#### **ORDINANCE NO. 662**

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 ZONING, TITLE 17 CRITICAL AREAS, TITLE 4 REVENUE AND FINANCE, TITLE 5 BUSINESS LICENSES AND REGULATIONS, TITLE 9 PUBLIC SAFETY, TITLE 13 PUBLIC WORKS CODE, TITLE 14 BUILDING AND CONSTRUCTION, AND TITLE 21 SUBDIVISION REGULATIONS OF THE UNIVERSITY PLACE MUNICIPAL CODE, AND AMENDING THE ZONING MAP ESTABLISHED PURSUANT TO UPMC SECTION 19.20.050, CONSISTENT WITH PERIODIC UPDATE REQUIREMENTS IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT, RCW 36.70A 130(5)(a)

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter GMA) the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state"; and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multicounty and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the Puget Sound Regional Council authored a regional planning document entitled VISION 2040, which contains a regional growth strategy and multi-county planning policies for the central Puget Sound area, including Pierce County; and

WHEREAS, the Pierce County Regional Council, which includes the City of University Place, has approved the Pierce County Countywide Planning Policies to further coordinate local planning; and;

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

WHEREAS, the Planning Commission is charged with holding hearings on and preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, the City is required to periodically review and update its development regulations, as needed, to ensure consistency with the Growth Management Act, VISION 2040, the Pierce County Countywide Planning Policies, and the University Place Comprehensive Plan; and

WHEREAS, on February 28, 2014 the City Council adopted Resolution 746 establishing a public participation program for the development regulation update in accordance with RCW 36.70A.035 and 140 that included public notification, Planning Commission and City Council study sessions and public hearings, and other public outreach components; and

WHEREAS, the University Place Planning Commission and City staff initiated the review and update process in 2014 by considering amendments to the GMA that have occurred since 2003, reviewing the multicounty and countywide planning policies, broadly-disseminating a public participation plan, and holding numerous public meetings in 2015 to formulate a set of draft Comprehensive Plan amendments dated June 30, 2015; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on June 29, 2015, which was issued to state agencies for a 60-day comment period ending August 28, 2015 as required pursuant to RCW 36A.70 RCW; and

WHEREAS, the City issued a SEPA Determination of Non-significance/Incorporation by Reference of Environmental Documents/Adoption of Existing Document/Addendum to Existing Environmental Document pertaining to draft development regulation amendments on June 30, 2015 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, the City published a public hearing notice in the Tacoma News Tribune on June 20, 2015 regarding a July 1, 2015 Planning Commission public hearing to be held on the draft development regulation amendments; and

WHEREAS, the Planning Commission conducted a public hearing on July 1, 2015 to consider written and oral public comments on the draft development regulation amendments and continued its deliberations on the draft amendments to its July 23, August 5, and August 19, 2015 meetings; and

WHEREAS, on August 19, 2015 the Planning Commission considered the approval criteria listed in UPMC 19.90.030 and voted unanimously to recommend to the City Council approval of the June 30, 2015 draft development regulation amendments with revisions; and

WHEREAS, the City Council reviewed the recommended draft development regulation amendments at a public meeting study session on October 5, 2015; and

WHEREAS, certain zoning density provisions in Title 19 UPMC were subsequently edited to ensure consistency with revised Comprehensive Plan density provisions, and additional amendments were incorporated to replace the term "fire marshal" with "fire code official" in Titles 5, 9, 13 and 21 UPMC; and

WHEREAS, the City Council conducted a public review of the revised draft development regulation amendments on November 16, 2015; and

WHEREAS, the City Council has considered the approval criteria listed in UPMC 19.90.030 and adopted the following findings in support of the draft development regulation amendments:

- 1. The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan as amended in 2015. They reflect, and respond to, changes that have occurred in University Place since incorporation in 1996;
- 2. The proposed amendments are in the best interest of the citizens and property owners of the City as the amended regulations will more carefully direct growth and manage change in the community in a manner consistent with community aspirations;
- 3. The proposed amendments enhance the public health, safety, comfort, convenience or general welfare by refining development regulations that will more effectively implement Comprehensive Plan objectives and directives supported by the community;
- 4. The proposed amendments to the zoning map are consistent with the scope and purpose of UPMC Title 19 and the description and purpose of the zone classifications described therein;
- 5. There are sufficient changed conditions since the previous zoning became effective, including PSRC designation of a Regional Center within University Place, to warrant the proposed amendments to the zoning map;
- 6. The proposed amendments to the zoning map will not be materially detrimental to uses in the vicinity in which the subject properties are located as the amendments are largely zoning classification name changes and will not significantly redirect the type or intensity of development in ways that will prove to be incompatible with surrounding properties; and
- 7. The proposed amendments respond to Periodic Update requirements and will ensure consistency with the University Place Comprehensive Plan, the Growth Management Act Chapter 36.70A

RCW, the Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies.

WHEREAS, the City Council has taken separate action to approve amendments to the City's Comprehensive Plan pursuant to Ordinance No. 661, thereby completing the periodic review and revision required by RCW 36.70A.130;

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

- Section 1. <u>University Place Municipal Title 19 Zoning, Title 17 Critical Areas, Title 4 Revenue and Finance, Title 5 Business Licenses and Regulations, Title 9 Public Safety, Title 13 Public Works Code, Title 14 Building and Construction, and Title 21 Subdivision Regulations Amendments Adopted. The City of University Place Municipal Code is hereby amended as indicated in Exhibit "A" attached.</u>
- Section 2. <u>University Place Zoning Map Amendments Adopted</u>. The University Place Zoning Map, established pursuant to UPMC Section 19.20.050, is hereby amended as shown on Exhibit "B" attached.
- Section 3. <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 4. <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 NOVEMBER 16, 2015.

Denise McCluskey Mayor

ATTEST:

Emetita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Publication Date: 11/18/15 Effective Date: 11/23/15

# Appendix A to City Council Ordinance No. <u>662</u> GMA Periodic Update Code Amendments

Amend UPMC 19.05.060 by amending descriptions for specific zoning classifications.

### 19.05.060 Brief user's guide.

- A. Chapters. The zoning code, UPMC Title 19, contains 23 chapters summarized as follows:
- 19.05 Introduction. Establishes the purpose, title and basic rules for using the zoning code.
- **19.10 Definitions.** Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.
- **19.15 Penalties and Enforcement.** Provides guidelines for the enforcement and penalties in the administration of the zoning code.
- **19.20 Zones, Map Designations, Interpretation of Boundaries.** Lists the zoning classifications, describes potential and overlay zones, and adopts the zone map and discusses the interpretation of map boundaries.
- **19.25 Zone Classifications and Use Tables.** Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.
- 19.30 Accessory Uses. Lists and identifies accessory uses allowed in the City of University Place.
- **19.35 Temporary Uses.** Lists allowable temporary uses and associated standards.
- 19.40 Essential Public Facilities. Provides a process for the siting of essential public facilities.
- **19.45 Density and Dimension Standards.** Provides development standards such as density, setbacks, height and lot width.
- 19.50 Design Standards for Mixed Use, Mixed Use Office, and Mixed Use Maritime Commercial Zones. Provides design standards and guidelines for development in these zoning districts. (See City of University Place Design Manual.)
- 19.51 Town Center Zone Design Guidelines. Provides design standards and guidelines for development in the Town Center Zone. (See City of University Place Design Manual.)
- **19.52 Design Standards and Guidelines for Community Commercial Town Center Zone.** Provides design standards and guidelines for development in this zoning district. (See City of University Place Design Manual.)
- **19.53 Design Standards and Guidelines for Small Lot and Multifamily Development.** Provides design standards and guidelines that apply to small lot and multifamily development in the R1, R2, MF-L and MF-H zoning districts. (See City of University Place Design Manual.)

- **19.54 Design Standards and Guidelines for Streetscape Elements.** Provides streetscape standards and guidelines, including sidewalk, landscaping and street tree requirements, for neighborhood collector arterial, local, neighborhood and access lane streets, alleys and paseos. (See City of University Place Design Manual.)
- **19.55 Overlay Zones.** Provides regulations for special overlay zones within the City including, for example, Town Center, Chambers Creek Properties, Day Island and tTransition overlay zones.
- **19.56 Town Center Overlay Zone Design Guidelines.** Provides design standards and guidelines for development in the Town Center Overlay Zone. (See City of University Place Design Manual.)
- **19.57 Chambers Creek Properties Overlay Zone Design Guidelines.** Provides design standards and guidelines for development of the Chambers Creek properties master site plan. (See City of University Place Design Manual.)
- **19.60 Off-Street Parking and Loading Requirements.** Provides development standards for off-street parking and access.
- **19.65 Landscape and Buffering.** Provides development standards for landscaping, buffering, significant tree preservation, irrigation and other landscape requirements.
- **19.70 Other General Development Standards.** Includes additional standards to address general and specific uses such as home occupations, accessory dwelling units, agricultural uses, adult entertainment, improvements and secure community transition facilities.
- **19.75 Signs.** Includes the size, placement and other design criteria required for signs in the City of University Place.
- **19.80 Nonconforming Lots, Uses and Structures.** Establishes standards for the expansion, continuation and discontinuation of nonconforming lots, uses and structures.
- **19.85 Discretionary Land Use Permits and Decision Criteria.** Establishes the permit processes and criteria for permits provided by this title, e.g., administrative use permits, conditional use permits, administrative design review approvals and variances; provides procedures for amending, revoking or modifying discretionary land use permits; and establishes time limitations on permit approvals and refiling of applications.
- **19.90 Zoning Code Amendments.** Specifies the administrative rules and process for amending the zoning code and zoning map, legislative amendment and rezones.
- B. Numbering Scheme. The numbering scheme used in this title operates as shown below:

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

- Amend UPMC 19.10.030 by adding, repealing or amending the following definitions:
  - "Duplex." See "Two-family." means a building containing two dwelling units, providing separate living accommodations within each unit, attached in pairs on a single lot.
  - **"Dwelling"** means a building or portion thereof designed exclusively for human habitation, including single-family, <u>duplextwo-family</u> and multiple-family dwellings, accessory dwelling units, <u>live-work units</u>, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.
  - "Live-work Unit" means a dwelling unit or sleeping unit in which a significant portion of the space includes a non-residential use that is operated by the tenant. Nonresidential use is limited to no more than 50% of floor area.
  - **"Modular home"** shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter <u>296-150A</u> WAC. Modular homes are also commonly referred to as factory-built housing, and for purposes of this title a modular home is considered single-<u>and two-family and duplex</u> housing.
  - "Street, public" means a publicly owned and maintained right-of-way, provided that where the City has acquired an easement from a property owner for right-of-way purposes, the easement area shall not be considered part of the street, but shall be considered part of the property and included in the calculations to determine density, minimum lot size, and setback requirements. Read, Avenue, Court, Way and Boulevard are examples of types of streets.
  - "Two-family" means two dwelling units within the same building. Two-family housing types are also known as duplexes
- Amend UPMC 19.20.020 by updating/correcting various zone names and map symbols and eliminating TCO

## 19.20.020 List of zones.

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

Zone	Map Symbol
Residential 1	R1
Residential 2	R2
Multifamily Residential – Low	MF-L
Multifamily Residential – High	MF-H
Mixed Use – Office	MU-O
Neighborhood Commercial	NC
Mixed Use	MU
Town Center	TC
Community Commercial	<u>C</u> C
Light Industrial – Business Park	<del>IB</del> LI-BP

Parks and Open Space Zone POS

Mixed Use -- Maritime MU-M

Overlay Zones Map Symbol

Town Center TCO

Chambers Creek Properties CCPO
Public Facility PFO

Day Island/Day Island South

Spit/Sunset Beach

DIO/DISSO<u>/SBO</u>

Transition Properties TPO

 Amend UPMC 19.20.030 Zones by revising descriptions to better match revised comprehensive plan land use designation descriptions. Edit zoning classification names to ensure consistency with the names listed in the tables in 19.20.020.

#### 19.20.030 Zones.

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

#### B. Zones.

1. Single-Family Residential (Residential 1 (R1). Single-family neighborhoods comprise a large percentage of the City's land area, and the community wants to retain a primarily single-family character in its housing mix. Consistent with community preferences, Pprotection of single-family residential neighborhoods is a priority in the Comprehensive Plan. To protect and enhance protect the character of thesesingle-family neighborhoods, these properties within them areas of the City that are primarily singlefamily in nature are designated are zoned single-family residential (R1). A base density of four dwelling units perto the acre is allowed, with up to six units per acre permitted for small lot development through the administrative design review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. Duplexes may be developed at a base density of five dwelling units perto the acre. Uses allowed include attached and detached single-family/duplex housing, small lot housing, duplexes, attached and detached accessory dwelling units, adult family homes, Level I group homes, schools, public parks, community and cultural services, home-operatedfamily day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. The character of R1single-family neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and protecting the physical environment; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.

