

ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", CHAPTERS 19.05 AUTHORITY, PURPOSE, MINIMUM REQUIREMENTS, INTERPRETATION , USERS GUIDE, 19.10 DEFINITIONS, 19.20 ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES, 19. 25 USES AND CLASSIFICATION TABLES, 19.30 ACCESSORY USES AND STRUCTURES, 19.35 TEMPORARY USES AND TEMPORARY HOUSING UNITS, 19.45 DENSITY AND DIMENSION, 19.50 DESIGN STANDARDS FOR MIXED USE, MIXED USE OFFICE, AND COMMERCIAL ZONES, 19.52 TOWN CENTER ZONE DESIGN STANDARDS, 19.53 DESIGN STANDARDS AND GUIDELINES FOR SMALL LOT AND MULTIFAMILY DEVELOPMENT, 19.54 DESIGN STANDARDS AND GUIDELINES FOR STREETScape ELEMENTS, 19.55 OVERLAY ZONES, 19.60 OFF-STREET PARKING REQUIREMENTS, 19.65 LANDSCAPING / TREES, 19.70 GENERAL DEVELOPMENT STANDARDS, AND 19.75 SIGNS AND ADDING CHAPTERS 19.56 TOWN CENTER OVERLAY DESIGN STANDARDS AND 19. 57 CHAMBERS CREEK PROPERTIES OVERLAY DESIGN STANDARDS TO RESPOND TO REQUESTS EXPRESSED BY THE CITY COUNCIL, PLANNING COMMISSION, CITIZENS AND OTHERS, TO MAINTAIN CONSISTENCY WITH THE GROWTH MANAGEMENT ACT, COUNTYWIDE PLANNING POLICIES, MULTICOUNTY PLANNING POLICIES, AND TO ADD, DELETE OR MODIFY CHAPTERS, SECTIONS, DEFINITIONS AND/OR PROVISIONS FOR EASE OF ADMINISTERING THE CODE.

WHEREAS, in accordance with the State Growth Management Act the University Place City Council adopted a Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000 and August 4, 2003 and December 4, 2004, and

WHEREAS, the Growth Management Act requires the City to adopt development regulations which are consistent with and implement the comprehensive plan and the Act, and

WHEREAS, The Zoning Code requires an update from time to time to: respond to concerns and requests expressed by the City Council, the Planning Commission, citizens, staff and/or others; maintain consistency with the Growth Management Act, Countywide Planning Policies, and regional plans, policies, and codes; and modify chapters, sections, definitions and/or provisions for ease of administering the Code, and

WHEREAS, the Planning Commission held public meetings on November 2, 2011, December 7, 2011, January 4, 2012, February 1, 2012, February 15, 2012, and March 7, 2012 to review and discuss proposed amendments to the zoning code, and

WHEREAS, the Planning Commission held a public hearing on March 21, 2012 after which the Planning Commission voted unanimously to recommend the City Council adopt the proposed zoning code amendments, and

WHEREAS, the City's Environmental Official issued a Determination of Non-Significance (DNS) was issued on April 6, 2012 with a comment period ending on April 20, 2012, and

WHEREAS, the required State agency 14-day expedited review period on the proposed zoning code amendments began on April 6, 2012 and concluded on April 17, 2012, and

WHEREAS, the University Place City Council held study sessions on April 9, 2012 and May 14, 2012 to study and discuss the recommended amendments, and

WHEREAS, the University Place City Council finds the amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; the proposed amendment is in the best interest of the citizens and property owners of the City; and the proposed amendment enhances the public health, safety, comfort, convenience, or general welfare:

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

Section 1. Title 19 Zoning – Amendments. – University Place Municipal Code Chapters 19.05, 19.10, 19.20, 19.25, 19.30, 19.35, 19.45, 19.50, 19.52, 19.53, 19.54, 19.55, 19.60, 19.65, and 19.70 are hereby amended as set forth in Exhibit "A" attached.

Section 2. Title 19 Zoning – Addition. – The following two chapters are hereby added to University Place Municipal Code Title 19, Zoning, 19.56 Town Center Overlay Design Standards and 19.57 Chambers Creek Properties Overlay Design Standards as set forth in Exhibit A attached.

Section 3. Copy to be Available. One copy of this Ordinance shall be available in the office of the City Clerk for use and examination by the public.

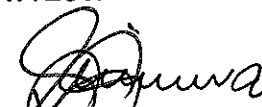
Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

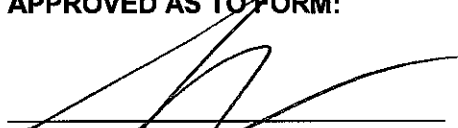
PASSED BY THE CITY COUNCIL ON MAY 21, 2012.


Ken Grassi, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Date of Publication: 05/24/12
Effective Date: 05/29/12

EXHIBIT A

Title 19 ZONING

Chapters:

- [19.05](#) Authority, Purpose, Minimum Requirements, Interpretation, User's Guide
- [19.10](#) Definitions
- [19.15](#) Enforcement and Penalties
- [19.20](#) Zones, Map Designations, Interpretation of Boundaries
- [19.25](#) Uses and Zone Classification Tables
- [19.30](#) Accessory Uses and Structures
- [19.35](#) Temporary Uses/Temporary Housing Units
- [19.40](#) Essential Public Facilities
- [19.45](#) Density and Dimension
- [19.50](#) Design Standards for Mixed Use, Mixed Use – Office, and Commercial Zones
- [19.52](#) Town Center Zone Design Guidelines
- [19.53](#) Design Standards and Guidelines for Small Lot and Multifamily Development
- [19.54](#) Design Standards and Guidelines for Streetscape Elements
- [19.55](#) Overlay Zones
- [19.56](#) **Town Center Overlay Design Standards**
- [19.57](#) **Chambers Creek Properties Overlay Design Standards**
- [19.60](#) Off-Street Parking Requirements
- [19.65](#) Landscaping/Trees
- [19.70](#) General Development Standards
- [19.75](#) Signs
- [19.80](#) Nonconforming Lots, Uses, and Structures
- [19.85](#) Discretionary Land Use Permits
- [19.90](#) Amendments

Chapter 19.05

AUTHORITY, PURPOSE, MINIMUM REQUIREMENTS, INTERPRETATION, USER'S GUIDE

Sections:

<u>19.05.010</u>	Title.
<u>19.05.020</u>	Authority to adopt code.
<u>19.05.030</u>	Purpose.
<u>19.05.040</u>	Minimum requirements.
<u>19.05.050</u>	Interpretation – General.
<u>19.05.060</u>	Brief user's guide.
<u>19.05.070</u>	Severability.

19.05.010 Title.

The title of the ordinance codified in this title shall be known as the city of University Place zoning code, hereinafter referred to as "the code."
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.020 Authority to adopt code.

The code is adopted by the city of University Place Ordinance No. 307, pursuant to Article XI, Section 11 of the Washington State Constitution.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.030 Purpose.

The general purposes of the city of University Place zoning code are:

A. To implement the Growth Management Act (GMA) (Chapter 36.70A RCW), city of University Place comprehensive plan, and the goals of the Washington State Growth Management Act and subsequent amendments;

B. To protect the health, safety and general welfare through the regulation of physical development in the city, with specific attention to preserving the character of existing single-family neighborhoods;

C. To provide for adequate public facilities and services to support development;

D. To provide for orderly development and redevelopment through harmonious groupings of compatible land uses while also ensuring the provision of adequate space for residential, commercial, light-industrial, recreational, and other activities necessary for public welfare;

E. To protect property rights;

F. To retain and enhance the natural beauty and aesthetics of the community; and

G. To provide for the efficient and effective administration of zoning regulations.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.040 Minimum requirements.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.050 Interpretation – General.

A. Regulations, conditions, or procedural requirements specific to an individual land use permit shall supersede regulations, conditions, or procedural requirements of general application.

B. The zoning code shall be consistent with and implement the city's comprehensive plan.

C. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.

D. When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state and federal regulations, the provisions of this title shall control.

E. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.

F. In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in Chapter [19.25](#) UPMC shall control.

G. The words “shall” and “should” are mandatory and the word “may” is discretionary.

H. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words in and terms used in this code shall have their defined or customary meanings.

I. The director or his/her designee are hereby authorized to make code interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, the director shall make the determination. The director's determination in these instances may be appealed according to UPMC Title [22](#), Administration of Development Regulations. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.060 Brief user's guide.

A. Chapters. The zoning code, UPMC Title [19](#), contains 21 chapters summarized as follows:

19.05 Introduction. Establishes the purpose, title and basic rules for using the zoning code.

19.10 Definitions. Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.

19.15 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 the ~~Town Center~~, Mixed Use, Mixed Use – Office and Commercial Zones. Provides design standards and guidelines for development in these zoning districts. [See City of University Place Design Manual](#)

19.52 Design Standards and Guidelines for 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 Pproperties, Day Island and transition overlay zones.

19.56 Town Center Overlay Zone Design Guidelines provide 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 provide 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 ~~and standards~~ 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 refile 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)

(Ord. 559 § 1 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.05.070 Severability.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.10 DEFINITIONS

Sections:

19.10.010	Interpretation.
19.10.020	Specialized definitions.
19.10.030	Definitions.
19.10.040	Unlisted words and phrases.

19.10.010 Interpretation.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.10.020 Specialized definitions.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.10.030 Definitions.

“Abut” means to be contiguous with or touching property lines or right-of-way.

“Accessory dwelling unit” means a second dwelling unit, detached from, added to, or created within a single-family detached dwelling for use as a completely independent unit.

“Accessory structure” means a structure either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

“Accessory use” means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

“Adjacent” shall mean close, near, or directly across a street, but not abutting.

“Administrative permit” or “administrative use permit” means a written decision, granted by the director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative use permits include, but are not limited to, temporary use permits, recreational vehicle permits, minor amendments, and home occupation permits.

“Administrative review” means a process involving the judgment and discretion of the director in applying specific decision criteria and requirements.

“Adult entertainment” shall mean:

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

B. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal; or
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or

C. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

“Adult entertainment establishment” shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

“Adult bathhouse” means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.

“Adult cabaret” means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

“Adult entertainment material” means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD-ROMs, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities.”

“Adult retail establishment” means any bookstore, adult novelty store, and adult video store, or other similar commercial establishment, business, service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material as defined in this chapter. For purposes of this provision, it shall be a rebuttable presumption that 30 percent or more of a business’ stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial. In determining whether or not the presumption is rebutted, the director may consider the following factors, which are not conclusive:

A. Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;

B. Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;

C. Whether adult entertainment material is an establishment’s primary or one of its principal business purposes; or

D. Whether 30 percent or more of an establishment’s revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials. The director shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

“Adult massage parlor” means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises.

“Adult motion picture theater” means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by the patrons therein.

“Adult sauna parlor” means a commercial sauna establishment, which excludes any person, by virtue of age, from all or any portion of the premises.

“Adult live entertainment establishment” shall mean a commercial premises to which a member of the public is invited or admitted and where an entertainer provides live

adult entertainment to a member of the public on a regular basis or as a substantial part of the premises' activity.

"Alter/alteration" means any change, addition, or modification in construction or occupancy of a building or structure or use of land.

"Amendment" means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of city code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the director or hearings examiner.

"Amendment, major" means any change of a discretionary land use permit that is beyond the scope of a minor amendment and requires the same procedure as the initial permit.

"Amendment, minor" means a limited change of a discretionary land use permit that is reviewed and approved, approved with conditions, or denied by the director.

"Barn" means any building used for agricultural purposes that contains items generally associated with farming including, but not limited to, farm equipment such as tractors or farm animals such as livestock.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles. There are three levels of battery charging stations based on the electrical force, or voltage, at which an electric vehicle's battery is recharged.

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

Level 2 is considered medium charging and typically operates on a 40-amp to 100-amp breaker on a 208 or 240-volt AC circuit.

Level 3 is considered fast or rapid charging primarily for commercial and public applications and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

“Bed and breakfast house” means any owner-occupied single-family dwelling, in which travelers are lodged for two weeks or less and for which compensation of any kind is paid. Limited to four guest rooms. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)

“Beauty salon” means a service business operating to provide services related to hair, skin, nail and cosmetology care.

“Berm” means a formed mound of earth that creates a visual and physical barrier between developments, roads, and/or sensitive areas.

“Biosolids” means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

“Brew pub” means an eating and drinking establishment having a microbrewery on the premises which produces beer, ale or other malt beverage and where the majority of the beer produced is consumed on-premises. This classification allows a brew pub to sell beer at retail and/or act as a wholesaler for beer of its own production for off-site consumption, with appropriate state licenses.

“Building” means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

“Building, detached” means a building surrounded by open space on the same lot.

“Building, principal or main” means a building devoted to the principal use of the lot on which it is situated.

“Business activity” means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.

“Business or commerce” means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

“Buy-back recycling center” means any business which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

“Cemetery” means land used or intended to be used for the burial of human dead.

“Central office switching unit” means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers’ lines, farmer lines, toll lines and interoffice trunks.

“Character” means the distinctive features or attributes of buildings, uses, and site design on abutting and adjacent properties and in the vicinity as required in the comprehensive plan, including, but not limited to, building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.

“Church.” See “Religious assembly.”

“Clubs and lodges” means a meeting place for recreational or social activities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

“Commercial vehicle” means any vehicle including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.

“Composting facility” means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.

“Composting facility, municipal solid waste” means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

“Conditional use” means a use conditionally permitted in one or more zones as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, abutting and adjacent uses, and the character of the vicinity.

“Conditional use permit” means the documented evidence of authority granted by the examiner to locate a conditional use at a specific location.

“Correctional institution” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

“Day care center, adult” means a center that regularly provides care and supervision for a period of less than 24 hours per day for a group of elderly or disabled adults who cannot safely be left alone.

“Day care center, child” means a facility, licensed by the state, which regularly provides care for a group of children for periods less than 24 hours per day. The term shall include, but is not limited to, facilities commonly known as “day care facilities,” “day care centers,” and “preschools.”

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

“Density” means the number of dwelling units allowed per net acre.

“Department” means the city of University Place Planning community development and Development Services dDepartment.

“Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, stockpiling, paving, excavation, drilling or the subdivision of property.

“Development Project” means a contiguous area developed, operated and maintained as a single entity accommodating residential, commercial, industrial or public use(s) or a combination of such uses which may or may not be under single ownership.

“Development permit” means any document granting, or granting with conditions, approval ~~for of~~ a land use ~~decision designation or redesignation~~, zoning or rezoning, subdivision plat, site plan, building permit, special exception, special use permit, variance, or any other official action of the city having the effect of authorizing the development of land.

“Director” means the director of the community development department or authorized designee.

“Discretionary land use permit” means a document granted by official action of the city which authorizes the development or use of land pursuant to a special use permit or administrative permit.

“Domestic animals” means dogs, cats, birds, and small rodents which can be and are continually kept or raised in a home. Animals not considered to be domestic animals

include, but are not limited to, the following: horses, cows, goats, sheep, swine, donkeys, fowl, and any other exotic species of animals.

“Drive-through” means any establishment, business, or structure where service is provided to a customer and/or vehicle either from a service window, attendant or a self-service device with an access provided by a drive-through lane(s) incorporated into the site design.

“Drive-up” means a service that allows customers to be served while remaining in their vehicles, including but not limited to services where food or other items are delivered to or received from customers parked in designated parking stalls.

“Driveway” means a private vehicle access, which serves up to two single-family dwelling units, multifamily or commercial development.

“Dry sewer facilities” means sewer lines designed and constructed in accordance with the local sewer utility standards for future connection to the sewer provider’s sanitary sewerage system. Dry sewer lines shall be constructed from the property line to the structure it will serve.

“Duplex.” See “Two-family.”

“Dwelling” means a building or portion thereof designed exclusively for human habitation, including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.

“Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. There are three levels of battery charging stations based on the electrical force, or voltage, at which an electric vehicle’s battery is recharged.

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

Level 2 is considered medium charging and typically operates on a 40-amp to 100-amp breaker on a 208 or 240-volt AC circuit.

Level 3 is considered fast or rapid charging primarily for commercial and public applications and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

“Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Employees” means all persons, including proprietors, performing work on-premises, or on all shifts, unless otherwise stated in specific sections of this code.

“Escort service” means an establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.

“Espresso stand” means a walk-up or auto-oriented (drive-through) business that dispenses hot and/or cold nonalcoholic beverages.

“Essential public facilities” means capital facilities typically hard to site (see WAC 365-195-340).

“Examiner” means the city hearings examiner.

“Family” means individuals consisting of two or more persons related by genetics, or adoption or marriage, or a group of five or fewer persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption or marriage to all of the members of such group living in a dwelling unit. For the purposes of this definition, persons with handicaps or otherwise protected by the Federal Fair Housing Act (42 U.S.C. 3601 et seq.) shall not be counted as unrelated persons.

“Farm” means a parcel of land used for agricultural activities.

“Final development plan” means a plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, serves as the final approval of a discretionary land use permit.

“Floor area” means the sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a use, including storage areas. However, “floor area” shall not include attic storage, unfinished basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. The floor area shall be measured from the inside perimeter of the exterior walls.

“Floor area ratio (FAR)” means the floor area of the building or buildings on a lot or on a project site divided by the area of such lot or project site, excluding any public facilities and structured parking.

“Funeral and internment services” means establishments primarily engaged in the provision of services involving the care, preparation, and disposition of human dead. Typical uses include crematories, mausoleums or mortuaries.

“Garage, private” means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

“Glare” means unwanted light that causes eyestrain, discomfort, nuisance, or adversely affects a visual task.

“Golf course facility” means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to, a driving range, miniature golf, pro shops, caddyshack buildings, swimming pools, tennis courts, restaurants, office and meeting rooms and related storage facilities.

“Grade – average, finished” means the post-construction average elevation of the ground surface as measured at finished grade from base points located at the four corners of the foundation or, if the foundation of a structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.

“Grade-Existing” means the surface of the ground or pavement at a stated location as is exists prior to disturbance in preparation for a project regulated by this Title.

“Grade, finished” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure. See Figure 3, UPMC [19.45.040](#).

“Gross vehicle weight” means the total weight of a vehicle including the weight it is licensed to carry, intended to carry, or carrying, whichever is greater.

“Hazardous substance” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits

any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.

“Hazardous substance processing or handling” means the use, storage, manufacture, or other land use activity involving hazardous substances but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed of on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

“Hazardous waste” means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

A. “Dangerous waste” shall mean any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
2. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

B. “Extremely hazardous waste” shall mean any waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and
2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

“Health club facilities” means a use offering exercise equipment for public use, and services such as, but not limited to, expertise and instruction for fitness training and aerobics classes. The use does not include massage or other medically related services.

“Hearings examiner review” means a process involving the judgment and discretion of the examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

“Height, building or structure” means the vertical distance from the average finished grade measured to the highest point of a building or structure. See Figure 3, Chapter [19.45](#) UPMC.

“Hobby farm” means noncommercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.

“Home-based day care, adult” means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

“Home-based day care, child” means a facility, licensed by the state, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

“Home occupation” means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not-for-profit basis.

“Hotel” or “motel” means any building or group of buildings containing six or more guest rooms where lodging with or without meals is provided for compensation.

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

“Interim on-site septic system” means a new or remodeled on-site septic system permitted after the effective date of the ordinance codified in this section. Interim systems are intended to be temporary in nature until such time as sanitary sewers become available. Interim on-site septic systems will meet the requirements of the Tacoma-Pierce County health department.

“Interim propane storage system” means propane storage facilities serving one or more customers on an interim basis until extension of natural gas service is feasible.

“Kennel” means a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.

“Kitchen” means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food by having a stove.

“Landfill” means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a solid waste permit under Chapter 70.95 RCW.

“Livestock” means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.

“Lodging and rooming house” means a building with not more than four guestrooms where meals (with or without lodging) are provided for compensation for not more than 10 persons. Guestrooms numbering five or more shall constitute a hotel.

“Lot” means a designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

“Lot area” means the total area within the lot lines of a lot, excluding any street area.

“Lot, corner” means a lot situated at the intersection of two or more streets, having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. See Figure 1.

“Lot, interior” means a lot other than a corner lot. See Figure 1.

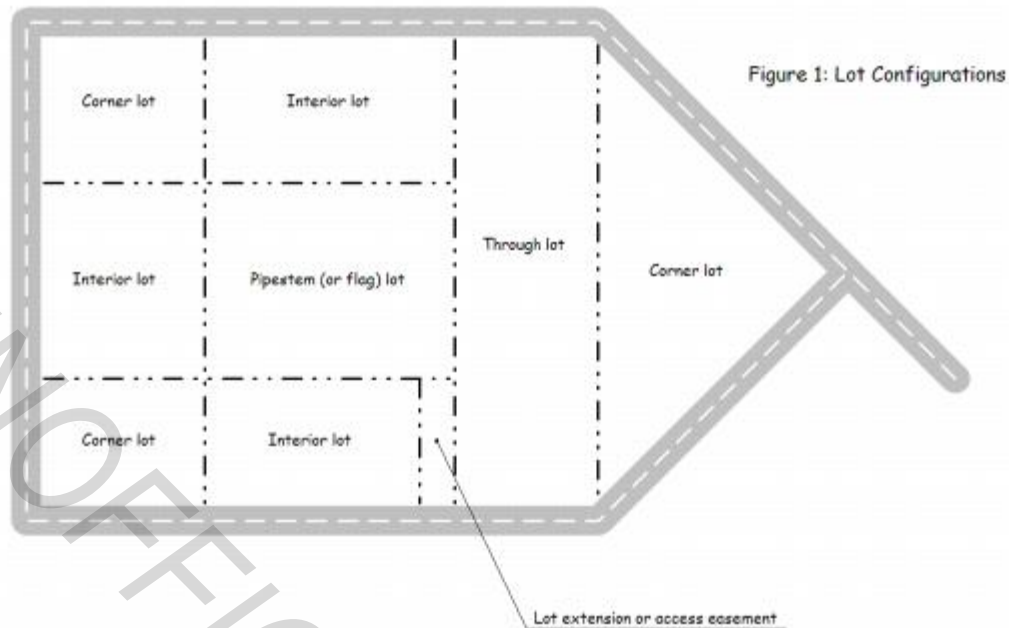
“Lot, pipestem” means a lot which gains street access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem-shaped lot abuts two or more streets it shall not meet this definition of a pipe-stem lot.

~~Lot dimension, lot area, and setback requirements shall be exclusive of the access stem.~~ See Figure 1.

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

“Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See Figure 1.

“Lot line, front” means the portion of a lot line abutting a street or railroad right-of-way. See Figure 1.



1.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. See Figure 1.

“Lot line, side” means any lot line other than a front or rear lot line. See Figure 1.

“Lot of record” means an area of land designated as a lot on the plat or subdivision recorded or registered, pursuant to statute, with the auditor of Pierce County.

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

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

“Manufactured home” means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than nominal 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

“Massage parlor” means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the state pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.

“Miniwarehouse” means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential- or commercial-oriented goods.

“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed prior to June 15, 1976.

“Mobile home/manufactured home park” means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.

“Moderate risk waste fixed facility” means a solid waste transfer facility needing a solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators (SQGs) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington dangerous waste regulations (Chapter 70.105 RCW).

“Modular home” shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory-built housing, and for purposes of this title a modular home is considered single- and two-family housing.

“Mount” means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts:

A. Building-Mounted. A personal wireless service facility mount fixed to the roof or side of a building.

B. Ground-Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

C. Structure-Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

“Multifamily” means a structure containing three or more dwelling units, with the units joined to one another.

“Museum” means an institution operated ~~by a nonprofit organization~~ as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

“Net acre” is calculated by taking the total gross acreage and subtracting out surface water, undevelopable lands (e.g., wetlands) and street rights-of-way or street easements.

“New manufactured home” means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2).

“Nonconforming development” means a contiguous area developed, operated and maintained as a single entity accommodating a residential, commercial, industrial or public use or a combination of such uses, which was legal when established but no longer conforms to the applicable development standards, including, but not limited to, parking, loading, access, landscaping, screening, open space or design requirements.

“Nonconforming lot” means a lot that does not conform to the size, shape or density requirements of the zone where it is located.

“Nonconforming structure” means a building or structure which was legal when established but no longer conforms to development standards including, but not limited to, parking, landscaping, design, height, setback or coverage requirements.

“Nonconforming use” means the use of land, a building or a structure lawfully existing prior to August 31, 1995, or the effective date of the ordinance codified in this title or subsequent revisions or amendments thereto and which no longer conforms with the use regulations of the zone in which it is located.

“Nude” or “semi-nude” shall mean a state of complete or partial undress in such costume, attire, or clothing so as to expose any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Odor control structure” means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

“Official controls” means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the city, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

“Open space” means an substantially unimproved -area permanently dedicated to remain substantially unimproved in public or private ownership. Open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses. Open space may be permanently dedicated to remain substantially unimproved.

~~“Outdoor advertising display” means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.~~

~~“Outdoor advertising structure” means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.~~

~~“Outdoor retail sales” means a retail business or an establishment located outside a building or structure or a retail business with an outdoor sales area.~~

“Outdoor storage” means the storage, outside of a building, of material not intended for immediate sale or exhibition.

“Owner occupant” means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

“Package wastewater treatment plant” means a pre-assembled, factory-built treatment plant. They can be the size of a motor home or larger.

“Panorama” or “peepshow” shall mean any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.

“Panorama premises” means any premises or portion of a premises on which a panorama is located and which is open to the public, including through membership.

“Park, community” means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.

“Park, linear trail” means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.

“Park, neighborhood” means a combination playground and park designed primarily for unsupervised, unorganized recreation activities. Neighborhood parks are small in size (about three to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children’s playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

“Park, regional” means a large recreation area that serves an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.

“Parking area” means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

“Parking area, public” means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of vehicles.

“Passive recreation” means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

“Pasture land” means property on which grass or other plants grow and are used as food for grazing animals.

“Patio” means an uncovered paved horizontal surface constructed flush with the ground that adjoins a dwelling unit and is used for dining or recreation.

“Person” means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

“Personal wireless telecommunication facilities” shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

“Pet day care center” means a facility that provides for the care and supervision and/or the boarding of pets for a period of less than 24-hours per day. Boarding pets for more than 24 hours at a time is considered a kennel. Also see pet washing and grooming

“Planned development district (PDD)” means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications. Planned Development Districts are no longer permitted by this Title.

“Porch” means a covered deck or patio.

“Post office, branch” means a government-operated subdivision of a main post office station serving as a base for one or more carrier routes and providing customary customer postal service.

“Post office, contract station” means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

“Post office, terminal” means the government-operated principal mail handling facility for a postal geographic service area.

“Preliminary approval” means an approval, based upon an application and conceptual plan for a discretionary land use permit, granted by the director or examiner which sets forth certain conditions that must be reflected on final development plans.

“Problem waste” means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes, and contaminated dredge spoils.

“Project site” means that portion of any lot, parcel, or tract or combinations thereof that encompasses all phases of the total project proposal.

“Public bathhouse” means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to, Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided, that “public bathhouse” for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.

“Public facilities” means properties and facilities in which a public agency, jurisdiction, district or similar public entity has a real property interest including, but not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities, public buildings and schools.

“Public facility permit” means documented evidence of authority granted by the examiner to locate a public facility at a specific location.

“Pump/lift station” means the part of a water collection or distribution system which raises water from a lower to a higher elevation.

“Recorded” means, unless otherwise stated, filed for record with the auditor of the county of Pierce, state of Washington.

“Recreational vehicle” means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

“Recreational vehicle park” means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

“Recycling collection site” means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.

“Recycling processor” means any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off-site which is referred to as a “clean” materials resource recovery facility (MRF).

“Religious assembly” means an establishment, the principal purpose of which is religious worship and/or memorial services. The principal building or other structure contains the sanctuary of the principal place of worship and includes related accessory uses.

“Religious assembly, place of” means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

“Religious assembly, uses” means uses that are secondary to religious purposes of the church and are considered as providing services to members and other individuals. These uses include, but are not limited to, cafeteria, child day care, educational classes, and social services.

“Remote switching unit” means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers’ lines, farmer lines, toll lines and interfacilities trunks, normally dependent on one or more central office switching units for full operability.

“Right-of-way” means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways and horse trails, whether improved or unimproved, including the air rights, subsurface rights and easements related thereto.

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to Chapter 71.09 RCW and any community-based facilities established under Chapter 71.09 RCW and operated by the Washington State Secretary of Social and Health Services or the Secretary’s designee.

“Sensitive receptor” shall mean any establishment that provides caretaking, education, or recreation for persons under 18 years of age, or a location where youth are likely to gather including but not limited to schools, school bus stops, day care facilities, dance studios, and park and recreation uses.

“Septage” means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

“Service provider” means the department, district or agency responsible for providing the specific public facility or service.

“Setback” means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein. See Figure 1 in Chapter [19.45](#) UPMC.

“Sewage conveyance system” means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.

“Sewage system, on-site” means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on abutting or nearby property under control of the user where the system is not connected to a public or approved private sewer system. On-site systems shall be constructed to meet the requirements of the Tacoma-Pierce County health department.

“Single-family, detached” means a dwelling unit that is not attached to another dwelling unit by any means.

“Small animals” means all animals and birds except for livestock, wild animals and exotics.

“Soil” means the surface layer of earth supporting plant life.

“Soil treatment facility” means a solid waste facility which utilizes bio-remediation, a thermal desorption process, or similar processes to treat petroleum-contaminated soil or vector waste for reuse or final disposal.

“Solid waste” means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, wood wastes, dangerous wastes, and problem wastes.

“Special use permit” means an approval by the examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not limited to, conditional use,

public facilities, preliminary and final plats, ~~planned development district~~, shoreline substantial development, shoreline conditional use, shoreline variance, and major variance.

“Specified anatomical areas” means:

- A. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or any portion of the nipple, the areola, or the lower half of the female breast;
- B. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

“Specified sexual activities” shall mean an act of:

- A. Sexual intercourse within its ordinary meaning, occurring upon a penetration, however slight; or
- B. A penetration of the vagina or anus, however slight, by an object; or
- C. A contact between persons involving the sex organs of one person and the mouth or anus of another; or
- D. Masturbation, manual or instrumental, of oneself or one person by another; or
- E. Touching of the sex organs, anus, or female breasts, whether clothed or unclothed, of oneself or of one person by another.

“Stable, private” means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

“Stock-in-trade” means:

- A. The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, disks, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
- B. The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, disks, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

“Stormwater conveyance facilities” means features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells.

“Stormwater multiple use facilities” means stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

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

“Street, public” means a publicly owned and maintained right-of-way. Road, Avenue, Court, Way and Boulevard are examples of types of streets.

“Structure” means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.

“Surface mine” shall mean any area or areas within one-half mile to each other, where extraction of minerals from the surface results in removal of 5,000 cubic yards of material, or more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one foot horizontal to one foot vertical, or more than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. “Surface mining” shall not include excavations and grading for on-site construction, on-site road maintenance or for the purpose of public safety or restoring the land following a natural disaster.

“Telecommunications radio relay station” means a facility containing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

“Temporary housing unit, construction” means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract.

“Temporary housing unit, family” means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot’s, parcel’s, or tract’s principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

“Temporary housing unit, public facility” means a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks, or other public facilities for the purpose of providing on-site security, surveillance, and improved service at public facilities.

“Toxic materials” means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

“Tract” means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

~~“Trailer, automobile commercial” means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.~~

“Transfer station” means a solid waste facility needing a solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

“Transfer station, drop box” means a solid waste facility needing a solid waste permit which is used for placement of a detachable container including the area entrance and exit roads, unloading and turnaround areas. The facility normally serves the general public with loose loads and receives waste from off-site.

“Two-family” means two dwelling units within the same building. Two-family housing types are also known as duplexes.

“Use” means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.

“Use category” means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.

“Use, permitted” means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

“Use, principal” means the primary or predominant use of any lot or parcel.

“Use type” means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

“Utility or public maintenance facility” means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

“Variance” means an adjustment to the development standards of the zoning regulation that does not apply to use or density, and that is reviewed and approved, modified, or denied by an administrative officer or the examiner after at least one public hearing or the director after obtaining an administrative use permit.

“Vehicle repair, major” means servicing, repairing, or restoring of vehicles including but not limited to engine work, auto body work, or any other work that may involve dismantling of an automobile or body work that typically requires more than a day to accomplish.

“Vehicle repair, minor” means oil changes, tire changes, replacing headlights and windshield wipers and specialized work to restore antique vehicles. With the exception of restoring antique vehicles, this is typically work that can be accomplished within a relatively short period of time and that can be completed within one day.

“Waste separation and recovery facility” means a solid waste facility needing a solid waste permit where mixed solid waste is collected and processed to segregate recyclable components from that portion of the waste stream which is to be permanently disposed. It may be referred to as a materials resource recovery facility (MRF) or as a “dirty MRF.”

“Waste to energy (WTE) facility” means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a usable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste and which requires a solid waste permit under Chapter 70.95 RCW.

“Waste to energy facility, municipal solid” means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources. These facilities are often referred to as municipal incinerators.

“Waste to energy facility, special” means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

“Wastewater” means water carrying waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

“Wastewater transfer facility” means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

~~“Water purification facility” means treatment plants or facilities for disinfecting water.~~

“Wild animal” means an untamed or undomesticated animal including but not limited to wolves, coyotes, foxes, bears, cougars, bobcats, deer, raccoons, beavers, and raptors.

“Yard” means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.

“Yard, front” means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. See the figures in Chapter [19.45](#) UPMC.

“Yard, rear” means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. See the figures in Chapter [19.45](#) UPMC.

“Yard, side” means all yards except front yards and rear yards. See the figures in Chapter [19.45](#) UPMC.

“Zone classification” means an area accurately defined as to boundaries and location, and classified by the zoning code as available for certain types of uses and within which other types of uses are excluded.

(Ord. 470 § 1 (Exh. A), 2006; Ord. 455 § 1 (Exh. A), 2005; Ord. 452 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 58, 2004; Ord. 394 § 1, 2003; Ord. 387 § 1, 2003; Ord. 371 § 1, 2003; Ord. 307 § 2, 2001).

19.10.040 Unlisted words and phrases.

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

- A. City development regulations;
- B. Any city resolution, ordinance, code or regulation;
- C. Any statute or regulation of the state of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. Webster’s Third New International Dictionary of the English Language, Unabridged (1986). (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.15 ENFORCEMENT AND PENALTIES

Sections:

19.15.010	Purpose.
19.15.015	Applicability.
19.15.020	Violations.
19.15.025	Enforcement authority/responsibility.
19.15.030	Right of entry.
19.15.035	Investigation and notice of violation.
19.15.040	Stop work orders.
19.15.045	Emergency order.
19.15.050	Extension of compliance date.
19.15.055	Penalties.
19.15.060	Additional relief.

19.15.010 Purpose.

The purpose of this chapter is to provide for the enforcement of this title. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.015 Applicability.

This chapter shall be applicable to the enforcement of each and every provision of this title. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.020 Violations.

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

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

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

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

E. It is a violation of this title for any person to fail to comply with the requirements of this title, regardless of whether or not a permit is required. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.025 Enforcement authority/responsibility.

It shall be the duty of the director to enforce the provisions of this title. The director may call upon the police department or another city department to assist in the enforcement of this title.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 59, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.030 Right of entry.

Upon proper presentation of credentials, the director or duly authorized representative may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this code.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.035 Investigation and notice of violation.

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

B. If, after investigation, the director determines that this title has been violated, the director may seek compliance and serve a notice of violation on the owner, tenant or other person responsible for the condition that violates this title and may otherwise enforce this title, pursuant to this chapter, UPMC [19.15.045](#), Chapter [1.20](#) UPMC, Enforcement, and Chapter [9.35](#) UPMC, Public Nuisances.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.040 Stop work orders.

Whenever a continuing violation of this title will materially impair the director's ability to secure compliance with this title, or when the continuing violation threatens the health or safety of the public, the director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this title.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.045 Emergency order.

A. Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the Director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this title.

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance, and the Director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in the manner provided by law.

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter [1.20](#) UPMC, Enforcement, and Chapter [9.35](#) UPMC, Public Nuisances. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.050 Extension of compliance date.

A. The Director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the Director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

B. An extension of time may be revoked by the Director if it is shown that the conditions at the time the extension was granted have changed, if the Director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.055 Penalties.

A. Civil. Any violation of any provision of this chapter constitutes a civil violation under Chapter [1.20](#) UPMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. Criminal. In addition or as an alternative to any other penalty provided in this chapter or by law, any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine or imprisonment, or both, in accordance with the provisions of Chapter 9A.20 RCW relating to criminal penalties for misdemeanors. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.15.060 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance. The Director may bring such an action under this chapter; Chapter [1.20](#) UPMC, Enforcement; Chapter [9.35](#) UPMC, Public Nuisances; or under the common law or any applicable Federal or State law or City ordinance. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

CHAPTER 19.20

ZONES, MAP DESIGNATIONS, INTERPRETATION OF BOUNDARIES

Sections:

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

19.20.010 Purpose.

The purpose of this chapter is to list and describe the zone classifications and their purposes, to list and describe special zoning map techniques and their purposes, establish the official zoning map, and provide for interpretation of zoning map boundaries when interpretations are necessary. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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
Commercial	C
Light Industrial – Business Park	IB
Park and Open Space Zone	POS

Overlay Zones	Map Symbol
Town Center	TCO
Chambers Creek Properties	CCPO
Public Facility	PFO
Day Island/Sunset Beach	DISBO
Transition Properties	TPO

(Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.030 Zones –~~Purpose.~~

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. (Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

~~19.20.035- B~~ Zones.

A.1. Single-Family Residential (Residential 1). 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. Protection of single-family residential neighborhoods is a priority in the Comprehensive Plan. To protect the character of single-family neighborhoods, those areas of the City that are primarily single-family in nature are designated single-family residential (R1). A base density of four dwelling units to 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 to the acre. Uses allowed include attached and detached single-family housing, [small lot housing](#), duplexes, attached and detached accessory dwelling units, [level 1 group homes](#), schools, public parks, community and cultural services, home-operated day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. The character of single-family neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring buffering and design standards for adjacent high density residential, commercial 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.

B2. Two-Family Residential (Residential 2). To achieve a mix of housing types and densities while maintaining healthy residential neighborhoods, the two-family residential (R2) designation includes areas of the City that have had a historic 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 single-family housing, small lot housing, attached and detached accessory dwelling units, level 1 group homes schools, home-operated 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 the two-family residential neighborhoods shall be protected and enhanced by eliminating and disallowing inappropriate uses; limiting traffic impacts; requiring buffering and design standards for adjacent high density residential, commercial 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.

C3. Multifamily –Low Density (MF-L). ~~Higher density residential development shall be located in the multifamily low density (MF-L) and multifamily high density (MF-H) zones. Multi-Family –Low Density zones are located~~ along major arterials and transit routes, close to shopping, public facilities and services, and in areas of existing lower ~~higher~~ density residential development. In the multifamily low density zone, a base density of 25 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 30 units per acre when an affordable housing component is included in a development. ~~In the multifamily high density zone, a base density of 35 dwelling units to 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 40 units per acre when an affordable housing component is included in a development.~~ Uses allowed in the multifamily- low density zone designation include multifamily housing, attached and detached single-family housing, nursing homes and assisted living mobile and manufactured housing, level 1 group homes facilities, schools, public and private parks, community and cultural services, home-operated day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. Buffers, open space, landscaping, and appropriate architectural design shall be incorporated into all development to 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 –High Density (MF-H). Multi-Family –High 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 multifamily high density zone, a base density of 35 dwelling units to 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 40 units per acre when an affordable housing component is included in a development. Uses allowed in the multifamily high density zone include multifamily housing, attached and detached single-family housing, nursing homes and assisted living facilities, mobile and

manufactured housing, level 1 group homes, schools, public and private parks, community and cultural services, home-operated day care, religious assembly, appropriate home occupations, and minor utility distribution facilities. Buffers, open space, landscaping, and appropriate architectural design shall be incorporated into all development to 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.

D5. Mixed Use – Office (MU-O). It is the City's intent to create a well-balanced, well-organized combination of land uses, which recognizes historic development patterns, protects residential neighborhoods, and discourages a continuous retail strip along Bridgeport Way. The mixed use – office (MU-O) 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 Town Center beginning at 35th Street West and Bridgeport Way. A base density of 30 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the design standards provided 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. Uses allowed include multifamily housing, attached ~~and detached~~ single-family housing, level 1 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. Buffers, landscaping, and appropriate architectural design shall be incorporated into all development to provide a smooth transition between different densities and land uses. Sidewalks and small open public spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

E6. Mixed Use (MU). The mixed use (MU) designation is an area of compatible residential and commercial uses along major arterial streets and 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 mixed use area. A base density of 30 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the design standards provided 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. Uses allowed include multifamily housing, attached ~~and detached~~ single-family housing, level 1 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. Buffers, landscaping, and appropriate architectural design shall be incorporated into all developments to provide a smooth transition between

different densities and land uses. Sidewalks, bicycle facilities, and open public spaces shall be provided to encourage a pedestrian-friendly atmosphere and connections with transit stops, schools, shopping, services, and recreational facilities.

