 per unit + 1 guest stall

Single-Family (Detached) and Duplex Housing

2 per unit

CIVIC AND RECREATION USES

Administrative Government 400

Service

400

Animal Control

Cemetery/Mortuary 1 per 5 seats

Community Center 200 Community Club 200 Courthouse 200 Cultural Service (Museum, 250

Library)

Day Care Center (Exceeds

12)

1 per employee¹+ 1 per 10 clients

High School 1 per employee¹ +

1 per 10 students

Elementary and Intermediate

1 per employee¹+

10

Hospital and 24-Hour Medical Clinic

1 per employee¹ +

1 per bed

Jail

1 per employee¹ +

0.25 per bed

Postal Service 250 for retail area

Private Club and Lodge 200 Public Safety Service 400

Recreation - Public 2/acre of open

space

Recreation - Nonprofit 2/acre of open

space

Parking Requirements

Religious Assembly 1 per 5 seats

Utility and Public Maintenance Facility

400

UTILITIES AND RESOURCE USES

Utilities Use

Comm. and Personal 400*

Wireless

Telecommunication Facility

Essential Public Facilities Use

Organic Waste Processing 1 per employee¹ +

Facility 10

Sewage Treatment Facility 1 per employee¹ +

10

Resource Use

Agricultural Sale 250

COMMERCIAL USES

Office/Business Uses

Administrative and 400 Professional Office

Veterinary Clinic/Animal

Hospital

400

Retail/Services/Entertainment

Adult Entertainment 200

Amusement and Recreation 200

(Private)

Beauty Salon/Barber 400

Building Materials 250

Business Support Service 400

Eating and Drinking

Establishment

200

Garden Supply (Nursery) 250

Health Club (a.k.a. Fitness

Center)

200

Kennel 1 per employee¹ + 1 per 10 cages

Limited Accessory Retail

(MU-O Only)

250

^{*}Note: For telecom towers = 1 per tower.

| Parking |
|--------------|
| Requirements |

Lodging - Hotel and Motel

(No RV)

1 per room

Marina and Other Boating

Facility

1 per slip

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

400

Equipment Sales

Pawn Shop 250 Personal Service (Other) 250 Rental and Repair Service

400

Sales of General Merchandise

250

Tattoo Parlor 250 Video Rental/Sale 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

Parking Requirements

Printing, Publishing and

400 office, 1,000

Related Industry

other

Salvage Yard

400 office

Storage Unit

2,500

Warehousing, Distr. and

400 office, 2,000

Freight Movement

other

19.60.060 Off-street loading space requirements.

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

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

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

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

Employees per largest shift.

[&]quot;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.

- C. Hotel, office building and restaurant shall provide a minimum of one loading space; provided, any of these uses over 50,000 square feet shall provide two loading spaces.
- D. Each loading space shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, six inches. Loading spaces shall be located to prevent trucks from projecting into any public right-of-way, parking area, and parking aisle. All loading spaces shall be designated and located in the rear or side of the building and away from frontage roads.
- E. Exceptions. Upon written request the required number of loading spaces may be reduced or eliminated if the person making the request can demonstrate that less or no loading spaces are required because of the type of use, location of shared loading spaces, location of use in relation to delivery truck accessibility and ability to front load. The amount of reduction or if no loading spaces are to be required shall be determined by the Director.

19.60.070 Uses not specified.

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

19.60.080 Cooperative (joint-use) parking facilities.

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

- A. The applicant shall demonstrate compliance with design standards for encouraging joint-use parking areas within MU, MU-O and MU-M zones as described in Chapter 19.50 UPMC.
- B. The applicant shall demonstrate that there will not be a conflict with the operating hours of the businesses that seek to have cooperative parking.
- C. The applicant shall submit a formal cooperative parking agreement.
- D. A change of one or more of the uses voids the agreement. A new agreement shall be prepared for consideration.

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

19.60.090 Building rehabilitation, expansion or change of use.

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

19.60.100 Parking on vacant lots.

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

19.60.110 Parking prohibited in R1 and R2 residential front setback areas.

In R1 and R2 residential zoning districts, parking other than on designated driveways is not permitted in front setback areas. Parking shall be permitted in and upon designated driveways as provided in this section. The designated driveway is defined as the paved, graveled or similar roadway leading from the street to a garage or covered parking area or as otherwise determined by the Director where there is no garage or carport.

19.60.120 Driveways and parking lot designs.

A. Driveway and parking lot designs shall comply with the Low Impact Development Technical Guidance Manual for Puget Sound, prepared by the Washington State University Extension and Puget Sound Partnership, to the extent practicable. Required driveways and areas for required loading, parking and maneuvering shall have a paved surface (asphalt, concrete or pervious pavement approved by the City) which is durable and able to withstand all weather conditions, unless modified with approval of the Director.

B. Off-street parking areas and driveways that are not required for the purposes of meeting the minimum off-street parking and loading requirements shall use pervious pavement to the extent practicable.

19.60.130 Maximum number of parking spaces.

The maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in this chapter. A request to allow for greater than 15 percent over the minimum parking standards shall be reviewed as a variance in accordance with UPMC 19.85.030.

19.60.140 Compact car allowance.

In any development containing 20 or more parking spaces, a minimum of 25 percent and a maximum of 50 percent of the total number of the spaces shall be sized to accommodate compact cars. Developments containing less than 20 parking spaces may designate up to 50 percent of the total number of spaces as compact spaces. Compact spaces shall comply with the following:

A. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

B. Aisle widths shall conform to the standards set in Figures 1 and 2 in UPMC 19.60.180.

19.60.150 Accessible parking requirements.

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

19.60.160 Bicycle parking.

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

19.60.170 Transit and ride-share provisions.

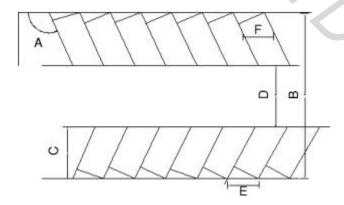
All land uses that include government/business and manufacturing shall be required to reserve one parking space of every 20 required spaces for ride-share parking as follows:

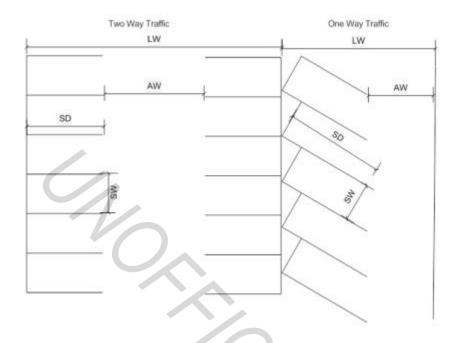
- A. The parking spaces shall be located closer to the primary employee entrance;
- B. Reserved areas shall have markings and signs indicating the space is reserved; and
- C. Parking in reserved areas shall be limited to vanpools and carpools established through ride-share programs by public agencies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

19.60.180 Parking dimensions, size and access.

Each off-street parking space and access aisle shall meet all applicable provisions of this section. The dimensions for parking lots, wheel stops, spaces, drive aisles, etc., are as set forth in Figures 1 and 2 of this section.

Figure 1. Parking Lot Dimensions



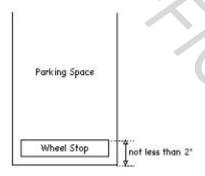


| Dimension | Two Way Traffic | | One Way Traffic | | |
|------------------|-----------------|----------|-----------------|----------|--|
| | Standard | Compact | Standard | Compact | |
| Lot Width (LW)* | | | | | |
| 45° | | | 48'/44' | 42'/38' | |
| 60° | 62'/59' | 52'/50' | 54'/51' | 46'/43' | |
| 75° | | | 59'/57' | 49'/47' | |
| 90° | 61' | 51' | | | |
| Aisle Width (AW) | | | | | |
| 45° | | | 15' | 13' | |
| 60° | 26' | 21' | 18' | 15' | |
| 75° | | | 22' | 17' | |
| 90° | 26' | 21' | | | |
| Stall Width** | | | | | |
| Parallel | 22' | | 22' | | |
| 45° | 9'/12.7' | 8'/11.3' | 9'/12.7' | 8'/11.3' | |
| 60° | 9'/10.4' | 8'/9.3' | 9'/10.4' | 8'/9.3' | |
| 75° | 9'/9.3' | 8'/8.3' | 9'/9.3' | 8'/8.3' | |
| 90° | 9' | 8' | 9' | 8' | |
| Stall Depth*** | | | | | |
| Parallel | 8' | 8' | 8' | 8' | |

| Dimension | Two Way Traff | ic | One Way Traffic | | |
|-----------|------------------|-------------|-----------------|-------------|--|
| | Standard Compact | | Standard | Compact | |
| 45° | 16.5'/14.5' | 14.2'/12.3' | 16.5'/14.5' | 14.2'/12.3' | |
| 60° | 18'/16.5' | 15.4'/14' | 18'/16.5' | 15.4'/14' | |
| 75° | 18.5'/17.5' | 16'/15.1' | 18.5'/17.5' | 16'/15.1' | |
| 90° | 17.5' | 15' | 17.5' | 15' | |

^{*} Wall to Wall/Interlock to Interlock

Figure 3. Wheel Stops



^{**} Width/Width Parallel to Aisle

^{***} Depth to Wall/Depth of Interlock

Exhibit N

Chapter 19.65

LANDSCAPING/TREES

| Sections: | |
|-----------|--|
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| 19.65.020 | Authority. |
| 19.65.030 | Disclaimer of liability. |
| 19.65.040 | Enforcement and penalties. |
| 19.65.050 | Permits. |
| 19.65.060 | Definitions. |
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| 19.65.350 | Nuisance tree species list. |

19.65.010 Purpose.

The purposes of this chapter are:

- A. To implement the City's vision statement and the goals and policies of the Comprehensive Plan;
- B. To protect and enhance the natural green and wooded character of University Place for aesthetics and community enjoyment;

- C. To promote the compatibility between land uses and zones by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;
- D. To protect critical areas from the impacts of development, by facilitating aquifer recharge, protecting urban wildlife habitat, reducing stormwater runoff and pollution of surface waters, and controlling dust, erosion and sedimentation:
- E. To promote the use and protection of vegetation native and common to the Puget Sound region;
- F. To promote the application of water-efficient techniques in the design, installation and maintenance of landscaping;
- G. To provide physical safety of pedestrians and motorists through the proper location and placement of vegetation;
- H. To protect public health through the absorption of air pollutants and contamination, and by capturing carbon dioxide;
- I. To provide visual screening and summer cooling;
- J. To reduce energy demand and urban heat island impacts;
- K. To enhance property values;
- L. To preserve scenic views, including views from public property and the City right-of-way; and
- M. To meet the Arbor Day Foundation's Tree Care Ordinance requirement for designation as a Tree City USA.

19.65.020 Authority.

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

19.65.030 Disclaimer of liability.

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

19.65.040 Enforcement and penalties.

A. It shall be unlawful to remove any tree or vegetation in a manner inconsistent with this chapter, an approved tree preservation plan and/or a plat note which requires the preservation of trees and/or vegetation.

- B. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or State law for a violation of any provision of this chapter or failure to comply with any permit or other written order or decision issued pursuant to this chapter, a monetary penalty of \$1,000 for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation, shall be assessed.
- C. In the case of urban forest management, the City may impose a six-year moratorium on the development of the subject property when a property owner either fails to obtain a tree removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.
- D. In addition to the monetary penalties above, each tree illegally removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

19.65.050 Permits.

A. Tree Removal Permit. A tree removal permit is required to cut or otherwise remove six or more trees in any consecutive 36-month period. An application for a tree removal permit and any information required by this section shall be submitted for any tree removal activity not exempt by this section. If six or more trees are to be removed, a tree removal permit application shall be submitted at the same time an application for a building permit, development permit or land use permit is submitted. The application shall be on a form provided by the City and shall be accompanied by documents and information as are determined to be necessary by the Director. Notification of abutting and adjacent property owners is required.

B. The City may refer applications to an urban forester for comments. Any permit granted shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the Director for one six-month period. The permit may be suspended or revoked by the Director because of incorrect information supplied or any violation of the provisions of this chapter. No work shall begin until a public notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

19.65.060 Definitions.

- "At risk tree" is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.
- "Brushing" means the practice of removing significant groundcover by hand or hand-operated equipment to create better visibility on a property for purposes such as marketing or surveying of said property.
- "Christmas tree" means any evergreen tree or the top thereof, commonly known as a Christmas tree, with limbs and branches, with or without roots, including fir, pine, spruce, cedar and other coniferous species.
- "Clearing" means the cutting, moving on site, or removal of standing or fallen timber (including stumps); the removal or moving on site of stumps; or the cutting or removal of brush, grass, groundcover, or other vegetative matter from a site in a way which exposes the earth's surface of the site.
- "Conversion" means converting the use of land from forestry to nonforestry uses.

- "Critical root zone" is an area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one-foot radius for every diameter-inch measured at breast height (dbh) or four and one-half feet above ground.
- "Crown" is the area of a tree containing leaf- or needle-bearing branches.
- "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargements of any structure; any mining, excavation, landfill, stockpiling, clearing or land disturbance; and any use or extension of use of the land.
- "Diameter at breast height" (dbh) is a tree's diameter in inches at four and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above ground.
- "**Drip line**" of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.
- "Forest practices" means any activity relating to growing trees and harvesting or processing timber including but not limited to road and trail construction; harvesting; thinning; reforestation, fertilization, prevention and suppression of diseases and insects; salvage of trees; and brush control.
- "Groundcover" means types of vegetation which are normally terrestrial <u>and low spreading</u> such as shrubs, vines, <u>ornamental</u> grasses, and herbaceous plants <u>typically less than twelve inches in height</u>.
- "Invasive treeplant" is a species that was introduced by humans to locations outside of their native range that readily spread and persist over large areas. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession. TreePlant species known to be invasive in the Pacific Northwest are listed in UPMC 19.65.340.
- "Limited tree removal" is the removal of five trees or less in any 36 consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening.
- "Nuisance tree" is a species that is known to be weak-wooded and unstable, or one that exhibits other traits that render it prone to creating nuisance conditions for persons and property located in close proximity to such trees. Tree species categorized as nuisance trees in University Place are listed in UPMC 19.65.350.
- "Outdoor storage area" means an area on a site where materials, merchandise and/or equipment is stored outdoors.
- "Remove" or "removal" is the act of removing a tree by digging up, cutting down, or any act which causes the tree to die within a period of three years, including, but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; topping; paving with concrete, asphalt, or other impervious material within the drip line; or any other action which is deemed harmful to the tree.
- "Replacement tree" means any self-supporting perennial woody plant that measures at least six feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least three inches

for evergreen trees, and is fully branched and has a minimum caliper of two inches and a minimum height of 10 feet at time of planting for deciduous trees.

- "Significant tree" means a tree identified on the City's inventory of significant trees.
- "Tree" means a living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of six inches or more at breast height (dbh). Invasive, nuisance or hazard trees, of any size, as determined by the City, are not considered trees for the purposes of this chapter.
- "Tree removal permit" means a permit issued by the City to permit clearing and/or tree removal pursuant to the provisions of this chapter.
- "Tree topping" is an extreme form of crown reduction that removes whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader the vertical stem at the top of the trunk. Tree topping severely cuts back large trees to a predetermined size in a manner that:
 - 1. Leaves large exposed wounds that can become infested;
 - 2. Ruins tree structure;
 - 3. Removes too much foliage, disrupting the tree's energy storage;
 - 4. Stimulates vigorous new growth, which is prone to breakage;
 - 5. Increases tree maintenance costs; and
 - 6. Destroys a tree's appearance and value.
- "Understory" means small trees and shrubs growing below the canopy of larger trees.
- "Urban forest management" means the management of trees in the City, whether on public or private property, for the purposes of but not limited to maintaining the wooded character of the City and property values; providing wildlife habitat, buffering, and wind protection; facilitating aquifer recharge and slope stabilization and enhancing our healthy, safe, and attractive environment.
- "Urban forester" is a licensed professional approved by the City with academic and/or field experience that makes him or her a recognized expert in tree preservation and management. For City approval, an urban forester shall be a Society of American Foresters (SAF) Certified Forester, an International Society of Arboriculture (ISA) Certified Arborist, or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist.

19.65.070 Exemptions.

The following shall be exempt from the tree removal permit requirements of this chapter but shall satisfy all standards and requirements of UPMC 19.65.240 and other sections as noted below. Except for limited tree removal, a written exemption must be obtained from the City prior to commencing any clearing or tree removal.

A. Limited tree removal except in the following critical areas: landslide and erosion hazard area, fish and wildlife habitat area or its buffer, and/or wetland or wetland buffer – unless authorized pursuant to UPMC Title 17, Critical Areas.

- B. Removal of trees where the trunks are located within 10 feet of an existing building that will remain on a site.
- C. Removal of at risk trees in emergency situations involving immediate danger to life or property or substantial fire hazards as determined by the City. Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.
- D. Removal of an at risk tree following an affirmative recommendation by an ISA-Certified Arborist or ASCA Registered Consulting Arborist that the tree is a safety risk and should be removed. The arborist shall conduct an assessment in accordance with ANSI A300 (Part 9) 2011 Tree Risk Assessment and provide a written report that includes: identification and location of the specified trees; a description of the methods used; tree risk assessment data; recommendations for mitigating risk or additional assessments; and, recommendations for monitoring and follow-up. The arborist performing this work shall have a Tree Risk Assessment Qualification (TRAQ) or equivalent. The City may, at its discretion and in consideration of ISA tree risk assessment guidance, waive the certified or registered arborist requirement if City staff conducts an on-site inspection and determines that a tree clearly and obviously constitutes a risk. City staff should consider the following conditions when conducting a tree risk assessment:
 - 1. Is the tree dead, diseased, decayed, burned or otherwise damaged;
 - 2. Are there multiple weak branch attachments, broken and/or hanging limbs;
 - 3. Is the foliage sparse, and/or discolored;
 - 4. Is there evidence of root rot/exposed, undermined or pruned roots or a restricted root area;
 - 5. If leaning, what is the degree of lean? Are roots broken or is the soil heaving or cracking;
 - 6. Is the top broken on conifers; and
 - 7. Are there targets such as buildings, parking, or traffic or pedestrian facilities below the tree? Can the target(s) be moved?

Upon such inspection, staff may determine that further review by a certified or registered arborist is required before making a determination as to whether a tree constitutes a risk.

