#### **ORDINANCE NO. 688**

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING UNIVERSITY PLACE MUNICIPAL CODE TITLE 1 GENERAL PROVISIONS, TITLE 5 BUSINESS LICENSES AND REGULATIONS, TITLE 9 PUBLIC SAFETY, TITLE 10 TRAFFIC, TITLE 12 UTILITIES, TITLE 13 PUBLIC WORKS CODE, TITLE 14 BUILDING, TITLE 17 CRITICAL AREAS, TITLE 19 ZONING, TITLE 21 SUBDIVISION REGULATIONS, TITLE 22 ADMINISTRATION OF DEVELOPMENT REGULATIONS, AND TITLE 23 TELECOMMUNICATIONS, PERTAINING TO DEVELOPMENT REGULATIONS, CODE ENFORCEMENT AND COMMUNITY COMMERCIAL ZONE DESIGN STANDARDS AND GUIDELINES

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.

WHEREAS, on November 16, 2015, Council adopted Ordinance 662, thereby amending the City's development regulations in accordance with GMA Periodic Update requirements per RCW 36.70A.130; and

WHEREAS, the proposed miscellaneous code amendments are intended to build on the 2015 amendments in terms of assisting with the implementation of the Comprehensive Plan, improving code clarity, simplifying code administration, and providing greater flexibility in how citizens may use and enjoy their properties while ensuring that improvements to these properties will not negatively impact nearby properties; and

WHEREAS, on March 16, 2015, Council adopted Ordinance 654, thereby establishing a new municipal code Chapter 1.30 Civil Infractions, which allows the City to issue tickets for code violations enforced under UPMC 1.30; and

WHEREAS, subsequent to adoption, the City determined that some of the existing violation, enforcement and penalty provisions contained in various municipal code titles did not specifically authorize staff to use the new chapter as an enforcement tool, and the proposed code enforcement amendments would rectify this by enacting numerous minor amendments to reference UPMC 1.30 as a viable enforcement tool and provide consistency throughout the code; and

WHEREAS, the City issued a Determination of Non-significance and Environmental Checklist relating to proposed miscellaneous code amendments and code enforcement amendments on March 28, 2016 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 March 28, 2016, which was issued to state agencies for a 60-day comment period per RCW 36A.70, and did not receive any formal comments in response to this Notice; and

WHEREAS, the City published a public hearing notice in the Tacoma News Tribune on March 28, 2016 regarding an April 20, 2016 Planning Commission public hearing to be held on the draft amendments; and

WHEREAS, the Planning Commission conducted a public hearing on April 20, 2016 and voted unanimously to recommend to the City Council approval of the proposed amendments; and

WHEREAS, the City Council conducted a public review of the recommended amendments at study sessions held on March 20, 2017 and May 15, 2017; and

WHEREAS, the City Council has considered the Planning Commission's recommendations and has made the following findings and conclusions:

- 1. The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan, amended November 23, 2015, and will more effectively manage change in the community consistent with Comprehensive Plan policy direction;
- 2. 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, improve code clarity, simplify code administration, and provide greater flexibility in how citizens may use and enjoy their properties while ensuring that improvements to these properties will not negatively impact nearby properties; and
- 3. The proposed amendments enhance the public health, safety, comfort, convenience or general welfare by enhancing the City's ability to effectively enforce its development regulations in a manner supported by the community.

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

Section 1. <u>University Place Municipal Code Title 1 General Provisions, Title 5 Business Licenses and Regulations, Title 9 Public Safety, Title 10 Traffic, Title 12 Utilities, Title 13 Public Works Code, Title 14 Building, Title 17 Critical Areas, Title 19 Zoning, Title 21 Subdivision Regulations, Title 22 Administration of Development Regulations, and Title 23 Telecommunications Amendments Adopted. The City of University Place Municipal Code is hereby amended as indicated in Exhibits "A", "B" "C", "D" and "E", attached.</u>

Section 2. <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 3. <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.

H. Figueroa N

PASSED BY THE CITY COUNCIL ON JUNE 5, 2017.

ATTEST:

melita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 06/07/17 Effective Date: 06/12/17

# Ordinance\_\_\_\_\_ Exhibit A

### **Title 19 Zoning Amendments**

### **Chapter 19.10 Definitions**

#### 19.10.030 Definitions.

"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.

"**Deck**" means an attached or detached raised horizontal platform, as opposed to a patio, which is built flush with the ground. Decks are most often constructed of wood.

"Director" means the Director of the <u>Planning Communityand</u> Development <u>Services</u> Department or authorized designee.

**"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 <u>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. <u>inside perimeter of the exterior walls.</u></u>

"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. any wrecked, dismantled, or partially dismantled, or inoperative vehicle, or any other vehicle or vehicles not legally operable upon the roadway; and/or auto body parts, engines or drivetrain parts, or any other parts, assemblies or components of automobiles and other motor vehicles.

**"Kitchen"** means any room or <u>area\_rooms</u>, or <u>portion of a room or rooms</u>, used\_or intended\_or designed to be used for <u>the\_cooking</u> or <u>the\_preparation of food that contains a range, stove</u>, oven or cooktop that is serviced by gas or a 220/240v outlet, <u>plus one of the following and a kitchen type sink, garbage disposal, or refrigerator.</u> by having a stove.

"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.

"Mobile home/manufactured home park" means a tract of land designed and maintained under a single ownership oref 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.

"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.

"Street, private" means a privately owned access or route street that which provides vehicle access on a commonly owned tract or private easement. as an easement providing a Access is limited to not more than four dwelling units or non-residential uses businesses on separate parcels or any number of dwelling units or non-residential uses on a single parcel as allowed by a PDD or in a multifamily zone. A private street may include property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways and other similar uses.

"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.

"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.

### **Chapter 19.15 Enforcement and Penalties**

#### 19.15.020 Violations.

C. It is a violation of this title for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, er Chapter 1.20 UPMC, or Chapter 1.30 UPMC.

E. It is a violation of this title for any person to fail to comply with the requirements, <u>provisions</u>, <u>standards</u>, <u>criteria or processes</u> of this title, regardless of whether or not a permit is required.

### 19.15.035 Investigation and notice of violation.

A. The Director or his representative may investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this title.

B. If, after investigation, the Director determines that this title has been violated, the Director may seek compliance and serve a notice of violation or issue a notice of civil infraction on the owner, tenant or other person responsible for the condition that violates this title and may otherwise enforce this title, pursuant to this chapter; UPMC 19.15.045, Emergency Order; Chapter 1.20 UPMC, Enforcement; Chapter 1.30 UPMC, Civil Infractions; and Chapter 9.35 UPMC, Public Nuisances.

### 19.15.045 Emergency order.

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter <u>1.20</u> UPMC, Enforcement, <u>Chapter 1.30 UPMC</u>, <u>Civil Infractions</u>, and Chapter <u>9.35</u> UPMC, Public Nuisances.

#### 19.15.055 Penalties.

A. Civil. Any violation of any provision of this chapter constitutes a civil violation under Chapter 1.20 UPMC and/or Chapter 1.30 UPMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

### 19.15.060 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance. The Director may bring such an action under this chapter; Chapter 1.20 UPMC, Enforcement; Chapter 1.30 UPMC, Civil Infractions; Chapter 9.35 UPMC, Public Nuisances; or under the common law or any applicable federal or State law or City ordinance.

### **Chapter 19.25 Uses and Zone Classifications**

### 19.25.020 Use tables – Interpretations.

A. Use Categories, Types and Levels. Uses are grouped into eight major categories: residential, civic/recreation/education, utilities, essential public facilities, resource, office/business, commercial, and industrial, and resource. Each use category includes a number of 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.

### 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 <u>small-scale above-ground facilities</u> <u>and</u> 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; and
- 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.
- K. Bus shelters less than 80 square feet in area.

### 19.25.040 Residential use category – Descriptions.

- 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. use type is a living situation with dwelling units and/or rooms where services such as prepared meals, personal care, supervision of self-administered medication, recreation, and/or transportation are provided. The scope of services provided in assisted living facilities may vary, but it must, at least, provide prepared meals in a group setting and offer transportation services. Assisted living facilities with dwelling units must meet the density requirements of the underlying zone. Assisted living facilities with only "rooms" are not subject to the density requirements of the underlying zone. 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).; and
- e. Maintains 20-foot minimum side yard setbacks.
- 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. Maintains 20-foot minimum side yard setbacks; and
- ef. Provides Has at least minimum 20 percent of site area as open space including setbacks.

- 3. Level 3. Assisted living facilities with none of the above restrictions.
- 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 this chapteressential public facilities (UPMC 19.25.070(B).

- 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. Nursing home use type refers to multi-unit or multi-bed facilities licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours. A nursing home is not a "hospital." Nursing homes with dwelling units must meet the density requirements of the underlying zone. Nursing homes with only "rooms" are not subject to the density requirements of the underlying zone.
- 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).; and
- e. Maintains 20-foot minimum side yard setbacks.
- 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. Maintains 20-foot minimum side yard setbacks; and
- ef. Provides at least Has minimum-20 percent of site area as open space-including setbacks

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

### 19.25.050 Civic/recreation/education use category – Descriptions.

- O. 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, 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 exceedrange in size from approximately three to 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.)

#### 19.25.110 Use tables.

A. The following use tables indicate which uses are permitted in which zones. 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:

R1	Residential 1
R2	Residential 2
MF-L	Multifamily Residential – Low
MF-H	Multifamily Residential – High
POS	Parks and Open Space
MU-O	Mixed Use – Office
NC	Neighborhood Commercial
TC	Town Center
MU	Mixed Use
CC	Community Commercial
LI-BP	Light Industrial – Business Park
MU-M	Mixed Use – Maritime

- C. Symbols. The following symbols are employed in the use tables:
- 1. 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 design 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 C	LASSIFIC	ATIONS								
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	P	Р		Р	Р	Р	Р	Р		Р
Assisted living facility		P1, C2	P3		P3		P3	Р3	P3		
Bed and breakfast (2)	Р	P	Р		Р	Р					
Caretaker unit	P (22)			Р							Р
Family day care facility	Р	Р	P		Р	Р	Р	Р	Р		Р
Level I group home	Р	Р	Р		Р	Р	Р	Р	Р		Р
Live/work unit					D (5)			D (5)	D (5)		D (16)
Mobile/manufactured home (3)			Р								
New manufactured home (4)	Р	Р	Р								
Mobile home park			С								
Multifamily housing			D (16)		D (5)		D (5)	D (5)	D (5)		D (16)
Nursing home		P1, C2	P3		P3		P3	P3	P3		
Single-family attached housing	P1	P1	P2		P2	P2		P2			
Single-family/duplex housing	Р	Р	Р								
Small lot housing	D (17)	D (17)									

See notes in UPMC <u>19.25.120</u>.

# Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS										
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	тс	MU	CC	LI-BP	MU-M (20, 21, 27)
Administrative government services				Р	Р	Р	Р	Р	Р	Р	
Animal control (animals kept)										С	
Existing cemeteries/mortuaries	С	С									
Community centers	С	С	С	Р	Р	Р	Р	Р	Р	Р	Р
Community clubs	С	С	С	P	Р	Р	Р	Р	Р	Р	Р
Courthouse				Y			С		С		
Cultural services (museums, libraries)				Р	С	Р	Р	Р	Р		Р
Day care centers (exceeds 12)	С	С	Р		P	Р	Р	Р	Р	С	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	P4	P4
Hospitals/24-hour medical clinics					P, C2	P, C2	P, C2	P, C2	P, C2	С	
Holding cells							P1	P1	P1	С	
Postal services						P1	P1	P1	P1	P1, 2	P1
Private clubs and lodges						Р	Р	Р	Р		Р
Public safety services	С	С	С		Р	Р	Р	Р	Р	Р	Р
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			С	С	С	С		P1, 3

### Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE (	ONE CLASSIFICATIONS											
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	ТС	MU	СС		MU-M (20, 21, 27)		
Religious assemblies	P1, C3	P1, C3	P1, C3		P1, C2	Р	Р	Р	Р	P1	P1		
Transportation	P1	P1	P1		P1, C2	P1	P1, C2						
Utility and public maintenance facilities				P1, 2			P1, C2	P1, C2	P1, C2	Р	P1, C2		

See notes in UPMC <u>19.25.120</u>.

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

USE TYPES	ZONE	CLASS	SIFICATI	ONS							
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	Р	C1, 2, 3, 4	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	С	С	С		Р	Р	Р	Р	Р	Р	Р
Electrical generation, accessory, on site only											
Natural gas facilities	P1	P1	P1		P1, 2	P1, 2		P1, 2		Р	P1, 2
Recycling collection sites	Р	Р	Р	P (18)	Р	Р	Р	P	Р	Р	Р
Sewage collection facilities	Р	Р	Р		Р	Р	Р	Р	Р	Р	Р
Storm water facilities	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Water supply facilities	P1, C2	P1, C2	P1, C2		P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2

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

USE TYPES	ZONE	CLAS	SIFICATI	ONS							
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
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			С		С			С		С	
Organic waste processing facilities			>							С	
Correctional institutions										С	
Recycling processors											
Sewage treatment facilities											
Waste disposal facilities											
Waste transfer facilities										C1, 2,	
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						Р	Р	Р	Р		P1
Crop production	Р	Р	Р								
Fish enhancement											Р
Limited horse boarding	Р	Р									

See notes in UPMC 19.25.120.

## **Commercial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
COMMERCIAL USES	R1	R2	MF	POS	MU- O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Administrative and professional offices					P1	P1, 2, 3	P1	P1, 2, 3	P1, 2	P1	P1
Veterinary clinics/animal hospitals					C1	P1	P1	P1	P1	Р	
Adult entertainment										C (9)	
Amusement and recreation (private)						Р	Р	Р	Р	Р	Р
Beauty salon/barber		7			P (10)	Р	Р	Р	Р		Р
Building materials (11)						P1	P1, C2	P1, C2	P1, C2	Р	
Business support services				1	Р	Р	Р	Р	Р	Р	Р
Commercial centers						С	P1, C2 (12)	С	P1, C2 (12)		
Eating and drinking establishment					P4	P1, 2, 3	P1, 3 (27)	P1, 3, C2	P1, 2, 3 (27)	P1, 3 (19)	P1, 3
Food stores (11)						P1, C2	Р	P1, C2	Р		P1
Garden center (11)						Р	Р	Р	Р	С	
Health club (a.k.a. fitness center)						Р	Р	Р	Р	С	Р
Kennels										Р	
Limited accessory retail (MU-O only)					P (13)						
Lodging – Hotels and motels (no RV)						С	Р	Р	P		Р

## **Commercial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS										
COMMERCIAL USES	R1	R2	MF	POS	MU- O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Marinas and other boating facilities (launch ramps and covered moorage) (25)	P1 (23) P2 (24)										P2
Mini casinos											
Movie theaters (indoor only)						Р	Р	С	Р		
Mobile, manufactured, and modular home sales	<u></u>									С	
Vehicle sales, repair, service						P1, 2		P1, C2		P1, 2, C3, 4	P6 (26)
Pawn shops										С	
Personal services (other)				/	P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	Р	P1, C2
Pet day care						Р		Р		Р	
Rental and repair						P1, C2		P1, C2		Р	P1 (26) C2 (26)
Sales of general merchandise (11)						P1, 3, 4, C2	P1, C2 (28)	P1, 3, 4, C2	P1, 3, C2 <u>(28)</u>	P1, C2	P1
Tattoo parlors								7		Р	
Video rental						Р	Р	Р	Р	Р	
Wholesale trade (11)								C1		P1, C2	

See notes in UPMC <u>19.25.120</u>.

## **Light Industrial Use Types and Zone Classification Table**

USE TYPES	ZONE CLASSIFICATIONS													
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	TC	MU	СС	LI-BP	MU-M (20, 21, 27)			
Boat building										С	С			
Bulk fuel dealers										С				
Buy-back recycling														
Contractor yards										Р	P (26)			
Craft production facilities										Р	Р			
Food and related products										Р	С			
Industrial services and repair										С	С			
Limited manufacturing										Р	Р			
Microbeverage production facilities										Р	Р			
Motion picture, TV and radio production studios								С		Р				
Printing, publishing and related industries										Р				
Salvage yards										P1, C2				
Storage units										Р	P (26)			
Vehicle impound yards						1				Р				
Warehousing, distribution and freight movement								1		С	С			

See notes in UPMC <u>19.25.120</u>.

#### 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 subject 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 administrative design 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 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 <u>19.53</u> 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 <u>18</u>. 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 <u>18</u>, 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.
- (287) Taverns and nightclubs are not permitted on Larson Lane or Drexler Drive.
- (298) Dollar stores, factory second stores, and retail establishments primarily selling used goods including second hand stores, are not allowed in the TC and CC zones.

## **Chapter 19.30 Accessory Uses and Structures**

### 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	ZON	NE CI	_ASS	IFICAT	<u>ION</u>						
ACCESSORY	<u>R1</u>	<u>R2</u>	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M
Antenna and Satellite	X	X	X								
dishes for private											
<u>telecommunication</u>											
services											
Antenna and Satellite			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
dishes for commercial											
telecommunication											
<u>services</u>											
Decks and Patios	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	X	<u>X</u>
Carports and Garages	<u>x</u>	<u>X</u>	<u>x</u>	<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
for use by occupants of											
premise without fee,				2							
attached or detached											
Storage buildings for	<u>X</u>	<u>X</u>	<u>X</u>								
yard maintenance											
equipment and											
household goods											
Facilities used in ground			<u>X</u>	X	<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>maintenance</u>											
Greenhouses -	X	X	<u>X</u>								
Noncommercial											
Minor Auto Repair	<u>X</u>	<u>X</u>	<u>X</u>								
Food service facilities			<u>X</u>	<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
for use primarily by											
employees with no											
<u>exterior advertisement</u>											
of the facility											
Incidental storage of raw										<u>X</u>	
materials and finished											
products sold or											
manufactured on site											*
On-site hazardous										X	
waste treatment and											
storage											
Private docks and	X	X									X
mooring facilities											
Retaining walls,	X	X	X	X	X	X	X	X	X	X	
freestanding walls and											
<u>fences</u>											

USE TYPES	ZONE CLASSIFICATION										
ACCESSORY	<u>R1</u>	<u>R2</u>	MF	<u>POS</u>	MU-O	NC	TC	MU	CC	<u>LI-BP</u>	MU-M
Temporary waste piles										<u>X</u>	
authorized by a solid											
waste permit											
Small-scale composting	X	<u>X</u>	<u>X</u>	X							
facility to handle less											
than 10 cubic yards											
Solid waste dumpsters.			<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	X	X
Level 1 and 2 battery				X	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	X	X
and electric vehicle											
charging stations in											
nonresidential zones.											
Donation and recycle					<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
collection boxes <sup>1</sup>											
Yard Sales <sup>2</sup>	X	X									
<u>Little free libraries</u>	X	<u>X</u>	<u>X</u>								

#### Notes

- A. Residential. The following accessory uses are customarily incidental to residential uses:
- 1. Carports or garages for the sole use of occupants of premises and their guests (without fee to guests), attached or detached, for storage of motor vehicles, boats, recreational vehicles, and/or planes.
- 2. Greenhouse, private and noncommercial.
- 3. Storage buildings for yard maintenance equipment and household goods.
- 4. Refer to UPMC 19.30.050 for uses applicable in more than one zone.
- 5. Minor auto repair is permitted for persons residing at the residence and for relatives of those residing at the residence and shall not be performed in a public right of way.
- B. In addition to the accessory use types permitted in (A) above, the following accessory uses are permitted subject to the performance standards listed below:
  - **61**. 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.

<sup>&</sup>lt;sup>1</sup>Subject to compliance with applicable design standards for trash and recycling receptacles <sup>2</sup>Subject to temporary use permit and standards in UPMC 19.35.020(C)(1)

- 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.
- **72**. 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, <u>subject</u> toand the following:
    - **b.(1)** No more than one unenclosed or unscreened inoperable vehicle may be on a property at any one time.
    - e.(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.
- 83. 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.
- 94. 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.
- 10. Level 1 and 2 battery and electric vehicle charging station restricted. Privately owned and restricted to the noncommercial use by the residents of the dwelling unit where the station is located.