- 2. Two-Family Residential (Residential 2 (R2)). To achieve a mix of housing types and densities while maintaining healthy residential neighborhoods, the two-family residential (R2) classification-designation applies to includes areas of the City that have had a historic developed with a mix of single-family attached and detached housing. A base density of six dwelling units per acre is allowed, with up to nine units per acre permitted for small lot development through the administrative design review process, when designed consistent with the small lot design standards and guidelines adopted by reference in Chapter 19.53 UPMC. These standards and guidelines are intended to ensure that new development is integrated into the community and compatible with the surrounding context while providing functional, safe, vibrant and desirable neighborhoods. Uses allowed include attached and detached singlefamily/duplex housing, small lot housing, attached and detached accessory dwelling units, adult family homes, Level I group homes, schools, home-operated family day care, assisted living and nursing homes, religious assembly, public parks, community and cultural services, appropriate home occupations, and minor utility distribution facilities. The character of these two-family residential neighborhoods shall be protected preserved and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring compliance with screening, buffering and other design standards for adjacent high density residential, commercial, mixed use and industrial development; preserving and protecting the physical environment; providing opportunities for a wide range of high quality housing choices; and providing interconnecting pedestrian and bicycle facilities, including sidewalks and trails to schools, shopping, services, and recreational facilities.
- 3. Multifamily Residential Low-Density (MF-L). Multifamily Residential Low density-zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing lower density residential development. In the MF-Lmultifamily low density zone, a base density of 2535 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter 19.53 UPMC. Density may be increased to a maximum of 3040 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-Lmultifamily - low density zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes facilities, schools, public and private parks, community and cultural services, home-operated family day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. Compliance with design standards is required and screening, Bbuffers, open space, landscaping, and other appropriate architectural design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the provide a smooth transition between different densities and land uses. Pedestrian sidewalks, and trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.
- 4. Multifamily Residential High Density (MF-H). Multifamily Residential hHigh density zones are located along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing higher density residential development. In the MF-H multifamily high density zone, a base density of 5536 dwelling units perto the acre is allowed through the administrative design review process, when a project is designed consistent with the multifamily design standards and guidelines adopted by reference in Chapter 19.53 UPMC. Density may be increased to a maximum of 6040 units per acre when an affordable housing component is included in a development. Uses allowed in the MF-H multifamily high density zone include multifamily housing, attached and detached single-family/duplex housing, nursing homes and assisted living facilities, mobile and manufactured housing, adult family homes, Level I group homes, schools, public and private parks, community and cultural services, homeoperatedfamily day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. Compliance with design standards is required and screening, Bbuffers, open space, landscaping, and other appropriate architectural design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the provide a smooth transition

between different densities and land uses. Pedestrian sidewalks, and trails and bicycle facilities shall be provided for access to schools, shopping, services, and recreational facilities.

- 5. Mixed Use Office (MU-O). It is the City's intent to create a well-balanced, well-organized combination of land uses, which that recognizes historic development patterns, protects adjoining residential neighborhoods from incompatible uses, and discourages a continuous retail strip along Bridgeport Way. The mixed use - office (MU-O classification) designation serves as a transition zone providing separation between more intense commercial activities and residential areas, and between the Neighborhood Commercial area at 27th Street West and Bridgeport Way, and the Village at Chambers BayTewn Center beginning at 35th Street West and Bridgeport Way. A base density of 6030 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the design standards adopted by reference provided in Chapter 19.50 UPMC. Density may be increased to a maximum of 6535 units per acre when an affordable housing component is included in a development. Uses allowed include multifamily housing, attached single-family housing, adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, limited retail uses, public parks, community and cultural services, administrative government services, and minor utility distribution facilities. New multifamily will be allowed only in conjunction with other permitted commercial uses. Screening, Bouffers, landscaping, and other appropriate architectural design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the provide a smooth-transition between different densities and land uses. Sidewalks and small open public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.
- 6. Mixed Use (MU). The mixed use (MU classification) designation is applies to an area of compatible residential and commercial uses along major arterial streets and provides a transition between the more intense Town Center (TC) zone and the single family residential (R1) zone. The historic commercial center of University Place along 27th Street West, west of Bridgeport Way, is the primary MUmixed use area. A base density of 4530 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the design standards adopted by reference<del>provided</del> in Chapter 19.50 UPMC. Density may be increased to a maximum of 5035 units per acre when an affordable housing component is included in a development. MU areas located outside of the 27th Street West corridor west of Bridgeport Way may be developed to a higher base density of 60 dwelling units per acre and a maximum of 65 units per acre when an affordable housing component is included in a development. Uses allowed include multifamily housing, attached single-family housing, adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, general retail, personal services, restaurants, small food stores, lodging, family entertainment businesses, public and private parks, community and cultural services, administrative government and safety services, and minor utility distribution facilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. New multifamily will be allowed only in conjunction with other permitted commercial uses. Screening, Buffers, landscaping, and otherappropriate architectural design elements shall be incorporated into all developments to mitigate adverse impacts that may be associated with the provide a smooth transition between different densities and land uses. Sidewalks, bicycle facilities, and open-public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.
- 7. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses, neighborhood commercial (NC classifications apply to) designations are located at the intersections of 27th Street West and Bridgeport Way, at-Cirque Drive and Bridgeport Way, 67th Avenue West and Bridgeport Way, and at-Cirque Drive and Orchard Street. Specific restrictions apply to the 67th Avenue West and Bridgeport Way area that prohibit 24-hour business operations and fueling stations, limit vehicular site access, and require screening and buffering between

this area and nearby residential properties. The NCneighborhood commercial areas are small compact centers that provide a mix of neighborhood scale retail shopping, personal services, banks, professional offices, public parks, community and cultural services, administrative government and safety services, and servicegas stations that serve the daily needs of the portion of the City where they are located. Residential development is limited to adult family homes, bed and breakfasts, and attached single-family housing. Screening, Bbuffers, landscaping, and other appropriate architectural design elements shall be incorporated into all development to mitigate adverse impacts that may be associated with the provide a smooth transition between the NCneighborhood commercial zones and adjoining residential and mixed use zones. Landscaping, and sidewalks and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere.

- 8. Town Center (TC). The Town Center serves as a focal point for the City and provides a sense of community and civic pride. The Town Center (TC) zone is centered on Bridgeport Way located between 35th Street West and the 3800 block44th Street West along Bridgeport Way. The Town Center is a pedestrian-oriented area. Wide sidewalks, pedestrian connections to adjacent residential areas, landscaping, public open spaces, and public art will beare an integral part of the Town Center. Public facilities in the Town Center include the Civic Building, which houses the University Place branch library, police headquarters and other city offices, City Hall at Windmill Village, West Pierce Fire and Rescue facilities, the public safety building, a public and Homestead pPark, and the library. Public facilities and services, retail stores, personal services, professional offices, restaurants, and some entertainment uses, and mixed uses are encouraged to locate in the Village at Chambers Bay, which comprises a significant portion of the Town Center area. The TC zone requires a minimum density of 20 units per acre, has no maximumA base density, and requires of 12 dwelling units per acre is allowed through the administrative design review process, when a projects to be is designed consistent with the design standards adopted by reference<del>provided</del> in Chapter 19.52 UPMC. An overall maximum floor area ratio of 2.0 accommodates a relatively high intensity of use and development. Density may be increased when located within the Town Center Overlay if Town Center design standards and guidelines are met. New multifamily development will be allowed only when specific design standards are met, when additional amenities are provided, and when built in conjunction with a permitted commercial use. Design standards for new development, major redevelopment and major tenant improvements and public/private development partnerships help promote a pedestrian friendly dynamic economy and healthy community economic environment.
- 9. Community Commercial (CC). The CC zone is centered on Bridgeport Way between the 3800 block and 44th Street West. This area is slated to become increasingly pedestrian-oriented with redevelopment over time. Uses allowed include adult family homes, Level I group homes, nursing homes and assisted living facilities, day care, religious assembly, professional offices, general retail, personal services, restaurants, food stores, lodging, public and private parks, community and cultural services, administrative government services, and minor utility distribution facilities. Developments that include a mix of retail, personal services, offices, and residential uses are encouraged. New multifamily will be allowed only in conjunction with other permitted commercial uses. A base density of 60 dwelling units per acre is allowed when a project is designed consistent with the design standards adopted by reference in Chapter 19.52 UPMC. Density may be increased to a maximum of 65 units per acre when an affordable housing component is included in a development. Buffers, landscaping, and other design elements shall be incorporated into all developments to mitigate adverse impacts that may be associated with the transition between different densities and land uses. Sidewalks, bicycle facilities, and public open spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.
- 9. Commercial (C). Meeting the goal of concentrating commercial development in locations which best serve the community and protect existing residential areas, the historical commercial development area in the northeast corner of the City is zoned commercial (C). Uses allowed in this area include general retail,

family entertainment, recreation, restaurants, personal services, professional offices, public and private parks, community and cultural services, administrative government services, and safety services. The commercial zone is primarily auto-oriented with customers drawn from more than just the adjacent neighborhoods. Although the commercial zone is auto-oriented, sidewalks, bicycle facilities, and landscaping provide a safe and friendly pedestrian environment with easy pedestrian access between uses in the zone and adjacent neighborhoods. Design standards for new development, major redevelopment, major tenant improvements and public/private development partnerships help promote a dynamic and healthy economic environment.

- 10. Light Industrial Business Park (LI-BPIB). Clean light industrial and business park uses are encouraged in the City in appropriate locations. Although the City is primarily a residential community and not a major employment center, the community wants to attract a variety of businesses to provide local employment opportunities. The primary LI-BP area, which has historically been used for light manufacturing and light industrial uses, is located south of 27th Street West between Morrison Road on the west, 67th Avenue on the east, and Morrison Pond on the south. Additional light industrial and business park uses are located along the east side of 70th Avenue West north of 27th Avenueseuth of 22nd Street West. The light industrial - business park (LI-BPIB) classification designation recognizes many of the existing uses in these areas as appropriate, while maintaining a separation of these uses from adjoining residential uses. Uses allowed in the LI-BP zonelight industrial - business park designation include light and clean industries, storage and warehousing, automotive repair, contractor yards, and limited retail, restaurants, offices, and entertainment uses, parks, community and cultural services, administrative government and safety services, utility and public maintenance facilities, and public transportation services. Inappropriate uses that have a high potential to impact nearby residential and mixed use areas will be disallowed or eliminated over time. Development and redevelopment in the LI-BP light industrial - business park zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, functional and attractive signages, traffic control and everall privately coordinated management and maintenance. Buffers and design elementsstandards shall be incorporated into all new developments and substantial redevelopments to mitigate adverse impacts that may be associated with the provide a compatible transition to adjacent zones and land uses.
- 11. Parks and Open Space (POS). The purpose of the parks and open space zone is to recognize those lands designated for City parks and public open space. Parks include developed City parks where typical uses include active and passive outdoor recreational activities, including but not limited to ball fields, sport courts, tot lots, trails, open space, <u>and</u> cultural activities. <u>pPark</u> buildings and structures, concessionaires, general park operations and maintenance activities, <u>and</u> storm drainage facilities, caretaker's quarters, <u>and</u> other compatible public uses and structures, and uses customarily incidental to parks, are also allowed.

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

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

limited basis where appropriate. Under the MU-M zone, existing ecological functions are to be protected and ecological functions restored, where restoration is reasonably feasible, in areas that have been previously degraded, consistent with the intent of the Day Island Medium Intensity Shoreline Environment and other Shoreline Master Program requirements in UPMC Title 18, when applicable.