- E. Removal of windthrow.
- F. Emergencies. Removal of trees necessary to protect public safety or public or private property from imminent danger in response to emergencies declared by the City, County, State or Federal governments. In the case of a declared emergency, the written approval requirement shall be waived.
- G. Removal of street trees, when performed by or on behalf of the City to maintain rights-of-way and in the interest of public safety.
- H. Removal of trees that interfere with existing utility transmission lines when pruning is not sufficient to alleviate the interference condition. Topping is prohibited. Utility pruning shall be conducted in accordance

with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture's Best Management Practices – Utility Pruning of Trees.

19.65.080 Required water conservation.

During periods when water conservation is required, new landscaping and maintenance of existing required landscaping shall not be required. However, following the lifting of water restrictions, any landscaping required during the period of the required conservation shall be installed and all required landscaping shall be restored to a healthy condition. Any required landscaping that has died shall be replaced in accordance with UPMC 19.65.220.

19.65.090 Landscaping.

Landscaping shall be located along street frontages, around the perimeter, in parking areas and/or on other areas of a site in accordance with the following sections and the landscape tables in UPMC 19.65.150(A) and (B). This subsection shall apply to the following:

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

B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses under either of the following conditions: (1) when the remodeling or expansion results in the remodeling of or addition of 10 percent or more of the gross floor area of the existing principal building or, collectively, to any principal buildings in a development project; or (2) when the remodeling or expansion results in cumulative improvements to the interior and/or exterior of a structure (except for normal maintenance, repair, and life/safety improvements including but not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility), which within a 12-month period exceeds a cumulative value of 10 percent of the assessed value of the structure as assessed by the Pierce County Assessor's Office. All landscape requirements of this section shall apply to the entire property. The landscape tables indicate the particular landscape category which applies to proposed expansion or alteration. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Director shall determine how the code is to be applied. The Director shall use landscape averaging by requiring more landscaping in one area and reducing it in another. In determining how to apply the landscaping requirements in such circumstances, the Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

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

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

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

19.65.095 Difference of standards.

Where there is a difference between the standards listed in this chapter and the specific requirements listed for specific uses, the more stringent will apply. Landscaping design standards and guidelines specified for small lot development, multifamily development, and projects located within the TC, MU, MU-O, MU-M, MU-N45, MU-U/175 or CCMU-CC110 zones shall prevail when conflicts between this chapter and these specific requirements exist. The Director may permit alternative landscaping, as provided in UPMC 19.65.170, when the overall site development plan proposed provides equivalent or better results than required by this title.

19.65.100 Street frontage landscaping.

Any portion of any use, except individual single-family or duplex lots that abut a public right-of-way, shall install Level III landscaping unless otherwise specified. See Figure 3 in UPMC 19.65.140.

19.65.105 Transition landscaping requirements.

Development or redevelopment of uses not permitted in the R1 or R2 zones on those portions of properties that abut or are across a local street (as defined in Chapter 13.20 UPMC) from an R1 or R2 zoned property shall:

A. Install Level I landscaping within the front yard setback abutting all local streets. See Figure 1 in UPMC 19.65.140.

B. Install a solid 100 percent sight-obscuring six-foot-high fence or wall within or along the required setback along all local streets. The location of the fence or wall shall be approved by the Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence.

19.65.110 Parking lot and impervious surface area landscaping.

- A. The intent of this section is to break up and reduce the barren appearance of parking, circulation, loading, storage and other large impervious surface areas of a site. To the extent practicable, landscaped areas shall be dispersed throughout the impervious surface area. Biofiltration (vegetated) swales or raingardens are encouraged where feasible. The city may consider these low impact development measures or raingardens in lieu of a portion of the perimeter or interior parking lot landscape requirements.
- B. Perimeter Street Landscaping. Any portion of a parking lot, outdoor sales area or other large impervious surface area that is within 20 feet of a public road right-of-way shall install Level III landscaping along that portion of the parking lot perimeter. See Figure 3 in UPMC 19.65.140.
- C. Interior Landscaping. All surface parking lots with 10 or more spaces or combined outdoor sales areas greater than 1,600 square feet must provide interior landscaping as follows:
 - 1. Row Requirement. The maximum number of consecutive vehicle parking or sales display spaces without an intervening island or peninsula is 10, unless the row fronts on a landscaping area with a minimum planting width of eight feet. For such rows, the maximum consecutive parking spaces without an intervening island or peninsula is 20 spaces. A landscaping island or peninsula is required at the end of each row of four or more automobile parking spaces that terminates within a parking or circulation area.
 - 2. Island/Peninsula Requirement. Landscape islands and peninsulas shall have a minimum planting width and length of eight feet and minimum planting area of 120 square feet. There shall be at least one tree planted on every island and peninsula.
 - 3. Planting Type and Density. The following landscaping is the minimum required for each 300 square feet of impervious surface landscaping: one two-inch caliper deciduous tree or one six-foot-tall evergreen tree; five five-gallon shrubs; and groundcover. There shall be a minimum of one deciduous canopy tree per four parking spaces or vehicle storage or sales display spaces. Deciduous canopy trees shall be selected in accordance with the Approved Street Tree Palette (UPMC 13.20.1060) provided in the streetscape standards adopted pursuant to Chapter 13.20 UPMC, Article IX.
 - 4. Curb/Curb Edge. Planting areas shall be fully protected by curbs as a means of preventing injury to plants from pedestrian or vehicular traffic and to prevent landscaping material from entering the storm drainage system. No trees or shrubs shall be planted within two feet of a curb edge. Groundcover is required within this two-foot area.

19.65.120 Perimeter landscape buffering.

A. Intent. The intent of this section is to provide for a physical, visual and noise buffer and transition between uses. Different landscape/buffer levels are used to address different uses, compatibility and in conjunction with new subdivisions.

B. General Requirements. Refer to the tables in UPMC 19.65.150(A) and (B) for the landscape level required by the proposed use, expansion or alteration. Each lot line will have a required landscape level based on the abutting land use except that, when two or more properties abut and share a common driveway or parking area, perimeter landscaping along the shared property line may be waived. Pedestrian walkways shall be permitted to cross required landscape areas. Refer to Figures 1, 2, and 3 in UPMC 19.65.140 for illustration of perimeter landscaping requirements.

- C. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not apply.
- D. Maintenance. Where landscaping has been required or a natural buffer has been set aside, no other use including, but not limited to, the construction of structures is allowed unless authorized by the original permit.

19.65.125 Residential development canopy tree requirement.

A minimum of one deciduous tree per 3,000 square feet of lot area shall be planted on each new single-family or duplex lot created through the short plat or conventional preliminary plat/final plat process after the effective date of the ordinance codified in this section. In addition, a minimum of one deciduous or evergreen tree per 2,000 square feet of dedicated common open space shall be planted within a project's open space area. If the calculation of the number of trees results in a fraction of one-half or greater, the fraction and the number of trees shall round up to the next whole number. If this calculation results in a fraction of less than one-half, the fraction and the number of trees shall round down to the previous whole number.

Planting on an individual lot shall occur prior to the building permit being finaled for a new dwelling unit on the lot. Trees required under this provision shall be in addition to any street trees required to be planted within a public street right-of-way or replacement trees required to be planted in accordance with UPMC 19.65.310. This section shall not apply to small lot developments designed in accordance with Chapter 19.53 UPMC.

19.65.130 Interior landscaping/site stabilization.

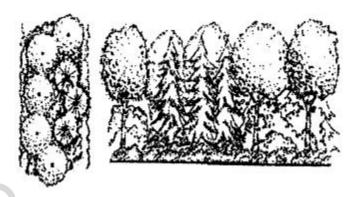
All interior portions of lots, parcels or tracts which are not developed with buildings, parking areas and/or accessory uses or where other more specific landscaping regulations are required shall be landscaped with Level IV landscaping, unless native vegetation already exists, and shall be maintained.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

19.65.140 Landscape levels.

A. Level I: Visual Screen. Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and groundcovers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight-obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Level I landscaping shall consist of the following:

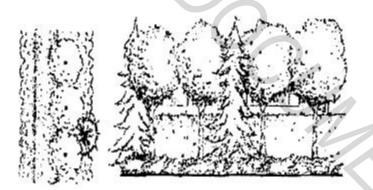
- 1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen, which creates a solid sight-obscuring barrier within three years of planting. Evergreen trees shall be planted no greater than 15 feet on center in each row.
- 2. The width of a Level I landscape buffer shall be no less than 20 feet. The area which is not planted with trees shall be planted with shrubs and groundcover. Shrubs shall be spaced no greater than five feet on center. Shrubs and groundcover shall be planted to attain a coverage of 90 percent of the planting area within three years.
- 3. Lawns may be used to cover up to 75 percent of the landscape area which is not planted with trees or shrubs.

Figure 1. Landscaping Level I, Visual Screen



- B. Level II: See-Through Buffer. Level II landscaping is intended to create a visual separation between uses and zones. Level II landscaping shall consist of:
 - 1. A mix of evergreen and deciduous trees, with no more than 30 percent being deciduous. All trees shall be planted at intervals no greater than 10 feet on center.
 - 2. The width of a Level II landscape buffer shall be no less than 12 feet. The area which is not planted with trees shall be planted with a mix of evergreen and deciduous shrubs, with not more than 30 percent being deciduous, planted at a density of seven per 100 square feet of planting area, together with other living groundcover planted to attain a coverage of 90 percent within three years of planting.

Figure 2. Landscaping Level II, See-Through Buffer

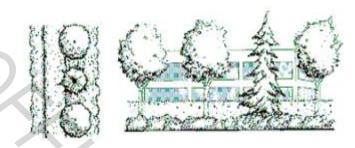


- C. Level III: Ornamental Effects Landscaping. Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:
 - 1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than 30 feet on center.
 - 2. The width of a Level III landscape buffer shall be no less than five feet. The area which is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five

shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to 75 percent of the required groundcover.

3. Landscaping located within public rights-of-way shall be approved by the Department, prior to planting, as part of the review of landscape plans required by UPMC 19.65.200. Landscaping in the public right-of-way shall be in accordance with Chapter 13.20, Article IX, Design Standards and Guidelines for Streetscape Elements.

Figure 3. Landscaping Level III, Ornamental Effects



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

Figure 4. Landscaping Level IV, Soil Stabilizing



19.65.150 Perimeter landscape tables.

A. Residential, Commercial and Industrial Table.

| Existing Uses | | | | | | |
|---------------|-------------------|-----------|--------------------------------------|--|--------------------|--------------------|
| | School or Park | Family or | Multifamily and Senior Housing | | Commercial Uses | Industrial Uses |
| Proposed Uses | | | | | | |

| Existing Uses | | | | | | | |
|---|----|-----------|----------|----|--------------------|--------------------|--|
| | | Family or | , | | Commercial Uses | Industrial Uses | |
| Single-Family or Duplex Subdivisions | L3 | X | L3 | L1 | L1 | L1 | |
| Short Plats** | L3 | | L3 | L3 | L3 | L3 | |
| Multifamily and Senior Housing* | L1 | L1 | L2 | L1 | L1 | L1 | |
| Mixed Use | L1 | L1 | L1/L2*** | L3 | L3 | L2 | |
| Religious Assembly and Day Care | L1 | L1 | L2 | L1 | L1 | L1 | |
| Offices and Services | L1 | L1 | L1 | L3 | L3 | L2 | |
| Commercial Uses | L1 | L1 | L1 | L3 | L3 | L2 | |
| Industrial Uses | L1 | L1 | L1 | L2 | L2 | L3 | |

^{*}Includes mobile home parks.

Note: Perimeter landscaping not required when development is adjacent to vacant land.

B. Public Facilities and Utilities Table.

| Existing Uses | | | | | | |
|--|----|----|----|-------------------------|--------------------|--------------------|
| | | ' | - | Offices and Services | Commercial Uses | Industrial Uses |
| Proposed Uses | _ | | | | | |
| Government and Utility Offices | L1 | L1 | L1 | L3 | L3 | L2 |
| Schools and Parks | L1 | L1 | L1 | L2 | L2 | L1 |
| Government and Utility Maintenance Facilities | L1 | L1 | L1 | L2 | L2 | L3 |
| Sewage Treatment Plants | L1 | L1 | L1 | L1 | L1 | L1 |
| Accessory Utility Facilities | L2 | L2 | L2 | L3 | L3 | L3 |

19.65.160 Not required in wetlands or across streams.

^{**}Required on newly created vacant lots only as a condition of building permit issuance. Installation required prior to building permit final.

^{***}Mixed use projects that are predominantly commercial shall use an L1 buffer. Mixed use projects that are predominantly residential shall use an L2 buffer.

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

19.65.170 Modification of landscaping requirements.

A. Upon written request supported by one or more of the following instances the Director may authorize a reduced width of planting or waive some or all of the landscaping requirements:

- 1. Where, except those areas where Level IV landscaping is required, the requirement of this chapter would require more than 50 percent of the site area (excluding parking lots) to be landscaped, the Director may modify the requirements so that not more than 50 percent of the site area (excluding parking lots) must be landscaped. The Director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape level cannot be satisfied.
- 2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape level.
- 3. When existing conditions on or abutting the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this chapter ineffective.
- 4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge of equivalent screening within three years in lieu of two rows of trees. In reviewing such a request for modification, the Director shall consider the applicant's request in light of the intent of Level I Landscaping and the nature of the use or development which is being screened.
- 5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which the Director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.
- 6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.
- B. When approving a request for a modification of landscaping requirements, the Director shall issue findings upon which the approval is based. The Director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape level and any modification thereof is maintained.

19.65.180 Planter boxes.

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

19.65.190 Sizes and types of landscaping.

Landscape areas required pursuant to UPMC 19.65.090 through 19.65.150 shall conform to the following standards. All plant material shall meet or exceed ANSI Z60.1-1996 American Standards for Nursery Stock.

- A. Trees, Evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than six feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet applicable landscape buffer or screening requirements within 10 years of installation.
- B. Trees, Deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of two inches and a minimum height of 10 feet at time of planting unless the City determines that a particular species or cultivar, which is available only in a smaller size, is the preferred selection for a specific location. Tree material at time of planting shall be of a sufficient size to meet any applicable landscape buffer or screening requirements within 10 years of installation.
- C. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than 24 inches at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within three years of installation.
- D. Groundcover, Vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 90 percent of required coverage within three years of installation and shall achieve 100 percent of required coverage within five years of installation.
- E. Groundcover, Inert. Wood chips, bark, decorative rock or other appropriate inert organic material may be used.
- F. Lawn Sodded and Seeded. Newly seeded lawns or installed sod shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use.

19.65.200 Landscape plans.

- A. A Landscape plan includes a planting plan and an irrigation plan and is required to be prepared for any landscape areas required in UPMC 19.65.100 through 19.65.130 including active recreation areas in formal subdivisions and short subdivisions. Other areas require only a planting plan. Plans shall be submitted to the Department for review and approval.
- B. Landscape plans shall be prepared by a Washington State registered landscape architect, a Washington State certified nurseryperson, or a Washington State certified landscaper, except that landscape plans for short subdivisions and for street tree requirements may be prepared by the applicant. A certified irrigation designer shall prepare the irrigation plan.
- C. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:
 - 1. The location of existing vegetation to be retained, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.
 - 2. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.

- 3. Whenever possible the landscape plan shall incorporate the recommendations contained in the City's publication on root control, water conservation and suggested plant material.
- D. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. All landscaped areas must provide an irrigation method as stated below:
 - 1. Option 1. A permanent underground irrigation method with an automatic controller plus an overriding rain switch.
 - 2. Option 2. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought-tolerant by the Department, in which case irrigation standards shall be required only during the initial three growing seasons following installation. Even if drought-tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.
- E. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The Director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued or final inspection. However, the Director may approve an alternative timeline associated with a phased project.
- F. Following installation of the landscaping and irrigation, the person or persons who prepared the planting and irrigation plans shall submit, within 30 days, a signed affidavit that the landscaping and irrigation system has been installed per the approved plans. The City will conduct an inspection prior to final approval of the landscape plan.

19.65.210 Maintenance.

- A. The following standards shall be followed for all required landscaping:
 - 1. The property owner shall maintain all landscaping for the life of the land use. Any plantings removed should be replaced with plantings of like kind or ones that achieve the original objectives of the approved landscape plan.
 - 2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on the web.
 - 3. All landscape areas shall be kept free of trash.
- B. Uses permitted by special use permits issued before the City's incorporation where landscaping was required as a condition of approval shall be subject to the maintenance provisions of this section.

19.65.220 Replacement.

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

A. Any installed plant material located within required landscape areas which dies shall be replaced during the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.

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

19.65.230 Financial guaranty.

A. Performance bonds or other appropriate security (including but not limited to an assignment of funds) in the amount of 125 percent of the approved estimated landscaping cost shall be required if landscaping is not installed. The financial guaranty shall be provided prior to issuance of occupancy, for nonresidential building permits, before final inspection of residential construction, and prior to final subdivision or short plat approval, whichever is applicable. Prior to accepting a financial guaranty, the City shall have approved the landscape plans and a cost estimate for completing the landscaping. The cost estimate shall include the cost of plant material, irrigation and labor, installation, and materials.

B. For all projects which require landscaping except short plats, a 36-month landscaping maintenance guaranty equal to the cost of the landscaping less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 36-month period, the applicant shall request that the City inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with UPMC 19.65.220 and inspected prior to the release of the maintenance guaranty. After the maintenance bond is released, landscaping shall be maintained in accordance with UPMC 19.65.210. The director may extend the maintenance guarantee beyond the initial 36-month term if necessary to ensure establishment of any plants replaced during the initial term. In recognition that landscape maintenance bonds may not always be readily obtainable, options for guarantees could be provided, as shown in subsection (C) of this section.

C. The landscape maintenance guarantee may take the form of: (1) a maintenance bond in a form deemed acceptable to the City; (2) an assignment of funds in an amount equal to the bonded amount (125 percent of the cost of landscaping less the irrigation system); or (3) a three-year contractual agreement between the owner/developer and a licensed landscape architect, Washington certified nurseryman, or Washington certified landscape contractor, along with a rider or endorsement specifically identifying the City as a party to the agreement for purposes of enforcement.