### 19.30.050 Accessory uses applicable to principal uses in more than one zone.

A. The following accessory uses are customarily incidental to uses in more than one zone:

- 1. Antennas and satellite dishes for private telecommunication services;
- 2. Decks and patios;
- 3. Facilities used in ground maintenance;
- 4. Food service facilities for use primarily by employees with no exterior advertisement of the facility:
- 5. Incidental storage of raw materials and finished products sold or manufactured on site;
- 6. Noncommercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use:
- 7. On-site hazardous waste treatment and storage:
- 8. Private docks and mooring facilities;
- 9. Retaining walls, freestanding walls and fences;
- 10. Temporary waste piles authorized by a solid waste permit;
- 11. Small-scale composting facility to handle less than 10 cubic yards;
- 12. Solid waste dumpsters.
- 13. Level 1 and 2 battery and electric vehicle charging stations in nonresidential zones.
- B. Other Uses and Structures. Uses and associated structures deemed by the Director to be customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- C. Other City Codes. Please refer to shoreline management use regulations for specific specialized accessory use standards.

### 19.35.020 Temporary and temporary commercial uses.

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

A. Nonresidential temporary Seasonal 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 temporaryseasonal uses include Christmas tree sales, fireworks stands, flower stands, outdoor sales of general merchandise, promotions, and farmers' markets.

- B. <u>Temporary Seasonal</u> 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.

**Chapter 19.36 Temporary Tent Encampments** 

19.36.010 Regulations established.

Regulations concerning the establishment and processing of applications for temporary tent encampments in the City are hereby established. Temporary tent encampments are only permitted to be located on property owned or controlled by a religious organization recognized by the Internal Revenue Service as exempt from Federal income taxes subject to a temporary use permit. Establishing such facilities contrary to the provisions of this chapter is prohibited. With the exception of temporary use permits for tent encampment facilities that are in full compliance with this chapter, applications for temporary use permits, land use approvals, or any other permit or approval, in any way associated with temporary tent encampment facilities, shall not be accepted, processed, issued, granted, or approved. If a temporary tent encampment is established in violation of this chapter or if, after temporary use permit is issued for the same, the Director determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC and all activities associated with the temporary tent encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.

### **Chapter 19.45 Density and Dimension**

### 19.45.030 Density standards.

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

- 1. Critical areas including, but not limited to, wetlands, floodways, landslide hazard areas, and fish and wildlife habitat areas. On-site density transfer provided for in UPMC 17.35.050 shall be factored into the calculation;
- 2. Land below the ordinary high water mark; and
- 3. Land set aside by dedication or easement for public or private streets. Property within City-acquired easements per subsection B of this section, easements for shared driveways serving no more than two units or lots, or easements for alleys is not excluded from density calculations and is counted as buildable acreage.
- . This would include any areas such as, but not limited to, wetlands, floodways, steep slopes, and streets (except as provided in Chapter 17.35 UPMC and subsection (B) of this section), lands below the ordinary high water mark, and lands set aside (by dedication or easement) for public or private streets (not including alleys).

Land that may be difficult or expensive to build upon, but where development is not prohibited, is included would still count as buildable acreage. (See also Chapter 19.10 UPMC, 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, 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. Setback Measurement. A setback is measured from the edge of a street. Where there is no street, a 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 setbacks requirements, have been established by the placement of structures on the lot, the established setbacksyard determination shall be maintained. See Figure 1.

Front Yard

Primary Structure

Side Yard

Side Yard

Front Yard

Side Yard

Side Yard

Side Yard

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.

Figure 2: Pipestem Lot Yards & Setbacks

Property Boundary

IS' setback

side setback

Primary Structure

Side Yard

- 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. and g Garages and carports shall be designed to ensure a minimum distance of 25 feet from the garage door to the front property lineare set back at least 25 feet. 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.

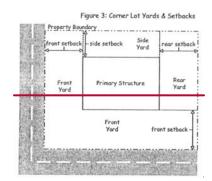


Figure 3a: Corner Lot Yards & Setbacks

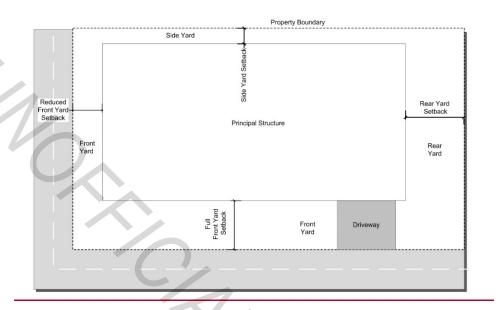
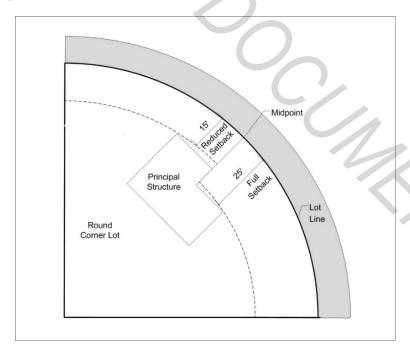
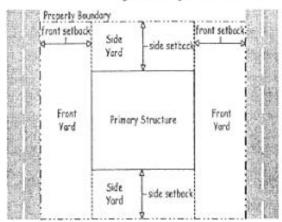


Figure 3b: Curving Street Corner Lot

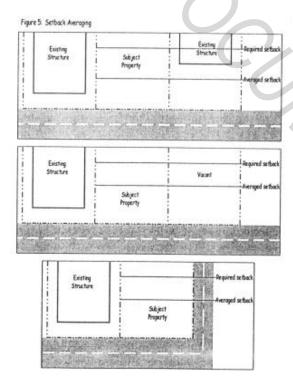


E. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way. However, no rear yard setback is required. See Figure 4.

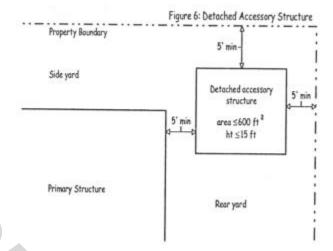
Figure 4: Through Lot Yards & Setbacks



- 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.

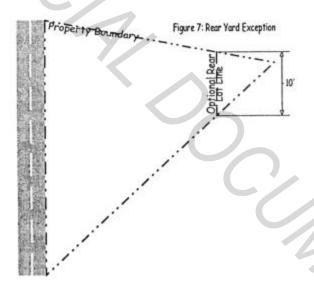


- G. Slopes. If the topography of a lot is such that the minimum front yard setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet back from the right-of-way.
- H. Detached Accessory Structures Exceptions.
- 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 <u>1815</u> feet in height <u>at top of ridge and 10 feet at the top wall plate where</u> 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 (aboveand 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, or covered but unenclosed porches may project into any setback, provided such projections are:
    - a. Limited to two per required yard, separated from each other by at least ten 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-or 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. ed. Not more than three feet into a front yard setback.
  - 2. Uncovered decks with floors that which do not exceed 30 inches (not including railings) from average finished let grade measured at the perimeter of the deck may project into any setback, provided such projections do not extend more than fivesix 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.
- <u>53</u>. Wheelchair ramps may project into any required setback.
- 64. Eaves may extend 24 inches into a required setback.
- 75. Patios, paved walkways and driveways may extend to property lines.
- <u>86.</u> 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.
- <u>97</u>. Projection exceptions for properties located within the City's shoreline jurisdiction shall comply with the vegetation conservation area requirements in UPMC <u>18.25.100(E)</u>, 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 5 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.

### 19.45.070 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 <u>a</u> required <u>yardsetbacks subject to compliance with the following height limits and as follows; provided, that all applicable <u>sight site</u> distance requirements in <u>UPMC 13.20.250</u> are met. Fences located outside of required yards are subject to the height limits specified for the applicable zoneSee Figure 9.</u>

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	6 feet
commercially zoned or developed property by an arterial street	
Required front yard reduced where corner lot exception is applied, per UPMC	<u>6 feet</u>
<u>19.45.040(D)(1)</u>	
Required front yard of a through lot where no vehicular access is provided to	<u>6 feet</u>
the abutting street, per UPMC 19.45.040(E).	
Shoreline jurisdiction yard – varies depending on commercial, industrial,	See UPMC 18.30
recreational or residential use	

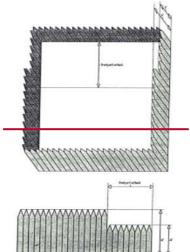


Figure 9: Fence Height

- 1. Side and rear setbacks to a maximum height of six feet.
- 2. Front vard setbacks to a maximum height of four feet.
- 3. Except that in required front yard setbacks for houses fronting on and facing an arterial street, the maximum height shall be six feet.
- 4. On a corner lot a fence may be constructed to a maximum height of six feet in a front yard where the corner lot exemption (UPMC 19.45.040(D)(1)) is being applied.
- 5. On through lots a fence may be constructed to a maximum height of six feet in the front yard where no access is provided to the abutting street.
- 6. Fences located within shoreline jurisdiction shall comply with the requirements in Chapter 18.30 UPMC specified for commercial, industrial, recreational and residential uses.

### 19.45.090 Compliance with density and m inimum 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 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.

Base densities are established in UPMC 19.45.100 for each zoning district that allows residential use. In R1 and R2 districts, these densities may be achieved outright in short plats and conventionally platted subdivisions when newly established lots meet the specified minimum lot size. R1 and R2 developments that meet minimum lot size standards are assumed to comply with base density requirements.

For small lot developments that achieve reduced lot sizes in exchange for the provision of open space and greater amenities, densities may be increased above the specified base density to the limit specified in UPMC 19.45.100. For these types of projects, compliance with density standards instead of minimum lot size standards is required.

Base densities are also provided for residential development in the MF-L, MF-H, MU-O, MU, NC and TC districts. Compliance with density standards instead of minimum lot size standards is required for multifamily units in these districts.

### 19.45.100 Density and Dimensions Tables

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

# Density and Dimensions Table

DEVELOPMENT STANDARDS DENSITY AND DIMENSIONS (SETBACKS)	ZONE CLASSIFICATIONS											
	R1	R2	MF-L	MF-H	MU-O	NC	ТС	MU (9)	СС	LI- BP	POS <sup>1</sup>	MU-M
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	35	55	45/60 (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	50/65 (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 conventional plat; none specified for small lot housing	4,000	2,500	4,000	4,000		4,000				
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 STANDARDS DENSITY AND DIMENSIONS (SETBACKS)	ZONE CLASSIFICATIONS											
	R1	R2	MF-L	MF-H	MU-O	NC	TC	MU (9)	CC	LI- BP	POS <sup>1</sup>	MU-M
Setback, Arterial Streets	25' (19)	25' (19)	25'		15'/20' min/max (5)	25'	0'/20' (18)	15'/20' min/max (5)	0'/10' min/max (18)	35'	25'	0'
Setback, Other Roads	25' (19)	25' (19)	25'	7	15'/20' min/max (5)	20'	0'/20' (18)	15'/20' min/max (5)	0'/10' min/max (18)	25'	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'/30' (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'/120'/55' (14)	45'	45' (18)	40'	45'	35'/45'/65' (24)
Floor Area Ratio (FAR)	.4240 average and .4745 maximum for small lot housing; .4240 maximum for existing substandard lot (21)	.4240 average and .4745 maximum for small lot housing; and .4240 for existing substandard lot (21)										

<sup>1.</sup> Code reviser's note: Ord. 589 added the POS column to this table. That amendment was inadvertently left out of Ord. 607. It has been restored to the table per the intent of the city.

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 Table(Setbacks)

DEVELOPMENT STANDARDS-	OVERLAY ZONES CLASSIFICATIONS										
	Chambers Creek Public Facili PFO (6) CCPO		Transition Properties TPO	Day Island DIO	Day Island South Spit DISSO	Sunset Beach SBO					
Base Density (du/ac) (1), (2)	0 (27)		(6)	4	4	4					
Maximum Density (du/ac)	0 (27)		(6)	6 (3)	6 (3)	6 (3)					
Setback, Arterial Streets (10)	25'		(6)	NA	NA	NA					
Setback, Other Roads	25'	<b>Y</b> //	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'					

# 19.45.10019.45.110 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.
- (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-IB, 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 27<sup>th</sup> 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 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) 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 <u>19.53</u> 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 <u>19.45.080</u> 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 <u>18.25.110</u> 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. Residential uses are not included in the Chambers Creek properties master site plan.

# **Chapter 19.52 Community Commercial Zone Design Guidelines**

## 19.52.050 Design standards and guidelines adopted.

The "<u>Community Commercial</u><del>Town Center</del> Zone Design <u>Standards and</u> Guidelines" are adopted by reference and contained in a separate City design manual titled "<u>Community</u> <u>Commercial</u><del>Town Center</del> Zone Design <u>Standards and</u> Guidelines".

# Chapter 19.55 OVERLAY ZONES

# Sections:

<u>19.55.010</u>	Purpose.
19.55.020	Transition properties overlay zone standards.
<u>19.55.030</u>	Day Island/Day Island South Spit overlay zones.
<u> 19.55.040</u>	Sunset Beach overlay zone.
<u> 19.55.060</u>	Chambers Creek pProperties overlay zone.
<u> 19.55.070</u>	Public facilities overlay zone.
<u> 19.55.080</u>	Mixed use district incentive overlay zonezoning.

## 19.55.010 Purpose.

The purpose of the overlay/potential 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.

# 19.55.060 Chambers Creek pProperties overlay zone.

- A. Purpose. The purpose of the Chambers Creek pProperties overlay zone (CCPO) area is to promote the development of the Chambers Creek pProperties master site plan. The overlay will allow the City and County to manage the development of the Chambers Creek pProperties in a way that is most beneficial to the County and community.
- B. Standards. The City has adopted the Chambers Creek pproperties master site plan, joint procedural agreement and the Chambers Creek pproperties design standards in this title to implement the master site plan. These documents are hereby incorporated by reference. Portions of the Chambers Creek pproperties 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 pProperties master site plan shall be permitted within the overlay zonearea subject to the Chambers Creek joint procedural agreement and the Chambers Creek pProperties design standards.
  - 2. Essential public facilities, existing on January 1, 2005, located outside the master <u>site</u> plan area and permitted in accordance with Chapter 19.40 UPMC.
  - 3. Administrative government offices.
  - 4. Level 1 public maintenance facilities outside the master <u>site</u> plan area.
  - 5. Level 2 public maintenance facilities outside the master <u>site</u> 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

## 19.55.070 Public facilities overlay zone.

- A. Purpose. The purpose of the public facilities overlay <u>zone</u> 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 "city 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<u>-</u>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 zonezoning.

A. Purpose. The purpose of the mixed use district incentive <u>overlay zonezoning</u> 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 <u>50</u>30 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:

ions

#### 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 <u>22</u>, 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  $\underline{22}$ .
- 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 which provides retail, service or commercial and 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 <u>typically</u> provides retail, service or <u>officecommercial</u> uses in the portion fronting the street with attached residential <u>or office</u> uses <u>located toward the rear of in behind</u> the same building.
  - 3. Horizontal Mixed Use Detached. Two or more structures where retail, service or <u>officecommercial</u> uses are is 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 <u>when</u>:
    - a. When aAll buildings are located on the same parcel; or b. Onbuildings 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: that requires the commercial component to be built within five (5)

# years of the date of the agreement.

- (1) Requires consistent site and building designs;
- (2) Requires the minimum area of retail, office or commercial use is maintained; and (3) Ensures retail, office and commercial uses are built prior to or concurrently with residential development.

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."

# **Chapter 19.60 Off-Street Parking Requirements**

# 19.60.050 Off-street parking spaces required for particular uses.

Unless otherwise specified the number of parking spaces required is calculated on a persquare-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 <sup>1</sup> + 2			
Assisted Living Facility	0.5 per bed			
Affordable Senior Multifamily Housing <sup>2</sup> (1)	0.6			
Bed and Breakfast	<u>0.5</u> <b>1</b> per room			
Group Home	0.5 per bed			
Mobile/Manufactured Home	1 per unit			
Multifamily Housing				
Studio and 1 Bedroom Unit	1 per unit			
2 Bedroom Units	1. <u>2</u> 5 per unit			
3+ Bedroom Units	1.52 per unit			
Nursing Home	0.25 per bed			
Single-Family Housing (Attached)	2 per unit			
Single-Family Housing (Attached) in Small Lot Development	1.5 per unit + 1 guest stall			
Single-Family Housing (Detached) in Small Lot Development	2 per unit + 1 guest stall			
Single-Family (Detached) and Duplex Housing	2 per unit			

# **Parking Requirements**

**CIVIC AND RECREATION USES** 

Administrative Government Service 400
Animal Control 400

Cemetery/Mortuary 1 per 5 seats

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

Day Care Center (Exceeds 12) 1 per employee<sup>1</sup> +

1 per 10 clients

High School 1 per employee<sup>1</sup> +

1 per 10 students

Elementary and Intermediate 1 per employee $\frac{1}{2} + 10$ 

Hospital and 24-Hour Medical Clinic 1 per employee<sup>1</sup> +

1 per bed

Jail 1 per employee<sup>1</sup> +

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

Religious Assembly 1 per 5 seats

Utility and Public Maintenance Facility 400

# **UTILITIES AND RESOURCE USES**

#### **Utilities Use**

Comm. and Personal Wireless Telecommunication Facility 400\*

## **Essential Public Facilities Use**

Organic Waste Processing Facility 1 per employee $^{1}$  + 10 Sewage Treatment Facility 1 per employee $^{1}$  + 10

**Resource Use** 

Agricultural Sale 250

\*Note: For telecom towers = 1 per tower.

	Parking Requirements			
COMMERCIAL USES				
Office/Business Uses				
Administrative and Professional Office	400			
Veterinary Clinic/Animal Hospital	400			
Retail/Services/Entertainment				
Adult Entertainment	200			
Amusement and Recreation (Private)	200			
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 employee <sup>1</sup> + 1 per 10 cages			
Limited Accessory Retail (MU-O Only)	250			
Lodging – Hotel and Motel (No RV)	1 per room			
Marina and Other Boating Facility	1 per slip			
Medical and Dental Office	250			
Mini Casino	200			
Movie Theater (Indoor Only)	1 per 4 seats			
Mobile, Manufactured and Modular Home Sales	400			
Motor Vehicle and Related Equipment Sales	400			
Pawn Shop	250			
Personal Service (Other)	250			
Rental and Repair Service	400			
Sales of General Merchandise	250			
Tattoo Parlor	250			
Video Rental/Sale	250			
Wholesale Trade	250			

	Parking Requirements
INDUSTRIAL USES	
Boat Building	400 office, 1,000 other
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	400 office, 1,000 other
Craft Production Facility	400 office, 1,000 other
Food and Related Products	400 office, 1,000 other
Industrial Service and Repair	400 office, 1,000 other
Limited Manufacturing	400 office, 1,000 other
Microbeverage Production Facility	400 office and tasting room, 1,000 other
Motion Picture, TV and Radio Production Studio	400
Printing, Publishing and Related Industry	400 office, 1,000 other
Salvage Yard	400 office
Storage Unit	250 <u>0</u>
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

## <sup>1</sup>Employees per largest shift

(1)-2 "Affordable" means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington. "Senior" means dwelling units specifically designed for and occupied by elderly persons under a Federal, State or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

#### 19.60.120 Surfacing for dDriveways and parking lot designs.

A. <u>Driveway and parking lot designs shall comply with the Low Impact Development Technical Guidance Manual for Puget Sound</u>, prepared by the Washington State University Extension and <u>Puget Sound Partnership</u>, 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.

For nonresidential developments of over 4,000 square feet, tThe maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in this chapter. Requests for a variance 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.

## **Chapter 19.70 General Development Standards**

# 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 <u>placed in a side or rear yard in accordance with</u>

  19.45.040(H) shall be no larger than 600 square feet in gross floor area; although total building area may exceed this amount if located outside of required side and rear yards;
- 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 <u>1815</u> feet in height <u>at top of ridge and 10 feet at the top wall plate where</u> 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, for at least six months out of the year, 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.

# 19.70.030 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 <u>1535</u> 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 <u>19.25.090</u>, Resource use category Descriptions, for commercial agricultural uses, and UPMC <u>19.70.050</u>, Home occupations, for same.

# **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 <u>creating 5 or more lots</u> shall hook up to sanitary sewers.
- 2. Sanitary sewer hookups shall be required for all <u>other</u> 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.
- 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 4 lots to be developed without sanitary sewer hookups.

#### 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 park 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.

## Chapter 19.75 Signs

## 19.75.130 Enforcement.

A. Penalty for Violations.

2. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter 1.20 UPMC, and/or a civil infraction as defined in Chapter 1.30 UPMC.

# **Chapter 19.90 Amendments**

## 19.90.010 Purpose.

This title and the official zoning map may be amended whenever required by public necessity, convenience or welfare. The purpose of this chapter is to establish authority and procedure for such amendments.