F7. Neighborhood Commercial (NC). To help achieve a mix of commercial uses that primarily serves the needs of local residents and businesses, neighborhood commercial (NC) designations are located at the intersections of 27th Street West and Bridgeport Way, at Cirque Drive and Bridgeport Way, and at Cirque Drive and Orchard Street. The neighborhood 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 gas stations that serve the daily needs of the portion of the City where they are located. ~~Single-family dwellings are also permitted.~~ Buffers, landscaping, and appropriate architectural design shall be incorporated into all development to provide a smooth transition between the neighborhood commercial zones and adjoining residential and mixed use zones. Landscaping, and sidewalks, ~~and small open public spaces~~ shall be provided to encourage a pedestrian-friendly atmosphere.

G8. 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) is located between 35th Street West and 44th Street West along Bridgeport Way. The Town Center is a pedestrian-oriented area ~~where new drive-through establishments are prohibited.~~ Wide sidewalks, pedestrian connections to adjacent residential areas, landscaping, public open spaces, and public art will be an integral part of the Town Center. Public facilities in the Town Center include City Hall, the public safety building, a public park, and the library. Public facilities and services, retail stores, personal services, professional offices, restaurants, some entertainment uses, and mixed uses are encouraged to locate in the Town Center. A base density of 12 dwelling units per acre is allowed through the administrative design review process, when a project is designed consistent with the design standards provided in Chapter 19.52 UPMC. Density may be increased ~~to a maximum of 60 units per acre~~ 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 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 and healthy economic environment.

H9. 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 ~~designated zoned as~~ 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 (IB). 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 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 south of 22nd Street West. The light industrial – business park (IB) designation recognizes many of the existing uses in these areas as appropriate, while maintaining a separation from residential uses. Uses allowed in the light industrial – business park designation include light and clean industries, storage and warehousing, automotive repair, contractor yards, and limited retail, restaurants, offices, and entertainment uses, ~~public and private~~ parks, community and cultural services, administrative government and safety services, utility and public maintenance facilities, and public transportation services. Inappropriate uses will be disallowed or eliminated over time. ~~Residential uses are only permitted in the light industrial—business park zone as an accessory use.~~ Development and redevelopment in the light industrial – business park zone shall include features such as sidewalks, bicycle facilities, open space, landscaping, attractive signs, traffic control and overall management and maintenance. Buffers and design standards shall be incorporated into all developments to provide a compatible transition to adjacent zones and land uses.

(Ord. 559 § 2 (Exh. A), 2009; Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.20.020(A)).

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, cultural activities, park buildings and structures, concessionaires, general park operations and maintenance activities and storm drainage facilities, Caretaker's quarters and 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.

19.20.040 Overlay zones –~~Purpose.~~

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 facilities overlay zones. (Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19-20.045 B Overlay Zones.

A1. 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 ~~the City Hall, the fire station, fire district and public school district properties~~ s and public parks. 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 include buffers and landscaping, into their plans and design standards 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.

B2 . Town Center Overlay (TCO). The Town Center ~~o~~Overlay aArea is located within the Town Center ~~z~~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 ~~will~~ include ~~athe~~ the City Hall/library civic building, and Town Square, a public plaza, and performing arts center. Parking ~~w~~should be accommodated along the internal streets, ~~and~~ 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.

~~63.~~ Chambers Creek Properties Overlay (CCPO). The Chambers Creek properties overlay area consists of 700 acres owned by Pierce County in the southwest corner of the City. A master plan was developed over several years with the help of area residents, and was adopted by Pierce County and the City in 1997. In accordance with the Chambers Creek Properties Master Site Plan the “Properties” as they are referred to by Pierce County master plan envisions the Chambers Creek properties developing are currently developed -with a mix of public facilities and services including the County’s principal waste water 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 a extensive trail system. Future development includes restaurants, a golf club house, lodging, a boat launch, more trails and an off-leash dog area. with civic, park, and public access uses over time. Current uses include the County’s regional wastewater treatment plant, an active gravel mine, administrative offices, public trails and ball fields. Eventually, a golf course, restaurant, clubhouse, arboretum, a public pier, a public beach, open space, and additional trails will be added. 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.

~~4D.~~ Day Island/Sunset Beach Overlay (DISBO). The purpose of the Day Island/Sunset Beach overlay area is to preserve the unique residential character of Day Island and Sunset Beach by recognizing and preserving historic development patterns. 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.

~~5E.~~ 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. (Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.20.020(B)).

19.20.050 Zoning map.

A. Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the Department and shall be that map entitled “City of University Place Zoning Map.” Each property in the City of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in UPMC 19.20.020, List of zones. (Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 60, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.20.060 Interpretation of boundaries.

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

1. Where zoning boundaries are indicated as following the centerline of streets, alleys or highways, the centerline shall be the boundary.

2. Where zoning boundaries do not show a zoning designation extending into a public right-of-way, alley, private road, railroad right-of-way, or other easement, the zone boundary and designation immediately abutting shall extend to the center of the right-of-way, alley, road, or easement. It is the intent of this statement that all lands in the City are zoned and are subject to the provisions of this title.

3. Where zoning boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.

4. Shorelands shall be considered to be within the same zone as the abutting upland.

5. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.

6. Where zoning boundaries divide a parcel created prior to August 31, 1995, the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50 percent of the lot area.

7. Where these rules do not clarify a boundary issue, the Director shall make the determination. The Director's determination in these instances may be appealed according to UPMC Title [22](#), Administration of Development Regulations. (Ord. 514 § 1, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.25 USES AND ZONE CLASSIFICATION TABLES

Sections:

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

19.25.010 Purpose.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 unit 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. (Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003; Ord. 307 § 2, 2001).

19.25.030 Exempt uses.

A. Applicability to Other Chapters. Unless otherwise stated, the uses exempted in this section are also exempted from Chapter [19.50](#) UPMC, Design Standards for Town Center, Mixed Use, Mixed Use – Office and Commercial Zones, and Chapter [19.85](#) UPMC, Discretionary Land Use Permits.

B. Uses Exempted from This Chapter. The provisions of this chapter shall not apply to the following uses:

1. On-site and community septic systems;
2. Stormwater conveyance systems which include features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells;

3. Electrical distribution lines and poles less than 40 feet high and under 55 kilovolts;
4. Sewerage and water conveyance systems which include underground or flush-with-the-ground features, including but not limited to pipes and manholes;
5. Water, oil, and natural gas distribution pipelines;
6. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;
7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances less than 40 feet high (not including personal wireless telecommunication facilities; see UPMC [19.25.060](#), Utilities use category – Descriptions);
8. Streets and linear trails when located in existing rights-of-way; and
9. Fertilizer applications and biosolids applications at or below agronomic rates.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.040 Residential use category – Descriptions.

The residential use category includes permanent or transient living accommodations for individuals, families or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as type of structure; number, age and special needs of individuals who reside in the structure; and State and local licensing requirements.

A. Adult Family Home. Adult family home use type means an attached single or two regular family dwelling unit in which a person or persons 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 the person or persons providing the services. (Chapter 70.128 RCW). An adult family home shall not serve as a Level II group home.

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. On two or fewer acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and 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); and
- e. Maintains 20-foot minimum side yard setbacks.

2. Level 2. Assisted living facilities:

- a. Located on an arterial street;
- b. On more than two acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and 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 single detached single family home or modular home 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 single- or two-family dwelling units 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. On two or fewer acres;
- c. No taller than two stories;
- d. Maintains an architectural character similar to typical single-family and 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); and
- e. Maintains 20-foot minimum side yard setbacks.

2. Level 2. Nursing homes:

- a. Located on an arterial street;
- b. On more than two acres;
- c. Is no taller than two stories;

d. Maintains an architectural character similar to typical single-family and 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 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 use type refers to a building containing a single dwelling unit that occupies space from the ground to the roof and attached to other dwellings by common walls which may be located on side lot lines. Each dwelling unit is on its own lot.

1. Level 1. Single-family attached with up to two attached units.

2. Level 2. Single-family attached exceeding two attached units.

K. Single-Family/Two-Family Housing. Single-family/two-family housing use type refers to residential dwelling units, providing living accommodations for individual families, that are either not attached to another dwelling unit by any means or are attached in pairs of two. Single-family and two-family dwelling units include stick-built and modular homes. A two-family housing structure is commonly known as a “duplex.” (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 2, 2003; Ord. 307 § 2, 2001).

19.25.050 Civic/recreation/education use category – Descriptions.

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

A. Administrative Government Services. Administrative government services use type refers to the executive, legislative, judicial, administrative and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical uses include human and social service offices, public health offices, and government offices such as City Hall.

B. Animal Control. Animal control use types are facilities such as dog pounds or the humane society where unwanted animals are kept.

C. Cemetery. Cemetery use type is land used or intended to be used for the burial of human dead including accessory uses such as chapels and mortuaries. Off-site mortuaries/offices may be considered accessory if under the same ownership and within 100 feet of the principal cemetery use.

D. Community Center. Community center use type means an institution used for civic or recreational purposes, operated by a governmental or nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses. This term includes "senior centers."

E. Community Club. Community club use type means an institution used for athletic, social, civic or recreational purposes operated by a nonprofit organization with membership open to the general public on an equal basis. An example is a Boys and Girls Club.

F. Courthouse. Courthouse use type means a facility used by any public agency, political subdivision or unit of local government that has responsibility for and jurisdiction to process and provide for the handling of administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions.

G. Cultural Services. Cultural services use type means nonprofit institutions displaying or preserving objects of interest in one or more of the arts and sciences. This classification includes libraries, museums, educational centers, performing arts theaters, and galleries.

H. Day Care Centers. Day care centers use type refers to the use of a building or any portion thereof for the care of over 12 individuals, needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as "day care facilities," "day care centers," and "preschools." Also see UPMC [19.70.040](#), Day care facilities.

I. Education. Education use type refers to educational services provided by public, private or parochial institutions. It also includes specialized instructional courses provided by private instructors.

1. Level 1. Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.
2. Level 2. Trade (or vocational) school shall mean a post-secondary institution that trains persons for qualification in specific trades or occupations, i.e., mechanics, construction, electronics, plumbing, chefs, upholstery, bartending.
3. Level 3. Higher educational facilities such as community colleges, public and private colleges and universities.
4. Level 4. Specialized instruction school means an establishment engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to, art, dance, music, cooking, driving, gymnastics/tumbling, martial arts.

J. Hospital. Hospital use type means an institution which provides accommodations, facilities and services over a continuous period of 24 hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services. This definition includes heliports associated with hospitals but excludes nursing homes and group homes.

1. Level 1. Without heliport.

2. Level 2. With heliport.

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

L. Postal Services. Postal services use type refers to mailing services provided by the United States Postal Service and includes branch post offices, contract stations, terminals and distribution centers. Also see commercial use category, business services use type, and industrial use category, warehouse and distribution use type for courier and parcel delivery.

1. Level 1. Postal facilities serving neighborhoods, such as contract stations or branch offices.

2. Level 2. Postal facilities, including warehousing and distribution.

M. Private Clubs and Lodges. Private clubs and lodges use type means an institution used for athletic, social or recreational purposes and operated by a private or nonprofit organization, the use of which is generally restricted to members and their guests. Examples include, but are not limited to, the Elks Club, American Legion, Union Halls, and sports clubs.

N. Public Safety Services. Public safety services refers to public safety and emergency services such as police and fire protection services provided by a public agency, political subdivision or unit of local government, including, but not limited to, municipal corporation, special purpose districts, local service districts, or agency of the state of Washington or of the United States that has responsibility for fire suppression or for law enforcement or police protection services.

O. Recreation, Public. Recreation, public use type refers to publicly owned recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks, open space, performance theater/center, arboretums, small or special landscaped areas, community gardens, and swimming pools. Also see commercial category, amusement and recreation use type for other types of recreation.

1. Level 1 – Neighborhood and Community Parks and Open Space.

Neighborhood parks range in size from approximately three to 40 acres.

Typical uses include but are not limited to ball fields, sports courts, tot lots, trails, passive open space, community centers, concessions, and park maintenance facilities. Open space may be unlimited in size and may or may not have public access.

2. Level 2 – Regional Parks. Regional parks exceed 40 acres in size, and may include uses typical in Neighborhood and Community Parks and larger facilities such as golf courses.
3. Level 3 – Linear Trails. Linear trails are long, narrow parks used for walking, jogging, and bicycling. (Linear trails are exempt when located in existing rights-of-way, see UPMC [19.25.030](#), Exempted uses).

P. Recreation, Nonprofit. Recreation nonprofit use type refers to nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, waterfront parks, small or special landscaped areas, and community gardens. Also, see commercial category for other types of private recreation. This does not include neighborhood parks and open spaces approved in conjunction with a subdivision approved in accordance with Chapter 58.17 RCW.

1. Level 1 – Neighborhood Parks and Open Space. Neighborhood parks range in size up to 10 acres. Open space may be unlimited in size and may or may not have public access.
2. Level 2 – Regional Parks. Regional parks exceed 40 acres in size, and may include golf courses.
3. Level 3 – Linear Trails. Linear trails are long, narrow parks used for walking, jogging and bicycling. (Linear trails are exempt when located in existing rights-of-way; see UPMC [19.25.030](#), Exempted uses).

Q. Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as that which customarily occurs in churches, synagogues, or temples. Accessory uses to churches are those that provide services to members and other individuals including but not limited to bookstores, cafeteria, day care, educational classes, and limited retail of only church-related materials.

1. Level 1. Religious assembly with seating for 250 or fewer persons within the principal place of assembly.
2. Level 2. Religious assembly with seating for greater than 250 persons within the principal place of assembly.
3. Level 3. Religious assembly, on an arterial street, with seating for greater than 250 persons within the principal place of assembly.

R. Transportation. Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots,

commercial parking lots, bus shelters, bus stations, bus transfer centers, ferry docks, and other types of public and quasi-public transportation facilities.

1. Level 1. Transportation uses serving residential neighborhoods such as bus shelters.
2. Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, and transfer centers.

S. Utility or Public Maintenance Facilities. Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.

1. Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.
2. Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.060 Utilities use category – Descriptions.

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

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

1. Level 1. Building-mounted wireless facilities.
2. Level 2. Structure-mounted wireless facilities.
3. Level 3. Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations.

4. Level 4. Towers over 60 feet and less than 110 feet in height and central office switching units.

B. Electrical Facilities. Electrical facilities use type refers to aboveground electrical transmission lines of an operating voltage of 55 kV or greater, and aboveground substations and switching stations. Also see UPMC [19.25.030](#), Exempted uses.

C. Electrical Generation Facilities. Electrical generation facilities use type refers to facilities that generate or co-generate electric energy for on-site use only.

D. Natural Gas Facilities. Natural gas facilities use type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities and interim propane storage systems fall within this use type.

1. Level 1. Interim propane storage facilities.
2. Level 2. Natural gas storage for transportation.
3. Level 3. Natural gas gate stations.

E. Recycling Collection Sites. Dumpsters labeled and used for collection of cardboard, aluminum, tin, glass, newspaper, mixed paper and glass.

F. Sewage Collection Facilities. Sewage collection facilities use type refers to facilities used to collect sewage, including but not limited to waste-water transfer facilities, odor control structures, pump stations and lift stations (also see UPMC [19.25.030](#), Exempted uses).

G. Stormwater Facilities. Stormwater facilities use type includes a conveyance, system of conveyances, and stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater.

1. Level 1. Diversion structures, and pump and lift stations.
2. Level 2. Detention/retention ponds and constructed wetlands.
3. Level 3. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities known as stormwater multiple use facilities.

H. Water Supply Facilities. Water supply facilities use type refers to water purification facilities, water storage facilities, wellheads, and pump stations.

1. Level 1. Wellheads, pump stations, or water purification facilities not exceeding 1,000 square feet of building area nor exceeding the building height for the zone; water storage facilities not exceeding a 1,000 square foot footprint nor exceeding the building height for the zone.

2. Level 2. Water purification facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone; water storage facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.070 Essential public facilities use category – Descriptions.

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

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

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

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

1. Level 1. Soil treatment facility.
2. Level 2. Composting facility designed to handle more than 40 cubic yards.
3. Level 3. MSW composting facility.

D. Recycling Processor. Recycling processor use type refers to any large-scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off site.

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

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

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

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

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

(Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.080 Resource use category – Descriptions.

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

A. Agricultural and Horticultural Sales. Agricultural and horticultural sales use type refers to uses which involve the sales of agricultural products or supplies, including feed, grain, fertilizers, and farming equipment.

1. Level 1. Agricultural and horticultural sales uses which involve the sale of goods such as produce, shrubbery, plants, eggs, wine, and dairy products in a farmer's market format. Examples include produce stands, horticultural nurseries, and wineries.
2. Level 2. Agricultural sales which primarily involve the sales of agricultural equipment.

B. Limited Horse Boarding. Limited horse boarding refers to uses involving boarding horses for recreational purposes and providing feed, shelter, and non-veterinary care. Horses may only be boarded at the density allowed in Chapter [19.70](#) UPMC.

C. Crop Production. Crop production use type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include vegetable crops, fruit trees, and horticultural nurseries.

D. Fishery Enhancement. Fisheries enhancement use types are intended to enhance and protect the fish resource. Examples include hatcheries, fish ladders and fish counting stations.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.090 Commercial use category – Descriptions.

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

A. Administrative and Professional Offices. Administrative and professional offices use type refers to offices, private firms or organizations providing professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, chiropractic offices, dental labs, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services, offices for nonprofit and quasi-public agencies, and other business

offices customarily associated with professional or administrative office services. This category excludes veterinary clinics/animal hospitals.

1. Level 1. Administrative and professional Offices with no drive through facilities.
2. Level 2. Banking services that include drive-through facilities.
3. Level 3. Drive-through facilities associated with non-banking uses.

B. Animal Hospitals Facilities/Veterinary Clinics. Veterinary clinics/animal hospitals facilities use types are uses where small animals receive veterinary services that may include medical and surgical treatment. (See also subsection (M) of this section, Kennel.)

1. Level 1. Small animal veterinary services with boarding of animals incidental to the veterinary function and limited to animals receiving care. All boarding shall be within a fully enclosed portion of the building with walls and windows to significantly reduce noise impacts. Grooming is allowed.
2. Level 2. Veterinary services with boarding of animals incidental to the veterinary function and up to five animals not receiving care is allowed. Outdoor boarding is permitted. Grooming is allowed.

C. Adult Entertainment Establishment. "Adult entertainment establishment" shall mean any commercial premises which is one of the following: adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses.

D. Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the public or members for commercial purposes. Examples include video arcades, billiard parlors, bowling alleys, ice or roller skating rinks, performance theaters/centers (not movie theaters), miniature golf courses, golf driving ranges, and outdoor performance centers.

E. Beauty Salon. Beauty salon use type provides service related to hair, skin, nail and cosmetology care. This includes barber shops.

F. Building Materials. Building materials use type refers to establishments primarily engaged in selling lumber and other building materials, paint, glass, hardware, and wallpaper. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the wholesale trade use type, commercial use category.

1. Level 1. Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint, and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes

may occur as an accessory use. The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.

2. Level 2. Establishments primarily engaged in selling lumber and a general line of building material. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wall-boards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area typically ranges between 30,000 square feet and 80,000 square feet.

G. Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

H. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a ~~store or~~ variety of stores, offices, mixed use residential dwellings and services allowed in the zone where the center is located, integrated into a complex utilizing common parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:

1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 50,000 square feet and up to 200,000 square feet.
2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

I. Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

1. Level 1. Establishments without drive-through facilities.
2. Level 2. Establishments with drive-through facilities.
3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.
4. Level 4. Delicatessen only, as accessory to a commercial development. Limited to 1,000 square feet of gross floor area with or without beer and wine beverage service.
5. Repealed by Ord. 455.

J. Food Stores. Food stores use type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.

1. Level 1. Total floor area up to 30,000 square feet.

2. Level 2. Total floor area over 30,000 square feet and up to ~~200,000~~ 80,000 square feet.

K. Garden Center (Includes Nursery). Garden center use type refers to establishments primarily engaged in the retail sale of lawn and garden supply goods and equipment. This includes nursery, lawn and garden supplies, and garden tools. Nurseries that focus on the retail sales of plants are also included in this category. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. ~~The combination of total floor area and outdoor storage and display area is 30,000 square feet or less.~~

L. Health Club. Health club use type means a facility engaged in operating physical fitness facilities and may include facilities such as cardiovascular machines, weight training equipment, swimming pools and racquetball courts (also known as athletic clubs, fitness centers).

M. Kennel. Kennel use type means a place where six or more adult cats and/or dogs are temporarily boarded for compensation whether or not for training. An adult cat or dog is one that has reached the age of seven months.

N. Limited Accessory Retail. Limited accessory retail use type are uses in the mixed use – office zone only that are directly associated with an allowed office use or which are retail services that provide a direct service to tenants of an office building. Examples include the limited sales of glasses and optical supplies as part of an optometrist's office or stand-alone card shop/gift shop. Limited accessory retail uses are limited by their size (see use tables in UPMC 19.25.110).

O. Lodging. Lodging use type refers to establishments that provide lodging services. Examples include hotels and motels. Recreational vehicle parks are specifically excluded from this definition. See residential use for bed and breakfasts.

P. Marina, Existing. Existing marina use type means a commercial facility that provides moorage and related sales and maintenance services to pleasure and/or commercial vessels and to houseboats and/or private clubs with moorage and associated facilities and activities in existence as of the effective date of the ordinance codified in this section.

Q. Mini Casinos. Mini casinos use type shall be defined as a "social card game" per RCW 9.46.0282 and means a card game that constitutes gambling and is authorized by the Commission under RCW 9.46.070. Authorized card games may include a house-

banked or a player-funded banked card game. No one may participate in the card game or have an interest in the proceeds of the card game who is not a player or a person licensed by the Commission to participate in social card games. There shall be two or more participants in the card game who are players or persons licensed by the Commission. The card game must be played in accordance with the rules adopted by the Commission under RCW 9.46.070, which shall include but not be limited to rules for the collection of fees, limitation of wagers, and management of player funds. The number of tables authorized shall be set by the Commission but shall not exceed 15 total and separate tables per establishment.

R. Movie Theaters, Indoor. Movie theater, indoor use type means an establishment primarily engaged in the indoor exhibition of motion pictures.

S. Mobile, Manufactured, and Modular Homes Sales. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell premanufactured homes. The primary purpose is to provide sites for marketing and distribution, not construction.

T. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services. Motor vehicles and related equipment sales/rental/repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

1. Level 1. Gasoline service stations together with accessory automobile repair and convenience shopping, and car wash with a one- car capacity.
2. Level 2. Automotive repair shops and automobile car washes for vehicles not exceeding three tons. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, lube/oil shops, and auto parts stores which offer installation services.
3. Level 3. On-site ~~sales, lease, or~~ rental of automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles where not more than 20 vehicles are available for rent at anytime. Other activities include automobile body repair and painting facilities.
4. Level 4 On-site sales, lease, or rental of automobiles and trucks not exceeding three tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.
45. Level 45. Sales, leasing, or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling of heavy trucks and tractor trailer sales.

~~56~~. Repealed by Ord. 455.

U. Pawn Shop. Pawn shop use type is an establishment engaged in whole or in part in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. Pawn shops shall be permitted only at a ratio of one shop per each 40,000 population within the city limits (meaning the second pawn shop is allowed at 40,001, etc.).

V. Personal Services, ~~Other~~. Personal services, ~~other~~ use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, shoe repair, clothing alterations, tanning salons, tattoo parlors, pet washes and grooming, photographic studios, carpet and upholstery cleaners. Also see subsection (W) of this section, rental and repair services use type, for other services.

1. Level 1. Total floor area does not exceed 2,500 square feet and use does not involve outdoor storage of vehicles.
2. Level 2. Total floor area exceeds 2,500 square feet or use involves outdoor storage of delivery or service vehicles.

W. Pet Day Care. Pet Day Care includes establishments where pets are cared for and boarded for periods less than 24 hours. Boarding for more than 24 hours is considered a kennel. Establishments that offer pet washing and grooming with no pet day care is a personal service.

~~XW~~. Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.

1. Level 1. Establishments that do not involve outdoor storage.
2. Level 2. Establishments that involve outdoor storage of equipment.

~~YX~~. Sales of General Merchandise. Sales of general merchandise use type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, antiques, optical goods, jewelry, pet supplies, auto parts without installation services, furniture and home furnishings including appliances, computers and electronics. Also see building materials use type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper or

hardware, and also garden center use type for nursery stock and lawn and garden supplies.

1. Level 1. Total floor area up to 30,000 square feet.
2. Level 2. Total floor area over 30,000 square feet ~~and up to 80,000 square feet.~~
3. Level 3. Pharmacies that include drive-through facilities.
4. Level 4. Drive-through facilities associated with sales of general merchandise uses other than pharmacies.

~~Y. Tattoo Parlors. Tattoo parlor use type is an establishment where permanent designs or marks are made on the skin by pricking it and ingraining it in an indelible pigment or by raising scars on it.~~

Z. Video Rental. Video rental use type is a store that rents prerecorded videotapes, discs, or similar materials such as video games to the public for a limited period of time. Some limited sales may occur.

AA. Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.
2. Level 2. Establishments with total floor area of more than 10,000 ~~to 80,000~~ square feet and with indoor or outdoor storage.

(Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.25.100 Industrial use category – Descriptions.

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

A. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating, and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

B. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without processing which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

C. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

D. Food and Related Products. Food and related products use type refers to uses which involve the processing, manufacturing, storage and packaging of food materials, raw milk, and ice. Examples include bakeries which distribute products to many retail outlets; creameries and other dairy products manufacturing without on-site dairy animals; soft drink bottling plants; feed and cereal mills; flour mills; vegetable oil manufacturing; refining or storage; yeast plants; starch, glucose and dextrine manufacturing; dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing; sugar refining; breweries and distilleries. This use type may include processing and packaging of red meats, fowl and/or fish, provided the facility complies with all State, Federal and local health regulations, all processing is conducted indoors, and there is no emission of noxious odors or noise. This use type does not include the slaughtering or boarding of live animals or poultry.

E. Industrial Services and Repair. Industrial services and repair use type refers to uses involving the repair of medium- and large-sized products, e.g., ~~ships~~, boats, and trucks exceeding three tons of vehicle weight; uses providing large-scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., ~~clothes cleaning plants~~, bulk laundries, ~~diaper services~~, ~~power laundries~~, linen supply, dry cleaning plants, ~~industrial launderers~~, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying, and towing and ~~tugboat~~ services, ~~water transportation services~~, physical and biological research testing laboratories, and industrial wastewater treatment facilities and janitorial services.

F. Limited Manufacturing. Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This does not include the processing of raw materials. This use type includes but is not limited to:

1. Clothing and fabricated products;
2. Finished products made entirely or mainly of wood for use in construction;
3. Instruments for measuring, testing, analyzing, and controlling;

4. Optical instruments and lenses;
5. Surveying and drafting instruments;
6. Medical instruments and equipment;
7. Photographic equipment;
8. Watches and clocks;
9. Supplies associated with the previous products; and
10. Electronic computer hardware components and related equipment.

G. Motion Picture/Television and Radio Production Studios. Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

H. Printing, Publishing and Related Industries. Printing, publishing and related industries use type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and plate making; and publishing newspapers, books and periodicals.

I. Salvage Yards. Salvage yards use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade.

1. Level 1. Hulk hauling – Where no storage of vehicles is permitted.
2. Level 2. Salvage yards/uses dealing with storage facilities for motor vehicles in which all vehicles are stored within enclosed building(s).

J. Storage. Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include mini-warehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, see also UPMC [19.25.090\(T\)](#), the motor vehicles and related equipment sales/rental/repair and services use type.

K. Vehicle Impound Yards. Vehicle impound yards use type refers to uses dealing with impound facilities for motor vehicles.

L. Warehousing, Distribution and Freight Movement. Warehousing, distribution and freight movement refers to storage of manufactured or processed products for one or more businesses either within a building serviced by loading docks, or in secure outdoor storage areas. Such facilities typically transport product by truck or rail ~~and are often located in close proximity to marine ports~~. Examples include grocery chain distribution centers, parcel delivery distribution centers, storage of fabricated concrete blocks, and finished lumber storage yards.

(Ord. 514 § 2, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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:

<u>R1</u>	<u>Single Family Residential</u>
<u>R2</u>	<u>Two Family Residential</u>
<u>MF-L</u>	<u>Multi-Family Residential - Low Density</u>
<u>MF-H</u>	<u>Multi-Family Residential -High Density</u>
<u>POS</u>	<u>Parks and Open Space</u>
<u>MU-O</u>	<u>Mixed Use - Office</u>
<u>NC</u>	<u>Neighborhood Commercial</u>
<u>TC</u>	<u>Town Center</u>
<u>TC-O</u>	<u>Town Center - Overlay</u>
<u>MU</u>	<u>Mixed Use</u>
<u>C</u>	<u>Commercial</u>
<u>LI-BP</u>	<u>Light Industrial – Business Park</u>

CB. Symbols. The following symbols are employed in the use tables:

1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.

2. A “P” in a cell on the table indicates that the use type is permitted subject to applicable standards in this code in the zone listed at the top of the column.

3. A “C” in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC [19.85.020](#), Conditional use permits.

4. A “D” in a cell on the table indicates that the use type is permitted subject to design review under the provisions specified in UPMC [19.85.050](#), Administrative design review.

5. An “A” in a cell on the table indicates that the use type is permitted subject to administrative review under the provisions specified in UPMC [19.85.010](#), Administrative use permits.

6. A number accompanying a “P,” “C,” “D” or “A” in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

Residential Uses Zone Classification Table											
ZONE CLASSIFICATIONS											
	RESIDENTIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Parks & Open Space	Mixed Use—Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial – Business Park
-	-	R1	R2	MF	POS	MU-O	NC	TC	MU	C	LI-BP
1	Adult family home (6 or fewer)	P	P	P		P	P	-	P	-	-
2	Assisted living facility	-	P1, C2	P3		P3	-	P3	P3	-	-
3	Bed and breakfast (2)	P	P	P		P	P	-	-	-	-
4	Caretaker Unit				P						
5	Level I group home	P	P	P		P	-	-	P	-	-
6	Mobile/manufactured home (3)	-	-	P		-	-	-	-	-	-
7	New manufactured home (4)	P	P	P		-	-	-	-	-	-
8	Mobile home park	-	-	C		-	-	-	-	-	-
9	Multifamily housing	-	-	D (16)		D (5)	-	D (5)	D (5)	-	-
10	Nursing home	-	P1, C2	P3		P3	-	P3	P3	-	-
11	Single-family housing (attached)	P1	P1	P2		P2	P2	-	P2	-	-
12	Single (detached) and two-family housing	P	P	P		-	-	-	-	-	-
13	Small lot housing	D (17)	D (17)	-		-	-	-	-	-	-

See notes in UPMC [19.25.120](#).

~~Civic and Recreation Uses Zone Classification Table~~

ZONE CLASSIFICATIONS											
	CIVIC AND RECREATION USES	One-Family Residential	Two-Family Residential	Multifamily	Park & Open Space	Mixed Use—Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial – Business Park
	-	R1	R2	MF	POS	MU-O	NC	TC	MU	C	LI-BP
1	Administrative government services	-	-	-	P	P	P	P	P	P	P
2	Animal control (animals kept)	-	-	-		-	-	-	-	-	G
3	Cemeteries /mortuaries	G	G	-		-	-	-	-	-	-
4	Community centers	G	G	G	P	P	P	P	P	P	P
5	Community clubs	G	G	G	P	P	P	P	P	P	P
6	Courthouse	-	-	-		-	-	G	-	-	-
7	Cultural services (museums, libraries)	-	-	-	P	G	P	P	P	P	-
8	Day care centers (exceeds 12)	G	G	P		P	P	P	P	P	G
9	Education	P1	P1	P1		P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	G1, 3, P2, 4	P4
10	Hospitals/24-hour medical clinics	-	-	-		P, C2	P, C2	P, C2	P, C2	P, C2	G
11	Holding cells	-	-	-		-	-	P1	P1	-	G
12	Postal services	-	-	-		-	P1	P1	P1	P1	P1, 2

ZONE CLASSIFICATIONS											
	CIVIC AND RECREATION USES	One-Family Residential	Two-Family Residential	Multifamily	Parks & Open Space	Mixed Use—Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial—Business Park
	-	R1	R2	MF	POS	MU-O	NC	TC	MU	G	LI-BP
13	Private clubs and lodges	-	-	-		-	P	P	P	P	-
14	Public safety services	G	G	G	2	P	P	P	P	P	P
15	Recreation—Public	P1, 3, G2	P1, 3, G2	P1, 3, G2	P1,2,3	P1, 3, G2	P1, 3, G2	P1, 3, G2	P1, 3, G2	P1, 3, G2	P1
16	Recreation—Nonprofit	-	G	G		-	G	G	G	G	-
17	Religious assemblies	P1, G3	P1, G3	P1, G3		P1, G2	P	P	P	G	-
18	Transportation	P1	P1	P1		P1, G2	P1, G2	P1, G2	P1, G2	P1, G2	P1
19	Utility and public maintenance facilities	-	-	-		-	-	P1, G2	P1, G2	P1, G2	P

See notes in UPMC [19.25.120](#).

Utilities/Essential Public Facilities Uses Zone Classification Table-

ZONE CLASSIFICATIONS											
-	UTILITIES/ ESSENTIAL PUBLIC FACILITIES USES	One-Family Residential	Two-Family Residential	Multifamily	Parks & Open Space	Mixed Use— Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial— Business Park
-	-	R1	R2	MF	POS	MU-O	NC	TC	MU	G	LI-BP
UTILITIES USE											
1	Commercial and personal 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, C4	P1, A2, 3, C4
2	Electric facilities	C	C	C		P	P	P	P	P	P
3	Electrical generation, accessory on-site only	-	-	-		-	-	-	-	-	-
4	Natural gas facilities	P1	P1	P1		P1, 2	P1, 2	-	P1, 2	P1, 2	P
5	Recycling collection sites	P	P	P	P (18)	P	P	P	P	P	P
6	Sewage collection facilities	P	P	P		P	P	P	P	P	P
7	Storm water facilities	P	P	P	P	P	P	P	P	P	P
8	Water supply facilities	P1, C2	P1, C2	P1, C2		P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2

	UTILITIES/ ESSENTIAL PUBLIC FACILITIES USES	One-Family Residential	Two-Family Residential	Multifamily	Parks & Open Space	Mixed Use— Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial— Business Park
	-	R1	R2	MF	POS	MU-O	NC	TC	MU	C	LI-BP
ESSENTIAL PUBLIC FACILITIES USE (8)											
9	Level II group homes	-	-	C		C	-	-	C	-	C
10	Organic waste processing facilities	-	-	-		-	-	-	-	-	C
11	Correctional institutions	-	-	-		-	-	-	-	-	C
12	Recycling processors	-	-	-		-	-	-	-	-	-
13	Sewage treatment facilities	-	-	-		-	-	-	-	-	-
14	Waste disposal facilities	-	-	-		-	-	-	-	-	-
15	Waste transfer facilities	-	-	-		-	-	-	-	-	C1, 2, 3
RESOURCE USE											
16	Agricultural sales	-	-	-		-	P	P	P	P	P2
17	Crop production	P	P	P		-	-	-	-	-	-
18	Fish enhancement	-	-	-		-	-	-	-	-	-
19	Limited horse boarding	P	P	-		-	-	-	-	-	-

See notes in UPMC [19.25.120](#).

Commercial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use—Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial—Business Park
-	-	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Administrative and professional offices	-	-	-	P	P	P	P	P	P
2	Veterinary clinics/animal hospitals	-	-	-	C1	P1	P1	P1	P1	P
Retail/Services/Entertainment										
3	Adult entertainment	-	-	-	-	-	-	-	-	G (9)
4	Amusement and recreation (private)	-	-	-	-	P	P	P	P	P
5	Beauty salon/barber	-	-	-	P (10)	P	P	P	P	-
6	Building materials (11)	-	-	-	-	P1	P1, C2	P1, C2	P1, C2	P
7	Business support services	-	-	-	P	P	P	P	P	P
8	Commercial centers	-	-	-	-	G	P1, C2 (12)	G	G	-
9	Eating and drinking establishment	-	-	-	P4	P1, 2, 3	P1, 3	P1, 3, C2	P1, 2, 3	-

	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use— Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial— Business Park
	-	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
10	Food stores (11)	-	-	-	-	P1, C2	P	P1, C2	P	-
11	Garden center (11)	-	-	-	-	P	P1	P1	P	G
12	Health club (a.k.a. fitness center)	-	-	-	-	P	P	P	P	G
13	Kennels	-	-	-	-	-	-	-	G	P
14	Limited accessory retail (MU-O only)	-	-	-	P (13)	-	-	-	-	-
15	Lodging—Hotels and motels (no RV)	-	-	-	-	G	P	P	P	-
16	Marinas, existing only	P	-	-	-	-	-	-	-	-
17	Mini casinos	-	-	-	-	-	-	-	-	-
18	Movie theaters (indoor-only)	-	-	-	-	P	P	-	P	-
19	Mobile, manufactured, and modular home sales	-	-	-	-	-	-	-	-	G
20	Vehicle sales, repair, service	-	-	-	-	P1, 2	-	P1, C2	P1, 2	P1, 2, C3, 4
21	Pawn shops	-	-	-	-	-	-	-	P	G
22	Personal services (other)	-	-	-	P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	P

	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use— Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial— Business Park
	-	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
23	Rental and repair	-	-	-	-	P1, C2	P1, C2	P1, C2	P1, C2	P
24	Sales of general merchandise (11)	-	-	-	-	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
25	Tattoo parlors	-	-	-	-	-	-	-	G	-
26	Video rental	-	-	-	-	P	P	P	P	P
27	Wholesale trade (11)	-	-	-	-	-	-	C1	C1	P1, C2

See notes in UPMC [19.25.120](#).