# • Amend UPMC 19.20.040 Overlay Zones – eliminate TC Overlay

## 19.20.040 Overlay zones.

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

## B. Overlay Zones.

- 1. Public Facility Overlay (PFO). The public facility overlay (PFO) designation includes properties currently owned or operated by a public entity. Uses in the public facility overlay include but are not limited to fire district and school district properties. The purpose of the public facility overlay is to recognize that public facilities provide necessary services to the community and have their own unique set of circumstances. Factors including size, technological processes, requirements for municipal comprehensive facility planning and budgeting, capital improvement programs, and compatibility with surrounding land uses must be considered when developing public facilities. New, improved and redeveloped public facilities should incorporate buffers and landscaping into their plans to ensure compatibility with adjacent land uses and zones. Sidewalks, open public spaces and public art shall be provided to encourage a pedestrian-friendly atmosphere and connections with public transit stops, schools, shopping, services, and recreational facilities.
- 2. Town Center Overlay (TCO). The Town Center overlay area is located within the Town Center Zone between 35th Street West and 38th Street West. This overlay area will be an urban mixed use neighborhood that is intended to create an integrated residential, retail, park, public open space, and civic development, creating an urban village atmosphere. The development in this area should include luxury residential living units including flats, townhouses, lofts and live/work units in several buildings. The buildings would include ground floor retail and commercial uses. A hotel and conference center facilities are envisioned. The civic elements include the City Hall/library civic building, and town square, a public plaza. Parking should be accommodated along the internal streets, in parking garages located below the buildings and on surface parking lots located to the side of or behind buildings. Approximately 20 percent of the overlay zone would be dedicated as permanent open space/park. A portion of this area is currently designated as Homestead Park. In addition to preserving natural open space, there should be well-defined open space throughout the overlay area, with articulated streetscapes, landscaping, and other pedestrian features.
- 23. Chambers Creek Properties Overlay (CCPO). The Chambers Creek properties overlay is an area of land located in the southwest corner of the City that is owned by Pierce County. This property consists of a total of 930 acres with about 700 acres situated in the City. A master plan was developed over several years with the help of area residents, and was originally adopted by Pierce County and the City in 1997 with an update in 2005. In accordance with the Chambers Creek properties master site plan, the "properties," as they are referred to by Pierce County, are currently developed with a mix of public facilities and services including the County's principal wastewater treatment facility, the County's Environmental Services Building, active and passive open spaces including Chambers Bay, an 18-hole links style golf course, ball fields, open meadows and an extensive trail system. Future development includes restaurants, a golf club house, lodging, a boat launch, more trails and an off-leash dog area. The development of the Chambers Creek properties is subject to a joint procedural agreement and design standards aimed at achieving County and City goals and promoting economic development.
- <u>3</u>4. Day Island/Day Island South Spit/Sunset Beach Overlay (DIO/DISSO/SBO). The purpose of the Day Island/Day Island South Spit/Sunset Beach overlay areas is to preserve the unique residential character

of Day Island and Sunset Beach by recognizing and preserving historic development patterns. The Day Island Overlay also supports continued marina operations at the north end of Day Island. Many houses on Day Island and Sunset Beach were built with different building setbacks than current codes allow. There are also numerous encroachments on the public right-of-way, which should be corrected over time. A special set of development standards applies in this area to achieve its purpose.

45. Transition Properties Overlays (TPO). The purpose of transition properties overlays is to create a uniform set of design standards aimed at protecting single-family neighborhoods that abut commercial areas, and therefore need extra protection not provided by other standards due to unique circumstances. Four special protection areas have been identified by the City Council including Westwood Square, Menlo Park (two areas), and 28th Street. Design standards for these areas include limits on access, additional buffering and/or setback requirements, building modulation, and location of windows.

Amend UPMC 19.25.020 by changing two-family reference to duplex.

# 19.25.020 Use tables - Interpretations.

A. Use Categories, Types and Levels. Uses are grouped into eight major categories: residential, civic, utilities, essential public facilities, office/business, commercial, 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.

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

#### Example:

Commercial Use Category

Lodging Use Type

Level 2. Hotels as a typical use

- E. Any use may have accessory uses subordinate to the permitted use.
- F. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the Director shall have the authority to make the final determination. The Director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.
- G. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or

more categories or use types. When more than one use category or use type level apply to one property, each use shall be classified separately.

- H. Accessory Uses. Accessory uses are described and regulated in Chapter 19.30 UPMC, Accessory Uses and Structures.
- I. Temporary Uses. Temporary uses are described and regulated in Chapter 19.35 UPMC, Temporary Uses/Temporary Housing Units.
- J. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot; provided, that:
- 1. Each principal use is permitted in the zone classification;
- 2. Each principal use meets all pertinent regulatory requirements; and
- 3. No more than one single-family detached dwelling or duplexunit or one two-family dwelling unit shall be permitted as a principal use on any individual lot in R1 or R2 zones except as specifically provided in Chapter 19.70 UPMC, General Development Standards, and Chapter 19.85 UPMC, Discretionary Land Use Permits.
- Amend 19.25.040 Residential use category by amending definition of adult family home to match state definition in Chapter 70.128 RCW and WAC 388-76-10000 and by amending descriptions to ensure consistency with comprehensive plan terminology.
  - **A. Adult Family Home.** Adult family home use type means <u>a residential homean attached single- or two-family dwelling unit</u> in which a person or <u>an entity persons is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to <u>a licensed operator, resident manager, or caregiver, who resides in the home. the person or persons providing the services.</u> (Chapter 70.128 RCW) An adult family home shall not serve as a Level II group home.</u>
  - B. Assisted Living Facilities. Assisted living facilities 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 Oon two or fewer acres;
  - c. Is IL imited to two stories in height;
  - d. Maintains an architectural character similar to typical single-family and <u>duplex</u>twe-family 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 Oon more than two acres;
- c. Is ILimited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and <u>duplex</u>two-family 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);
- e. Maintains 20-foot minimum side yard setbacks; and
- f. Has a minimum 20 percent of open space including setbacks.
- 3. Level 3. Assisted living facilities with none of the above restrictions.
- C. Bed and Breakfast. Bed and breakfast use type is a dwelling unit within which no more than four guest bedrooms are available for paying guests. The number of guests is limited to no more than eight at any one time. A bed and breakfast shall not serve as a group home.
- D. Level I group home use type includes group homes for the physically/mentally challenged, foster homes, and women's shelters and other groups protected by the Fair Housing Act or Washington's law against discrimination. Group homes are living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

Level II: See this chapter.

- E. Caretaker unit use type means a dwelling used exclusively as the residence for a caretaker or watchperson and their family.
- F. Mobile Home. Mobile home use type refers to factory-assembled single-wide or double-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.
- G. Mobile/Manufactured Home Park. Mobile home park use type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.
- H. Multifamily Housing. Multifamily use type refers to three or more joined dwelling units or two or more <u>detached</u> single-<u>or two-</u>family dwelling<u>s units</u> <u>or duplexes</u> on an individual lot that provide living accommodations for families.
- I. Nursing Home. 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 Oon two or fewer acres;
- c. Limited to two stories in heightNo taller than two stories;
- d. Maintains an architectural character similar to typical single-family and <u>duplextwo-family</u> 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 Oon more than two acres;
- c. Limited to two stories in heightls no taller than two stories;
- d. Maintains an architectural character similar to typical single-family and <u>duplextwo-family</u> 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);
- e. Maintains 20-foot minimum side yard setbacks; and
- f. Has minimum 20 percent of open space including setbacks.
- 3. Level 3. Nursing homes with none of the above restrictions.
- J. Single-Family Attached Housing. Single-family attached housing use type refers to a building containing two or more single dwelling units that occupyies space from the ground to the roof and are attached to other dwellings by one or more common walls which may be located on one or more common side lot lines. Each dwelling unit is located on a separate its own lot and may be occupied by no more than one family as defined in UPMC 19.10.030. Examples include, but are not limited to, row houses and townhouses where units are located side by side rather than stacked.
- 1. Level 1. Single-family attached with up to tTwo attached units.
- 2. Level 2. Single-family attached exceeding. More than two attached units.
- K. Single-Family/<u>DuplexTwo-Family</u> Housing. Single-family/<u>duplextwo-family</u> housing use type refers to a <u>building containing one or two residential</u> dwelling units, providing <u>separate</u> living accommodations <u>within each unit.</u> Single-family/duplex housing includes freestanding dwelling unitsfor individual families, that are <u>either</u>-not attached to another dwelling unit by any means, or <u>two units are</u>-attached in pairs <u>on a single lotof two.</u> A single-family/duplex housing unit may be occupied by no more than one family as <u>defined in UPMC 19.10.030.</u> Single-family and two-family dwelling units include stick-built and modular homes. A two family housing structure is commonly known as a "duplex."

 Amend UPMC 19.25.110 Use Tables Zone Acronyms by eliminating C zone and TC Overlay, establishing CC zone, and correcting various names.

#### 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 type are shown down the vertical axis.

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

R1	Single-Family-Residential_1
R2	Two-Family-Residential 2
MF-L	Multifamily Residential – Low Density
MF-H	Multi-Ffamily Residential – High Density
POS	Parks and Open Space
MU-O	Mixed Use - Office
NC	Neighborhood Commercial
TC	Town Center
TC-O	Town Center - Overlay
MU	Mixed Use
C <u>C</u>	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 <u>19.85.050</u>, 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 <u>19.85.010</u>, 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.
- Amend UPMC 19.25.110 Residential Use Table to allow family day care facility as a permitted use in all residential, commercial or other zones that allow residential uses of

- any type, consistent with RCW 36.70A.450 and WAC 365-196-865. (see table on following pages)
- Allow Level 1 group homes in <u>all</u> zones that allow residential uses consistent with state and federal law. Amend UPMC 19.25.110 Residential Use Table to list them as a permitted use in the NC, TC and MU-M zones. (see table on following pages)
- Amend 19.25.110 residential use table to list adult family home as a permitted use in the TC and MU-M zones, as required under state and federal law. Note: All zones allowing residential uses must allow adult family homes. (see table on following pages)
- Amend UPMC 19.25.110 Civic and Recreation Use Types and Zone Classification Table by adding "Recreation -- nonprofit" as a permitted use in the R1 zone and allowing this as a permitted use in the R2. Currently, the R2 requires a CUP. (see table on following pages)

# **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)	<u>C</u> C (1 <u>5</u> 4)	LI-BP	MU-M (27)		
Adult family home (6 or fewer)	Р	Р	Р		Р	Р	<u>P</u>	Р	P		<u>P</u>		
Assisted living facility		P1, C2	P3		P3		P3	P3	<u>P3</u>				
Bed and breakfast (2)	Р	P	Р		Р	Р							
Caretaker unit	P (22)			Р							Р		
Family daycare facility	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		
Level I group home	Р	Р	Р		Р	<u>P</u>	<u>P</u>	Р	<u>P</u>		<u>P</u>		
Live/work unit					D (5)			D (5)	D (5)		D (16)		
Mobile/manufactured home (3)			P										
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	<u>P3</u>				
Single-family attached housing	P1	P1	P2		P2	P2		P2					
Single-family/duplex-(detached) and two-family housing	Р	Р	Р										
Small lot housing	D (17)	D (17)											

See notes in UPMC 19.25.120

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

USE TYPES	ZONE CLASSIFICATIONS										
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	TC	MU	<u>c</u> c	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	Р	Р	Р	Р	Р	Р	Р	Р
Courthouse							С		<u>C</u>		
Cultural services (museums, libraries)				Р	C	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 C1, 3, P2, 4	P4	P4
Hospitals/24-hour medical clinics					P, C2	P, C2	P, C2	P, C2	P, C2	С	
Holding cells							P1	P1	<u>P1</u>	С	
Postal services						P1	P1	P1	P1	P1, 2	P1
Private clubs and lodges						Р	P	P	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	<u>P</u>	<u>P</u> C	С			С	С	С	С		P1,3
Religious assemblies	P1, C3	P1, C3	P1, C3		P1, C2	Р	Р	Р	<u>P</u> C	P1	P1

Transportation	P1	P1	P1		P1, C2	P1	P1, C2				
Utility and public maintenance facilities				P1, 2			P1, C2	P1, C2	P1, C2	Ρ	P1, C2

See notes in UPMC 19.25.120.