#### 19.90.020 Development regulation and zoning map amendments.

A. Amendments. This chapter provides the method for amending the text and tables of the City's development regulations and the zoning map. Amendments to development regulation text and tables are legislative amendments. In addition, changes to the zoning map that are Citywide, area-wide, or have area-wide significance are legislative amendments. All other site-specific map amendments (or "rezones") are quasi-judicial amendments. Legislative and quasi-judicial amendments shall be processed as provided in this chapter. Quasi-judicial map rezones shall be consistent with the land use designations in the City's Comprehensive Plan;

- B. Rezones Versus Reclassifications. A rezone shall mean the change of a zone designation on the City's zoning map and is subject to the provisions of this chapter. A reclassification is a change of a Comprehensive Plan land use designation and is subject to the provisions contained in UPMC Title 16. When a proposal requires both a reclassification and a rezone, the following shall apply:
- 1. A reclassification and a legislative rezone may be conducted concurrently.
- 2. A reclassification and a quasi-judicial rezone shall be conducted in phases, with the reclassification occurring first in time.

- C. Any interested person, including applicants, citizens, City Council, Planning Commission, Hearings Examiners, City staff, or staff of other agencies, may request amendments to the zoning code, other development regulations or zoning map.
- D. Application Required. For the purpose of advising and informing an applicant of the procedural requirements and to ensure that an application is in satisfactory form, the department may require a prefiling conference.
- 1. The department shall provide the application forms and submittal requirements for amendments.
- 2. No amendment shall be processed until the Director determines that the information necessary to review and decide upon the amendment is complete.
- 3. An application fee may be required, adopted by separate resolution.

## 19.90.030 Legislative amendments.

- A. Amendments. Amendments to development regulation text and tables and rezones of areawide significance are legislative actions and shall be considered by the City Council following review and recommendation by the Planning Commission.
- B. Requests Docket. Requested legislative amendments shall be docketed and considered by the Planning Commission and City Council at least on a biannual basis, consistent with the provisions of Chapter 36.70A RCW.
- C. Staff Report. The Director shall prepare a written report on each legislative amendment pending before the Planning Commission. The report shall be provided to the Planning Commission and any parties of record before the public hearing. Each report shall contain:
- 1. Any proposed factual findings of the City department proposing the amendment;
- 2. Any comments from City departments, agencies, districts and other interested parties;
- 3. The environmental assessment or copy of any environmental determination or final environmental impact statement; and
- 4. The department's recommendations on the amendment.
- D. Public Hearing Required by Planning Commission. The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any amendment. Alternatively, the Planning Commission may hold a joint public hearing with the City Council.
- E. Recommendation by Planning Commission. Each determination recommending a legislative amendment shall be 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;
- 2. That the proposed amendment is in the best interest of the citizens and property owners of the City;
- 3. That the proposed amendment enhances the public health, safety, comfort, convenience or general welfare;

- 4. For rezone requests, that the proposed amendment to the zoning map is consistent with the scope and purpose of this title and the description and purpose of the zone classification applied for:
- 5. For rezone requests, that there are sufficient changed conditions since the previous zoning became effective to warrant the proposed amendment to the zoning map;
- 6. For rezone requests, that the proposed amendment to the zoning map will not be materially detrimental to uses in the vicinity in which the subject property is located.
- F. Adoption by the City Council. Following receipt of the Planning Commission's recommendation, the City Council may hold additional public hearings at its discretion.
- G. Should the City Council agree to an amendment to the development regulations and/or zoning map, such amendments shall be adopted by ordinance.

## 19.90.040 Quasi-judicial rezones.

A. A quasi-judicial rezone application shall require a specific development proposal for the subject property with sufficient detail to enable the City to evaluate the applicant's proposal for conformance with the applicable criteria and to adequately condition the rezone request to protect the public interest if appropriate. In addition, the Director may require the applicant to participate in a meeting to inform citizens about the proposal.

- B. An application for a quasi-judicial rezone shall be processed in accordance with UPMC Title <u>22</u>, Administration of Development Regulations, except that the decision of the Hearings Examiner shall not be final, but shall be a recommendation to the City Council.
- C. Public Hearing. The Hearings Examiner shall hold an open record public hearing on each application. Any person may participate in the hearing by submitting written comments or making oral comments at the hearing.

#### D. Decision Criteria.

- 1. The Hearings Examiner shall recommend approval or approval with conditions or modifications if the applicant has demonstrated that the proposal complies with the decision criteria set forth in this section.
- 2. The applicant carries the burden of proof and must demonstrate that the criteria are met by a preponderance of the evidence.
- 3. If the criteria are not met, the Hearings Examiner shall recommend denial of the application.
- 4. Criteria. All criteria must be met in order for an application to be approved. The applicant must demonstrate the following:
- a. The proposed rezone is in the best interest of the residents of the City;
- b. The proposed rezone is appropriate because either:
- i. Conditions in the immediate vicinity of the subject property have so significantly changed since the property was given its present zoning that, under those changed conditions, a rezone is within the public interest; or
- ii. The rezone will correct a zone classification or zone boundary that was inappropriate when established;

- c. The proposed rezone is consistent with the Comprehensive Plan;
- d. The proposed rezone is consistent with all applicable provisions of UPMC Title 19, including any specific design criteria;
- e. The proposed rezone bears a substantial relation to the public health, safety, and welfare;
- f. The site plan of the proposed project is designed to minimize all significant adverse impacts on other properties;
- g. The site plan is designed to minimize impacts upon the public facilities, services and utilities;
- h. The proposal is not inconsistent with the surrounding area;
- i. If applicable, that there is a means of developing, preserving, and maintaining open space;
- j. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced.
- E. Recommendation by the Hearings Examiner. After considering all of the information submitted on the matter, the Hearings Examiner shall issue a written recommendation to the City Council setting forth the Examiner's findings, conclusions and recommendation. The recommendation shall include the following:
- 1. A statement of facts presented to the Hearings Examiner that supports his or her recommendation, including facts supporting any conditions and restrictions that are recommended.
- 2. A statement of the Hearings Examiner's conclusions based on those facts.
- 3. A statement of the criteria used by the Hearings Examiner in making the recommendation.
- 4. Any conditions, restrictions, and modifications that the Examiner determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the requested rezone.
- F. Distribution of Written Recommendation. The Director shall distribute copies of the recommendation of the Hearings Examiner to the applicant, each person who submitted written or oral testimony at the public hearing, and the City Council. The Director shall include a draft resolution or ordinance that embodies the Hearings Examiner's recommendation with the copy of the recommendation sent to each City Council member.
- G. City Council Action.
- 1. Time for Consideration. The City Council shall consider and take final action on the application at a public meeting within 90 calendar days of the date of issuance of the Hearings Examiner's recommendation. This time period may be extended upon written agreement of the Director and the applicant. Calculation of this time period shall not include any time necessary for reopening the hearing before the Hearings Examiner or further action by the Examiner in the event of remand from the City Council.
- 2. Closed Record Hearing. The City Council review and consideration of the rezone application shall be conducted as a closed record hearing and shall be limited to the record of the hearing before the Hearings Examiner, the Hearings Examiner's written recommendation, and comments received during the closed record hearing. No new evidence or information may be presented at the closed record hearing.

- 3. Argument. Persons entitled to participate in the closed record hearing are limited to parties of record in the open record hearing. Arguments made at the hearing must be limited to the information contained in the record developed by the Hearings Examiner and must specify the specific findings or conclusions disputed, if any, and the relief requested from the City Council.
- 4. Burden of Proof. The applicant carries the burden of proof and must demonstrate to the City Council that the decision criteria are met by a preponderance of the evidence. If the criteria are not met, the City Council shall deny the application.
- 5. City Council Decision. The City Council shall review the Hearings Examiner's recommendation for compliance with the review criteria set forth in this chapter. After consideration the City Council may remand the application to the Hearings Examiner to reopen the hearing for additional evidence and supplementary findings and conclusions, or further actions as directed. If not remanded or after remand, the City Council shall, by ordinance approved by a majority of the total membership, take one of the following actions:
- a. Approve the application;
- b. Approve the application with modifications or conditions; or
- c. Deny the application.
- 6. Conditions and Restrictions. The City Council shall include in an ordinance granting the rezone any conditions and restrictions it determines are necessary to meet the decision criteria or to eliminate or minimize any undesirable effects of granting a rezone. Any conditions, modifications and restrictions that are imposed shall become part of the decision.
- 7. Findings of Fact and Conclusions. The City Council may adopt by reference some or all of the findings and conclusions of the Hearings Examiner. The City Council shall include in the ordinance:
- a. A statement of the facts that support the decision, including the facts that support any new conditions, restrictions, or modifications that are imposed;
- b. The City may require that the applicant enter into a concomitant agreement with the City as a condition of the rezone. Such agreement may impose development conditions designed to mitigate potential impacts of the rezone and the development;
- c. The City Council's conclusions based on its finding of facts.
- 8. Effect. The decision of the City Council on an application is the final decision of the City.
- H. Minor Modifications. Subsequent to the adoption of the ordinance, the applicant may apply for a minor modification to a site plan approved as part of that ordinance. The Director shall review applications for a minor modification. The Director may approve a minor modification only if the Director finds that:
- 1. The change will not result in reducing the landscaped area, buffer areas, or the amount of open space on the project by more than five percent;
- 2. The change will not result in increasing the residential density;
- 3. The change will not result in increasing gross floor area of the project by more than five percent:
- 4. The change will not result in any structure, or vehicular circulation or parking area being moved more than 10 feet in any direction and will not reduce any required yard;

- 5. The change will not result in any increase in height of any structure;
- 6. The change will not result in a change in the location of any access point to the project;
- 7. The change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project; and
- 8. The change will not modify the intent of any condition.
- I. Major Modifications. If the applicant seeks a modification to the approved site plan that does not meet the requirements of a minor modification, the applicant may propose a major modification by submitting an application for a quasi-judicial project-related rezone. The City will process such application in the same manner as an application for a new quasi-judicial project-related rezone.

# J. Expiration.

- 1. The applicant must begin construction, or submit to the City a complete building permit application for the development activity, use of land, or other actions approved under this chapter, within two years after the final City decision on the matter is issued. Failure to do so shall render the City approval of the applicant's proposal void, and the zoning of the subject property shall revert to its original zoning; provided, however, the City Council, upon a showing of good cause, may extend the time limits contained herein.
- 2. The applicant must substantially complete construction of the development activity, or use of land, or other actions approved under this section and complete all applicable conditions of approval within five years after the final City decision on the matter is issued. Failure to do so shall render the City approval void.
- 3. If litigation is initiated, the time limits of this section shall be automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, use of land, or other action approved under this chapter includes phased construction, the time limits of this subsection may also be extended at the discretion of the Director.
- K. Time Extension. At least 30 days prior to the lapse of approval for a project-related rezone, the applicant may submit an application in the form of a letter with supporting documentation to the Department of Development Services requesting a one-time extension of the time limits set forth in subsection (J) of this section of up to one year. The request must demonstrate:
- 1. The applicant is making substantial progress on the development activity, use of land, or other actions approved under this chapter; and
- 2. That circumstances beyond the applicant's control prevent compliance with the time limits.
- L. Judicial Review. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to UPMC Title 22.

#### 19.90.060 Revocation and expiration.

# **Amendments to Design Standards and Guidelines**

The following design standards and guidelines, adopted by reference in UPMC 19.52.050 and contained in a separate City design manual titled "Community Commercial Zone Design Standards and Guidelines," are hereby amended to read as follows:

#### Chapter 19.52

# TOWN CENTERCOMMUNITY COMMERCIAL ZONE DESIGN STANDARDS AND GUIDELINES

- CC1 —Purpose.
- CC2 —Authority and applications.
- <u>CC3</u> —General requirements.
- CC3 —Review process.
- CC5 —Use and density.
- <u>CC6</u> —Accessory structures and uses.
- <u>CC7</u> —Temporary uses, seasonal uses, and special events.
- 19.52.080 Prohibited uses.
- CC8 —Crime prevention through environmental design.
- CC9 —Setbacks.
- CC10 —Height.
- CC11 —Walkways.
- CC12—Gateways.
- CC13 —Courtyards.
- CC14 —Plazas.
- <u>CC15</u>—Primary building facades.
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- CC17 Significant corners.
- CC18 —Architectural features.
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- <u>CC30</u>—Structured parking.
- CC31 —Loading spaces.
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- CC33 —Street paving.
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- CC35 —Street lighting.
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- CC37 —Street trees and landscaping.
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- CC42 —Outdoor kiosks.
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- <u>CC49</u> —Outdoor pay phones and emergency phones.
- CC50 —Mailboxes and other miscellaneous features.
- CC51 —Major arterial Bridgeport Way.
- CC52 —Other arterials 35th Street, 40th Street, and 44th Street.
- CC53 —Connector streets Drexler Drive, Larson Lane and 42nd Street.
- CC54 —Signs in general.
- CC55 —Sign lighting.
- CC56 —Freestanding signs.
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- CC58 Projecting signs.
- <u>CC59</u>—Temporary signs.
- CC60 Directional and incidental signs.

## CC1 9.52.010 Purpose.

The following special design standards and guidelines apply to the Town Center Community Commercial zone and are intended to promote integrated development with pedestrian-oriented design. They design standards are intended to implement the City's Comprehensive Plan and Economic Strategic Action Plan. The design standards and guidelines help guide architects, developers and property owners in designing proposals that are consistent with the City's vision for to know what is expected of their future development within this area projects.

## CC2 9.52.020 Authority and applications.

A-These <u>design standards and guidelineszoning controls</u> apply to <u>all</u>-new development, exterior alterations and major redevelopment or major improvements in the <u>Community Commercial</u> <u>zone</u>. Renovation of an existing single-family structure for residential use is exempt from the <u>following sections</u>. Town Center zone outside the Town Center overlay zone. Standards are mandatory while guidelines are discretionary. <u>For additional authority and applications</u>, see <u>UPMC 19.52.020</u>.

B. Renovation of an existing single-family structure for residential use is exempt from the following sections, provided no expansion of the structure occurs.

C. A standard may be replaced with an equivalent item(s) if the applicant can demonstrate to the satisfaction of the Director that the standard is of equal or greater quality or quantity.

D. 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.

E. A design review administrative use permit is required to develop in the Town Center zone. Provisions regarding the administrative design review use permit are found in this chapter and in Chapter 19.85 UPMC.

F. All University Place Municipal Code provisions apply unless preempted by a specific standard in this title.

# G. The following UPMC provisions do not apply:

19.30.040(A)(8), Commercial Vehicles	19.65.120, Perimeter landscape buffer*
19.35.040(D), Temporary Housing Units – Medical Situations	19.65.270 — 19.65.320, Tree Preservation
19.45.040(J), Projection Exception	19.70.060(F), Open Space and Parks
19.50.020 – 19.50.030, Design Review	19.75.090(D), Signs on Marquee, Canopy and Awnings
19.65.100, Street frontage landscaping	

<sup>\*</sup>Except adjacent to R1 and R2 Zones.

- H. Each section includes a boxed definition or intent statement.
- I. 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.
- J. The Town Center is divided into areas by streets. Each street has different characteristics, including traffic volumes, width of right-of-way and proximity to single-family residential uses. These differences require standards and guidelines to achieve the Town Center vision and implement the City's Comprehensive Plan. Building height, building mass, buffering, landscaping, parking standards and signs vary by area.

#### CC3 19.52.030 General requirements.

- A. Purpose. The purpose of the design review process is to ensure that development within the <u>Community Commercial Town Center</u>-zone complies with these standards and guidelines and the overall vision established for this zonein this title.
- B. Scope. The <u>design standards and guidelines provisions of this chapter</u> shall apply to all <u>development applications that is subject tofor</u> a<u>dministrative</u> design review <u>administrative use permit</u> within the <u>Town CenterCommunity Commercial</u> zone.
- C. Review Authority. The <u>Planning and Development Services</u> Director-of Community <u>Development</u> shall review the applications in accordance with the process below.
- D. Review Criteria. The <u>Planning and Development Services</u> Director <del>of Community</del> <del>Development shall approve applications when any of the following findings are made:</del>
- 1. The applicant meets all applicable design standards and guidelines of this title; or
- 2. The application sets forth a proposal that the Director determines is equivalent to or exceeds the standards <u>and quidelines</u> of this title.

#### CC4 19.52.040 Review process.

The design review process applicable to development in the Community Commercial zone is provided in UPMC 19.52.040.

A. 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. Town Center design review shall be considered a Type I permit.

- B. 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.
- C. Submittal Requirements. Applicants shall submit the design review application form(s) provided by the Community Development Department, along with the correct number of documents, plans and support material required in the application checklist.
- D. Review Fees. Design review fees must be paid at the time of submittal.
- E. Written Decisions. The Director shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.
- F. 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 from the decision on appeal from the final design review decision, design review approval shall expire. The Director 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.
- G. Exceptions. The Director is authorized to make exceptions to the standards when the applicant can demonstrate to the satisfaction of the Director that the exception meets the intent of these standards and is of equal or greater quality or quantity.

# **CC5** 19.52.050 Use and density.

- A. Standards.1. Land uses allowed in the Town Center Community Commercial zone are listed in Chapters 19.25, 19.30 and 19.35 UPMC unless otherwise specified herein.
- 2. If a development has a residential component it shall be combined with one or more nonresidential, nonparking use(s).
- 3<u>B</u>. The <u>following standards apply to minimum requirements for mixed use <u>development</u> within the <del>Town Center</del>Community Commercial zone:</u>
- 1a. A minimum of 50 percent of a project site's <u>building floor area at the ground floor level</u> shall be <u>devoted to in commercial or other non-residential or,</u> non-parking use.
- 2b. The commercial <u>or non-residential</u> component shall be built first or concurrent with the residential portion of the project.
- <u>3</u>e. No residential use (except entrances and lobbies) is allowed on a ground floor fronting an arterial street. <del>Projects are encouraged to provide access to businesses from the residential ground floor entrances.</del>

- 4. If a development has a residential component it shall be combined with one or more non-residential, non-parking use(s).
- 4. A maximum residential density of 12 dwelling units per acre is permitted in the Town Center zone subject to these standards. For residential density within the Town Center overlay refer to the Town Center design standards and guidelines, UPMC Ordinances 409 and 469.B. Guidelines. The City Hall, Library and Public Safety Building (Police and Fire) are already located in the Town Center zone. To promote an economically viable Town Center with an increased level of activity the following uses are encouraged to locate in the Town Center overlay:
- 1. National, regional and local specialty retail uses including apparel, book and music stores, electronics and computer sales, eyewear and optical stores, jewelry, home furnishings, shoes and accessories, and specialty foods;
- 2. Residential uses, including leased units, condominiums, live/work units and lodging;
- 3. Large and small restaurants, including formal sit-down restaurants, ethnic cuisine, brew pubs, walk-up and take-out restaurants, delis, and vending kiosks;
- 4. Entertainment uses, including movie and performance theaters;
- 5. Professional services, including company headquarters, banks, investment firms, consulting firms, accounting, insurance, real estate, law, medical and dental offices and similar professional offices; and
- 6. Personal services, including hair and beauty salons and health clubs.

#### CC6 19.52.060 Accessory structures and uses.

Accessory uses include kiosks, band shells, telecommunication uses and solid waste facilities.

- 1. Accessory structures shall not exceed two stories or a height of 28 feet.
- 2. Wireless telecommunication facilities, including commercial and private facilities, shall be camouflaged by integrating antenna and satellite dishes into building architecture.
- 3. No new freestanding wireless cell towers are permitted in the <a href="Community Commercial Town Center">Community Commercial Town Center</a> zone.
- 4. Home occupations are permitted in accordance with Chapter 19.70 UPMC.
- 5. Solid waste and recycling dumpsters shall be screened and integrated into the design of the principal use.
- B. Guidelines.
- 1. Accessory structures should be architecturally similar in design to their principal structures.

2. Accessory uses such as kiosks should be appropriately spaced so that areas do not appear cluttered or unduly interfere with pedestrian movement.

## **CC7** 19.52.070 Temporary uses, seasonal uses, and special events.

Temporary and seasonal uses and special events that <u>enliven public spaces</u>, <u>build community</u>, <u>and enrich the lives of University Place citizens</u> <u>add variety and do not detract from the Town</u> <u>Center experience</u> are encouraged and shall meet the following standards.

#### A. Standards.

- 1. Temporary and seasonal uses in the Town Center zone are permitted in accordance with Chapter 19.35 UPMC.
- <u>21</u>. Outdoor temporary sales, except farmer's markets, Christmas tree and firework stands, shall be conducted within portable kiosks meeting these design standards and guidelines.
- 3. Signs advertising temporary and seasonal uses shall be limited to window signs or kiosks within five feet of where the sales are taking place.
- 4. Facilities such as electrical outlets and water bibs shall be available for temporary and seasonal uses and special events but such electrical cords or water hoses shall not extend across walkways, sidewalks or plazas.