19.65.240 Urban forest management.

The intent of this section is best stated in Comprehensive Plan policy EN3I, which states, "Protect and enhance the natural green and wooded character of University Place." Therefore, projects shall be designed around existing trees, preserving the maximum number of trees and existing native vegetation as possible. The intent is to discourage clear-cutting of a project site, mass grading and reliance on replanting with smaller trees as mitigation for the loss of tree canopy. Forest practices except for Christmas tree cultivation are prohibited in University Place. Because of the likelihood that much of the remaining undeveloped privately owned land within the City will be converted to urban development in the foreseeable future, all trees shall be managed in accordance with this chapter.

19.65.250 City tree account.

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

19.65.260 Significant trees.

The City may maintain an inventory of significant trees.

19.65.270 Tree retention in development situations.

- A. This section regulates the removal of trees associated with the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or more desirable trees, into a design. It is the intent of these provisions to lessen the aesthetic and ecological impacts of tree removal.
- B. The applicant must show how existing trees, excluding invasive trees, nuisance trees and at risk trees, will be preserved by choosing one of the following options to identify those trees to be retained. Trees located within a critical area or associated buffer are excluded from the following calculations:
 - 1. Preserve at least 35 percent of the trees located on the site;
 - 2. Preserve all trees greater than or equal to 20 inches dbh and at least 20 percent of the total tree diameter on the site, where there are at least four trees greater than or equal to 20 inches dbh on the site:
 - 3. Preserve at least 50 percent of all trees greater than or equal to 20 inches dbh and at least 25 percent of the total tree diameter on the site, where there are at least four trees greater than or equal to 20 inches dbh on the site;
 - 4. Preserve at least 30 percent of the total tree diameter on the site, where all trees are less than 20 inches dbh; or
 - 5. Preserve at least 35 percent of the total regulated tree canopy area on the site, if the site is larger than two acres.
- C. In addition to those trees identified for retention in subsection (B) of this section, the following trees shall be retained:
 - 1. All trees within a critical area including wetlands or wetland buffers, fish and wildlife habitat buffers, or landslide and erosion hazard areas with slopes requiring preservation, unless removal is authorized pursuant to UPMC Title 17. If the City determines that a tree located within a critical area is an at risk tree, the City may authorize conversion of the tree to a "habitat snag" by cutting the tree at the highest point possible that still eliminates risk from a tree. The lower portion of the tree remains in place as a habitat snag to provide habitat value for fish and wildlife. In addition, the upper portion of the tree is usually left on the ground to provide extra habitat value. Also, in order to compensate for the loss in habitat value, additional tree plantings in the critical area and/or buffer may be required as mitigation;
 - 2. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the City's Parks, Recreation and Open Space Plan or the Comprehensive Plan;

- 3. All significant trees; and
- 4. Trees located within a shoreline vegetation conservation area except when their removal is authorized in accordance with UPMC 18.25.100(F) and (G).
- D. Except as provided in subsection (C)(1) of this section, trees to be retained shall not include at risk trees that are determined to be exempt under UPMC 19.65.070(D). At risk trees may include:
 - 1. Damaged or diseased trees;
 - 2. Trees that pose a safety hazard due to potential root, trunk or primary limb failure; or
 - 3. Mature trees that have grown in a dense stand of trees and recently become exposed to windthrow due to nearby development activity.
- E. At the discretion of the City, damaged or standing dead trees may be retained and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as at risk trees.
- F. A tree removal permit is required when the development activity will result in the removal of more than five trees. Up to five trees may be removed in development situations before calculating the number of trees that shall be retained as set forth in subsection (B) of this section.

19.65.275 Tree retention – No associated development.

- A. The purpose of this section is to manage and conserve the urban forest when development activity is neither proposed nor occurring.
- B. Trees listed in UPMC 19.65.270(C) shall be retained.
- C. A maximum of five trees not listed in UPMC 19.65.270(C) may be removed within a 36-month period without a tree removal permit. In addition, trees determined to be at risk trees as provided in UPMC 19.65.270(D), invasive trees as provided in UPMC 19.65.340, and nuisance trees as provided in UPMC 19.65.350 may be removed and will not count toward the five-tree limit.
- D. Removal of additional trees beyond those provided for in subsection (C) of this section may only be authorized through issuance of a tree removal permit in accordance with the tree retention standards set forth in UPMC 19.65.270 and this chapter.

19.65.280 Tree retention plans.

The City shall participate in the three phases of tree retention described below. The City may retain an urban forester to work on the City's behalf. The urban forester shall be paid by the City and the applicant shall reimburse the City for all urban forester costs. Urban forester expenses shall be reimbursed prior to the issuance of any building permits or final approval, whichever is first required following the work done by the urban forester.

- A. Survey and Evaluation Phase.
 - 1. Individual Tree Survey. The applicant shall provide a survey of the location of all trees and place them on the site plan. All trees located near existing and proposed buildings, roads, common open

space areas, and other activity areas shall be evaluated. The tree identification number, species, size, condition, vigor, structure, risk of failure, and maintenance recommendations shall be documented in the plan.

- 2. Statistical Sampling. For large stands of trees proposed to be retained in their entirety or largely in their entirety, statistical sampling may be used to estimate the total tree dbh and total number of trees present. Sampling must be carried out by an SAF Certified Forester based on standard methodologies. Statistical sampling may be used in these stands in lieu of individual tree survey.
- 3. Tree Canopy. When calculating the amount of regulated tree canopy on a site, the total canopy area must be based on the most recent aerial photograph available. The aerial photograph must be no more than five years old. Other data such as LiDAR may be used to help in calculating tree canopy as appropriate. Regulated tree canopy excludes invasive trees, nuisance trees, at risk trees and trees within critical areas or their buffers.

B. Planning and Design Phase.

- 1. Detailed planning and design should not proceed until the survey and evaluation phase is completed so that the project design may achieve the most beneficial tree retention plan from the standpoint of maximizing ecological and aesthetic benefit to the community. The applicant shall work with the City to determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.
- 2. The critical root zone (CRZ) of all trees to be retained near clearing, grading, or other disturbances shall be shown on all site plan construction documents. Any grading, construction, or utility installation within the CRZ shall be called out on the plan. Required work in these areas shall be under the direction or instruction of the City.
- 3. The locations of tree protection barriers shall be shown on the clearing and grading plans. Tree protection barriers shall be shown along the edge of the CRZ or adjusted under the direction of the City.

C. Construction Phase.

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

19.65.290 Tree protection.

A. To provide the best protection for remaining trees:

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

19.65.300 Tree removal in subdivisions.

When subdividing property by preliminary plat, trees and groundcover shall not be removed prior to preliminary plat approval. When subdividing property by either short or preliminary plat, no clearing of trees or groundcover may take place until a tree preservation plan and site development permit have been approved by the City. Road locations must be staked prior to clearing. Prior to issuance of a building permit, a title notification shall be recorded that states:

Trees which are required to remain on this lot pursuant to the city's tree preservation regulations (Chapter 19.65 UPMC) shall not be removed for a period of three years from the date of original purchase by individual lot owners except as provided for in UPMC 19.65.270(D) and only then following consent by the city. Regulated trees removed subsequent to this three year period shall be replaced in accordance with UPMC 19.65.190 and UPMC 19.65.310.

19.65.310 Tree replacement.

A. When the required number of trees cannot be retained as determined at the sole discretion of the City, trees that are removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

B. When the required number of trees cannot be physically retained or replaced on site, the applicant has the option of:

- 1. Planting the required number of replacement trees at locations approved by the City prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or
- 2. Payment in lieu of replacement may be made to the City tree account for planting of trees in priority off-site locations within the City. These are public street rights-of-way, public parks, and other public open spaces. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's tree replacement cost schedule. The payment in lieu of planting trees on site shall be made prior to the issuance of any building permit or final subdivision approval.

19.65.320 Tree maintenance and pruning.

Trees that are required to be maintained and replacement trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture's Best Management Practices – Utility Pruning of Trees.

19.65.330 Common area management plans.

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

19.65.340 Invasive treeplant species list.

TreePlant species known to be invasive in the Pacific Northwest are listed below. These plants are not permitted in the city street right-of-way or new landscape plans. The City may determine that additional treeplant species should be classified as invasive if the species clearly exhibits the detrimental characteristics of invasive species. Any plant species classified by Pierce County as a Noxious Weed is assumed to be included in this list.

| his list. | |
|---------------------------|---------------------------|
| | |
| Common Name | Species Name |
| Norway maple | Acer platanoides |
| Sycamore maple | Acer pseudoplatanus |
| Horse chestnut | Aesculus hippocastanum |
| Tree-of-heaven | Ailanthus altissima |
| European white birch | Betula pendula |
| Butterfly Bush | <u>Buddleia</u> |
| Old man's Beard | Clematis vitalba |
| English/European hawthorn | Crataegus monogyna |
| English holly | Ilex aquifolium |

| Common Name | Species Name |
|-----------------------|----------------------|
| Japanese Bloodgrass | Imperata cylindrtica |
| Princess tree | Paulownia tomentosa |
| Silver Lace Vine | Polugonum aubertii |
| White poplar | Populus alba |
| Sweet cherry | Prunus avium |
| Cherry laurel | Prunus laurocerasus |
| Portugal laurel | Prunus Iusitanica |
| Black locust | Robinia pseudoacacia |
| European mountain ash | Sorbus aucuparia |
| Mexican Feather Grass | Stipa tenuissima |
| Siberian elm | Ulmus pumila |

19.65.350 Nuisance tree species list.

Tree species categorized as nuisance trees in University Place are listed below. The City may determine that additional tree species should be classified as nuisance trees if the species clearly exhibits the detrimental characteristics of nuisance species.

| Common Name | Species Name | |
|------------------|---------------------|--|
| Red alder | Alnus rubra | |
| Black cottonwood | Populus trichocarpa | |

Exhibit O

Chapter 19.70

GENERAL DEVELOPMENT STANDARDS

Sections:

| 19.70.010 | Accessory dwelling units. |
|-----------|---|
| 19.70.020 | Adult entertainment establishments. |
| 19.70.030 | Agricultural uses and animals. |
| 19.70.040 | Day care facilities. |
| 19.70.050 | Home occupations. |
| 19.70.060 | Improvements. |
| 19.70.070 | Mobile and manufactured home parks. |
| 19.70.080 | Open space and set-aside lands. |
| 19.70.090 | Solid/hazardous waste handling, treatment, and storage facilities |
| 19.70.100 | Vehicle impound yards. |
| 19.70.110 | Secure community transition facilities. |
| 19.70.120 | Manufactured housing. |
| 19.70.130 | Drive-through and drive-up facilities. |
| 19.70.140 | Marijuana related uses. |

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. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.
 - 2. Type of Unit. An ADU 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 attached ADU shall not exceed 800 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. A detached ADU shall comply with the following building standards:
 - a. The total area of a detached ADU placed in a side or rear yard in accordance with UPMC 19.45.040(H) shall be no larger than 600 square feet in gross floor area;
 - 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 18 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; and
- e. Be no closer than five feet to the primary structure.
- 4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
 - a. Modifications to the exterior of an existing building intended to accommodate an ADU shall be architecturally consistent with the existing facade, roof pitch, siding, windows, and other exterior design elements and finish materials to the extent practicable. A detached ADU shall be designed to be architecturally compatible with the principal residence.
 - b. Only one entrance is permitted to be located on the front facade of the principal unit. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.
- 5. Parking. No additional off-street parking is required for an ADU. 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 occupant seeking to establish an ADU shall apply for approval in accordance with the following procedures:
 - 1. Application. The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.
 - 2. Property Owner. The property owner, which shall include title holders and contract purchasers, or an on-site property manager, must occupy either the principal unit or the ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner-occupied.
 - 3. Affidavit. An affidavit affirming that the owner or an on-site property manager will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.
 - 4. Notice of Title. Prior to issuance of building permits, the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department.
 - 5. Reports. The Department shall report annually to the City Council on ADU applications, the number of units established and their distribution throughout the City, the average size of the units, and the number and types of complaints and enforcement-related actions.

19.70.020 Adult entertainment establishments.

- A. Purpose. The purpose of this section is to regulate adult entertainment establishments and to provide certain limitations to the siting of these uses. Development standards are used to reduce conflicts between these uses and other uses that may not be compatible.
- B. Uses Permitted. Adult entertainment establishments may be permitted by conditional use permit in the Light Industrial Business Park MU-U/I75 zone pursuant to the City of University Place Comprehensive Plan and zoning ordinance as now and hereafter amended.
- C. Locational Requirements. Distances provided in this section shall be measured by following a straight line, without regard for intervening buildings, from the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.
 - 1. Adult entertainment establishments shall not be located on lots abutting or adjacent to (directly touching or across a street from) any zone that allows residential uses. Which contain, abut or are adjacent to a lot which contains a residential use. For the purposes of this subsection, in addition to its common usage, in determining whether a lot abuts or is adjacent to a lot containing a residential use, this also includes those lots which directly touch or are across a street from the proposed use."
 - 2. Adult entertainment establishments shall not be allowed within 50 feet of any other adult business (as measured from property lines).
 - 3. Adult entertainment establishments shall not be allowed within 50 feet of any "sensitive receptor."
- D. Variance to Locational Requirements. A variance to the dispersal provisions may be granted by the Hearings Examiner if all the following criteria can be met:
 - 1. That free speech rights which are entitled to protection by the First Amendment to the United States Constitution of an applicant for an adult business cannot be adequately protected on parcels allowed for siting because other adult businesses are in place, or sensitive receptors limit additional uses in the IB MU-U/I75 zone.
 - 2. That the natural or built environment in the immediate vicinity would result in an effective separation between the proposed adult entertainment establishment and any sensitive zones or uses in terms of visibility and access.
 - 3. The proposed use complies with the goals and policies of the Comprehensive Plan.
 - 4. The proposed use is otherwise compatible with abutting and surrounding land uses.
 - 5. The applicant has proposed conditions that would minimize the secondary adverse effects of the proposed use.
- E. Development Requirements. The development standards in this section shall apply to all buildings, uses, and property used for adult business or entertainment establishment purposes. The development standards for adult entertainment establishment uses are the same as the applicable zoning regulations for the zoning district in which they are located, except as follows:
 - 1. Visual Impact.

- a. No owner or operator of an adult business shall allow any merchandise or activity of the establishment to be visible from any point outside the establishment.
- b. No owner or operator of an adult business shall allow the exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or pictorial representations of any kind other than to the extent permitted by this section or Chapter 19.75 UPMC, Signs.
- c. The exterior of an adult business, if painted, must be painted (stained or otherwise colored) in a single achromatic color, except if:
 - (1) The adult business is part of a commercial multi-unit center; and
 - (2) The exteriors of each individual unit in the commercial multi-unit center, including the adult business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial center.
- 2. Signage. In addition to the restrictions imposed by Chapter 19.75 UPMC, the following restrictions apply to any adult business:
 - a. There may be no more than two signs (one freestanding sign and one wall sign, or two wall signs), even if the business fronts on more than one street. Each display surface of a sign must:
 - (1) Be a flat plane, rectangular in shape;
 - (2) Not be flashing or pulsating;
 - (3) Have characters of a solid color;
 - (4) Have all characters of the same print type, size, and color; and
 - (5) Have all background in one solid color.
 - b. Readerboard Reader board signs are not allowed.
- F. Nonconforming Adult Entertainment Establishments. An adult entertainment use shall be deemed a legal conforming use and shall be subject to the requirements of Chapter 19.80 UPMC, Nonconforming Lots, Uses, and Structures, if a zone that allows residential uses is located abutting or adjacent to the adult entertainment establishment or if a sensitive receptor identified in Chapter 19.10 UPMC locates within 50 feet of the adult entertainment establishment facility after the date the adult entertainment facility has located within the City in accordance with the requirements of this section.

19.70.030 Agricultural uses and animals.

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

- 1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit, provided:
 - a. The applicant completes a hobby farm agreement provided by the Department. Each hobby farm agreement shall:
 - (1) Define the type and intensity of all proposed agricultural activities;
 - (2) Clarify that the use of the site is for private noncommercial use;
 - (3) Provide time frames for periodic Departmental monitoring; and
 - (4) Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.
 - b. Hobby farms must comply with all other requirements of this section.
- 2. Wildlife Rehabilitation.
 - a. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:
 - (1) Small mammals;
 - (2) Medium mammals;
 - (3) Lagomorphs (rabbits, hares, pikas); and
 - (4) Nonraptor avians.
 - b. Other categories, including carnivores and raptors, are excluded from this exemption.
- C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling, subject to the following requirements:
 - 1. Animals Accessory to Residential Use. Animals kept shall be permitted subject to the following criteria:
 - a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot, subject to the following provisions:
 - (1) Area Requirements.
 - (A) Livestock are not permitted in lots of less than one acre.
 - (B) On any lot from one acre to less than two acres in size, the number of animals shall not exceed two that are 12 months or more of age.

- (C) On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.
- (D) All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.
- (2) A fence used to enclose pasture lands may be constructed on the property line, provided such pasture is maintained as required in this section.
- (3) A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required following wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.
- b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:
 - (1) Poultry, Pigeons, Peacocks, and Rabbits. Poultry, peacocks, pigeons, and similar birds, or rabbits and similar mammals (e.g., ferrets, pot-belly pigs) raised for domestic, noncommercial use shall be permitted, provided:
 - (A) All animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.
 - (B) A minimum setback of 15 feet from all property lines shall be required for all pens, hutches, coops, or similar enclosures.
 - (C) No more than 12 poultry, peacocks, or rabbits or similar mammals shall be permitted per acre. This requirement shall be calculated on a fractional basis. The allowed number of animals shall be rounded down to the nearest whole number.
 - (D) Aviaries or lofts shall provide for one square foot for each pigeon or similar bird, and shall not exceed 600 square feet.
 - (2) Dogs and Cats. Any combination of five dogs or cats that individually exceed seven months of age are permitted. Kennels for six or more dogs or cats are prohibited.
- c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, or other exotic, vicious, or poisonous animal or reptile.
- 2. Crop Production Accessory to Residential Use. Agricultural activities such as noncommercial gardens and orchards shall be permitted and shall not be limited in any zone classification.
- D. Additional Standards for Critical Areas. In addition to the other requirements of this section, the following standards shall apply to all commercial and noncommercial agricultural uses in critical areas:
 - 1. Livestock shall be limited to one animal per acre of fenced usable pasture.
 - 2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight animals per acre.

E. Commercial Agricultural Activities. See UPMC 19.25.080, Resource use category – Descriptions, for commercial agricultural uses, and UPMC 19.70.050, Home occupations, for same.