-Industrial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	INDUSTRIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use—Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial—Business Park
	-	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Bulk fuel dealers	-	-	-	-	-	-	-	-	C
2	Buy-back recycling	-	-	-	-	-	-	-	-	-
3	Contractor yards	-	-	-	-	-	-	-	C1	P
4	Food and related products	-	-	-	-	-	-	-	-	P
5	Industrial services and repair	-	-	-	-	-	-	-	-	C
6	Limited manufacturing	-	-	-	-	-	-	-	-	P
7	Motion picture, TV and radio production studios	-	-	-	-	-	-	-	C1	P
8	Printing, publishing and related industries	-	-	-	-	-	-	-	-	P
9	Salvage yards	-	-	-	-	-	-	-	-	P1, C2

	INDUSTRIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use— Office (14)	Neighborhood Commercial	Town Center (15)	Mixed Use (14)	Commercial (14)	Light Industrial— Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
10	Storage units	-	-	-	-	-	-	-	-	P
11	Vehicle impound yards	-	-	-	-	-	-	-	-	P
12	Warehousing, distribution and freight movement	-	-	-	-	-	-	-	-	G1

See

Residential Use Types & Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS									
RESIDENTIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	C (14)	LI-BP
<u>Adult family home (6 or fewer)</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	-	<u>P</u>	-	-
<u>Assisted living facility</u>	-	<u>P1, C2</u>	<u>P3</u>	-	<u>P3</u>	-	<u>P3</u>	<u>P3</u>	-	-
<u>Bed and breakfast (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	-	-	-	-
<u>Caretaker Unit</u>	-	-	-	<u>P</u>	-	-	-	-	-	<u>P</u>
<u>Level I group home</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	-	-	<u>P</u>	-	-
<u>Mobile/manufactured home (3)</u>	-	-	<u>P</u>	-	-	-	-	-	-	-
<u>New manufactured home (4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-
<u>Mobile home park</u>	-	-	<u>C</u>	-	-	-	-	-	-	-
<u>Multifamily housing</u>	-	-	<u>D (16)</u>	-	<u>D (5)</u>	-	<u>D (5)</u>	<u>D (5)</u>	-	-
<u>Nursing home</u>	-	<u>P1, C2</u>	<u>P3</u>	-	<u>P3</u>	-	<u>P3</u>	<u>P3</u>	-	-
<u>Single-family housing (attached)</u>	<u>P1</u>	<u>P1</u>	<u>P2</u>	-	<u>P2</u>	<u>P2</u>	-	<u>P2</u>	-	-
<u>Single (detached) and two-family housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-
<u>Small lot housing</u>	<u>D (17)</u>	<u>D (17)</u>	-	-	-	-	-	-	-	-

See notes in UPMC [19.25.120](#)

Civic and Recreation Use Types & Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS									
CIVIC AND RECREATION USES	R1	R2	MF	POS	MU-O	NC	TC	MU	C	LI-BP
<u>Administrative government services</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Animal control (animals kept)</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Existing Cemeteries /mortuaries</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-	-	-
<u>Community centers</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Community clubs</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Courthouse</u>	-	-	-	-	-	-	<u>C</u>	-	-	-
<u>Cultural services (museums, libraries)</u>	-	-	-	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Day care centers (exceeds 12)</u>	<u>C</u>	<u>C</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Education</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	-	<u>P1</u>	<u>P1 (6), 4, C2</u>	<u>P1 (6), 4, C2, 3</u>	<u>P1 (6), 4, C2, 3</u>	<u>C1, 3, P2, 4</u>	<u>P4</u>
<u>Hospitals/24-hour medical clinics</u>	-	-	-	-	<u>P, C2</u>	<u>P, C2</u>	<u>P, C2</u>	<u>P, C2</u>	<u>P, C2</u>	<u>C</u>
<u>Holding cells</u>	-	-	-	-	-	-	<u>P1</u>	<u>P1</u>	-	<u>C</u>
<u>Postal services</u>	-	-	-	-	-	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P1, 2</u>
<u>Private clubs and lodges</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Public safety services</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Recreation – Public</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1,2,3</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1, 3, C2</u>	<u>P1</u>
<u>Recreation – Nonprofit</u>	-	<u>C</u>	<u>C</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>Religious assemblies</u>	<u>P1, C3</u>	<u>P1, C3</u>	<u>P1, C3</u>	-	<u>P1, C2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P1</u>
<u>Transportation</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	-	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1</u>
<u>Utility and public maintenance facilities</u>	-	-	-	<u>P1,2</u>	-	-	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P</u>

See notes in UPMC [19.25.120](#)

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

<u>USE TYPES</u>	<u>ZONE CLASSIFICATIONS</u>									
<u>UTILITIES</u>	<u>R1</u>	<u>R2</u>	<u>MF</u>	<u>POS</u>	<u>MU-O</u> <u>(14)</u>	<u>NC</u>	<u>TC (15)</u>	<u>MU (14)</u>	<u>C (14)</u>	<u>LI-BP</u>
<u>Wireless telecommunications facilities (7)</u>	<u>C1, 2, 3</u>	<u>C1, 2, 3</u>	<u>C1, 2, 3, 4</u>	<u>P</u>	<u>C1, 2, 3, 4</u>	<u>C1, 2, 3, 4</u>	<u>C1, 2, 3, 4</u>	<u>P1, A2, 3, C4</u>	<u>P1, A2, 3, C4</u>	<u>P1, A2, 3, C4</u>
<u>Electric facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Electrical generation, accessory, on-site only</u>	-	-	-	-	-	-	-	-	-	-
<u>Natural gas facilities</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	-	<u>P1, 2</u>	<u>P1, 2</u>	-	<u>P1, 2</u>	<u>P1, 2</u>	<u>P</u>
<u>Recycling collection sites</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>(18)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sewage collection facilities</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>	<u>P</u>
<u>Storm water facilities</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>	<u>P</u>	<u>P</u>
<u>Water supply facilities</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	-	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>
<u>ESSENTIAL PUBLIC FACILITIES</u> <u>(8)</u>	<u>R1</u>	<u>R2</u>	<u>MF</u>	<u>POS</u>	<u>MU-O</u> <u>(14)</u>	<u>NC</u>	<u>TC (15)</u>	<u>MU (14)</u>	<u>C (14)</u>	<u>LI-BP</u>
<u>Level II group homes</u>	-	-	<u>C</u>	-	<u>C</u>	-	-	<u>C</u>	-	<u>C</u>
<u>Organic waste processing facilities</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Correctional institutions</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Recycling processors</u>	-	-	-	-	-	-	-	-	-	-
<u>Sewage treatment facilities</u>	-	-	-	-	-	-	-	-	-	-
<u>Waste disposal facilities</u>	-	-	-	-	-	-	-	-	-	-
<u>Waste transfer facilities</u>	-	-	-	-	-	-	-	-	-	<u>C1, 2, 3</u>

<u>RESOURCE USE</u>	<u>R1</u>	<u>R2</u>	<u>MF</u>	<u>POS</u>	<u>MU-O</u> <u>(14)</u>	<u>NC</u>	<u>TC</u> <u>(15)</u>	<u>MU (14)</u>	<u>C (14)</u>	<u>LI-BP</u>
<u>Agricultural sales</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Crop production</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-
<u>Fish enhancement</u>	-	-	-	-	-	-	-	-	-	-
<u>Limited horse boarding</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-

See notes in UPMC [19.25.120](#)

Commercial Use Types & Zone Classification Table

<u>USE TYPES</u>	<u>ZONE CLASSIFICATIONS</u>										
<u>COMMERCIAL USES</u>	<u>R1</u>	<u>R2</u>	<u>MF</u>	<u>POS</u>	<u>MU-O (14)</u>	<u>NC</u>	<u>TC (15)</u>	<u>TC-O</u>	<u>MU (14)</u>	<u>C (14)</u>	<u>LI-BP</u>
<u>Administrative and professional offices</u>	-	-	-	-	<u>P1</u>	<u>P1, 2, 3</u>	<u>P1, 2</u>	<u>P1</u>	<u>P1, 2, 3</u>	<u>P1, 2, 3</u>	<u>P1</u>
<u>Veterinary clinics/animal hospitals</u>	-	-	-	-	<u>C1</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P</u>
<u>Adult entertainment</u>	-	-	-	-	-	-	-	-	-	-	<u>C (9)</u>
<u>Amusement and recreation (private)</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Beauty salon/barber</u>	-	-	-	-	<u>P (10)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Building materials (11)</u>	-	-	-	-	-	<u>P1</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P</u>
<u>Business support services</u>	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial centers</u>	-	-	-	-	-	<u>C</u>	<u>P1,C2 (12)</u>	<u>P1,C2 (12)</u>	<u>C</u>	<u>C</u>	-
<u>Eating and drinking establishment</u>	-	-	-	-	<u>P4</u>	<u>P1, 2, 3</u>	<u>P1, 2, 3</u>	<u>P1, 3</u>	<u>P1, 3 C2</u>	<u>P1, 2, 3</u>	<u>P1,3 (19)</u>
<u>Food stores (11)</u>	-	-	-	-	-	<u>P1, C2</u>	<u>P</u>	<u>P</u>	<u>P1, C2</u>	<u>P</u>	-
<u>Garden center (11)</u>	-	-	-	-	-	<u>P</u>	<u>P1</u>	<u>P1</u>	<u>P1</u>	<u>P</u>	<u>C</u>
<u>Health club (a.k.a. fitness center)</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Kennels</u>	-	-	-	-	-	-	-	-	-	<u>C</u>	<u>P</u>
<u>Limited accessory retail (MU-O only)</u>	-	-	-	-	<u>P (13)</u>	-	-	-	-	-	-
<u>Lodging – Hotels and motels (no RV)</u>	-	-	-	-	-	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Marinas, existing only</u>	<u>P</u>	-	-	-	-	-	-	-	-	-	-
<u>Mini casinos</u>	-	-	-	-	-	-	-	-	-	-	-
<u>Movie theaters (indoor only)</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	-
<u>Mobile, manufactured, and modular home sales</u>	-	-	-	-	-	-	-	-	-	-	<u>C</u>

<u>Vehicle sales, repair, service</u>	-	-	-	-		<u>P1, 2</u>	-		<u>P1, C2</u>	<u>P1, 2</u>	<u>P1, 2 C3, 4</u>
<u>Pawn shops</u>	-	-	-	-	-	-	-	-	-	<u>P</u>	<u>C</u>
<u>Personal services (other)</u>	-	-	-	-	<u>P1 (10)</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P</u>
<u>Pet day care</u>						<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Rental and repair</u>	-	-	-	-	-	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P1, C2</u>	<u>P</u>
<u>Sales of general merchandise (11)</u>	-	-	-	-		<u>P1, 3, 4, C2</u>	<u>P1, 3, C2</u>	<u>P1, C2</u>	<u>P1, 3, 4, C2</u>	<u>P1, 3, 4, C2</u>	<u>P1, C2</u>
<u>Tattoo parlors</u>	-	-	-	-	-	-	-			<u>C</u>	-
<u>Video rental</u>	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wholesale trade (11)</u>	-	-	-	-	-	-	-	-	<u>C1</u>	<u>C1</u>	<u>P1, C2</u>

See notes in UPMC [19.25.120](#)

	Light Industrial Use Types & Zone Classification Table									
USE TYPES	ZONE CLASSIFICATIONS									
LIGHT INDUSTRIAL USES	R1	R2	MF	POS	MU-O	NC	TC	MU	C	LI-BP
Bulk fuel dealers	-	-	-	-	-	-	-	-	-	C
Buy-back recycling	-	-	-	-	-	-	-	-	-	-
Contractor yards	-	-	-	-	-	-	-	-	C1	P
Food and related products	-	-	-	-	-	-	-	-	-	P
Industrial services and repair	-	-	-	-	-	-	-	-	-	C
Limited manufacturing	-	-	-	-	-	-	-	-	-	P
Motion picture, TV and radio production studios	-	-	-	-	-	-	-		C1	P
Printing, publishing and related industries	-	-	-	-	-	-	-	-	-	P
Salvage yards	-	-	-	-	-	-	-	-	-	P1, C2
Storage units	-	-	-	-	-	-	-	-	-	P
Vehicle impound yards	-	-	-	-	-	-	-	-	-	P
Warehousing, distribution and freight movement	-	-	-	-	-	-	-	-	-	C1

See notes in UPMC [19.25.120](#).

(Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

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 zone per Chapter [19.52](#) UPMC or the design standards for the Mixed Use, 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 overlay zone subject to the Town Center overlay design standards (Ord. 409).
- (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 and MF-H zones subject to compliance with multifamily design standards and guidelines per Chapter [19.53](#) UPMC.
- (17) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter [19.53](#) UPMC.
- (18) Recycling Collection Receptacles in the Parks and Open Space Zone shall not exceed a maximum capacity of 20 cubic yards.
- (19) Eating and Drinking Establishments in the Light Industrial / Business Park Zone are only permitted north of 24th Street.

(Ord. 559 § 3 (Exh. A), 2009; Ord. 524 § 1 (Exh. A), 2008; Ord. 514 § 2, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 371 § 3, 2003).

UNOFFICIAL DOCUMENT

Chapter 19.30 ACCESSORY USES AND STRUCTURES

Sections:

19.30.010	Purpose.
19.30.020	Accessory uses not in this section.
19.30.030	General standards.
19.30.040	Accessory use list.
19.30.050	Accessory uses applicable to principal uses in more than one zone.

19.30.010 Purpose.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.020 Accessory uses not in this section.

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

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

(Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.030 General standards.

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

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

1. The accessory use is not excluded from locating in the zone classification;
and
2. The accessory use meets all regulatory requirements.

B. Accessory uses and structures, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.

1. Except as otherwise provided in this code, it is unlawful to construct, erect, or locate private garages, sheds, or other accessory structures in any zone classification without a lawfully permitted principal use on the same lot of record.

2. Refer to Chapter [19.45](#) UPMC for regulations governing the placement of accessory uses.

C. All accessory uses and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.

D. Where there is a question regarding the inclusion of or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.30.040 Accessory use list.

A. Residential. The following accessory uses are customarily incidental to residential uses:

1. Carports or garages for the sole use of occupants of premises and their guests (without fee to guests), attached or detached, for storage of motor vehicles, boats, recreational vehicles, and/or planes.

2. Greenhouse, private and noncommercial.

3. Storage buildings for yard maintenance equipment and household goods.

4. Refer to UPMC [19.30.050](#) for uses applicable in more than one zone.

5. Minor auto repair is permitted for persons residing at the residence and for relatives of those residing at the residence and shall not be performed in a public right-of-way.

6. Major auto repair is permitted only subject to the following provisions on any residential premises in any zone district:

a. Work shall be limited to the repair and maintenance of vehicles currently registered to occupant(s) residing at that residence. This limitation precludes auto repair on residential premises by any commercial entity or for commercial purposes.

- b. Such work shall be conducted on no more than one vehicle at any one time.
- c. Such work shall only be done within an enclosed structure (such as a garage) or in an area which is screened from public view and neighboring properties.
- d. Such work shall be done only between the hours of 7:00 a.m. and 10:00 p.m.
- e. Such work shall not be done in a street or public right-of-way.
- f. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area screened from public view (i.e., public right-of-way) and neighboring properties.
- g. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.

7. Parking or storage of inoperable vehicles subject to the following:

- a. No person owning, leasing, renting, occupying, being in possession or having charge of any residentially used or zoned property in the city, including vacant lots, shall retain or store outdoors an inoperable vehicle for more than seven consecutive or nonconsecutive days, except as may be permitted by any other city ordinance, and the following:
- b. No more than one unenclosed or unscreened inoperable vehicle may be on a property at any one time.
- c. Storage of inoperable vehicles for any period greater than seven days shall be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level III landscaping pursuant to Chapter [19.65](#) UPMC.

8. Commercial Vehicles. Commercial vehicles licensed to exceed 10,000 pounds gross vehicle weight (gvw) and semi-trucks, semi-cabs, tractor trailers or heavy equipment shall not be parked or stored in a residential area whether on a street, private or public property. This provision does not apply to temporary parking for delivery, pick up, moving or service activities. Heavy construction/development equipment may only be parked on a site that is in the process of being developed.

9. Recreational Vehicles and Other Equipment. The outdoor storage, or parking of any combination of two (total) currently licensed motorized or nonmotorized boats or motorized or nonmotorized recreation vehicles is permitted; provided, that they do not

interfere with the vision of drivers entering a street from a private driveway by causing a safety hazard for vehicular and pedestrian traffic and that they are maintained in a clean, well-kept condition that does not detract from the appearance of the surrounding area. Nonmotorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Nonmotorized recreation vehicles do not include bicycles and similar nonmotorized sports equipment.

a. Storage of additional boats and/or nonmotorized recreation vehicles shall, where possible, either be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level 1 landscaping pursuant to Chapter [19.65](#) UPMC. Storage of additional vehicles is prohibited in required front or side yard setbacks.

b. No recreational vehicle or travel trailer may be used for habitation except as follows:

i. One recreational vehicle or travel trailer may be used as a temporary dwelling on private residential property already containing another dwelling unit when the owner or user of the recreational vehicle or travel trailer is a nonresident visiting a resident of that property.

ii. Habitation of the recreational vehicle or travel trailer may be permitted for up to five days without a permit and for an extended period not to exceed 14 days upon issuance of a recreational vehicle use permit by the city.

iii. No more than one recreational vehicle/travel trailer use permit may be granted within any six-month period.

iv. Habitation of recreational vehicles is not permitted in the public right-of-way.

v. Exceptions may be made for serious illness in accordance with Chapter [19.35](#) UPMC, Temporary Uses/Temporary Housing Units.

vi. Recreational vehicles/travel trailers meeting the requirements of this section shall:

(A) Be kept in a side or rear yard and screening from abutting properties is encouraged. If the vehicle cannot be stored in a side or rear yard due to site constraints, the vehicle shall be parked off-site.

(B) Be on a hard surface.

(C) Not be located in the public right-of way.

~~B. Industrial. The following accessory uses are customarily incidental to industrial uses:~~

~~1. Dwelling units used exclusively for caretaker or superintendent and his or her family; and~~

~~2. Refer to this chapter for uses applicable in more than one use category.~~

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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

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

1. Antennas and satellite dishes for private telecommunication services;
2. Decks and patios;
3. Facilities used in ground maintenance;
4. Food service facilities for use primarily by employees with no exterior advertisement of the facility;
5. Incidental storage of raw materials and finished products sold or manufactured on-site;
6. Noncommercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use;
7. On-site hazardous waste treatment and storage;
8. Private docks and mooring facilities;
9. Retaining walls, freestanding walls and fences;
10. Temporary waste piles authorized by a solid waste permit;
11. Small-scale composting facility to handle less than 10 cubic yards;
12. Solid waste dumpsters.

B. Other Uses and Structures. Uses and associated structures deemed by the director to be customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

C. Other City Codes. Please refer to shoreline management use regulations for specific specialized accessory use standards.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

UNOFFICIAL DOCUMENT

Chapter 19.35 TEMPORARY USES/TEMPORARY HOUSING UNITS

Sections:

19.35.010	Purpose.
19.35.020	Seasonal and temporary commercial uses.
19.35.030	Temporary structures.
19.35.040	Temporary housing units.
19.35.050	Temporary personal wireless telecommunication facility.
19.35.060	Coordination with other city codes.

19.35.010 Purpose.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.35.020 Seasonal and temporary commercial uses.

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

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

B. Seasonal uses are subject to the following requirements:

1. Setback requirements of the zone shall be met for any temporary structure or recreational vehicle.
2. The use will not result in significant traffic, off-street parking, drainage, fire protection, or other adverse impacts. In the case of off-street parking, any required off-street parking for an existing use shall not be diminished below minimum standards.
3. Temporary sign permits shall be required for all signs and are subject to the provisions of Chapter [19.75](#) UPMC.
4. The use must provide sanitary facilities if the Health Department finds it is necessary.
5. The use must not infringe on the public right-of-way.

6. A performance bond, the amount to be determined by the director, shall be posted upon the director's determination that it is necessary to guarantee the removal of the use and that the area be restored to the director's satisfaction.

7. An affidavit signed by the property owner stating that the property is being used for the temporary use with their consent and indicating the number of days the use is permitted to remain on the property.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.35.030 Temporary structures.

Temporary structures may be allowed subject to the following:

A. In conjunction with a seasonal use identified in this chapter.

B. Recreational vehicles including boats stored on land shall not be used as permanent or temporary housing units in any zone except as temporary housing units specifically permitted in Chapter [19.30](#) UPMC and this chapter.

C. Temporary Construction Buildings. One or more temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. The temporary construction building shall be removed from the site within 30 days after completion of the project or 30 days after cessation of work.

D. Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone; provided, the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that if the subdivision is in any R1 or R2 zone, the temporary real estate office shall be removed when 90 percent of the lots within the approved subdivision have been sold or, in the event of a subdivision with 10 or fewer lots, three or fewer are unsold.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.35.040 Temporary housing units.

A. Temporary Housing Unit – Construction. A “temporary housing unit, construction” may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract provided:

1. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

2. The unit is not located in any required front or side yard.
3. An administrative use permit is required and shall be valid for the life of the construction permit, not to exceed one year.
4. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.

B. Temporary Housing Unit – Public Facility. A “temporary housing unit, public facility” is a single-wide mobile home or manufactured home to be used at public schools, fire stations, parks or other public facilities for the purpose of providing on-site security, surveillance, and improved service at public facilities provided:

1. The unit is not located in any required front or side yards or designated open space.
2. Prior to the issuance of a temporary permit, the site shall be reviewed by the Health Department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.
3. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the unit will be located so as to take advantage of the natural growing material available to screen said unit from abutting properties.
4. The building permit shall be valid until a permanent housing unit is incorporated into the public facility; at such time, the temporary unit shall be removed.

C. The director may authorize a mobile or manufactured home as caretaker quarters in commercial and industrial zones subject to the following:

1. The initial approval of such caretaker’s quarters shall be for no more than one year.
2. Prior to approval, the director shall receive from the police chief sufficient advice that there is need for a caretaker on the subject site.
3. The applicant shall post a bond or other financial guarantee sufficient to cover the removal of the unit.
4. Renewal may be sought on a year-by-year basis for no more than the aggregate of five years and provided all other criteria remain valid and there is evidence that the unit is maintained and operated in a clean, safe and attractive manner.

D. Temporary Housing Units – Medical Situations. Temporary housing unit means a mobile or manufactured home which is located temporarily on a lot, parcel or tract of land. The applicant must submit an affidavit that the requirements specified herein will be maintained, and a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance.

E. Occupancy of all types of (construction, public facility, medical) temporary housing units shall require written approval from the ~~City community and economic development department~~. Temporary housing units shall meet the following requirements:

1. The mobile or manufactured home is one bearing the seal of the State Department of Labor and Industries and/or HUD.
2. The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.
3. Temporary housing units having a width in excess of 14 feet shall be permitted only on lots or tracts of land having a total area of one acre or more.
4. The temporary housing unit shall not be located in any required yard or open space required by this code nor shall the unit be located closer than 20 feet nor more than 100 feet from the principal dwelling on the same lot.
5. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the director may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from abutting property.
6. Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
7. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the temporary permit expires or occupancy ceases.

F. Renewals. Temporary medical housing permits shall be valid for the period of time the parent or close relative resides in the mobile home; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the department. When obtaining a renewal, the director shall confirm by affidavit from the applicant and by a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 61, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.35.050 Temporary personal wireless telecommunication facility.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.35.060 Coordination with other city codes.

A. Temporary uses shall comply with all applicable adopted city ordinances.

B. Uses regulated by the home occupation regulations are not subject to the provisions of this chapter.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.40

ESSENTIAL PUBLIC FACILITIES

Sections:

<u>19.40.010</u>	Purpose.
<u>19.40.020</u>	List of essential public facilities.
<u>19.40.030</u>	Applicability.
<u>19.40.040</u>	Essential public facilities review process.
<u>19.40.050</u>	Burden of proof.
<u>19.40.060</u>	Decision.

19.40.010 Purpose.

The purpose of this chapter is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in Chapter [19.10](#) UPMC, Definitions. Essential public facilities which meet the definition but are not listed in Chapter [19.25](#) UPMC shall also be reviewed according to the essential public facility review process.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.40.020 List of essential public facilities.

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

A. The use meets the definition of an essential public facility; and

B. The use is identified on the state list of essential public facilities maintained by the State of Washington Office of Financial Management.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.40.030 Applicability.

A. Listed Essential Public Facilities. All listed essential public facilities shall be reviewed through the essential public facility review process.

B. Unlisted Facilities. The director shall make a determination that a facility be reviewed pursuant to this section based on the following criteria:

1. The facility is a type difficult to site because of one of the following:
 - a. The facility needs a type of site of which there are few sites;
 - b. The facility can locate only near another public facility;
 - c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site;

- d. The facility is of a type that has been difficult to site in the past;
- e. It is likely that the facility will be difficult to site; or
- f. There is a need for the facility and University Place is in the facility service area.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 62, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.40.040 Essential public facilities review process.

A. Agencies planning on siting essential public facilities shall submit an application to the department. The application shall be on a form provided by the city and shall be accompanied by the following documents and information as are determined to be necessary by the director.

B. Essential public facilities shall be reviewed as follows:

1. Essential public facilities shall require a conditional use permit.

2. If an essential public facility is not listed within the zoning district, then the use shall be limited to the Light Industrial – Business Park zone or Chambers Creek properties. Essential public facilities that are not expressly listed in a zoning district are subject to either:

- a. Conditional use permit process; and
- b. Comprehensive plan/rezone process.

3. In addition to a conditional use permit, all essential public facilities shall be subject to review in accordance with the requirements of this chapter.

C. An applicant may have one or more alternative sites considered during the same process.

D. The director has the authority to require the consideration of sites outside of the city of University Place. Alternative sites shall cover the service area of the proposed essential public facility.

E. An amplified public involvement process shall be required. The purpose of the public involvement process is to involve affected persons of likely and foreseeable impacts if the involvement process has the potential to lead to more appropriate design/location or if that process could lead to development of incentives to address modifications to the facility which would make the siting of that facility more acceptable.

F. The applicant shall propose an acceptable public involvement process to be reviewed and approved by the director.

G. Public involvement activities shall be conducted and paid for by the applicant.

H. The public involvement process shall be initiated by the applicant as early as possible.

I. The director may require a multidisciplinary review process if the facility serves a regional, countywide, statewide, or national need.

J. An analysis of the facility's impact on city finances shall be undertaken. Mitigation of adverse financial impacts shall be required.

K. The following criteria shall be used to make a determination on the application:

1. The federal, state, regional, or local agency (applicant) shall provide a justifiable need for the essential public facility and for its location within the city of University Place.
2. The impact of the facility on the surrounding uses and environment, the city and, if applicable, the region.
3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
4. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts in affected areas and the environment.
5. Whether the proposed essential public facility is consistent with the city of University Place comprehensive plan.
6. If a variance is requested, the proposal shall also comply with the variance criteria.
7. Essential public facilities shall also comply with all other applicable state siting and permitting requirements.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 63, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.40.050 Burden of proof.

The applicant has the burden of proving that the proposed use meets all criteria set forth in UPMC [19.40.040](#)(K).

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003).

19.40.060 Decision.

The Director or Hearings Examiner may approve an application for an essential public facility, approve with conditions or require modification of the proposal to comply with specified requirements or local conditions. The Director may deny an application for an essential public facility if the placement of the use would be unreasonably incompatible

with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

UNOFFICIAL DOCUMENT

Chapter 19.45 DENSITY AND DIMENSION

Sections:

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19.45.010 Purpose.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.45.020 Tables.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 409 § 7, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

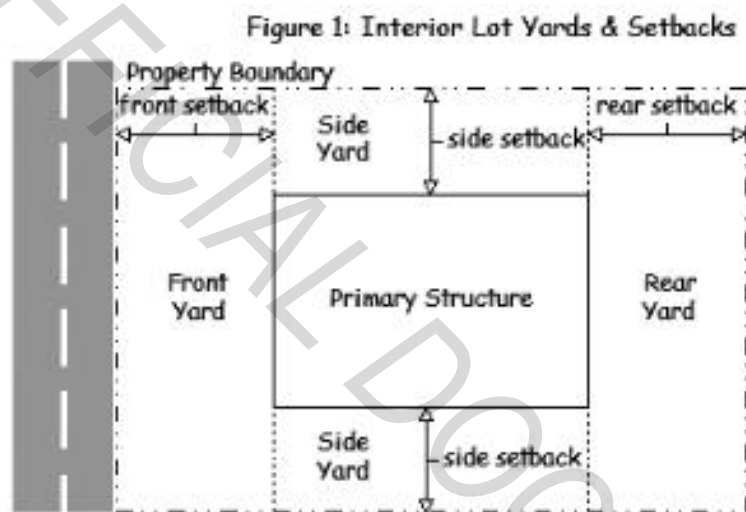
19.45.030 Density standards.

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 areas such as, but not limited to, wetlands, floodways, steep slopes, and streets (except as provided in Chapter [17.35](#) UPMC), lands below the ordinary high water mark, and lands set aside (by dedication or easement) for public or private streets (not including alleys). Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage. (See also Chapter [19.10](#) UPMC, Definitions, "Density.") When calculating density, no rounding is used.

(Ord. 566 § 2, 2010; Ord. 559 § 4 (Exh. A), 2009; Ord. 514 § 3, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.45.040 Setback standards.

A. Setback Measurement. A setback is measured from the 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 the access easement is required. An eight-foot setback is required from portions of hammerhead turnarounds 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.



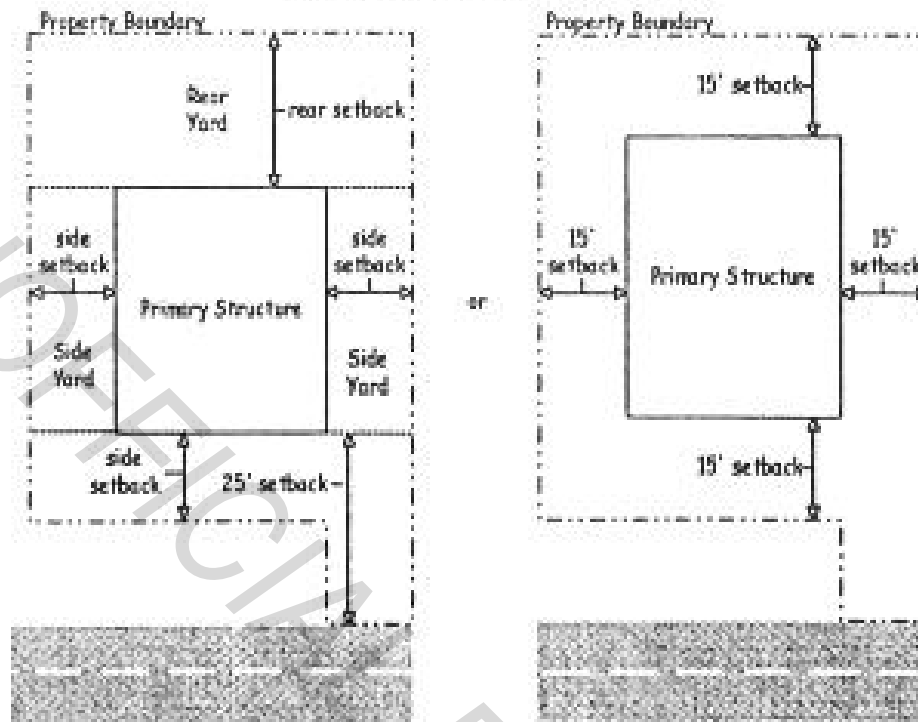
B. Pipestem Lots. The owner of a pipestem where the pipestem is either part of the lot or an easement to the lot may select one of the following setbacks:

1. Minimum 15 feet from all property lines for both principal and accessory structures.
2. A 25-foot setback from a line drawn parallel to the street, at the street end of the pipestem, with all other applicable side and rear yard setbacks for the zone. See Figure 2.

C. Where the City has acquired easements for right-of-way purposes ~~for property in the Mixed Use, Mixed Use—Office, Commercial and Town Center zones~~, the City may reduce the minimum required setback ~~to 10 feet~~ from the edge of the right-of-way or easement.

~~D.~~ Where the City has acquired easements for right of way purposes for property in the Neighborhood Commercial zone, the City may reduce the minimum required setback to 15 feet from the edge of the right-of-way or easement.

Figure 2: Pipestem Lot Yards & Setbacks



~~DE.~~ Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots when provision 19.45.040(B)(1) is applied. A front yard setback shall be required abutting each street. Corner lots and through lots may have two or more front yards. All lots must contain one rear yard setback except for through and pipestem lots when provision 19.45.040(B)(1) is applied. All other setbacks will be considered side yard setbacks.

1. Corner Lots Exception. If a lot abuts the intersection of two or more streets, the front yard setback on one side of the lot may be reduced to 15 feet, provided the reduced yard does not abut an arterial street and garages and carports are set back at least 25 feet. See Figure 3.

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

~~GE.~~ Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been legally established on an abutting lot(s) within the required yard. This provision shall not apply if the abutting lot(s) has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows: See Figure 5.

Figure 3: Corner Lot Yards & Setbacks

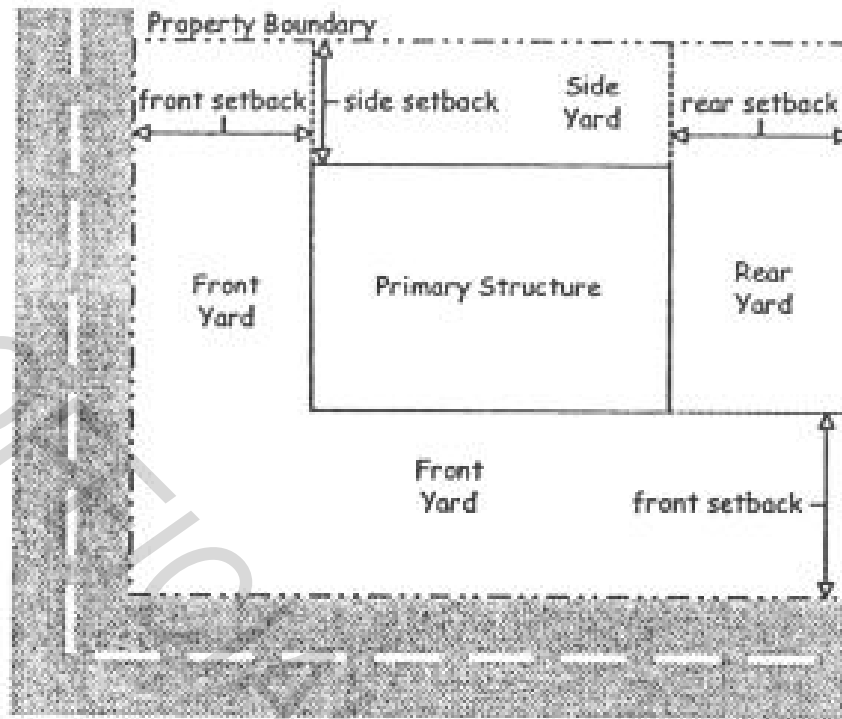


Figure 4: Through Lot Yards & Setbacks

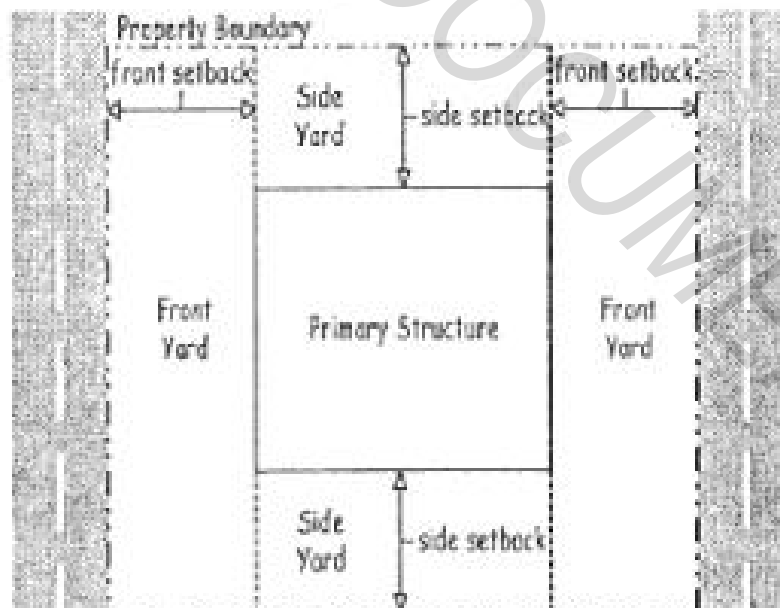
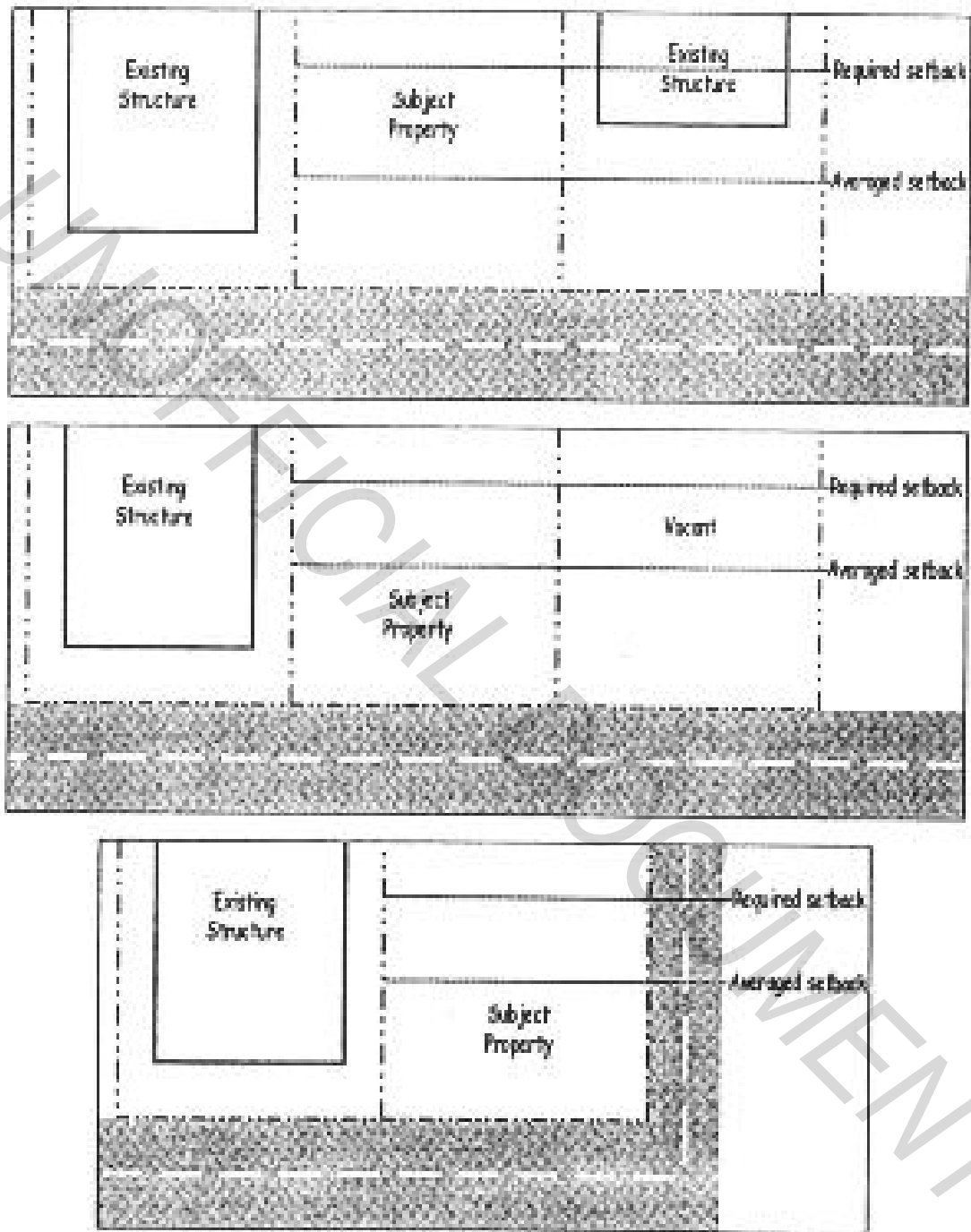


Figure 5: Setback Averaging



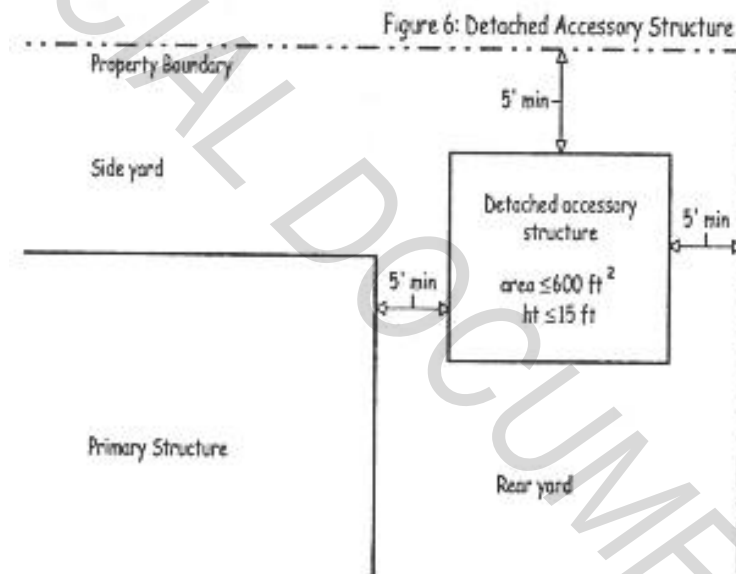
1. Averaging shall be calculated by adding the existing front yard setbacks of the abutting lots together and dividing that figure by two.

2. In the case of a corner lot or when an abutting lot is vacant, averaging shall be calculated by adding the front yard setback of the abutting developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two.

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

H. Detached Accessory Structures – Exceptions.

1. Detached accessory structures including, but not limited to, garages, carports, garden sheds, and other accessory buildings may be placed in the required side and/or rear yard setback or a front yard which abuts an alley or serves as a rear yard where no access is provided (except accessory RV storage gates) from the yard to the street subject to the following requirements: See Figure 6.



a. The total area of structures shall be no larger than 600 square feet in gross floor area;

b. Maintain five-foot minimum side and rear yard setbacks;

c. Have no portion of the structure, such as eaves, closer than three feet from any property line;

d. Be no greater than 15 feet in height; and

e. Be no closer than five feet to the primary structure.

2. Large children's play equipment such as swing sets, big toys, and swimming pools (above and in-ground) shall be set back a minimum of five feet from a side and/or rear property boundary.

3. Children's play equipment, excluding swimming pools, may be placed in the required front yard; provided, that a minimum 15-foot front yard setback is maintained.

4. Detached accessory structures located within a small lot or multifamily development shall comply with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter [19.53](#) UPMC.

H. Bus Shelters. School district or transit authority bus shelters may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height; provided, all applicable site distance requirements are met.

K. Projection Exception.

1. Projections including, but not limited to, fireplace structures, bay or garden windows, enclosed stair landings, or covered but unenclosed porches may project into any setback; provided such projections are:

a. Limited to two per required yard.

b. Not wider than 10 feet.

c. Not more than two feet into an interior or rear yard setback.

d. Not more than three feet into a front yard setback.

2. Uncovered decks which do not exceed 30 inches (not including railings) from finished lot grade may project into any setback; provided, such projections do not extend more than five feet into a front yard setback, three feet into a side yard setback, and 15 feet into a rear yard setback. In no case shall a deck encroach further into a yard than 50 percent of the setback.

3. Wheelchair ramps may project into any required setback.

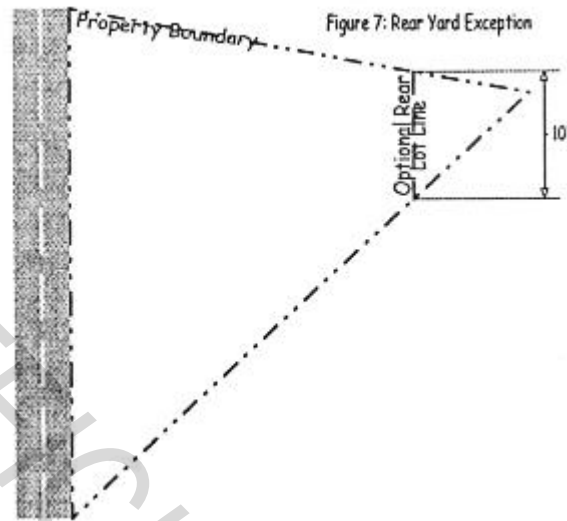
4. Eaves may extend 24 inches into a required setback.