#### 19.52.080 Prohibited uses.

To mitigate impacts of incompatible uses or to maintain a competitive atmosphere, certain uses are specifically prohibited.

- A. Standards. The following uses are prohibited:
- 1. Any commercial use that encourages patrons to remain in their cars while receiving goods or services.
- 2. Motor vehicle rental and repair uses are not allowed as a principal or accessory use.
- 3. Small engine repair.
- 4. Bars and nightclubs along Larson Lane or Drexler Drive.
- 5. The storage or repair of inoperable vehicles (except vehicles owned by residents of a development where the storage or repair is taking place and only then within residential garages).
- 6. Retail establishments primarily selling used goods including pawn shops and secondhand stores.
- 7. Dollar and factory second stores.

# **CC8** 19.52.090 Crime prevention through environmental design.

Crime prevention through environmental design (CPTED) is situational crime prevention based on changing and managing the physical environment to produce behavioral effects that will

reduce the incidence and fear of crime, thereby improving the quality of life and enhancing profitability for business.

A. Guidelines.

- 1. Create territories that clearly delineate private space from semi-public and public spaces, and develop a sense of ownership. Ownership creates an environment where appearances of strangers and intruders stand out and are more easily identified.
- 2. Design spaces to allow for continued use and intended purposes.
- 3. Use pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of space.
- 4. Promote natural surveillance by creating environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:
- a. Design and placement of physical features to maximize visibility, including building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, landscape trees and shrubs, use of wrought iron fences or walls, signage and other physical obstructions.
- b. Placement of persons or activities to maximize surveillance possibilities.
- 5. Maintain lighting that provides for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment.
- 6. Provide access control, to limit access and increase natural surveillance, especially into areas where people are not easily to be observed. When present, intruders are more readily recognized through:
- a. The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exits.
- b. The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.
- c. Maintain landscaping, lighting treatment and other features to reinforce territories, natural surveillance and access control.

## **CC9** 19.52.100 Setbacks.

Building to the back of the sidewalk, a 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 mayean be built in the interior of the project site.
- 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.

## CC10 19.52.110 Height.

#### A. Standards.

- 1. The maximum building height shall be <u>4540</u> feet with <u>additional height permitted for the below listed exceptions listed in (3) and (4) below.</u>
- 2. Buildings throughout the <u>Town CenterCommunity Commercial</u> zone shall be at least two stories in height. One-story buildings may be permitted by exception.
- 3. Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including spires, belfries, towers, cupolas, domes and roof forms whose area in plan is no greater than 25 percent of the first story plan area, may exceed building height up to 25 percent of the <a href="maximum">maximum</a> permitted building height.
- 4. Mechanical penthouses over elevator shafts, ventilator shafts, 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.

## **CC11** 19.52.120 Walkways.

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

- 1. Walkways shall be a minimum of seven feet wide unless located between buildings that are 20 feet or less apart. In such cases, 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.

## CC12 19.52.130 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.
- B. Guidelines.
- 1. Gateways <u>mayean</u> 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 flower pots or decorations to provide interest.

## CC13 19.52.140 Courtyards.

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

- 1. 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.
- 2. The maximum size of a courtyard shall be 500 square feet. Multiple courtyards may be used or required to meet this requirement.
- 3. Install seating in courtyards to provide an inviting place to sit back and relax.
- a. A minimum of 25 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.

## CC14 <del>19.52.150</del> Plazas.

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

- A. Standards.
- 1. Commercial or mixed use developments shall provide at least one plaza.
- 2. The size of the plaza shall be <u>at least</u> 10 percent of the building footprint or footprints of all the buildings within a multiple building development.
- 3. Plazas shall provide areas suitable for events such as concerts, art shows or outdoor sales. Areas suitable for events shall be flexible so that they <u>mayean</u> be changed to fit an event or season.
- 4. Provide in-ground electrical facilities and water bibs to facilitate temporary and seasonal uses.
- 5. Movable planters, bollards, outdoor seating, accessible artwork and other streetscape amenities shall be used to configure plaza uses.
- 6. Plazas shall include a water feature or artwork.
- 7. Plazas shall use decorative paving or distinctive surface treatments to distinguish active from passive areas.

- 8. Include unreserved outdoor seating for relaxation or eating by providing amenities, benches, tables and trash receptacles.
- 9. A minimum of 25 percent of the plaza area shall be landscaped with trees, shrubs and groundcover.
- <u>1</u>0. A minimum of 25 percent of the plaza area shall be finished with decorative pavers, stamped concrete or a similar feature.
- 11. 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.

# CC15 19.52.160 Primary building facades.

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

- 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.

## CC1619.52.170 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. **CC17 19.52.180 Significant corners.**

Significant corners are located at street intersections on <u>Bridgeport Way West at 40th Street</u> West and 42nd Street West. Significant corners shall include a distinctive architectural element.

## A. Standards.

- 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.
- B. Guidelines.
- 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 throughout the <a href="Town-CenterCommunity">Town-CenterCommunity Commercial zone</a>.

## CC18 19.52.190 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.

## CC19 <del>19.52.200</del> Projections.

Projections include awnings, canopies, signs and architectural features.

- 1. Only projections that can be removed within 30 days are permitted to project into the right-of-way including, by way of example, canopies, window displays, signs, planters and stoops.
- 2. Projections into a public right-of-way require a right-of-way permit.
- 3. Projections less than eight feet above the ground elevation may extend a maximum of 48 inches beyond the face of the building.
- 4. Projections shall not interfere with trees, utilities, transit shelters or other street furnishings.
- 5. Individual AC units and fire escape ladders shall not be permitted on the exterior of buildings.
- 6. 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.

# CC20 19.52.210 Awnings and canopies.

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

- 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 not be placed closer than 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 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. Canopies 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.

# CC21 19.52.220 Building materials.

Building materials native to the Northwest provide a character in keeping with the Town Centercommunity 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.
- B. Guidelines.
- 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 emphasis the core value of a sustainable environment and conservation of natural resources including energy.
- 5. Developers should use the New Buildings Institute Energy Benchmark for High Performance Buildings to improve indoor environmental quality and energy efficiency.

# CC22 <del>19.52.230</del> Colors.

Colors common in nature around the South Puget Sound help provide a <u>cohesive appearance</u> town center that fits in the region.

## A. Standards.

1. Colors natural to the South Puget Sound, such as beige, light brown, tan, forest green and sea blue, are to be used as primary colors. Bright, highly contrasting colors shall only be used as accents.

# CC23 19.52.240 Roof design and materials.

Varied rooflines and materials are important elements to articulate building facades both vertically and horizontally.

## A. Standards.

- 1. Roofing materials visible from streets, plazas or courtyards shall be finished with an attractive non\_reflective 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. Where rooftop mechanical equipment will be visible from rights-of-way and existing buildings' roofs, mechanical equipment shall be hidden by an attractive screen and/or a roof garden or rooftop courtyard provided.
- 5. Roof flashing shall not be visible from streets, plazas or courtyards.
- B. Guidelines.
- 1. Rooftop courtyards and gardens are encouraged.

# CC24 19.52.250 Materials to avoid.

Inexpensive materials detract from the quality the community envisions for the Town Center Community Commercial zone. Glass curtain walls convey a modern rather than a Northwestern architectural style.

#### A. Standards.

- 1. Multi-floor glass curtain walls are prohibited. Integrate glass with other materials.
- 2. Vinyl, painted steel, metal or aluminum siding may only be used above 20 feet or a second story, whichever is greater.
- 3. Synthetic stucco is prohibited.
- 4. Unfinished concrete block is prohibited.
- 5. Chain link fencing and unfinished wood fencing are prohibited.
- 6. Decorative metal gates or fences are allowed.
- 7. 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 non-detailed stucco. Integrate stucco with other materials.
- 2. Painted steel, metal and aluminum siding should be avoided.

# CC25 <del>19.52.260</del> 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. The owner should contact UP for Art for design ideas.

- 3. Window displays shall display merchandise or services sold by the tenant or an adjacent tenant, or artwork. 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 Town Center architecture.
- <u>45</u>. Storefronts shall be predominantly glass to provide views into the store, but glass shall not be the exclusive material.
- <u>56</u>. 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.
- <u>3</u>. 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 as long as 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.

## CC26 <del>19.52.270</del> 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.

- 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 50 percent of the ground floor facade shall be in non\_reflective transparent glazing.
- B. Guidelines.
- 1. Windows should comprise 25 to 50 percent of upper facades visible from public rights-of-way and should reflect a rhythm, scale and proportion compatible with the overall building design.

# CC27 19.52.280 Doors and entryways.

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

## A. Standards.

- 1. Primary building and store entrances shall be oriented toward the principal street.
- 2. 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.
- 3. Placement and design of doors shall provide a direct connection to the sidewalks and streets.
- 4. Provide a diversity of entrance types including recessed, projecting and traditional entrances.
- B. Guidelines.
- 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.

## CC28 <u>19.52.290</u> Parking – General.

On-street, structured and surface parking provide 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.
- <u>c</u>. Abutting on-street parking and shared parking in the <u>Town Center Community Commercial</u> zone 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 located 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.
- B. Guidelines.
- 1. Meeting parking requirements with off-street surface parking is discouraged.
- 2. Design landscaping in surface parking lots to handle storm water runoff.
- 32. <u>UseConsider</u> durable pervious surfaces to reduce storm water runoff.
- 43. Use native plants in parking lot landscaping.
- 5<u>4</u>. Consider using Use pavers, colored concrete and landscaping to delineate walkways through parking lots.

# CC29 <del>19.52.300</del> On-street parking.

On-street parking in the <u>Town CenterCommunity Commercial</u> <u>zone</u> 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 parking is permitted on Bridgeport Way.
- 2. Parallel or angled parking is allowed on Drexler Drive and Larson Lane.
- 3. No on-street parking is permitted on 37th Street east of Bridgeport Way.
- 4. Where on-street angled parking is permitted, both 45-degree and 60-degree angled parking are permitted.

- 5. No on-street parking shall be permitted within 30 feet of an intersection.
- 6. Provide bump-outs to delineate the end of parking from an intersection or crosswalk.
- 7. Use colored or decorative pavement, bollards and/or planters to delineate on-street parking areas.

# CC30 19.52.310 Structured parking.

Structured parking that takes advantage of the topography is preferred in the Town CenterCommunity Commercial zone.

# A. Standards.

- 1. Structured parking shall not be visible, except at entrances.
- 2. Entrances to structured parking shall be the minimum size to permit reasonable entry and shall be consistent with the building facade design.
- 3. 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.
- 4. On walls facing a residential zone, planter boxes supporting vines and other vegetative screening materials shall be attached to the exterior of the structure.
- 5. At least 75 percent of the area occupied along the street level facade of any parking structure that is immediately adjacent to a sidewalk or street right-of-way shall be developed for active office or retail uses.
- 6. If not abutting a street, structured parking facilities shall be provided with adequate access from public streets via a private drive and/or access easements.
- 7. Provide high ceilings and ample lighting at pedestrian entrances to elevate safety and comfort.
- B. Guidelines.
- 1. Provide enough clearance and appropriate curve radius in structured parking to facilitate delivery, maintenance and emergency vehicle routes.

# **CC31** 19.52.320 Loading spaces.

- A. Standards.
- 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.

# **CC32** 19.52.330 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 within the Town CenterCommunity Commercial zone. The streetscape is comprised of streets, sidewalks and all features located within the street, sidewalk or right-of-way.

- B. Standards.
- 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.
- 5. Sidewalks shall include a pedestrian zone directly adjacent to storefronts and an amenity zone for roadside features, located adjacent to the street edge.
- 6. All roadside features, except as otherwise noted, shall be located 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.

## C. Guidelines.

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

# **CC33** 19.52.340 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.

## CC34 19.52.350 Sidewalks and curbs.

The intent of this section is to provide for safe and attractive sidewalks and curbs on streets in the <u>Town CenterCommunity Commercial</u> zone. 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 redeveloped 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.

# **CC35** 19.52.360 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.

# CC36 19.52.370 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 these standards guidelines title.

- 3. Lighting shall be shielded, as necessary, to avoid glare to pedestrians, vehicles and adjacent sites.
- 4. Outlets or fixtures for effect lighting shall be installed in tree grates or otherwise integrated in an unobtrusive manner.

# CC37 19.52.380 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 <u>19.52.520</u> through <u>19.52.540</u>, <del>Town</del> <del>Center streets</del>.
- 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 ground covers and low shrubs. Up to 100 percent of the trees may be deciduous. There shall be at least one tree per 100 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 ground cover 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 100 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 ground cover.
- 5. Landscaping located within public rights-of-way 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, but 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, but 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.
- B. Guidelines.
- 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.

# CC38 <del>19.52.390</del> 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 19.52.520 through 19.52.540, Town Center streets.
- 2. Benches shall be Victor Stanley, Classic Style, SC 138 in VS New Teal. 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.
- 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.

## CC39 19.52.400 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 <u>aeur</u> sense of place.

- <u>1</u>. Artwork in publicly owned places shall be consistent with the City public art policy. The applicant shall contact UP for Art and use the group as a resource for any proposed artwork.
- 2. Artwork shall be located within the <u>Town CenterCommunity Commercial</u> zone area 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.

# **CC40** 19.52.410 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 within the <u>Town CenterCommunity Commercial</u> zone area as specifically identified in other sections of <u>these standardsguidelines</u>this title.
- 2. Where required, water features shall allow people to interact with the display <u>providingusing</u> at least one of the following:
- a. Allow for a Ample pedestrian circulation on all sides.
- b. Provide sSeating as part of the water feature design, using a low wall.
- c. Promote pPhysical 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.

# CC41 19.52.420 Transit facilities.

The intent of this section is to promote multi-modal transportation options through public transit opportunities within the <u>Town CenterCommunity Commercial</u> zone. 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 the Town CenterCommunity Commercial zone 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 located in close proximity to 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.

# CC42 19.52.430 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 that provide information or directory assistance and do not provide merchandise for sale 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.

# CC43 19.52.440 Trash and recycling receptacles.

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.

## A. Standards.

- 1. Streetscape receptacles shall be Victory Stanley, Ironsites Series, SD-42, with side gate in VS New Teal. 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 New Teal. 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. Recycling receptacles shall accept glass and metal (aluminum) recyclable materials.
- 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.
- B. Guidelines.
- 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.

# CC44 <del>19.52.450</del> Newspaper racks.

The intent of this section is to allow newspaper racks that are functional and attractive. Newspaper racks provide a convenient way to purchase a newspaper or collect advertisements. However, they can interfere with pedestrians and cause litter.

- 1. Newspaper racks' color and design shall be compatible with and aesthetically complement other streetscape amenities such as benches and waste receptacles.
- 2. Newspaper racks shall accommodate more than one newsprint selection.
- 3. Newspaper racks shall be placed to minimize the physical and visual impact on the streetscape.
- 4. Newspaper racks shall be secured by bolting to the ground or a building.

# CC4<u>5</u> <u>19.52.460</u> 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.

## A. Standards.

- 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.

# CC46 19.52.470 Handrails and fencing.

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

- 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.

## CC47<del>19.52.480</del> 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 define areas for public functions.

## CC48 19.52.490 Bicycle racks.

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

#### A. Standards.

- 1. Bicycle racks shall be Dero's Bike Rack or Mad Biker Bike Rack. An exception <u>mayean</u> be granted by the Director when all bike racks in a development are 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.

# **CC49** 19.52.500 Outdoor pay phones and emergency phones.

The intent of this section is to provide for safe and attractive pay and emergency phones. Most pay phones are located inside to reduce the chance of vandalism. Phones located outside should complement the streetscape.

- 1. Outdoor pay and emergency phones shall be uniform in design and color throughout a development unless integral to a specific storefront or restaurant design.
- 2. Ample lighting shall be provided around exterior pay and emergency phones to discourage vandalism.
- 3. Outdoor phones shall be designed to complement the architectural style of adjacent buildings.
- B. Guidelines.
- 1. Phone booths should be attached to building frontages rather than freestanding.

# CC50 19.52.510 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.

# CC5119.52.520 Major arterial – Bridgeport Way.

Bridgeport Way carries the highest volume of vehicular traffic through the Town CenterCommunity Commercial zone. 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.

Bridgeport Way West shall be improved consistent with the cross-sections shown in UPMC 19.52.540, Figures 1 and 2. The location of the street shall be as depicted on the adopted

master plan, unless modified by the Director. Minor modifications may be made where such changes are consistent with the overall vision of the Town Center Community Commercial zone.

## A. Standards.

- 1. The 16-foot sidewalk on Bridgeport Way 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 Bridgeport Way north of 40th Street 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 mayean 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 from Bridgeport Way.

# CC52 19.52.530 Other arterials – 35th Street, 40th Street, and 44th Street.

35th Street, 40th Street, and 44th Street shall be improved consistent with the cross-section shown in UPMC 19.52.540, Figure 3. The location of the street shall be as depicted on the adopted master plan, unless modified by the Director. Minor modifications may be made where such changes are consistent with the overall vision of the Town Center Community Commercial zone.

- 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, phone booths and newspaper racks shall be of a consistent type along the street.

# CC53 19.52.540 Connector streets - Drexler Drive, Larson Lane and 42nd Street.

Drexler Drive, Larson Lane and 42nd Streets shall be improved consistent with the cross-section shown in Figure 4 of this section. The location of the street shall be as depicted on the adopted master plan, unless modified by the Director. Minor modifications may be made where such changes are consistent with the overall vision of the <a href="Town-CenterCommunity Commercial">Town-CenterCommunity Commercial</a> zone.

- 1. Eleven-and-one-half-foot sidewalks shall be comprised of a six-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, phone booths and newspaper racks shall be of a consistent type along the street.

BRIDGEPORT WAY
35TH TO 40TH

Office / Residential

Commercial

Commercial

Commercial

Commercial

Commercial

Commercial

Commercial

Office / Residential

Figure 2

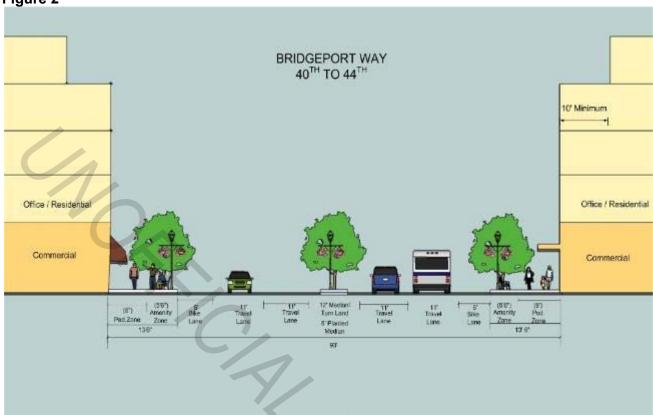
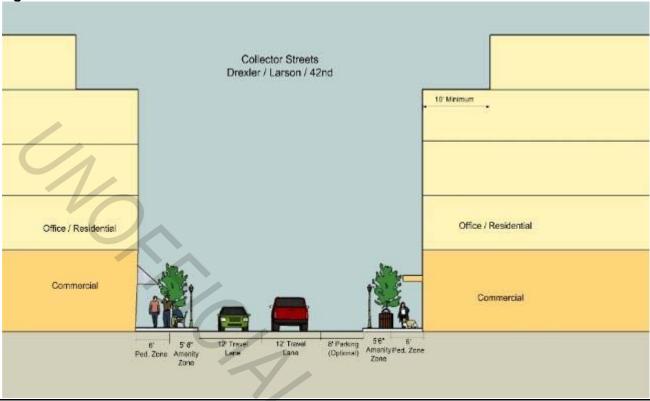




Figure 4



# CC54 <del>19.52.550</del> Signs in general.

Distinctive, finely crafted signs enhance the aesthetics of the <u>Town CenterCommunity</u> Commercial zone and improve pedestrian and motorist safety.

- 1. All signs shall be installed and constructed per the City sign code (Chapter 19.75 UPMC) except as provided here.
- 2. Signs shall not obscure any significant architectural detail of individual buildings.
- 3. All signs shall be pedestrian in scale and integrated into the building and storefront design.
- 4. Use of durable high quality materials is required.
- 5. Temporary sale window paint is not permitted.
- B. Guidelines.
- 1. Signs should be compelling, informative and consistent in order to create a sense of place.
- 2. Signs should distinctly identify the tenant.
- 3. Sign design should be creative.