19.70.040 Day care facilities.

- A. The purpose of this section is to provide operating criteria to meet the need for quality, affordable and safe day care facilities for adults and children in all areas of University Place. There are two types of day care facilities: family day care facilities and day care centers.
- B. Family Day Care Facilities. Family day care facilities operate from a residence and provide child care and early learning services for not more than 12 children. Children include both the provider's children, close relatives and other children irrespective of whether the provider gets paid to care for them. Family day care facilities provide their services in the family living quarters of the day care provider's home. Family day care facilities shall be permitted in residential dwellings located in any area zoned for residential or commercial use.
- C. Day Care Centers. Day care centers are facilities that operate in places other than a residence. There are two types of day care centers: adult day care centers, and child day care centers that provide care for 13 or more children during part of the 24-hour day.
 - 1. Operating Criteria for Day Care Centers.
 - a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a six-foot-high fence.
 - b. Off-Street Parking. A minimum of one stall for every employee plus one for every 10 children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in UPMC 19.65.110, Parking lot and impervious surface area landscaping.
 - c. Loading. There shall be an off-street area for loading and unloading children or adults, clearly marked. Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.
 - d. Signs. One sign will be permitted at a size to be determined by the zone classification where the facility is located.
 - 2. Permitted Zones. Day care centers shall be permitted as specified in Chapter 19.25 UPMC, Uses and Zone Classification Tables.

19.70.050 Home occupations.

- A. Purpose. The purpose of this section is to provide standards which allow a resident of a dwelling unit to operate a limited business activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values, and preserving environmental quality.
- B. Applicability. Home occupations are allowed as an accessory use in conjunction with a dwelling unit. A home occupation in a dwelling that is not occupied as a primary residence is prohibited.
- C. Performance Standards.

- 1. Intent. It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to residential use. Activities exceeding these performance standards shall refer to Chapter 19.25 UPMC, Uses and Zone Classification Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.
- 2. General Provisions and Standards. The following general provisions and standards shall apply to all home occupation activities:
 - a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
 - b. There shall be no structural or decorative external alteration relating to the home occupation which is inconsistent with the residential character of the structure and neighborhood.
 - c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
 - d. The activity does not require truck delivery or pickup not common to a residential dwelling.
 - e. The activity does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling or any other usage that creates a level of noise, vibration, smoke, dust, odors, heat, or glare beyond that which is common to a residential area at or beyond the property line of the subject property.
 - f. The activity does not involve production, generation, storage, or use of hazardous waste, as defined by the State Department of Ecology.
 - g. Use of electrical or mechanical equipment which creates visible or audible interference on radio or television receivers or fluctuation in line voltage at or beyond the property line is prohibited.
 - h. Manufacturing shall be limited to small-scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items or furniture or other wood items as long as the activity meets the other standards of this section.
 - i. See Chapter 19.75 UPMC for sign requirements.
 - j. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting.
 - k. The activity shall be performed completely inside the residence, an accessory structure, or a combination of the two. The activity shall be limited to an area of less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less.
 - I. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 - (1) No more than one such vehicle shall be allowed;

- (2) Such vehicle shall not park within any required setback areas of the lot or on abutting or adjacent streets;
- (3) Such vehicle shall not exceed a weight capacity of ene ton10,000 lbs GVW.
- m. There shall be no outside display or storage of materials, merchandise, or equipment.

19.70.060 Improvements.

- A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of the Comprehensive Plan.
- B. Sanitary Sewers.
 - 1. All new subdivisions creating five or more lots shall hook up to sanitary sewers.
 - 2. Sanitary sewer hookups shall be required for all other new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the City may permit such development to use interim septic on-site systems and dry sewer facilities.
 - 3. Existing properties that expand an on-site septic system or are required to replace or repair a failed system are required to hook up to sanitary sewer if there is a sewer line available within 200 feet.
 - 4. A sanitary sewer system shall be considered available when the structure can be connected to an existing sewer line within the specified distance from the property by way of a public right-of-way or private utility easement between the property and the existing sewer line.
 - 5. Upon application by the property owner, the Director shall approve an exception to the requirement to connect to the sanitary sewer system only if all the following criteria are met:
 - a. The cost of extending the sewer system to serve the property would be an economic hardship to the owner; an economic hardship exists if the estimated cost of the extension is greater than 200 percent of the cost of the septic or other private disposal system; and
 - b. The proposed septic system will not have an adverse environmental impact on potable water wells, ground water, streams or other surface bodies of water; and
 - c. The proposed septic system is in compliance with all applicable Federal, State, and local health and environmental regulations.
 - d. This exception does not allow a new subdivision of more than four lots to be developed without sanitary sewer hookups.
 - 6. If the sanitary sewer system is not available or if an exception has been granted, the Director shall approve an interim on-site septic system subject to the following conditions:
 - a. The property owner shall record an agreement to connect on a form approved by the City that shall be a covenant running with the land. The agreement to connect shall provide that the structure shall be connected to the sanitary sewer system at such time as the system

becomes available and that the owner will not protest the formation of any future ULID for extension of a sewer system that would serve the property.

- b. The property owner shall install dry sewer facilities.
- 7. Leach Creek Area. There is hereby established on the zoning map the "Leach Creek Area." The "Leach Creek Area" includes all properties zoned R2 within the area bounded by 44th Street West to the north, Orchard Street to the east, Cirque Drive to the south, and Alameda Avenue to the west. Within this area, development more intense than a single-family dwelling on an existing lot as of July 13, 1998, shall be required to hook up to sanitary sewer at the property owner's expense regardless of distance to existing and available sewers.
- C. Access. All new residential lots shall access off internal plat roads, except as authorized by the City engineer.
- D. Lighting. Street lighting shall be provided in conjunction with all new development or major tenant improvements on the arterial streets of the City. Street lighting shall be provided along arterial streets in accordance with specifications and standards approved by the City engineer. In multifamily, commercial, and industrial developments and major tenant improvements, lighting and glare shall be shielded or directed away from moderate density single-family zones and residential uses.
- E. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single-family neighborhoods and screened from view.
- F. Open Space and Parks. In new single-family subdivisions of 10 or more lots and multifamily residential developments of greater than 10 units, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.

19.70.070 Mobile and manufactured home parks.

- A. Purpose. The purpose of this section is to provide regulations for the development of mobile and manufactured home parks.
- B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:
 - 1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC 19.45.030, Density standards.
 - 2. A mobile or manufactured home park shall not be established on any site providing less than a 30-foot-wide access to a public street.
 - 3. Only one mobile home or manufactured home dwelling unit shall occupy any given space in the park.
 - 4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:

- a. Mobile or manufactured home used as single-family residence only;
- b. A patio, carport, or garage as an accessory use for a mobile or manufactured home;
- c. Recreation buildings and structures including facilities such as swimming pools for the exclusive use of park residents and their guests;
- d. One residence for the use of the owner, manager, or caretaker responsible for maintaining or operating the property, which may be either a mobile or manufactured home or a site-built structure; or
- e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.
- 5. Setbacks. No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. A mobile or manufactured home or accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.
- 6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by 20 feet and shall be paved or a crushed rock surface and maintained in a dust-free surface. On-street or curbside parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.
- 7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turnaround, exclusive of parking lanes.
- 8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.
- 9. There shall be Level IV landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
- 10. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the City building official. Each mobile or manufactured home shall be skirted with weather-resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.
- C. Phased Development. Proposed mobile or manufactured home parks of 10 or more acres in size developed after the effective date of the ordinance codified in this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan. This exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

D. Park Administration.

- 1. It shall be the responsibility of the park owner and manager to assure that the provisions of this code are observed and maintained within the mobile or manufactured home park. Violations of this code shall subject both the owner and the manager of the facility to any penalties provided for violation of the code.
- 2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters. However, the parking of an unoccupied recreational vehicle in duly designated storage areas shall be permitted.
- 3. All refuse shall be stored in insect-proof, animal-proof, watertight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight-obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.
- 4. Construction of accessory structures and alterations and additions to the mobile or manufactured home park shall be subject to review by the building official, and necessary permits and inspections shall be obtained as required for such construction.
- 5. All electrical connections to each mobile or manufactured home shall comply with the electrical code and shall be inspected.
- 6. Portable fire extinguishers rated for class A, B, and C shall be kept in service buildings and at other locations, conveniently and readily accessible for use by all residents, and shall be maintained in good operating condition.
- 7. The park shall be maintained free of any brush, leaves, and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home.
- 8. Individual mailboxes shall be provided for each space in the park.
- 9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park.

19.70.080 Open space and set-aside lands.

- A. Purpose. The purpose of this section is to outline the provisions for classifying open space or designating set-aside lands in conjunction with new development. Open space serves to:
 - 1. Preserve the character of the natural environment;
 - 2. Protect stream corridors, ridgelines, shorelines, critical areas, and fish and wildlife movement corridors:
 - 3. Provide residents with usable open space for passive recreation and alternative nonmotorized transportation corridors; and

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

- (4) Aquaculture;
- (5) Utility easements; and
- (6) Drainfields.

D. Classification of Open Space.

1. Classification Mechanism.

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

2. Public Access.

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

19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.

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

- B. Development Standards. The following development standards are applicable to all solid waste facilities whether or not a solid waste permit is required by State regulations or the Tacoma-Pierce County Health Department, unless otherwise stated. These standards are in addition to the other requirements of each zone classification. Individual facilities requiring a special use permit may be subject to increases to these standards by the Hearings Examiner.
- C. Waste Handling Facilities.
 - 1. Applicability. These development standards apply to the following types of facilities:
 - a. Organic waste processing facility, including any solid waste facility specializing in the controlled composition of organic solid waste and requiring a solid waste permit under Chapter 70.95 RCW, and to any soil treatment or composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste:
 - b. Municipal solid waste (MSW) composting facility, including any MSW composting facility which requires a solid waste permit including a facility located within an enclosed structure; and
 - c. Transfer station, waste separation recovery facility, and moderate-risk waste facility, including all interim transfer facilities receiving solid waste from off site and which require a solid waste permit under Chapter 70.95 RCW.
 - 2. Buffering. Waste handling facilities shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing public, residential or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, and CC MU-N45, MU-U75 and MU-C110 zones.
 - 3. Fencing. To impede entry by the public and animals, a waste handling facility shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.
 - 4. Landscape Screening. To be adequately screened to prevent blowing of litter and minimize noise and dust nuisances, a waste handling facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress and egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate the following elements:
 - a. A perimeter, sight-obscuring earth berm when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, MU-N45, MU-U75 and CCMU-C110 zones, at least three feet high with a slope of not more than 40 percent (1:2.5) on the side away from the active area, and terraced and/or planted with groundcover to minimize erosion;
 - b. At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart;

- c. At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, MU-N45, MU-U75 and CCMU-C110zones; and
- d. A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.
- 5. Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the City an alternative conceptual landscape plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area, or critical area buffer to fully comply with the intent of this section.
- D. Drop Box Transfer Station. This subsection applies to all drop box transfer stations receiving solid waste from off site and requiring a solid waste permit under Chapter 70.95 RCW.
 - 1. Fencing. To impede entry by the public and animals, a drop box transfer station shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.
 - 2. Landscape Screening. To be adequately screened from residential development, a drop box transfer station shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six feet in width when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TG, MU-N45, MU-U75 and GGMU-C110 zones. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season.

19.70.100 Vehicle impound yards.

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

- A. The maximum size of a vehicle impound yard is one acre.
- B. One vehicle impound yard is permitted per every 10,000 City population (based on most recent State Office of Financial Management population estimate).
- C. A minimum 50-foot setback shall be required between a vehicle impound yard area and all zones other than LI-BP.
- D. That portion of a vehicle impound yard within 200 feet of a zone other than LI-BPMU-U/I75 shall provide Level I landscaping. Portions of vehicle impound yards beyond 200 feet of zones other than LI-BPMU-U/I75 shall provide Level III landscaping.

- E. A sound-attenuating wall shall be required between the vehicle impound yard and any zone other than LI-BPMU-U/I75 within 200 feet. The wall shall be approved by the Director.
- F. Lighting shall be shielded from residential areas.
- G. Water quality protection systems for the vehicle impound yard shall be provided in compliance with City standards and best management practices.
- H. That portion of a vehicle impound yard within 200 feet of a zone other than <u>LI-BPMU-U/I75</u> shall have hours of operation only between 7:00 a.m. and 8:00 p.m.

19.70.110 Secure community transition facilities.

- A. Applicability. This section applies to secure community transition facilities. The requirements of this section shall be imposed at the initiation of any secure community transition facility use, and upon any addition or modification to a secure community transition facility use or structure housing that use.
- B. Location. Secure community transition facilities are permitted in the <u>Light Industrial</u> <u>Business Park</u> (<u>LI-BP)MU-U/I75</u> zone subject to the provisions of Chapter 19.40 UPMC, Essential Public Facilities, and upon obtaining a conditional use permit and subject to the following siting criteria:
 - 1. In no case may a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of sensitive receptors in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.
 - 2. In no case may a secure community transition facility be sited within 300 feet of a residential zoning district.
- C. Use Requirements. The following requirements apply to each secure community transition facility:
 - 1. The applicant must demonstrate that the facility meets the definition of secure community transition facility.
 - 2. The secure community transition facility and its operator must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
 - 3. The applicant must demonstrate compliance with State of Washington Department of Social and Health Services guidelines established pursuant to Chapter 71.09 RCW now or as hereafter amended.
 - 4. The applicant must demonstrate compliance with the requirements of Chapter 71.09 RCW, now or as hereafter amended.
 - 5. For purposes of this section, the applicant must demonstrate compliance with the cited guidelines and statutory provisions through a written description specifically describing the steps taken to satisfy such guidelines or statutory requirements. In the event that compliance with the cited guidelines and statutory provisions can occur only during the construction of the facility or during its operation, then the applicant shall set forth the specific steps that will be taken to comply with such provisions, and such steps shall be made a condition of the conditional use permit for the facility.

- D. Conditions. The City may impose conditions to mitigate any and all potential adverse impacts of the facility on surrounding uses, except that for the requirements specifically addressed in RCW 71.09.285 through 71.09.340 inclusive, now or as hereafter amended, such conditions may not impose restrictions on the facility greater than those set forth in the cited statutory provisions. A maximum of three beds can be provided in a secure community transition facility.
- E. Additional Public Safety Measures. The City may seek additional public safety measures for any facility proposed under this section beyond those suggested by statute or proposed by the applicant. The City shall submit the comments to the Department of Social and Health Services in the manner and at the times set forth in Chapter 71.09 RCW now or as hereafter amended. The City may petition the Governor to designate a person with law enforcement expertise to review the Department of Social and Health Services response to the City's comments in the manner set forth in Chapter 71.09 RCW.
- F. Additional Risk Potential Activities. The City may suggest additional risk potential activities, as defined in Chapter 71.09 RCW, now or as hereafter amended, for consideration by the Department of Social and Health Services, consistent with the provisions of Chapter 71.09 RCW, now or as hereafter amended.

19.70.120 Manufactured housing.

Manufactured homes are permitted in all zones that permit single-family detached and duplex housing provided:

- A. The manufactured home shall be a new manufactured home:
- B. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;
- C. The manufactured home shall comply with all design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
- D. The home is thermally equivalent to the State Energy Code; and
- E. The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

19.70.130 Drive-through and drive-up facilities.

- A. Purpose. The purpose of this section is to recognize that drive-through and drive-up uses may be appropriate at some locations; provided, that such uses are located in consideration of adjacent land uses, traffic patterns, aesthetics compatibility, vehicular/pedestrian conflicts, noise, light and glare, eder and emissions, and litter.
- B. Where Permitted. Drive-through and drive-up uses are permitted as an accessory use to any principal use allowed in the following zones subject to the standards included in this section and a conditional use permit if applicable:
 - 1. Neighborhood Commercial-:
 - 2. Mixed Use-;

- 3. Community Commercial. Proposed drive-through facilities located in Community Commercial zoned parcels MU-U75 except between 28th Street West and 38th Street West on Bridgeport Way, and on Market Place, Market Square, Market Court, Larson Lane and Drexler Drive;
- 4. MU-U75 south of 40th Street and west of Bridgeport Way West requires a conditional use permit.
- 5. MU-N45 except between 28th Street West and 38th Street West on Bridgeport Way; and

6. MU-C110.

- C. Exemptions. Uses regulated by this section include any use that utilizes a drive-through or drive-up as part of their service to customers. Examples include but are not limited to automobile services, restaurants including espresso stands, financial institutions, retail and service uses and drop boxes. The following uses are exempt from this section:
 - 1. Delivery and loading spaces required pursuant to Chapter 19.60 UPMC.
 - 2. Drop boxes, including library, bank and video drop boxes.
 - 3. Hotel porticos and valet parking services.
 - 4. Curbside to go services where a parking stall is reserved for a customer who calls in a to-go order. The customer may or may not get out of the car. One stall is allowed per restaurant use.
- D. Standards. New drive-through and drive-up facilities, and major improvements to or major redevelopment of drive-through and drive-up facilities, shall comply with the following standards:
 - 1. To achieve the vision of a pedestrian-oriented zone, in addition to this code section, drive-through and drive-up facilities located within the TC and CCMU-U75 zones shall comply with the following requirements:
 - a. Where drive-through or drive-up facilities are proposed to be located within existing commercial centers, a minimum of two of the following requirements shall be met:
 - (1) An additional pedestrian connection between the public street and the principal building within the shopping center.
 - (2) An additional pedestrian connection to a second public street for shopping centers with two or more street frontages.
 - (3) Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
 - (4) Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with Chapter 19.52 UPMC.
 - (5) Provide a pedestrian connection from the principal building to a neighboring property.
 - (6) Provide enhanced walkways that exceed the design standards through landscaping and design.