5. Patios, paved walkways and driveways may extend to property lines.

6. Projection exceptions for small lot or multifamily development shall comply with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter [19.53](#) UPMC.

L. Rear Yards Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance

from the front lot line, may be considered the “rear lot line” at the owner’s discretion. See 7.



ML. Exemption for Personal Wireless Telecommunication Facilities. Setback exemptions for personal wireless telecommunication facilities are provided in Chapter 23.45 UPMC.

NM. Variances to Exceptions Not Permitted. An exception is not allowed when a variance has already been granted for the same purpose. For example, a side yard projection exception may not be used if a side yard variance has been granted to extend the same structural component into the required side yard setback.

(Ord. 559 § 4 (Exh. A), 2009; Ord. 514 § 3, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.45.050 Height standards.

A. No residential accessory structure shall exceed the height of the principal structure, except barns on property exceeding five acres.

B. Building lots shall not be modified by placement of fill for the purpose of raising the grade level from which building height is measured. Typical modifications necessary to allow development or redevelopment of a site shall be permitted; provided, that the modifications are functionally necessary and represent the minimal intervention required to establish the use on the site. Typical modifications include, but are not limited to, providing access to the structure, ensuring slope stability and/or facilitating on-site stormwater management.

C. Exceptions. Height standards shall not apply to the following:

1. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures; provided, the structure is set back from all property lines a distance equal to the height of the structure.

2. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided, all equipment is set back 10 feet from the edge of the roof.

3. Personal Wireless Telecommunication Antenna. See Chapter 23.45 UPMC.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 387 § 2, 2003; Ord. 307 § 2, 2001).

19.45.060 General development standards.

A. Existing Lot – Single-Family Dwelling Permitted. In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density and minimum lot dimension requirements of the zone where the lot was legally created prior to the effective date of the ordinance codified in this section. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located. Single-family dwellings located on substandard lots shall comply with the maximum height, FAR and impervious surface coverage standards specified for small lot development in the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC.

B. *Repealed by Ord. 394.*

C. Legally Created Lots – Development Permitted – Proof.

1. Development shall be permitted only on legally created lots.

2. To establish that a lot has been legally created, the applicant must provide one of the following:

a. A copy of formal plat, short plat, or large lot subdivision approved by Pierce County or the City of University Place separately describing the lot.

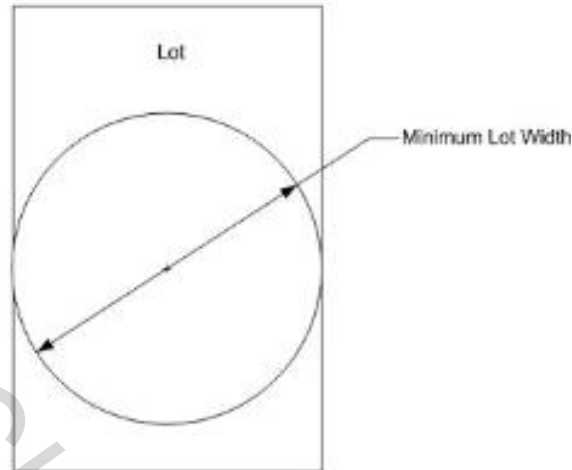
b. A copy of the boundary line adjustment or lot combination separately describing the lot.

c. Documentation that the creation of the lot was exempt from the provisions of the applicable subdivision regulations.

d. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974, that separately describes the lot.

D. Newly created lots shall be of such shape that a circle with a diameter equal to the minimum lot width specified in the density and dimensions table in UPMC [19.45.080](#) can fit within the boundary of the lot. See Figure 8.

Figure 8
Minimum Lot Dimension



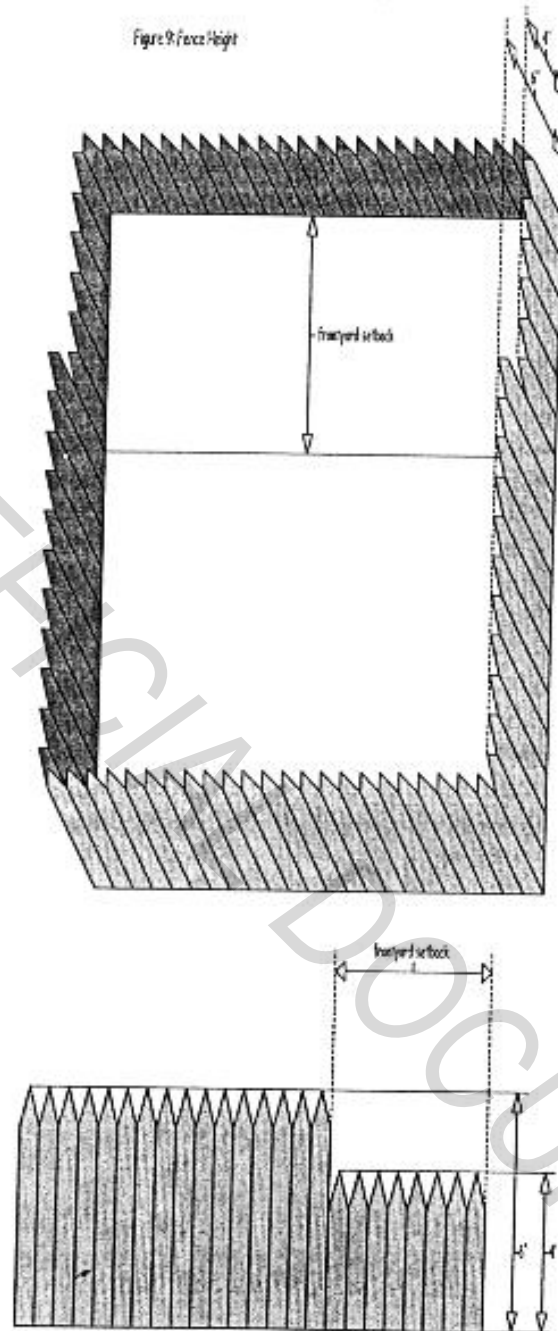
Ord. 559 § 4 (Exh. A), 2009; Ord. 514 § 3, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.45.070 Fences, bulkheads, retaining walls.

A. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within required setbacks as follows; provided, that all applicable site distance requirements are met: See Figure 9.

1. Side and rear setbacks to a maximum height of six feet.
2. Front yard setbacks to a maximum height of four feet.
3. Except that in required front yard setbacks for houses fronting on and facing an arterial street, the maximum height shall be six feet.
4. On a corner lot a fence may be constructed to a maximum height of 6 feet in a front yard where the corner lot exemption (UPMC 19.45.040(D)(1)) is being applied.
5. On through lots a fence may be constructed to a maximum height of 6 feet in the front yard where no access is provided to the abutting street.

Figure 9: Fence Height



B. Maximum Retaining Wall and Berm Heights.

1. Fill Retaining Walls.

- a. Within a required setback area the height of a fill retaining wall in an R1 or R2 Zone or on a property line abutting an R1 or R2 Zone shall not exceed six feet in height.

b. Fences on the high side of the wall or berm located a horizontal distance less than or equal to the height of the fence from the face of the wall or berm shall be considered to be located on the wall or berm.

c. The total height of a fence on a retaining wall or berm, measured from the top of the fence to the top of the retaining wall or berm, shall not exceed six feet.

d. Outside a required setback area the combined height of a fence located on a fill retaining wall or berm shall not exceed the building height of the zone; provided, that the fence itself shall not exceed six feet.

e. Where multiple walls are situated in a terrace-like pattern they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than one-half the combined height of the walls.

2. Cut Retaining Walls. The maximum height of a retaining wall in a cut section shall not be limited; provided, that the final grade at the top of the wall is within one foot of the preexisting grade.

Diagram 1

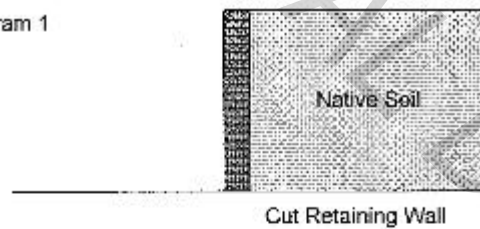


Diagram 2

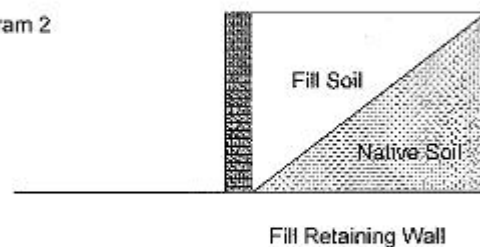
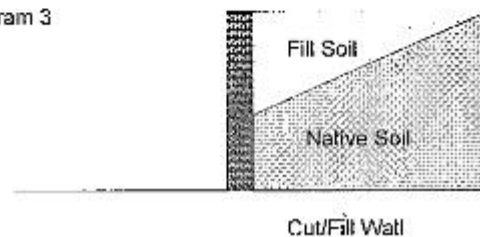


Diagram 3



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

3. Combination Fill/Cut Walls. The maximum height of the cut section of a cut/fill wall shall be no higher than the pre-existing grade. However, the fill section shall not be higher than six feet in height measured from the top of the cut.

C. Fences located within a small lot or multifamily development shall comply with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC.

D. Definitions.

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

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

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

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

(Ord. 571 § 1 (Exh. A), 2010; Ord. 559 § 4 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.45.080 Floor area ratio (FAR) standards.

A. The intent of FAR standards is to ensure the size of new homes in small lot and cottage developments and on existing substandard lots of record will be scaled proportionally to the size of the lots on which they are situated so that new infill development will be generally consistent in scale and proportion with previously constructed homes and neighborhoods in the City. FAR standards should be used in conjunction with other bulk requirements and design standards and guidelines to be effective in achieving this intent.

B. FAR is the ratio of the total floor area of buildings on a site to the size of the land at that location. FAR is the total building square footage divided by the total site area square footage, except as noted below.

C. Floor area for purposes of calculating FAR and maximum floor area does not include the following:

1. Attic floor area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof, and attics with

structural roof trusses and usable attic space that is completely contained within the roof area (excluding dormers).

2. Basement floor area with a ceiling height less than four feet above the average finished grade, as defined in UPMC [19.10.030](#). Ceiling height will be measured to the top of the structural members of the floor above.

3. The first 600 square feet of detached accessory building floor area on a lot.

4. Uncovered and covered decks, porches, and walkways.

D. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable FAR.

E. FAR is calculated using a site's buildable area, including private street area, and excluding critical areas and their required associated buffers.

F. FAR shall not exceed the standards established in UPMC [19.45.100](#).

(Ord. 559 § 4 (Exh. A), 2009).

19.45.090 Compliance with density and minimum lot size standards.

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

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

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

(Ord. 559 § 4 (Exh. A), 2009).

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, 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 IB, C, TC, MU, NC, [MF-L](#), [MF-H](#) 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).

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. Single-family and duplex uses in these zones may, at their option, use minimum setbacks of the R1 zone.

8. Single-family attached units shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.

9. Mixed use (MU) zoned properties on the north side of 27th Street West between Grandview Drive and Crystal Springs Road may increase height and density in accordance with UPMC [19.55.080](#).

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 overlay zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and 74th Avenue East, height shall not exceed 120 feet. East of 74th Avenue West, height shall not exceed 55 feet. Specific height requirements and exceptions are provided in the Town Center design standards.

15. Newly created lots shall be of such shape that a circle with a diameter equal to the minimum specified lot width can fit within the boundary of the lot. Minimum lot widths for small lot developments shall be determined through the administrative design review process.

16. Minimum lot sizes for detached single-family dwelling/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the administrative design review process. A legally nonconforming duplex lot existing prior to the effective date of this section may be subdivided into two attached single-family lots, one or both of which may contain less than the required lot area.

17. Lot coverage refers to the percentage of a lot covered by buildings. For small lot developments, the lot coverage standard applies to buildings, private streets, parking lots, driveways and other impervious surfaces combined.

18. Review Chapter [19.52](#) UPMC for additional information regarding setbacks, height, density and design standards for the Town Center zone.

19. Setbacks for small lot developments shall be in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC.

20. See the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC for additional information regarding height limits for small lot developments.

21. Floor area ratios for small lot development are based on the average for the entire project; FARs for individual lots may vary. See UPMC [19.45.080](#) for additional information concerning FAR standards.

Density and Dimensions Table

ZONE CLASSIFICATIONS										
DENSITY AND DIMENSIONS (SETBACKS)	R1	R2	MF-L	MF-H	MU-O	NC	TC	MU (9)	C	LI-BP
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	25	35	30 (2)	4	12 (18)	30 (2)		
Maximum Density (du/ac) (3)	6 small lot housing	9 small lot housing	30	40	35	6		35		
Minimum Lot Size (16)	9,000 detached SFD, 6,750 attached SFD, and 13,500 duplex in conventional plat; none specified for small lot housing	6,000 SFD, 12,000 duplex in conventional plat; none specified for small lot housing	4,000	2,500	4,000	4,000		4,000		
Minimum Lot Width (15)	60'	55'								
Maximum Lot Coverage	50% (17)	50% (17)	50%		45%	45%		45%		
Setback, Arterial Streets	25' (19)	25' (19)	25'		15'/20' min/max (5)	25'	0'/10' min/max (18)	15'/20' min/max (5)	15'/20' min/max (5)	35'
Setback, Other Roads	25' (19)	25' (19)	25'		15'/20' min/max (5)	20'	0'/10' min/max (18)	15'/20' min/max (5)	15'/20' min/max (5)	25'
Setback, Rear (4)	30' (19)	30' (19)	0'/30' (7)		0'/30' (7)	0'/30' (7)	0'/30'	0'/30' (7)	0'/30'	0'/50'
Setback, Side (4)	8' (8) (19)	8' (8) (19)	0'/30' (7) (8)		0'/30' (7) (8)	0'/30' (7) (8)	0'/30'	0'/30' (7) (8)	0'/30'	0'/50'
Maximum Height	35' SFD or duplex, 30' small lot (20)	35' SFD or duplex, 30' small lot (20)	45'		45'	40'	40' (18)	45'	45'	40'
Floor Area Ratio (FAR)	.40 average and .45 maximum for small lot housing; .40 maximum for existing substandard lot (21)	.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	CCPO	PFO	TPO	DI	DIS	SB
Base Density (du/ac) (1), (2)	20			(6)	4	4	4
Maximum Density (du/ac)	60			(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'	0	30'
Setback, Side (4)	0/10 (13)			(4)	5'	0	5 Total
Height (14)	75/120/55			(6)	35'	30'	35'

(Ord. 559 § 4 (Exh. A), 2009; Ord. 544 § 1 (Exh. A), 2009; Ord. 514 § 3, 2008; Ord. 470 § 1 (Exh. A), 2006; Ord. 443 § 1 (Exh. A), 2005; Ord. 441 § 1, 2005; Ord. 422 § 2, 2004; Ord. 409 § 7, 2004; Ord. 394 § 1, 2003. Formerly 19.45.080).

Chapter 19.50 DESIGN STANDARDS FOR MIXED USE, MIXED USE – OFFICE, AND COMMERCIAL ZONES

Sections:

- [19.50.010](#) Purpose.
- ~~[19.50.020](#) Definitions.~~
- [19.50.030](#) Authority and applications.
- [19.50.040](#) Review process.
- [19.50.050](#) Approval criteria.
- ~~[19.50.060](#) Design standards and guidelines adopted.~~
- ~~[19.50.060](#) Pedestrian circulation.~~
- ~~[19.50.070](#) Site planning and building orientation.~~
- ~~[19.50.080](#) Open space and amenities.~~
- ~~[19.50.090](#) Building design.~~
- ~~[19.50.100](#) Surface parking.~~
- ~~[19.50.110](#) Mixed use development.~~

19.50.010 Purpose.

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

A. Design standards help guide architects, developers and property owners to know what is expected of their development projects, and what could make their designs responsive to the plans and policies adopted by the City, as outlined in the City's Vision and Comprehensive Plan and other City documents.

B. Examples or illustrations of how certain design standards can be achieved are included. The graphic examples are just that – examples. They are not the only acceptable solutions. Applicants and project designers may consider designs, styles and techniques which are not pictured in the examples but fulfill the intent of the design standards.

C. The design standards also provide ways to reduce negative impacts of development on abutting and adjacent properties.

D. The standards help establish a character for the commercial and mixed use areas which includes varied uses and is pedestrian-friendly. Impacts of the automobile are reduced, while easy access and movement through the area are maintained. The standards will implement the intent of the City of University Place Comprehensive Plan.

(Ord. 544 § 1 (Exh. A), 2009; Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.50.020 Definitions.

~~As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:~~

~~“Access road” means the road providing direct access to a parcel or project.~~

~~“Arch” means a structural device, especially of masonry, forming the curved, pointed or flat upper edge of an opening or a support, as in a bridge or doorway.~~

~~“Balcony” means a platform projecting from the wall of a building and surrounded by a railing, balustrade or parapet.~~

~~“Bay window” means a compartment projecting outward from the wall of a building and containing a window or windows.~~

~~“Building footprint” means the outer perimeter of a building, excluding eave overhangs, and other cantilevered portions of the building projecting no more than 18 inches and no wider than 10 feet.~~

~~“Building front” means, usually, the building side where architectural detailing is emphasized most, and is typically the side where the primary entrance is located.~~

~~“Column” means a vertical shaft or pillar that supports, or appears to support, a load.~~

~~“Common area” means an on-site outdoor space designed for outdoor activities and leisure for customers of commercial development.~~

~~“Cornice” means a horizontal molded projection that crowns or completes a building.~~

~~“Dormer” means a window set vertically in a small gable projecting from a sloping roof, or a gable holding a dormer.~~

~~“Eave” means the projecting overhang at the lower borders of a roof.~~

~~“Elevation” means a scaled drawing from the side, front or rear of a particular structure without any allowance for the laws of perspective.~~

~~“Facade” means the front or principal face of a building, or any side of the building that faces a street or other public place.~~

~~“Fenestration” means the arrangement and design of windows and doors in a building.~~

~~“Full mansard roof.” See “Pitched roof.”~~

~~“Gable” means the portion, above eaves level, of an end wall of a building with a pitched or gambrel roof. In the case of a pitched roof this takes the form of a triangle.~~

~~“Gambrel roof” means a gable roof design, but with two pitches on each side of the ridge, the lower slope having the steeper pitch.~~

~~“Hip” means one of the sloped faces of a hipped roof, usually referring to the narrow end.~~

~~“Hipped roof” means a roof with pitched or sloped roof planes on all sides, usually of the same pitch.~~

~~“Marquee” means a roof-like structure made of solid materials, projecting over an entrance to a building and connected to the wall with no columnar support. The front of the marquee is often hung from chains or rods extending out from the face of the building.~~

~~“Mass/massing” means the physical bulk or volume of a building. In architectural terms, a single mass building is a single geometric form such as a rectangle or square, and may include a simple roof form with no variation in the roof line. Massing refers to variation in the mass and may involve multiple masses joined together.~~

~~“Mixed use, vertical” means a single-story structure which provides retail, service or commercial and office uses on the ground floor, and residential and office uses on the above floors.~~

~~“Mixed use, horizontal attached” means a single structure that provides retail, service, or commercial uses in the portion fronting the street with attached residential or office uses behind.~~

~~“Parapet” mean a low protective wall (usually solid) along the edge of a roof or balcony.~~

~~“Perspective drawing” means a three-dimensional representation of a building or site providing the appearance of depth as seen by normal binocular vision.~~

~~“Pitch” means the angle of a roof pitch, usually expressed as a ratio of units of vertical distance to 12 units of horizontal distance. For example, 8/12 means eight units of vertical rise to every 12 units of horizontal run.~~

~~“Pitched roof” means a roof with angled edges, with or without a defined ridgeline and extended eaves.~~

~~“Plan drawing” means a drawing representing a downward view of an object or building, or a horizontal section of it. A floor plan drawing of a building will show the arrangement of the walls, partitions, rooms, doors, and windows.~~

~~“Porch” means a covered entrance to a building, either open or up to one-third enclosed.~~

~~“Primary structure” means a structure designed to serve as a focal point to the site and to suggest a point of activity. On parcels with more than one structure, it is the primary or anchor tenant building. Structures joined to a primary structure with minor connections such as breezeways or low walls shall be considered separate structures.~~

~~“Primary walkway” means the main pedestrian walkway that connects a building’s entrance to the public right-of-way (see “Secondary walkway”).~~

~~“Secondary walkway” means a pedestrian walkway that provides for pedestrian movement between buildings without depending on parking lots or landscape areas for this purpose.~~

~~“Siding” means material used for the finished surface of a frame building.~~

~~“Story” means the horizontal division between a floor and an abutting ceiling or floor.~~

~~“Terraced roof” means a roofline incorporating setbacks for balconies, roof gardens or patios.~~

~~“Transit stop” means an area designated as a waiting area for riders of mass transit.~~

~~(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

19.50.0230 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, and Commercial 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 designations are exempt from the provisions of this chapter:

1. Light Industrial – Business Park;
2. Neighborhood Commercial;

3. Town Center;
4. Multifamily; -and
5. Residential.

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.

(Ord. 544 § 1 (Exh. A), 2009; Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.50.040 Review process.

Administrative design review approval is required when these standards apply (Chapter [19.85](#) UPMC). The City shall review such applications in accordance with UPMC [19.85.060](#).

(Ord. 559 § 5 (Exh. A), 2009; Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.50.050).

19.50.050 Approval criteria.

A. The Director shall approve an application when any of the following findings is made:

1. The proposal meets all standards of this chapter and the administrative design review criteria in UPMC [19.85.050](#)(C); or
2. The proposal is unable to meet all standards of this chapter but has been determined by the Director to meet or exceed the intent of the standards in this chapter and the administrative design review criteria in UPMC [19.85.050](#)(C).

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

- a. That the departure from the design standards is consistent with both the comprehensive plan and with the intent statements of the design standards.

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

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

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

(Ord. 559 § 5 (Exh. A), 2009; Ord. 452 § 1 (Exh. C), 2005).

19.50.060 Design standards and guidelines adopted.

The "Design Standards for Mixed Use, Mixed Use – Office and Commercial Zones" are adopted by reference and contained in a separate city design manual titled "Design Standards for Mixed Use, Mixed Use – Office and Commercial Zones", (Ord. 559 § 6 (Exh. A), 2009).

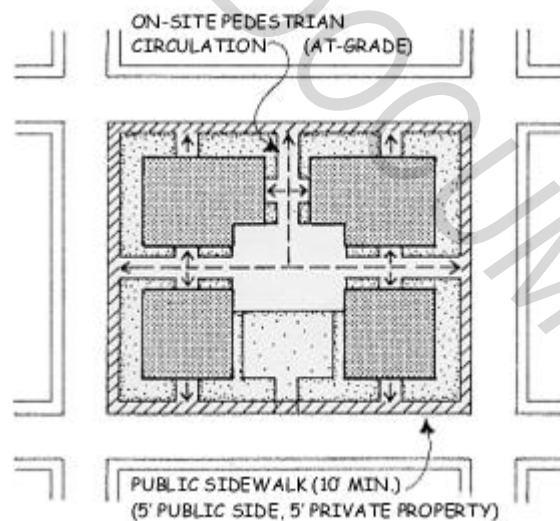
19.50.060 Pedestrian circulation.

~~A. The intent of the pedestrian circulation standards is to:~~

- ~~1. Improve property values through increased access and coordination of private and public projects;~~
- ~~2. Improve pedestrian access to commercial areas;~~
- ~~3. Allow an incremental improvement process to link private and public properties and to coordinate with city capital improvement projects; and~~
- ~~4. Ensure development of an integrated, safe and convenient system of sidewalks, trails and bicycle paths which connect to auto access, parking and entry areas.~~

~~B. Pedestrian Circulation.~~

- ~~1. All development plans proposing multiple buildings shall connect building entrances to one another and to sidewalks on abutting streets via a walkway system separated from vehicular traffic. Public sidewalks should be considered part of the walkway system.~~
- ~~2. Pedestrian pathways identified in an adopted city plan shall be concrete, a minimum of 10 feet wide and will meet ADA (Americans with Disabilities Act) requirements. Pedestrian pathways shall be designed to connect to off-site pathway systems on adjoining properties and public rights-of-way. On-site extensions of pedestrian circulation shall link to an existing or a planned walkway system defined in this and other city documents.~~
- ~~3. Primary pedestrian circulation and access shall be at grade. Pedestrian entry routes interrupted by driveways shall be distinguished from the driveway surface by decorative paving to the building entrance.~~
- ~~4. Driveway stacking lanes associated with drive-through facilities shall not be located between the building and a city street.~~
- ~~5. Buildings constructed across a designated pedestrian right-of-way shall provide public pedestrian access 24 hours a day through a corridor, plaza or walkway through the property.~~

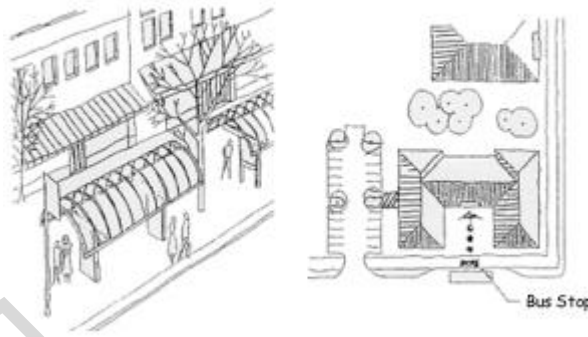


~~C. Pedestrian Access to Transit.~~

- ~~1. To facilitate public transit use, paved sidewalks or walkways shall be provided between building entrances and the property edge nearest to a transit stop. Fences, landscaping and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.~~

~~2. Lighting shall be provided along pedestrian walkway connections to parking lots and public sidewalks.~~

~~3. Wherever possible, buildings shall be sited to encourage the use of transit.~~



~~D. Pedestrian Safety.~~

~~1. Clearly distinguish the pedestrian walkway network from vehicle and transit circulation areas. This is particularly important where these various travel modes intersect, such as in parking lots.~~

~~a. Where walkways cross vehicular driveway aisles, provide a continuous crossing marked by a contrasting paving material from the driveway surface, adding color mixture to concrete, stamping asphalt or striping with reflective paint. (Safety striping is permitted but must be in addition to other treatment, not as a substitute.)~~

~~(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

~~19.50.070 Site planning and building orientation.~~

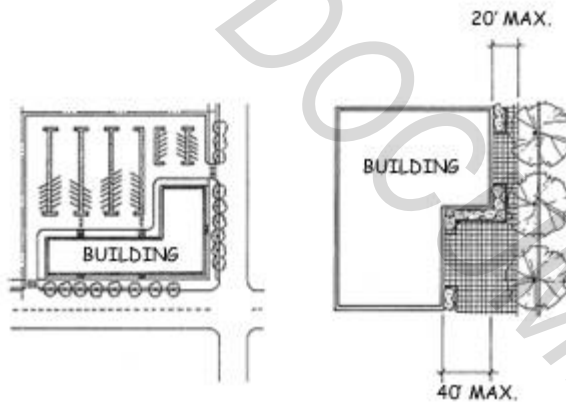
~~A. The intent of the site planning and building orientation design standards is to:~~

- ~~1. Enhance the visibility of the commercial and retail use and to support the pedestrian character of the street;~~
- ~~2. Improve public safety;~~
- ~~3. Establish a pleasing visual character for the area between the building and the street;~~
- ~~4. Create a comprehensive set of street and pedestrian connections between parcels and streets to improve local access within an area and to adjacent areas;~~

- ~~5. Protect abutting and adjacent residential areas from potential impacts of parking, lighting, and undesirable scale of commercial building elements; and~~
- ~~6. Provide a variety of public amenities in commercial projects.~~

~~B. Site Planning and Building Placement.~~

- ~~1. The facade (front) of a building shall be oriented toward the property line abutting the principal street, and shall have architecturally prominent entrance(s). Additional building entrances may be oriented toward the rear or side of the building for access to and from parking lots.~~
- ~~2. All buildings, except those for single family residential and duplex residential uses, shall have a minimum 15-foot average setback from the street property line and a maximum setback not to exceed 20 feet, for the purpose of accommodating public open space, utility structures, or recessed building drop-off/entries. At major intersections with Bridgeport Way located in the MU or MU-O zone (35th and 44th Streets), the setback from the property line shall be a minimum of 25 feet for that portion extending 25 feet along each street from the corner. Along Bridgeport Way at least 50 percent of the building front shall be located within the maximum front yard setback of 20 feet. The remaining portions of the front facade may be stepped back a maximum of 40 feet from the curb or property line of Bridgeport Way.~~



- ~~3. Single-family residential and duplex residential uses shall meet the setback requirements of the R1 zone (see Density and Dimensions Table in Chapter 19.45 UPMC).~~
- ~~4. If the subject property abuts two city streets, except when the secondary street is a local residential street, the property owner shall either:~~
 - ~~a. Design a single building with entrances oriented toward both streets; or~~

- ~~C. Exterior Lighting. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car and transit circulation, as well as to accent architectural features of a building, such as building entrances.~~

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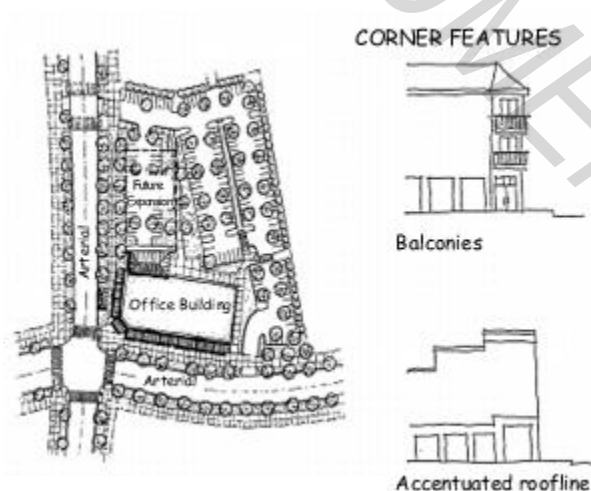
~~1. A front yard setback pedestrian zone shall be provided abutting the public sidewalk (public right-of-way). The front yard setback pedestrian zone shall consist of a minimum five-foot-wide paving area free of physical obstructions to pedestrian movement. Paving shall be the same as the public sidewalk or shall be complementary decorative paving as approved by the director.~~

- ~~2. Site elements over four feet in height or other features that form visual barriers or block views to the street wall windows of a ground level retail, service, or commercial use are to be avoided within the front yard setback.~~
- ~~3. On 27th Street between Grandview Drive and 67th Avenue/Mildred Street, the following street furnishings shall be installed:~~

- ~~a. One DuMor Bench 57PL (Cedar);~~
- ~~b. One Receptacle 123PL (Cedar) with rain cover;~~
- ~~c. When required pursuant to UPMC Title 13, King Luminaire K209 The Satellite (flat lens) light fixture shall be used in place of the city standard.~~

~~E. Development Abutting Two or More Street Frontages.~~

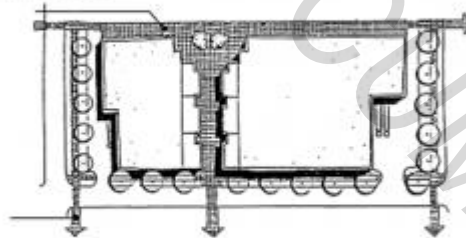
- ~~1. Buildings on corner lots shall orient front facades to both the corner and abutting public street fronts. Buildings on corner lots involving three street frontages shall be oriented toward the corner formed by the street with the highest functional classification. Pedestrian entrances near or on the corner are encouraged.~~
- ~~a. Development at the intersection of a major arterial with another arterial shall include architectural focal points that increase the visibility and landmark status of corner buildings; for example, one or more of the following:~~
 - ~~i. Transparent glazing incorporated into corner building design;~~
 - ~~ii. Tower elements and/or roof lines that accentuate the corner; and~~
 - ~~iii. Balconies or building terraces at or near the corner.~~



~~F. Relation to Abutting Development. Proposed developments shall coordinate with existing or planned site plans and development on adjoining parcels to take advantage of opportunities to mutually improve pedestrian access to each development. Proposed connections to existing adjacent development or future developments shall be located to maximize pedestrian linkages between sites.~~

- ~~1. Abutting developments shall link open spaces, landscaping or pathways whenever possible.~~
- ~~2. Proposed developments shall provide connections to abutting residential neighborhoods via a through-block walkway or links to sidewalks. Provide stairs or ramps where necessary when topographic barriers, such as steep slopes, inhibit direct access to surrounding development or destination points, such as transit stops.~~
- ~~3. Where single family or multifamily residential development is located abutting retail, commercial, employment, or institutional uses, side and rear yard landscape buffers shall be intersected by approved pedestrian circulation routes to facilitate convenient walking connections to abutting uses or services.~~
- ~~4. Buildings or structures which terminate view corridors shall include architectural features that increase the visibility of the subject building facade, such as a clearly defined building modulation and/or a roof line that accentuates the building as a focal point.~~

Walkway along the front of the building connects individual stores.



Walkways connect the building entrance to adjacent sites.

~~(Ord. 559 § 5 (Exh. A), 2009; Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 §§ 64, 65, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

~~19.50.080 Open space and amenities.~~

~~A. The intent of the open space and amenities design standards is to:~~

- ~~1. Create pedestrian friendly commercial and mixed use areas which include natural landscapes;~~
- ~~2. Achieve a more integrated urban design for the town center through establishing a public realm of parks, trails and natural areas;~~
- ~~3. Preserve and enhance visual and noise separation between residential and commercial areas;~~
- ~~4. Encourage a variety of public open spaces;~~
- ~~5. Provide public amenities in park and plaza spaces such that people will enjoy shopping, walking and meeting together;~~
- ~~6. Reflect and preserve the existing topography and to capture potential views from properties; and~~
- ~~7. Protect existing trees and drainage areas.~~

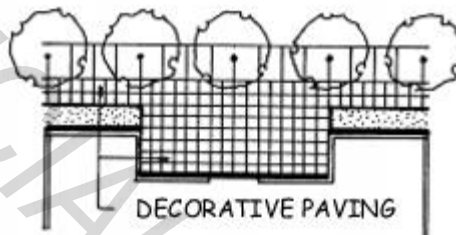
~~B. Usable Open Space Required.~~

- ~~1. Commercial and/or mixed use developments with a building footprint over 2,000 square feet shall provide usable open space, accessible to the public.~~
- ~~2. Usable open space for employees and the public shall include two or more of the following:~~
 - ~~a. Passive pocket park: means a small public park improved with open space amenities suitable for passive recreation. A passive park shall be a minimum of 500 square feet.~~
 - ~~b. Active pocket park: means a small public park improved with open space amenities suitable for active recreation such as a sports court or similar active recreational facility. An active park shall be a minimum of 500 square feet.~~
 - ~~c. Pedestrian trails and pathways separate from the public roadway system, serving to connect abutting and adjacent properties or as throughways allowing the public to pass through the property from one road to another.~~

~~d. Publicly accessible plazas, or courtyards: means an open space area abutting or adjacent to pedestrian building entrances, of a minimum 400 square feet, consisting of at least 80 percent decorative paving. The remaining 20 percent of required open space area may be installed as plantings within or immediately abutting the plaza or courtyard.~~

~~3. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers. Materials used abutting the public sidewalk should be of compatible construction and finish.~~

~~4. If site development conditions preclude on-site development of the required public open space, at the approval of the director, the project proponent may be allowed to contribute to an off-site open space project in the vicinity to fulfill the requirement.~~



~~C. Repealed by Ord. 394.~~

~~D. Open Space Amenities.~~

~~1. Focal Point for Outdoor Pedestrian Areas. Plazas, courtyards, and pocket parks shall incorporate one or more of the following open space amenities to encourage pedestrian use and activity:~~

- ~~a. Public seating or play areas;~~
- ~~b. Public art, such as a water feature or sculpture, play sculptures, or sidewalk art;~~
- ~~c. Transit stops;~~
- ~~d. Performance/stage areas, or specialty plantings; and~~
- ~~e. Other public amenities, as approved by the director.~~

~~2. Outdoor Seating. Provide at least two seating arrangements on site in the form of free-standing outdoor benches or seating incorporated into low walls, raised planters or building foundations. Low walls or planter edges to be used for seating shall be at least eight inches wide and 18 inches high.~~

~~3. Accessory Site Furnishings. Waste receptacles, public telephones, movable planters and other accessory site furnishings shall be of compatible design, and located so as not to obstruct pedestrian or vehicular access along sidewalks and to businesses.~~

~~4. Open space amenities shall not be impacted by shadows from signs nor shall the views into or from these areas be blocked by signage.~~

~~E. Fences.~~

~~1. Fences shall not be used except to separate commercial and residential areas or around refuse containers or other similar facilities.~~

~~2. Fences must be stoutly built of either wood or masonry. Chain link fences are only permitted when approved by the director and when no other form of fencing is acceptable for security purposes. All chain link fencing shall be plastic coated. Plastic slats in chain link fences are prohibited.~~

~~3. Wood fences must be attractively built and include post caps, molding boards and/or other features that distinguish it from a fence constructed of slats attached on one side to two by four boards held in place by four by four posts.~~

~~4. Masonry walls shall be constructed of rock, red brick, split face concrete masonry units, or solid concrete walls formed with decorative liners.~~

~~(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 §§ 66, 67, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

19.50.090 Building design.

~~A. The intent of the building design standards is to:~~

~~1. Improve the visual appeal and visibility of storefronts and businesses to attract more customers and improve the business climate;~~

~~2. Clearly identify entrances and emphasize store merchandise from both pedestrian and auto areas;~~

~~3. Provide convenient and safe walkways that encourage shopping and interaction between people;~~

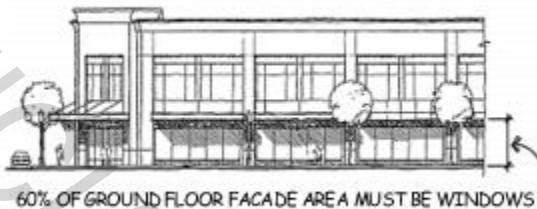
~~4. Create a livelier pedestrian zone that provides visual appeal and to reduce the scale of long building walls;~~

~~5. Reduce visual and noise impacts of mechanical equipment for shoppers and abutting residential areas; and~~

- ~~6. Reduce the scale and mass of large buildings by allowing flexible ways to break up the size/volume of the building mass.~~

~~B. Ground Floor Transparency Requirements.~~

- ~~1. Windows shall be provided on the street level rather than blank walls to encourage a visual and economic link between the business and passing pedestrians.~~
 - ~~a. A minimum of 60 percent of the ground floor (first floor) building wall which faces the street shall be in non-reflective, transparent glazing material. At this building level, darkly tinted or reflective glass shall not be used.~~



- ~~b. Transparency requirements shall apply to that area of the ground floor building wall fronting the street up to the finished ceiling height of the ground floor space. Transparency requirements shall also apply to the ground floor of parking structures that include a ground floor retail, service, or commercial use. Window painting shall not exceed 20 percent of glazing area.~~
- ~~c. Windows shall begin from 12 to 30 inches above the finished grade of the ground floor building space.~~
- ~~d. Transparency requirements shall not apply to the ground floor of single-use residential structures.~~
- ~~2. Interior "dead space" along window walls at pedestrian level is discouraged.~~

~~C. Pedestrian Building Entries.~~

- ~~1. Primary building entries shall be designed to be clearly visible or recognizable from the public right-of-way through incorporation of two or more of the following features:~~
 - ~~a. Canopies or other entry coverings that provide pedestrian shelter and interest;~~

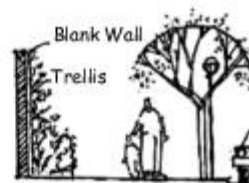
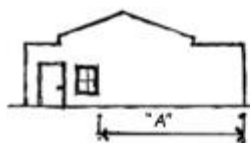
- b. ~~Distinctive architectural elements such as a variation in the building footprint, roof form, materials or amount of transparent glazing;~~
- c. ~~Pedestrian scaled lighting no greater than 16 feet in height; and~~
- d. ~~Landscaping designed as entry focal point.~~

~~2. All ground level building entries which front the street shall be located no more than three feet above or below the grade of the sidewalk. In the case of an allowable grade difference between a building entry and sidewalk, provide stairs and/or ramps to accommodate pedestrian access. Waivers to this requirement may be granted by the director based on substantial topographical differences, particularly along certain portions of Bridgeport Way.~~

~~D. Treatment of Blank Walls Visible from a Public Street or Residential Area. The definition of a "blank wall" is any wall or portion of a wall that is located within 40 feet of the street right-of-way and is without a ground level window, door or other architectural feature along a wall of 25 feet in length or more.~~

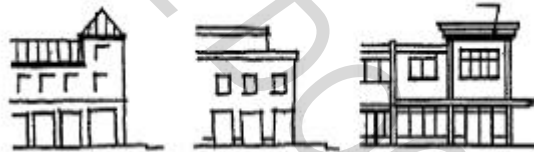
- ~~1. Where blank wall sections are unavoidable due to the requirements of a particular land use or interior layout, they shall not exceed a length of 50 feet, or 20 percent of the length of the wall facing the street, whichever is less.~~
- ~~2. Blank wall sections of allowed lengths shall receive one or more of the following special design treatments to increase pedestrian comfort and interest:~~
 - a. ~~Install vertical trellis in front of the wall for up to two floors with climbing vines or other plant materials;~~
 - b. ~~Provide a decorative masonry pattern over at least 30 percent of the blank wall surface;~~
 - c. ~~Employ a combination of small setbacks, indentations, or a change in texture, color or materials to break up the wall's surface; and~~
 - d. ~~Artistic murals on exterior blank walls are permitted but shall not be used as signs to advertise a product or business.~~

If "A" is greater than 25 feet
then the facade is considered
a "blank wall."