4. Consider floor signs at store entrances.

# **CC55** 19.52.560 Sign lighting.

Lighting adds a significant impact to a sign's message. Sign lighting can make an area attractive or uninviting.

#### A. Standards.

- 1. Backlit letters, channel letters and external up or down lighting are allowed.
- 2. Exposed neon is not permitted.
- 3. Raceways shall be hidden.
- 4. Signs or graphics identifying a tenant on glass are permitted.

# CC56 19.52.570 Freestanding signs.

A freestanding sign is 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.

## A. Standard.

1. Freestanding signs are allowed provided the commercial use occupies the same parcel of land where the sign is located. The sign must be sufficiently set back to not interfere with pedestrian movement or sight distance. Design and size requirements are provided in Chapter 19.75 UPMC.

## CC57 <del>19.52.580</del> Wall signs.

Wall signs are 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.

- 1. The area of all wall signs shall be less than or equal to 15 percent of the facade occupied by the use.
- 2. When a wall sign is located on a building, it shall be located only on a wall where public access is provided.
- 3. Signs on awnings or on windows are considered wall signs.
- 4. Signage is prohibited on the awning head sheet.
- 5. Signs on awnings may be no greater than 66 percent of the valance (the vertical awning face).
- B. Guideline.

1. Signage be should be used judiciously to avoid cluttering the streetscape.

# CC58 19.52.590 Projecting signs.

Projecting signs are signs aligned perpendicular to the building facade.

#### A. Standards.

- 1. Projecting signs shall clear the sidewalk by a minimum of eight feet.
- 2. A projecting sign shall not be larger than 20 square feet, except when located on the ground floor over the right-of-way, where it shall not be larger than six square feet.
- 3. Projecting signs shall not project over four feet from the building.
- 4. Projecting signs shall not exceed the height of the tenant space occupied in the building.
- B. Guideline.
- 1. Projecting signs should be creative and incorporate merchandise into the sign structure.

# CC59 19.52.600 Temporary signs.

A temporary sign is 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. Holiday decorations and other special events are considered temporary.

# A. Standards.

- 1. One real estate sign is permitted per building street frontage.
- 2. Real estate signs shall be located on the ground floor near the entrance.
- 3. Real estate signs are not permitted in the window of a residential unit.
- 4. Except political signs, temporary signs shall not be freestanding.
- 5. One new residential development wall sign is permitted per street frontage.
- 6. Inflatable dirigibles are not permitted.
- 7. A-board signs are prohibited.

# **CC60** 19.52.610 Directional and incidental signs.

Develop a distinctive style for directional signs in the <u>Town CenterCommunity Commercial</u> <u>zone</u> and to specific destinations, including government offices, the library, public parks, parking structures, transit facilities, residential areas and businesses.

- 1. All directory signs shall be of a uniform design consistent with the <u>Town CenterCommunity</u> <u>Commercial</u> vision, the architecture of buildings and other streetscape elements.
- 2. Signs intended to direct motorists toward Town Center Community Commercial facilities shall be located at gateways.
- B. Guidelines.
- 1. Directional and incidental signs need to be understood by the vast majority of the population, including non-English-speaking people. The use of internationally recognized symbols should be considered as an effective way to identify features to all pedestrians.
- 2. Signs mayean be flat with a single-face surface or be multi-dimensional.
- 3. To avoid a cluttered appearance and increase effectiveness, minimal signage should be provided.

# Ordinance No. 688 Exhibit B

# **Title 21 Subdivision Regulations Amendments**

## **Chapter 21.55 Improvements**

# 21.55.020 Improvements required.

Any land division may be subject to the following improvement requirements to accomplish the purpose of this chapter and the requirements of Chapter 58.17 RCW: All improvements including but not limited to streets, bridges, drains, culverts and related structures, and facilities shall be designed and constructed in accordance with City standards.

- A. Parks and Open Space. In new residential land divisions of 10 or more lots, 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.
- B. Potable Water. Each building lot approved subject to this chapter shall be served by an approved water system. The water system shall be adequate to serve the domestic water needs of future residents of the land division.
- C. Fire Protection. The developer shall provide water sources and/or facilities as required by law. Land divisions shall provide fire hydrants (or other adequate means) with adequate capacity and spacing to provide for fire protection as required by the City.
- D. Stormwater. The City shall, as a condition of approval of any land division, require the developer to construct storm drainage facilities in conformance with the City's public works code.

# E. Sanitary Sewers.

- 1. All new subdivisions creating 5 or more lots shall hook up to sanitary sewers.
- 2. Short plats, binding site plans and plat amendments creating 4 or fewer lots All other land divisions shall hook up to sanitary sewers 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. A sanitary sewer system shall be considered available when the boundary of the land division is within the specified distance from the sewer line by way of a public right-of-way or private utility easement between the boundary of the land division and the existing sewer line.
- 4. If the sanitary sewer system is not available or if an exception has been granted, the Director <u>may shall</u> approve an interim on-site septic system subject to the following conditions:

- a. A note shall be placed on the plat, short plat, or binding site plan indicating that connection shall be required at such time as the system becomes available.
- b. A title notification shall be recorded stating:

At such time as sanitary sewer becomes available as defined in the University Place Municipal Code, the property owner shall be required to hook up to the sewer line in accordance with the provisions of the University Place Municipal Code.

- c. A no protest to the formation of any future ULID for extension of a sewer system that would serve the property shall be recorded on the property.
- d. The developer shall install dry sewer facilities.
- e. The use of interim on-site septic systems does not apply to subdivisions of 5 or more lots.
- F. Streets and Access. All land divisions shall be served by a public or private street or driveway. Such streets and driveways shall be provided and constructed in compliance with UPMC Title 13, Public Works Code. All new residential lots shall access off internal plat, short plat, or binding site plan roads, except as authorized by the Director.
- G. Street Frontage Improvements. All plats, short plats, and binding site plans shall install street frontage improvements at the time of construction as required by the City's public works code (UPMC Title 13). Frontage improvements along exterior streets shall be constructed and approved prior to issuance of building permits. Such improvements shall include curb and gutter, sidewalk, bus stops, street storm drainage, street lighting system, traffic signal modification, relocation or installation, utility relocation, landscaping and irrigation, and street widening all per the code. Plans shall be prepared and signed by a licensed civil engineer registered in the state of Washington. All frontage improvements shall be made across full frontage of property from the centerline of the constructed street facility to the outside limit of the improvements. Additional right-of-way may be required for frontage improvements.
- H. Access to Shorelines. Short subdivisions, subdivisions, and binding site plans containing land adjacent to publicly owned or controlled bodies of water shall include a dedication of at least one public access to, around, or beside such bodies of water unless the Examiner or Director determines the public use and interest will not be served thereby. Such dedications shall be of a size and nature as determined by the Examiner or Director and shall be established when the plat, short plat, or binding site plan is approved.
- I. Trails. Short subdivisions, subdivisions, and binding site plans located along or adjacent to a trail corridor identified in the comprehensive plan or parks, recreation, and open space plan shall provide a public pedestrian easement to extend the trail along its planned alignment and provide a trail from an internal or abutting roadway to the trail.
- J. Common Areas and Facilities. Common areas and facilities shall conform to the following:
- 1. Facilities benefiting more than one property owner shall be considered common area/facilities, designated by easement or separate tract, and corresponding dedication statements included on the face of the final plat specifying the use for which the easement or tract is created, and assigning ownership and use interest;

- 2. Common areas/facilities that primarily benefit the residents/property owners within the development such as entrance signage, landscape treatment, open space, fences, and private parks and recreation facilities shall be considered "private" common areas/facilities and the primary ownership and responsibility for maintenance assigned to said residents/property owners:
- 3. All private common areas shall be of a size sufficient to accommodate associated facilities;
- 4. Adequate provisions for ownership and maintenance in the form of statements of easement; conditions, covenants and restrictions; and/or creation of a homeowner's association shall be specified at the time of platting. The documents shall address continued ownership interest, right of use, responsibility for maintenance, remedies in the event any of the responsible parties fail to perform, and procedures for modification or vacation of easements or tracts and associated facilities not required as a condition of plat approval. The documents shall also include an adequate funding mechanism for those areas/facilities requiring regular maintenance; and
- 5. Common areas/facilities that are determined by the City to primarily benefit the general public or are considered part of a City facility such as storm water detention/retention ponds and bioswales shall be delineated as a separate tract and may be dedicated to the public for future ownership and maintenance at the City's discretion.
- K. Undergrounding of Utilities. All new or replacement of existing overhead utilities such as telephone, power, cable TV, etc., designed to serve the subdivision and located within the boundaries of the tract shall be installed underground. Undergrounding of existing telephone, power distribution, and cable TV lines may be exempt from this requirement if the cost of undergrounding the existing line is more than twice the cost of undergrounding service and distribution lines needed to serve the subdivision.
- L. Fences and Walls. Fences and walls shall conform to the following:
- 1. Fences and walls shall not encroach into any street right-of-way, and shall be set back a minimum of one foot from the edges of any sidewalk;
- 2. Fences and walls shall comply with all clear vision area requirements at street and driveway intersections;
- 3. Required perimeter landscaping shall be retained or installed between the public right-of-way and any fence or wall to reduce the appearance of a long continuous wall and reduce "hard" surfaces that may attract graffiti:
- 4. Fencing or walls shall not encroach into any critical area or associated buffer, and all fencing and walls within five feet of a critical area or buffer shall be non-sight obscuring;
- 5. Materials. Fences shall be constructed of wood, wrought iron, brick, stone or split face concrete block (CMU). When using CMU the split face side must be visible to the public. Other materials which have the general appearance and visual quality of approved fence materials may be approved by the Director. However, the use of plywood or composition sheeting as a fence material is not permitted. Fences shall not be made of chain link except to enclose a storm water or utility facility in which case only black, dark brown or other dark-toned, vinyl-coated chain link is permitted;
- 6. Barbed, razor wire fences and electrified fences are prohibited.

# Ordinance No. 688 Exhibit C

# Title 22 Administration of Development Regulations Amendments

# **Chapter 22.05 Permit Processing**

Sections:	
22.05.010	Purpose.
22.05.020	Definitions.
22.05.030	Classification of project permits Applicability.
22.05.035	Procedures
22.05.040	Preapplication options requirements.
22.05.050	Complete applications.
22.05.060	Notice of application.
22.05.070	Time periods.
22.05.080	Notice of decision.
22.05.090	Consistency with development regulations and SEPA/consolidated permit review
<del>22.05.100</del>	Permit conditions.
22.05.100	Exemptions from project permit application processing.
22.05.110	Optional consolidated permit processing.
22 05 120	Anneals of administrative decisions

# 22.05.010 Purpose.

The purpose of this title is to provide procedural guidance and rules for permit processing add an administrative chapter to the University Place Municipal Code to comply in accordance with the requirements of the Regulatory Reform Act. This title serves to implement University Place development regulations include zoning, subdivision, shoreline master program, critical areas, public works, and other municipal code provisions that regulate the use and development of land.

## 22.05.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

- A. "Closed record appeal" means an administrative appeal on the record to the Pierce County Superior Court, following an open record hearing on a project permit application when the appeal is on the record with no new evidence allowed to be submitted.
- B. "Open record hearing" means a hearing, conducted by the Hearings Examiner, which that creates the City's record through testimony and submission of evidence and information, under the procedures prescribed herein. An open record hearing may be held prior to the City's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.
- C. "Project permit" or "project permit application" means any land use or environmental permit or license required from the City for a project action, including but not limited to <u>administrative</u> <u>design reviews</u>, <u>administrative use permits</u>, building permits, subdivisions, binding site plans, <u>planned unit developments</u>, conditional uses, shoreline substantial development permits,

<u>shoreline variances</u>, <u>variances</u>, <u>site plan review</u>, permits or approvals required by UPMC Title <u>17</u>, Critical Areas, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

D. "Public meeting" or "community meeting" means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or neighborhood meeting, or a scoping meeting on a draft environmental impact statement. Under RCW 36.70B.020(5), a public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

# 22.05.030 Classification of project permits.

A. For the purpose of project permit processing, all project permit applications shall be classified as shown in Table A, as one of the following: Type I, Type II or Type III.

Table A PROJECT PERMIT APPLICATION TYPES						
TYPE I	TYPE II	TYPE III				
Administrative Design Review	Short Plat	Appeal of Administrative and SEPA Decision				
Administrative Nonconforming Use	Final Plat	Conditional Use Permit				
Administrative Use Permit	Plat Alteration	Preliminary Plat				
Administrative Variance	Plat Amendment	Nonconforming Use (non-administrative)				
Sign Permit	Large Lot Subdivision	Major Amendment				
Building/Construction Permit	Binding Site Plan	Variance (non-administrative)				
Minor Amendment	-	Shoreline Substantial Development Permit				
ROW Permit	-	Shoreline Conditional Use				
Lot Combination	-	Shoreline Nonconforming Use				
Boundary Line Adjustment	-	Shoreline Variance				
Code Interpretation	-	Critical Areas Permit				
Site Development Permit	-	Development Agreement Associated with Project Permit Application				

B. Determination by Director. The Planning and Development Services Director or designee shall determine the proper classification for each project permit application. If there is a question as to the appropriate classification, the Director shall resolve the question in favor of the higher classification type.

## 22.05.030 Applicability.

This title serves to implement the University Place zoning code, subdivision code, shoreline use regulations, critical areas regulations, public works standards and the site development

regulations. The regulations identified in this title apply to project permits falling into three categories or types. The three types of permit projects have differing provisions applicable to each type as follows:

# A. Type I Permits.

- 1. Administrative Review. Administrative review is used when processing applications for administrative permits including, but not limited to, administrative variance, administrative nonconforming, minor amendments, home occupation permits, sign permits, building and construction permits, site development permits, right of way permits, lot combinations, boundary line adjustments, and code interpretations.
- 2. Review Process. Unless otherwise stated, administrative review shall be subject to the application requirements, complete application, notice of application, time periods, consolidated permit processing and the notice of decision provisions of this title. If an administrative decision is appealed, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

# B. Type II Permits.

- 1. Administrative Plat Review. Administrative plat review is used when processing applications for short plats, plat alterations and short plat amendments, large lot subdivisions, and binding site plans.
- 2. Review Process. Unless otherwise stated, administrative plat review shall be subject to the application requirements, complete application, notice of application, consolidated permit processing and the notice of decision provisions of this title. Timing of the project permit review shall be in accordance with the University Place subdivision code and Chapter 58.17 RCW. Binding site plans shall be processed utilizing the same time limits as short plats. If applicable, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

# C. Type III Permits.

- 1. Hearings Examiner Review. Hearings Examiner review is used when processing applications for project permits, including but not limited to decisions rendered in accordance with Chapter 43.21C RCW, conditional use, preliminary subdivision, nonconforming use, planned development district, major amendments, variances, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, critical area permits and private road variances. An appeal of an administrative decision is also subject to Hearings Examiner review.
- 2. Review Process. Unless otherwise stated, Hearings Examiner review shall be subject to application requirements, complete application, time periods, consistency with development regulations and SEPA, permit conditions, consolidated permit processing, open record hearings, notice of public hearings, joint public hearings, notice of decision, and the closed record appeal provisions of this title.

A matrix of the types of project permit applications is set forth below as Exhibit "A." A matrix generally summarizing the procedures applicable to different types of project permit applications is set forth below as Exhibit "B."

# Exhibit "A"

# **PROJECT PERMIT APPLICATION TYPES**

TYPE I	TYPE II	TYPE-III	
<del>Variance (administrative)</del>	Short Plats	Appeal of Administrative and SEPA Decisions	
Nonconforming Use (administrative)	Final Plats	Conditional Use Permits	
Minor Amendments	Plat Alterations	Preliminary Subdivision	
Home Occupation Permits	Plat Amendments	Nonconforming Use (nonadministrative)	
Sign Permits	Large Lot Subdivisions	Planned Development District	
<b>Building/Construction Permits</b>	Binding Site Plans	Major Amendments	
Site Development Permits	-	Variances (nonadministrative)	
ROW Permits		Shoreline Substantial Development Permit	
Lot Combinations	-	Shoreline Conditional Use	
Boundary Line Adjustment		Shoreline Nonconforming Use	
Code Interpretations	-	Shoreline Variance	
-	-	Critical Area Permits	
-	-	Private Road Variances	
_			

# **22.05.035 Procedures.**

<u>Procedures applicable to each type of project permit application are summarized in Table B.</u>

<u>Code provisions offering more detailed explanations of processing requirements are referenced in the table. Exemptions from the listed processes are provided in UPMC 22.05.100.</u>

Table B Exhibit "B" PROJECT PERMIT APPLICATION PROCESSES							
	TYPE I	TYPE II	TYPE III				
Initial Permit Decision Made By: Hearings Examiner or Administration	Administration	Administration	Hearings Examiner				
Determination of Completeness	May Be Required Within 28 Days of Receiving ApplicationGenerally Not Required – Most Permits Exempt Under UPMC 22.05.100	Required Within 28 Days of Receiving ApplicationGenerally Not Required – Most Permits Exempt Under UPMC 22.05.100	Required Within 28 Days of Receiving Application				
Consolidated Permit Process	See UPMC 22.05.090X	See UPMC 22.05.090X	See UPMC 22.05.090X				

Consistency with	See UPMC 22.05.090X	See UPMC 22.05.090X	See UPMC 22.05.090X
Development Regulations and SEPA			
Applicability	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner
Applicability	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision
Application Requirements	X	X	X
Notice of Application	Not-Generally Not Required - Most Permits Exempt Under UPMC 22.05.100 in Most Cases	Mailed NoticeGenerally not Required – Most Permits Exempt Under UPMC 22.05.100 14 Days After Determination of Completeness	Required – See UPMC 22.05.060Mailed Notice Required 14 Days After Determination of Completeness
Notice of Decision	XGenerally Not Required – Most Permits Exempt Under UPMC 22.05.100	XGenerally Not Required – Most Permits Exempt Under UPMC 22.05.100	Required – See UPMC 22.05.080 Not Applicable
Permit Conditions	X	X	X
Open Record Hearing (Hearings Examiner) (He) Notice of Public Hearing	Not RequiredPublic Notice Required 14 Days Prior to Open Record Hearing	May be RequiredPublic Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required  - See Chapter 22.1014  Days Prior to Open  Record Hearing UPMC
Notice of Public Hearing	See UPMC 22.10.040	See UPMC 22.10.040	See UPMC 22.10.040
Time Periods	Not-Generally Not Applicable Required Most Permits Exempt Under UPMC 22.05.100 in Most Cases	Short Plats, Final Plats, and Binding Site Plans Must Be Processed Within 30 Days of Filing Thereof, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days	Preliminary Plat of Any Proposed Subdivision or Dedication Must Be Processed Within 90 Days of Filing, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days
Judicial Review Chapter 36.70C RCW	Yes	Yes	Yes

NOTE: Use of this matrix is for general summary purposes only. Any user of this matrix should refer to UPMC Title <u>22</u>, Administration of Development Regulations, for full explanations, as well as for exceptions to any of the above summarized information.

- D. Exemptions. The following are exempt from the provisions of this title unless otherwise specified:
- 1. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, and annexations;
- 2. Final plat approval pursuant to RCW 58.17.170;
- 3. Landmark designations;
- 4. Street vacations;
- 5. Street use permits; and

- 6. Pursuant to RCW 36.70B.140(2), administrative appeals, boundary line adjustments, lot combinations, right-of-way permits, plats, building permits, site development permits, sign permits, and other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or permits/approvals for which environmental review has been completed in connection with other project permits, except short plats, are excluded from the following procedures: a. Determination of completeness;
- b. Notice of application;
- c. Optional consolidated project permit processing;
- d. Joint public hearings;
- e. Staff reports;
- f. Notice of decision: and
- g. Time limitations.

# 22.05.040 Preapplication Options requirements.

A. Technical Review Conference. The technical review conference is an optional process designed to define those items of Department review which, if not addressed at the conceptual plan stage, might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a project permit will discuss the conceptual plan for the proposed project and the City's regulatory process. A technical review conference may be scheduled at the request of the applicant.

B. Preapplication Meeting. The preapplication meeting may be held with between Department staff and a potential applicant for a Type II or Type III permit to discuss the application submittal requirements and pertinent fees. A preapplication meeting is recommended prior to submittal of an application for most types of Type III permits.

C. Community Meeting. For Type III permits, following the preapplication meeting and before submitting an application, the applicant shall conduct a community meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the community meeting shall be made by the applicant by sending a written notice, addressed through the United States mail, to the City's designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notice of the community meetings shall be given at least 14 days prior to the meeting. Additional notice shall be given in accordance with UPMC 22.05.060(C). Community meetings are not required for variances or, when waived by the Director, for Type III permits which do not abut or have an impact on residential properties.