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

USE TYPES	ZONE CLASSIFICATIONS										
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	<u>C</u> C (1 <u>5</u> 4)	LI-BP	MU-M (20, 21, 27)
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	P	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	P1, A2, 3, 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	P1, 2	Р	P1, 2
Recycling collection sites	Р	Р	Р	P (18)	Р	Р	Р	Р	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
ESSENTIAL PUBLIC FACILITIES (8)	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	<u>C</u> C (1 <u>5</u> 4)	LI-BP	МU-М
Level II group homes			С		С			С		С	
Organic waste processing facilities								1		С	
Correctional institutions										С	
Recycling processors											

Sewage treatment facilities											
Waste disposal facilities											
Waste transfer facilities										C1, 2, 3	
RESOURCE USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	<u>C</u> C (1 <u>5</u> 4)	LI-BP	МU-М
Agricultural sales						Р	Р	Р	Р		P1
Crop production	Р	Р	Р								
Fish enhancement											Р
Limited horse boarding	Р	Р									

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

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

USE TYPES	ZONE CLASSIFICATIONS												
COMMERCIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	TC-O	MU (14)	<u>C</u> C (1 <u>5</u> 4)	LI-BP	MU-M	
Administrative and professional offices					P1	P1, 2, 3	P1 <del>, 2</del>	P1	P1, 2, 3	P1, 2 <del>, 3</del>	P1	P1	
Veterinary clinics/animal hospitals					C1	P1	P1	P1	P1	P1	Р		
Adult entertainment											C (9)		
Amusement and recreation (private)						Р	P	₽	Р	Р	Р	Р	
Beauty salon/barber					P (10)	Р	Р	₽	Р	Р		Р	
Building materials (11)						P1	P1, C2	P1, C2	P1, C2	P1, C2	Р		
Business support services					Р	Р	Р	₽	Р	Р	Р	Р	
Commercial centers						С	P1, C2 (12)	<del>P1, C2</del> <del>(12)</del>	С	<u>P1, C2</u> (12)			
Eating and drinking establishment					P4	P1, 2, 3	P1, <del>2,</del> 3	P1, 3	P1, 3, C2	P1, 2, 3	P1, 3 (19)	P1, 3	

Food stores (11)					P1, C2	Р	P	P1, C2	Р		Р
Garden center (11)					Р	P <del>1</del>	<del>P1</del>	P <del>1</del>	Р	С	
Health club (a.k.a. fitness center)		<b>)</b>			Р	Р	₽	Р	Р	С	Р
Kennels									C	Р	
Limited accessory retail (MU-O only)				P (13)			-				
Lodging – Hotels and motels (no RV)					С	Р	₽	Р	Р		Р
Marinas and other boating facilities (launch ramps and covered moorage) (25)	P		<u></u>				-				P2
Mini casinos							_				
Movie theaters (indoor only)					Р	Р	P	<u>C</u>	Р		
Mobile, manufactured, and modular home sales										С	
Vehicle sales, repair, service					P1, 2		-	P1, C2	P1, 2	P1, 2, C3, 4	P6 (26)
Pawn shops									₽	С	
Personal services (other)				P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	Р	P1, C2
Pet day care					Р		P	Р	₽	Р	
Rental and repair					P1, C2			P1, C2	P1, C2	Р	P1 (26) C2 (26)
Sales of general merchandise (11)					P1, 3, 4, C2	P1, <del>3,</del> C2	P1, C2	P1, 3, 4, C2	P1, 3, <del>4,</del> C2	P1, C2	P1
Tattoo parlors							-		C	<u>P</u>	
Video rental					Р	Р	P	Р	Р	Р	
Wholesale trade (11)			 					C1	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	тс	MU	<u>c</u> c	LI-BP	MU-M
Boat Building										С	С
Bulk fuel dealers										С	
Buy-back recycling											
Contractor yards									<del>C1</del>	Р	P (26)
Craft production facilities									₽	Р	Р
Food and related products										Р	С
Industrial services and repair					7					С	С
Limited manufacturing										Р	Р
Microbeverage production facilities										Р	Р
Motion picture, TV and radio production studios								<u>C</u>	C1	Р	
Printing, publishing and related industries										Р	
Salvage yards										P1, C2	
Storage units										Р	P (26)
Vehicle impound yards										Р	
Warehousing, distribution and freight movement										С	С

•	Amend UPMC 19.25.120 Residential Use Table Notes by updating zone names.	
	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, and Commercial 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 everlay zone subject to the Town Center overlay 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 multi-family 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.
- (17) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter 19.53 UPMC.

- (18) Recycling collection receptacles in the parks and open space zone shall not exceed a maximum capacity of 20 cubic yards.
- (19) Eating and drinking establishments in the light industrial/business park zone are only permitted north of 24<sup>th</sup> 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 Title 18 Shoreline Master Program requirements.
- (21) Uses located within the Day Island Medium Intensity (DIMI) Shoreline Environment are also subject to compliance with the requirements of UPMC Title 18. Non-water oriented commercial, industrial and recreation uses, certain transportation and utility uses, and overwater 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 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 Title 18 Shoreline Master Program requirements when located within the R1 Chambers Creek Properties Overlay.
- (25) Covered moorage lawfully established prior to adoption of the Shoreline Master Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be maintained, modified or replaced, but not extended in terms of cumulative footprint and shading of water. See UPMC 18.30.070.G.
- (26) Predominantly marine-related activities, facilities, services, merchandise, and uses. Predominant means the most common, main or prevalent activities measured by the proportion of a site or building floor area devoted to such activities. The city may consider additional factors in determining whether marine-related activities are the predominant use of a site or building.
- (27) Conditional use permit required for buildings or structures exceeding 45 feet in height.

# Amend 19.45.030 Density Standards regarding easement acquisitions

# 19.45.030 Density standards.

A. All density provisions shall be calculated in dwelling units per acre (du/ac). The calculation shall be based upon the net acreage, subtracting out land that, by City, State or Federal regulation, is unbuildable. This would include any <u>critical</u> areas such as, but not limited to, wetlands, floodways, steep slopes, and <u>fish and wildlife habitat areasstreets</u> (except as provided in <u>Chapter 17.35Title 17</u> 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 alleysexcluding City-acquired easements per <u>subsection B of this section, and alleys</u>). Land that may be difficult or expensive to build upon, but where development is not prohibited, 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 <u>street improvements adjoining an existing public street right-of-way-purposes</u>, the area of the easement <u>shallmay</u> be used in <u>a</u>-density <u>and minimum lot size</u> calculations to determine the number of dwelling units allowed.

# Amend 19.45.040(A) Setback Standards regarding easement acquisitions

### 19.45.040 Setback standards.

A. Setback Measurement. 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. edge of a street. Where there is no street, a setback is measured from the property line. Setbacks are not measured from driveways unless the driveway is built on an access easement in which case a minimum eight-foot setback measured from the edge of a driveway the access easement is required. An eight-foot setback is required from portions of hammerhead turnarounds 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 setbacks have been established by the placement of structures on the lot, the established setbacks shall be maintained. See Figure 1.

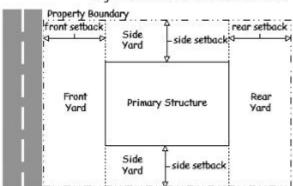


Figure 1: Interior Lot Yards & Setbacks

Amend UPMC 19.45.100 Density and dimensions tables by revising densities for MF-H
zone to 55/60 (base density/affordable housing component increase); converting TC
Overlay to TC zone, eliminating C zone, converting TC zone outside of TC Overlay to new
Community Commercial zone (standards unchanged from old TC zone). (see table on
following pages)

# **Density and Dimensions Table**

	ZONE CLASSIFICATIONS											
DENSITY AND DIMENSIONS (SETBACKS)	R1	R2	MF-L	MF-H	POS	MU-O	NC	тс	MU (9)	<u>C</u> C	LI-BP	MU-M
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	<u>35</u> <del>25</del>	<u>55</u> 35		45/60 <sub>30</sub> (2) <u>(7)</u>	4	20 min 12 (18)	<del>30</del> <u>60</u> (2)	60		30
Maximum Density (du/ac) (3)	6 small lot housing	9 small lot housing	<u>40</u> 30	<u>60</u> 40		50/6535 (2) <u>(7)</u>	6	none	<del>35</del> <u>65</u> (2)	<u>65</u>		35
Minimum Lot Size (16)	9,000 detached SFD, 6,750 attached SFD, and 13,500 duplex in conventional plat; none specified for small lot housing	6,000 SFD, 12,000 duplex in conventional plat; none specified for small lot housing	4,000	2,500	7	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)
Setback, Arterial Streets	25' (19)	25' (19)	25'		25'	15'/20' min/max (5)	25'	0'/ <u>20</u> 10' min/max (18)	15'/20' min/max (5)	0'/10 15'/20' min/max (18) (5)	35'	0,
Setback, Other Roads	25' (19)	25' (19)	25'		25'	15'/20' min/max (5)	20'	0'/ <u>20</u> 10' min/max (18)	15'/20' min/max (5)	0'/10' 15'/20' min/max (18) (5)	25'	0'
Setback, Rear (4)	30' (19)	30' (19)	0'/30' (7	<del>7)</del>	30'	0'/30' <del>(7)</del>	0'/30' <del>(7)</del>	0'/ <u>50</u> 30 (13)'	0'/30' <del>(7)</del>	0'/30'	0'/50'	0'/30'
Setback, Side (4)	8' (8) (19)	8' (8) (19)	0'/30' (7	<del>7)</del> (8)	8'	0'/30' <del>(7)</del> (8)	0'/30' <del>(7)</del> (8)	0'/ <u>10</u> 30' (13)	0'/30' <del>(7)</del> (8)	0'/30'	0'/50'	0'/30'

	ZONE CLASSIFICATIONS											
DENSITY AND DIMENSIONS (SETBACKS)	R1	R2	MF-L	MF-H	POS	MU-O	NC	TC	MU (9)	<u>c</u> c	LI-BP	MU-M
Maximum Height	35' SFD or duplex, 30' small lot (20)	35' SFD or duplex, 30' small lot (20)	45'		45'	45'	40'	75'/120'/ 55' (14) 40' (18)	45'	45' <u>(18)</u>	40'	35'/45'/65' (24)
Floor Area Ratio (FAR)	housing; .40	.40 average and .45 maximum for small lot housing; and .40 for existing substandard lot (21)										

# Overlay Zones Density and Dimensions (Setbacks)

OVERLAY ZONES	Town Center	Chambers Creek Properties (10)	Public Facility (6)	Transition Properties	Day Island	Day Island South Spit	Sunset Beach
	TCO	ССРО	PFO	TPO	DIO	DISSO	SBO
Base Density (du/ac) (1), (2)	<del>20</del>			(6)	4	4	4
Maximum Density (du/ac)	-			(6)	6 (3)	6 (3)	6 (3)
Setback, Arterial Streets (10)	0'/20'			(6)	NA	NA	NA
Setback, Other Roads	0'/20' (13)			25'	20' (11)	0'	0'/20' (12)
Setback, Rear (4)	0'/50' (13)			(6)	20'/35' (25)	5' (26)	5' (26)
Setback, Side (4)	0'/10' (13)			(4)	5'	0'	5' Total
Height	<del>75'/120'/55' (14)</del>			(6)	35'	30'	35'

- Amend UPMC 19.45.100 Density and Dimension Table Notes to reflect changes to table.
  - 19.45.100 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-BPIB, 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.
  - (7) Single-family and duplex uses in these zones may, at their option, use minimum setbacks of the R1
  - (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) Density and dimension standards are contained in the Chambers Creek properties design standards and guidelines.
  - (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 Overlay 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 everlay zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and <u>Drexler Drive West</u>74th Avenue East, height shall not exceed 120 feet. East of 74th Avenue <u>Drexler Drive</u> 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/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the administrative design review process. A legally nonconforming duplex lot existing prior to the effective date of the ordinance codified in this section may be subdivided into two attached single-family lots, one or both of which may contain less than the required lot area.
- (17) Lot coverage refers to the percentage of a lot covered by buildings. For small lot developments, the lot coverage standard applies to buildings, private streets, parking lots, driveways and other impervious surfaces combined.
- (18) Review Chapter <u>19.52</u> UPMC for additional information regarding setbacks, height, density and design standards for the Town Center <u>and Community Commercial</u> zone<u>s</u>.
- (19) Setbacks for small lot developments shall be in accordance with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.
- (20) See the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC for additional information regarding height limits for small lot developments.
- (21) Floor area ratios for small lot development are based on the average for the entire project; FARs for individual lots may vary. See UPMC <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 18.25.120.
- (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 18.25.120.
- (24) Maximum height of a building or structure is 35 feet when located within 100 feet of the ordinary high water mark (OHWM). Height may be increased for buildings or structures located more than 100 feet from the OHWM or when located on the upland (easterly) side of 91st Avenue West, up to a range of 45 to 65 feet, when a visual impact assessment is submitted in accordance with UPMC 18.25.110(E) and the decision-maker determines that a proposal will comply with the purpose and intent of UPMC 18.25.110 regarding view protection. The 35-foot, 45-foot and 65-foot limit areas located east of 91st Avenue West are shown in Figure 11.