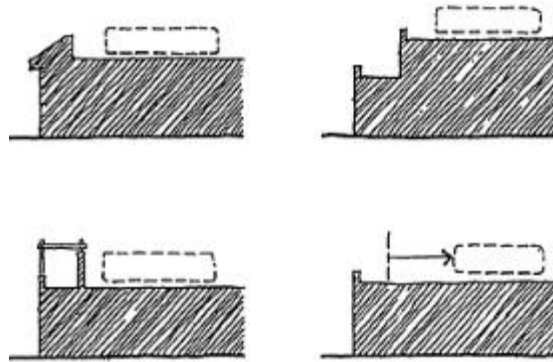
~~E. Roof Lines. To provide a visual terminus to the tops of buildings and soften flat roof designs, roof designs must conform to one of the following options:~~

- ~~1. Roof Line with Architectural Focal Point. A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.~~
- ~~2. Roof Line Variation. The roof line articulated through a variation or step in roof height or detail, such as:
 - ~~a. Projecting Cornice. Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.~~
 - ~~b. Articulated Parapet. Roof line parapets shall incorporate angled or curved detail elements.~~~~
- ~~3. Pitched Roof or Full Mansard. A roof with angled edges, with or without a defined ridgeline and extended eaves.~~
- ~~4. Terraced Roof. A roofline incorporating setbacks for balconies, roof gardens, or patios.~~



~~F. Rooftop Equipment. Rooftops shall effectively screen mechanical equipment from view through one or more of the following methods:~~

- ~~1. A concealing roof line;~~
- ~~2. A terraced facade;~~
- ~~3. A screening wall or grillwork directly surrounding the equipment;~~
- ~~4. Sufficient setback from the facade edge to be concealed from street level view; or~~
- ~~5. Where roofs are visible from abutting and adjacent residential areas, a trellis structure or roof will be required to cover mechanical units from view.~~

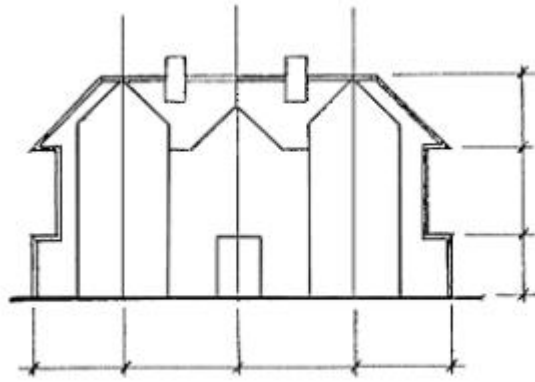


~~G. Character and Massing.~~

~~1. Building elevations over 100 feet in length visible from city streets shall incorporate a change in setback, material, finish, or window and door design at least every 65 feet through either a vertical subdivision or a horizontal subdivision process, such as:~~

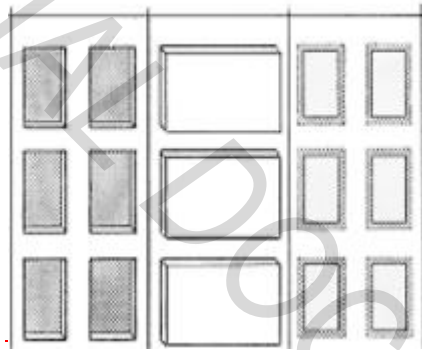
- ~~a. Vertical or horizontal changes in architectural detailing, window design, material, or finish;~~
- ~~b. Distinctive building bays or balconies;~~
- ~~c. Ground floor recesses or projections;~~
- ~~d. The upper floors distinguished from the facade of the ground floor through a change in material or finish; or~~
- ~~e. Pedestrian arcades, colonnades, awning covers or the setback of the upper floors.~~

~~2. Front facades incorporating a variation in building setback shall include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, storefront or bay windows, seating and/or planting areas.~~



~~H. Upper Story Window Treatment. The pattern and proportion of upper story windows shall be designed to create shadow lines or to break up flat surfaces, through such techniques as:~~

- ~~1. Recessing the windows into the face of the building;~~
- ~~2. Projecting the windows in bays; or~~
- ~~3. Framing each window with decorative window trim.~~



~~(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 68, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

~~19.50.100 Surface parking.~~

~~The following parking standards shall be in addition to the parking standards established under Chapter 19.60 UPMC and will in some cases supersede existing regulation.~~

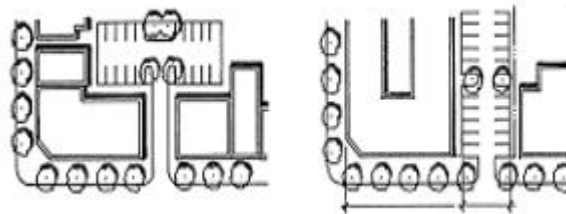
~~A. The intent of surface parking design standards is to:~~

- ~~1. Reduce the negative visual impacts of surface parking lots in front of developments;~~

- ~~2. Improve circulation and connections to abutting and adjacent projects and to allow the closest spaces to the entry and street to fill first. In this way the business looks active, clearly open and a sea of asphalt does not confront a pedestrian entering the site;~~
- ~~3. Improve both pedestrian and vehicular safety along the street and encourage sharing of driveways and curb cuts along the street to save money and improve traffic flow;~~
- ~~4. Reduce the asphalt area, enhance landscaping thus decreasing drainage impacts and detention requirements;~~
- ~~5. Link stores and allow people to drive between stores without returning to the main street;~~
- ~~6. Reduce the scale and negative impacts of large parking areas to improve safety and security as well as aesthetic appeal of a project/building; and~~
- ~~7. Organize pedestrian movements through a site along clearly delineated pathways to improve pedestrian and auto safety.~~

~~B. Location of Surface Parking Lots.~~

- ~~1. Parking shall not be located between the building and the front property line, other than a driveway for passenger loading and off loading only. Surface parking shall be located behind a building or to the side of a building.~~
- ~~2. Parking located next to a building shall occupy no more than 30 percent of the site along the primary street frontage, and no more than 75 percent of the secondary street frontage.~~
- ~~3. On corner lots, no parking shall be located between the building and either of the streets.~~



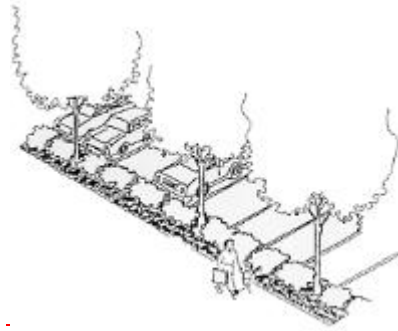
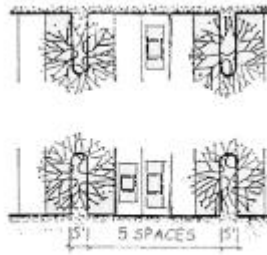
- ~~4. Facilities for bicycle parking shall be provided within 50 feet of the building in compliance with requirements of Chapter 19.60 UPMC.~~

~~C. Encouraging Joint Use Parking Areas.~~

- ~~1. Joint-use parking areas shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between abutting and/or adjacent properties to qualify parking areas as a joint use parking facility. As an incentive, the city will consider the following options:
 - ~~a. For abutting parcels that have linked parking lots, side yard setback and landscape requirements will be waived along the access corridor;~~
 - ~~b. Parking associated with multiple tenant retail and commercial facilities, on the same or separate parcels, will be treated as a joint use parking facility; or~~
 - ~~c. Allowing overall reduction in the parking ratio of up to 50 percent of the requirement for primary night time uses such as theaters, bowling alleys, and restaurants when coordinated with a parking supply which serves primarily daytime uses such as banks, offices, and retail stores.~~~~

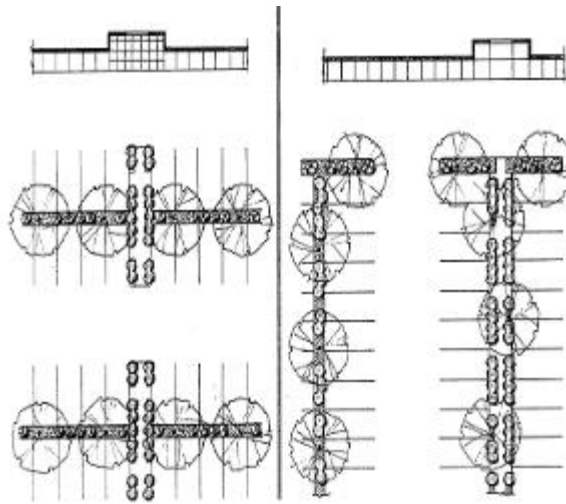
~~D. Parking Lot Landscaping and Treatment of Perimeter.~~

- ~~1. At least 10 percent of the interior surface parking area shall have landscaping when the total number of parking stalls exceeds 10. A minimum of one tree for every five parking stalls shall be reasonably distributed throughout the parking lot and principally at the ends of rows.~~
- ~~2. Surface parking shall be visually screened from streets by means of building placement and/or landscaping. The perimeter of a parking lot shall be planted with five-foot wide landscaping buffers.~~
- ~~3. The required width of interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Except as noted in this subsection, trees and required landscaping shall be placed in planting beds at least five feet wide between parking rows within the interior of the parking lot.~~



~~E. Pedestrian Circulation Through Parking Lots.~~

- ~~1. Surface parking lots shall provide pedestrian walkways through the parking area. Pedestrian walkways shall be a minimum of five feet wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-streetfront building entrances or existing pedestrian walkways.~~
 - ~~a. For parking rows perpendicular to the principal building, pedestrian walkways shall be located between two rows of parking spaces at a minimum of one walkway every three bays or approximately 200 feet. Pedestrian walkways shall be located between minimum five-foot-wide planting beds or abutting one 10-foot-wide minimum planting bed which includes wheel stops.~~
 - ~~b. For parking rows parallel to the principal building facade, pedestrian walkways shall be incorporated abutting a series of aligned landscape islands at a minimum of one walkway every 21 parking spaces.~~
- ~~2. Provide regular access links through or between planting beds to allow convenient connections between parking areas and pedestrian walkway.~~



(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

~~19.50.110 Mixed use development.~~

~~A. The intent of design standards for mixed use development is to:~~

- ~~1. Reduce the separation between uses such as residential and retail so that more pedestrian activity can occur and fewer auto trips are necessary;~~
- ~~2. Provide flexibility and alternatives for achieving a greater density and mix of uses on one site;~~
- ~~3. Increase pedestrian activities and provide for a mix of daytime and nighttime use; and~~
- ~~4. Encourage quality residential and commercial infill projects, an attractive streetscape, and a pedestrian friendly environment.~~

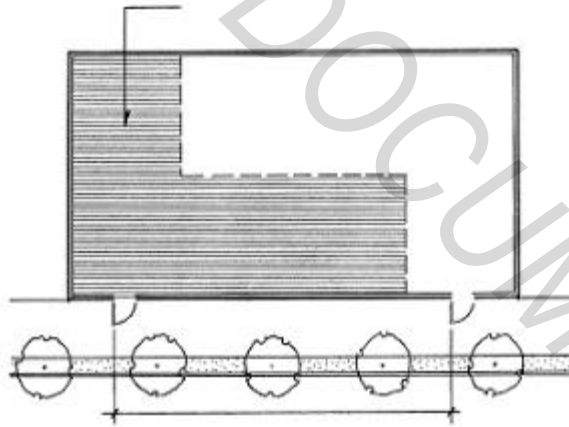
~~B. Definition of Mixed Use.~~

- ~~1. "Mixed use" refers to the combining of retail, service or office uses with residential use in the same building or on the same site in one of the following ways:~~
 - ~~a. Vertical Mixed Use. A single structure which provides retail, service or commercial and office uses on the ground floor, and residential and/or office uses on the above floors.~~
 - ~~b. Horizontal Mixed Use—Attached. A single structure that provides retail, service or commercial use in the portion fronting the street with attached residential or office uses behind.~~

- ~~2. Residential uses in mixed use projects are not permitted on the ground floor facing the classified principal arterial (e.g., Bridgeport Way) in any of the above options.~~

~~C. Ground Floor Uses in Mixed Use Projects. Within the maximum front yard setback:~~

- ~~1. A minimum of 50 percent of the ground floor area shall be designed for retail, service, public uses or commercial uses, such as those specified below:~~
 - ~~a. Retail. Retail uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, and other retail uses that are not specifically auto-oriented (gas stations, fast food drive-through, or auto services) in scale or nature;~~
 - ~~b. Services. Personal, professional, financial, insurance and real estate services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries and health clubs;~~
 - ~~c. Commercial. Hotels and general offices;~~
 - ~~d. Public uses. Public uses include post office and public agencies.~~
- ~~2. The building shall include a building entry arrangement suited to the division of ground level tenant spaces and access to upper floor uses.~~



~~D. Mixed Use Building Base.~~

- ~~1. Vertically mixed use buildings shall be designed to differentiate the upper floor uses above from the ground level uses below in at least two of the following ways:~~
 - ~~a. A minimum eight-foot-wide arcade that extends beyond the building for buildings 40 feet in height or less. For buildings exceeding 40 feet, either~~

~~an arcade or a minimum five-foot setback from the facade of the ground floor retail, service or commercial base;~~

~~b. Changing material, finish or texture between the base and upper floors;~~

~~c. A heavy cornice line at the top and a continuous 10-foot-deep awning at the first level;~~

~~d. A series of distinctive entry canopy fronts for each retail entry along the facade with a minimum of 15 feet in width and eight feet deep.~~

~~2. The minimum clear interior ceiling height for the retail, service, or other commercial use portion of mixed-use buildings shall be 10 feet for all ground floor building space.~~

~~3. The minimum depth of ground level space for the 50 percent required retail, service or commercial uses shall be 20 feet. This area can be averaged through approval by the director.~~

~~(Ord. 452 § 1 (Exh. C), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 69, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).~~

Chapter 19.52 TOWN CENTER ZONE DESIGN GUIDELINES

Sections:

- 19.53.010 Purpose.
- 19.53.020 Authority and applications.
- 19.53.030 General Requirements.
- 19.53.040 Review process.
- 19.53.050 Design standards and guidelines adopted.

19.52.010 Purpose.

The following special design standards apply to the Town Center 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 to know what is expected of their development projects.

(Ord. 544 § 1 (Exh. A), 2009).

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

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

G. The following UPMC provisions do not apply:

<u>19.30.040(A)(8) Commercial Vehicles</u>	<u>19.65.100 Street Frontage Landscaping</u>
<u>19.35.040 Temporary Housing – Medical</u>	<u>19.65.120 Perimeter Landscaping*</u>
<u>19.45.040 Projection Exceptions</u>	<u>19.65.270 – 19.65.320 Tree Preservation</u>
<u>19.50.030 – 19.50.050 Design Review</u>	<u>19.70.060(F) Open Space Requirements</u>
<u>19.50.070(B)(2) Setbacks</u>	<u>19.75.090(D) Signs on Marquees, Canopies and Awnings</u>

*Except adjacent to R1 & R2 Zones.

H. Each section includes a boxed definition or intent statement.

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

J. The Town Center is divided into areas by streets. Each street has different characteristics, including traffic volumes, width of right-of-way and proximity to single-family residential uses. These differences require standards and guidelines to achieve the Town Center vision and implement the City's Comprehensive Plan. Building height, building mass, buffering, landscaping, parking standards and signs vary by area. (Ord. 544 § 1 (Exh. A), 2009).

19.52.030 General requirements.

A. Purpose. The purpose of the design review process is to ensure that development within the Town Center 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 a design review administrative use permit within the Town Center zone.

C. Review Authority. The Director of Community Development shall review the applications in accordance with the process below.

D. Review Criteria. The Director of Community Development 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.

(Ord. 544 § 1 (Exh. A), 2009).

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 22, Administration of Development Regulations. Town Center design review shall be considered a Type I permit.

B. Pre-Submittal Concept Review. A pre-design meeting may be scheduled with the City's Technical Review Committee prior to formal project development and application. The applicant may present schematic sketches and a general outline of the proposed project. This meeting will allow City staff to acquaint the applicant with the design standards, submittal requirements and the application procedures, and provide early input on the proposed project.

C. Submittal Requirements. Applicants shall submit the Design Review application form(s) provided by the Community Development Department, along with the correct number of documents, plans and support material required in the application checklist.

D. Review Fees. Design review fees must be paid at the time of submittal.

E. Written Decisions. The Director shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.

F. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two years from the date of permit issuance, or if appealed within two years from the decision on appeal from the final design review decision, design review approval shall expire. The Director may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration of the permit.

G. Exceptions. The Director is authorized to make exceptions to the standards when the applicant can demonstrate to the satisfaction of the Director that the exception meets the intent of these standards and is of equal or greater quality or quantity.

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 22. (Ord. 544 § 1 (Exh. A), 2009).

19.52.050 Design standards and guidelines adopted.

The "Town Center Zone Design Guidelines" are adopted by reference and contained in a separate city design manual titled "'Town Center Zone Design Guidelines". (Ord. 559 § 6 (Exh. A), 2009).

Sections:

19.52.010 Purpose.
19.52.020 Authority and applications.
19.52.030 General requirements.
19.52.040 Review process.
19.52.050 Use and density.
19.52.060 Accessory structures and uses.
19.52.070 Temporary uses, seasonal uses, and special events.
19.52.080 Prohibited uses.
19.52.090 Crime prevention through environmental design.
19.52.100 Setbacks.
19.52.110 Height.
19.52.120 Walkways.
19.52.130 Gateways.
19.52.140 Courtyards.
19.52.150 Plazas.
19.52.160 Primary building facades.
19.52.170 Secondary building facades.
19.52.180 Significant corners.
19.52.190 Architectural features.
19.52.200 Projections.
19.52.210 Awnings and canopies.
19.52.220 Building materials.
19.52.230 Colors.
19.52.240 Roof design and materials.
19.52.250 Materials to avoid.
19.52.260 Storefronts.
19.52.270 Windows.
19.52.280 Doors and entryways.
19.52.290 Parking — General.
19.52.300 On-street parking.
19.52.310 Structured parking.
19.52.320 Loading spaces.
19.52.330 Streetscapes.
19.52.340 Street paving.
19.52.350 Sidewalks and curbs.
19.52.360 Street lighting.
19.52.370 Special effects lighting.
19.52.380 Street trees and landscaping.
19.52.390 Street furniture.
19.52.400 Artwork.
19.52.410 Water features.
19.52.420 Transit facilities.
19.52.430 Outdoor kiosks.

~~19.52.440 — Trash and recycling receptacles.~~
~~19.52.450 — Newspaper racks.~~
~~19.52.460 — Utility accessories.~~
~~19.52.470 — Handrails and fencing.~~
~~19.52.480 — Bollards.~~
~~19.52.490 — Bicycle racks.~~
~~19.52.500 — Outdoor pay phones and emergency phones.~~
~~19.52.510 — Mailboxes and other miscellaneous features.~~
~~19.52.520 — Major arterial — Bridgeport Way.~~
~~19.52.530 — Other arterials — 35th Street, 40th Street, and 44th Street.~~
~~19.52.540 — Connector streets — Drexler Drive, Larson Lane and 42nd Street.~~
~~19.52.550 — Signs in general.~~
~~19.52.560 — Sign lighting.~~
~~19.52.570 — Freestanding signs.~~
~~19.52.580 — Wall signs.~~
~~19.52.590 — Projecting signs.~~
~~19.52.600 — Temporary signs.~~
~~19.52.610 — Directional and incidental signs.~~

19.52.010 Purpose.

~~The following special design standards apply to the Town Center 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 to know what is expected of their development projects.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

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

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

~~G. The following UPMC provisions do not apply:~~

19.30.040(A)(8) Commercial Vehicles	19.65.100 Street Frontage Landscaping
19.35.040 Temporary Housing— Medical	19.65.120 Perimeter Landscaping*
19.45.040 Projection Exceptions	19.65.270—19.65.320 Tree Preservation
19.50.030—19.50.050 Design Review	19.70.060(F) Open Space Requirements
19.50.070(B)(2) Setbacks	19.75.090(D) Signs on Marquees, Canopies and Awnings

~~*Except adjacent to R1 & R2 Zones.~~

~~H. Each section includes a boxed definition or intent statement.~~

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

~~J. The Town Center is divided into areas by streets. Each street has different characteristics, including traffic volumes, width of right of way and proximity to single-family residential uses. These differences require standards and guidelines to achieve the Town Center vision and implement the City's Comprehensive Plan. Building height, building mass, buffering, landscaping, parking standards and signs vary by area. (Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.030 General requirements.~~

~~A. Purpose. The purpose of the design review process is to ensure that development within the Town Center 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 a design review administrative use permit within the Town Center zone.~~

~~C. Review Authority. The Director of Community Development shall review the applications in accordance with the process below.~~

~~D. Review Criteria. The Director of Community Development 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.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~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 22, Administration of Development Regulations. Town Center design review shall be considered a Type I permit.~~

~~B. Pre-Submittal Concept Review. A pre-design meeting may be scheduled with the City's Technical Review Committee prior to formal project development and application. The applicant may present schematic sketches and a general outline of the proposed project. This meeting will allow City staff to acquaint the applicant with the design standards, submittal requirements and the application procedures, and provide early input on the proposed project.~~

~~C. Submittal Requirements. Applicants shall submit the Design Review application form(s) provided by the Community Development Department, along with the correct number of documents, plans and support material required in the application checklist.~~

~~D. Review Fees. Design review fees must be paid at the time of submittal.~~

~~E. Written Decisions. The Director shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.~~

~~F. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two years from the date of permit issuance, or if appealed within two years from the decision on appeal from the final design review decision, design review approval shall expire. The Director may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration of the permit.~~

~~G. Exceptions. The Director is authorized to make exceptions to the standards when the applicant can demonstrate to the satisfaction of the Director that the exception meets the intent of these standards and is of equal or greater quality or quantity.~~

~~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 22.
(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.050 Use and density.~~

~~A. Standards.~~

- ~~1. Land uses allowed in the Town Center zone are listed in Chapters 19.25, 19.30 and 19.35 UPMC unless otherwise specified herein.~~
- ~~2. If a development has a residential component it shall be combined with one or more nonresidential, nonparking use(s).~~
- ~~3. The minimum requirements for mixed use within the Town Center zone:~~
 - ~~a. A minimum of 50 percent of a project site's ground floor shall be in nonresidential, nonparking use.~~
 - ~~b. The commercial component shall be built first or concurrent with the residential portion of the project.~~
 - ~~c. No residential use (except entrances and lobbies) is allowed on a ground floor fronting an arterial street. Projects are encouraged to provide access to businesses from the residential ground floor entrances.~~
- ~~4. A maximum residential density of 12 dwelling units per acre is permitted in the Town Center zone subject to these standards. For residential density within the Town Center overlay refer to the Town Center design standards and guidelines, UPMC Ordinances 409 and 469.~~

~~B. Guidelines. The City Hall, Library and Public Safety Building (Police and Fire) are already located in the Town Center zone. To promote an economically viable Town Center with an increased level of activity the following uses are encouraged to locate in the Town Center overlay:~~

- ~~1. National, regional and local specialty retail uses including apparel, book and music stores, electronics and computer sales, eyewear and optical stores, jewelry, home furnishings, shoes and accessories, and specialty foods;~~
- ~~2. Residential uses, including leased units, condominiums, live/work units and lodging;~~
- ~~3. Large and small restaurants, including formal sit-down restaurants, ethnic cuisine, brew pubs, walk-up and take-out restaurants, delis, and vending kiosks;~~
- ~~4. Entertainment uses, including movie and performance theaters;~~
- ~~5. Professional services, including company headquarters, banks, investment firms, consulting firms, accounting, insurance, real estate, law, medical and dental offices and similar professional offices; and~~

~~6. Personal services, including hair and beauty salons and health clubs.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.060 Accessory structures and uses.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

- ~~1. Accessory structures should be architecturally similar in design to their principal structures.~~
- ~~2. Accessory uses such as kiosks should be appropriately spaced so that areas do not appear cluttered or unduly interfere with pedestrian movement.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.070 Temporary uses, seasonal uses, and special events.~~

~~Temporary and seasonal uses and special events that add variety and do not detract from the Town Center experience are encouraged.~~

~~A. Standards.~~

- ~~1. Temporary and seasonal uses in the Town Center zone are permitted in accordance with Chapter 19.35 UPMC.~~

~~2. Outdoor temporary sales, except farmer's markets, Christmas tree and firework stands, shall be conducted within portable kiosks meeting these design standards and guidelines.~~

~~3. Signs advertising temporary and seasonal uses shall be limited to window signs or kiosks within five feet of where the sales are taking place.~~

~~4. Facilities such as electrical outlets and water bibs shall be available for temporary and seasonal uses and special events but such electrical cords or water hoses shall not extend across walkways, sidewalks or plazas.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.080 Prohibited uses.~~

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

~~A. Standards. The following uses are prohibited:~~

~~1. Any commercial use that encourages patrons to remain in their cars while receiving goods or services.~~

~~2. Motor vehicle rental and repair uses are not allowed as a principal or accessory use.~~

~~3. Small engine repair.~~

~~4. Bars and nightclubs along Larson Lane or Drexler Drive.~~

~~5. The storage or repair of inoperable vehicles (except vehicles owned by residents of a development where the storage or repair is taking place and only then within residential garages).~~

~~6. Retail establishments primarily selling used goods including pawn shops and secondhand stores.~~

~~7. Dollar and factory second stores.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.090 Crime prevention through environmental design.~~

~~Crime prevention through environmental design (CPTED) is situational crime prevention based on changing and managing the physical environment to produce behavioral effects that will reduce the incidence and fear of crime, thereby improving the quality of life and enhancing profitability for business.~~

~~A. Guidelines:~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.100 Setbacks.~~

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

~~A. Standards.~~

- ~~1. All site plan layouts shall give first consideration to pedestrians.~~
- ~~2. All buildings shall be oriented and built at the edge of the sidewalk except:~~
 - ~~a. Where a plaza or courtyard lies between the building and sidewalk, in which case the building shall be built to the edge of the plaza or courtyard.~~
 - ~~b. At significant corners a minimum setback of 20 feet is required between the building and sidewalk, to accommodate a plaza or courtyard.~~
 - ~~c. When a minimum of 60 percent of a lot's street frontage is occupied by buildings, additional buildings can be built in the interior of the project site.~~
- ~~3. No side setbacks are required; however, if a building is set back, then a minimum of 10 feet is required, to provide access between buildings.~~
- ~~4. At least 40 percent of the street facade of a building shall be set back a maximum of 10 feet, to provide horizontal articulation of the building facade.~~
- ~~5. A minimum 30-foot setback is required from R1 and R2 zones.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.110 Height.~~

~~A. Standards.~~

- ~~1. The maximum building height shall be 40 feet with the below listed exceptions.~~
- ~~2. Buildings throughout the Town Center zone shall be at least two stories in height. One-story buildings may be permitted by exception.~~
- ~~3. Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including spires, belfries, towers, cupolas, domes and roof forms whose area in plan is no greater than 25 percent of the first story plan area, may exceed building height up to 25 percent of the permitted building height.~~

~~4. Mechanical penthouses over elevator shafts, ventilator shafts, antennas, chimneys, fire sprinkler tanks or other mechanical equipment may extend up to 10 feet above the permitted building height; provided, that they shall be set back from the exterior wall of the building at least a distance that is equal to their height, or they shall be treated architecturally or located within enclosures with an architectural treatment so as to be consistent or compatible with the exterior design of the building facade.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.120 Walkways.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.130 Gateways.~~

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

~~A. Standards.~~

- ~~1. Provide a gateway to at least one principal entrance to a plaza or building.~~
- ~~2. Gateways shall have qualities that make them distinct from the surroundings including but not limited to decorative paving, landscaping and signage.~~
- ~~3. A minimum of 25 percent of the gateway area shall be finished with decorative pavers, stamped concrete or a similar feature.~~

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.140 Courtyards.~~

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

~~A. Standards.~~

- ~~1. The size of the courtyard(s) shall be 2.5 percent of the building footprint or footprints of all the buildings within a multiple building development.~~
- ~~2. The maximum size of a courtyard shall be 500 square feet. Multiple courtyards may be used or required to meet this requirement.~~
- ~~3. Install seating in courtyards to provide an inviting place to sit back and relax.~~
 - ~~a. A minimum of 25 percent of the courtyard area shall be landscaped with trees, shrubs and groundcover. Landscaping should reflect a respect for and sustainability of the environment.~~

~~b. A minimum of 25 percent of the courtyard area shall be finished with decorative pavers or stamped concrete.~~

~~B. Guidelines.~~

- ~~1. Use decorative pavement in courtyards.~~
- ~~2. Provide art or a water feature accessible to the public, encouraging discovery.~~
- ~~3. Provide landscaping treatments or gardens that allow interaction.~~
- ~~4. Provide courtyards on ground level, along a walkway, on mid-level patios, or as part of a rooftop garden.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.150 Plazas.**~~

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

~~A. Standards.~~

- ~~1. Commercial or mixed use developments shall provide at least one plaza.~~
- ~~2. The size of the plaza shall be 10 percent of the building footprint or footprints of all the buildings within a multiple building development.~~
- ~~3. Plazas shall provide areas suitable for events such as concerts, art shows or outdoor sales. Areas suitable for events shall be flexible so that they can be changed to fit an event or season.~~
- ~~4. Provide in-ground electrical facilities and water bibs to facilitate temporary and seasonal uses.~~
- ~~5. Movable planters, bollards, outdoor seating, accessible artwork and other streetscape amenities shall be used to configure plaza uses.~~
- ~~6. Plazas shall include a water feature or artwork.~~
- ~~7. Plazas shall use decorative paving or distinctive surface treatments to distinguish active from passive areas.~~
- ~~8. Include unreserved outdoor seating for relaxation or eating by providing amenities, benches, tables and trash receptacles.~~
- ~~9. A minimum of 25 percent of the plaza area shall be landscaped with trees, shrubs and groundcover.~~

~~10. A minimum of 25 percent of the plaza area shall be finished with decorative pavers, stamped concrete or a similar feature.~~

~~11. Use special effects lighting to highlight significant features such as a water feature, artwork or a building facade adjacent to the plaza.~~

~~B. Guidelines.~~

~~1. Bollards, outdoor seating and planters should be used rather than curbs where a plaza abuts a street to allow the plaza to expand for certain large events.~~

~~2. Use decorative pavers or distinctive surface treatments to distinguish active and passive areas within plazas. Active areas should be vibrant; passive areas should be relaxing.~~

~~3. Create places for individuals and groups.~~

~~4. Provide piped-in music with inconspicuous speakers to provide acoustic atmosphere during events or to highlight a season.~~

~~5. Choreographed or recreational fountains are encouraged.~~

~~6. To facilitate special events, a temporary bandstand, stage or in-ground electrical facilities for which a stage could be erected may be appropriate in some plazas.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.160 Primary building facades.~~

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

~~A. Standards.~~

~~1. Use only high-quality materials on primary facades.~~

~~2. Divide horizontal facades into vertical segments not greater than 50 feet in width to provide differentiation and the appearance that the street was developed over time.~~

~~3. To articulate the horizontal primary building facade, vertical segments shall be different in color and shall include two or more of the following architectural elements:~~

~~a. Columns.~~

~~b. Mullions.~~

~~c. Projections.~~

~~d. Setbacks.~~

~~e. Style.~~

~~f. Material.~~

~~4. Provide vertical facade articulation by including a cornice, lintel or header separating the first floor and upper floors.~~

~~5. Integrate top to bottom building architecture.~~

~~6. Blank walls, including walls distinguished only by changes in color, are prohibited.~~

~~7. Primary facades shall have a higher level of architectural detail at street level and on storefront designs.~~

~~8. Provide a cornice or eaves to create distinctive rooflines.~~

~~B. Guidelines.~~

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

~~2. Balconies, trellises, railings, and similar architectural elements should be added to upper floors.~~

~~3. At corners, the roof design should emphasize the corner.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.170 Secondary building facades.~~

~~Secondary facades are oriented toward pedestrian-only corridors.~~

~~A. Standards.~~

~~1. Maintain high quality materials on secondary facades.~~

~~2. Blank walls, including walls distinguished only by changes in color, are prohibited.~~

~~3. Secondary facade design shall be a simplified expression of the primary facade, with fewer vertical segment changes along the length of the facade.~~

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.180 Significant corners.**~~

~~Significant corners are located at street intersections on 40th Street West and 42nd Street West. Significant corners shall include a distinctive architectural element.~~

~~A. Standards.~~

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

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.190 Architectural features.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.200 Projections.~~

~~Projections include awnings, canopies, signs and architectural features.~~

~~A. Standards.~~

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

~~B. Guidelines:~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.210 Awnings and canopies.~~

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

~~A. Standards:~~

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

~~B. Guidelines:~~

- ~~1. Provide awnings in strategic locations to provide pedestrians shelter from weather.~~
- ~~2. Collective placement of awnings along a street should maintain overall design integrity and avoid a uniform awning layout.~~

- ~~3. Awnings should accommodate comfortable pedestrian access and sight lines.~~
- ~~4. Retractable or open side awnings are preferred. Awning and canopy colors should complement building color.~~
- ~~5. Close ended canopies are discouraged.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.220 Building materials.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

- ~~1. On primary facades and significant corners materials native to the Northwest should be used whenever possible, including:~~
 - ~~a. Smooth exterior grade woods, such as oak, maple, fir and hemlock.~~
 - ~~b. Cobbles, river rock, slate and granite.~~
- ~~2. Desirable facade materials for new or renovated facades also include:~~
 - ~~a. Brick, tile and stone, including marble.~~
 - ~~b. Decorative fiber reinforced cement.~~
 - ~~c. Glass.~~
 - ~~d. Other woods.~~
- ~~3. Nonnative materials, such as those listed below, may be used for architectural trim and accent applications, including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters and porch and balcony railings.~~
 - ~~a. Cast iron, bronze, brass, copper (including terne coated).~~

~~b. Glazed ceramic and porcelain tile.~~

~~c. Glass, brick and metal.~~

~~d. Fiber reinforced plastic (not including plastic or vinyl siding products).~~

~~4. Building materials and construction methods should be "green" to the greatest extent possible, to emphasize the core value of a sustainable environment and conservation of natural resources including energy.~~

~~5. Developers should use the New Buildings Institute Energy Benchmark for High Performance Buildings to improve indoor environmental quality and energy efficiency.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.230 Colors.~~

~~Colors common in nature around the South Puget Sound help provide a town center that fits in the region.~~

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.240 Roof design and materials.~~

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

~~A. Standards.~~

~~1. Roofing materials visible from streets, plazas or courtyards shall be finished with an attractive nonreflective material, including, but not limited to, wood shingles, copper (including terne coated), factory finished painted metal, slate, synthetic slate, terra cotta and cement tile and glass fiber shingles.~~

~~2. Adjacent buildings with roofs visible from streets and plazas or courtyards shall use a different slope, design, type or color of roof material to break up building mass and provide variety.~~

~~3. Articulate roof form and material to break up building mass.~~

~~4. Where rooftop mechanical equipment will be visible from rights-of-way and existing buildings' roofs, mechanical equipment shall be hidden by an attractive screen and/or a roof garden or rooftop courtyard provided.~~

~~5. Roof flashing shall not be visible from streets, plazas or courtyards.~~

~~B. Guidelines.~~

~~1. Rooftop courtyards and gardens are encouraged.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.250 Materials to avoid.~~

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

~~A. Standards.~~

~~1. Multi-floor glass curtain walls are prohibited. Integrate glass with other materials.~~

~~2. Vinyl, painted steel, metal or aluminum siding may only be used above 20 feet or a second story, whichever is greater.~~

~~3. Synthetic stucco is prohibited.~~

~~4. Unfinished concrete block is prohibited.~~

~~5. Chain-link fencing and unfinished wood fencing are prohibited.~~

~~6. Decorative metal gates or fences are allowed.~~

~~7. Roll-up metal security doors in front of storefronts and exterior applied metal security bars are prohibited. Roll-up metal doors are allowed at service entrances.~~

~~B. Guidelines.~~

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

~~2. Painted steel, metal and aluminum siding should be avoided.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.260 Storefronts.~~

~~Quality storefront design is welcoming and improves safety.~~

~~A. Standards.~~

~~1. Storefront design shall include at least one of the following elements:~~

~~a. A large display window or windows of clear glass.~~

~~b. A large header.~~

~~c. A canopy or awning.~~

~~d. A recessed entry.~~

~~e. A projected entry.~~

~~2. Vacant storefronts shall be attractively screened using a painted screen rather than boarded up. The painted screen should display a mural or advertise the coming use. Advertising shall be considered a sign. The owner should contact UP for Art for design ideas.~~

~~3. Window displays shall display merchandise or services sold by the tenant or an adjacent tenant, or artwork. Storefront display windows shall not be blocked off to prevent views into or out of the store.~~

~~4. Tenants shall avoid cookie cutter representations of their identity and create an expression that is complementary to the Town Center architecture.~~

~~5. Storefronts shall be predominantly glass to provide views into the store, but glass shall not be the exclusive material.~~

~~6. A sidewalk merchandising zone for the temporary display of merchandise extends two feet from the building facade. A right of way permit is required to utilize this merchandising zone in the public right-of-way.~~

~~B. Lighting.~~

~~1. Storefront facades, recessed doorways, outdoor spaces and passageways shall be lit.~~

~~2. Fixtures shall be located and angled to ensure that they spotlight the tenant's merchandise and do not point toward the window or cause distracting reflections. Use down lighting or cut off lenses to avoid excessive glare.~~

~~3. Include "after hours" lighting within the fronts of stores to contribute to pedestrian lighting and provide for a comfortable nighttime strolling experience.~~

~~4. Lighting fixtures shall not extend more than three feet from the facade or hang below eight feet.~~

~~C. Guidelines.~~

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

~~2. Modern and creative design solutions may be employed as long as the traditional storefront proportions are maintained.~~

~~3. Display window designs should allow a visual connection between the interior and exterior.~~

~~4. Landscaping and potted or hanging plants should be used to provide accents and depth.~~

~~5. Limit the number of light fixtures to prevent a cluttered look.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.270 Windows.**~~

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

~~A. Standards.~~

~~1. Upper story windows shall be designed to create shadow lines or to break up flat surfaces by recessing, projecting or trimming windows.~~

~~2. Fake and masked-off windows are prohibited.~~

~~3. A minimum of 50 percent of the ground floor facade shall be in nonreflective transparent glazing.~~

~~B. Guidelines.~~

~~1. Windows should comprise 25 to 50 percent of upper facades visible from public rights-of-way and should reflect a rhythm, scale and proportion compatible with the overall building design.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.280 Doors and entryways.~~

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

~~A. Standards.~~

- ~~1. Primary building and store entrances shall be oriented toward the principal street.~~
- ~~2. Recessed or projecting entrances shall be designed so that they do not exceed 50 percent of the width of the storefront, nor 10 feet in depth/projection.~~
- ~~3. Placement and design of doors shall provide a direct connection to the sidewalks and streets.~~
- ~~4. Provide a diversity of entrance types including recessed, projecting and traditional entrances.~~

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.290 Parking—General.~~

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

~~A. Standards.~~

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

~~c. Abutting on-street parking and shared parking in the Town Center zone may be counted toward the off-street parking requirement.~~
~~d. Compact spaces shall not be allowed on-street and shall be limited to off-street parking locations.~~

~~e. Parking lots shall be located in the rear, in the interior of a block or in structured parking in the interior of a block, below a structure or hidden by the structure.~~

~~f. Surface parking lots must be located to the side or rear of buildings.~~

~~g. Delineate parking for residential uses from parking for other uses.~~

~~h. A maximum of two levels of structured parking is allowed abutting an R1 and R2 zone, except that a third level may be added provided the third level is set back an additional 30 feet and the perimeter buffer is increased to 30 feet wide and a third row of evergreen trees is planted 15 feet on center in accordance with Chapter 19.65 UPMC.~~

~~i. Surface parking lots and parking structures adjacent to Homestead Park shall install a Level II buffer between parking and the park. Parking structures shall also provide planter boxes and vegetation to screen at least 50 percent of the building.~~

~~B. Guidelines:~~

~~1. Meeting parking requirements with off-street surface parking is discouraged.~~

~~2. Design landscaping in surface parking lots to handle storm water runoff.~~

~~3. Consider durable pervious surfaces to reduce storm water runoff.~~

~~4. Use native plants in parking lot landscaping.~~

~~5. Consider using pavers, colored concrete and landscaping to delineate walkways through parking lots.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.300 On-street parking.~~

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

~~A. Standards:~~

~~1. Only parallel parking is permitted on Bridgeport Way.~~

~~2. Parallel or angled parking is allowed on Drexler Drive and Larson Lane.~~

~~3. No on-street parking is permitted on 37th Street east of Bridgeport Way.~~
~~4. Where on-street angled parking is permitted, both 45-degree and 60-degree angled parking are permitted.~~