# 22.05.050 Complete applications.

A. Form and Content. The Department shall prescribe the form and content for complete applications made pursuant to this title.

- B. Checklist for Complete Application. Applications shall be considered complete when the Department determines that the application materials contain or demonstrate the following:
- 1. The correct number of completed Department master and supplemental application forms signed by the applicant;

- 2. The correct number of documents, plans or maps identified on the department submittal standards form which are appropriate for the proposed project;
- 3. A completed State Environmental Policy Act (SEPA) checklist, if required; and
- 4. Payment of all applicable fees-; and
- <u>5. The proposed project is generally consistent with the City's development regulations and comprehensive plan in consideration of:</u>
- a. The type of land use;
- b. The level of development, such as units per acre or other measures of density;
- c. Infrastructure, including public facilities and services needed to serve the development; and
- d. The characteristics of the development, such as development standards and guidelines.
- C. Time Limitations.
- 1. Within 28 days after receiving a project permit application, the Department shall provide a written determination to the applicant, stating either:
- a. The application is complete; or
- b. The application is incomplete and what information is necessary to make the application complete.
- 2. Within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.
- 3. An application shall be deemed complete if the Department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.
- 4. When the project permit is complete, the Department shall accept it and note the date of acceptance.
- 5. An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- D. Initiation of Review Process. The Department shall not start the review process of any application until the application is deemed complete.
- E. Incomplete Applications. Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information identified in the notice of incomplete application has not been received by the Department within 120 days from the application submittal date, then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be

granted by the Director when applicants can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120-day time period.

- F. Waiver of Requirements. The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.
- G. Modifications. Proposed modifications to an application which has been deemed complete by the Department will be treated as follows:
- 1. Modifications proposed by the Department to a pending application shall not be considered a new application; and
- 2. Modifications proposed by the applicant to a pending application which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.
- H. Filing Fees. The schedule of fees for development permits is established in a separate City resolution.
- I. Additional Application Requirements. In the interest of public health, safety or welfare, or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.

# 22.05.060 Notice of application.

- A. Notice of Application.
- 1. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notices for home occupation applications will be sent to only those property owners abutting the property lines of the subject property for single-family and duplex dwellings, and to apartment managers and/or owners for multifamily dwellings. Such notice shall be mailed not more than 14 working days from the determination of a complete application. Parties receiving notice shall be given at least 14 days, from the mailing date, to provide any comments to the Department.
- 2. Within the Chambers Creek Properties Overlay (CCPO) the County will assume responsibility for mailing the required notices for SEPA and other permits. The City will transmit electronically to the County the notice to be printed and distributed by US post and/or e-mail. The public notice will be provided to the City; designated neighborhood advisory committee chairpersons; and all property owners of record within a radius of 1,000 feet, but not less than two parcels deep, around the exterior boundaries of the CCPO. A copy of the mailing/distribution list, along with an affidavit of mailing, will be provided to the City for official record.
- B. Content of Notice of Application. At a minimum, public notice documents shall contain the following information:

- 1. The name and address of the applicant and/or agent;
- 2. The subject property location;
- 3. A description of the proposed project and a list of the project permits included in the application, and, if applicable, a list of studies requested under RCW <u>36.70B.070</u> or <u>36.70B.090</u>;
- 4. A list of existing environmental documents that evaluate the proposed project and a location where such documents can be reviewed;
- 5. A preliminary determination, if available, of the applicable development regulations that will be used for project mitigation and of consistency with land use plans, policies and regulations:
- 6. The date of application, the date of the notice of completion of the application and the date of the notice of the application;
- 7. The written determination shall, to the extent known by the City, identify the local, State, and/or Federal government agencies that may have jurisdiction over some aspects of the application;
- 8. A list of other permits not included in the application, to the extent known by the City;
- 9. The time periods for submitting comments. Comments shall be due not less than 14 days nor more than 30 days following the date of notice of application, include a statement of the rights of any person to comment on the applications, receive notice of, participate in any hearings and request a copy of the decision once made. All public comment on the notice of application must be received by the Department by 5:00 p.m. on the last day of the comment period;
- 10. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least 14 days prior to the hearing;
- 11. A right to appeal statement; and
- 12. A Department contact and telephone number.
- C. Public Notice Provisions. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.
- D. Shoreline Use Regulations Notice. The following exceptions apply to notice of shoreline use regulations permits:
- 1. Comments may be submitted within 20 days of the last date of the published notice. Each person responding to such notice shall receive a decision;
- 2. Notice of a hearing on shoreline use regulation permits shall include a statement that any person may submit oral or written comments on an application at the hearing; and
- 3. The public may obtain a copy of the decision within two days following issuance (RCW 90.58.140), and the notice must state the manner in which the public may obtain a copy of the decision.
- E. Determination of Significance. If a determination of significance has been made prior to the notice of application, the notice of application shall be combined with the determination of

significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

F. Determinations and Decisions. Except for a determination of significance, the City shall not issue a threshold determination, nor issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.

#### 22.05.070 Time periods.

A. The Director or Examiner shall issue a notice of decision on a project permit within 120 days after the Department notifies the applicant that the application is deemed complete. The following time periods shall be excluded from the 120-day time period requirement:

- 1. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information, and a period of up to 14 days after the submittal of such to determine if the information satisfies the request;
- 2. Any period during which an environmental impact statement (EIS) is being prepared in accordance with State law following a determination of significance pursuant to Chapter 43.21C RCW:
- 3. Any period during which, at the applicant's request, a proposal undergoes the optional Planning Commission design review process pursuant to UPMC 19.50.050.
- 4. Any period for administrative appeals; and
- 5. Any extension of time mutually agreed upon in writing between the applicant and the Department.
- B. The 120-day time period established above shall not apply in the following situations:
- 1. If the permit requires an amendment to the Comprehensive Plan or a development regulation; or
- 2. If the permit requires approval of the siting of an essential public facility; or
- 3. If there are substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete; or
- 4. If the application is for a subdivision, then the timelines set in Chapter 58.17 RCW shall apply.
- C. The applicant shall designate a single person or entity to receive determinations and notices required by this title.
- D. If the City is unable to issue its final decision within the time limits provided for, the City shall provide written notice to the applicant stating the reasons why the time limits have not been met, including an estimate of the date for issuance of the notice of final decision.

#### 22.05.080 Notice of decision.

The City shall provide a notice of decision that includes a statement of any threshold determination and the procedures for administrative appeal. The notice of decision may be a copy of the report or the decision on the project permit application. The notice shall be provided

to the applicant and any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application.

# 22.05.090 Consistency with development regulations and SEPA/consolidated permit review.

A. During any project permit application review, the City shall determine whether the items in this subsection are defined in the development regulations applicable to the proposed project. In the absence of development regulations, the City shall determine whether the items listed in this subsection are defined in the City's adopted Comprehensive Plan. This determination of consistency shall include the following:

- 1. The type of land use permitted at the site, including uses that may be allowed under special circumstances, if the criteria for the approval have been satisfied;
- 2. The level of development, such as density of residential development, floor area ratios, or maximum floor areas; and
- 3. Character of the development and development standards.
- B. The City shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter <u>43.21C</u> RCW, the SEPA rules, Chapter <u>197-11</u> WAC and the City environmental regulations, Chapter <u>17.40</u> UPMC, and shall:
- 1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
- 2. Determine if the applicable regulations require measures that adequately address such environmental impacts;
- 3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures; and
- 4. Provide prompt and coordinated review by governmental agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan and development regulations level.
- C. In its review of the project permit application, the City may determine that the requirements for environmental analysis, protection, and mitigation measures in the applicable development regulations, Comprehensive Plan, and or other applicable local, State, or Federal laws provide adequate analysis of, and mitigation for, specific adverse environmental impacts of the application.
- D. A comprehensive plan, development regulation or other applicable local, State, or Federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impact of an application when:
- 1. The impacts have been avoided or otherwise mitigated; or
- 2. The City has designated or accepted certain levels of service, land use designations, development standards, or other land use planning required or allowed by Chapter <u>36.70A</u> RCW.

- E. If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation described in subsection (B) of this section, the City shall not impose additional mitigation under SEPA during project review.
- F. In its decision whether the specific adverse environmental impact has been addressed by an existing rule or laws of another agency with jurisdiction and with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making a deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.
- G. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws as provided by Chapter 43.21C RCW.
- H. The City shall also review the application under Chapter 17.40 UPMC.
- I. During project review, the City shall not re-examine alternatives to, or hear appeals on, the items identified in subsection (A) of this section, except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details or site plans, curb cuts, drainage swells, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.
- J. Within the Chambers Creek properties overlay (CCPO) the County and City will act as joint co-lead agencies for determining SEPA compliance and mitigation for projects covered by the master site plan. When the majority of the project (i.e., largest land area) is located within the City, then the City shall be the nominal lead agency for SEPA. As nominal lead agency, the City will be responsible for coordinating SEPA review with the other parties and any other appropriate agency or entity for the issuance of threshold determinations and conducting subsequent environmental review. The City will also be responsible for ensuring compliance with environmental review notification procedures.

# 22.05.100 Exemptions from project permit application processing.

A. Whenever a permit or approval in this code has been designated as a Type I, Type II or Type III permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:

- 1. Landmark designations;
- 2. Street vacations;
- 3. Street use permits;
- 4. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, development agreements associated with legislative decisions, and annexations; and
- 5. Final plat approval pursuant to RCW 58.17.170.

- B. Pursuant to RCW 36.70B.140(2), Type I and Type II project permits that are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or for which environmental review has been completed in connection with other project permits, except short plats, are exempt from the following procedures:
- 1. Determination of completeness;
- 2. Notice of application;
- 3. Optional consolidated project permit review processing;
- 4. Joint public hearings;
- 5. Single staff report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;
- 6. Notice of decision; and
- 7. Time periods.

# 22.05.100 Permit conditions.

A. Time Limitations. Within a period of two years following the approval of a special use permit or preliminary development plan by the Examiner, the applicant shall file with the Community Development Department a final development plan. Unless extended, if no final development plan is filed within the time limits specified, the approval shall be void.

- B. Extensions. The expiration time period for filing final development plans may be extended in the following situations:
- 1. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond his/her control to cause delay in the project, the time period may be extended by one year.
- C. Compliance with Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties.

#### 22.05.120 Appeals of administrative decisions.

A. Time Limit. Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the City affected by a decision of an administrative official in the administration of enforcement of this code. Such appeals shall be filed in writing on forms available at the City in duplicate with the <a href="CommunityPlanning and">CommunityPlanning and</a> Development <a href="Services">Services</a> Department within 14 days of the date of the action being appealed. Appeals must be accompanied by a fee set by a separate fee resolution.

#### **Chapter 22.25 Amendments**

#### Sections:

22.25.010 Purpose.

22.25.020 Development regulation and zoning map amendments.

22.25.030 Legislative amendments.

22.25.040 Quasi-judicial rezones.

#### 22.25.010 Purpose.

This title and the official zoning map may be amended whenever required by public necessity, convenience or welfare. The purpose of this chapter is to establish authority and procedure for such amendments.

## 22.25.020 Development regulation and zoning map amendments.

A. Amendments. This chapter provides the method for amending the text and tables of the City's development regulations and the zoning map. Development regulations include zoning, subdivision, shoreline master program, critical areas, buildings and construction, public works, and other municipal code provisions that regulate the use and development of land.

Amendments to development regulation text and tables are legislative amendments. In addition, changes to the zoning map that are Citywide, area-wide, or have area-wide significance are legislative amendments. All other site-specific map amendments (or "rezones") are quasi-judicial amendments. Legislative and quasi-judicial amendments shall be processed as provided in this chapter. Quasi-judicial rezones shall be consistent with the land use designations in the City's Comprehensive Plan.

- B. Rezones Versus Redesignations. A rezone shall mean the change of a zone classification on the City's zoning map and is subject to the provisions of this chapter. A redesignation is a change of a Comprehensive Plan land use designation and is subject to the provisions contained in UPMC Title 16. When a proposal requires both a redesignation and a rezone, the following shall apply:
- 1. A redesignation and a legislative rezone may be conducted in phases or concurrently, provided final action is first taken on the redesignation.
- 2. A redesignation and a quasi-judicial rezone may be conducted in phases, or they may be conducted concurrently provided final action is first taken on the redesignation and further provided the applicant submits a written waiver of the deadline for issuance of a final decision of the rezone, which is 120 days from the city making a determination that a project permit application is complete.
- C. Any interested person, including applicants, citizens, City Council, Planning Commission, Hearings Examiners, City staff, or staff of other agencies, may request amendments to development regulations or zoning map.
- D. Application Required. For the purpose of advising and informing an applicant of the procedural requirements and to ensure that an application is in satisfactory form, the department may encourage applicant attendance at a preapplication conference.
- 1. The department shall provide the application forms and submittal requirements for amendments.
- 2. No amendment shall be processed until the Director determines that the information necessary to review and decide upon the amendment is complete.
- 3. An application fee may be required, adopted by separate resolution.

#### 22.25.030 Legislative amendments.

- A. Amendments. Amendments to development regulation text and tables and rezones of areawide significance are legislative actions and shall be considered by the City Council following review and recommendation by the Planning Commission.
- B. Requests Docket. Requested legislative amendments shall be docketed and considered by the Planning Commission and City Council at least on a biannual basis, consistent with the provisions of Chapter 36.70A RCW.
- C. Staff Report. The Director shall prepare a written report on each legislative amendment pending before the Planning Commission. The report shall be provided to the Planning Commission and any parties of record before the public hearing. Each report shall contain:
- 1. Any proposed factual findings of the City department proposing the amendment;
- 2. Any comments from City departments, agencies, districts and other interested parties;
- 3. The environmental assessment or copy of any environmental determination or final environmental impact statement; and
- 4. The department's recommendations on the amendment.
- D. Public Hearing Required by Planning Commission. The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any amendment. Alternatively, the Planning Commission may hold a joint public hearing with the City Council.
- E. Recommendation by Planning Commission. Each determination recommending a legislative amendment shall be 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;
- 2. That the proposed amendment is in the best interest of the citizens and property owners of the City;
- 3. That the proposed amendment enhances the public health, safety, comfort, convenience, or general welfare;
- 4. For rezone requests, that the proposed amendment to the zoning map is consistent with the scope and purpose of UPMC Title 19, and the description and purpose of the zone classification applied for;
- 5. For rezone requests, that there are sufficient changed conditions since the previous zoning became effective to warrant the proposed amendment to the zoning map;
- 6. For rezone requests, that the proposed amendment to the zoning map will not be materially detrimental to uses in the vicinity in which the subject property is located.
- F. Adoption by the City Council. Following receipt of the Planning Commission's recommendation, the City Council may hold additional public hearings at its discretion.
- G. Should the City Council agree to an amendment to the development regulations and/or zoning map, such amendments shall be adopted by ordinance.

### 22.25.040 Quasi-judicial rezones.

- A. A quasi-judicial rezone application shall require a specific development proposal for the subject property with sufficient detail to enable the City to evaluate the applicant's proposal for conformance with the applicable criteria and to adequately condition the rezone request to protect the public interest if appropriate. In addition, the Director may require the applicant to participate in a meeting to inform citizens about the proposal.
- B. An application for a quasi-judicial rezone shall be processed in accordance with UPMC Title 22, Administration of Development Regulations, except that the decision of the Hearings Examiner shall not be final, but shall be a recommendation to the City Council.
- C. Public Hearing. The Hearings Examiner shall hold an open record public hearing on each application. Any person may participate in the hearing by submitting written comments or making oral comments at the hearing.

# D. Decision Criteria.

- 1. The Hearings Examiner shall recommend approval or approval with conditions or modifications if the applicant has demonstrated that the proposal complies with the decision criteria set forth in this section.
- 2. The applicant carries the burden of proof and must demonstrate that the criteria are met by a preponderance of the evidence.
- 3. If the criteria are not met, the Hearings Examiner shall recommend denial of the application.
- 4. Criteria. All criteria must be met in order for an application to be approved. The applicant must demonstrate the following:
- a. The proposed rezone is in the best interest of the residents of the City;
- b. The proposed rezone is appropriate because either:
- i. Conditions in the immediate vicinity of the subject property have so significantly changed since the property was given its present zoning that, under those changed conditions, a rezone is within the public interest; or
- <u>ii. The rezone will correct a zone classification or zone boundary that was inappropriate when</u> established;
- c. The proposed rezone is consistent with the Comprehensive Plan;
- d. The proposed rezone is consistent with all applicable provisions of UPMC Title 19, including any specific design criteria;
- e. The proposed rezone will promote, rather than detract from, the public health, safety, and welfare;
- f. The site plan of the proposed project is designed to minimize all significant adverse impacts on other properties;
- g. The site plan is designed to minimize impacts upon the public facilities, services and utilities;
- h. The proposal is compatible with the uses and zoning of surrounding properties;

- i. If applicable, that there is a means of developing, preserving, and maintaining open space; and
- j. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced.
- E. Recommendation by the Hearings Examiner. After considering all of the information submitted on the matter, the Hearings Examiner shall issue a written recommendation to the City Council setting forth the Examiner's findings, conclusions and recommendation. The recommendation shall include the following:
- 1. A statement of facts presented to the Hearings Examiner that supports his or her recommendation, including facts supporting any conditions and restrictions that are recommended.
- 2. A statement of the Hearings Examiner's conclusions based on those facts.
- 3. A statement of the criteria used by the Hearings Examiner in making the recommendation.
- 4. Any conditions, restrictions, and modifications that the Examiner determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the requested rezone.
- F. Distribution of Written Recommendation. The Director shall distribute copies of the recommendation of the Hearings Examiner to the applicant, each person who submitted written or oral testimony at the public hearing, and the City Council. The Director shall include a draft resolution or ordinance that embodies the Hearings Examiner's recommendation with the copy of the recommendation sent to each City Council member.

#### G. City Council Action.

- 1. Time for Consideration. The City Council shall consider and take final action on the application at a public meeting and issue a decision within 120 days of the City making a determination that the application is complete. This time period may be extended upon written agreement of the Director and the applicant pursuant to RCW 36.70B.080(3). 2. Closed Record Hearing. The City Council review and consideration of the rezone application shall be conducted as a closed record hearing and shall be limited to the record of the hearing before the Hearings Examiner, the Hearings Examiner's written recommendation, and comments received during the closed record hearing. No new evidence or information may be presented at the closed record hearing.
- 3. Argument. Persons entitled to participate in the closed record hearing are limited to parties of record in the open record hearing. Arguments made at the hearing must be limited to the information contained in the record developed by the Hearings Examiner and must specify the specific findings or conclusions disputed, if any, and the relief requested from the City Council.
- 4. Burden of Proof. The applicant carries the burden of proof and must demonstrate to the City Council that the decision criteria are met by a preponderance of the evidence. If the criteria are not met, the City Council shall deny the application.
- 5. City Council Decision. The City Council shall review the Hearings Examiner's recommendation for compliance with the review criteria set forth in this chapter. After consideration the City Council may remand the application to the Hearings Examiner to reopen the hearing for additional evidence and supplementary findings and conclusions, or further

actions as directed. If not remanded or after remand, the City Council shall, by ordinance approved by a majority of the total membership, take one of the following actions:

- a. Approve the application;
- b. Approve the application with modifications or conditions; or
- c. Deny the application.
- 6. Conditions and Restrictions. The City Council shall include in an ordinance granting the rezone any conditions and restrictions it determines are necessary to meet the decision criteria or to eliminate or minimize any undesirable effects of granting a rezone. Any conditions, modifications and restrictions that are imposed shall become part of the decision.
- 7. Findings of Fact and Conclusions. The City Council may adopt by reference some or all of the findings and conclusions of the Hearings Examiner. The City Council shall include in the ordinance:
- <u>a.</u> A statement of the facts that support the decision, including the facts that support any new conditions, restrictions, or modifications that are imposed;
- b. A development agreement between the applicant and the City as a condition of the rezone, if warranted. Such agreement may impose development conditions designed to mitigate potential impacts of the rezone and the development:
- c. The City Council's conclusions based on its finding of facts.
- 8. Effect. The decision of the City Council on an application is the final decision of the City.
- H. Minor Modifications. Subsequent to the adoption of the ordinance, the applicant may apply for a minor modification to a site plan approved as part of that ordinance. The Director shall review applications for a minor modification. The Director may approve a minor modification only if the Director finds that:
- 1. The change will not result in reducing the landscaped area, buffer areas, or the amount of open space on the project by more than five percent;
- 2. The change will not result in increasing the residential density;
- 3. The change will not result in increasing gross floor area of the project by more than five percent;
- 4. The change will not result in any structure, or vehicular circulation or parking area being moved more than 10 feet in any direction and will not reduce any required yard;
- 5. The change will not result in any increase in height of any structure;
- 6. The change will not result in a change in the location of any access point to the project;
- 7. The change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project; and
- 8. The change will not modify the intent of any condition.
- I. Major Modifications. If the applicant seeks a modification to the approved site plan that does not meet the requirements of a minor modification, the applicant may propose a major

modification by submitting an application for a quasi-judicial project-related rezone. The City will process such application in the same manner as an application for a new quasi-judicial project-related rezone.