- (7) Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (D)(1)(b) of this section.
- (8) Provide amenities that achieve the goal of the Town CenterMU-U75 zone that meets or exceeds the options listed above and are approved by the Director.
- b. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.
- 2. Traffic and Circulation. Drive-through and drive-up facilities located within all zones shall comply with the following requirements:
 - a. Except at entry and exit points, drive-through stacking lanes shall be separated physically (i.e., by a wall, raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

| Use | Length of Stacking Lane(s) | |
|------------------------------|--|--|
| Bank/Retail | 3 – 6 cars, depending upon volume | |
| Restaurants | 8 – 12 cars, depending upon volume | |
| Automobile Service, Other | Determined on an individual basis, depending on volume | |

- b. The entrance and exit from a drive-through lane, or designated drive-up parking spaces, shall be internal to the site and not a separate entrance/exit to or from the street.
- c. The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot.
- d. Except as provided in subsection (D)(2)(d)(1) of this section, drive-through lanes and driveup spaces shall be located in the rear or side yards and shall not be placed between a street and the building. See Diagram 1.
 - (1) In cases where there is a grade difference of more than six feet and a slope greater than 150 percent between the adjacent street and the property in question precluding direct pedestrian entrance from a street, drive-through lanes may be located between the street and the building provided the drive-through use is:
 - (A) Located in a Level II Commercial Center; and
 - (B) Below grade of the adjacent street; and

- (C) Pedestrian amenities are provided in accordance with subsection (D)(1) of this section.
- e. Reserved parking spaces for drive-through orders may be required.
- f. Vehicle conflicts with pedestrians and bicycles shall be minimized.
- 3. Landscaping and Screening.
 - a. Drive-through windows, menu boards, stacking lanes, drop-offs, and drive-up spaces shall be located to minimize impacts to adjacent properties and screened from the public right-of-way to the maximum extent possible. At a minimum, a berm or wall and Level III landscaping shall be required.
 - b. The drive-through, drop-off or drive-up facility shall be buffered and visually screened from residential development with a wall and Level I <u>Handscaping</u>, or by other equivalent natural or constructed barriers, such as other commercial development.
- 4. Architecture. Drive-through elements shall be architecturally integrated into building design and not appear to be applied or stuck on to the building.



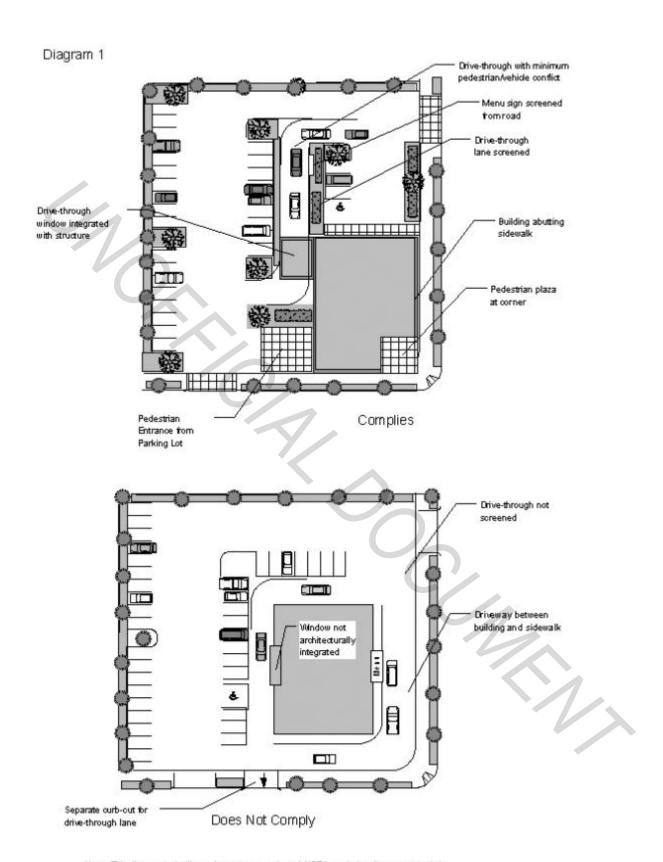
Not Architecturally Integrated



Architecturally Integrated

5. Noise.

- a. The project applicant shall provide the plans and specifications for any potential noise sources, such as intercom system, trash compactor, etc. Plans shall include measures to mitigate any potential adverse impact from such noise sources. Plans shall include calculations from a qualified design professional specializing in environmental acoustics.
- b. Speakers at drive-through facilities shall not be audible to adjacent residential uses or disturbing to adjacent nonresidential uses. Sound attenuation walls or other mitigation measures shall be required as necessary.
- c. Speaker boxes of any point-to-point intercom system shall be oriented away from residential development and other sensitive receptors located in the general area of the drive-through facility.
- d. Outdoor maintenance and cleaning activities shall be limited if determined necessary by the City to achieve compatibility with surrounding land uses.
- e. The on-site manager shall not permit any loud music, noise or other sounds by means of radio, or other broadcasting apparatus or device, and shall not permit fighting, quarreling, loitering, or loud noise or other nuisance which disturbs the quiet and peace of the premises or the neighborhood.
- f. Hours of operation shall be limited as determined necessary by the City to achieve compatibility with surrounding land uses.
- 6. Emission Control. Drive-through and drop-off lanes and drive-up spaces shall not be located adjacent to plazas and other pedestrian use areas, other than walkways, and are discouraged adjacent to nonresidential buildings within 30 feet of the proposed lane. Drive-through stacking lanes shall not be located within 50 feet of any residential uses.
- 7. Light and Glare. All lighting fixtures shall be designed, installed and maintained so as to direct light only onto the subject property.
- 8. Maintenance. The site shall be maintained in a litter-free condition and no undesirable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that the trash or litter originating from the use is not deposited on adjacent properties. Trash enclosures and bins shall be enclosed on all sides to suppress odors and prevent spillage of materials. Graffiti shall be removed within 48 hours.
- E. Additional Conditions. The standards in this section constitute the minimum deemed necessary under general circumstances and in most cases to prevent adverse effects from drive-through facilities. Other and further standards may be required as conditions of approval to ensure that such uses are consistent with the Comprehensive Plan and findings required to grant a conditional use permit if one is required.
- F. Continuation of Use. If any nonconforming drive-through or drive-up facility is discontinued for a period of 12 months or longer, any new drive-through facility shall comply with these standards.
 - 1. A nonconforming drive-through lane or drive-up may relocate to a more conforming location consistent with this section.



Note: This diagram is for illustrative purposes only and NOT intended to dictate required site layout or design

19.70.140 Marijuana related uses.

- A. Purpose. The purpose of this section is to regulate marijuana producers, processors, and retailers, medical marijuana cooperatives, and marijuana research regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. Marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the Federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent Federal law.
- B. Applicability. This section applies to marijuana uses licensed by the Washington State Liquor and Cannabis Board.
- C. Permitted Uses. Only marijuana retailers, producers and processors licensed by the Washington State Liquor and Cannabis Board are allowed. Marijuana production or processing shall not be considered agricultural uses.
- D. Review Required Conditional Use Permit, A conditional use permit is required to operate any marijuana retailer, producer, or processor. Conditional use permits shall be processed in accordance with UPMC 19.85.020 and UPMC Title 22 and with all other applicable provisions of the University Place Municipal Code.
- E. Limitations on Marijuana Retail Uses. The following limitations shall apply to all marijuana retailers, unless stated otherwise:
 - 1. A marijuana retailer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:
 - a. Elementary or secondary school;
 - b. Playgrounds;
 - c. Recreation center or facility;
 - d. Child care centers:
 - e. Public parks:
 - f. Public transit centers;
 - g. Libraries; and
 - h. Any game arcade where persons under 21 years of age are not restricted.
 - 2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.
- F. Limitations on Marijuana Processors and Producers. The following limitations shall apply to all marijuana processors or producers, unless stated otherwise:
 - 1. A marijuana processor or producer shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- 2. Marijuana processors or producers shall not be located within 100 feet of the following zones and uses or any use included in Chapter 314-55 WAC now or as hereafter amended:
 - a. R1 or R2 Zones;
 - b. Recreation center or facility;
 - c. Child care centers;
 - d. Public parks;
 - e. Public transit centers;
 - f. Libraries; and
 - g. Any game arcade where persons under 21 years of age are not restricted.
- G. Limitations on all Marijuana Uses. The following limitations shall apply to all marijuana uses, unless stated otherwise:
 - 1. Odor. Marijuana odor shall be contained within the structure and/or tenant space so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to the installation of the ventilation equipment necessary to contain the odor.
- H. Marijuana Cooperatives. Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are allowed in accordance with State law requirements and the following additional standards:
 - 1. Marijuana cooperatives must be conducted in a manner that is clearly secondary and incidental to the primary use of the property as a residence and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.
 - 2. No outdoor display or storage of marijuana growing, processing or producing materials, goods, supplies, or equipment is allowed.
 - 3. No change in the outside appearance of the building or premises or other visible evidence that the residence is being used for a cooperative is permitted.
 - 4. The cooperative shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

Exhibit P

Chapter 19.75

SIGNS

Sections:

| 19. <i>i</i> | /5.010 | Purpose. |
|--------------|--------|-------------------------------------|
| 19.7 | 75.020 | Scope. |
| 19.7 | 75.030 | Definitions. |
| 19.7 | 75.040 | Permits required. |
| 19.7 | 75.050 | Permit issuance. |
| 19.7 | 75.060 | Design and construction. |
| 19.7 | 75.070 | General sign requirements. |
| 19.7 | 75.080 | Specific sign requirements table. |
| 19.7 | 75.090 | Specific sign requirements. |
| 19.7 | 75.100 | Removal of sign for vacant premises |
| 19.7 | 75.110 | Nonconforming signs. |
| 19.7 | 75.120 | Prohibited signs. |
| 19.7 | 75.130 | Enforcement. |
| | | |

19.75.010 Purpose.

The purpose of this chapter is to provide for the reasonable display of signs necessary for public service or the conduct of business. The regulations enacted herein are necessary to protect the safety and welfare of the public and to maintain an attractive appearance in the community. This chapter authorizes and regulates the use of signs visible from a public right-of-way and/or adjacent property to:

- A. Balance multiple goals including promoting economic development and creating an attractive community:
- B. Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures;
- C. Ensure that signs are compatible with adjacent land uses;
- D. Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure vision of motorists, distract motorists, or interfere with traffic signs and signals;
- E. Minimize overhead clutter for drivers and pedestrians;
- F. Provide for types and sizes of signs appropriate to the land uses and zoning districts of the City;
- G. Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant;
- H. Provide the public with reasonable means to help them easily and safely locate businesses and other locations in University Place;
- I. Recognize free speech rights by regulating signs in a content-neutral manner;

- J. Implement the goals and policies of the City of University Place Comprehensive Plan; and
- K. Protect property values by encouraging signs that are appropriate in both scale and design to surrounding buildings and landscape and by discouraging a needless proliferation of the number of signs.

19.75.020 Scope.

This chapter may be referred to as the sign code. This chapter applies to all signs in the City. This chapter regulates the type, size, location and number of signs. This chapter shall be administered by the Director.

19.75.030 Definitions.

A. General Definitions. Words not defined herein have their common meaning. The terms described below have the following meaning within this chapter:

"Building code" means codes adopted by the City including, but not limited to, Chapter 14.05 UPMC.

"Building Official" means the City official responsible for administration of the building code or a duly authorized deputy.

"Change of use" means a change of business, service, commodity, product or activity that is no longer operating or being offered or conducted on the site.

"Freestanding letters" means a sign comprised of individual letters, characters, or marks, whether fastened directly against a wall or erected upon a steel framework for support.

"Internal illumination" means a source of lighting concealed entirely within a sign that illuminates the sign graphics by the transmission of light through a translucent or semi-translucent material.

"Landscaping" means any material used as a decorative feature for a sign, such as shrubbery, native vegetation, grass, flowers, decorative groundcover, planting materials, planter boxes, or brickwork. Landscaping does not include any material that displays advertising copy.

"Marquee" means a permanent-roofed structure attached to and supported by a building to provide protection from the weather.

"Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, and cutouts attached to a sign structure.

"Periphery of right-of-way" means within a right-of-way but at the edge of the right-of-way so as not to interfere with vehicular and/or pedestrian traffic including maintaining sight distance. Periphery of right-of-way does not include landscape areas between a street and sidewalk, within a median or roundabout.

"Sign owner" means any person with a legally protected interest in a sign or a sign structure including, but not limited to, a legal owner of a sign, a sign user, and the owner or lessee of property on which a sign or sign structure is located.

"Sign structure" means the supports, uprights, braces, and framework for a sign.

"Silhouette lighting" means lighting being emitted from a pan-channel sign graphic which has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics. This is sometimes called "halo lighting."

"Special event" means events regulated under Chapter 5.10 UPMC.

"Tenant" for the purposes of this section shall mean an occupant of a premises upon which a sign is located or in the case of an off-premises directional sign, an occupant of a premises within 650 feet of the freestanding sign on which that occupant advertises.

B. Types of Signs. The terms described below have the following meanings within this chapter:

"A-board" or "sandwich board sign" means a temporary portable sign, usually constructed of two pieces of wood, plastic or similar material attached to each other at the top edge, which stands like an "A" or is worn by a person such that one sign face is visible on either side of the sign.

"Address sign" means a sign displaying only an address.

"Awning sign" means a sign attached to an awning, canopy or other similar structure that is comprised of fabric, plastic or similar materials and is located over an entrance, a window or an outdoor service area at a place of business. An awning sign is a type of wall sign. A marquee sign is an awning sign.

"Banner" means a temporary sign usually made of cloth, nylon or plastic that is hung by rope, cable or similar materials from a building or another sign structure. Banners include feather signs.

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

"Bus shelter signs" means advertising signs mounted to bus shelters in the right-of-way.

"City gateway sign" means a sign constructed and maintained by the City to welcome citizens and visitors to our community. Gateway signs are usually installed along major arterial streets leading into our community.

"Commercial sign" means a sign erected by a business or other person engaged in the exchange of goods and services.

"Digital sign" means an electronic sign with monochrome LED (light emitting diodes) text, graphics or symbols over a black, nonilluminated background.

"Directional sign" means a sign solely to direct pedestrian or vehicular traffic while entering, exiting, or traveling on the property where the sign is located.

"Electronic message center sign" means an electronic sign having variable message, color and/or graphic presentation capability that can be electronically programmed by computer or handheld device from a remote location. EMCs typically use light emitting diodes (LEDs) or liquid crystal display (LCD) as a lighting source.

"Event sign" means a temporary sign advertising and/or providing direction to an event with a limited duration of time. Events include yard sales and special events.

"Feather sign" means a temporary sign made of paper, cloth, flexible plastic or fabric of any kind with only such material for backing. Feather signs are generally a sign attached to a support post. Feather signs are also known as feather flags, banner flags, bow flag, wind feather and tear drop signs.

"Flashing sign" means an illuminated sign which lights suddenly or intermittently. A strobe light used to attract attention to a business is a flashing sign.

"Freestanding sign" means a sign supported on a structure used exclusively for the support of the sign or for a group of signs, including pedestal, pylon, pole, and monument signs.

"Hand Crafted" means made by hand as opposed to mass production using machinery.

"Home occupation sign" means a sign advertising a home occupation.

"Identification sign" means a sign located in an R1, R2, MF-L, MF-H, POS, or PFO zone identifying an institutional, multifamily use or subdivision.

"Incidental sign" means a sign that is not visible either from a right-of-way or off of the property on which the sign is located. Incidental signs typically inform the public about goods, facilities, or services available on the premises including, but not limited to, restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths or recycling containers.

"Menu sign" means a sign at the entrance to a drive-through lane at a restaurant or an automobile service facility. Examples of such signs may include those signs which list menu items or services for sale at the establishment and may include those signs at car washes or automobile lubrication facilities that typically display a menu sign.

"Monument sign" means a freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base.

"Mural" means a large decorative image, not an advertisement, which is painted or drawn on an exterior wall of a structure.

"Nameplate" means a sign displaying only an occupant's name or the name or address of premises.

"Noncommercial sign" means any sign that is not a commercial sign. This definition includes signs regarding noncommercial fund raising or membership drive activities, or promoting noncommercial or nonprofit entities or groups.

"Nonconforming sign" means a sign that does not conform to the provisions of this chapter.

"Off-premises directional sign" means a sign that contains no advertising of a commercial nature that directs pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 650 feet of the sign.

"Off-premises sign" means a sign advertising a business, product, activity or service that is not sold at the site where the sign is located.

"Painted sign" means a sign painted on a wall, fence or other structure and not lighted by internal illumination.

"Pan-channel" means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be covered with a translucent material.

"Pole sign" means a sign hung from or supported by vertical standing pipe(s), wood beam(s) or other material(s) that are affixed to the ground at one end and to the sign at the other end if the support(s) are clearly visible.

"Portable sign" means a sign not permanently attached to the ground or to another permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels whether by trailer or on its own wheels even though the wheels of such sign may be removed. This definition includes A-boards, T signs, and menu or sandwich signs and mobile reader boards.

"Projecting sign" means a sign affixed at an angle or perpendicular to the wall of any building in such a manner to read at an angle or perpendicularly to the wall on which it is mounted.

"Reader board sign" means a sign with characters, letters or illustrations that can be changed or rearranged by hand without altering the face or surface of the sign.

"Real estate sign" means an on-site temporary sign directing attention to the availability for sale, lease, or rent of a particular premises.

"Residential/commercial development sign" means a sign identifying a new subdivision or commercial project under construction.

"Residential sign" means a sign erected on a lot in a residential zone.

"Revolving sign" means a sign that revolves or partially revolves by mechanical means.

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

"Sign" means any device, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service or activity. A sign may have multiple faces and advertise multiple establishments, businesses, products, services, or activities. This definition does not include any flag of any country, state or local jurisdiction. Unless the context clearly provides to the contrary, a "sign" as used in this chapter also includes the "sign structure."

"Sign structure" means all of the interrelated parts and materials, such as beams, poles, braces, apron, catwalk, and stringers, that are used, designed to be used, or are intended to be used to support or display a sign.

"Special displays" means displays of merchandise, animals, balloons, cars, airplanes, posters, pennants, or streamers, searchlights, flashing signs, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature or other objects used to attract attention for purposes of advertising.

"Street banners – decorations" means any street banners, decorations, and/or other similar items located in the City right-of-way.

"Suspended sign" means a sign attached to and hanging from the underside of a canopy, awning, porch ceiling, or similar shelter, or hanging from the beams or structures supporting such shelters.

"Temporary commercial use sign" means a temporary on premises sign used for the purpose of advertising or identifying a temporary use permitted in accordance with Chapter 19.35 UPMC.

"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar materials, with or without a frame, intended to be displayed for a limited time only. A-boards, banners, portable, special display and event signs shall be considered temporary signs.

"Time and temperature sign" means a digital sign displaying solely the time and temperature.