Figure 11

- (25) A 35-foot rear setback measured from the ordinary high water mark is required for properties located within shoreline jurisdiction.
- (26) Rear setback is measured from the ordinary high water mark.
- Amend UPMC 19.50 by updating references to zoning district names.

# DESIGN STANDARDS FOR MIXED USE, MIXED USE - OFFICE, <u>AND</u> MIXED USE - MARITIME, <u>AND COMMERCIAL</u> ZONES

#### 19.50.020

# Authority and applications.

A. The provisions of this chapter shall augment and/or supersede existing regulations in the University Place zoning code regarding Mixed Use, Mixed Use – Office, <u>and Mixed Use</u> – Maritime, <u>and Commercial</u> zones defined in the official zoning map. The chapter provisions shall apply to:

- 1. All new construction on vacant land requiring building or development permits;
- 2. Major Redevelopment. (As defined in Chapter 19.10 UPMC.);
- 3. Major Improvement. (As defined in Chapter 19.10 UPMC.);
- 4. When the provisions of this chapter apply, they apply to the entire property where the use is situated;
- 5. Renovation of an existing single-family structure for residential or commercial use is exempt from this chapter, provided no expansion of the structure occurs.
- B. The following zoning classifications designations are exempt from the provisions of this chapter:
- 1. Light Industrial Business Park;
- 2. Neighborhood Commercial;
- 3. Town Center;

- 4. Multifamily-Low
- 5. Multifamily-High; and
- 5. Residential 1;
- 6. Residential 2;
- 7. Community Commercial; and
- 8. Parks and Open Space.
- C. When provisions included in these design standards conflict with the definitions in Chapter 19.10 UPMC and requirements of the University Place zoning code, these design standards shall apply unless otherwise provided. These design standards shall not supersede provisions of the zoning code regarding uses and density.
- D. When provisions included in these design standards conflict with shoreline master program requirements in UPMC Title 18, the shoreline master program requirements shall apply.
- E. The following mixed use design standards adopted by reference in Chapter 19.50 UPMC shall apply to the Mixed Use Maritime zone:
- 1. Pedestrian Circulation
- 2. Site Planning and Building Placement provisions relating to exterior lighting and abutting development
- 3. Open Space and Amenities
- 4. Building Design provisions relating to pedestrian building entries, treatment of blank walls, roof lines, rooftop equipment, and character and massing
- 5. Surface Parking provisions relating to encouraging joint-use parking areas, parking lot landscaping and treatment of perimeter, and pedestrian circulation through parking lots.

## 19.50.050 Design standards and guidelines adopted.

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

Amend UPMC 19.52 by updating references to zoning district names.

## **Chapter 19.52**

## COMMUNITY COMMERCIAL TOWN CENTER ZONE DESIGN GUIDELINES

## 19.52.010 Purpose.

The following special design standards apply to the Town Center Community Commercial zone and are intended to promote integrated development with pedestrian-oriented design. The design standards are intended to implement the City's Comprehensive Plan and Economic Strategic Action Plan. The design standards 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 areaprojects.

# 19.52.020 Authority and applications.

- A. These zoning controls apply to all new development, exterior alterations and major redevelopment or major improvements in the Town Center Community Commercial zone outside the Town Center overlay zone. Standards are mandatory while guidelines are discretionary.
- 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. Administrative design review approval administrative use permit is required to develop in the Town Center Community Commercial zone. Provisions regarding the administrative design review processuse 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\_Community Commercial zone 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 are recognized through the application of unique require standards and guidelines to achieve the Town Center Comprehensive Plan's vision for each area and implement the City's Comprehensive Plan. Building height, building mass, buffering, landscaping, parking standards and signs vary by area.

## 19.52.030 General requirements.

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

### 19.52.040 Review process.

- A. 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. <u>Town Center Administrative</u> 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 <u>Planning and Community</u>-Development <u>Services</u> 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.
- H. Appeals. Any decision of the Director may be appealed to the City Hearings Examiner. Appeals shall be filed as set forth in UPMC Title <u>22</u>.

 Renumber UPMC 19.56 to 19.51 and amend further by eliminating references to the Town Center Overlay

# Chapter 19.516 TOWN CENTER OVERLAY DESIGN STANDARDS

# 19.5<u>16</u>.010 Purpose.

The purpose of this chapter is to establish design standards and guidelines for the Town Center everlay zone to promote high quality mixed use development in accordance with the Community and Town Center vision statements.

# 19.516.020 Applicability.

A. These standards and guidelines apply to all new development, exterior alterations and major improvements in the Town Center <u>zoneoverlay</u>. Standards are mandatory while guidelines are discretionary.

B. 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.

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

D. The following UPMC provisions do not apply:

19.30.040(A)(8), Commercial vehicles	19.65.100, Street frontage landscaping
19.35.020, Seasonal and temporary commercial uses	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 exceptions	19.70.060(F), Open space and parks
19.45.050, Height standards	19.75.090(D), Signs on Marquee, Canopy and Awnings
19.50.020 – 19.50.030, Design review	

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

# 19.516.030 Review process.

An overlay Administrative design review approval administrative use permit is required to develop in the Town Center zone overlay. Provisions regarding the overlay administrative design review processadministrative use permit are found in the Town Center overlay design standards and in Chapter 19.85 UPMC.

# 19.516.040 Design standards and guidelines adopted.

The Town Center overlay design standards are adopted by reference and contained in a separate City design manual titled "Town Center Overlay Design Standards and Guidelines."

• Amend UPMC 19.55 Overlay Zones by repealing Section 19.55.050 Town Center Overlay.

# 19.55.050 Town Center overlay.

A. Purpose. The purpose of the Town Center overlay is to promote high quality mixed use development utilizing design standards, incentives and increased density and height limits to create a viable center.

B. Standards\*. The Town Center Overlay Design Standards and Guidelines shall apply in the Town Center Overlay.

 Amend UPMC 19.60.050 Off Street Parking Requirements by changing references, from two-family to duplex

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

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

	Parking Requirements
DECIDENTIAL LIGEO	Farking Requirements
RESIDENTIAL USES	
Adult Family Home (6 or Fewer)	1 per employee + 2
Assisted Living Facility	0.5 per bed
Affordable Senior Multifamily Housing (1)	0.6
Bed and Breakfast	1 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	1.5 per unit
3+ Bedroom Units	2 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 Two-Family Housing	2 per unit
CIVIC AND RECREATION USES	
Administrative Government Service	400
Animal Control	400
Cemetery/Mortuary	1 per 5 seats
Community Center	200

	Parking Requirements
Community Club	200
Courthouse	200
Cultural Service (Museum, Library)	250
Day Care Center (Exceeds 12)	1 per employee + 1 per 10 clients
High School	1 per employee + 1 per 10 students
Elementary and Intermediate	1 per employee + 10
Hospital and 24-Hour Medical Clinic	1 per employee + 1 per bed
Jail	1 per employee + 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 + 10
Sewage Treatment Facility	1 per employee + 10
Resource Use	
Agricultural Sale	250
*Note: For telecom towers = 1 per tower.	
COMMERCIAL USES	
Office/Business Uses	400
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

	Parking Requirements
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 + 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
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
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

<sup>(1) &</sup>quot;Affordable" means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington. "Senior" means dwelling units specifically

designed for and occupied by elderly persons under a Federal, State or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

# Amend UPMC 19.60 Off Street Parking Requirements by updating references to zoning districts

#### 19.60.030 Location.

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

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

# 19.60.080 Cooperative (joint-use) parking facilities.

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

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

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

Amend UPMC 19.65 Landscaping/Trees by updating references to zoning districts

#### 19.65.095 Difference of standards.

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

 Amend UPMC 19.65 Landscaping/Trees by changing references – from two-family to duplex.

# 19.65.090 Landscaping.

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

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

- B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses under either of the following conditions: (1) when the remodeling or expansion results in the remodeling of or addition of 10 percent or more of the gross floor area of the existing principal building or, collectively, to any principal buildings in a commercial center; or (2) when the remodeling or expansion results in cumulative improvements to the interior and/or exterior of a structure (except for normal maintenance, repair, and life/safety improvements including but not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility), which within a 12-month period exceeds a cumulative value of 10 percent of the assessed value of the structure as assessed by the Pierce County Assessor's Office. All landscape requirements of this section shall apply to the entire property. The landscape tables indicate the particular landscape category which applies to proposed expansion or alteration. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Director shall determine how the code is to be applied. The Director shall use landscape averaging by requiring more landscaping in one area and reducing it in another. In determining how to apply the landscaping requirements in such circumstances, the Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:
- 1. Compliance with street frontage landscaping standards;
- 2. Compliance with perimeter landscaping standards;
- 3. Compliance with internal area of parking lot standards;
- 4. Compliance with other landscaping standards of this title.
- C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in subsection (B) of this section, such use need not provide additional landscaping except under the following circumstances:
- 1. Additional off-street parking is required, in which case the landscaping required by UPMC 19.65.110 shall be required for all new parking spaces or parking facilities provided.

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

# 19.65.100 Street frontage landscaping.

Any portion of any use, except individual single-family or <u>duplextwo-family</u> lots that abuts a public right-of-way shall install Level III landscaping unless otherwise specified. See Figure 1 in UPMC <u>19.65.140</u>.

# 19.65.150 Perimeter landscape tables.

A. Residential, Commercial and Industrial Table.

Existing Uses									
	School or Park	Single-or Two- Family or Duplex Dwellings	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses			
		Proposed l	Jses						
Single- <del>or Two-</del> Family <u>or Duplex</u> Subdivisions	L3		L3	L1	L1	L1			
Short Plats**	L3		L3	L3	L3	L3			
Multifamily and Senior Housing*	L1	L1	L2	L1	L1	L1			
Mixed Use	L1	L1	L1/L2***	L3	L3	L2			
Religious Assembly and Day Care	L1	L1	L2	L1	L1	L1			
Offices and Services	L1	L1	L1	L3	L3	L2			
Commercial Uses	L1	L1	L1	L3	L3	L2			
Industrial Uses	L1	L1	L1	L2	L2	L3			

<sup>\*</sup>Includes mobile home parks

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

B. Public Facilities and Utilities Table.

Existing Uses								
	Single- or Two- Family Dwellings	Single-or Two-Family or Duplex Subdivisions	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses		
Proposed Uses								
Government and Utility Offices	L1	L1	L1	L3	L3	L2		
Schools and Parks	L1	L1	L1	L2	L2	L1		
Government and Utility Maintenance Facilities	L1	L1	L1	L2	L2	L3		
Sewage Treatment Plants	L1	L1	L1	L1	L1	L1		
Accessory Utility Facilities	L2	L2	L2	L3	L3	L3		

Amend UPMC 19.65 Landscaping/Trees by correcting reference to landscaping level.

# 19.65.105 Transition landscaping requirements.

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

A. Install Level I landscaping within the front yard setback abutting all local streets. See Figure 3-1 in UPMC 19.65.140.

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

 Amend UPMC 19.70.040.A by renaming "home-based day care facilities" to "family day care facilities" and amend description in UPMC 19.70.040.B to be generally consistent with state terminology.

# UPMC 19.70.040 Day care facilities.

A. The purpose of this section is to provide operating criteria to meet the need for quality, affordable and safe day care facilities for adults and children in all areas of University Place. There are two types of day care facilities: <a href="https://home-basedfamily">home-basedfamily</a> day care facilities and day care centers.

<sup>\*\*</sup>Required on newly created vacant lots only as a condition of building permit issuance. Installation required prior to building permit final.

<sup>\*\*\*</sup>Mixed use projects that are predominantly commercial shall use an L1 buffer. Mixed use projects that are predominantly residential shall use an L2 buffer.