- <u>J. Expiration. Unless otherwise addressed in a development agreement pursuant to Chapter</u> 22.30 UPMC:
- 1. The applicant must begin construction, or submit to the City a complete building permit application for the development activity, use of land, or other actions approved under this chapter, within two years after the final City decision on the matter is issued. Failure to do so shall render the City approval of the applicant's proposal void, and the zoning of the subject property shall revert to its original zoning; provided, however, the City Council, upon a showing of good cause, may extend the time limits contained herein.
- 2. The applicant must substantially complete construction of the development activity, or use of land, or other actions approved under this section and complete all applicable conditions of approval within five years after the final City decision on the matter is issued. Failure to do so shall render the City approval void.
- 3. If litigation is initiated, the time limits of this section shall be automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, use of land, or other action approved under this chapter includes phased construction, the time limits of this subsection may also be extended at the discretion of the Director.
- K. Time Extension. Unless otherwise addressed in a development agreement pursuant to Chapter 22.30 UPMC, at least 30 days prior to the lapse of approval for a project-related rezone, the applicant may submit an application in the form of a letter with supporting documentation to the department requesting a one-time extension of the time limits set forth in subsection (J) of this section of up to one year. The request must demonstrate:
- 1. The applicant is making substantial progress on the development activity, use of land, or other actions approved under this chapter; and
- 2. That circumstances beyond the applicant's control prevent compliance with the time limits.
- L. Judicial Review. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to UPMC Title 22.

# Chapter 22.30 DEVELOPMENT AGREEMENTS

Sections:	
22.30.010	Authority.
22.30.020	General provisions of development agreements.
22.30.030	Enforceability.
22.30.040	Approved procedure for development agreements.
22.30.050	No deadline for final decision, form of agreement, term, recordation.
22.30.060	Judicial appeal.
22.30.070	No retroactive effect.

#### **22.30.010 Authority.**

The City may enter into a development agreement with a person having ownership or control of real property within the City limits. The City may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement.

## 22.30.020 General provisions of development agreements.

- A. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with the applicable policies and goals of the comprehensive plan and all applicable development standards adopted by the City pursuant to State law. For the purposes of this section, "development standards" includes, but is not limited to:
- 1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
- 2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
- 3. Mitigation measures, development conditions and other requirements of State law;
- 4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features;
- 5. Provisions for affordable housing, if applicable;
- 6. Parks and common open space preservation;
- 7. Review procedures and standards for implementing decisions;
- 8. Phasing, if applicable;
- 9. A build-out or vesting period for applicable standards; and
- 10. Any other appropriate development requirement or procedure.
- B. The execution of a development agreement is a proper exercise of city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

# 22.30.030 Enforceability.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the City after the execution of the agreement must be consistent with the development agreement.

#### 22.30.040 Processing procedure for development agreements.

A. Legislative Actions. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established in Chapter 16.10 UPMC.

- B. Project Permits. A development agreement associated with a project permit application shall be processed in accordance with the procedures established in Chapters 22.05 and 22.10 UPMC.
- 1. If the final decision on the underlying project permit application is made by the Hearings Examiner, then the Hearings Examiner shall consider both the project permit application and the proposed development agreement together during the public hearing. The Hearings Examiner shall make a recommendation to the Council on the development agreement and the Examiner's decision on the underlying project permit application shall be held in abeyance until the City Council considers the proposed development agreement in a public hearing. If the City Council approves the development agreement, the Council shall, by resolution or ordinance, authorize the Mayor to execute the development agreement on behalf of the City. At this point, the Hearings Examiner may then issue the final decision on the underlying project permit application. Nothing in this section obligates the Hearings Examiner to forward a recommendation to the City Council for further consideration if the Hearings Examiner denies the underlying project permit application.
- 2. If the final decision on the underlying project permit application is made by the City administrative staff, then City staff shall consider both the project permit application and the proposed development agreement together. City staff shall make a recommendation to the Council on the development agreement, and the City staff's decision on the underlying project permit application shall be held in abeyance until the City Council considers the proposed development agreement in a public hearing. If the City Council approves the development agreement, the Council shall, by resolution or ordinance, authorize the Mayor to execute the development agreement on behalf of the City. At this point, City staff may then issue the final decision on the underlying project permit application. Nothing in this section obligates City staff to forward a recommendation to the City Council for further consideration if City staff denies the underlying project permit application.
- 3. If a final decision on an underlying project permit application has been previously made by the Hearings Examiner or City administrative staff and the application was approved, City staff shall make a recommendation to the Council on the development agreement. A public hearing shall be held on the development agreement and if approved, the Council shall authorize the Mayor, in a resolution or ordinance, to execute the development agreement on behalf of the City.

## 22.30.050 No deadline for final decision, form of agreement, term, recordation.

A. Development agreements are not "project permit applications" as defined in State law. Therefore, there is no deadline for processing a development agreement. If an applicant requests that the City execute a development agreement as part of its approval of a project permit application, the applicant must first sign a written waiver of the deadline for issuance of a final decision of the project permit application.

B. Form. No development agreement shall be presented to the decision-making body unless in a form approved by the City Attorney. Every development agreement shall be signed by the property owner and all other parties with a substantial beneficial interest in the property that is the subject of the development agreement, prior to any public hearing held for the purpose of authorizing execution of the development agreement.

#### C. Term.

- 1. Unless a longer term is specified in the development agreement, such agreements shall have a maximum term of five years.
- 2. In determining the appropriate term for a development agreement, the City Council should consider the type, size and location of the development and phasing if proposed.
- 3. Extensions. Unless extensions are provided for in the development agreement one-time extension for up to five years may be requested if authorized in the development agreement. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration. All extension requests shall be reviewed by the City Council after a public hearing on the request, unless another process is expressly provided for in the development agreement.
- D. Recordation. A development agreement shall be recorded against the real property records of the Pierce County Assessor's Office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the City.

#### 22.30.060 Judicial appeal.

If the development agreement relates to a project permit application, the provisions of State law shall apply to the appeal of the decision on the development agreement.

# 22.30.070 No retroactive effect.

This chapter does not affect the validity of any development agreement, contract rezone, concomitant agreement, annexation agreement, or other agreement in existence prior to its effective date, or adopted under separate authority, which includes some or all of the development standards provided in section 22.30.020 of this chapter.

# Ordinance No. 688 Exhibit D

# **Title 23 Telecommunications Amendments**

#### **Chapter 23.05 Telecommunications**

#### 23.05.080 Penalties.

A. Criminal Penalties. Any person found violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this title shall be guilty of a misdemeanor. Upon conviction, any person violating any provision of this title shall be subject to a fine of up to \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment. A separate and distinct violation shall be deemed committed each day on which a violation occurs or continues.

B. Civil Penalties. Any person who fails to comply with the provisions of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues.

C. 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.

#### 23.05.090 Other remedies.

Nothing in this title shall be construed as limiting any other remedies that the City may have, at law or in equity, for enforcement of this title.

# Chapter 23.45 Wireless Communications Facilities For Persons And Government 23.45.020 Definitions.

For the purpose of this title, the following terms shall have the meaning ascribed to them below:

"Abandonment" means: (1) to cease operation for a period of 60 or more consecutive days; (2) to reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days; (3) to relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

"Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced specialized mobile radio" and "personal communications services," telecommunications services, and its attendant base station.

"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped

grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

"Applicant" means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City.

"Balloon test" means a test for a reasonable period of time, not less than three consecutive workdays, whereby a balloon of sufficient size to replicate the size of the top of a proposed tower and antenna array is tethered to the ground at the location of the proposed base for a pending new tower application and the balloon is suspended at the height that replicates the height of the proposed tower and antenna array. No trees shall be removed to conduct the balloon test.

"Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.

"Cell site" or "site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

"City center area" means a circular area extending 700 feet in radius from the center of the intersection of 40th Street West and Bridgeport Way West, together with a rectangular area extending 450 feet east and west from the centerline of Bridgeport Way between 35th Street West and 44th Street West.

"Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

"Conditional use permit" or "CUP" means a process and approval as described in UPMC Title 22, Administration of Development Regulations, and in the UPMC Title 19, Zoning.

"COW" means "cell on wheels."

"Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.

"EIA" means the Electronics Industry Association.

"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

<u>"Eligible facilities request" means any request for facility modification of an existing wireless</u> tower or base station that involves:

- 1. Collocation of new transmission equipment;
- 2. Removal of transmission equipment; or
- 3. Replacement of transmission equipment.

"FAA" means the Federal Aviation Administration.

- "FCC" means the Federal Communications Commission.
- "Facility modification" means any modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.
- "Governing authority" means the City Council of the City of University Place.
- "Governmental entity" means the State of Washington, Pierce County, the City, municipally owned utilities, and special purpose districts including the school, fire and library districts.
- "Hearings Examiner" means the duly appointed Hearings Examiner of the City.
- "Modification" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.
- "Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:
- 1. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.
- 2. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
- 3. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
- "Personal wireless service," "personal wireless service facilities," and "facilities" used in this title shall be defined in the same manner as in 47 U.S.C. 332(c)(7)(C), as they may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.
- "Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual that provides personal wireless service over personal wireless service facilities.
- "Public facility permit" or "PFP" means a process and approval as described in UPMC Title <u>22</u>, Administration of Development Regulations, and in the UPMC Title <u>19</u>, Zoning.
- "Screening" means a personal wireless telecommunications facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 75 percent of the height of the facility.
- "Secondary use" means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.
- "Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.
- "Substantially change" means to increase the height of an existing wireless tower by more than 10 percent, or by a height exceeding 20 feet, whichever is greater.
- "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or

monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

"Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.

# 23.45.080 Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

- A. Place antennas and towers on public property if practical.
- B. Place antennas on appropriate rights-of-way and existing structures, such as buildings, towers, <u>and</u> water towers in the <u>MU, MU-O, MU-M, NC, CC, TC and LI-BP light industrial-business park, mixed use, mixed use office, neighborhood commercial and commercial-zones.</u>
- C. Place antennas and towers in districts zoned the LI-BP zonelight industrial business park.
- D. Place antennas and towers in <u>theareas zoned MU, MU-O, MU-M and NC zones mixed use</u> office, mixed use, neighborhood commercial, and commercial on properties <u>that</u>which do not adjoin or adversely impact residential neighborhoods.
- E. Place antennas and towers on other nonresidential property.
- F. Place antennas on multifamily residential structures exceeding 30 feet in height.
- G. Place antennas and towers in the <u>CC and TC town center</u>-zones on properties that which do not adjoin or adversely impact residential neighborhoods.
- H. Place antennas and towers in R1<u>, and R2</u>, MF-L and MF-H residential zones or the MF multifamily zone (1) only if locations are not available on existing structures or in nonresidential districts; and (2) only on or in existing churches, parks, schools, gun clubs, cemeteries, <u>or</u> utility facilities, <u>or appropriate public facilities</u>.
- 1. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.
- 2. Applicants are required to demonstrate that they: (i) have contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.
- 3. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.
- 4. A conditional use or public facility permit is required for all personal wireless facilities located in an R1, R2 or MF zone.

#### 23.45.100 Required submittals and testing.

Required submittals include:

- A. Applications for conditional use permit, public facility permit, administrative use permit, or building permit. A balloon test is required for any wireless facility that needs a conditional use or public facility permit;
- B. The balloon test shall be conducted prior to the hearing on the permit application. The purpose of the balloon test is to enable the applicant, abutting and neighboring property owners, and the city to better understand the height and visual impact of the proposed tower and antenna array and to provide useful evidence for consideration before the hearings examiner on the permit application. A balloon test is also required when an application proposes to add 20 feet or more to the height of an existing wireless facility;
- C. Other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of UPMC Title <u>22</u>, Administration of Development Regulations, and other applicable ordinances;
- D. If a balloon test is not required then a photo-simulation of the proposed facility from affected residential properties and public rights-of-way at varying distances must be provided. If a balloon test is required, then photos of the balloon test from six locations located approximately 300 feet from the base of the proposed tower and spaced evenly around the proposed tower shall be submitted within two weeks after the commencement of the balloon test;
- E. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility;
- F. A signed statement indicating that (1) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location, and (2) the applicant and/or landlord agree to remove the facility within 60 days after abandonment;
- G. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
- H. A site plan clearly indicating the location, type and height of the proposed tower or antenna support structure and antenna, accessory buildings, fencing, landscaping, other on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and all other items required in this chapter;
- I. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city;
- J. Legal description of the parcel, if applicable;
- K. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

- L. A landscape plan showing specific landscape materials;
- M. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination:
- N. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
- O. A statement by the applicant that the design of the tower will accommodate co-location of additional antennas for future users;
- P. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;
- Q. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC; and
- R. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city.

#### 23.45.110 Co-location.

To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities on existing or new towers is encouraged as follows:

- A. Proposed facilities may, and are encouraged to, co-locate onto existing towers.
- B. The conditional use or public facility permit requirement for a facility will be waived in nonresidential zones if the applicant locates the antenna on an existing structure or an existing tower unless additional height requires a conditional use permit. Any co-location must be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this chapter.

The applicant must submit detailed plans to the <u>community planning and</u> development <u>services</u> <u>departmentdirector</u> for an administrative use permit to determine if the conditional use <u>or public facility</u> permit process and public hearing can be waived. No building permit will be issued until approval is granted by an administrative use permit or conditional use <u>or public facility</u> permit.

- C. The city may deny an application to construct new facilities if the applicant has not shown by substantial evidence that it has made a diligent effort to mount the facilities on an existing structure or tower.
- D. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for technical or physical reasons.
- E. Unless co-location is not feasible: (i) an applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower. A first right-of-refusal (which is either executed or maintained while the providers personal wireless facilities and services are in use) to lease the area at the base of the tower or mount for other providers will meet the reservation requirement; and (ii) the site plan for towers in excess of 100 feet above ground level must propose space for two comparable providers, while the site plan for towers 100 feet or less must propose space for one comparable provider.

- F. All personal wireless service providers or lessees or agents thereof shall cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city manager may require a third party technical study, at the expense of either or both parties, to resolve the dispute.
- G. While co-location and the requirements herein are encouraged, co-location shall not take precedence over the construction of shorter towers with appropriate screening.

# 23.45.120 Design criteria.

- A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.
- B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- 1. Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In R1, R2, MF-L and MF-H-or multifamily zones or where a proposed tower is on property abutting a residential use, towers shall be set back from all property lines a distance equal to 100 percent of tower height as measured from ground level. However, if there are unusual geographical limitations or if better screening can be achieved, setbacks may be reduced at the city's discretion. All towers shall be set back a minimum of 30 feet. When making a discretionary decision to reduce setbacks, considerations shall include by way of illustration and not limitation:
- a. Impact on adjacent properties;
- b. Alternative sites for personal wireless facilities; and
- c. The extent to which screening and camouflaging will mitigate the effects of the personal wireless facilities.
- 2. Right-of-Way Setback Exception. The setback requirement is waived if the antenna and antenna support structure are located in the city right-of-way provided antenna is attached to an existing utility pole and does not increase the height of the utility pole and/or extend above the utility pole by more than 10 feet. Wireless facilities attached to utility poles are only permitted in the MU, MU-O, MU-M, NC, CC, TC and LI-BPlight industrial-business park, mixed use, mixed use-office, neighborhood commercial and commercial zones subject to license or franchise agreements with the city.
- 3. Tower and Antenna Height. The applicant shall have the burden of demonstrating that the tower and antenna is the minimum height required to meet the proven communications need. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount together with antenna shall exceed 60 feet in residential-R1, R2, MF-L, MF-H, POS or TC or multifamily zones or 110 feet in the MU, MU-O, NC, CC and LI-BPlight industrial-business park, commercial, neighborhood commercial, mixed use, mixed use-office and town center zones. Towers or mounts and antenna shall not exceed the height limits specified in UPMC 19.45.100 and UPMC 19.45.110 in the MU-M zone.60 feet in the city center area.
- 4. Tower Separation. In no case shall towers be located closer than 500 feet from another tower whether it is owned or utilized by applicant or another provider, unless the city designates areas where multiple towers can be located in closer proximity.

- 5. View Corridors. Due consideration shall be given so that placement of towers, antennas, and personal wireless service facilities do not obstruct or significantly diminish views from public areas of Mt. Rainier, Puget Sound or the Olympic Mountains.
- 6. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
- 7. Signs. No signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.
- 8. Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance that is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.
- 9. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip.

# 10. Landscaping.

- a. Landscaping. Landscaping, as described herein, shall be required to buffer personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.
- b. Buffers. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.
- i. A row of evergreen trees a minimum of six feet tall at planting a maximum of six feet apart shall be planted around the perimeter of the fence.
- ii. A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.
- iii. To guarantee required landscaping the applicant shall provide the city with an <u>36</u>18-month landscape maintenance guarantee in accordance with UPMC <u>19.65.230(B)</u>.
- iv. In the event that landscaping is not maintained at the required level after the 18-month landscape guarantee period, the City after giving 30 days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.
- 11. Screening. Screening, camouflaging or otherwise integrating a telecommunications facility into existing structures on the site in order to make the facility as visually unobtrusive as possible shall take priority over increased height to accommodate co-location. A personal

wireless telecommunications facility shall be integrated through location and design to blend in with the existing "character" (as defined in Chapter 19.10 UPMC) of the site so as to be visually unobtrusive or screened. To be considered screened, the tower or mount shall be placed amongst and adjacent to (within 20 feet) the drip line of three or more trees at least 75 percent of the height of the facility. To ensure the screening trees are preserved the following note shall be recorded on the property title:

All trees within 50 feet of the telecommunications facility located on this property, which serve to screen the telecommunications facility, shall be retained for the life of the telecommunications facility. Screening trees may only be removed if deemed diseased or dangerous by a certified arborist. Before any trees can be removed a report from the certified arborist shall be submitted to the City for review and approval. Unless approved by the City, only that portion of the tree required to remove the hazard can be removed.

- 12. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the City. Security fencing should be colored or should be of a design which blends into the "character" (as defined in Chapter 19.10 UPMC) of the existing environment.
- 13. Antenna Criteria. Antenna on or above a structure shall be subject to the following:
- a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.
- b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line, including parapets.
- c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
- d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.
- e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.
- f. The antenna and any accessory buildings must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
- g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the City, in the City's sole discretion.
- h. On buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:
- i. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

- ii. No portion of the antenna, base station or screening causes the building to exceed the maximum height allowed in the zone.
- iii. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
- iv. No portion of the antenna may exceed 16 feet above the height of the existing building.
- i. For antenna attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure, the antenna must be either:
- i. An omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; or
- ii. A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.
- iii. Antenna, antenna arrays, and support structures not on publicly owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.
- j. Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.
- k. If a proposed antenna is located on a building or a lot subject to a land use permit, approval is required prior to the issuance of a building permit.
- I. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.
- 14. Equipment Structures.
- a. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:
- i. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations, the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the City, in its sole discretion, may approve multiple equipment structures or one or more larger structures.
- ii. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other City ordinances.
- iii. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

- b. Roof Mounted. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted.
- c. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the City's sole discretion if co-location and an adequate screening structure is used.
- 15. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.
- 16. Building Codes Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the City may remove the tower at the owner's expense.
- 17. Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer that demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC RF Emission standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

18. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

#### 23.45.130 Permits required.

In addition to the other provisions of this chapter, the following permits are required unless otherwise stated: GA. Project permit review procedures are specified in UPMC Title 22, Administration of Development Regulations. The following table specifies the permits required

for the various types of personal wireless service facilities that meet the standards of this chapter.