"Wall sign" means a sign erected against the wall of a building or other structure with the sign face parallel to the plane of the wall. Examples of wall signs include a marquee, a painted sign or a sign supported by a fence.

"Window" means an opening in the wall of a building for the admission of light and/or air that is usually closed by casements or sashes containing transparent materials (such as glass) and may be capable of being opened or shut and allow people to see through. For the purposes of this chapter, a window shall include all window components of a standalone window or a window system consisting of more than one pane and window components including but not limited to casings, jambs, muntinsmullions, rails, sashes, sills and stile.

"Window masking" means covering a window with a sign or otherwise making the window fully or partially opaque.

"Window sign" means a sign on a window or located inside and in such close proximity to the window so as to be easily and readily viewed from outside the window. Window signs include images of products or services offered. Signs visible through a window and less than 36 inches from the window are considered window signs.

"Yard sign" means a sign with wire or wood support post(s). Wire supports usually consist of at least two tines that can be inserted into the sign. The tines on the other end of the frame can be inserted into the ground. See Figure 2.

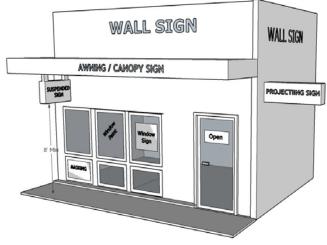


Figure 1. Sign Types

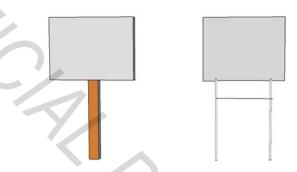


Figure 2. Yard Signs

19.75.040 Permits required.

- A. Sign Permits. Except for those signs exempt by law, this chapter, or not expressly covered by this chapter, it shall be unlawful to erect or display a sign in the City without a sign permit issued by the Department. Nothing in this chapter modifies any provision of Chapter 14.05 UPMC, which requires a building permit to erect, modify or demolish certain signs and sign structures.
- B. Temporary Sign Permits. The Director may issue temporary sign permits and attach reasonable conditions to the issuance of a permit as may be necessary to ensure timely discontinuance of the use and to ensure substantial compliance with this chapter.
- C. Applications for Sign Permits. Any person submitting an application for a sign permit or a temporary sign permit shall make application on forms provided for that purpose at the Department.
- D. Additional Information. The Director may require the filing of plans or other pertinent information as necessary to ensure compliance with this chapter.
- E. If the application is denied, the Director must provide a list of reasons for the rejection in writing. This decision is subject to appeal to the City of University Place Hearings Examiner by filing an appeal, with the City Clerk, within 10 days of the date of such decision.

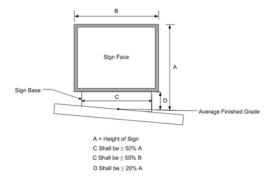
19.75.050 Permit issuance.

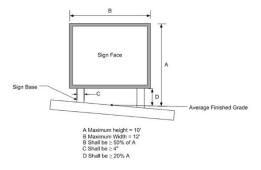
- A. Permit Issuance. It shall be the duty of the Director, upon the filing of an application for a permanent sign permit or a temporary sign permit, to review the application and to issue, issue with conditions, or deny the permit, or request additional information to process the application, in accordance with the provisions of this chapter. Any application that complies with all provisions of this code must be approved.
- B. Permit Fees. Required fees are set forth in the City's fee resolution as adopted or hereafter amended.
- C. Temporary Signs. All temporary signs must be removed within three working days after the expiration of the permit. If the applicant fails to remove the sign in the time required, the applicant will not be eligible for another temporary sign permit for 12 months.
- D. A sign permit shall be processed as a Type I permit under UPMC Title 22.

19.75.060 Design and construction.

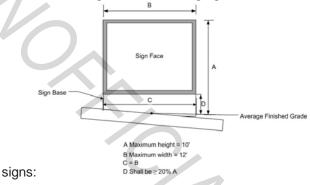
All signs shall be erected in accordance with the following design and construction standards and other requirements of this chapter:

- A. Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.
- B. Visibility. No sign or sign structure shall be placed or erected in any place or manner where by whereby reason of its position it will obstruct safe visibility for vehicular or pedestrian traffic.
- C. Construction Standards for Permanent Signs. No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other requirements as specified in the building code. Permanent freestanding signs shall also be subject to the following design standards:
 - 1. Structural Components. To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.
 - 2. Dimensional and Design Standards.
 - a. Pedestal, Pole or Pylon Signs. The following drawings illustrate the dimensional standards for pedestal, pole or pylon signs:





Monument Signs. The following figures illustrate the dimensional standards for monument



3. Design Criteria.

- a. Sign Base. The base of the sign must be constructed of landscape materials such as brick, stucco, stonework, textured wood, tile or textured concrete or materials that are harmonious with the character of the primary structures on the subject property. Materials that differ from the primary structure are subject to the Director's approval. No visible gap shall be allowed between the sign base and the finished grade or between the sign face or cabinet and the sign base except as provided in this chapter.
- b. Except as provided in this chapter, all pole or pylon signs shall be supported by two or more supports.
- c. Sign Face. The color, shape, material, lettering and other architectural details of the sign face must be harmonious with the character of the primary structure.
- D. Minor Deviations. Minor deviations from the dimensional standards for signs, except for maximum sign height, may be approved by the Director upon finding that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.
- E. Electric Signs. Electric signs shall be constructed and inspected in accordance with applicable electrical codes.
- F. Public Right-of-Way. Signs in the public right-of-way shall be regulated by UPMC Title 13 and require a valid right-of-way use permit pursuant to UPMC Title 13. Any sign located in a public right-of-way without a valid right-of-way permit is hereby declared a public nuisance. Any unlawful sign may be removed from a public right-of-way immediately.

- G. Planter Boxes Bumper Guards Shrubs Plants. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line. Planter boxes shall not be more than 36 inches above average finished grade.
- H. Utility Lines Clearance. Horizontal and vertical clearance of signs or sign structures from utility lines shall be determined by the appropriate service provider.

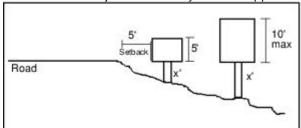
19.75.070 General sign requirements.

The size and placement of signs are regulated to maintain a safe and attractive community and to facilitate attention to their messages. The following standards are intended to aid the sign user, sign maker and the Department in determining the maximum size and appropriate location of permitted signs:

A. General Sign Requirements.

- 1. Area of Signs.
 - a. The area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display.
 - b. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the sign faces. No more than two faces are permitted per freestanding sign. The area of a spherical, cubical or polyhedral sign equals one-half the total surface area.
- 2. Area of Freestanding Letters. Freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.
- 3. Height of Signs. Maximum height of all freestanding signs or any part of the freestanding sign structure shall be 10 feet above average finished grade. Sign height shall be measured from the average finished grade at the sign foundation. The average finished grade for signs on grades lower than the adjacent right-of-way shall be considered the same as the average grade of the adjacent right-of-way. See the diagram following subsection (A)(7) of this section for grade exceptions.
- 4. Width of Signs. The maximum width of a freestanding sign structure shall be 12 feet. Sign width shall be measured on the face side of the sign from one side of the face or any part of the sign structure to the farthest point on the opposite side of the face or part of the sign structure.
- 5. Setbacks for Signs. All signs are permitted a zero-foot setback, except as provided in this chapter, provided the owner demonstrates to the City by reasonable evidence that the sign will not obstruct the clear sight zone as specified in UPMC Title 13.
- 6. Illumination. External sign illumination shall be directed only towards the sign face or freestanding letters and shall be shielded in ways to prevent light and glare on adjacent properties. Backlit sign backgrounds and neon signs are prohibited on commercially zoned property between 35th Street West and 38th Street West.
- 7. Raceways. Raceways shall be hidden or painted to match the building on which the sign is located.

78. Grade Exception. When the elevation at the base of a freestanding sign is at least five feet below the elevation of the adjacent road, a single pole may be used to support the sign provided the portion of the sign above the elevation of the adjacent roadway has the appearance of a



monument sign. See figure below.

- 89. Maintenance of Signs. All signs shall be maintained in a safe condition and in good repair. Any sign that is damaged shall be restored to a safe condition and good repair no later than 90 days after the event that caused the damage. Failure to maintain a sign in a safe condition and in good repair shall be grounds for revocation of a sign permit.
- <u>910</u>. Establishment of Property Lines. It shall be the responsibility of the property owner or an authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken. In the event of a dispute or discrepancy, the Director may order an independent survey to ensure compliance with this chapter. The survey cost shall be charged to the sign applicant.

19.75.080 Specific sign requirements table.

The following requirements apply to specific sign types. The Director may prescribe reduced area and height, more controlled illumination and greater setback as a condition of any special use permit approval.

Residential (RR1, R2, MF-L, MF-H), POS and PF Overlay²

| Type of Sign | Permit Required | | Height (feet) | | Number of Signs | Other Requirements ³ |
|--------------------|--------------------|----|------------------|---|--------------------|---|
| Address | No | 3 | 10 | 0 | 2 | Numbers and letters ≤ 10" high |
| Banners | Temporary | 24 | | 0 | 1 | For nonresidential uses only |
| Directional | No | 6 | 3 | 0 | | 1 per entrance |
| Event ³ | No | 6 | 10 | | 6 | 1 on premises and 5 at periphery of right-of-ways |
| Home Occupation | No | 2 | 10 | | 1 | May be freestanding, placed on the primary structure or in a window |
| Identification | Permanent | 36 | 10 | 0 | 1 – 3 | 1 per entrance or 2 at main entrance |
| Incidental | No | 2 | | | | |

Residential (RR1, R2, MF-L, MF-H), POS and PF Overlay²

| Type of Sign | Permit Required | | Height (feet) | | Number of Signs | Other Requirements ³ |
|---|--------------------|----|------------------|---|--|--|
| Nameplates | No | 6 | | 0 | | |
| Nongovernment Flags | No | 20 | 30 | 5 | 1 | Government flags are exempt |
| Official Legal Notices | No | | | 0 | | Notices issued and posted by public agency or court |
| Real Estate | No | 12 | 6 | | 1 per tax lot | Nonilluminated if freestanding |
| Residential/Commercial Development Sign | Temporary | 32 | 10 | 0 | 1 per street front | Parcel must be > 0.5 acres See UPMC 19.75.090(D) |
| Residential Open House A-Boards | No | 6 | 5 | 0 | 1 on premises and 5 at periphery of rights-of-way | Permitted during daylight hours only; a realtor, seller or agent must be on the property |
| Plaques, Tablets, or Inscriptions | No | 3 | 3 | 0 | | |
| Temporary Noncommercial ² | No | 4 | 3 | | | At periphery of right-of-way |

Notes:

- 1. The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title 13.
- 2. Additional requirements are listed in UPMC 19.75.090, Specific sign requirements.
- 3. See Chapters 19.35, Temporary Uses, and 5.10 UPMC, Special Events, for additional requirements.

Commercial Zones (TC,MU-N45, MU-U75, NC, MU, MU-O, MU-M, CC, LI-BPMU-U/I-75, and MU-C110)

| Type of Sign | Permit Required | | Height (feet) | | Number of Signs | Requirements ² |
|--------------|--------------------|----|---------------|-----------------|-----------------------------|---|
| A-Board | Temporary | 12 | <u>5</u> | 5 20 | 1 per 50' of frontage | 5' setback from right of- way; 20' from intersections See UPMC 19.75.090(C) |
| Address | No | | | 0 | | Numbers and letters ≤ 10" high |

Commercial Zones (TC,MU-N45, MU-U75, NC, MU, MU-O, MU-M, CC, LI-BPMU-U/I-75, and MU-C110)

| Type of Sign | Permit Required | Area (sq. ft.) | Height (feet) | Setback ¹ | Number of Signs | Requirements ² |
|---|--------------------|------------------------------|------------------|----------------------|--------------------|--|
| Awning | Permanent | ≤ 15% of facade | | | | |
| Banners | Temporary | 24 | | 0 | 2 | See UPMC <u>19.75.090(C)</u> |
| Billboards | Prohibited | | | | | |
| Digital | Permanent | | | | 0 | See UPMC <u>19.75.090(</u> A) |
| Directional | No | 6 | 3 | 0 | | 1 per entrance or exit |
| Electronic Message Center ² | Permanent | See freestanding signs | 10 | 0 | 1 | Must be set back at least 100' from center of any controlled intersection |
| Event ³ | No | 6 | 10 | | 6 | 1 on premises and 5 at periphery of right-of- way |
| Feather | Temporary | 24 | 10 | 0 | 1 | See UPMC <u>19.75.090(C)</u> |
| Flags | No | 20 | 30 | 5 | 1 | Government flags are exempt |
| Freestanding Single Tenant Prohibited on Market St. W., Market Square and Market Ct. W. | Permanent | 32 | 10 | 0 | 1-3 | 1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street |
| Freestanding Two to Five Tenants Prohibited on Market St. W., Market Square and Market Ct. W. | Permanent | 40 | 10 | 0 | 1-3 | 1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street |
| Freestanding Six or More Tenants <u>Prohibited on</u> <u>Market St. W., Market</u> <u>Square and Market Ct.</u> <u>W.</u> | Permanent | 50 | 10 | 0 | 1 – 3 | 1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an |

Commercial Zones (TC,MU-N45, MU-U75, NC, MU, MU-O, MU-M, CC, LI-BPMU-U/I-75, and MU-C110)

| Type of Sign | Permit Required | Area (sq. ft.) | Height (feet) | | Number of Signs | Requirements ² |
|---|--------------------|-------------------|--------------------|--------|---|---|
| | | | | | | additional sign is also permitted on a secondary street |
| Off-Premises Directional Sign | Permanent | See Req. | 10 | 0 | 1 | Allowed only for establishments without arterial frontage See Freestanding Signs for maximum size (area) |
| Plaques, Tablets, or Inscriptions | No | 3 | 10 | 0 | 1 | |
| Incidental | No | 2 | | | | |
| Murals | No | | | | | Provided the mural does not meet the definition of a sign |
| Nameplates | No | 3 | | 0 | | |
| Official Legal Notices | No | | | 0 | | Notices issued and posted by government agency or court |
| Projecting | Permanent | 20 | Height of building | 0 | 1, or 2 if second sign is located on a second wall of a corner space | In lieu of freestanding sign. May project 5' from building wall. No closer than 2' from curb; minimum clearance ≥ 10' See UPMC 19.75.090(L) |
| Promotional | Temporary | | | 5 – 20 | No limit | Set backSetback 5' from property lines, 20' from intersections. Allowed for up to 5 days |
| Real Estate | No | 12 | 6 | | 1 per tax lot | Nonilluminated |
| Residential/Commercial Development Sign | Temporary | 32 | 10 | 0 | 1 per street front | Parcel must be > 0.5 acres See UPMC 19.75.090 |
| Residential Open House A-Boards | No | 6 | 10 | 0 | 1 per street frontage; 5 off premises | Permitted during daylight hours only; a realtor, seller, or agent must be on property |
| Roof | Permanent | ≤ 15% of facade | See Req. | 0 | | See UPMC 19.75.090(H) |

Commercial Zones (TC,MU-N45, MU-U75, NC, MU, MU-O, MU-M, CC, LI-BPMU-U/I-75, and MU-C110)

| Type of Sign | Permit Required | Area (sq. ft.) | Height (feet) | | Number of Signs | Requirements ² |
|----------------|--------------------|-------------------|------------------|-------|--------------------|---|
| Suspended Sign | Permanent | 7 | Min. 8 clear | 2 | 1 per business | 12" maximum height |
| Temporary | Temporary | | | 0 – 5 | 3 per business | See UPMC 19.75.090(C) |
| Temporary Use | Temporary | 12 | | | 1 A-board | On premises display for |
| | | 24 | | | 1 banner | period of temporary use only |
| Wall | Permanent | ≤ 15% of facade | | | | 18" maximum thickness Area is maximum for all signs on a facade combined |
| Window | Temporary | 20% of window | | 0 | | See UPMC 19.75.090 |
| Window Masking | Permanent | 1 | | 0 | | See UPMC <u>19.75.090</u> |

- 1. The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title 13.
- 2. Additional requirements are listed in UPMC 19.75.090, Specific sign requirements.
- 3. See Chapters 19.35, Temporary Uses, and 5.10 UPMC, Special Events, for additional requirements.

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

19.75.090 Specific sign requirements.

- A. Digital Signs. The purpose of this section is to regulate how digital signage technology might be applied to sign types otherwise permitted by this chapter. It is not intended to allow more signs or larger signs than otherwise permitted by this chapter.
 - 1. One digital sign is allowed per 100 feet of street frontage in nonresidential zones.
 - 2. Maximum luminance of not more than 0.2 foot-candles between off and solid-message at night shall be measured in accordance with subsection (A)(3) of this section. All permitted digital signs shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions.
 - 3. Electronic Message Center (EMC) Illumination Measurement Criteria. The illuminance of an EMC shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the

distance determined by the total square footage of the EMC as set forth in the Sign Area of a Sign versus Measurement Distance table below.

SIGN AREA VERSUS MEASUREMENT DISTANCE

| AREA OF SIGN sq. ft. | MEASUREMENT (ft.) |
|----------------------|----------------------|
| 10 | 32 |
| 15 | 39 |
| 20 | 45 |
| 25 | 50 |
| 30 | 55 |
| 35 | 59 |
| 40 | 63 |
| 45 | 67 |
| 50 | 71 |

^{*} For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq. ft., 400 sq. ft., etc.), the measurement distance may be calculated with the following formula:

Measurement Distance = Area of Sign Sq. Ft. x 100 $\sqrt{Area of Sign Sq. Ft. x 100}$

- 4. No motion allowed except for instantaneous change of message.
- 5. Minimum hold between messages: eight seconds plus one-and-one-half-second transition fade.
- 6. Programming. To ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming only.
- B. Electronic Message Center (EMC) Signs. The purpose of this section is to regulate how EMC signage might be applied to free standing signs permitted by this chapter. It is not intended to allow more signs or larger signs than otherwise permitted by this chapter.
 - 1. Where Allowed. Electronic message center (EMC) signs are only allowed in the community commercial and neighborhood commercial zones.
 - 2. Maximum luminance of not more than 0.2 foot-candles between off and solid-message at night shall be measured in accordance with subsection (B)(3) of this section. All EMCs shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions.
 - 3. Electronic Message Center (EMC) Illumination Measurement Criteria. The illuminance of an EMC shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the

distance determined by the total square footage of the EMC as set forth in the Sign Area versus Measurement Distance table (subsection (A)(3) of this section).