- B. Home-BasedFamily Day Care Facilities. Home-basedFamily day care facilities operate from a residence and provide child care and early learning services for not more than twelve children. Children include both the provider's children, close relatives and other children irrespective of whether the provider gets paid to care for them. Family day care facilities provide their services in the family living quarters of the day care provider's home are restricted to a maximum of 12 children. Home-basedFamily day care facilities shall be permitted in residential dwellings located in any area zoned for residential andor commercial use.
- C. Day Care Centers. Day care centers are facilities that operate in places other than a residence with no limited number of clients. There are two types of day care centers: adult day care centers, and child day care centers that provide care for thirteen or more children during part of the 24-hour day.
- 1. Operating Criteria for Day Care Centers.
- a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a six-foot-high fence.
- b. Off-Street Parking. A minimum of one stall for every employee plus one for every 10 children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in UPMC 19.65.110, Parking lot and impervious surface area landscaping.
- c. Loading. There shall be an off-street area for loading and unloading children or adults, clearly marked. Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.
- d. Signs. One sign will be permitted at a size to be determined by the zone classification where the facility is located.
- 2. Permitted Zones. Day care centers shall be permitted as specified in Chapter 19.25 UPMC, Uses and Zone Classification Tables.
- Amend UPMC 19.70.090 by updating references to zoning districts.
  - 19.70.090 Solid/hazardous waste handling, treatment, and storage facilities.
  - A. Purpose. The purpose of this section is to use buffering, fencing, and landscaping concepts to:
  - 1. Provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and State agencies;
  - 2. Promote compatibility between land uses and unify development with aesthetic screening;
  - 3. Provide mitigation measures for security, vector, and fire control;
  - 4. Provide for potential corrective measures for ground water protection; and
  - 5. Promote the use of water conservation in the design, planting, and maintenance of landscaping.
  - B. Development Standards. The following development standards are applicable to all solid waste facilities whether or not a solid waste permit is required by State regulations or the Tacoma-Pierce County Health Department, unless otherwise stated. These standards are in addition to the other requirements of each zone classification. Individual facilities requiring a special use permit may be subject to increases to these standards by the Hearings Examiner.

- C. Waste Handling Facilities.
- 1. Applicability. These development standards apply to the following types of facilities:
- a. Organic waste processing facility, including any solid waste facility specializing in the controlled composition of organic solid waste and requiring a solid waste permit under Chapter 70.95 RCW, and to any soil treatment or composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste;
- b. Municipal solid waste (MSW) composting facility, including any MSW composting facility which requires a solid waste permit including a facility located within an enclosed structure; and
- c. Transfer station, waste separation recovery facility, and moderate-risk waste facility, including all interim transfer facilities receiving solid waste from off site and which require a solid waste permit under Chapter 70.95 RCW.
- 2. Buffering. Waste handling facilities shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing <u>public</u>, residential or commercial zones, <u>including the</u> R1, R2, MF-<u>L</u>, MF-H, POS, MU-O, MU, <u>MU-M</u>, NC, TC, and C<u>C zones</u>.
- 3. Fencing. To impede entry by the public and animals, a waste handling facility shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.
- 4. Landscape Screening. To be adequately screened to prevent blowing of litter and minimize noise and dust nuisances, a waste handling facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress and egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate the following elements:
- a. A perimeter, sight-obscuring earth berm when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, and CC zones, at least three feet high with a slope of not more than 40 percent (1:2.5) on the side away from the active area, and terraced and/or planted with groundcover to minimize erosion;
- b. At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart;
- c. At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, and CC zones; and
- d. A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.
- 5. Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the City an alternative conceptual landscape plan, supporting photographs, and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area, or critical area buffer to fully comply with the intent of this section.

- D. Drop Box Transfer Station. This section applies to all drop box transfer stations receiving solid waste from off site and requiring a solid waste permit under Chapter 70.95 RCW.
- 1. Fencing. To impede entry by the public and animals, a drop box transfer station shall have perimeter fencing six feet in height with lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections or broken supports.
- 2. Landscape Screening. To be adequately screened from residential development, a drop box transfer station shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six feet in width when adjacent to existing public, residential, or commercial uses or public, residential, or commercial zones, including the R1, R2, MF-L, MF-H, POS, MU-O, MU, MU-M, NC, TC, and CC zones. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All planting material which does not live shall be replaced within the next planting season.

# Amend UPMC 19.70.120 by changing references, from two-family to duplex

# 19.70.120 Manufactured housing.

Manufactured homes are permitted in all zones that permit single-family detached and <u>duplextwo-family</u> housing provided:

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

# Amend UPMC 19.70.130 by updating references to zoning districts.

# 19.70.130 Drive-through and drive-up facilities.

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

# 3. Commercial.

- 34. Community Commercial Town Center zone south of 37th Street West. Proposed drive-through facilities located in Community Commercial Town Center zoned parcels south of 40th Street and west of Bridgeport Way West require a Conditional Use Permit.
- C. Exemptions. Uses regulated by this section include any use that utilizes a drive-through or drive-up as part of their service to customers. Examples include but are not limited to automobile services, restaurants including espresso stands, financial institutions, retail and service uses and drop boxes. The following uses are exempt from this section:
- 1. Delivery and loading spaces required pursuant to Chapter 19.60 UPMC.
- 2. Drop boxes, including library, bank and video drop boxes.
- 3. Hotel porticos and valet parking services.
- 4. Curbside to go services where a parking stall is reserved for a customer who calls in a to-go order. The customer may or may not get out of the car. One stall is allowed per restaurant use.
- D. Standards. Where permitted, drive-through and drive-up facilities shall comply with the following standards; except that where drive-through and drive-up uses are nonconforming, these standards shall apply to all major improvements or major redevelopments.
- 1. To achieve the Town Center vision of a pedestrian oriented zone, in addition to this code section, drive-through and drive-up facilities located within the TC and CCTown Center zones shall comply with the following requirements.
- a. Where drive-through or drive-up facilities are proposed to be located within existing commercial centers, a minimum of two of the following requirements shall be met:
- (1) An additional pedestrian connection between the public street and the principal building within the shopping center.
- (2) An additional pedestrian connection to a second public street for shopping centers with two or more street frontages.
- (3) Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
- (4) Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with Chapter 19.52 UPMC.
- (5) Provide a pedestrian connection from the principal building to a neighboring property.
- (6) Provide enhanced walkways that exceed the design standards through landscaping and design.
- (7) Provide enhancement to an existing pedestrian connection within the commercial center, or, Or upgrade the existing connection to current pedestrian connection standards as described in subsection (D)(1)(b) of this section.
- (8) Provide amenities that achieve the goal of the Town Center that meet or exceed the options listed above and are approved by the Director.

- b. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.
- 2. Traffic and Circulation. <u>Drive-through and drive-up facilities located within all zones shall comply with the following requirements.</u>
- a. Except at entry and exit points, drive-through stacking lanes shall be separated physically (i.e., by a wall, raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

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

- b. The entrance and exit from a drive-through lane, or designated drive-up parking spaces, shall be internal to the site and not a separate entrance/exit to or from the street.
- c. The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot.
- d. Drive-through lanes and drive-up spaces shall be located in the rear or side yards and shall not be placed between a street and the building. See Diagram 1.
- e. Reserved parking spaces for drive-through orders may be required.
- f. Vehicle conflicts with pedestrians and bicycles shall be minimized.
- 3. Landscaping and Screening.
- a. Drive-through windows, menu boards, stacking lanes, drop-offs, and drive-up spaces shall be located to minimize impacts to adjacent properties and screened from the public right-of-way to the maximum extent possible. At a minimum, a berm or wall and Level III landscaping shall be required.
- b. The drive-through, drop-off or drive-up facility shall be buffered and visually screened from residential development with a wall and Level I landscaping, or by other equivalent natural or constructed barriers, such as other commercial development.
- 4. Architecture. Drive-through elements shall be architecturally integrated into building design and not appear to be applied or stuck on to the building.





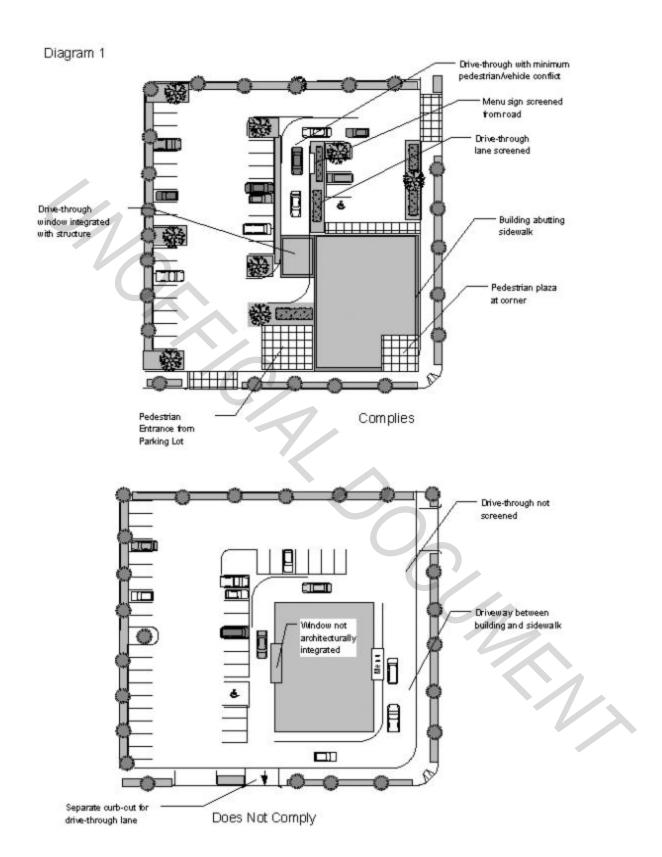
Not Architecturally Integrated

Architecturally Integrated

#### 5. Noise.

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

- E. Additional Conditions. The standards in this section constitute the minimum deemed necessary under general circumstances and in most cases to prevent adverse effects from drive-through facilities. Other and further standards may be required as conditions of approval to ensure that such uses are consistent with the Comprehensive Plan and findings required to grant a conditional use permit if one is required.
- F. Continuation of Use. If any nonconforming drive-through or drive-up facility is discontinued for a period of 12 months or longer, any new drive-through facility shall comply with these standards.
- 1. A nonconforming drive-through lane or drive-up may relocate to a more conforming location consistent with this section.



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

# Amend UPMC 19.75.080 by updating references to zoning districts.

# 19.75.080 Specific sign requirements table.

The following requirements apply to specific sign types. The Director may prescribe reduced area and height, more controlled illumination and greater setback as a condition of any special use permit approval.

Commercial Zones (TC, NC, MU, MU-O, MU-M, CC, LI-BPIB)								
Type of Sign	Permit Required	Area (Sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements		
A-Board **	Yes (temporary)	12 per face		5 to 20	1 per 50' of frontage	Setback 5' from ROW; setback 20' from intersections		
Banner **	Yes (temporary)	24			1 per tenant			
Billboard	Prohibited							
Bus Shelter	Yes					Subject to Pierce Transit agreement		
Changing Message	Yes		10	100	1	Allowed only in NC zone; 100' setback measured from center of any controlled intersection		
Charitable Event	Yes (temporary)	16	10	0	1 per site	Nonilluminated; may be placed 7 days prior to event; removed 2 days following the event		
City Gateway	No	32	10	0	1	Greater height, number, and size subject to Director approval		
Construction	No	16	5	5	2 per street frontage	May be placed on site upon filing complete and valid land use or building permit application; may be in place until project has received final approval		
Directional	No	6	3	0	1	1 per entrance or 1 per exit		
Flags	No	20	10	0	1	Nongovernmental flags subject to stated requirements;		

	T.					
						government flags are exempt from requirements
Freestanding Single Tenant	Yes	32	10	0	1 to 2	1 abutting street of highest classification; if signs are 100' apart, a second sign is permitted on secondary street
Freestanding Two to Five Tenants	Yes	40	10	0	1 to 2	1 abutting street of highest classification; if signs are 100' apart, a second sign is permitted on secondary street
Freestanding Six or More Tenants (Commercial Centers)	Yes	50	10	0	1 to 3	1 abutting street of highest classification; if > 300' street frontage, a second sign placed 100' from first sign is permitted; an additional sign is also permitted on a secondary street
Historic Markers Plaques/Gravestones	No					
Incidental	No	2		200		Size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency
Kiosks	Yes	20	8	0		Reviewed and approved on individual basis
Medical Emergency/Public Safety	Yes	20	10	0	1	Greater height, number, and size subject to Director approval
Menu	Yes	45	7	0	2	N/A
Murals	No					Commercial messages or business identification is not permitted
Nameplates	No	6				

