### **ORDINANCE NO. 682**

# AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPROVING A ZONING TEXT AMENDMENT PERTAINING TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and developing a comprehensive plan for the City and making recommendations to the City Council on amendments to the comprehensive plan, the zoning code and map, and other development regulations of the City; and

WHEREAS, on January 9, 2017, Fred Axe submitted a Zoning Text Amendment to modify *UPMC Section 19.25.110 Use Tables* by adding single-family/duplex housing as a permitted use in the Neighborhood Commercial zone, subject to limitations in a new Table Note 28; and

WHEREAS, the Planning Commission held a study session on February 1, 2017 to review the proposed amendment and identify issues that might require further analysis or consideration by the applicant or staff; and

WHEREAS, the City submitted a *Notice of Intent to Adopt Amendment* to the Washington State Department of Commerce on February 2, 2017, which was issued to state agencies for a 60-day comment period, as required pursuant to RCW 36A.70 RCW, and did not receive any formal comments in response to this *Notice*; and

WHEREAS, the City issued a SEPA Determination of Non-significance pertaining to the proposed text amendment on February 3, 2017 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, on February 3, 2017 the City published a public hearing notice in the Tacoma News Tribune regarding a March 1, 2017 public hearing to be held on the proposed amendment; and

WHEREAS, the Planning Commission conducted a public hearing on March 1, 2017 to consider written and oral public comments on the proposed zoning text amendment; and

WHEREAS, the Planning Commission, having considered public comment and the approval criteria listed in UPMC 19.90.030.E, voted unanimously on March 1, 2017 to recommend to the City Council approval of the zoning text amendment pursuant to Planning Commission Resolution No. 2017-01; and

WHEREAS, the City Council conducted a public review of the recommended zoning text amendment at a study session held on April 3, 2017; and

WHEREAS, the City Council has considered the Planning Commission's findings and conclusions contained in Planning Commission Resolution No. 2017-01 and the approval criteria listed in UPMC 19.90.030.E; and

WHEREAS, the City Council has made the followings findings and conclusions:

1. The proposed text amendment is consistent with, and supports, the following comprehensive plan goals and policies:

### **GOAL LU7**

Achieve a mix of housing types in which people of a wide range of incomes, ages and needs can live, and guide new housing into appropriate areas while maintaining and enhancing the special qualities and character of existing residential neighborhoods.

### Policy LU7A

Promote attractive, friendly, safe, quiet and diverse residential neighborhoods throughout the City, including low- and moderate-density single family neighborhoods and moderately high-density residential neighborhoods.

### Policy LU7E

Preserve and enhance the unique character of existing single family neighborhoods.

### **GOAL LU2**

Ensure that future growth and development protect and enhance the City's quality of life and character, and are compatible with existing community fabric.

- 2. The proposed amendment would change the status of approximately 20 existing detached single-family dwellings located within the NC-zoned area centered on Bridgeport Way and 27th Street --from nonconforming uses to conforming uses. This would eliminate the negative connotations and potential limitations associated with existing single-family dwellings that currently are classified as nonconforming uses and regulated under UPMC 19.80.040. In the case of the applicant's property, the proposed amendment would allow the applicant to reconvert his former home and current office space to a single-family dwelling consistent with how the other properties on Louise Street are currently developed. The proposed text amendment would not constrain future conversions of residential properties to commercial use which had been anticipated and envisioned with the adoption of the NC zone. It would, however, support the continuation of residential use in this neighborhood to the extent the market supports such use over commercial uses.
- 3. The proposed text amendment will support the conversion of a structure, originally constructed as a detached single-family dwelling and subsequently converted to professional office space, back to a detached single-family dwelling. This action would restore the historic use of the structure and property so as to be consistent with the prevailing land use and development pattern of the surrounding residential neighborhood. The amendment would not detract from, or compromise, the public health, safety, comfort, convenience, or general welfare.

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

- Section 1. <u>University Place Municipal Code Title 19 Zoning Chapter 19.25 Use and Zone Classification Tables Amendments Adopted</u>. The City of University Municipal Code is hereby amended as indicated in Exhibit "A" attached.
- 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.

# PASSED BY THE CITY COUNCIL ON APRIL 17, 2017.

avier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 04/19/17 Effective Date: 04/24/17

### **Exhibit A to Ordinance No. 682**

# FRED AXE ZONING TEXT AMENDMENT

### 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:

Residential 1
Residential 2
Multifamily Residential – Low
Multifamily Residential – High
Parks and Open Space
Mixed Use – Office
Neighborhood Commercial
Town Center
Mixed Use
Community Commercial
Light Industrial – Business Park
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 CLASSIFICATIONS											
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)	P	Р	Р		Р	Р	Р	Р	Р		Р	
Assisted living facility		P1, C2	P3		P3		P3	P3	P3			
Bed and breakfast (2)	Р	Р	Р		Р	Р						
Caretaker unit	P (22)			Р							Р	
Family day care facility	Р	Р	Р		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			P (28)						
Small lot housing	D (17)	D (17)										

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

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

Note: Additional tables and table notes are excluded from this document to save space.