ORDINANCE NO. 722

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTERS 19.45 AND 19.52 OF THE UNIVERSITY PLACE MUNICIPAL CODE; PERTAINING TO DESIGN STANDARDS IN THE COMMUNITY COMMERCIAL ZONE

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 the City of University Place is currently in the process of reviewing and soliciting public input on changes to its zoning code to implement the adopted University Place Regional Growth Center Subarea Plan; and

WHEREAS, any such zoning changes will not occur until early 2020; and

WHEREAS, a potential need has been identified for interim zoning changes pending the completion of any zoning changes occasioned as a result of the Subarea Plan, and, for the currently zoned Community Commercial Zones of the City; and

WHEREAS, on May 20, 2019 the City Council adopted Resolution 892 directing the City Planning Commission to review City-initiated proposed zoning changes to the Community Commercial Zone; and

WHEREAS, in accordance to Resolution 892 the Planning Commission reviewed interim zoning code amendments, took public comment, and, following a public hearing on November 6, 2019, provided a unanimous recommendation for interim zoning code amendments to the Community Commercial Zone Design Standards consistent with the Comprehensive Plan, pending completion of zoning code amendments for the Subarea Plan; and

WHEREAS, the City issued a Determination of Non-significance and Environmental Checklist relating to proposed Code amendments on November 12, 2019 with a 14-day comment period; and

WHEREAS, no comments were received within the comment period; and

WHEREAS, the City submitted a <u>Notice of Intent to Adopt</u> to the Washington State Department of Commerce on November 12, 2019 which was issued to state agencies for a 14-day comment period per RCW 36A.70, and did not receive any formal comments in response to this Notice; and

WHEREAS, the proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan, amended November 23, 2015; and

WHEREAS, the proposed amendments are in the best interest of the citizens and property owners of the City, as the amended regulations will help implement the Comprehensive Plan, and promote economic development; and

WHEREAS, the proposed amendments enhance the public health, safety, comfort, convenience or general welfare in a manner supported by the community.

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

- Section 1. Section 19.52.130 UPMC entitled "Use and density," is amended to read as follows:
- A. Land uses allowed in the Community Commercial zone are listed in Chapters 19.25, 19.30 and 19.35 UPMC unless otherwise specified herein.
- B. The following standards apply to mixed use development within the Community Commercial zone:
 - A minimum of 50 percent of a project site's building floor area at the ground floor level on arterial streets shall be designed to accommodate devoted to commercial or other nonresidential or nonparking 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.
 - 2. The commercial or nonresidential component shall be built first or concurrent with the residential portion of the project.
 - 3. No residential use (except entrances and lobbies) is allowed on a ground floor fronting an arterial street.
 - 4. If a development has a residential component it shall be combined with one or more nonresidential, nonparking uses.

Section 2. Section 19.52.170 UPMC entitled "Setbacks," is amended to read as follows: Building to the back of the sidewalk, courtyard or plaza facilitates easy pedestrian access. Varying building setback and projection provides horizontal articulation and architectural interest.

A. Standards.

- 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 may 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 from the wall plane established at the sidewalk 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.
 - C. 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:

- 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.
- f. Provide enhanced walkways that exceed the design standards through landscaping and design.
- 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.

Section 3. Section 19.52.180 UPMC entitled "Height," is amended to read as follows: A. Standards.

- 1. The maximum building height shall be 45 75 feet unless adjacent to R1 and R2 zoned property in which case the maximum height shall be 45 feet' subject to the following: with additional height permitted for the below-listed exceptions listed in subsections (A)(3) and (A)(4) of this section.
- A2. Buildings throughout the Community Commercial zone Zone shall be at least two stories in height. One-story buildings may be permitted by exception.
- B3. Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including <u>parapet walls</u> spires, belfries, towers, cupolas, domes and <u>other</u> roof forms whose area in plan is no greater than 25 percent of the first story plan area, may exceed building height up to 1025 percent of the maximum permitted building height.
- <u>C4</u>. Mechanical penthouses over elevator shafts, ventilator shafts, <u>roof top access</u>, 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.
- Section 4. Section 19.45.100 UPMC entitled "Density and Dimension Tables" is amended to read as follows:

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

	R1	R2	MF-L	MF-H	MU- O	NC	TC	MU (9)	cc	LI-BP	POS ¹	МО-М
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	35	55	45/6 0 (2) (7)	4	20 min (18)	60 (2)	60			30
Maximum Density (du/ac) (3)	6 small lot housing	9 small lot housing	40	60	50/6 5 (2) (7)	6	none	65 (2)	65			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 conventio nal plat; none specified for small lot housing	4,000	2,500	4,00	4,000		4,000				
Minimum Lot Width (15)	60'	55'										
Maximum Lot Coverage	50% (17)	50% (17)	50%		45%	45%		45%			16	50 – 65% (22) 75 – 90% (23)
Setback, Arterial Streets	25' (19)	25' (19)	25'		15'/ 20' min/ max (5)	25'	0'/20' (18)	15'/20' min/m ax (5)	0'/10' min/ max (18)	35'	25'	0'
Setback, Other Roads	25' (19)	25' (19)	25'		15'/ 20' min/	20'	0'/20' (18)	15'/20' min/m ax (5)	0'/10' min/	25'	25'	0,

Density and Dimensions Table

DEVELOPMENT STANDARDS	ZONE CLASS	SIFICATION	NS									
	R1	R2	MF-L	MF-H	MU- O	NC	TC	MU (9)	СС	LI-BP	POS ¹	МU-М
					max (5)				max (18)			
Setback, Rear (4)	30' (19)	30' (19)	0'/30'		0'/3 0'	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'/3 0' (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'	75'/1 20'/5 5' (14)	45'	45' <u>/75'</u> (18)	40'	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 substand ard lot (21)				2						

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

Overlay Zones Density and Dimensions (Setbacks)

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

Section 5. Section 19.45.110 UPMC entitled "Density and Dimension Table Notes," is amended to read as follows:

- (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.
- (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 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 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.

- (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.
- (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) 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.
- (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 administrative design 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 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) <u>Maximum height adjacent to R1 or R2 zones shall be 45'</u>. Review Chapter <u>19.52</u> 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.
- (27) Only uses included in the Chambers Creek Properties master site plan are allowed in the Chambers Creek overlay. A maximum of 130 extended stay lodging residential units are allowed in conjunction with the resort and hotel.

Section 6. <u>Severability</u>. If any section, sentence, clause or phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

Section 7. <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 8. <u>Publication and Effective Date</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 its publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 2, 2019.

Kent Keel, Mayor

ATTEST:

Emelija J. Genetia, City Clerk

APPROXED AS TO FORM:

Matthew S. Kaser, City Attorney

Published: 12/04/19 Effective Date: 12/09/19