New Residential Development	Yes (temporary)	16	10	15	1 per street frontage	Two-year period
Official Legal Notices	No	Exempt	Exempt			Notices issued and posted by public agency or court
Off-Premises Advertising	No	25% of on- premises sign	10	0		Permitted only as subordinate use to a properly permitted existing on-premises sign located on abutting property
Political **	No	3	3	0		Area and height requirements apply only to signs at the edge of public right-of-way
Personal Message	Yes	3	5*	0	1 per lot	Nonilluminated *if free-standing
Plaques, Tablets, or Inscriptions	No	3				Nonilluminated, indicates name of building; date of erection, or commemorative information; integral part of building structure; or attached flat to face of building
Projecting	Yes	20	Height of building	10	1	In lieu of freestanding sign; project 5' from building wall; extend no more than 2' from face of curb; clearance ≥ 10'
Promotional	Yes (temporary)			5 to 20	No limit	Setback 5' from ROW; setback 20' from intersections; 5- day time period, may be approved in conjunction with temporary sign under same permit fee
Real Estate	No (temporary)	12	6	0	1 per tax lot	Nonilluminated; removed 15 days after sale, lease, or rental of property
Religious	Yes	36	10	0	1 per street frontage	

Religious Symbols	No					
Residential Development	Yes	32	10	0	1	
Residential Open House A-Boards	No	5, ≤ 2 faces		5 from ROW	1 to 4	Permitted during daylight hours only; a realtor, seller, or agent must be on property; 1 per street frontage, 3 off- premises for any single development
Roof	Yes	≤ 15% of building facade	Shall not project above building	0		Prohibited unless placed on parapet or incorporated into building to provide overall finished appearance
State, City, or Public Service Company	No					Signs indicating danger, aids to service or safety
Street Banners – Decorations	Yes	4				Permitted in accordance with UPMC Title 13
Special Event	Yes (temporary)	30		5	5 on premises	45-day time period for each event; this time
		4			6 off- premises	is included in the limit for temporary signage
Street Banners **	No			0		
Strings of Incandescent Lights	No			0		Lights shall not exceed 25 watts per bulb
Traffic Control	No					Traffic direction signs or Adopt-A-Road litter control program signs
Temporary Use	Yes (temporary)	12 per face		5	1 A-board	Subject to temporary sign requirements;
		24			1 banner	displayed for duration of permitted temporary use
Under-Marquee	Yes	7	8' clearance, sign 12"	2	1 per business	8' clearance from sign to walking surface below, sign height 12", sign must swing
Wall	Yes	15% of building facade		0		18" in thickness

Window	Yes	20% of window		0		7-day time period; > 30 days is considered wall sign and subject to wall sign standards
Yard Sale **	No	3	3	0	1 on premises3 off premises	

<sup>\*</sup> The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title 13.

# Amend UPMC 19.85.050 by updating references to zoning districts

# 19.85.050 Administrative design review.

A. Purpose. The purpose of this section is to establish procedures for the review of small lot and multifamily developments for which design review is required. In addition, these procedures apply to projects that are subject to compliance with the design standards and guidelines for the MU, MU-O and MU-MC zones per Chapter 19.50 UPMC, or the TC zone per Chapter 19.51 UPMC, and the CC zone per Chapter 19.52 UPMC. The design review process is intended to enable the City to evaluate development proposals with respect to architectural design, landscape design, urban form, pedestrian and vehicular circulation, utility design, and site characteristics. The process allows the City to condition development proposals to ensure their compatibility with adjoining uses, compliance with development regulations, and consistency with comprehensive plan goals, objectives and policies. The process is intended to ensure that all critical design issues are addressed early in the site planning and review stages of project development.

- B. Authority. The Director is authorized to review development proposals subject to administrative design review. The Director may approve, approve with conditions, modify and approve with conditions, or deny, the application for administrative design review. The City shall grant design approval when the Director has determined that the criteria listed in subsection (C) of this section have been met by the proposal. The Director may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the Director to make the required findings in subsection (C) of this section. These conditions may include, but are not limited to: restrictions on locations of structures and uses; structural restrictions that address safety, noise, light and glare, vibration, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.
- C. Criteria for Administrative Design Review Approval. Before any administrative design approval may be granted, the Director shall adopt written findings showing that the following criteria are met by the proposal:
- 1. The proposed use and site design will not: be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.

<sup>\*\*</sup> Additional requirements are listed in UPMC 19.75.090, Specific sign requirements. Exemption from the sign permit provisions of this chapter shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City or the State of Washington, including the prohibition against placing signs upon City right-of-way.

- 2. The proposed use and site design will meet or exceed all applicable development, performance and design standards and conform to the intent of the design guidelines that apply to the specific use, location, or zoning classification.
- 3. The proposed use and site design will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.
- 4. All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.
- D. Application Procedures. Administrative design review is classified as a Type II application. The processing procedures for this application are described in Chapter 22.05 UPMC.
- E. Pre-application Review. Applicants are encouraged to schedule a pre-application meeting with the City's technical review committee prior to formal project application. An applicant may present schematic sketches and a general outline of the proposal for a preliminary staff review. The meeting is intended to provide a prospective applicant with information concerning application procedures, submittal requirements and design standards and guidelines that may be applicable to the proposal. The meeting is also intended to provide a prospective applicant with early input and initial design direction from City staff on the proposal. The completion of this pre-application review process does not vest any future application.
- F. Final Design Review. The Director may determine that a design submittal generally meets the criteria listed in subsection (C) of this section but includes specific design elements that will require a more detailed review later in the design process to demonstrate full compliance. In such case, the Director may grant design review approval subject to the submittal and approval of additional detailed plans. This final design review is intended to ensure that all specific design issues identified during the Director's initial review are fully addressed prior to issuance of a building permit, site development permit or other construction permit.
- G. Submittal Requirements. Application for administrative design review shall be submitted on forms provided by the City. A minimum of 10 sets of the following plans, materials, and other applicable information shall be submitted with the application in clear and intelligible form:
- 1. A site plan drawing at a scale of not less than one inch per 50 feet that shows:
- a. The location of all existing and proposed structures and improvements, including, but not limited to, fences, culverts, bridges, roads and streets on the subject property;
- b. The boundaries of the property proposed to be developed and, if the property is to be subdivided, the boundaries of each proposed lot within the property;
- c. All proposed and existing buildings and setback lines, including those located on adjoining properties;
- d. All areas to be preserved as buffers or to be dedicated to a public, private, or community use or for open space and information regarding the percentage of area covered and size and type of existing vegetation to be removed or to be retained;
- e. All existing and proposed easements;
- f. The locations of all existing utility structures and lines;
- g. The stormwater drainage systems and management plan for existing and proposed structures and parking facilities;

- h. All means of vehicular and pedestrian ingress and egress at the site and the size and location of driveways, streets and roads;
- i. The design of off-street parking areas showing the size and location of internal circulation and parking spaces;
- j. The location and design of trash enclosure areas, exterior lighting, exterior signage, mechanical and utility facility areas;
- 2. Elevation plans drawn to scale for each building or structure elevation. Additions and alterations to existing structures shall be clearly identified on the plans. Design details such as exterior finish materials and textures, lighting and other fixtures, and design elements such as belt courses, brackets, chimneys, cornices, roof overhangs, window trim, sills and sashes shall be identified to assist with the review process;
- 3. Sign plan showing the location, dimensions, area, design, material, color and methods of illumination of all exterior signs;
- 4. Exterior mechanical device screening plans that identify the building elevation and site plans of all proposed exterior mechanical devices, including roof-mounted equipment, and proposed screening;
- 5. Landscape plan drawn to scale showing the locations of existing trees to be removed and to be retained on the site, the location of proposed landscaping, and location and design of irrigation systems. In addition, a plant schedule indicating species, varieties, sizes and numbers of plants to be installed, and planting specifications shall be submitted. The documentation should meet the requirements of Chapter 19.65 UPMC and demonstrate compliance with applicable design standards and guidelines;
- 6. Topographic map that delineates contours, both existing and proposed, at intervals of two feet, and that locates existing streams, wetlands, forested areas and other natural features;
- 7. A grading plan showing existing and proposed grades;
- 8. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;
- 9. Impervious surface calculations, including: the proposed number of square feet of surfaces covered by buildings, driveways, parking lots, or any other structure covering land; the total number of square feet in the entire proposed development site; and the percentage of the site covered with impervious surface;
- 10. The proposed number of dwelling units and number of bedrooms in the development;
- 11. The proposed number of square feet in gross floor area for each residential and nonresidential use; and
- 12. For properties containing critical areas or their regulated buffers, all informational requirements specified in UPMC Title <u>17</u>, Critical Areas, shall be included in the design review submittal.
- H. Waiver of Submittal Requirements. The Director may waive the submittal requirement for any of the items listed in subsection (G) of this section when, in the reasonable discretion of the Director, the item is inapplicable or unnecessary for the completion of the design review.
- I. Request for Additional Information. The Director may require the applicant to submit additional information or material that is necessary for the proper review of the application.

- J. Performance Bond. The Director may require as a condition of administrative design review approval that the applicant furnish the City with a performance bond, or other form of guarantee deemed acceptable by the City Attorney, to secure the applicant's obligation to complete the provisions and conditions of the design submittal as approved. If a performance guarantee is required under this section, the property owner shall provide the City with an irrevocable notarized agreement granting the City and its agents the right to enter the property and perform any necessary work.
- Amend definition of fish and wildlife habitat areas to match the amended definition enacted by the state legislature in 2012 per RCW 36.70A.030 (5).

# 17.10.005

"Fish and wildlife habitat areas" means:

A. Areas which have a primary association with federally listed endangered, threatened or candidate species, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term, or

- B. Areas that have been documented by WDF&W as habitat for state listed endangered or threatened species, or
- C. Creeks listed in UPMC 17.25.040.

"Fish and wildlife habitat areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

 Amend park impact fees to be consistent with state revised encumbrance period of 10 years per RCW 82.02.070 and 080. Amend UPMC 4.55.110 Refunds, to read:

# 4.55.110 Refunds

A. If the City fails to expend or encumber the appropriate impact fees within ten six years of when the fees were paid, or within such other time periods as established pursuant to UPMC 4.55.100, the current owner(s) of the property on which impact fees have been paid may receive a refund of such fees.

Amend traffic impact fees to be consistent with state revised encumbrance period of 10 years per RCW 82.02.070 and 080. Amend UPMC 4.65.120 Impact fee refunds, to read:

# 4.65.120 Impact fee refunds

A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ten six years of their receipt by the City. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis from the date of receipt.

• Amend the following sections by replacing "fire marshal" with "fire code official":

5.15.110 License suspension or revocation.

A. The designee may, at any time upon the recommendation of the law enforcement agency of the City, and as provided below, suspend or revoke any license issued under this chapter:

- 1. If the license was procured by fraud or false representation of fact; or
- 2. For the violation of, or failure to comply with, the provisions of this chapter by the licensee or by the licensee's servant, agent, or employee when the licensee knew or should have known of the violations committed by the servant, agent, or employee; or
- 3. For the conviction of the licensee of a crime or offense involving prostitution, promoting prostitution, a liquor law violation, a transaction involving controlled substances, as defined in Chapter 69.50 RCW, or a violation of Chapter 9.68A RCW, committed on the premises, or the conviction of the licensee's servant, agent, or employee of any crime or offense involving prostitution, promoting prostitution, a liquor law violation, or transactions involving controlled substances, as defined in Chapter 69.50 RCW, committed on the premises in which the licensee's live adult entertainment establishment is conducted when the licensee knew or should have known of the violations committed by the servant, agent, or employee. A license may be suspended or revoked under this subsection only if the conviction of the crime or offense occurred within 24 months of the decision to suspend or revoke the license.
- B. The designee shall revoke a license procured by fraud or misrepresentation. If another violation of this chapter or other applicable ordinance, statute, or regulation is found, the license shall be suspended for 30 days upon the first violation, 90 days upon the second violation with a 24-month period, and revoked for a third and subsequent violations within a 24-month period, not including a period of suspension.
- C. The designee shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license stating the reasons for the decision to suspend or revoke. The notice shall inform the licensee of the right to appeal the decision to the Hearings Examiner and shall state the effective date of such revocation or suspension. A licensee who wishes to appeal the designee's decision must file a notice of appeal with the designee within 10 days of the designee's notice of the decision to suspend or revoke the license. The hearing must be conducted within 45 days of the filing of the notice of appeal under the rules and procedures of the City's Hearings Examiner. The Hearings Examiner shall render a decision within 15 days following the close of the appeal hearing. A person aggrieved by the decision of the Hearings Examiner and wishing to appeal that decision must seek review in the Pierce County superior court by filing a petition for writ of certiorari, prohibition or mandamus within 10 days of the date the Hearings Examiner's decision was mailed to the applicant. The decision of the designee must be stayed during the pendency of an appeal under this chapter except as provided in subsection (D) of this section.
- D. If the University Place Building Official, or Fire <u>Code Official Marshal</u> or the Pierce County health department find that a condition exists upon the premises of a live adult entertainment establishment which constitutes a threat of immediate serious injury or damage to persons or property, the official may immediately suspend a license issued under this chapter pending a hearing in accordance with subsection (C) of this section. The official shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the Hearings Examiner under the same appeal provisions set forth in subsection (C) of this

section. However, a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

# 9.20.010 Sale, possession, and use of fireworks.

A. It is hereby declared to be unlawful within the City for any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under the age of 16 years of age.