~~5. No on-street parking shall be permitted within 30 feet of an intersection.~~

~~6. Provide bump-outs to delineate the end of parking from an intersection or crosswalk.~~

~~7. Use colored or decorative pavement, bollards and/or planters to delineate on-street parking areas.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.310 Structured parking.~~

~~Structured parking that takes advantage of the topography is preferred in the Town Center zone.~~

~~A. Standards.~~

~~1. Structured parking shall not be visible, except at entrances.~~

~~2. Entrances to structured parking shall be the minimum size to permit reasonable entry and shall be consistent with the building facade design.~~

~~3. Any elevation of a parking structure visible from an adjacent street or a residential zone shall have a solid decorative parapet wall of not less than 46 inches high and shall utilize materials and colors consistent with the surrounding buildings.~~

~~4. On walls facing a residential zone, planter boxes supporting vines and other vegetative screening materials shall be attached to the exterior of the structure.~~

~~5. At least 75 percent of the area occupied along the street level facade of any parking structure that is immediately adjacent to a sidewalk or street right-of-way shall be developed for active office or retail uses.~~

~~6. If not abutting a street, structured parking facilities shall be provided with adequate access from public streets via a private drive and/or access easements.~~

~~7. Provide high ceilings and ample lighting at pedestrian entrances to elevate safety and comfort.~~

~~B. Guidelines.~~

- ~~1. Provide enough clearance and appropriate curve radius in structured parking to facilitate delivery, maintenance and emergency vehicle routes.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.320 Loading spaces.~~

~~A. Standards.~~

- ~~1. The minimum dimensions of loading spaces shall be as follows:~~

- ~~a. Regular size space: 10 feet by 25 feet.~~
- ~~b. Large space: 10 feet by 50 feet.~~

- ~~2. The calculation of the minimum number of off-street loading spaces shall be in conformance with the following schedule:~~

- ~~a. Office uses or portion of building devoted to office uses:~~
 - ~~i. Zero to 49,999 square feet (sf): zero spaces.~~
 - ~~ii. Fifty thousand to 149,999 sf: one regular space.~~
 - ~~iii. One hundred fifty thousand to 249,999 sf: two regular spaces.~~
 - ~~iv. Two hundred fifty thousand sf and up: three regular spaces.~~
- ~~b. Retail uses with the following tenant size:~~
 - ~~i. Zero to 9,999 sf: zero spaces.~~
 - ~~ii. Ten thousand to 49,999 sf: one regular space.~~
 - ~~iii. Fifty thousand to 99,999 sf: one regular space and one large space.~~
 - ~~iv. One hundred thousand sf and up: two large spaces.~~
- ~~c. Restaurant Uses with the following Tenant size:~~
 - ~~i. Zero to 9,999 sf: zero spaces.~~
 - ~~ii. Ten thousand sf and up: one regular space.~~

- ~~3. Loading spaces that are adjacent and accessible to several buildings or tenant spaces, including buildings and tenant spaces on separate lots, may be used to meet the loading requirements for the individual buildings or tenants; provided, that: (a) the number of spaces satisfies the requirements for the combined square footages for the buildings or tenants in question, and (b) an agreement evidencing the right of tenants to share the loading spaces shall be provided to the City.~~

- ~~4. Loading and service areas shall be located and designed to minimize visibility from streets, public spaces and semi-public spaces. Loading areas shall be underground or recessed to hide them from view.~~

- ~~5. Use walls and/or landscaping to screen views of loading areas.~~

~~6. Install attractive loading dock doors so that when not in use loading docks do not present an eyesore.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.330 Streetscapes.~~

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

~~B. Standards.~~

- ~~1. Streetscapes shall be designed at a pedestrian scale to promote a feeling of comfort and security.~~
- ~~2. Streets shall be designed to promote multiple modes of transportation.~~
- ~~3. Pedestrian circulation shall be facilitated via wide sidewalks, walkways, well-defined crossings and utilization of on-street parking.~~
- ~~4. Streetscapes shall be designed to encourage visual interest.~~
- ~~5. Sidewalks shall include a pedestrian zone directly adjacent to storefronts and an amenity zone for roadside features, located adjacent to the street edge.~~
- ~~6. All roadside features, except as otherwise noted, shall be located in the sidewalk amenity zone.~~
- ~~7. Building and site features shall not project into the pedestrian zone within the vertical area eight feet above sidewalk grade, except as specifically allowed by these standards. In no case shall projections reduce the width of the pedestrian zone to less than the minimum required.~~
- ~~8. Roadside features located adjacent to parallel parking lanes shall be set back a minimum of 30 inches from face of curb/edge of street.~~
- ~~9. Roadside features shall be designed and placed to minimize visual obstruction of adjacent building signage, windows and entries.~~

~~C. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.340 Street paving.~~

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

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.350 Sidewalks and curbs.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

- ~~1. A subtle color, material or pattern change should be incorporated into the amenity zone to distinguish the separation from the pedestrian zone.~~

~~2. Complicated patterns, sharp color contrasts and bright colors should be avoided except when used in artwork or for accents.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.360 Street lighting.~~

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

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.370 Special effects lighting.~~

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

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.380 Street trees and landscaping.~~

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

~~A. Standards.~~

- ~~1. Street trees shall be provided in accordance with UPMC 19.52.520 through 19.52.540, Town Center streets.~~
- ~~2. Street trees shall include only those species specified in UPMC Title 13.~~
- ~~3. Street trees shall have a minimum diameter of that specified in UPMC Title 13.~~
- ~~4. Landscaping in courtyards and plazas shall include:~~
 - ~~a. Canopy type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous ground covers and low shrubs. Up to 100 percent of the trees may be deciduous. There shall be at least one tree per 100 square feet of required landscaping area within courtyard and plaza areas.~~
 - ~~b. The area that is not planted with trees shall be planted with shrubs and living ground cover chosen and planted to attain coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area that is not planted in groundcover. Lawn may be used for up to 75 percent of the required ground cover.~~
- ~~5. Landscaping located within public rights-of-way shall be approved by the Development Services Department, prior to planting, as part of the review of landscape plans required by UPMC 19.65.200. Landscaping in the public right-of-way shall be in accordance with UPMC 13.20.870.~~
- ~~6. Particular care shall be used in tree selection and placement to avoid visual obstruction of adjacent retail signage, windows and entries.~~
- ~~7. If mixing species, different species shall be alternated in a regular pattern. Regular spacing is encouraged, but spacing may be altered where necessary to minimize visual obstruction of adjacent retail uses.~~
- ~~8. Trees shall be planted a uniform distance from the curb/edge of street.~~
- ~~9. Street trees shall be placed in tree grates, large planters or pots or planter strip sections.~~

~~10. Planter strips shall be permanently irrigated per Chapter 13.20 UPMC.~~

~~11. Landscaped area shall include shrubs and groundcover sized and irrigated in accordance with Chapter 19.65 UPMC.~~

~~12. A maximum of 50 percent of required landscaping in plazas and courtyards may be potted.~~

~~13. Potted plants shall not be placed anywhere that impedes pedestrian or vehicular traffic, but may function as a separation between pedestrians and vehicles.~~

~~14. Pots shall be of a uniform type.~~

~~15. Tree grates shall be designed to reflect local art, history or wildlife.~~

~~16. Tree grates shall allow for tree growth.~~

~~17. Tree grates shall be ADA approved.~~

~~18. Electrical outlets shall be provided within the tree grate area to allow for lighting opportunities.~~

~~B. Guidelines:~~

~~1. Potted plants may be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety.~~

~~2. Large pots are preferred to fixed boxes to allow for maintenance or service access.~~

~~3. Larger trees are preferred and may be used to reduce the number of trees required provided the overall diameter of required trees added together is not reduced.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.390 Street furniture.~~

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

~~A. Standards:~~

~~1. Street furniture shall be provided in accordance with UPMC 19.52.520 through 19.52.540, Town Center streets.~~

~~2. Benches shall be Victor Stanley, Classic Style, SC 138 in VS New Teal. Other street furniture shall be complementary to the above style. When an exception is granted all furniture shall be a common model unless a unique type is integral to storefront design.~~

~~3. Street furniture shall be comfortable, durable, easy to clean and vandalism/graffiti resistant to the greatest extent possible.~~

~~4. Up to 25 percent of required seating may be provided by incorporating a bench into a planter box by widening planter and wall edges to provide seating.~~

~~5. Furniture other than cafe seating shall be permanently attached to the ground.~~

~~6. Cafe and restaurant seating if located on a public sidewalk shall meet the following:~~

- ~~a. A right-of-way permit shall be required.~~
- ~~b. The minimum pedestrian zone shall be maintained.~~
- ~~c. The seating shall not visually obstruct adjacent retail uses.~~
- ~~d. The seating does not displace other publicly beneficial amenities.~~

~~B. Guidelines:~~

~~1. Seating should be grouped together as much as possible and should be placed at busier pedestrian nodes and gathering points.~~

~~2. Seating should be oriented to take advantage of attractive views.~~

~~3. Street furniture should be oriented to maximize the feeling of comfort and security for both users and passing pedestrians.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.400 Artwork.**~~

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

~~A. Standards:~~

~~1. Artwork in publicly owned places shall be consistent with the City public art policy. The applicant shall contact UP for Art and use the group as a resource for any proposed artwork.~~

~~2. Artwork shall be located within the Town Center zone area as specifically identified in other sections of this title.~~

~~3. Permanent art pieces shall not be located in areas designated for performing arts functions.~~

~~4. Artwork shall:~~

~~a. Be made of durable, weatherproof materials; and~~

~~b. Not interfere with pedestrian circulation or cause a traffic hazard; and~~

~~c. Be designed to avoid physical hazards to the public who come in contact with it.~~

~~B. Guidelines:~~

~~1. Art should reflect the values, culture and history of the Northwest and the City of University Place. Themes to consider include orchards, timber, mining, vikings, canoe making, and wildlife such as bears, deer, salmon and waterfowl.~~

~~2. Appropriately scaled art pieces or sculptures should be located in the streetscape and in plazas and courtyards where they do not visually obscure adjacent retail uses.~~

~~3. Art pieces should be accessible physically and intellectually.~~

~~4. Local sources of art should be considered.~~

~~5. Artwork may be part of a collection or a single piece.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.410 Water features.~~

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

~~A. Standards.~~

~~1. Water features shall be located within the Town Center zone area as specifically identified in other sections of this title.~~

~~2. Where required, water features shall allow people to interact with the display using at least one of the following:~~

- ~~a. Allow for ample pedestrian circulation on all sides.~~
- ~~b. Provide seating as part of the water feature design, using a low wall.~~
- ~~c. Promote physical contact with water.~~

~~3. Where required, water features shall be a minimum of 25 square feet and maintain a minimum constant or intermittent recirculating flow of 300 gallons per hour.~~

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.420 Transit facilities.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.430 Outdoor kiosks.~~

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

~~A. Standards.~~

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

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.440 Trash and recycling receptacles.~~

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

~~A. Standards.~~

- ~~1. Streetscape receptacles shall be Victory Stanley, Ironsites Series, SD 42, with side gate in VS New Teal. When an exception is granted all receptacles shall be the same model unless integral to storefront design.~~

- ~~2. Ash urns shall be Victory Stanley, Ironsites Series, S-20, in VS New Teal. When an exception is granted all urns shall be the same model unless integral to storefront design.~~
- ~~3. Recycling receptacles shall be of a similar style as the above referenced trash receptacles. Design of recycling receptacles shall be acceptable to the local refuse service provider.~~
- ~~4. Streetscape receptacles shall be located at convenient locations especially at intersections and in the proximity of kiosks or restaurants where take-out food is sold or consumed.~~
- ~~5. Streetscape waste and recycling receptacles shall be permanently attached, have sealed bottoms and tops sufficient to keep contents dry and concealed from view and be designed for easy collection and service.~~
- ~~6. Streetscape trash and recycling receptacles shall be durable, easy to clean and vandalism/graffiti resistant to the greatest extent possible.~~
- ~~7. Location of trash and recycling facilities shall be coordinated with the local refuse service provider.~~
- ~~8. Recycling receptacles shall be located in conjunction with at least 50 percent of all trash receptacles. Recycling receptacles shall accept glass and metal (aluminum) recyclable materials.~~
- ~~9. Large scale trash and recycling collection sites, including dumpsters, shall be screened by a fence or wall at least as high as the receptacle and constructed of the same materials or given a similar finish as the buildings they serve.~~
- ~~10. The color of any screening fences or walls shall be consistent with adjacent buildings.~~
- ~~11. Trash and recycling receptacles shall be maintained in a sanitary condition, and shall be emptied when full.~~

~~B. Guidelines.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.450 Newspaper racks.~~

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

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.460 Utility accessories.~~

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

~~A. Standards.~~

- ~~1. New utility systems shall be underground.~~
- ~~2. Utility accessories shall be uniform in design and color throughout a development and shall:~~
 - ~~a. Blend in with surroundings to minimize visual and physical impact;~~
 - ~~b. Be readily accessible and placed so as not to obstruct pedestrian movement; and~~
 - ~~c. Be coordinated with other streetscape accessories.~~
- ~~3. Utility accessory design and construction must be approved by the Development Services Department.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.470 Handrails and fencing.~~

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

~~A. Standards.~~

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

~~B. Guideline.~~

- ~~1. Metal is the preferred material.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.480 Bollards.~~

~~The intent of this section is to provide for functional and attractive bollards. Use of bollards is an attractive way to provide semipermanent separation of uses.~~

~~A. Standards.~~

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

~~B. Guidelines.~~

- ~~1. Removable bollards may be utilized where service vehicles need periodic access and for street closures in the event of festivals or community events.~~
- ~~2. Bollards may be chained together to ensure pedestrian safety or define areas for public functions.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.490 Bicycle racks.~~

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

~~A. Standards.~~

- ~~1. Bicycle racks shall be Dero's Bike Rack or Mad Biker Bike Rack. An exception can be granted by the Director when all bike racks in a development are uniform in design or theme and consistent with the development's design or function.~~
- ~~2. Bicycle racks shall be permanently mounted and located adjacent to areas with potential high bicycle traffic volumes.~~
- ~~3. Bicycle racks shall allow the frame and at least one wheel to be locked.~~
- ~~4. Bike racks shall be integrated into overall streetscape design.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.500 Outdoor pay phones and emergency phones.~~

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

~~A. Standards.~~

- ~~1. Outdoor pay and emergency phones shall be uniform in design and color throughout a development unless integral to a specific storefront or restaurant design.~~
- ~~2. Ample lighting shall be provided around exterior pay and emergency phones to discourage vandalism.~~
- ~~3. Outdoor phones shall be designed to complement the architectural style of adjacent buildings.~~

~~B. Guidelines:~~

- ~~1. Phone booths should be attached to building frontages rather than freestanding.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.510 Mailboxes and other miscellaneous features.**~~

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

~~A. Standards:~~

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

~~B. Guidelines:~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.520 Major arterial — Bridgeport Way.**~~

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

~~Bridgeport Way West shall be improved consistent with the cross-sections shown in UPMC 19.52.540, Figures 1 and 2. The location of the street shall be as depicted on the adopted master plan, unless modified by the Director. Minor modifications may be made where such changes are consistent with the overall vision of the Town Center.~~

~~A. Standards:~~

- ~~1. The 16-foot sidewalk on Bridgeport Way shall be comprised of an eight- to 11-foot pedestrian zone and a 5.5- to eight foot amenity zone.~~
- ~~2. Street trees shall be spaced at 45 feet on center.~~
- ~~3. Each development on Bridgeport Way north of 40th Street shall install a minimum of one street furniture feature, excluding cafe seating, within the right-of way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street this requirement applies to both sides.~~
- ~~4. A maximum of 50 percent of the amenity zone can be in planter strip sections.~~
- ~~5. Roadside features such as streetlights, bike racks, trash and recycling receptacles, drinking fountains, phone booths and newspaper racks shall be of a consistent color and design along the street.~~

~~B. Guidelines:~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.530 Other arterials – 35th Street, 40th Street, and 44th Street.**~~

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

~~A. Standards:~~

- ~~1. Twelve and one-half foot sidewalks shall be comprised of a seven-foot pedestrian zone and a 5.5-foot amenity zone.~~
- ~~2. Street trees shall be spaced at 38 feet on center.~~
- ~~3. Each development located at an intersection shall install a minimum of one street furniture feature, excluding cafe seating, within the right of way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street this requirement applies to both sides.~~

~~4. Roadside features such as streetlights, bike racks, trash and recycling receptacles, drinking fountains, phone booths and newspaper racks shall be of a consistent type along the street.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~**19.52.540 Connector streets — Drexler Drive, Larson Lane and 42nd Street.**~~

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

~~A. Standards.~~

~~1. Eleven and one-half foot sidewalks shall be comprised of a six-foot pedestrian zone and a 5.5-foot amenity zone.~~

~~2. Street trees shall be spaced at 38 feet on center.~~

~~3. Each development located at an intersection shall install a minimum of one street furniture feature, excluding cafe seating, within the right-of-way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street this requirement applies to both sides.~~

~~4. Roadside features such as streetlights, bike racks, trash and recycling receptacles, drinking fountains, phone booths and newspaper racks shall be of a consistent type along the street.~~

Figure 1

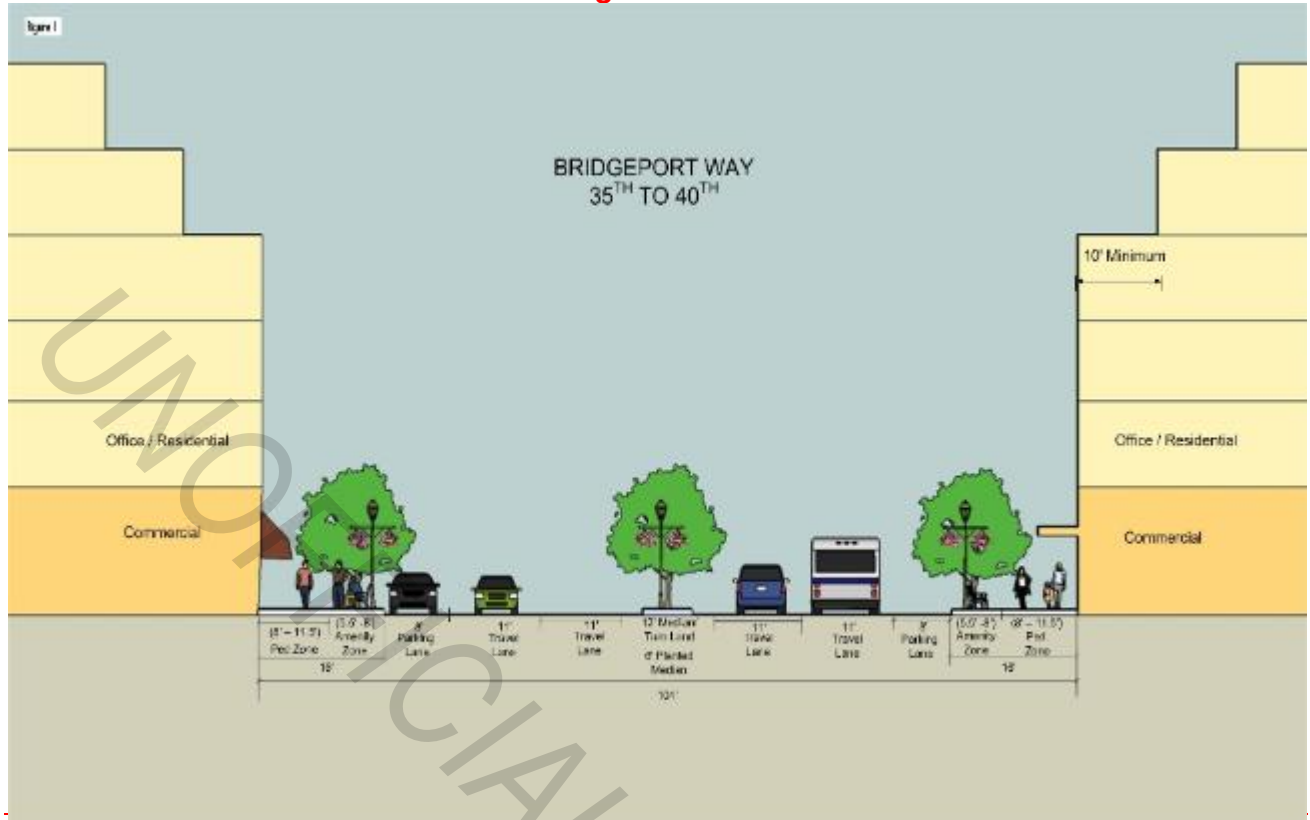


Figure 2

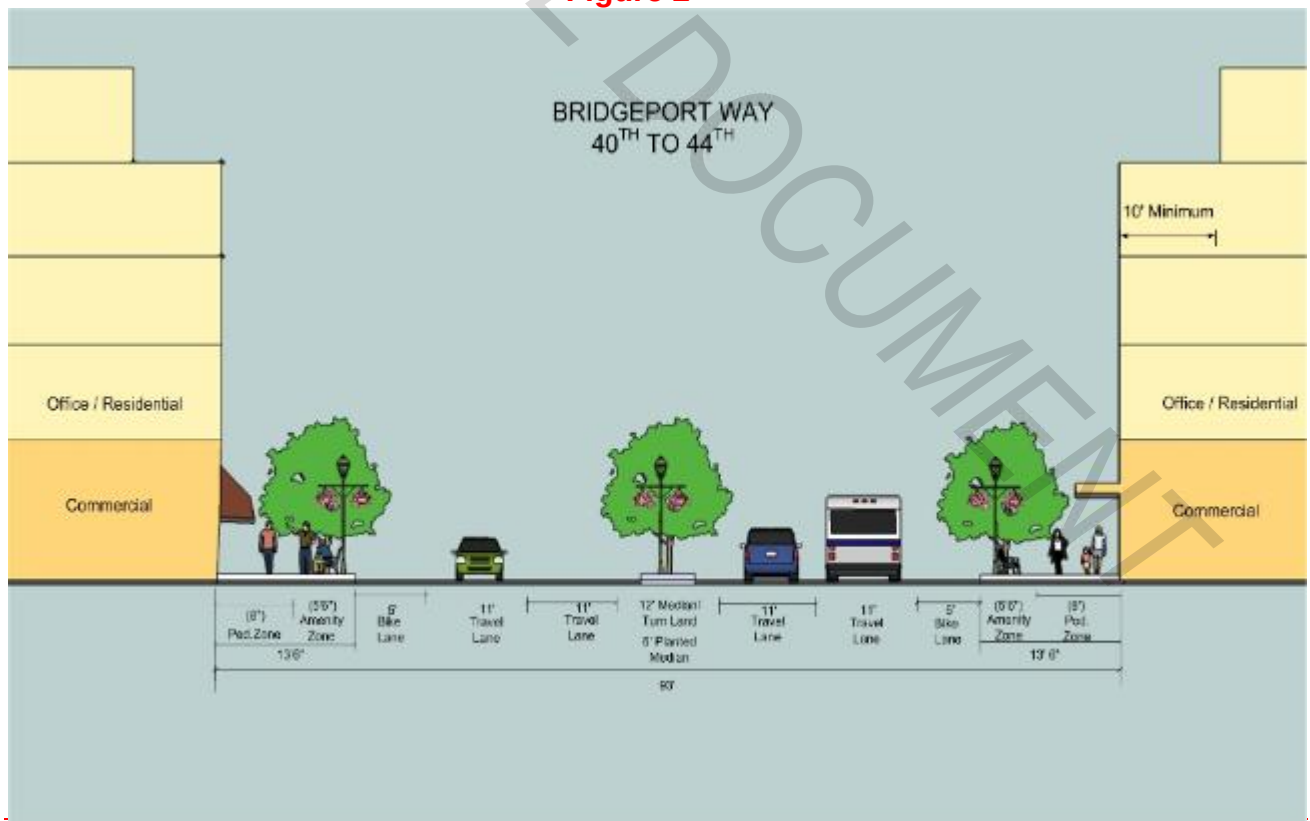
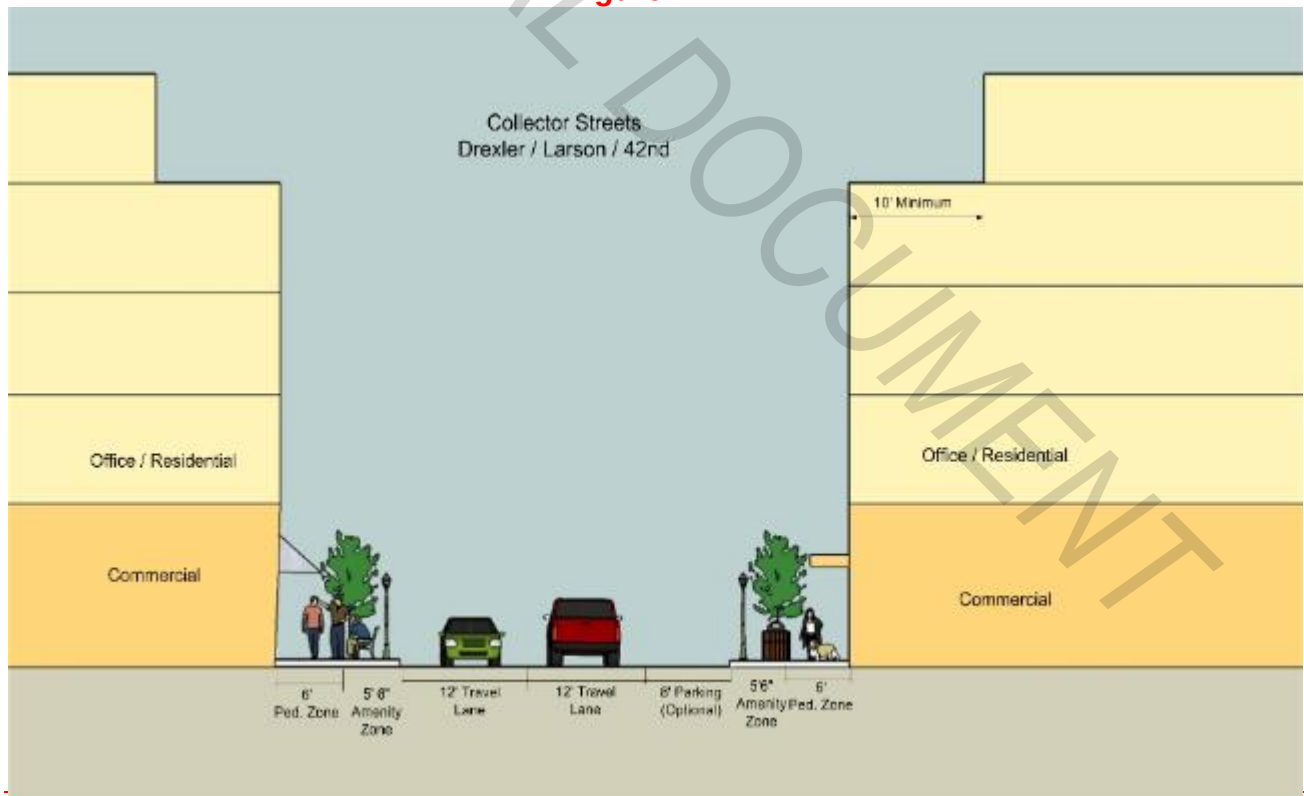


Figure-3



Figure-4



(Ord. 544 § 1 (Exh. A), 2009).

~~19.52.550 Signs in general.~~

~~Distinctive, finely crafted signs enhance the aesthetics of the Town Center and improve pedestrian and motorist safety.~~

~~A. Standards.~~

- ~~1. All signs shall be installed and constructed per the City sign code (Chapter 19.75 UPMC) except as provided here.~~
- ~~2. Signs shall not obscure any significant architectural detail of individual buildings.~~
- ~~3. All signs shall be pedestrian in scale and integrated into the building and storefront design.~~
- ~~4. Use of durable high quality materials is required.~~
- ~~5. Temporary sale window paint is not permitted.~~

~~B. Guidelines.~~

- ~~1. Signs should be compelling, informative and consistent in order to create a sense of place.~~
- ~~2. Signs should distinctly identify the tenant.~~
- ~~3. Sign design should be creative.~~
- ~~4. Consider floor signs at store entrances.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.560 Sign lighting.~~

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

~~A. Standards.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.570 Freestanding signs.~~

~~A freestanding sign is supported on a structure used exclusively for the support of the sign or for a group of signs, including pedestal, pylon, pole and monument signs.~~

~~A. Standard.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.580 Wall signs.~~

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

~~A. Standards.~~

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

~~B. Guideline.~~

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

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.590 Projecting signs.~~

~~Projecting signs are signs aligned perpendicular to the building facade.~~

~~A. Standards.~~

~~1. Projecting signs shall clear the sidewalk by a minimum of eight feet.~~

~~2. A projecting sign shall not be larger than 20 square feet, except when located on the ground floor over the right of way, where it shall not be larger than six square feet.~~

~~3. Projecting signs shall not project over four feet from the building.~~

~~4. Projecting signs shall not exceed the height of the tenant space occupied in the building.~~

~~B. Guideline.~~

~~1. Projecting signs should be creative and incorporate merchandise into the sign structure.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.600 Temporary signs.~~

~~A temporary sign is any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar materials, with or without a frame, intended to be displayed for a limited time only. Holiday decorations and other special events are considered temporary.~~

~~A. Standards.~~

~~1. One real estate sign is permitted per building street frontage.~~

~~2. Real estate signs shall be located on the ground floor near the entrance.~~

~~3. Real estate signs are not permitted in the window of a residential unit.~~

~~4. Except political signs, temporary signs shall not be freestanding.~~

~~5. One new residential development wall sign is permitted per street frontage.~~

~~6. Inflatable dirigibles are not permitted.~~

~~7. A board signs are prohibited.~~

~~(Ord. 544 § 1 (Exh. A), 2009).~~

~~19.52.610 Directional and incidental signs.~~

~~Develop a distinctive style for directional signs in the Town Center and to specific destinations, including government offices, the library, public parks, parking structures, transit facilities, residential areas and businesses.~~

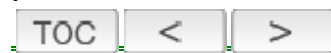
~~A. Standards.~~

- ~~1. All directory signs shall be of a uniform design consistent with the Town Center vision, the architecture of buildings and other streetscape elements.~~
- ~~2. Signs intended to direct motorists toward Town Center facilities shall be located at gateways.~~

~~B. Guidelines.~~

- ~~1. Directional and incidental signs need to be understood by the vast majority of the population, including non-English-speaking people. The use of internationally recognized symbols should be considered as an effective way to identify features to all pedestrians.~~
- ~~2. Signs can be flat with a single-face surface or be multi-dimensional.~~
- ~~3. To avoid a cluttered appearance and increase effectiveness, minimal signage should be provided.~~

(Ord. 544 § 1 (Exh. A), 2009)



Chapter 19.53 DESIGN STANDARDS AND GUIDELINES FOR SMALL LOT AND MULTIFAMILY DEVELOPMENT

Sections:

- [19.53.010](#) Purpose.
- [19.53.020](#) Authority.
- [19.53.030](#) Applicability.
- [19.53.040](#) Review process.
- [19.53.050](#) Design standards and guidelines adopted.

19.53.010 Purpose.

The purpose of this chapter is to establish design standards and guidelines that will apply to specific types of residential development, including small lot and multifamily development.

(Ord. 559 § 6 (Exh. A), 2009).

19.53.020 Authority.

The provisions of this chapter shall augment and/or supersede existing regulations in this title. When provisions included in these design standards and guidelines conflict with other requirements of this title, these standards and guidelines shall apply unless otherwise provided.

(Ord. 559 § 6 (Exh. A), 2009).

19.53.030 Applicability.

A. The standards and guidelines adopted pursuant to this chapter shall apply to:

1. All new small lot development located within the R-1 and R-2 districts.
2. All new multifamily development located within the MF-L and MF-H districts.
3. Major modifications to small lot and multifamily development previously authorized pursuant to this chapter.

B. The following standards and guidelines adopted pursuant to this chapter shall apply to major improvement and major redevelopment of multifamily development, as defined in Chapter [19.10](#) UPMC.

1. Design Element 1: Site Planning and Design – MF5 Accessory Structures and MF6 Signage.
2. Design Element 2: Building Design.
3. Design Element 3: Lighting Design.

4. Landscape Design Standards and Guidelines.

(Ord. 559 § 6 (Exh. A), 2009).

19.53.040 Review process.

Administrative design review is required for development that is subject to compliance with the standards and guidelines adopted pursuant to UPMC [19.53.050](#). The City shall review applications in accordance with Chapter [19.85](#) UPMC. (Ord. 559 § 6 (Exh. A), 2009).

19.53.050 Design standards and guidelines adopted.

The “Design Standards and Guidelines for Small Lot and Multifamily Development,” are adopted by reference and contained in a separate city design manual titled “Design Standards and Guidelines for Small Lot and Multifamily Development,” as shown in Exhibit “A” attached to the ordinance codified in this chapter and incorporated in this section by reference, are hereby adopted. (Ord. 559 § 6 (Exh. A), 2009).

Chapter 19.54

DESIGN STANDARDS AND GUIDELINES FOR STREETSCAPE ELEMENTS

Sections:

- [19.54.010](#) Purpose.
- [19.54.020](#) Authority.
- [19.54.030](#) Applicability.
- [19.54.040](#) Review process.
- [19.54.050](#) Design standards and guidelines adopted.

19.54.010 Purpose.

The purpose of this chapter is to establish streetscape standards and guidelines, including sidewalk, landscaping and street tree requirements, for neighborhood collector arterial, local, neighborhood, and access lane streets, alleys and paseos. (Ord. 559 § 7 (Exh. A), 2009).

19.54.020 Authority.

The provisions of this chapter shall augment and/or supersede existing regulations in this title and UPMC Title [13](#). When provisions included in these design standards and guidelines conflict with other requirements of this title or UPMC Title [13](#), these standards and guidelines shall apply unless otherwise provided. (Ord. 559 § 7 (Exh. A), 2009).

19.54.030 Applicability.

The standards and guidelines adopted pursuant to this chapter shall apply to streetscape improvements required in conjunction with development that includes or requires the construction of new streets and pedestrian facilities or the modification of existing streets that are classified as neighborhood collector arterial, local feeder street, neighborhood street, access lane, alley, paseo and multi-use path. (Ord. 559 § 7 (Exh. A), 2009).

19.54.040 Review process.

Site development permit review is required for development that is subject to compliance with the standards and guidelines adopted pursuant to UPMC [19.54.050](#). (Ord. 559 § 7 (Exh. A), 2009).

19.54.050 Design standards and guidelines adopted.

The “City of University Place Design Standards and Guidelines for Streetscape Elements,” are adopted by reference and contained in a separate city design manual titled “Design Standards and Guidelines for Streetscape Elements” as shown in Exhibit “B” attached to the ordinance codified in this chapter¹ and incorporated in this section by reference, are hereby adopted. (Ord. 566 § 3, 2010; Ord. 559 § 7 (Exh. A), 2009).

Chapter 19.55 OVERLAY ZONES

Sections:

19.55.010	Purpose.
19.55.020	Transition properties overlay zone standards.
19.55.030	Day Island overlay zone.
19.55.040	Sunset Beach overlay zone.
19.55.050	Town Center overlay.
19.55.060	Chambers Creek properties overlay.
19.55.070	Public facilities overlay.
19.55.080	Mixed use district incentive zoning.

19.55.010 Purpose.

The purpose of the overlay/potential zones is to establish special standards for certain areas of the city characterized by unique historical development patterns or which may require special standards due to other unique circumstances applicable to the properties and to implement the goals and policies of the comprehensive plan regarding economic development and protection of residential neighborhoods. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.55.020 Transition properties overlay zone standards.

A. Purpose. The purpose of the transition properties overlay zone standards is to provide extra protection for selected residential neighborhoods that abut or are across the street from commercial development.

B. Future development or redevelopment of non-single-family uses (attached or detached) of properties designated as transition properties shall be subject to the following standards:

1. There shall be a 25-foot minimum setback from all local streets;
2. Level 1 landscaping is required within the front yard setback abutting all local streets as defined in Chapter [13.20](#) UPMC, Article II, and in rear yard setbacks abutting R1 property. A landscape easement of the same width on abutting property may be used to satisfy this requirement;
3. Vehicle access shall not be permitted onto local streets unless provided specifically by ordinance;
4. A solid 100 percent sight-obscuring six-foot-high fence or wall shall be located within or along the required setback along all local streets. The location of the fence or wall shall be approved by the director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence;
5. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses;

6. Whenever a commercial building abuts the landscape requirement, or when the lower story of a commercial building is used for nonresidential purposes, only high (those that do not provide easy viewing) windows may be used on the side of the building abutting a residential use. This does not apply to residential uses.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 70, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.55.030 Day Island overlay zone.

A. Purpose. The purpose of the Day Island overlay zone is to preserve the unique residential character of Day Island by allowing flexibility in building setbacks and other development standards.

B. Day Island Development Standards.

1. Unless otherwise specified in this section, all development standards of this code also apply.

2. For the purpose of the Day Island development standards, Day Island is divided into two areas, Day Island and the South Spit. Day Island is generally that portion north of the 27th Street Bridge, and the South Spit generally that portion south of the 27th Street Bridge. Specific lots subject to the development standards are identified in Figure 1*. The following table specifies setback and height requirements for Day Island areas.

Setbacks	Day Island	South Spit
Front Yard Minimum	20 feet	0
Side Yard Minimum	5 feet	0
Rear Yard Minimum	20 feet	NA
Garages (a)	5 feet	NA
Accessory Structures (b)	5 feet	NA
Boat Houses (c)	0 feet	NA
Height (Maximum)		
Principal Structure	35	30 (d)(e)

a. One single-story garage or carport not exceeding 15 feet in height from street centerline elevation is permitted in the front yard setback but no closer than five feet from the street providing the garage does not exceed a maximum width of 24 feet and size of 600 square feet.

b. Accessory structures may be constructed in the rear yard setback.

c. Boathouses may be built in the rear yard setback.

d. From street centerline elevation.

e. All new structural roofs shall be gabled or pitched.

C. Porches and Decks. The following porches and decks are allowed to project into the required setbacks as follows:

1. A porch or deck built at the same elevation as the floor of the house where the principal access door is located may project five feet into the front yard.
2. A porch or deck with a maximum height of five feet from finished grade may project three feet into the side yard.
3. A porch or deck no higher than the floor of the top story may project 15 feet into the rear yard.

D. Fences. Fences not to exceed six feet in height may be located in the required setbacks.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 437 § 1, 2005; Ord. 423 § 71, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

*Figure 1 is available for review in the community development department.

19.55.040 Sunset Beach overlay zone.

A. Purpose. The purpose of the Sunset Beach overlay zone is to recognize the building constraints associated with lots located between the shoreline and railroad right-of-way and to preserve the unique residential character of Sunset Beach by allowing flexibility in building setbacks and other development standards.

B. Sunset Beach Development Standards.

1. Unless otherwise specified in this section, all development standards of this code also apply.
2. The following table specifies minimum setback and maximum height.

Setback Area	Standards
Front Yard (a)	0/20 feet
Side Yard (b)	5 feet
Rear Yard	30 feet
Height	
Principal Structure	35 feet

a. A zero-foot front yard setback shall be allowed until additional right-of-way is purchased from the railroad at which time a setback equal to the distance between the front of the house and the edge of the railroad right-of-way or 20 feet, whichever is less, shall be required.

b. A combined total of five-foot side yard setback is required. This can be accomplished by providing five feet on one side and zero on the other, or two feet on one side and three feet on the other. However, in no case shall one of the side yard setbacks be less than three feet wide.

C. Porches and Decks. A covered deck or porch may be constructed in a required side yard providing emergency access is available from the front to the rear of the house or structure.

D. Fences. Fences not to exceed six feet in height may be located in the required setbacks.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 ~~d~~Design ~~s~~Standards and ~~g~~Guidelines shall apply in the Town Center ~~e~~Overlay.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 409 § 8, 2004; Ord. 394 § 1, 2003).

*Code reviser's note: The Town Center overlay design standards were amended by Ordinance 549.

19.55.060 Chambers Creek properties overlay.

A. Purpose. The purpose of the Chambers Creek properties overlay area is to promote the development of the Chambers Creek Properties ~~m~~Master ~~s~~Site ~~p~~Plan. The overlay will allow the city and county to manage the development of the Chambers Creek Properties in a way that is most beneficial to the county and community.

B. Standards. The city has adopted the Chambers Creek joint procedural agreement and Chambers Creek Properties design ~~s~~Standards and ~~g~~Guidelines to implement the master site plan. These documents are hereby incorporated by reference.

C. Use. The following uses shall be permitted in the Chambers Creek properties overlay:

1. Uses and uses commonly accessory to those uses identified in the Chambers Creek pProperties ~~m~~Master ~~s~~Site pPlan shall be permitted within the overlay

area subject to the Chambers Creek joint procedural agreement and Chambers Creek ~~design~~ Properties ~~s~~Standards and ~~g~~Guidelines.