- 4. Motion Limits. No motion except for a fade-in of the next message with the fade transition being no more nor less than one and one-half seconds. Fade transition is required rather than instantaneous message changes to avoid sudden or startling flashes of light.
- 5. Minimum hold between messages: eight seconds, plus one-and-one-half-second transition fade.
- 6. Programming. To ensure that EMC signs are programmed and continue to operate according to local standards, EMC signs shall be programmed on site only. Remote programming in an off-site location is prohibited.
- 7. Existing EMC signs legally established prior to the effective date of this ordinance that are nonconforming to the preceding operational standards shall be made compliant within 90 days of written notice to the owner of legally established EMC signs.
- C. Temporary Commercial Signs.
 - 1. Three signs per tenant may be displayed for the duration of the temporary use or event for which they are intended but not for longer than 60 days in a year, except as allowed under Section 19.75.090(C)(7) UPMC.
 - 2. Signs shall be removed at the close of each business day.
 - 3. Signs must be removed within three working days after the expiration of the permit, or the event. Failure to remove signs will forfeit use of a temporary sign permit for a period of 12 months.
 - 4. Signs may not be permanently attached to the ground, building, or other structure.
 - 5. Signs shall be located on private property and (20) feet from intersections.
 - 6. Temporary Signs (including feather signs) except banners are prohibited along Bridgeport Way between 35th St. West and 42nd St. West. Signs are prohibited along 40th St. West on commercially zoned properties.
 - 7. Temporary commercial free-standing Hand Crafted signs are allowed on Market Place West, Market Square and Market Court West under the following requirements:
 - a. Signs can be displayed year-round during business hours and must be located in front of the business.
 - b. One sign allowed per business.
 - c. Signs can be placed on private property or the right-of-way within 5 feet of the building. The main pedestrian pathway must be maintained.
 - d. A Temporary sign permit is required to be renewed annually.
 - e. Signs shall be hand crafted and unique in nature. Signs constructed of plastic are strongly discouraged. (see definition)

Examples of allowed signs:





Examples of prohibited signs:





- f. Signs are intended for primary visibility of pedestrians along the sidewalk and not the vehicles from the street.
- D. Temporary Residential/Commercial Development Sign.
 - 1. One double-faced sign is permitted per street front.
 - 2. No sign shall exceed 32 square feet in surface area or 10 feet in height.
 - 3. Signs may only be erected in conjunction with an issued building or land use permit.
 - 4. Signs must be removed when the last lot is sold in a subdivision or upon final occupancy approval of a commercial development.
- E. Temporary Noncommercial Signs.
 - 1. No sign permit is required to post a non-commercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Noncommercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit.
 - 2. Signs shall be placed at the periphery of the right-of-way. On roads that only have a shoulder and do not have a sidewalk, non-commercial temporary signs must be placed beyond the edge of the asphalt, and may not be placed so that any part of the sign extends over the asphalt.

- 3. Noncommercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.
- 4. Placement of off-premises noncommercial temporary signs on private property is subject to the landowner's authorization.
- F. Noncommercial Signs in Right-of-Way.

| Sign Type | A-Board | Yard Sign |
|-------------------|--------------------|-----------|
| Maximum Size | 6 | 4 |
| Maximum Height | 3.5' | 3' |
| Duration | 5 consecutive days | 180 days |

- G. Awning Canopy Marquee.
 - 1. Awnings shall project not less than three feet and not more than seven feet from the face of the supporting building, when over public property.
 - 2. No portion of any awning or canopy shall extend nearer than two feet to the face of the nearest curbline.
 - 3. Area of an awning or canopy sign is counted in the maximum area for all signs on a facade, including wall, window and roof signs combined.
- H. Roof Signs. Roof signs shall not project above any roof line, soffit or parapet. See examples of acceptable and unacceptable roof signs below. Area of a roof sign is counted in the maximum area for all signs on a facade, including wall, window and awning signs combined.

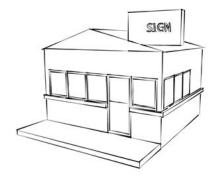
Acceptable Roof Signs





Unacceptable Roof Signs





- I. Yard Sale Signs. Off-premises signs posted at locations away from the location(s) of the sales are subject to the following provisions:
 - 1. The signs may be placed adjacent to the right-of-way with the property owner's permission.
 - 2. Yard sale signs shall not be posted sooner than 5:00 p.m. on the day prior to the sale and shall be removed immediately following the end of the sale.
 - 3. Yard sale signs must include the address where the yard sale is located and a date or dates of the sale.
 - 4. Signs for yard sales shall not be allowed for more than four successive calendar days in a 30-day period and shall be limited to advertising not more than three yard sale events in the same calendar year at the same location.
 - 5. A fine of \$100.00 per yard sale sign which exceeds these provisions may be levied against the property owner where the sales are held.
- J. Window Sign. Window signs displayed for seven days or less are considered temporary signs. Window signs displayed for more than seven consecutive days are considered permanent wall signs and subject to the total maximum wall signage area.

K. Window Masking.

- 1. Window masking <u>covering 100 percent of the window</u> shall not extend more than 36 inches above sidewalk grade to allow visibility into and out of businesses.
- 2. Window masking may not exceed more than 20 percent of a window area above 36 inches and the top of the window.
- 3. Window masking that includes signage is counted as part of the total maximum wall signage area.

L. Projecting Signs

1. Projecting signs shall clear the sidewalk by a minimum of eight (8) feet.

- 2. A projecting sign shall not be larger than twenty (20) square feet when located between twelve (12) feet and the maximum height of the tenant space from the sidewalk.
- 3. A projecting sign located between eight (8) and fourteen (14) above the sidewalk shall have a maximum size of six (6) square feet.
 - 4. Projecting signs shall not project over four (4) feet from the building.
 - 5. Projecting signs shall not exceed the height of the tenant space occupied in the building.

19.75.100 Removal of sign for vacant premises.

Within 30 days of a change of use, the sign face of any sign associated with the former use shall be removed or changed. If the removal or change of the sign face exposes any structural, electrical, or illumination fixtures, an opaque covering, or other material approved by the Director, shall be placed over the exposed fixtures.

19.75.110 Nonconforming signs.

A. Nonconforming Signs. Upon determination that a sign is nonconforming or illegal, the Director shall use reasonable efforts to so notify in writing the sign owner and where practicable the owner of the property on which the sign is located. Notification shall include:

- 1. Whether the sign is conforming, nonconforming or illegal;
- 2. Whether the sign may be eligible for a sign permit. If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated;
- 3. The reasons the sign is nonconforming or illegal;
- 4. A time period in which to comply with the sign code prior to the commencement of code enforcement.
- B. Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:
 - 1. A change of use has taken place that limits the type or size of sign allowed; or
 - 2. A vacancy occurs for more than nine months at any property for which a sign is an accessory use.

19.75.120 Prohibited signs.

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

- A. Billboards.
- B. Bus bench signs.

- C. Obscenities. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material that is utterly without redeeming social value.
- D. Off-premises signs except as authorized by this chapter.
- E. Special displays except as architectural features or temporary signs, as seasonal decorations or for grand opening displays or special sales events.
- F. Portable signs including, but not limited to, sandwich/A-frame signs and mobile reader board signs except when permitted as provided in this chapter as temporary signs.
- G. Public address systems or sound devices used in conjunction with any sign or advertising device except as part of a drive-through menu sign.
- H. Signs mounted on roofs except on a parapet or when incorporated into a building providing an overall finished appearance.
- I. Signs attached to or placed upon a vehicle or trailer parked in such a way as to serve as a sign on public or private property. This does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.
- J. Signs on light or utility poles.
- K. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination either distract vehicular traffic or cause confusion with traffic control signs or signals, including, but not limited to, signs containing words such as "stop," "look," and "danger."
- L. Three-dimensional statue, caricature or representation of persons, large inflatable balloons and other inflatable displays including characters, animals, merchandise and dirigibles, or merchandise as a sign except merchandise such as shoes or donuts may be incorporated into the sign structure.

19.75.130 Enforcement.

- A. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, paint, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.
- B. Right of Entry. Upon proper presentation of credentials including court orders if appropriate, the Director may enter at reasonable times any building, structure or premises within the City to perform any duty imposed by this code.
- C. Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign from personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workmen in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.

- D. Revocation of Permits. The Director is authorized and empowered to revoke any sign permit issued in error or on the basis of incorrect information, or upon failure of the holder thereof to comply with any provision or provisions of this code.
- E. Nuisance Declared Abatement. Signs constructed, altered or maintained in violation of the provisions of this code are declared to be a public nuisance.
- F. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.
- G. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.
- H. Enforcement action by the City shall be in accordance with Chapter 1.20 and/or 1.30 UPMC at the City's discretion.

Exhibit Q

Chapter 19.80

NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

| 19.80.010 | Applicability. |
|-----------|---|
| 19.80.020 | Intent. |
| 19.80.030 | Nonconforming lots. |
| 19.80.040 | Nonconforming uses. |
| 19.80.050 | Nonconforming structures. |
| 19.80.060 | Nonconforming parking, loading, signs, landscaping and other required improvements. |
| 19.80.070 | Unclassified use permits. |

19.80.010 Applicability.

This chapter applies to any land, structure, or use that became nonconforming after as of August 31, 1995, or by the passage of any zoning ordinance of the City.

19.80.020 Intent.

This chapter is intended to permit legal nonconforming developments, lots, structures and uses to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconforming developments, lots, structures and uses not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Because nonconforming developments, lots, structures and uses do not conform to requirements of the zone where they are located, they are declared by this chapter to be incompatible with the permitted developments, lots, structures and uses in the zone.

19.80.030 Nonconforming lots.

The party asserting the existence of a lawful nonconforming lot has the burden of establishing that the lot was not substandard according to the requirements in effect at the time of its creation.

A. Nonconforming Single Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office prior to August 31,1995, may be used for the purposes permitted by this title notwithstanding the minimum lot area required.

B. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Compliance with applicable development standards such as height and setbacks is required.

19.80.040 Nonconforming uses.

The party asserting the existence of a lawful nonconforming use has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revisions or amendments, the use was either consistent with the zoning provisions or was a pre-existing legal nonconforming use.

A legal nonconforming use may be continued; provided, that:

- A. The nonconforming use is not replaced by a conforming use. If replaced by a conforming use, the nonconforming use may not thereafter be resumed.
- B. Vacation or Discontinuation. A nonconforming use may be continued by successive owners or tenants where the use is not vacated. If the use is vacated or discontinued for 12 consecutive months, the subsequent use of the land shall be conforming.
- C. Expansion on Land, in Buildings or Structures. The nonconforming use shall not be enlarged, increased, expanded or extended to occupy a greater area of land, building or structure than was occupied on the date the use became nonconforming; except, if the nonconforming use is an accessory use and the principal use is a conforming use, the conforming principal use may expand so long as the nonconforming accessory use is not made more nonconforming.
- D. The use is not moved in whole or in part to any other portion of the lot or parcel or another lot or parcel in a zone where the structure would be nonconforming.
- E. Substantial Destruction. If the structure on which the use depends is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the nonconforming use can no longer continue, except when the structure is damaged or destroyed as a result of accidental fire or natural causes, in which case permits to reconstruct a structure in order to continue the nonconforming use shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.
- F. Exception for Single-Family Detached Houses. Any existing nonconforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion of nonconforming uses.

19.80.050 Nonconforming structures.

The party asserting the existence of a lawful nonconforming structure has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revision or amendments, the structure was constructed in conformance with the zoning provisions in place at the time the structure was built, or that the structure was built pursuant to the granting of a variance.

- A. A nonconforming structure may remain and be used; provided, that:
 - 1. The nonconforming portion of the structure shall not be expanded in any direction which increases its degree of nonconformity, except as specifically authorized through a variance (see UPMC 19.85.030, Variances).
 - 2. If moved, the structure shall be made to conform to regulations of this code.
 - 3. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.
 - 4. Substantial Destruction. If the structure is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the structure must be reconstructed in compliance with the requirements of the zone in which it is located. Structures damaged or destroyed as a result of intentional acts by someone other than the owner may be replaced in the same location and to the same dimensions as the original structure.

5. Permits to reconstruct a nonconforming structure after damage by fire, or natural causes where more than 50 percent of the structure's value remains, shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

19.80.060 Nonconforming parking, loading, signs, landscaping and other required improvements.

If improvements required for a given use including but not limited to off-street parking, signs, landscaping, and open space are not in accordance with the requirements of this title, no change that increases the nonconformity with such requirements is permitted. Change that decreases the nonconformity to the requirements of this title is permitted.

19.80.070 Unclassified use permits.

Unless redefined as a conditional use permit, in accordance with Chapter 19.85 UPMC, unclassified use is information. permits shall be considered nonconforming uses and subject to the requirements of this chapter.

Exhibit R

Chapter 19.85

DISCRETIONARY LAND USE PERMITS

Sections:

| 19.85.010 | Administrative use permits. |
|-----------|---|
| 19.85.020 | Conditional use permits. |
| 19.85.030 | Variances. |
| 19.85.040 | Public facilities permitspermit. |
| 19.85.050 | Administrative design Design standard review. |
| 19.85.060 | Amendments to discretionary land use permits. |
| 19.85.070 | Duration of a discretionary land use permit approval. |
| 19.85.080 | Revocation. |
| 19.85.090 | Relinquishment of discretionary land use approvals. |
| 19 85 100 | Time calculations |

19.85.010 Administrative use permits.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for uses that, due to their unique qualities, may require additional regulations or other special degrees of control. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Administrative use permits include:

- 1. Accessory dwelling units;
- 2. RV permits:
- 3. Telecommunication facility review;
- 4. Temporary uses; and
- 5. Tree permits.
- B. Decision Criteria. The Director shall review applications for administrative use permits in accordance with specific findings as set forth below.
 - 1. Requirements and Decision Criteria Unique to Certain Uses. The development standards of this code shall be used by the applicant in preparing the administrative use permit application and by the Director in determining the acceptability of permitting a use in a certain location.
 - 2. Required Findings. The Director shall grant approval of an administrative use permit if all of the criteria pertaining to that type of permit (such as a home occupation permit) and all of the following findings can be made and supported by the record:
 - a. That the granting of the proposed administrative use permit approval will not:

- i. Be detrimental to the public health, safety, and general welfare;
- ii. Adversely affect the established character of the surrounding vicinity; nor
- iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
- b. That the granting of the proposed administrative use permit approval is consistent and compatible with the intent of goals, objectives, and policies of the City's Comprehensive Plan, and any implementing regulation;
- c. That all conditions necessary to mitigate the impacts of the proposed use can be monitored and enforced; and
- d. That all requirements for a specific use have been addressed by the applicant.
- C. Burden of Proof. The applicant has the burden of proving that the proposed use meets all criteria set forth in subsection (B)(2) of this section, Required Findings.
- D. Approval. The Director may approve an application for an administrative use permit, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.
- E. Denial. The Director may deny an application for an administrative use permit if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of complying with specific standards set forth in this code, and if any of the above required findings are not supported by evidence in the record as determined by the Director.

19.85.020 Conditional use permits.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Conditional uses will be subject to review by the Examiner and the issuance of a conditional use permit. This process allows the Examiner to:

- 1. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and
- 2. Make further stipulations and conditions that may reasonably assure that the basic intent of this code will be served.
- B. Decision Criteria. The Examiner shall review conditional use permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The Examiner may reduce or increase bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

- 1. Required Findings. The Examiner may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed conditional use permit will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Adversely affect the established character of the surrounding vicinity; nor
 - iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
 - b. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the vision statement, goals, and policies of the City's Comprehensive Plan, and any implementing regulation;
 - c. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced;
 - d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard;
 - e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services; and
 - f. That the level of service standards for public facilities and services are met in accordance with the concurrency management requirements.
- C. Additional Required Findings for Public Facilities.
 - 1. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of comprehensive, general or utility plans for sewage, stormwater, water, solid waste, park and recreation, transportation or other facility plans, capital facility plan or capital improvement programs.
 - 2. That the facility site and environmental designs:
 - a. Meet local and State siting criteria and design requirements adopted as standard mitigation and as administrated by local and State agencies; and
 - b. Have been reviewed and commented upon by local and State agencies responsible for issuing permits; and
 - 3. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.

- D. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (B)(1) of this section, Required Findings.
- E. Approval. The Examiner may approve an application for a conditional use permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- F. Denial. The Examiner shall deny a conditional use permit if the proposal does not meet or cannot be conditioned or modified to meet subsection (B)(1) of this section, Required Findings.

19.85.030 Variances.

- A. Purpose. The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.
- B. Administrative and Examiner Variances. There are two types of variances hereby established. A "minor" or administrative variance, and a "major" or Examiner variance. An administrative variance is one which is within 25 percent of the standard contained in the code. An Examiner variance is one that is greater than 25 percent of the standard contained in the code. Both types are based on the same decision criteria, as found in subsection (E) of this section.
- C. Granting of Variances. The Director and the Examiner shall have the authority to grant a variance from the provisions of this code, when, in their opinions, the conditions as set forth in subsections (E) and (F) of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. The Director or Examiner shall only grant the minimum necessary variance to grant relief to the applicant.
- D. Variances shall not relieve an applicant from any of the procedural provisions of this title, from any standard or provision that specifically states that no variance from such standard or provision is permitted, or from conditions of approval established during prior permit review. A variance shall not allow establishment of a use that is not otherwise permitted in the zone, including the creation of lots or densities that exceed the base residential density of the zone. A variance cannot be used to relieve an applicant from any of the provisions of the critical areas code, except for the required buffer widths.
- E. Decision Criteria. Before any variance may be granted, it shall be shown that the applicant demonstrates all of the following:
 - 1. That the granting of such variance will not adversely affect the Comprehensive Plan;
 - 2. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
 - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question:

- 4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located:
- 5. That strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner; and
- 6. That the need for the variance is not the result of deliberate actions of the applicant or property owner.
- F. Burden of Proof. The applicant has the burden of proving that the proposed variance meets all of the criteria in subsection (E) of this section, Decision Criteria.
- G. Approval. The Director or Examiner may approve an application for a variance, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.
- H. Denial. The Director or Examiner shall deny a variance if the proposal does not meet or cannot be conditioned or modified to meet subsection (E) of this section, Decision Criteria.