- B. It shall be the responsibility of any seller of fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customer's valid Washington State photo driver's license or valid Washington State photo identification card or the equivalent thereof issued by another state or jurisdiction.
- C. It is unlawful for any person under the age of 16 years of age to possess or to discharge any fireworks within the City without direct supervision of an adult.
- D. It is unlawful to sell, purchase, discharge, or use common fireworks in the City except as provided below:
  - 1. It is unlawful to sell or purchase consumer fireworks in the City except as follows:
    - a. Between 12:00 noon and 11:00 p.m. on June 28th;
    - b. Between 9:00 a.m. and 11:00 p.m. on June 29th through July 3rd; and
    - c. Between 9:00 a.m. and 9:00 p.m. on July 4th.

It is unlawful to sell or purchase consumer fireworks in the City on December 27th through December 31st.

- 2. It is unlawful to discharge or use consumer fireworks in the City except as follows:
  - a. Between 9:00 a.m. and 12:00 midnight on July 4th; and
  - b. Between 6:00 p.m. December 31st and 1:00 a.m. on January 1st of the subsequent year.
- 3. Without regard for subsections (D)(1) and (2) of this section, it is lawful to purchase and use common fireworks as provided for in RCW 70.77.311(2); provided, that a permit is obtained in advance from the City's Fire Code Official-Marshal.

# 9.20.020 Violation – Penalty.

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding \$1,000, or by imprisonment in jail for a term not exceeding 90 days, or by both.

B. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or Chapter 70.77 RCW shall be subject to seizure by a police officer or by the City's Fire Code Official Marshal or designee.

# 13.20.230 Dead-end streets.

- A. Dead-end streets shall be permitted only if the Director determines there is no feasible connection with adjacent streets. All dead-end streets must incorporate a turn-around facility at the closed end. The turn-around shall conform to the cul-de-sac, hammerhead or auto courtyard standards identified below.
- B. Cul-de-Sac. Streets designed to have one end permanently closed shall be no longer than 600 feet measured from centerline of street intersection to the center of the bulb section. Proposed exceptions to this rule will be considered by the Director based on pertinent traffic planning factors such as topography, sensitive areas and existing development. At the closed end, there shall be a widened "bulb" having a minimum paved traveled radius in accordance with the details in the University Place Standard Notes and Details. Within the area of the public easement or dedication, applicant shall install five-foot-wide concrete sidewalk(s) from the end of the cul-de-sac to the nearest public road in accordance with the details in the University Place Standard Notes and Details. Cul-de-sacs must include a central green court consistent with the city's low impact development goals and objectives.
- C. Hammerhead Turnaround. Hammerheads are permitted on access lanes, or on private streets that serve four or fewer lots, in accordance with the requirements of the City Fire <a href="Code">Code</a> <a href="Code">Official-Marshal</a>. See standard hammerhead detail in the University Place Standard Notes and Details.
- D. Central green courts or auto courtyards are permitted on access lanes in lieu of hammerheads, or in lieu of prohibited cul-de-sacs, in accordance with the requirements of the City Fire Code Official Marshal.

#### 13.20.320 Modifications.

- A. When buildings are protected with an approved automatic fire sprinkler system, the provisions of this article may be modified.
- B. When a site is constrained due to topography, waterways, nonnegotiable grades, or other similar conditions, the Director, after conferring with the Fire <u>Code Official Marshal</u>, may modify the requirements of this article to provide an equivalent means of fire protection and EV access.

# 14.05.050 Fire Chief and Fire Code Official Marshal designated.

Inspections and code enforcement of the fire code shall be conducted by the University Place Fire <u>Code Official District in accordance with the interlocal agreement between the District and the City</u>. Conflicts of code interpretation shall be determined by the Building Official.

# 21.15.020 Process.

- A. In General. Applications for land divisions shall be processed in accordance with UPMC Title 22.
- B. Submittal. If an application complies with submittal requirements, the Department shall issue a notice of complete application and commence the review process by forwarding copies of the land division application to appropriate governmental agencies for their review, including but not limited to the City Engineer, <u>Fire Code Official</u>, other City departments, any affected utilities, the <u>Fire Marshal</u>, and the Tacoma-Pierce County health department.

- C. Phase I. During phase I each department or commenting entity shall review the land division in accordance with the applicable chapter of this title and other development regulations of the City and other applicable laws and either recommend approval, disapproval, or indicate required changes or other requirements that must be completed before approval can be granted or, in the case of a preliminary plat, scheduled for a public hearing. If the land division is not in proper order or cannot be approved in its present form or, in the case of a preliminary plat, scheduled for a public hearing, a letter and, if applicable, a copy of the plan(s) noting where corrections or additions are needed before proceeding shall be sent to the applicant.
- D. Phase II. If returned for change or other requirements, the applicant or representative shall make the appropriate changes and/or fulfill the requirements within 180 days, after said notice of correction is given by the reviewing City department(s). Ten copies of the revised plan(s) shall be submitted when revisions are required. All revisions shall be submitted prior to the expiration of the time period. Should the applicant require an extension of time to satisfy the requirements that were requested in phase I, an additional 180 days shall be granted upon written request. All requests for extensions shall be made prior to the expiration of the time period. The applicant may request to extend the life of the application. The land division application may be put on hold for due cause. "Due cause" constitutes a situation that is beyond the applicant's control; i.e., required environmental checklist, health department requirement for viewing high water table on the site prior to review for waste disposal, and/or water availability report required by the state. All such requests shall be in writing and specify in time how much of an extension is needed.
- E. The Department may provide a second additional 180-day extension for cause. A fee shall be charged for the second time extension.
- F. Phase III. Once all revisions and applicable requirements are met, the applicant shall submit for approval as follows:
  - 1. For short plat, binding site plans, and boundary line adjustments the applicant shall submit six prints and a reproducible copy of the land division to the Department. The submittal shall be considered the "final review" and all previous extensions granted to the applicant shall be considered void. Within 30 days of receiving the final review submittal the reviewing Department Director shall either approve or deny the land division. Once recorded with the county auditor, the applicant shall submit a recorded copy to the City.
  - 2. For subdivisions, the applicant shall submit at least 10 copies of the preliminary plat and revised subdivision application for consideration by the Hearings Examiner in accordance with UPMC Titles 2 and 22.
- G. Phase IV Final Plat. Provided the preliminary plat is approved by the Hearings Examiner, the final plat shall be submitted and reviewed in accordance with Chapter 21.25 UPMC.

# 21.20.030 Review criteria.

If a preliminary plat application complies with submittal requirements, the Department shall issue a notice of complete application and commence the review process by forwarding copies of the preliminary plat application to appropriate governmental agencies for their review.

The Department shall review the application for consistency with the comprehensive plan, City development regulations, Chapter 58.17 RCW and review comments provided by other

governmental agencies, utilities, and interested parties, and make appropriate recommendations to the Examiner.

The Department shall review the SEPA environmental checklist and other available information and issue an appropriate SEPA threshold decision. The threshold decision may require mitigation measures to mitigate any significant adverse environmental impact.

The City Engineer shall review the subdivision for compliance with the public works code, including but not limited to the adequacy of the proposed street system and improvements and storm drainage system, and shall make appropriate recommendations to the Examiner.

The Fire <u>Code Official Marshal</u> shall review the proposed subdivision for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access, and shall make appropriate recommendations to the Examiner.

The recommendations of the Department, City Engineer, and the Fire <u>Code Official Marshal</u> shall become part of the record and shall be included with the Examiner's decision.

# 21.25.020 Requirement for each final plat filed for record.

Each and every final plat of any property filed for record shall:

- A. Contain a legal description of the plat, which shall match the description on the title insurance report.
- B. Contain a dedication for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organizations.
- C. Be acknowledged by the person filing the plat before the county auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.
- D. Contain certification from the assessor-treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
- E. Contain a statement of approval from the City Engineer as to the construction of all streets and associated storm drainage systems. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain adequate provisions for the maintenance of the private streets.
- F. Contain a certification from the sewerage provider as to the means of sewage disposal for the lots if required.
- G. Contain a certification from the county health department as to the means of sewage disposal and water availability if required.
- H. Contain a certification from the Department indicating that the plat meets the requirements for final plats and all conditions necessary for approval have been satisfied.
- I. Contain a certification from the Fire <u>Code Official Marshal</u> indicating the plat is in compliance with the fire code.

- J. Contain a signature block for the Mayor of the City of University Place indicating the final plat has received final approval.
- K. Be accompanied by a complete survey of the section or sections in which the plat or replat is located with all survey work being done in compliance with RCW 58.24.040.
- L. See Appendices A and B for final plat application submittal requirements. A complete application shall be submitted to the Department using forms provided by the Department together with a filing fee.

# 21.35.050 Review criteria.

- A. The Department shall review the application for consistency with the comprehensive plan, City development regulations, Chapter 58.17 RCW, and review comments provided by other governmental agencies, utilities, and interested parties, and require appropriate modifications or conditions.
- B. If applicable the Department shall review the environmental checklist and other available information and issue an appropriate threshold decision. The threshold decision may require mitigation measures to mitigate any significant adverse environmental impact.
- C. The Department shall contact the Tacoma-Pierce County health department or the appropriate sewer purveyor to review the short subdivision for potential septic or sewer adequacy.
- D. The Department shall review proposed lot sites that are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche, and such may be noted on the face of the short plat.
- E. The City Engineer shall review the short subdivision for compliance with the public works code, including but not limited to the adequacy of the proposed street and storm drainage systems.
- F. The Fire <u>Code Official Marshal</u> shall review the proposed short subdivision for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access.
- G. In addition to other standards required by this title, the Department may require such additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:
  - 1. Maintain the intent and purpose of this title;
  - 2. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area; and
  - 3. Preserve the public health, safety, morals, and general welfare.

The recommendations of the Department, City Engineer, and the Fire <u>Code Official-Marshal</u> shall become part of the record.

# 21.40.040 Review criteria.

- A. The Department shall review the application for consistency with the comprehensive plan, City development regulations, Chapter 58.17 RCW, and review comments provided by other governmental agencies, utilities, and interested parties, and require appropriate modifications or conditions.
- B. The Department shall review newly created lots to ensure the lots:
  - 1. Will continue to function and operate as one site, for fully developed sites; or
  - 2. Conform to an approved development plan including any adopted rules and regulations or required conditions as represented in an approved development plan or associated approval document, if the binding site plan is being considered with a development plan.
- C. If applicable, the Department shall review the environmental checklist and other available information and issue an appropriate threshold decision. The threshold decision may require measures to mitigate any significant adverse environmental impact.
- D. The Department shall contact the Tacoma-Pierce County health department or the appropriate sewer purveyor to review the short subdivision for potential septic or sewer adequacy.
- E. The Department shall review proposed lot sites that are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides, or avalanche, and such may be noted on the face of the site plan.
- F. The City Engineer shall review the site plan for compliance with the public works code, including but not limited to the adequacy of the proposed street and storm drainage systems.
- G. The Fire <u>Code Official Marshal</u> shall review the proposed site plan for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access.
- H. In addition to other standards required by this title, the Department may require additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:
  - 1. Maintain the intent and purpose of this title;
  - 2. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area; and
  - 3. Preserve the public health, safety, morals, and general welfare.
- I. The recommendations of the Department, City Engineer, and the Fire <u>Code Official Marshal</u> shall become part of the record.

# Adopted November 16, 2015 M:\ORD\2015\662-Exhibit B

# University Place Zoning Map

# **ZONES**

Residential 1

Residential 2

Multifamily - Low

Multifamily - High

Mixed Use - Office

Mixed Use

Mixed Use - Maritime

Neighborhood Commercial

Community Commercial

Town Center

Light Industrial - Business Park

Parks and Open Space

# **OVERLAY ZONES**

Transition

Public Facility

Chambers Creek Properties

Day Island

Day Island South Spit

Sunset Beach



1:28,000