2. Essential public facilities, existing on January 1, 2005, located outside the master plan area and permitted in accordance with Chapter [19.40](#) UPMC.
3. Administrative government offices, subject to a conditional use permit.
4. Level 1 public maintenance facilities outside the master plan area.
5. Level 2 public maintenance facilities outside the master plan area subject to a conditional use permit.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 383 § 1, 2003).

19.55.070 Public facilities overlay.

A. Purpose. The purpose of the public facilities overlay is to ensure the impacts associated with public facilities are appropriately mitigated and to provide exceptions to allow public facilities to best serve their clients and community with less cost to the taxpayer.

B. Standards. Unless otherwise specified, all uses and standards of the underlying zone apply.

C. Signs. Gateway and changing message signs are permitted subject to design and construction standards, general and specific sign requirements, and other requirements of Chapter [19.75](#) UPMC, notwithstanding any restrictions otherwise prohibiting such signs. For the purposes of this provision, gateway sign shall have the same definition as “city gateway sign.” The following restrictions apply to gateway and changing message signs in the public facilities overlay zone:

1. Gateway signs existing as of the effective date of this provision may be maintained or reconstructed. No additional gateway signs are permitted.
2. Changing message signs shall be programmed so that the transmission of changing messages is limited to 5:30 a.m. to 6:30 p.m. during standard time and 5:30 a.m. to 8:30 p.m. during daylight savings time, except when the transmission of emergency messages is determined to be in the public interest.
3. Changing messages shall be limited to text. Messages that include graphics, animation, video clips or other nontext images are prohibited.
4. Changing message signs shall be limited in area to 12 square feet. A changing message sign may be incorporated into an identification sign that includes additional area devoted to static (nonchanging) messages.

5. Changing message signs shall be programmed to adjust illumination levels to reflect ambient light levels and ensure that illumination levels will not create excessive glare that may result in traffic hazards or other public nuisance.

(Ord. 548 § 1 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003).

19.55.080 Mixed use district incentive zoning.

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

B. Incentives. Those properties in the area described in subsection A of this section are permitted a maximum height of 59 feet and maximum density of 30 dwelling units per acre subject to this section.

C. Applicability.

1. These standards apply to all new development, exterior alterations and major improvements.

2. All University Place Municipal Code (UPMC) provisions apply unless in conflict with standards in this chapter. The following specific UPMC provisions do not apply:

19.30.040(A)(8) Commercial Vehicles
19.35.040(D) Temporary Housing Units – Medical Situations
19.45.040(K) Projection Exception
19.45.050 Height standards
19.50.030
– 19.50.050 Design Review
19.50.070(B)(2) Setbacks
19.50.110(B) Definition of Mixed Use
19.70.060(F) Open Space and Parks
19.70.080(B) Incentives

D. Process.

1. An administrative use permit is required to take advantage of the incentives (Chapter [19.85](#) UPMC). The city shall review the applications in accordance with the process below.

2. Pre-Submittal Concept Review. A pre-design meeting may be scheduled with the city's technical review committee prior to formal project development and application. The applicant may present schematic sketches and a general outline of the proposed project. This meeting will allow city staff to acquaint the

applicant with the design standards, submittal requirements and the application procedures, and provide early input on the proposed project.

3. Submittal Requirements. Applicants shall submit a design review application form(s) provided by the city, along with the correct number of documents, plans and support material required in the application checklist.

4. Review Fees. Design review fees must be paid at the time of submittal.

5. Time Frame and Procedure. Design review shall be conducted in accordance with the timelines and procedures set forth in UPMC Title [22](#), Administration of Development Regulations, and shall be considered a Type I permit.

6. Review Criteria. The city shall approve applications when any of the following findings are made:

- a. The applicant meets all standards of this chapter, or
- b. The application sets forth a proposal that the director determines is equivalent to or exceeds the standards of this chapter. The director shall seek a recommendation from the planning commission on exceptions in accordance with Chapter [19.50](#) UPMC.

7. Written Decisions. The city shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.

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

9. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two years from the date of permit issuance, or if appealed within two years of the final decision, design review approval shall expire. The city may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration of the permit.

10. Appeals. Any decision of the city may be appealed to the city hearings examiner. Appeals shall be filed as set forth in UPMC Title [22](#).

E. Mixed Use. Mixed use refers to the combining of retail, service or office uses with residential use in the same building or on the same site in one of the following ways:

1. Vertical Mixed Use. A single structure which provides retail, service or commercial and office uses on the ground floor, and residential and/or office uses on the above floors.

2. Horizontal Mixed Use – Attached. A single structure that provides retail, service or commercial use in the portion fronting the street with attached residential or office uses in behind the same building.

3. Horizontal Mixed Use – Detached. Two or more structures where retail, service or commercial use is provided in one or more building(s) and residential uses are provided in one or more separate building(s). Horizontal mixed use – detached is only permitted:

- a. When all buildings are on the same parcel; or
- b. On separate parcels subject to a binding site plan that:
 - i. Requires consistent site and building designs;
 - ii. Requires the minimum area of retail, office or commercial use is maintained; and
 - iii. Ensures retail, office and commercial uses are built prior to or concurrently with residential development.

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

F. Site Design.

1. Setbacks.

~~a. Front Yard Setback. All buildings shall be oriented and built to the property line, except when a sidewalk, courtyard or plaza is required between the property line and the building, in which case the building shall be built to the edge of the sidewalk, courtyard or plaza except:~~

~~i. When at least 60 percent of a lot's street frontage is occupied by buildings, additional buildings may be constructed in the lot's interior.~~

~~ii. At the intersection of two arterial streets, a minimum setback of 20 feet from both streets is required between the building and sidewalk, to accommodate a plaza or courtyard.~~

~~b. No side setbacks are required; however, if a building is set back, then a minimum 10 feet is required, to provide access between buildings.~~

~~c. At least 40 percent of the street facade of a building shall be set back a maximum of 10 feet, to provide horizontal articulation of the building facade.~~

~~d. A minimum 30-foot setback is required from R1 and R2 zones.~~

~~2. Walkways.~~

~~a. Provide walkways that give pedestrians access to plazas and courtyards or to streets or parking areas located behind buildings.~~

~~b. Walkways shall be a minimum of 10 feet wide.~~

~~c. Provide decorative paving, lighting, landscaping and at least one discovery element such as artwork, potted plants, or murals within walkways.~~

~~d. The design of buildings and structures abutting and adjacent to walkways shall allow sunlight consistent with setback standards to light the walkway during daylight hours and walkways shall be well lit at night to enhance safety.~~

~~3. Gateways.~~

~~a. Provide at least one gateway at the entrance to each plaza.~~

~~b. Gateways shall have qualities that make them distinct from the surroundings including but not limited to decorative paving, landscaping and signage.~~

~~c. A minimum of 25 percent of the gateway area shall be finished with decorative pavers or stamped concrete.~~

~~4. Courtyards.~~

~~a. Commercial or mixed use developments shall have at least one courtyard for every 10,000 square feet of building footprint.~~

~~b. Courtyards shall be a minimum of 250 square feet. No more than two courtyards may be combined to meet this standard.~~

~~c. Install seating in courtyards to provide an inviting place to sit and relax.~~

~~d. A minimum of 25 percent of the courtyard area shall be landscaped with trees, shrubs and groundcover.~~

~~e. A minimum of 25 percent of the courtyard area shall be finished with decorative pavers or stamped concrete.~~

~~5. Plazas.~~

~~a. Commercial or mixed-use developments shall provide at least one plaza. One thousand square feet of plaza area shall be provided for every 10,000 square feet of building footprint.~~

~~b. Plazas shall be a minimum of 1,000 square feet.~~

~~c. Plazas shall provide areas suitable for events such as concerts, art shows or outdoor sales.~~

~~d. Areas suitable for events shall be flexible so that they can be changed to fit an event or season.~~

~~e. Provide in-ground electrical facilities and water bibs to facilitate temporary and seasonal uses.~~

~~f. Movable planters, bollards, outdoor seating, accessible artwork and other streetscape amenities shall be used to "configure" plaza uses.~~

~~g. Plazas shall include a water feature or artwork.~~

~~h. Plazas shall use decorative paving or distinctive surface treatments to distinguish active from passive areas.~~

~~i. Include unreserved outdoor seating and amenities, benches, tables and trash receptacles.~~

~~j. A minimum of 25 percent of the plaza area shall be landscaped with trees, shrubs and groundcover.~~

~~k. A minimum of 25 percent of the plaza area shall be finished with decorative pavers or stamped concrete.~~

~~6. Landscaping.~~

~~a. Street trees shall include only those species specified in Chapter 13.20 UPMC.~~

~~b. Street trees shall have a minimum diameter of five inches measured at 24 inches above grade at time of planting.~~

~~c. Landscaping in courtyards and plazas shall include:~~

~~i. Canopy type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. A minimum of 25 percent and a maximum of 40 percent of the trees shall be deciduous. There shall be at least one tree per 100 square feet of courtyard or plaza area.~~

~~ii. The area which is not planted with trees shall be planted with shrubs and living groundcover planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area that is not planted in groundcover. Lawn may be used for up to 75 percent of the required groundcover.~~

~~d. Landscaping located within public rights-of-way shall be approved by the city, prior to planting, as part of the review of landscape plans required by Chapter 19.65 UPMC. Landscaping in the public right-of-way shall be in accordance with Chapter 13.15 UPMC.~~

~~e. Particular care shall be used in tree selection and placement to avoid visual obstruction of abutting and adjacent retail signage, windows and entries.~~

~~f. Street trees shall be placed in tree grates, large planters or pots or planter strip sections.~~

~~g. Planter strips shall be permanently irrigated per Chapter 13.20 UPMC.~~

~~h. Landscaped area shall include shrubs and groundcover sized and irrigated in accordance with Chapter 19.65 UPMC.~~

~~i. A maximum of 50 percent of required landscaping in plazas and courtyards may be potted.~~

~~j. Potted plants shall not be placed anywhere that impedes pedestrian or vehicular traffic, but may function as a separation between pedestrians and vehicles. Pots shall be of a uniform type.~~

~~k. Tree grates shall allow for tree growth and ADA approved.~~

~~7. Artwork.~~

~~a. Artwork in publicly owned places shall be consistent with the city public art policy.~~

~~b. Permanent art pieces shall not be located in areas designated for performing arts functions.~~

~~c. Artwork shall:~~

~~i. Be made of durable, weatherproof materials; and~~

~~ii. Not interfere with pedestrian circulation or cause a traffic hazard;
and~~

- ~~iii. Be designed to avoid physical hazards to the public who come in contact with it.~~

~~8. Water Features.~~

- ~~a. Where required water features shall allow people to interact with the display using at least one of the following:~~
 - ~~i. Allow for ample pedestrian circulation.~~
 - ~~ii. Provide seating as part of the water feature design using a low wall.~~
 - ~~iii. Promote physical contact with water.~~
- ~~b. Where required water features shall be a minimum of 25 square feet and maintain a minimum constant or intermittent recirculating flow of 300 gallons per hour.~~

~~9. Utilities.~~

- ~~a. All on-site utility transmission facilities, including but not limited to wires, pipes, and conduit, shall be placed underground or within structures.~~

~~G. Building Design.~~

~~1. Primary Facades.~~

- ~~a. A building's primary facade is the elevation that faces pedestrian intensive streets and public open spaces.~~
- ~~b. Use only high quality materials on primary facades.~~
- ~~c. To articulate the horizontal primary building facade, vertical segments shall be different in color and include two or more of the following architectural elements:~~
 - ~~i. Columns;~~
 - ~~ii. Mullions;~~
 - ~~iii. Projections;~~
 - ~~iv. Setbacks;~~
 - ~~v. Style.~~
- ~~d. Provide vertical facade articulation by including a cornice, lintel or header separating the first floor and upper floors.~~

~~e. Blank walls, including walls distinguished only by changes in color, are prohibited.~~

~~f. Vertical mixed use buildings shall provide a minimum 14-foot first floor height along all abutting public streets.~~

~~g. Primary facades shall have a higher level of architectural detail at street level and on storefront designs.~~

~~h. Divide horizontal facades into vertical segments not greater than 50 feet in width to provide differentiation.~~

~~i. Integrate top-to-bottom building architecture.~~

~~j. Provide a cornice or eaves to create distinctive rooflines.~~

~~2. Secondary Facades.~~

~~a. Secondary facades are oriented toward pedestrian-only corridors.~~

~~b. Maintain high quality materials on secondary facades.~~

~~c. Blank walls, including walls distinguished only by changes in color, are prohibited.~~

~~d. Secondary facade design shall be a simplified expression of the primary facade, with fewer vertical segment changes along the length of the facade.~~

~~3. Significant Corners.~~

~~a. The intersection of two arterial streets is a significant corner.~~

~~b. Significant corners shall include a distinctive architectural element.~~

~~c. Provide the highest level of architectural detail and high quality material at significant corners.~~

~~d. A plaza or courtyard shall be located between the building facade and the sidewalk. This plaza or courtyard area may be used to meet plaza or courtyard area requirements.~~

~~e. Significant corners shall have a standout architectural design. Standout architectural design shall be achieved by one of the following methods or approved equivalent:~~

~~i. An element such as a tower that projects higher than the surrounding buildings;~~

~~ii. A concave facade;~~

~~iii. A rounded facade;~~

~~iv. An angled facade.~~

~~4. Height.~~

~~a. Buildings shall be a maximum of 59 feet high except as follows:~~

~~i. Unoccupied roofs, architectural embellishments and mechanical equipment may project above the top occupied story in accordance with these standards.~~

~~(A) Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building, including spires, belfries, towers, cupolas, parapets, domes and roof systems, may exceed maximum building height by up to six feet provided the combination of such elements do not exceed 25 percent of the roof area.~~

~~(B) Mechanical penthouses over elevator shafts, ventilator shafts, antennas, chimneys, fire sprinkler tanks or other mechanical equipment may extend six feet above the maximum building height; provided, that they shall be enclosed within or screened from view by architectural features.~~

~~ii. All buildings that abut an R1 or R2 zone shall set back all portions of the building above 40 feet a minimum of 20 feet.~~

~~iii. All buildings in excess of 50 feet in height shall provide a minimum 10-foot top story setback on facades facing a public street. The top story setback may not be used for mechanical equipment, but may be used as balconies.~~

~~iv. No building shall exceed 450 feet in height measured from the highest existing ground elevation in the incentive zoning area (mechanical and architectural exceptions apply).~~

~~5. Projections.~~

~~a. Projections include awnings, canopies, signs and architectural features.~~

~~b. Only projections that can be removed within 30 days are permitted to project into the right-of-way, including by way of example, canopies, window displays, signs, planters and stoops.~~

- ~~c. Projections into a public right-of-way require a right-of-way permit.~~
- ~~d. Projections less than eight feet above the ground elevation may project a maximum of 48 inches beyond the face of the building.~~
- ~~e. Projections shall not interfere with trees, utilities, transit shelters or other street furnishings.~~
- ~~f. Individual AC units and fire escape ladders shall not be permitted on the exterior of buildings.~~
- ~~g. The minimum pedestrian zone width shall be maintained unobstructed.~~

~~6. Awnings and Canopies.~~

- ~~a. Design and placement of canopies or awnings shall be proportional to the size of the building facade.~~
- ~~b. On buildings with canopies, canopies shall be designed as an integral part of the building.~~
- ~~c. Ground-mounted canopy or awning supports shall not be placed closer than two feet from the back edge of the curb.~~
- ~~d. Canopies shall not extend along the full length of a facade, creating an arcade.~~
- ~~e. Individual awnings shall not exceed 30 feet in length.~~
- ~~f. Canopies shall extend a minimum of five feet over sidewalks to provide protection from inclement weather.~~
- ~~g. Awnings shall be made of a durable material such as woven fabric or canvas. Vinyl awnings are prohibited.~~
- ~~h. Canopies shall be made of permanent materials such as wood, metal and/or glass.~~

~~7. Exterior Building Material.~~

- ~~a. Use high quality materials that enhance the building and convey a sense of permanence.~~
- ~~b. Split faced concrete masonry units and etched or scored concrete shall not be used on a primary facade.~~
- ~~c. Opaque, smoked and reflective glass shall be used for accents only.~~

~~8. Roof Design and Materials.~~

- ~~a. Roofing materials visible from streets, plazas or courtyards shall be finished with an attractive nonreflective material, including, but not limited to, wood shingles, copper (including terne coated), factory finished painted metal, slate, synthetic slate, terra cotta and cement tile and glass fiber shingles.~~
- ~~b. Abutting or adjacent buildings with roofs visible from streets and plazas or courtyards shall use a different slope, design, type or color of roof material to break up building mass and provide variety.~~
- ~~c. Articulate roof form and material to break up building mass.~~
- ~~d. Where roofs will be visible from existing buildings, roof mechanical equipment shall be hidden under an attractive screen and a roof garden or rooftop courtyard provided.~~

~~9. Prohibited Materials. The following use of materials is prohibited:~~

- ~~a. Multi floor glass curtain walls.~~
- ~~b. Vinyl siding may only be used above 20 feet or for a second story, whichever is greater.~~
- ~~c. Synthetic stucco.~~
- ~~d. Steel, metal or aluminum siding.~~
- ~~e. Unfinished concrete block.~~
- ~~f. Chain link fencing and unfinished wood fencing.~~
- ~~g. Roll up metal security doors in front of storefronts and exterior applied metal security bars. Roll up metal doors are allowed at service entrances.~~

~~10. Storefront.~~

- ~~a. Storefront design shall include at least one of the following elements:~~
 - ~~i. Large display window or windows of clear glass.~~
 - ~~ii. Large header.~~
 - ~~iii. Canopy or awnings.~~
 - ~~iv. Recessed entry.~~

~~v. Projected entry.~~

~~b. Storefronts shall be predominantly glass to provide views into the store, but glass shall not be the exclusive material.~~

~~c. Vacant storefronts shall be screened using a painted screen rather than boarded up. The painted screen shall display a mural or advertise the coming use. Advertising shall be considered a sign under Chapter 19.75 UPMC.~~

~~d. Window displays shall display merchandise or services sold by the tenant or an abutting or adjacent tenant, or artwork.~~

~~e. Storefront display windows shall not be blocked off to prevent views into or out of the store.~~

~~f. A sidewalk merchandising zone for the temporary display of merchandise extends two feet from the building facade. A right-of-way permit is required to utilize this merchandising zone in the public right-of-way.~~

~~g. Storefront facades, recessed doorways, outdoor spaces and passageways shall be lit.~~

~~h. Lighting fixtures shall be located and angled to ensure that they spotlight the tenant's merchandise and do not point toward the window or cause distracting reflections.~~

~~i. Include "after hour" lighting within the front of stores to contribute to pedestrian lighting and provide for a comfortable nighttime strolling experience.~~

~~11. Windows.~~

~~a. Upper story windows shall be designed to create shadow lines or to break up flat surfaces by recessing, projecting or trimming windows.~~

~~b. Fake and masked off windows are prohibited.~~

~~c. A minimum 50 percent of the ground floor facade shall be in nonreflective transparent glazing.~~

~~12. Doors and Entryways.~~

~~a. Primary building and store entrances shall be oriented towards the principal street.~~

~~b. Recessed or projecting entrances shall be designed so that they do not exceed 50 percent of the width of the storefront, nor 10 feet in depth/projection.~~

~~c. Placement and design of doors shall provide a direct “connection” to the sidewalks and streets.~~

~~d. Provide a diversity of entrances, including recessed, projecting and traditional entrances.~~

~~H. Parking. Parking shall be provided pursuant to Chapter 19.60 UPMC except as provided in this subsection.~~

~~1. Entries and exits to and from parking areas shall be clearly marked for both vehicles and pedestrians by changes in material, lighting, and signage.~~

~~2. Provide raised or clearly marked walkways in surface and structured parking lots.~~

~~3. Parking lots including structured parking shall be located to the side or rear of buildings that front on 27th Street West or Grandview Drive.~~

~~4. Surface parking lots shall be landscaped in accordance with Chapter 19.65 UPMC. No landscaping other than that required in subsection (G)(10) of this section shall be required inside parking structures.~~

~~5. Provide separate parking areas for residential uses from parking for other uses.~~

~~6. Use colored or decorative pavement, bollards and/or planters to delineate parking areas.~~

~~7. Entrances to structured parking shall be the minimum size to permit reasonable entry and shall be consistent with the building facade design.~~

~~8. Provide high ceilings and ample lighting at pedestrian entrances to elevate safety and comfort.~~

~~9. Any elevation of a parking structure visible from an abutting street or a residential zone shall include the following treatments:~~

~~a. A solid decorative parapet wall of not less than 46 inches high.~~

~~b. Design, materials and colors consistent with the surrounding buildings.~~

~~c. Planter boxes supporting vines and other vegetative screening materials shall be attached to the exterior of the structure.~~

~~10. If not abutting a street, structured parking facilities shall be provided with adequate access from public streets via a private drive and/or access easements.~~

~~11. Loading and service areas shall be located and designed to minimize visibility from streets, public spaces and semi-public spaces. Loading areas shall be underground or recessed to hide them from view.~~

~~12. Install attractive loading dock doors so that when not in use loading docks do not present an eyesore.~~

(Ord. 443 § 1 (Exh. A), 2005; Ord. 422 § 3, 2004).

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Chapter 19.56
TOWN CENTER OVERLAY DESIGN STANDARDS

Sections:

- 19.56.010 Purpose.
- 19.56.020 Applicability.
- 19.56.030 Review process.
- 19.56.040 Design standards and guidelines adopted.

19.56.010 Purpose.

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

19.56.020 Applicability.

1. These standards and guidelines apply to all new development, exterior alterations and major improvements in the Town Center Overlay. Standards are mandatory while guidelines are discretionary.

2. Any exterior alterations shall comply with these standards. When expanding the footprint of an existing building that is non-conforming 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 non-conforming setback, unless it can be demonstrated this is not structurally possible.

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

4. The following UPMC provisions do not apply:

<u>19.30.040 Commercial Vehicles</u>	<u>19.50.070(B)(2) Setbacks</u>
<u>19.35.020 Seasonal & Temporary uses</u>	<u>19.65.100 Street Front Landscaping-</u>
<u>19.35.040 Temporary Housing—Medical</u>	<u>19.65.120 Perimeter Landscaping*</u>
<u>19.45.040 Projection Exceptions</u>	<u>19.65.270 -.320 Tree Preservation</u>
<u>19.45.050 Height Standards</u>	<u>19.70.060 (F) Open Space Requirements</u>
<u>19.50.030 -.050 Design Review</u>	<u>19.75.090(D) Signs on Marques, Canopy and Awnings</u>

* Except adjacent to R1 & R2 Zones.

19.56.030 Review process.

An Overlay Design Review Administrative Use Permit is required to develop in the Town Center Overlay. Provisions regarding the Overlay Design Review Administrative Use Permit are found in the Town Center Overlay Design Standards and in University Place Municipal Code (UPMC) Chapter 19.85.

19.56.040 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”

UNOFFICIAL DOCUMENT

Chapter 19.57
CHAMBERS CREEK PROPERTIES DESIGN STANDARDS

Sections:

19.57.010 Purpose.

19.57.020 Authority.

19.57.030 Applicability.

19.57.040 Review process.

19.57.050 Design standards and guidelines adopted.

19.56.010 Purpose.

The purpose of this chapter is to establish design standards and guidelines for the Chambers Creek Properties Overlay to implement the Chambers Creek Properties Master Plan.

19.56.020 Applicability.

These standards and guidelines apply to all development on the Pierce County Chambers Creek Properties that are subject to the Chambers Creek Properties Design Standards and Guidelines in accordance with the Chambers Creek Properties Joint Procedural Agreement.

19.57.030 Design standards and guidelines adopted.

The Chambers Creek Properties Design Standards and Guidelines are adopted by reference and contained in a separate city design manual titled "Chambers Creek Properties Design Standards and Guidelines."

Chapter 19.60 OFF-STREET PARKING REQUIREMENTS

Sections:

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

19.60.010 Purpose.

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

A. Requiring compliance with design standards for surface and structured -parking within ~~Town Center (TC), Mixed Use (MU), Mixed Use Office (MU-O) and Commercial (C) zones as described in Chapter [19.50](#) UPMC;~~

B. Setting minimum and maximum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities;

C. Providing incentives to ride-share through preferred parking arrangements;

D. Providing for parking and storage of bicycles; and

E. Requiring uses which attract large numbers of employees or customers to provide transit stops.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.020 Required off-street parking spaces.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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) and Commercial (C) zones shall comply with design standards for location of surface parking lots as described in the applicable design standards ~~Chapter 19.50 UPMC~~.

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) zone and 300 feet in all other zones from the facility.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.040 Calculation of required off-street parking spaces.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.050 Off-street parking spaces required for particular uses.

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

Parking Requirements

RESIDENTIAL USES

Adult Family Home (6 or Fewer)

1 per employee + 2

Assisted Living Facility

0.5 per bed

0.6

Affordable Senior Multifamily Housing (1)

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

~~1.5 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 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

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	
Administrative and Professional Office	400
Veterinary Clinic/Animal Hospital	400
Retail/Services/Entertainment	
Adult Entertainment	200
Amusement and Recreation (Private)	200
Beauty Salon/Barber	400
Building Materials	250
Business Support Service	400
Eating and Drinking Establishment	200
Garden Supply (Nursery)	250
Health Club (a.k.a. Fitness Center)	200
Kennel	1 per employee + 1 per 10 cages
Limited Accessory Retail (MU-O Only)	250
Lodging – Hotel and Motel (No RV)	1 per room
Marina, Existing Only	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	
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	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
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

(1) Affordable means dwelling units priced, rented or leased only to those households earning 80% or less of the median household income for Pierce County WA. 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.

(Ord. 559 § 8 (Exh. A), 2009; Ord. 514 § 4, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.060 Off-street loading space requirements.

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

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

For additional 35,000 sf 1 additional

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

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

C. ~~Every h~~Hotel, office building and restaurant shall provide a minimum of one loading space; provided, any of these uses over 50,000 square feet shall provide two loading spaces.

D. Each loading space shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, six inches. Loading spaces shall be located to prevent trucks from projecting into any public right-of-way, parking area, and parking aisle. All loading spaces shall be designated and located in the rear or side of the building and away from frontage roads.

E. Exceptions: Upon written request the required number of loading spaces may be reduced or eliminated if the person making the request can demonstrate that less or no loading spaces are required because of the type of use, location of shared loading spaces, location of use in relation delivery truck accessibility and ability to front load. The amount of reduction or if no loading spaces are to be required shall be determined by the Director.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.070 Uses not specified.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the Director. Such determination shall be based upon the requirements for the most comparable use specified. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 Commercial (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.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.090 Building rehabilitation, expansion or change of use.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.60.100 Parking on vacant lots.

It shall be unlawful for the owner of a motor vehicle, boat, or trailer to park it or allow it to be parked on City property, a vacant lot or parking lot owned by another person for

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.110).

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

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.120).

19.60.120 Surfacing for driveways and parking lots.

A. Required driveways and areas for required loading, parking and maneuvering shall have a paved surface (asphalt, concrete or pervious pavement approved by the City) which is durable and able to withstand all weather conditions, unless modified with approval of the Director.

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

(Ord. 559 § 8 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.130).

19.60.130 Maximum number of parking spaces.

For nonresidential developments of over 4,000 square feet, the maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in this chapter. Requests for a variance to allow for greater than 15 percent over the minimum parking standards shall be reviewed as a variance in accordance with UPMC [19.85.030](#).

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.140).

19.60.140 Compact car allowance.

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

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

B. Aisle widths shall conform to the standards set in Figures 1 and 2 in UPMC [19.60.180](#).

(Ord. 559 § 8 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.150).

19.60.150 Accessible parking requirements.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.160).

19.60.160 Bicycle parking.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.170).

19.60.170 Transit and ride-share provisions.

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

A. The parking spaces shall be located closer to the primary employee entrance;

B. Reserved areas shall have markings and signs indicating the space is reserved;
and

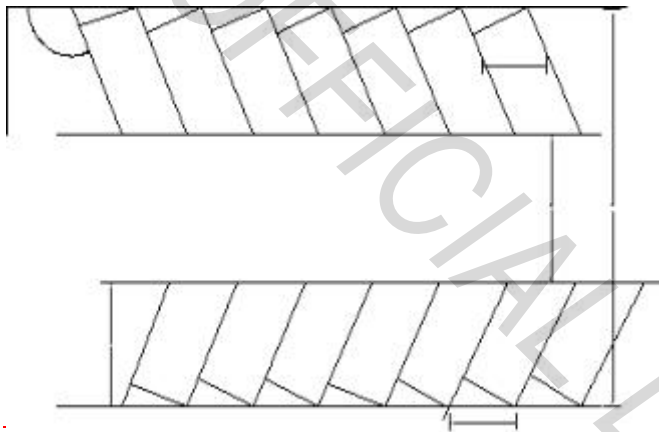
C. Parking in reserved areas shall be limited to vanpools and carpools established through ride-share programs by public agencies and to vehicles meeting minimum ride-share qualifications set by the employer.

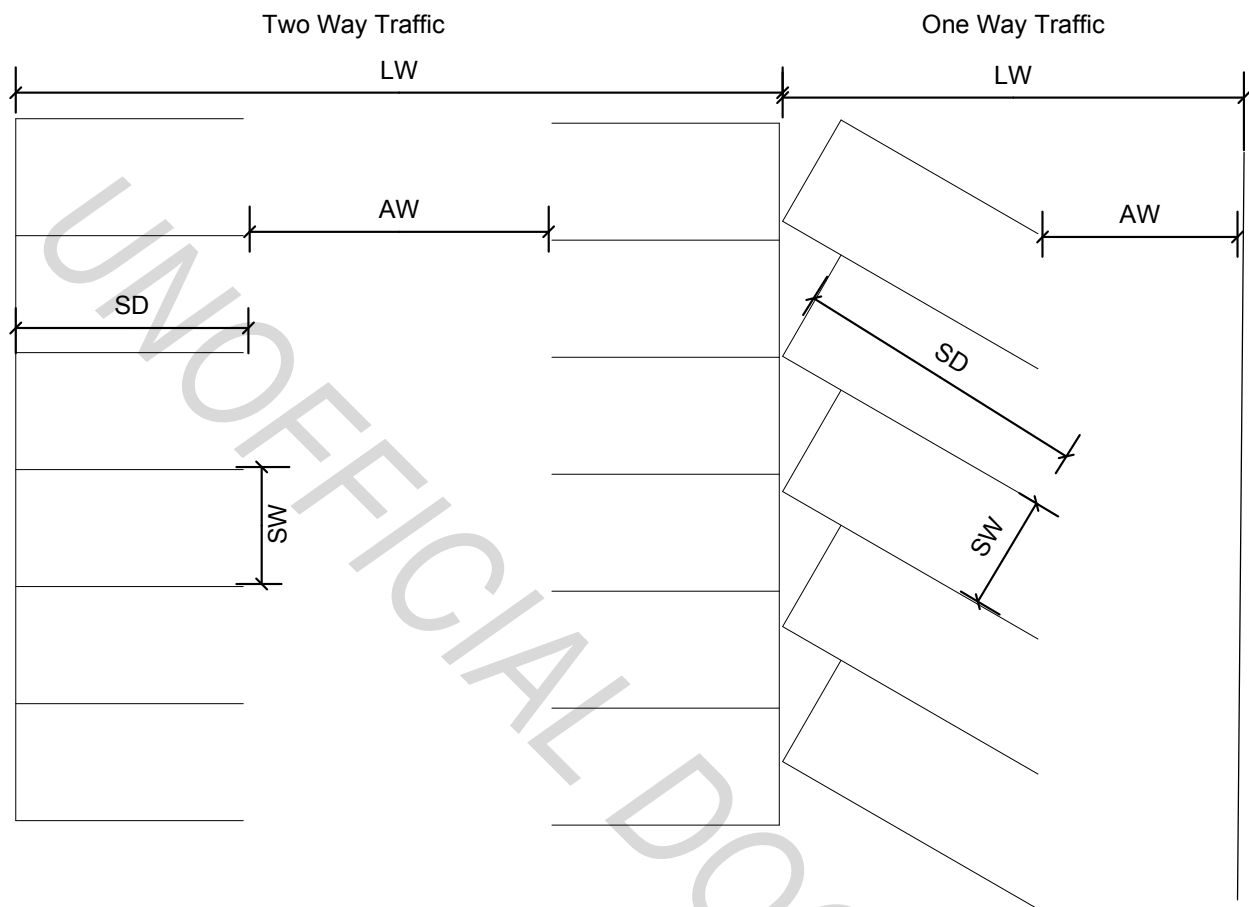
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.60.180).

19.60.180 Parking dimensions, size and access.

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

Figure 1. Parking Lot Dimensions





One-Way Parking

-	A	B	C	D	E	F
Parallel	0°	28'	8'	12'	23'	8'
Angled	35°	41'	14.5'	12'	14.8'	8.5'
	40°	42'	15'	12'	13.2'	8.5'
	45°	43'	15.5'	12'	12'	8.5'
	50°	45'	16.5'	12'	11.1'	8.5'
	55°	48'	17.5'	13'	10.4'	8.5'
	60°	50'	17.5'	15'	9.8'	8.5'
	65°	53'	18'	17'	9.7'	8.5'
	70°	56'	18.5'	19'	9.6'	8.8'
Compact	45°	-	17'	11'	-	8'
	60°	-	16.7'	14'	-	8'
	75°	-	16.3'	17.4'	-	8'
	90°	-	15'	20'	-	8'

Two-Way Parking

-	A	B	C	D	E	F
Parallel	0°	36'	8'	20'	23'	8'
Angled	35°	49'	14.5'	20'	14.8'	8.5'
	40°	50'	15'	20'	13.2'	8.5'
	45°	51'	15.5'	20'	12'	8.5'
	50°	53'	16.5'	20'	11.1'	8.5'
	55°	55'	17.5'	20'	10.4'	8.5'
	60°	55'	17.5'	20'	9.8'	8.5'
	65°	56'	18'	20'	9.7'	8.8'
	70°	57'	18.5'	20'	9.6'	9'
	90°	64'	20'	24'	9'	9'
Compact	45°	-	17'	20'	-	8'
	60°	-	16.7'	20'	-	8'
	75°	-	16.3'	20'	-	8'
	90°	-	15'	20'	-	8'

Figure 2

Parking Lot Dimension Table

Dimension	Two Way Traffic		One Way Traffic	
	Standard	Compact	Standard	Compact
Lot Width (LW)*				
45°			48' / 44'	42' / 38'
60°	62' / 59'	52' / 50'	54' / 51'	46' / 43'
75°			59' / 57'	49' / 47'
90°	61'	51'		
Asile Width (AW)				
45°			15'	13'
60°	26'	21'	18'	15'
75°			22'	17'
90°	26'	21'		
Stall Width**				
Parallel	22'		22'	
45°	9' / 12.7'	8' / 11.3'	9' / 12.7'	8' / 11.3'
60°	9' / 10.4'	8' / 9.3'	9' / 10.4'	8' / 9.3'
75°	9' / 9.3'	8' / 8.3'	9' / 9.3'	8' / 8.3'
90°	9'	8'	9'	8'
Stall Depth***				
Parallel	8'	8'	8'	8'
45°	16.5' / 14.5'	14.2' / 12.3'	16.5' / 14.5'	14.2' / 12.3'
60°	18' / 16.5'	15.4' / 14'	18' / 16.5'	15.4' / 14'
75°	18.5' / 17.5'	16' / 15.1'	18.5' / 17.5'	16' / 15.1'
90°	17.5'	15'	17.5'	15'

* Wall to Wall / Interlock to Interlock

** Width / Width Parallel to Asile

*** Depth to Wall / Depth of Interlock

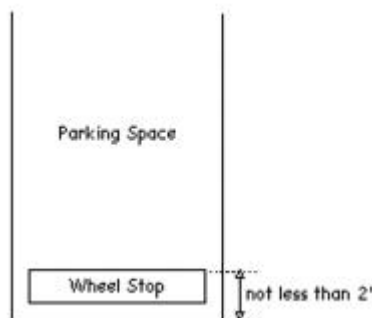


Figure 2. Wheel Stops

(Ord. 514 § 4, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003. Formerly 19.60.190).



Chapter 19.65 LANDSCAPING/TREES

Sections:

<u>19.65.010</u>	Purpose.
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<u>19.65.040</u>	Enforcement and penalties.
<u>19.65.050</u>	Permits.
<u>19.65.060</u>	Definitions.
<u>19.65.070</u>	Exemptions.
<u>19.65.080</u>	Required water conservation.
<u>19.65.090</u>	Landscaping.
<u>19.65.095</u>	Difference of standards.
<u>19.65.100</u>	Street frontage landscaping.
<u>19.65.105</u>	Transition landscaping requirements.
<u>19.65.110</u>	Parking lot and impervious surface area landscaping.
<u>19.65.120</u>	Perimeter landscape buffering.
<u>19.65.125</u>	Residential development canopy tree requirement.
<u>19.65.130</u>	Interior landscaping/site stabilization.
<u>19.65.140</u>	Landscape levels.
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<u>19.65.160</u>	Not required in wetlands or across streams.
<u>19.65.170</u>	Modification of landscaping requirements.
<u>19.65.180</u>	Planter boxes.
<u>19.65.190</u>	Sizes and types of landscaping.
<u>19.65.200</u>	Landscape plans.
<u>19.65.210</u>	Maintenance.
<u>19.65.220</u>	Replacement.
<u>19.65.230</u>	Financial guaranty.
<u>19.65.240</u>	Urban forest management.
<u>19.65.250</u>	City tree account.
<u>19.65.260</u>	Significant trees.
<u>19.65.270</u>	Tree retention.
<u>19.65.280</u>	Tree retention plans.
<u>19.65.290</u>	Tree protection.
<u>19.65.300</u>	Tree removal in subdivisions.
<u>19.65.310</u>	Tree replacement.
<u>19.65.320</u>	Common area management plans.

19.65.010 Purpose.

The purposes of this chapter are:

A. To implement the City's vision statement and the goals and policies of the Comprehensive Plan;

B. To protect and enhance the natural green and wooded character of University Place;

C. To promote the compatibility between land uses and zones by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;

D. To protect critical areas from the impacts of development, by facilitating aquifer recharge, protecting urban wildlife habitat, reducing stormwater runoff and pollution of surface waters and controlling dust, erosion and sedimentation;

E. To promote the use and protection of vegetation native and common to the Puget Sound region;

F. To promote the application of water-efficient techniques in the design, installation and maintenance of landscaping; and

G. To provide physical safety of pedestrians and motorists through the proper location and placement of vegetation.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.020 Authority.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 72, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.030 Disclaimer of liability.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.040 Enforcement and penalties.

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

B. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or State law for a violation of any provision of this chapter or failure to comply with any permit or other

written order or decision issued pursuant to this chapter, a monetary penalty shall be assessed that is the greater of:

1. One thousand dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or
2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The replacement value shall be determined using the methods described in the Guide for Plant Appraisal published by the International Society of Arboriculture, most current edition; or
3. An amount reasonably determined by the Director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.

C. In the case of urban forest management the City shall impose a six-year moratorium on the development of the subject property when a property owner either fails to obtain a tree removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.050 Permits.

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

B. The City may refer applications to an urban forester for comments. Any permit granted shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the Director for one six-month period. The permit may be suspended or revoked by the Director because of incorrect information supplied or any violation of the provisions of this chapter. No work shall begin until a public notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.060 Definitions.

“Brushing” means the practice of removing significant groundcover by hand or hand-operated equipment to create better visibility on a property for purposes such as marketing or surveying of said property.

“Christmas tree” means any evergreen tree or the top thereof, commonly known as a Christmas tree, with limbs and branches with or without roots including fir, pine, spruce, cedar and other coniferous species.

“Clearing” means the cutting, moving on-site, or removal of standing or fallen timber (including stumps); the removal or moving on-site of stumps; or the cutting or removal of brush, grass, groundcover, or other vegetative matter from a site in a way which exposes the earth’s surface of the site.

“Conversion” means converting the use of land from forestry to nonforestry uses.

“Critical root zone” is an area where the tree’s roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one-foot radius for every diameter-inch measured at breast height (dbh) or four and one-half feet above ground.

“Crown” is the area of a tree containing leaf- or needle-bearing branches.

“Development” is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargements of any structure; any mining, excavation, landfill, stockpiling, clearing or land disturbance; and any use or extension of use of the land.

“Diameter at breast height” (dbh) is a tree’s diameter in inches at four and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above ground.

“Drip line” of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

“Forest practices” means any activity relating to growing trees and harvesting or processing timber including but not limited to road and trail construction; harvesting; thinning; reforestation, fertilization, prevention and suppression of diseases and insects; salvage of trees; and brush control.

“Groundcover” means types of vegetation which are normally terrestrial such as shrubs, vines, grasses, and herbaceous plants.

“Hazard tree” is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.

“Limited tree removal” is the removal of ~~fewer than~~ five trees or less in any 36 consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening. Tree removal in a landslide and erosion hazard area, a wildlife habitat area or a wetland or wetland buffer is prohibited unless specified otherwise.

“Outdoor storage area” means an area on a site where materials, merchandise and/or equipment is stored outdoors.

“Remove” or “removal” is the act of removing a tree by digging up, cutting down, or any act which causes the tree to die within a period of three years, including, but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree’s root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; topping; paving with concrete, asphalt, or other impervious material within the drip line; or any other action which is deemed harmful to the tree.