19.85.040 Public facilities permitspermit.

- A. Public Facility Permits Repealed. Existing public facility permits are considered conditional use permits. Public facilities allowed subject to a conditional use permit must meet the required findings in UPMC 19.85.020(C).
- B. Recognition of Previously Granted Permits for Public Facilities. Any previously granted development permit, zoning permit or otherwise lawfully established public facility and/or activity, which existed prior to the effective date of these regulations, are hereby acknowledged and reaffirmed by these provisions. These previously granted authorities include but are not limited to unclassified use permit, conditional use permit, nonconforming use permit, planned development district, planned unit development, conditional change in zone, variances, and similar permits and approvals.

Each of these previously granted authorities are hereby defined as an existing and approved conditional use permit under these regulations, subject to any specific conditions imposed on the approval of said authority. Any public facility and/or activity which does not possess one of these authorities, but has been legally established prior to the effective date of these regulations, shall be defined as an existing and approved public facility permit, but shall be subject to the limitations imposed on all legally established uses under the bulk regulations and special use design standards until the specific permit is amended pursuant to these regulations.

Any facility or activity which possesses a conditional use permit as established herein shall not be defined as a nonconforming use under these regulations. Existing state and federal permits, including, but not limited to, federal mining permits and leases, surface mine permits (SM), National Pollution Discharge Elimination System permits (NPDES), and solid waste permits may be used to aid in the establishment of a public facility permit for any existing facility or activity. The Department shall establish and maintain a list of these permits.

19.85.050 Administrative design Design standard review.

A. Purpose. The purpose of this section is to establish procedures for the review of <u>projects subject to</u> <u>design standard review including</u> small lot and multifamily developments <u>for which design review is</u>

required. In addition, these procedures apply to projects, all new development, major improvements, major redevelopments and exterior alterations. When expanding the footprint of an existing building that are subject to compliance is nonconforming with the design standards and guidelines for regard to its distance from the MU, MU-O and MU-M zones per Chapter 19.50 UPMC, edge of a sidewalk, the TC zone per Chapter 19.51 UPMC, and the CC zone per Chapter 19.52 UPMC building footprint shall be expanded in the direction of the sidewalk to decrease the nonconforming setback, unless it can be demonstrated this is not structurally possible. Renovation of an existing single-family structure for residential use is exempt from this section, provided no expansion of the structure occurs.

The design review process is intended to enable the City to evaluate development proposals with respect to architectural design, landscape design, urban form, pedestrian and vehicular circulation, utility design, and site characteristics. The process allows the City to condition development proposals to ensure their compatibility with adjoining uses, compliance with development regulations, and consistency with Comprehensive Plan goals, objectives and policies. The process is intended to ensure that all critical design issues are addressed early in the site planning and review stages of project development.

- B. Authority. The Director is authorized to review development proposals subject to administrative design standard review. The Director may approve, approve with conditions, modify and approve with conditions, or deny, the application for administrative design standard review. The City shall grant design approval when the Director has determined that the criteria listed in subsection (C) of this section have been met by the proposal. The Director may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the Director to make the required findings in subsection (C) of this section. These conditions may include, but are not limited to: restrictions on locations of structures and uses; structural restrictions that address safety, noise, light and glare, vibration, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.
- C. Criteria for Administrative Design Standard Review Approval. Before any administrative design standard approval may be granted, the Director shall adopt written findings showing that the following criteria are met by the proposal:
 - 1. The proposed use and site design will not: be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.
 - 2. The proposed use and site design will meet or exceed all applicable development, performance and design standards and conform to the intent of the design guidelines that apply to the specific use, location, or zoning classification.
 - 3. The proposed use and site design will be consistent and compatible with the goals, objectives and policies of the Comprehensive Plan.
 - 4. All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.
 - 5. All applicable standards are met or when the applicant requests a departure from the design standards in which case the following affirmative findings are required:
 - a. That the departure from the design standards is consistent with both the Comprehensive Plan and with the intent statements of the design standards.
 - b. That departure from the strict application of the design standards will not have a significant negative impact on the public, or surrounding properties, or on the character of the zone.

- c. That the proposal creates an equal or better environment, results in an equal or better use of land and an equal or better design than that which could be produced through the strict application of the design standards.
- d. That the departures from the design standards are compensated by the provision of additional design features and amenities in the development plan that would not normally be required. The additional design features and amenities must be of equal or greater design benefit and function.
- D. Application Procedures. Administrative designDesign standard review is classified as a Type II application. The processing procedures for this application are described in Chapter 22.05 UPMC.
- E. Preapplication Review. Applicants are encouraged to schedule a preapplication meeting with the City's technical review committee prior to formal project application. An applicant may present schematic sketches and a general outline of the proposal for a preliminary staff review. The meeting is intended to provide a prospective applicant with information concerning application procedures, submittal requirements and design standards and guidelines that may be applicable to the proposal. The meeting is also intended to provide a prospective applicant with early input and initial design direction from City staff on the proposal. The completion of this preapplication review process does not vest any future application.
- F. Final Design Review. The Director may determine that a design submittal generally meets the criteria listed in subsection (C) of this section but includes specific design elements that will require a more detailed review later in the design process to demonstrate full compliance. In such case, the Director may grant design review approval subject to the submittal and approval of additional detailed plans. This final design review is intended to ensure that all specific design issues identified during the Director's initial review are fully addressed prior to issuance of a building permit, site development permit or other construction permit.
- G. Phasing: An individual project site may be built in phases and design standards required in one phase may be deferred to the next project phase provided:
 - a. <u>Design standards regarding prohibited use</u>, height, setback and building design may not be deferred to a following project phase.
 - b. For each phase, the applicant must identify which design standards will be deferred to the next phase.
 - c. Prior to occupancy of any building within a single phase, a site plan indicating how the design standards are to be incorporated into the next phase must be submitted and approved by the Director. The City shall require a financial guarantee to ensure all standards are met prior to expiration of the time specified in the financial guarantee.
- <u>GH</u>. Submittal Requirements. Application for <u>administrative</u> design <u>standard</u> review shall be submitted on forms provided by the City. <u>A minimum of 10 sets of the following pPlans</u>, materials, and other applicable information shall be submitted with the application in clear and intelligible form <u>including</u>:
 - 1. A site plan drawing at a scale of not less than one inch per 50 feet that shows:
 - a. The location of all existing and proposed structures and improvements, including, but not limited to, fences, culverts, bridges, roads and streets on the subject property;
 - b. The boundaries of the property proposed to be developed and, if the property is to be subdivided, the boundaries of each proposed lot within the property;

- c. All proposed and existing buildings and setback lines, including those located on adjoining properties;
- d. All areas to be preserved as buffers or to be dedicated to a public, private, or community use or for open space and information regarding the percentage of area covered and size and type of existing vegetation to be removed or to be retained;
- e. All existing and proposed easements;
- f. The locations of all existing utility structures and lines;
- g. The stormwater drainage systems and management plan for existing and proposed structures and parking facilities;
- h. All means of vehicular and pedestrian ingress and egress at the site and the size and location of driveways, streets and roads;
- i. The design of off-street parking areas showing the size and location of internal circulation and parking spaces;
- j. The location and design of trash enclosure areas, exterior lighting, exterior signage, mechanical and utility facility areas;
- 2. Elevation plans drawn to scale for each building or structure elevation. Additions and alterations to existing structures shall be clearly identified on the plans. Design details such as exterior finish materials and textures, lighting and other fixtures, and design elements such as belt courses, brackets, chimneys, cornices, roof overhangs, window trim, sills and sashes shall be identified to assist with the review process;
- 3. Sign plan showing the location, dimensions, area, design, material, color and methods of illumination of all exterior signs;
- 4. Exterior mechanical device screening plans that identify the building elevation and site plans of all proposed exterior mechanical devices, including roof-mounted equipment, and proposed screening;
- 5. Landscape plan drawn to scale showing the locations of existing trees to be removed and to be retained on the site, the location of proposed landscaping, and location and design of irrigation systems. In addition, a plant schedule indicating species, varieties, sizes and numbers of plants to be installed, and planting specifications shall be submitted. The documentation should meet the requirements of Chapter 19.65 UPMC and demonstrate compliance with applicable design standards and guidelines;
- 6. Topographic map that delineates contours, both existing and proposed, at intervals of two feet, and that locates existing streams, wetlands, forested areas and other natural features;
- 7. A grading plan showing existing and proposed grades;
- 8. The existing zoning district of the proposed development site and any other zoning district within 300 feet of the site:

- 9. Impervious surface calculations, including: the proposed number of square feet of surfaces covered by buildings, driveways, parking lots, or any other structure covering land; the total number of square feet in the entire proposed development site; and the percentage of the site covered with impervious surface;
- 10. The proposed number of dwelling units and number of bedrooms in the development;
- 11. The proposed number of square feet in gross floor area for each residential and nonresidential use; and
- 12. For properties containing critical areas or their regulated buffers, all informational requirements specified in UPMC Title 17, Critical Areas, shall be included in the design review submittal.
- HI. Waiver of Submittal Requirements. The Director may waive the submittal requirement for any of the items listed in subsection (G) of this section when, in the reasonable discretion of the Director, the item is inapplicable or unnecessary for the completion of the design review.
- L. Request for Additional Information. The Director may require the applicant to submit additional information or material that is necessary for the proper review of the application.

JK. Review Fees. Design Review fees must be paid at the time of submittal.

- L. Performance Bond. The Director may require as a condition of administrative design standard review approval that the applicant furnish the City with a performance bond, or other form of guarantee deemed acceptable by the City Attorney, to secure the applicant's obligation to complete the provisions and conditions of the design submittal as approved. If a performance guarantee is required under this section, the property owner shall provide the City with an irrevocable notarized agreement granting the City and its agents the right to enter the property and perform any necessary work.
- M. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two (2) years from the date of design review approval, or if appealed within two (2) years of the final decision on the appeal, the design review approval shall expire. The Director may grant an extension for no longer than twelve (12) months if a written request is submitted at least thirty (30) days prior to the expiration of the permit.

19.85.060 Amendments to discretionary land use permits.

- A. Amendment Standards Discretionary Land Use Permits. This section provides the method for amending conditions of approval and final development plans that have received discretionary land use permit approval.
 - 1. Minor Amendment. Minor amendments shall be consistent with the requirements set forth in subsection (A)(1)(c) of this section, and shall include, but not be limited to, adjustments to site plan and structure layout, provided the adjustment is generally consistent with the original approval; minor adjustments to site access, parking area layout, additions of fences, retaining walls, and mechanical equipment; adjustments to building height, provided the height is below the maximum allowed in the zone; and adjustments to the landscaping plans such as changes to plant materials.

The following procedures shall be required for all minor amendments.

- a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent and shall fully describe the amendments requested and the reasons therefor.
- b. Minor amendment applications may be routed for comments to any City division and to any agency with jurisdiction at the Director's discretion.
- c. Minor amendments shall meet all of the following requirements:
 - i. A change to a condition of approval does not modify the intent of the original condition.
 - ii. The perimeter boundaries of the original site shall not be extended by more than five percent of the original lot area.
 - iii. The proposal does not increase the overall residential density of a site.
 - iv. The proposal does not change or modify housing types.
 - v. The proposal does not reduce the designated open space.
 - vi. The proposal does not add more than five percent gross square footage of structures to the site.
 - vii. The proposal does not increase the overall impervious surface on the site by more than five percent.
 - viii. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
- d. Burden of Proof. The applicant has the burden of proving by a preponderance of the evidence that the proposed amendment meets all of the criteria in subsection (A)(1)(c) of this section.
- e. Approval. The Director may approve an application for a minor amendment, approve with additional conditions, require modification of the proposal to comply with specified requirements or determine that the application shall be processed as a major amendment.
- f. Denial. The Director shall deny an application for amendment if the proposal does not meet or cannot be conditioned to meet subsection (A)(1)(c) of this section.
- g. The Director's decision may be appealed as provided in UPMC Title 22.
- 2. Major Amendments.
 - a. Any modification exceeding the provisions of subsection (A)(1)(c) of this section shall be considered a major amendment and shall follow the same procedure required for a new application and fee.
 - b. Major amendments shall be subject to the most current City codes.

19.85.070 Duration of a discretionary land use permit approval.

If a discretionary land use permit approval is not exercised within one year from the effective date of approval, or within five years from the effective date of an administrative design approval associated with a preliminary plat or short plat, it shall automatically become null and void. For good cause, the appropriate review authority (Hearings Examiner or Director) may grant a one-time extension of one year if an extension request is filed with the Department no less than 45 days prior to the date of expiration. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original discretionary land use permit application. Before taking action to grant an extension, the review authority shall adopt written findings showing that the following circumstances exist:

A. The proposal approved under the terms of the discretionary land use permit application originally granted remains in conformance with current development standards and design guidelines contained or referenced in this title. If the proposal would no longer conform to this title as a result of more restrictive standards or guidelines being adopted subsequent to the original approval, the review authority may consider a modified proposal that would comply with the more restrictive standards or guidelines.

B. The findings adopted in support of the original discretionary land use permit approval remain valid and supportive of the time extension request.

19.85.080 Revocation.

- A. Purpose. The purpose of this section is to establish procedures to be followed when action is initiated to revoke a discretionary land use permit.
- B. Authority. The Hearings Examiner may revoke or modify a major variance, conditional use permit or planned development district approval when it has determined that one or more of the grounds listed in subsection (E) of this section exists. The Director may revoke or modify an administrative use permit, minor variance or administrative design standard review approval when it has determined that one or more of the grounds listed in subsection (E) of this section exists.
- C. Initiation of a Revocation. Revocation may be initiated by a request from an adversely affected property owner or other aggrieved party, a motion by the City Council to refer the matter to the Hearings Examiner, or the Director.
- D. Procedures. Review of a motion, recommendation or request for revocation by the appropriate review authority shall be conducted in the same manner as was required for the initial consideration of the discretionary land use permit. Procedures concerning public notice, reporting and appeals shall be the same as for the initial review.
- E. Grounds for Revocation or Modification. A revocation or modification of a discretionary land use permit by the appropriate review authority shall be made on any one or more of the following grounds:
 - 1. The approval was obtained by deception, fraud or other misrepresentations;
 - 2. The use for which the approval was granted has ceased to exist or has been suspended for one year or more;
 - 3. That the permit granted is being, or recently has been, exercised contrary to the terms or conditions of the approval or the applicable development regulations that govern the permit; or

- 4. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety.
- F. Submittal Requirements. A request for a revocation by an adversely affected property owner or other aggrieved party shall be submitted on forms provided by the Department. The party requesting the revocation shall submit a statement indicating the specific grounds listed in subsection (E) of this section that provide the basis for the request. Based on a preliminary review of the request, the Director may determine that additional information is necessary to complete the review and shall be provided by the party requesting the revocation.

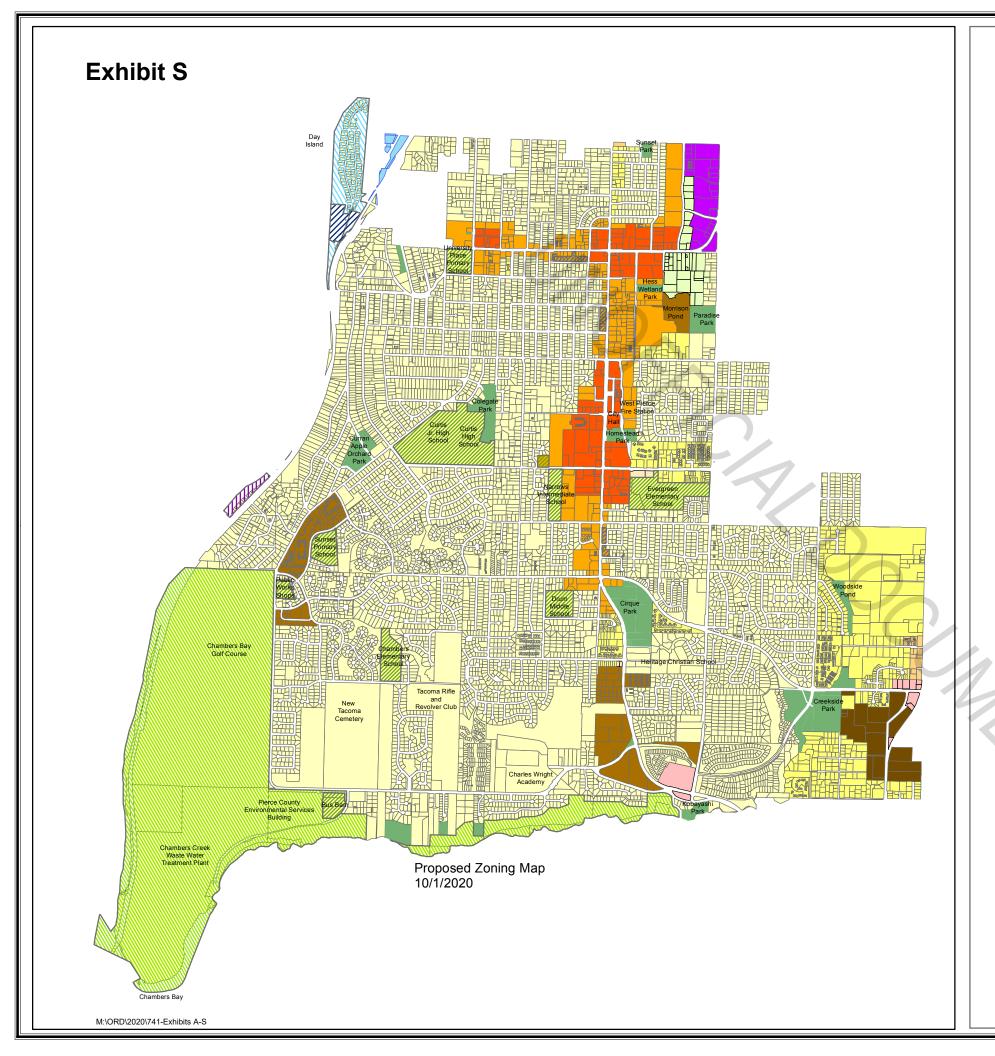
19.85.090 Relinquishment of discretionary land use approvals.

A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:

- A. The property owner must submit in writing to the Department the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.
- B. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure for a decision.
- C. The Department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.

19.85.100 Time calculations.

Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.



University Place Zoning Map