Permit Table <sup>1</sup>					
Type of Use	Conditional Use <u>Permit</u> <sup>2</sup>	Administrative Use <u>Permit</u>	Building Permit Over Counter	Varianc e	
Towers ≤< 60 Feet in R1, R2, MF-L, MF-H, POS and TC Zones and Towers ≤ 65 Feet in MU-M Zone 32	X	×			
Towers ≤ 60 Feet in MU, MU-0, NC, CC, TC and LI-BP Zones		X			
Towers > 60 Feet in MU, MU-0, NC, CC, TC and LI-BP Zones	Х			<b>X</b> ⁴	
Towers > 110 Feet <sup>3</sup>	×			×	
Towers in R1, R2, and MF Zones <sup>5</sup>	X				
Antenna Mounted on Existing Antenna Support Structure with additional height ≤ 60 feet or ≤ the maximum height specified in UPMC 19.45.100 and UPMC 19.45.110. Mounted		Xe	<u>X³</u>		
Antenna Mounted on Existing Antenna Support Structure with additional height > 60 feet	X	9			
Antenna Mounted on Building Mounted			Х		
Co-Location, including "Eligible Facilities Request" pursuant to federal law		4	X	)	
Tower Modification ≤ 60 Feet		<u>X</u>			
Tower Modification > 60 feet	<u>X</u>	X <sup>€</sup>		<b>X</b> <sup>7</sup>	

# Notes:

<sup>&</sup>lt;sup>1</sup> Right-of-way and site development permits may also be required depending on type and location of facilities.

<sup>&</sup>lt;sup>2</sup>A public facility permit is required in public facility zones.

<sup>&</sup>lt;sup>3</sup>Towers must be located in a nonresidential zone.

<sup>&</sup>lt;sup>4</sup>In residential zones.

<sup>52</sup> Towers must be located on nonresidential property.

- <sup>3</sup> Antenna mounted on existing antenna support structure in the LI-BP, CC, NC, MU, MU-O, MU-M and TC zone at ≤ the maximum building height allowed in the zone may be permitted following building permit review and submittal of an affidavit of compliance with this chapter and other City regulations.
- <sup>6</sup>-If additional height above 60 feet is proposed, a conditional use or public facility permit is required <sup>7</sup>-For towers in excess of 110 feet in nonresidential zones.
- A. An administrative use permit is required for a tower or antenna support structure together with antenna 60 feet or less in height in the light industrial-business park, mixed use, mixed use office, town center, neighborhood commercial and commercial zones.
- B. A conditional use or public facility permit is required for any tower, antenna support structure and/or antenna located in an R1 orR2, public facility or multifamily zone.
- C. A conditional use permit or public facility permit is required for a tower, antenna support structure and/or antenna more than 60 feet in height, in all other zones.
- D. Antennas mounted on existing structures in the light industrial business park, commercial, neighborhood commercial, mixed use, mixed use office and town center zones which will not exceed the maximum building height allowed in the zone do not require an administrative use permit but may be permitted following an administrative review and submittal of an affidavit of compliance, with this chapter and other City regulations.
- EB. If a wireless facility is not greater than 1.5 cubic feet in size, has two or fewer antennas that are no more than two feet in length, and is attached to an existing electric, telephone or light pole at a height no lower than 15 feet above ground in nonresidential districts of the City, then only administrative use and building permit review are required. Such a facility shall not be subject to setbacks and screening requirements.
- **EC**. A variance from the height limit may be granted if the applicant can show by evidence that the additional height is necessary to provide adequate service to the residents of the City and no other alternative is available. When granting a variance the Examiner shall require that a significant portion of the of the tower and related facilities be screened by existing trees or existing structures. In the City center area, a variance may only be granted in extraordinary circumstances.
- 1. The purpose of this subsection is to provide a means of increasing the maximum height of tower and antenna in specific instances where the strict application of those limits would deprive a tower or antenna operator from achieving the minimum height required to meet the proven communications need.
- 2. The Examiner shall have the authority to grant a variance from the maximum height allowed for tower or antenna when, in his/her opinion, the conditions as set forth in subsection (FC)(3) 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 chapter.
- 3. Before a height variance can be granted, it shall be shown that the applicant demonstrates all of the following:
- a. That there is evidence that additional height is required to provide adequate service to the residents of the City and that no other alternative is available;
- b. That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that prevent the operator from achieving the minimum height required to meet the proven communications need:

- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity;
- d. That any visual impacts will be mitigated to the greatest extent possible using camouflage or screening, including but not limited to strategic placement next to existing buildings or vegetation or incorporation with architectural features of existing buildings or structures;
- e. That the location of the tower and antenna has been chosen so as to minimize the visibility of the facility from residentially-zoned land and to minimize the obstruction of scenic views from public properties; and
- f. That the variance is the minimum necessary to grant relief to the applicant.
- 4. The applicant has the burden of proving that the proposed variance meets all of the criteria in subsection (FC)(3) of this section, decision criteria.
- 5. The Examiner may approve an application for a variance with additional requirements above those specified in this title or require modification of the proposal to comply with specified requirements or local conditions.
- 6. The Examiner shall deny a variance if the proposal does not meet or cannot be conditioned or modified to meet subsection (FC)(3) of this section.

# 23.45.180 Violation – Penalty.

- A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.
- B. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter, for relief under Chapter 1.20 UPMC, Chapter 1.30 UPMC, and all other remedies provided at law or in equity.

# Ordinance No. 688 Exhibit E

# Penalty and Code Enforcement Amendments Various Titles

#### **TITLE 1 GENERAL PROVISIONS**

#### **Chapter 1.15 General Penalty Provisions**

# Sections:

1.15.010 General civil penalty.
1.15.020 General criminal penalty.
1.15.025 Other legal remedies.
1.15.030 Failure to respond to a civil infraction.

# 1.15.010 General civil penalty.

Unless specific penalties other than as set forth in this section are established in an ordinance of the city for a violation of that ordinance, a violation of a city ordinance is punishable by a fine of up to \$500.00 for each day that a violation occurs. In any court or administrative hearing to determine whether a violation has occurred the city shall have the burden of proving by a preponderance of the evidence that a violation occurred.

This section does not preempt the specific penalties set forth in ordinances of the city setting forth other penalties for violations of those ordinances.

#### 1.15.020 General criminal penalty.

For all ordinances of the city which set forth that a violation of the ordinance shall constitute a misdemeanor, upon conviction an offender shall be <u>punishedpenalized</u> by imprisonment in the county or city jail for a period up to 90 days and a fine of up to \$1,000, or by both such fine and imprisonment. In addition, a defendant may be assessed court costs, jury fees and such other fees or costs as may be authorized in statute or court rules.

In any court proceeding to enforce this section, the city shall have the burden of proving by evidence beyond a reasonable doubt that a violation occurred. In a proceeding under this section a defendant shall be accorded each and every right protected under the Constitutions of the United States of America and the State of Washington, all applicable federal, state and local laws, and applicable court rules promulgated by the Washington Supreme Court and the inferior courts under the authority of the Washington Supreme Court.

#### 1.15.030 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 any ordinance of the city.

# 1.15.030 Failure to respond to a civil infraction.

It shall be a misdemeanor to fail to respond to a notice of civil infraction issued by a police officer or such other officers of the city as may be authorized to issue civil infractions.

In any court proceeding to enforce this section, the city shall have the burden of proving beyond a reasonable doubt both that the violator was personally served with the notice of civil infraction and that the violator willfully failed to respond to the infraction by either appearing in court as directed or by paying the fine for the infraction.

# Chapter 1.30 Civil (nontraffic) infractions

#### 1.30.020 Civil infraction – monetary penalties – restitution.

A. Any person found to have committed a civil infraction shall be assessed a monetary penalty in the sum of \$500.00120.00, not including statutory assessments, unless a greater or lesser sum is specified for a particular infraction within the University Place Municipal Code.

#### TITLE 5 BUSINESS LICENSES AND REGULATIONS

#### **Chapter 5.05 Business Licenses**

# 5.05.140 Penalties and enforcement legal remedies.

A. Criminal Penalties. Any person who operates a business in the City of University Place without a valid business license shall be guilty of a misdemeanor and, upon conviction thereof, be <u>penalized punished</u> as provided <u>Chapter 1.15 UPMC.</u> in RCW 9A.20.021(3).

B. Civil Penalties In addition to any criminal penalties, Aany person who fails to comply with the provisions of this chapter shall be is, in addition to any criminal penalties, subject to a maximum civil penalty in accordance with Chapter 1.15 UPMC of \$500.00 for each day or portion of the day that the violation continues.

C. 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.

D. Enforcement by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

# **Chapter 5.10 Special Events**

# 5.10.180 Penalties and enforcementy for violation.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC. shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment not exceeding 90 days or both such fine and imprisonment. Each day or portion of a day that a violation is committed constitutes a separate offense.

B. 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.

- C. 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.
- D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

# **Chapter 5.15 Adult Entertainment Businesses**

#### 5.15.150 Violation - Penaltiesy and enforcement.

- A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC. punished by a fine of up to \$1,000, or by imprisonment of up to 90 days, or by both such fine and imprisonment.
- B. 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 <a href="UPMC">UPMC</a>. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.
- C. 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.
- D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### Chapter 5.25 Peddler/Solicitor/Master Solicitor License Required

#### **5.25.100 Penalties and enforcement <del>violations</del>**

Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor.

- A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC. Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in RCW 9A.20.021(3). Any person violating or failing to comply with any of the provisions of this chapter may be punished by a fine of not more than \$500.00 or imprisoned for not more than 90 days, or both, for each day or part of a day during which the unlawful act or violation occurs. The person may also be ordered to discontinue the unlawful act or correct the violation.
- B. 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 <a href="UPMC">UPMC</a>. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.

C. 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.

B. Civil Penalties. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMCChapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 9 PUBLIC SAFETY**

# **Chapter 9.10 Alarms**

# 9.10.130 Violation - Penaltiesy and enforcement.

A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC.

B. 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.

Any violation of the provisions of this chapter is a civil violation punishable by a fine of up to \$500.00 a day for each day, or portion thereof, in which a violation occurs as provided for in Chapter 1.20 UPMC<u>Chapter</u>. The city manager or designee shall be the responsible department director for the purpose of enforcing this chapter.

In addition to the penalties and regulations provided herein, any person who violates any provisions of this chapter shall be guilty of a Class 1 misdemeanor.

C. 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.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

# **Chapter 9.15 Abandoned and Junk Vehicles**

### 9.15.050 Inoperable vehicles.

The storage of inoperable vehicles on residentially zoned property is limited as provided for in the city zoning regulations and must be screened from neighboring properties and the public right-of-way. Failure to provide for view screening in accordance with city ordinances shall be subject to enforcement and the penalties in accordance with outlined in Chapter 1.15, and enforcement in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.-

# **Chapter 9.35 Public Nuisances**

#### 9.35.040 Penalties and Eenforcement.

A. Civil 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.

B. 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.

C. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

The provisions of this chapter shall be enforced in accordance with the procedures set forth in Chapter 1.20 Chapter of the University Place Municipal Code.

#### **Chapter 9.55 Pedestrian Interference**

# 9.55.020 Violations - Penalties and enforcement.

A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

- 1. Obstructs pedestrian or vehicular traffic; or
- 2. Aggressively begs.
- B. <u>Criminal Penalties.</u> Pedestrian interference is a misdemeanor and shall be punished as provided for in-upon conviction thereof be penalized as provided in Chapter 1.15 <u>UPMCRCW 9A.20.020(3)</u>.
- C. 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.
- D. 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.
- E. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 10 TRAFFIC**

# **Chapter 10.40 Compression Brakes Prohibited**

#### 10.40.040 Violation — Penaltiesy and enforcement.

A. Criminal Penalties. Any person who violates any of the provisions of this chapter or who allows or permits any motor vehicle owned and/or operated by said person to be operated in violation of any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be <a href="mailto:punishedpenalized">punishedpenalized</a> as provided for in <a href="mailto:Chapter 1.15">Chapter 1.15</a> <a href="mailto:UPMC-RCW-9A.20.021(3)">UPMC-RCW-9A.20.021(3)</a>.

- B. 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.
- C. 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.
- D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 12 UTILITIES**

# **Chapter 12.10 Water Quality Standards**

# 12.10.090 Penalties and Eenforcement.

A. The Director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of this chapter, and Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

- —The Director is authorized to enforce against prohibited illicit discharges, prohibited illicit connections, and other violations of this chapter.
- B. The Director shall gain compliance with this chapter by requiring the implementation of operational BMPs and, when necessary, AKART. The Director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the Director determines a violation is a result of an intentional act or poses a hazard as defined in UPMC 12.10.080.
- C. The Director may order the correction or discontinuance of any unsafe condition or operation or correction of any violation of this chapter. Any order issued by the Director may be appealed to the City's Hearings Examiner within 14 days of the order in accordance with the provisions of Chapter 1.20 UPMC or to the Court in accordance with Chapter 1.30 UPMC as appropriate. Such an appeal does not stay the requirement to comply with the order, and in particular any emergency order issued under UPMC 12.10.080.
- D. In addition to or in the alternative to a correction order or civil infraction, the Director may issue a notice of civil violation for a violation of this chapter with a penalty of up to \$10,000, based upon the factors set forth in UPMC 12.10.100.
- E. In addition to or in the alternative to a correction order or notice of civil violation, the Director may issue a civil infraction for a violation of this chapter, with a penalty in an amount of \$4500.00 per violation for minor violations, and \$1,000 per violation for significant violations. Each day the violation shall continue shall constitute a separate violation. A minor violation shall be one in which the damage or risk to the public or water quality is low and the violator acted unknowingly or in good faith. A significant violation is one in which the damage or risk to the public or water quality is great or is a repeat violation or the violator acted in bad faith.

#### **TITLE 13 PUBLIC WORKS CODE**

# **Chapter 13.05 Administration (Public Work Standards)**

#### 13.05.445 Penalties and enforcement.

A. Any violation of this code shall be a civil violation subject to the penalties and abatement process set forth in Chapter 1.20 UPMC as enacted or hereinafter amended.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

C. 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.

<u>D. 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.</u>

E. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

# **Chapter 13.25 Surface Water Management**

# 13.25.115 Adopting King County Surface Water Codes.

Chapter 9.04 and Section 16.82.100 of the King County Municipal Code are hereby adopted and incorporated herein fully by this reference with the exceptions enumerated below.

J. The last sentence of Section 9.04.100 is hereby revised to read:

If this liability insurance is not kept in effect as required, University Place may initiate enforcement action pursuant to <a href="UPMC-Chapter">UPMC-Chapter</a> 1.20 <a href="UPMC-and/or">UPMC and/or</a> <a href="Chapter">Chapter</a> 1.30 <a href="UPMC-at the City's discretion.">UPMC-at the City's discretion</a>.

#### **TITLE 14 BUILDING**

#### **Chapter 14.05 Building and Construction Code**

#### 14.05.120 Violations and pPenalties and enforcement.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. 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.

A. Civil Violation. Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement process detailed in Chapter 1.20 UPMC Chapter

B. Criminal Penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this chapter, any person, partnership, firm, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.

C. Additional Remedies. In addition to any other remedies provided by this chapter, the City may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person, partnership, firm, association, or corporation who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate, or terminate such violation or to restore a condition which existed prior to the violation. In all injunction, abatement and nuisance proceedings, the violator shall be required, in addition to any other relief, to pay the costs of such action, including reasonable attorneys' fees.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### 14.05.140 Hearings Examiner – Powers and duties.

All appeals authorized by the international codes as to suitability of alternate materials and methods of construction and from other rulings, or interpretations or enforcement actions of those officials charged with administering enforcing the building codes shall be to the City's Hearings Examiner as established by Chapter 2.20 UPMC. The Hearings Examiner shall utilize the procedures and penalties set forth in Chapter 1.20 UPMC. The Hearings Examiner shall serve in lieu of all boards of appeals mentioned or described in the international codes as adopted and amended by the City.

#### **Chapter 14.10 Moving of Buildings**

#### 14.10.080 Penaltiesy and enforcement.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Chapter 1.20 UPMC.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. 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.

C. 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.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 17 CRITICAL AREAS**

# **Chapter 17.10 General Requirements**

#### 17.10.065 Penalties and, enforcement and civil infractions.

All violations of this title shall be subject to the provisions of Chapter 19.15 UPMC.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. 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.

C. 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.

<u>D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.</u>

#### **Chapter 17.40 ENVIRONMENTAL REGULATIONS**

#### 17.40.140 Penalties and enforcement Violation - Civil infraction.

In addition to any other sanction or penalty, or any remedial, judicial or administrative procedure available under separate city codes or state law, violation of any provision of this chapter or failure to comply with a decision of the responsible official or hearings examiner issued pursuant to this chapter constitutes a civil violation as defined in Chapter 1.20 UPMC and/or civil infraction as defined in Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 19 ZONING**

#### **Chapter 19.15 Enforcement and Penalties**

#### 19.15.020 Violations.

A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by this title.

B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of this title for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, Chapter <u>1.20</u> UPMC, <u>or Chapter 1.30</u> UPMC.

D. It is a violation of this title for any person to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

E. It is a violation of this title for any person to fail to comply with the requirements, <u>provisions</u>, <u>standards</u>, <u>criteria or processes</u> of this title, regardless of whether or not a permit is required.

# 19.15.035 Investigation and notice of violation.

A. The Director or his representative may investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this title.

B. If, after investigation, the Director determines that this title has been violated, the Director may seek compliance and serve a notice of violation or issue a notice of civil infraction on the owner, tenant or other person responsible for the condition that violates this title and may otherwise enforce this title, pursuant to this chapter; UPMC 19.15.045, Emergency Order; Chapter 1.20 UPMC, Enforcement; Chapter 1.30 UPMC, Civil Infractions; and Chapter 9.35 UPMC, Public Nuisances.

# 19.15.045 Emergency order.

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter <u>1.20</u> UPMC, Enforcement; <u>Chapter 1.30 UPMC</u>, <u>Civil Infractions</u>; and Chapter <u>9.35</u> UPMC, Public Nuisances.

# 19.15.055 Penalties and enforcement.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeaner and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. 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.

C. 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.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### 19.15.060 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance. The Director may bring such an action under this chapter; Chapter 1.20 UPMC, Enforcement; Chapter 1.30 UPMC, Civil Infractions; Chapter 9.35 UPMC, Public Nuisances; or under the common law or any applicable federal or State law or City ordinance.

#### 19.75.130. Penalties and eEnforcement.

- 4.A. Penaltyr-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.
  2. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter 1.20 UPMC, Enforcement.
- A.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.
- B.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.
- C.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 in violation of the provisions upon failure of the holder thereof to comply with any provision or provisions of this code.
- D.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.
- E.H. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **TITLE 21 SUBDIVISION REGULATIONS**

**Chapter 21.70 Penalties and Enforcement** 

21.70.010 Penalties.

A.\_Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title, adopted pursuant to state law, relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC. and eEach sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

B. 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.

CB. Any person who violates any court order or injunction issued pursuant to this title or state law shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both.

C. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title or any permit or written order or decision issued pursuant to this title shall be subject to a civil violation citation as defined in the City's civil violation ordinance.

D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to the penalties above and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

#### **21.70.020** Enforcement.

All City staff shall submit all suspected violations of this title to the City Attorney.

A. Assessor-Treasurer. The county assessor-treasurer, when requested to segregate any parcel of land that appears to be in violation of this title, shall notify the City Attorney.

B. Building Inspection and Permits. All applicants for building permits shall show by instrument of conveyance and an affidavit from the vendor, grantor, or the applicant that their building lot is not a division from an original tract or that they or their predecessors have complied with or are exempt from this title. Building permits shall be denied to any applicant whose parcel, lot, or tract is not in compliance with this title. No building permit shall be issued for any lot within a plat or short plat until final approval is obtained from the appropriate City authority except as provided herein for model homes.

Building permits except as provided herein shall not be issued to any applicant until the site plan includes any required or mentioned element noted on the final plat, short plat, or binding site plan, including but not limited to building site location, access, drainage, sewers or septic tank, and water system. An occupancy certificate shall not be issued until all such required or mentioned elements are satisfied.

C. Health Department. Septic tank permits may be denied to any applicant whose parcel, lot, or tract is not divided in compliance with this title.

D. Assessor-Treasurer. A one-percent real estate excise tax affidavit shall be filed in the City Assessor-Treasurer's office for all transfers of real property within the City. The affidavit shall include a parcel number or numbers of the current tax account or accounts involved in the sale. If there is a separation of said tax account, the total acreage or square footage of said tax account shall be stated therein and a rough diagram of the original parcel and the divided parcel shall be drawn thereon. Said diagram shall identify the section, township, range, quarter section, and placement of existing buildings.

#### **TITLE 23 TELECOMMUNICATIONS**

# **Chapter 23.45 Wireless Telecommunications**

# 23.45.180 Violation - Penaltyies and enforcement.

A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.

B. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter, for relief under Chapter 1.20 UPMC and all other remedies provided at law or in equity.

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. 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.

C. 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.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC for enforcement procedures and penalties.