“Replacement tree” means any self-supporting perennial woody plant that matures at a height greater than six feet and measures at least six feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least three inches for evergreen trees and 1.5 inches for deciduous trees.

“Significant tree” means a tree identified on the City’s inventory of significant trees.

“Tree” means any living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of six inches or more at breast height (dbh).

“Tree removal permit” means a permit issued by the City to permit clearing and/or tree removal pursuant to the provisions of this chapter.

“Understory” means small trees and shrubs growing below the canopy of larger trees.

“Urban forester” is a licensed professional approved by the City with academic and/or field experience that makes him or her a recognized expert in tree preservation and management. For City approval, an urban forester shall be a certified arborist with the International Society of Arboriculture. Submittal of additional credentials including those of a registered arborist with the American Association of Consulting Arborists is encouraged. An urban forester shall have the necessary training and experience to use and apply the International Society of Arboriculture’s guide to evaluation and management of trees, “Guide to the Evaluation of Hazard Trees in Urban Areas,” and to successfully provide the necessary expertise relating to management of trees specified in this chapter.

“Urban forest management” means the management of trees in the City, whether on public or private property, for the purposes of but not limited to maintaining the wooded character of the City and property values; providing wildlife habitat, buffering, and wind

protection; facilitating aquifer recharge and slope stabilization and enhancing our healthy, safe, and attractive environment.
(Ord. 514 § 5, 2008; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003).

19.65.070 Exemptions.

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

A. Limited tree removal except in the following critical areas: landslide and erosion hazard area, wildlife habitat area, and/or wetland or wetland buffer unless otherwise specified. City notification is required to assist in record keeping.

B. Removal of trees and groundcover in conjunction with new construction within a maximum of 10 feet of the perimeter of the new building and any area proposed to be cleared for driveway and septic purposes as indicated on a plot plan submitted with a building permit application; provided, however, the director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems where such modifications will promote the goals of this chapter and still satisfy the need and function of improvements. This exemption does not allow tree removal prior to preliminary plat, final plat, or short plat approval.

C. Removal of hazard trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards as determined by the city. Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.

D. Removal of a hazard tree(s) following an affirmative recommendation by a Certified Arborist that the tree is a safety hazard and should be removed. The Certified Arborist shall use the most recent edition of the Photographic Guide to the Evaluation of Hazard Trees in Urban Areas and the Tree Hazard Evaluation Form published by the International Society of Arboriculture.

- | **ED.** Removal of obviously dead or diseased groundcover or trees. Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.
- | **FE.** Emergencies. Removal of trees necessary to protect public safety or public or private property from imminent danger in response to emergencies declared by the city, county, state or federal governments. In the case of a declared emergency the written approval requirement shall be waived.
- | **FG.** Removal of street trees, when performed by or on behalf of the city to maintain rights-of-way and in the interest of public safety.
- | **GH.** Removal of trees that interfere with existing utility transmission lines when pruning is not sufficient to alleviate the interference condition. Topping is prohibited. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.080 Required water conservation.

During periods when water conservation is required, new landscaping and maintenance of existing required landscaping shall not be required. However, following the lifting of water restrictions, any landscaping required during the period of the required conservation shall be installed and all required landscaping shall be restored to a healthy condition. Any required landscaping that has died shall be replaced in accordance with UPMC [19.65.220](#). (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 re-roofing, painting, re-carpeting, 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 streetfront landscaping is required for single-family or two-family dwellings constructed on a lot of record that existed on the effective date of this code. (Ord. 452 § 1 (Exh. B), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 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. (Ord. 559 § 9 (Exh. A), 2009).

19.65.100 Street frontage landscaping.

Any portion of any use, except individual single-family or two-family lots, that abuts a public right-of-way shall install Level III landscaping unless otherwise specified. See Figure 1 in UPMC [19.65.140](#). (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 370 § 1, 2003; Ord. 307 § 2, 2001).

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 1 landscaping within the front yard setback abutting all local streets. See Figure 3 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. (Ord. 452 § 1 (Exh. B), 2005).

19.65.110 Parking lot and impervious surface area landscaping.

A. The intent of this section is to break up and reduce the barren appearance of parking, circulation, loading, storage and other large impervious surface areas of a site. To the extent practicable, landscaped areas shall be dispersed throughout the impervious surface area.

B. Perimeter Street Landscaping. Any portion of a parking lot, outdoor sales area or other large impervious surface area that is within 20 feet of a public road right-of-way shall install Level III landscaping along that portion of the parking lot perimeter. See Figure 3 in UPMC [19.65.140](#).

C. Interior Landscaping. All surface parking lots with 10 or more spaces or combined outdoor sales areas greater than 1,600 square feet must provide interior landscaping as follows:

1. Row Requirement. The maximum number of consecutive vehicle parking or sales display spaces without an intervening island or peninsula is 10, unless the row fronts on a landscaping area with a minimum planting width of eight feet. For such rows, the maximum consecutive parking spaces without an intervening island or peninsula is 20 spaces. A landscaping island or peninsula is required at the end of each row of four or more automobile parking spaces that terminates within a parking or circulation area.

2. Island/Peninsula Requirement. Landscape islands and peninsulas shall have a minimum planting width and length of eight feet and minimum planting area of 120 square feet. There shall be at least one tree planted on every island and peninsula.

3. Planting Type and Density. The following landscaping is the minimum required for each 300 square feet of impervious surface landscaping: one two-inch caliper deciduous tree or one six-foot-tall evergreen tree; five five-gallon shrubs; and groundcover. There shall be a minimum of one deciduous canopy tree per four parking spaces or vehicle storage or sales display spaces. Deciduous canopy trees shall be selected in accordance with the Approved Street Tree Palette provided in the streetscape standards adopted pursuant to Chapter [19.54](#) UPMC.

4. Curb/Curb Edge. Planting areas shall be fully protected by curbs as a means of preventing injury to plants from pedestrian or vehicular traffic and to prevent landscaping material from entering the storm drainage system. No trees or shrubs shall be planted within two feet of a curb edge. Groundcover is required within this two-foot area.

(Ord. 559 § 9 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.120 Perimeter landscape buffering.

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

B. General Requirements. Refer to the tables in UPMC [19.65.150](#)(A) and (B) for the landscape level required by the proposed use, expansion or alteration. Each lot line will have a required landscape level based on the abutting land use except that, when two

or more properties abut and share a common driveway or parking area, perimeter landscaping along the shared property line may be waived. Pedestrian walkways shall be permitted to cross required landscape areas. Refer to Figures 1, 2, and 3 in UPMC [19.65.140](#) for illustration of perimeter landscaping requirements.

C. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not apply.
(Ord. 559 § 9 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.125 Residential development canopy tree requirement.

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

Planting on an individual lot shall occur prior to the building permit being finalized for a new dwelling unit on the lot. Trees required under this provision shall be in addition to any street trees required to be planted within a public street right-of-way or replacement trees required to be planted in accordance with UPMC [19.65.310](#). This section shall not apply to small lot developments designed in accordance with Chapter [19.53](#) UPMC.
(Ord. 559 § 9 (Exh. A), 2009).

19.65.130 Interior landscaping/site stabilization.

All interior portions of lots, parcels or tracts which are not developed with buildings, parking areas and/or accessory uses or where other more specific landscaping regulations are required shall be landscaped with Level IV landscaping, unless native vegetation already exists, and shall be maintained. This includes temporary stabilization of development sites.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.140 Landscape levels.

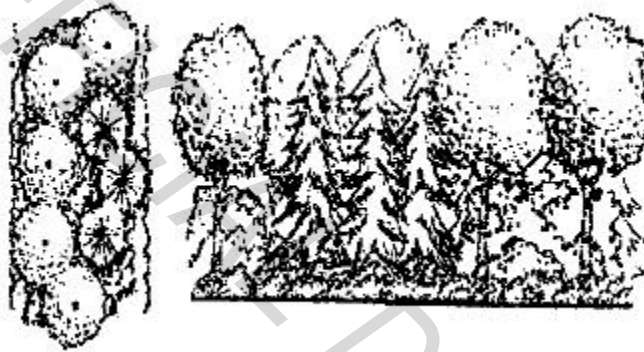
A. Level I: Visual Screen. Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and groundcovers. The choice and spacing of plantings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

1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen, which creates a solid sight-obscuring barrier within three years of planting. Evergreen trees shall be planted no greater than 15 feet on center in each row.

2. The width of a Level I landscape buffer shall be no less than 20 feet. The area which is not planted with trees shall be planted with shrubs and groundcover. Shrubs shall be spaced no greater than five feet on center. Shrubs and groundcover shall be planted to attain a coverage of 90 percent of the planting area within three years.

3. Lawns may be used to cover up to 75 percent of the landscape area which is not planted with trees or shrubs.

Figure 1. Landscaping Level I, Visual Screen

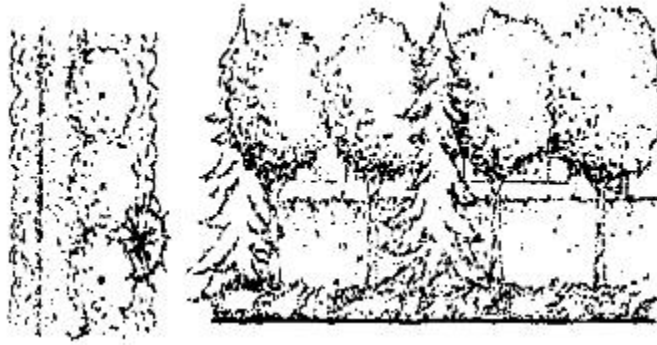


B. Level II: See-Through Buffer. Level II landscaping is intended to create a visual separation between uses and zones. Level II landscaping shall consist of:

1. A mix of evergreen and deciduous trees, with no more than 30 percent being deciduous. All trees shall be planted at intervals no greater than 10 feet on center.

2. The width of a Level II landscape buffer shall be no less than 12 feet. The area which is not planted with trees shall be planted with a mix of evergreen and deciduous shrubs, with not more than 30 percent being deciduous, planted at a density of seven per 100 square feet of planting area, together with other living groundcover planted to attain a coverage of 90 percent within three years of planting.

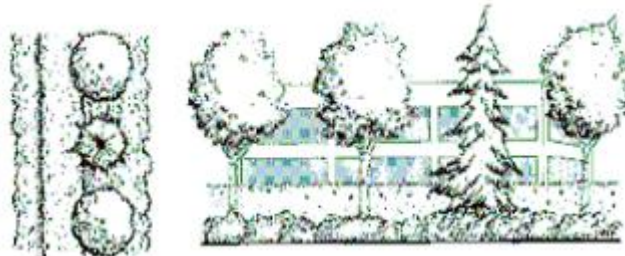
Figure 2. Landscaping Level II, See-Through Buffer



C. Level III: Ornamental Effects Landscaping. Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:

1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than 30 feet on center.
2. The width of a Level III landscape buffer shall be no less than five feet. The area which is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to 75 percent of the required groundcover.
3. Landscaping located within public rights-of-way shall be approved by the department, prior to planting, as part of the review of landscape plans required by UPMC [19.65.200](#). Landscaping in the public right-of-way shall be in accordance with the "Design Standards and Guidelines for Streetscape Elements" adopted pursuant to Chapter [19.54](#) UPMC.

Figure 3. Landscaping Level III, Ornamental Effects



D. Level IV: Soil Stabilizing Vegetation/Landscaping. Level IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation of off-site properties and improvements. Level IV landscaping shall consist of lawn, other living groundcover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent

erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices. Level IV landscaping shall be established on all portions of development sites that are or have remained undeveloped for a period of six months.

Figure 4. Landscaping Level IV, Soil Stabilizing



(Ord. 559 § 9 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 423 § 73, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.150 Perimeter landscape tables.

A. Residential, Commercial and Industrial Table.

Existing Uses						
	School or Park	Single- or Two-Family Dwellings	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses
Proposed Uses						
Single- or Two-Family 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
*Includes mobile home parks						
**Required on newly created vacant lots only as a condition of building permit issuance. Installation required prior to building permit final.						
***Mixed use projects that are predominantly commercial shall use an L1 buffer. Mixed use projects that are predominantly residential shall use an L2 buffer.						
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 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

(Ord. 559 § 9 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.160 Not required in wetlands or across streams.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.170 Modification of landscaping requirements.

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

1. Where, except those areas where Level IV landscaping is required, the requirement of this chapter would require more than 50 percent of the site area (excluding parking lots) to be landscaped, the director may modify the requirements so that not more than 50 percent of the site area (excluding parking lots) must be landscaped. The director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape level cannot be satisfied.

2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape level.

3. When existing conditions on or abutting the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this chapter ineffective.

4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the director shall consider the applicant's request in light of the intent of Level I landscaping and the nature of the use or development which is being screened.

5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which the director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.

6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.

B. When approving a request for a modification of landscaping requirements, the director shall issue findings upon which the approval is based. The director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape level and any modification thereof is maintained.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.180 Planter boxes.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.190 Sizes and types of landscaping.

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

A. Trees, Evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than six feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.

B. Trees, Deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of two inches and a minimum height of 10 feet at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.

C. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than 24 inches at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within three years of installation.

D. Groundcover, Vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 90 percent of required coverage within three years of installation and shall achieve 100 percent of required coverage within five years of installation.

E. Groundcover, Inert. Wood chips, bark, decorative rock or other appropriate inert organic material may be used.

F. Lawn Sodded and Seeded. Newly seeded lawns or installed sod shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.200 Landscape plans.

A. A Landscape plan includes a planting plan and an irrigation plan and is required to be prepared for any landscape areas required in UPMC [19.65.100](#) through [19.65.130](#) including active recreation areas in formal subdivisions and short subdivisions. Other areas require only a planting plan. Plans shall be submitted to the department for review and approval.

B. Landscape plans shall be prepared by a Washington State registered landscape architect, a Washington State certified nurseryperson, or a Washington State certified landscaper, except that landscape plans for short subdivisions and for street tree requirements may be prepared by the applicant. A certified irrigation designer shall prepare the irrigation plan.

C. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

1. The location of existing vegetation to be retained, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.

2. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.

3. Whenever possible the landscape plan shall incorporate the recommendations contained in the city's publication on root control, water conservation and suggested plant material.

D. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. All landscaped areas must provide an irrigation method as stated below:

1. Option 1. A permanent underground irrigation method with an automatic controller plus an overriding rain switch.

2. Option 2. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought-tolerant by the department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought-tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

E. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued or final inspection. However, the director may approve an alternative timeline associated with a phased project.

F. Following installation of the landscaping and irrigation, the person or persons who prepared the planting and irrigation plans shall submit, within 30 days, a signed affidavit that the landscaping and irrigation system has been installed per the approved plans. The city will conduct an inspection prior to final approval of the landscape plan. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.210 Maintenance.

A. The following standards shall be followed for all required landscaping:

1. The property owner shall maintain all landscaping for the life of the land use.
2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.
3. All landscape areas shall be kept free of trash.

B. Uses permitted by special use permits issued before the city's incorporation where landscaping was required as a condition of approval shall be subject to the maintenance provisions of this section.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.220 Replacement.

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

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

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.230 Financial guaranty.

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

B. For all projects which require landscaping except short plats, an 18-month landscaping maintenance guaranty equal to the cost of the landscaping less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 18-month period, the applicant shall request that the city inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with UPMC [19.65.220](#) and inspected prior to the release of the maintenance guaranty. After the maintenance bond is released, landscaping shall be maintained in accordance with UPMC [19.65.210](#).
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.240 Urban forest management.

The intent of this section is best stated in comprehensive plan policy EN3G which states, "Protect and enhance the natural green and wooded character of University Place." Therefore, projects shall be designed around existing trees, preserving the maximum amount of trees and existing native vegetation as possible. The intent is not to allow clear-cutting of a project site, mass grading and then replanting with smaller trees. Forest practices except for Christmas tree cultivation are prohibited in University Place. Because of the likelihood that all lands within the city will be converted to urban development in the near future, all trees shall be managed in accordance with this chapter.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.250 City tree account.

Funds kept for planting and maintenance of trees on city property and in public rights-of-way shall be kept in a city tree account. Funds shall be placed in the account by the city council, from fines collected as a result of violations of this chapter, from payments in lieu of replacement trees, from private donations and from grants and loans for the purpose of establishing and maintaining trees in the city. A schedule of tree costs including tree purchase, installation and maintenance is adopted by separate resolution.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.260 Significant trees.

The city ~~may shall~~ maintain an inventory of significant trees. ~~Significant trees shall be identified by citizen volunteers or city staff.~~
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.270 Tree retention.

A. Except as provided in subsection (C) of this section, a maximum of five trees may be removed within a 36-month period without a permit. Additional trees can only be removed in accordance with this chapter.

B. The following trees shall be retained:

1. The maximum number of trees located within any required perimeter landscaping area and in no case less than 75 percent;
2. Twenty-five percent of the trees located in the interior of the lot, excluding critical areas or their buffers;
3. All trees within a critical area including wetlands or wetland buffers, fish and wildlife buffers or landslide and erosion hazard areas with slopes requiring preservation (trees and vegetation shall be maintained in these critical areas in accordance with UPMC Title 17);
4. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the city's parks and recreation plan or the comprehensive plan; and
5. All significant trees.

C. Except as provided in subsection (B)(3) of this section, trees to be retained shall not include trees that, following inspection and a report in the format recommended by the International Society of Arboriculture's Guide to the Evaluation of Hazard Trees in Urban Areas prepared by an urban forester and reviewed and approved by the city, are determined to be:

1. Damaged or diseased;
2. A safety hazard due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.

D. The urban forester shall use the most recent guidelines established by the International Society of Arboriculture in its guide to the professional evaluation of landscape trees, shrubs and evergreens to make the determination that a tree is either a damaged, diseased and/or a safety hazard.

E. At the discretion of the city, damaged or standing dead trees may be retained and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.280 Tree retention plans.

On timbered property greater in size than one-half acre or commercial property with more than 15 trees, or other sites the city deems it necessary because of special circumstances or complexity, the city shall review the site and be involved in the following three phases of tree retention. The city may retain a consulting arborist to work on the city's behalf. The consulting arborist shall be paid by the city and the applicant shall reimburse the city for all consulting arborist costs. Consulting arborist expenses

shall be reimbursed prior to the issuance of any building permits or final approval, whichever is first required following the work done by the consulting arborist.

A. Planning Phase.

1. The applicant shall provide a survey of the location of all trees and place them on the site plan. If there is an overwhelming number of trees, the city may do a preliminary site evaluation to delineate where the better trees are located based on species, condition, size, soils, and exposure.
2. All trees located near future buildings, roads, and high to moderately used areas shall be evaluated. The tree identification number, species, size, condition, vigor, structure, risk of failure, and maintenance recommendations shall be documented in the plan.
3. Once the survey and evaluation is completed, the applicant can begin to plan the project to avoid the more favorable trees and vegetation. The applicant shall work with the city to help determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.

B. Design Phase.

1. The critical root zone (CRZ) of all trees to be retained near clearing, grading, or other disturbances shall be shown on all site plan construction documents. Any grading, construction, or utility installation within the CRZ shall be called out on the plan. Required work in these areas shall be under the direction or instruction of the city.
2. The location of the tree protection barrier shall be shown on the clearing and grading plans. The tree protection barrier shall be shown along the edge of the CRZ or adjusted under the direction of the city.

C. Construction Phase.

1. A preconstruction meeting is required before any clearing takes place. The city shall point out retained trees to the general contractor, review tree preservation guidelines, and answer questions regarding tree protection.
2. The city shall inspect and approve the tree protection barrier prior to any work on the site, make adjustments where necessary, and discuss techniques to work within CRZs as needed.
3. The city shall establish a schedule to periodically monitor the tree retention plan based on the number of trees and difficulty of protecting trees during construction.

4. When clearing and grading activities are completed, the applicant shall request an inspection. The city may require tree maintenance and remedial action to improve tree health and vigor. If any unauthorized trees are removed, the city shall take action in accordance with UPMC [19.65.040](#). (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.290 Tree protection.

A. To provide the best protection for remaining trees:

1. No tree removal that requires a permit shall be allowed on a site until approval of the tree removal permit.
2. An area free of disturbance, generally corresponding to the CRZ of each tree, shall be identified on the site plan. During construction a temporary five-foot-high chain link or plastic net fence shall be installed around the trees or group of trees to be retained.
3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area enclosed by such fencing.
4. A rock wall shall be constructed if the grade level around a tree is to be raised by more than one foot. The inside diameter of the wall shall be equal to the diameter of the drip line of the tree.
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - a. The drip line of the tree(s); or
 - b. An area around the tree equal to one- foot diameter or each inch of tree trunk diameter measured four feet above the ground.

B. The city may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques shall be those recommended by an urban forester.

C. No impervious surface or fill shall be placed within the drip line of the tree unless the city determines that the long-term health of the tree will not be significantly harmed. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.300 Tree removal in subdivisions.

When subdividing property ~~either by short or preliminary plat, only areas where roads and utilities are to be constructed can be cleared of~~ trees and groundcover ~~shall not be removed~~ prior to ~~preliminary~~final plat approval. ~~When subdividing property by either short or preliminary plat~~ no clearing of trees or groundcover may take place until a tree

~~preservation plan and site development permit preliminary plat or short plat approval have been approved by the city. granted and road construction plans have been approved by the city.~~ Road locations must be staked prior to clearing. ~~No tree removal or brushing shall take place on individual lots or in designated open space areas except on a lot by lot or tract basis after individual building permit applications have been made and clearing activities have been approved.~~ Prior to issuance of a building permit, a title notification shall be recorded that states:

Trees which are required to remain on this lot pursuant to the city's tree preservation regulations (Chapter [19.65](#) UPMC) shall not be removed for a period of three years from the date of original purchase by individual lot owners except as provided for in UPMC [19.65.270](#)(C) and only then following consent by the city.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.310 Tree replacement.

A. When the required number of trees cannot be retained as determined at the sole discretion of the city, trees that are removed shall be replaced with new trees of the same species in accordance with UPMC [19.65.220](#), at a replacement rate of three trees for every tree removed.

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

1. Planting the required number of replacement trees at locations approved by the city prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or
2. Payment in lieu of replacement may be made to the city tree account for planting of trees in various areas of the city. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on-site, as determined by the city's tree replacement cost schedule. The payment in lieu of planting trees on-site shall be made prior to the issuance of any building permit or final subdivision approval.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.65.320 Common area management plans.

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

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.70 GENERAL DEVELOPMENT STANDARDS

Sections:

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

19.70.010 Accessory dwelling units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the city while protecting the existing character of single-family neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.
2. Type of Unit. An ADU may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., carriage unit above garage).
3. Size. An attached ADU shall not exceed 800 square feet; provided, if the ADU is to be established within an existing multistory structure and located entirely on a single floor, the director may allow increased size in order to efficiently use all area of this single floor. A detached ADU shall comply with the following accessory-building size limits and related standards: in UPMC 19.45.040(I).
 - a. The total area of a detached ADU shall be no larger than 600 square feet in gross floor area;
 - b. Maintain five-foot minimum side and rear yard setbacks;

c. Have no portion of the structure, such as eaves, closer than three feet from any property line;

d. Be no greater than 15 feet in height; and

e. Be no closer than five feet to the primary structure.

4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

a. Modifications to the exterior of an existing building intended to accommodate an ADU shall be architecturally consistent with the existing facade, roof pitch, siding, windows, and other exterior design elements and finish materials to the extent practicable. A detached ADU shall be designed to be architecturally compatible with the principal residence.

b. Only one entrance is permitted to be located on the front facade of the principal unit. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

5. Parking. No additional off-street parking is required for an ADU. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.

6. In order to encourage the development of housing units for people with disabilities, the Director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.

C. Procedures. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. Application. The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. Property Owner. The property owner, which shall include title holders and contract purchasers, or an on-site property manager must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied

unit. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner-occupied.

3. Affidavit. An affidavit affirming that the owner or an on-site property manager will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.

4. Notice of Title. Prior to issuance of building permits, the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County auditor. Such notice shall be in a form as specified by the department.

5. Reports. The department shall report annually to the city council on ADU applications, the number of units established and their distribution throughout the city, the average size of the units, and the number and types of complaints and enforcement-related actions.

(Ord. 559 § 10 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.020 Adult entertainment establishments.

A. Purpose. The purpose of this section is to regulate adult entertainment establishments and to provide certain limitations to the siting of these uses. Development standards are used to reduce conflicts between these uses and other uses that may not be compatible.

B. Uses Permitted. Adult entertainment establishments may be permitted by conditional use permit in the Light Industrial – Business Park zone pursuant to the city of University Place comprehensive plan and zoning ordinance as now and hereafter amended.

C. Locational Requirements. Distances provided in this section shall be measured by following a straight line, without regard for intervening buildings, from the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.

1. Adult entertainment establishments shall not be located on lots abutting or adjacent to (directly touching or across a street from) any zone that allows residential uses.

2. Adult entertainment establishments shall not be allowed within 50 feet of any other adult business (as measured from property lines).

3. Adult entertainment establishments shall not be allowed within 50 feet of any “sensitive receptor.”

D. Variance to Locational Requirements. A variance to the dispersal provisions may be granted by the hearings examiner if all the following criteria can be met:

1. That free speech rights which are entitled to protection by the First Amendment to the United States Constitution of an applicant for an adult business cannot be adequately protected on parcels allowed for siting because other adult businesses are in place, or sensitive receptors limit additional uses in the IB zone.
2. That the natural or built environment in the immediate vicinity would result in an effective separation between the proposed adult entertainment establishment and any sensitive zones or uses in terms of visibility and access.
3. The proposed use complies with the goals and policies of the comprehensive plan.
4. The proposed use is otherwise compatible with abutting and surrounding land uses.
5. The applicant has proposed conditions that would minimize the secondary adverse effects of the proposed use.

E. Development Requirements. The development standards in this section shall apply to all buildings, uses, and property used for adult business or entertainment establishment purposes. The development standards for adult entertainment establishment uses are the same as the applicable zoning regulations for the zoning district in which they are located, except as follows:

1. Visual Impact.

- a. No owner or operator of an adult business shall allow any merchandise or activity of the establishment to be visible from any point outside the establishment.
- b. No owner or operator of an adult business shall allow the exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or pictorial representations of any kind other than to the extent permitted by this section or Chapter [19.75](#) UPMC, Signs.
- c. The exterior of an adult business, if painted, must be painted (stained or otherwise colored) in a single achromatic color, except if:
 - i. The adult business is part of a commercial multi-unit center; and
 - ii. The exteriors of each individual unit in the commercial multi-unit center, including the adult business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial center.

2. Signage. In addition to the restrictions imposed by Chapter [19.75](#) UPMC, the following restrictions apply to any adult business:

a. There may be no more than two signs (one freestanding sign and one wall sign, or two wall signs), even if the business fronts on more than one street. Each display surface of a sign must:

- i. Be a flat plane, rectangular in shape;
- ii. Not be flashing or pulsating;
- iii. Have characters of a solid color;
- iv. Have all characters of the same print type, size, and color; and
- v. Have all background in one solid color.

b. Readerboard signs are not allowed.

F. Nonconforming Adult Entertainment Establishments. An adult entertainment use shall be deemed a legal conforming use and shall be subject to the requirements of Chapter [19.80](#) UPMC, Nonconforming Lots, Uses, and Structures, if a zone that allows residential uses is located abutting or adjacent to the adult entertainment establishment or if a sensitive receptor identified in Chapter [19.10](#) UPMC locates within 50 feet of the adult entertainment establishment facility after the date the adult entertainment facility has located within the city in accordance with the requirements of this section. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.030 Agricultural uses and animals.

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

B. Exceptions.

1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit, provided:

- a. The applicant completes a hobby farm agreement provided by the department. Each hobby farm agreement shall:
 - i. Define the type and intensity of all proposed agricultural activities;
 - ii. Clarify that the use of the site is for private noncommercial use;
 - iii. Provide time frames for periodic departmental monitoring; and

iv. Be signed by the property owner and recorded as a title notice with the Pierce County auditor.

b. Hobby farms must comply with all other requirements of this section.

2. Wildlife Rehabilitation.

a. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:

i. Small mammals;

ii. Medium mammals;

iii. Lagomorphs (rabbits, hares, pikas); and

iv. Nonraptor avians.

b. Other categories, including carnivores and raptors, are excluded from this exemption.

C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling, subject to the following requirements:

1. Animals Accessory to Residential Use. Animals kept shall be permitted subject to the following criteria:

a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot, subject to the following provisions:

i. Area Requirements.

(A) Livestock are not permitted in lots of less than one acre.

(B) On any lot from one acre to less than two acres in size, the number of animals shall not exceed two that are 12 months or more of age.

(C) On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.

(D) All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.

ii. A fence used to enclose pasture lands may be constructed on the property line, provided such pasture is maintained as required in this section.

iii. A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required following wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.

b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

i. Poultry, Pigeons, Peacocks, and Rabbits. Poultry, peacocks, pigeons, and similar birds, or rabbits and similar mammals (e.g., ferrets, pot-belly pigs) raised for domestic, noncommercial use shall be permitted, provided:

(A) All animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.

(B) A minimum setback of 35 feet from all property lines shall be required for all pens, hutches, coops, or similar enclosures.

(C) No more than 12 poultry, peacocks, or rabbits or similar mammals shall be permitted per acre. This requirement shall be calculated on a fractional basis. The allowed number of animals shall be rounded down to the nearest whole number.

(D) Aviaries or lofts shall provide for one square foot for each pigeon or similar bird, and shall not exceed 600 square feet.

ii. Dogs and Cats. Any combination of five dogs or cats that individually exceed seven months of age are permitted. Kennels for six or more dogs or cats are prohibited.

c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, or other exotic, vicious, or poisonous animal or reptile.

2. Crop Production Accessory to Residential Use. Agricultural activities such as noncommercial gardens and orchards shall be permitted and shall not be limited in any zone classification.

D. Additional Standards for Critical Areas. In addition to the other requirements of this section, the following standards shall apply to all commercial and noncommercial agricultural uses in critical areas:

1. Livestock shall be limited to one animal per acre of fenced usable pasture.

2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight animals per acre.

E. Commercial Agricultural Activities. See UPMC [19.25.090](#), Resource use category – Descriptions, for commercial agricultural uses, and UPMC [19.70.050](#), Home occupations, for same.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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: home-based day care facilities and day care centers.

B. Home-Based Day Care Facilities. Home-based day care facilities operate from a residence and are restricted to a maximum of 12 children. Home-based day care facilities shall be permitted in residential dwellings located in an area zoned for residential and 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 center and child day care center.

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 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.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.050 Home occupations.

A. Purpose. The purpose of this section is to provide standards which allow a resident of a dwelling unit to operate a limited business activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values, and preserving environmental quality.

B. Applicability. Home occupations are allowed as an accessory use in conjunction with a dwelling unit. A home occupation in a dwelling that is not occupied as a primary residence is prohibited.

C. Performance Standards.

1. Intent. It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to residential use. Activities exceeding these performance standards shall refer to Chapter [19.25](#) UPMC, Uses and Zone Classification Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions and Standards. The following general provisions and standards shall apply to all home occupation activities:

- a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood.
- b. There shall be no structural or decorative external alteration relating to the home occupation which is inconsistent with the residential character of the structure and neighborhood.
- c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
- d. The activity does not require truck delivery or pickup not common to a residential dwelling.
- e. The activity does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling or any other usage that creates a level of noise, vibration, smoke, dust, odors, heat, or glare beyond that which is common to a residential area at or beyond the property line of the subject property.
- f. The activity does not involve production, generation, storage, or use of hazardous waste, as defined by the State Department of Ecology.

g. Use of electrical or mechanical equipment which creates visible or audible interference on radio or television receivers or fluctuation in line voltage at or beyond the property line is prohibited.

h. Manufacturing shall be limited to small-scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items or furniture or other wood items as long as the activity meets the other standards of this section.

i. See Chapter [19.75](#) UPMC for sign requirements.

j. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting.

k. The activity shall be performed completely inside the residence, an accessory structure, or a combination of the two. The activity shall be limited to an area of less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less.

l. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

i. No more than one such vehicle shall be allowed;

ii. Such vehicle shall not park within any required setback areas of the lot or on abutting or adjacent streets;

iii. Such vehicle shall not exceed a weight capacity of one ton.

m. There shall be no outside display or storage of materials, merchandise, or equipment.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 369 § 1(Exh. B), 2003; Ord. 307 § 2, 2001).

19.70.060 Improvements.

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of the comprehensive plan.

B. Sanitary Sewers.

1. All new subdivisions shall hook up to sanitary sewers.

2. Sanitary sewer hookups shall be required for all new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the city may

permit such development to use interim septic on-site systems and dry sewer facilities.

3. Existing properties that expand an on-site septic system or are required to replace or repair a failed system are required to hook up to sanitary sewer if there is a sewer line available within 200 feet.

4. A sanitary sewer system shall be considered available when the structure can be connected to an existing sewer line within the specified distance from the property by way of a public right-of-way or private utility easement between the property and the existing sewer line.

5. Upon application by the property owner, the director shall approve an exception to the requirement to connect to the sanitary sewer system only if all the following criteria are met:

a. The cost of extending the sewer system to serve the property would be an economic hardship to the owner; an economic hardship exists if the estimated cost of the extension is greater than 200 percent of the cost of the septic or other private disposal system; and

b. The proposed septic system will not have an adverse environmental impact on potable water wells, ground water, streams or other surface bodies of water; and

c. The proposed septic system is in compliance with all applicable federal, state, and local health and environmental regulations.

6. If the sanitary sewer system is not available or if an exception has been granted, the director shall approve an interim on-site septic system subject to the following conditions:

a. The property owner shall record an agreement to connect on a form approved by the city that shall be a covenant running with the land. The agreement to connect shall provide that the structure shall be connected to the sanitary sewer system at such time as the system becomes available and that the owner will not protest the formation of any future ULID for extension of a sewer system that would serve the property.

b. The property owner shall install dry sewer facilities.

7. Leach Creek Area. There is hereby established on the zoning map the "Leach Creek Area." The "Leach Creek Area" includes all properties zoned R2 within the area bounded by 44th Street West to the north, Orchard Street to the east, Cirque Drive to the south, and Alameda Avenue to the west. Within this area, development more intense than a single-family dwelling on an existing lot as of July 13, 1998, shall be required to hook up to sanitary sewer at the property owner's expense regardless of distance to existing and available sewers.

C. Access. All new residential lots shall access off internal plat roads, except as authorized by the city engineer.

D. Lighting. Street lighting shall be provided in conjunction with all new development or major tenant improvements on the arterial streets of the city. Street lighting shall be provided along arterial streets in accordance with specifications and standards approved by the city engineer. In multifamily, commercial, and industrial developments and major tenant improvements, lighting and glare shall be shielded or directed away from moderate density single-family zones and residential uses.

E. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single-family neighborhoods and screened from view.

F. Open Space and Parks. In new single-family subdivisions of 10 or more lots and multifamily residential developments of greater than 10 units, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 386 § 4, 2003; Ord. 307 § 2, 2001).

19.70.070 Mobile and manufactured home parks.

A. Purpose. The purpose of this section is to provide regulations for the development of mobile and manufactured home parks.

B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:

1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC [19.45.030](#), Density standards.
2. A mobile or manufactured home park shall not be established on any site providing less than a 30-foot-wide access to a public street.
3. Only one mobile home park or manufactured home dwelling unit shall occupy any given space in the park.
4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:
 - a. Mobile or manufactured home used as single-family residence only;

- b. A patio, carport, or garage as an accessory use for a mobile or manufactured home;
 - c. Recreation buildings and structures including facilities such as swimming pools for the exclusive use of park residents and their guests;
 - d. One residence for the use of the owner, manager, or caretaker responsible for maintaining or operating the property, which may be either a mobile or manufactured home or a site-built structure; or
 - e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.
5. Setbacks. No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. A mobile or manufactured home or accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.
6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by 20 feet and shall be paved or a crushed rock surface and maintained in a dust-free surface. On-street or curbside parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.
7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turnaround, exclusive of parking lanes.
8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.
9. There shall be Level IV landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
10. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by

the city building official. Each mobile or manufactured home shall be skirted with weather-resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.

C. Phased Development. Proposed mobile or manufactured home parks of 10 or more acres in size developed after the effective date of the ordinance codified in this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan. This exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

D. Park Administration.

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

8. Individual mailboxes shall be provided for each space in the park.

9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.080 Open space and set-aside lands.

A. Purpose. The purpose of this section is to outline the provisions for classifying open space or designating set-aside lands in conjunction with new development. Open space serves to:

1. Preserve the character of the natural environment;
2. Protect stream corridors, ridgelines, shorelines, critical areas, and fish and wildlife movement corridors;
3. Provide residents with usable open space for passive recreation and alternative nonmotorized transportation corridors; and
4. Protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality, and flood water storage capacity.

B. Incentives. As a mechanism to encourage open space classification or set-aside designation, the following incentives shall be available:

1. Tax Relief. Any property owner who has classified open space in accordance with this section may apply for tax relief pursuant to the provision of Chapter 84.34 RCW, Open Space, Agricultural, and Timber Lands – Current Use Assessment – Conservation Futures.

C. General Provisions.

1. Open Space Locational Criteria.

- a. The location of a proposed classification of open space shall be determined utilizing one or more of the following criteria:
 - i. Tract(s) which are identified for a proposed new trail or extension of an existing trail system;
 - ii. Tract(s) which create a linkage to another classified open space or public park on an abutting or adjacent parcel;
 - iii. Tract(s) which create a linkage to a critical area and its associated buffer(s);

iv. Tract(s) which provide access to marine, lake, river, creek, or stream shoreline areas;

v. Tract(s) which preserve sensitive areas for aquifer recharge and enhancement of water quality or provide flood water storage capacity;

vi. Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and usability; or

vii. Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas.

b. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established.

2. Permitted Uses. The following uses shall be permitted in areas which have been classified for open space:

a. Urban Open Space.

i. Pervious and impervious surface trails;

ii. Passive recreation and accessory structures;

iii. Agricultural practices and associated agricultural structures;

iv. Aquaculture;

v. Utility easements; and

vi. Drainfields.

D. Classification of Open Space.

1. Classification Mechanism.

a. To assure that the open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within the open space are limited to those identified in subsection (C)(2) of this section.

b. Prior to or concurrent with final approval of a discretionary land use permit or building permit, the open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the department.

2. Public Access.

- a. If tax benefit incentive is used, the department shall require public access to the open space tract(s) except as provided in subsection (D)(2)(c) of this section.
- b. If the department requires public access to an open space tract(s) as specified in subsection (D)(2)(a) of this section, then, prior to or concurrent with final approval of a discretionary land use permit or building permit, an easement shall be granted to the city of University Place providing for public access to the classified tract(s).
- c. Public access is not required when determined to be inappropriate due to the presence of sensitive environmental areas or other unique features which would be better preserved and protected by limiting access. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

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 residential or commercial zones R1, R2, MF, POS, MU-O, MU, NC, TC, and C.

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 R1, R2, MF, POS, MU-O, MU, NC, TC, and C, 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 R1, R2, MF, POS, MU-O, MU, NC, TC, and C; 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 R1, R2, MF, POS, MU-O, MU, NC, TC, and C. 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.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.100 Vehicle impound yards.

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

A. The maximum size of a vehicle impound yard is one acre.

B. One vehicle impound yard is permitted per every 10,000 city population (based on most recent State Office of Financial Management population estimate).

C. A minimum 50-foot setback shall be required between a vehicle impound yard area and all zones other than LI-BP1B.

D. That portion of a vehicle impound yard within 200 feet of a zone other than LI-BP1B shall provide Level I landscaping. Portions of vehicle impound yards beyond 200 feet of zones other than LI-BP1B shall provide Level III landscaping.

E. A sound-attenuating wall shall be required between the vehicle impound yard and any zone other than LI-BP1B within 200 feet. The wall shall be approved by the director.

F. Lighting shall be shielded from residential areas.

G. Water quality protection systems for the vehicle impound yard shall be provided in compliance with city standards and best management practices.

H. That portion of a vehicle impound yard within 200 feet of a zone other than LI-BP1B shall have hours of operation only between 7:00 a.m. and 8:00 p.m. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.70.110 Secure community transition facilities.

A. Applicability. This section applies to secure community transition facilities. The requirements of this section shall be imposed at the initiation of any secure community transition facility use, and upon any addition or modification to a secure community transition facility use or structure housing that use.

B. Location. Secure community transition facilities are permitted in the Light Industrial – Business Park (LI-BP1B) zone subject to the provisions of Chapter 19.40 UPMC, Essential Public Facilities, and upon obtaining a conditional use permit and subject to the following siting criteria:

1. In no case may a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of sensitive receptors in existence at the time a site is listed for consideration. “Within the line of sight” means that it is possible to reasonably visually distinguish and recognize individuals.

2. In no case may a secure community transition facility be sited within 300 feet of a residential zoning district.

C. Use Requirements. The following requirements apply to each secure community transition facility:

1. The applicant must demonstrate that the facility meets the definition of secure community transition facility.

2. The secure community transition facility and its operator must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.

3. The applicant must demonstrate compliance with State of Washington Department of Social and Health Services guidelines established pursuant to Chapter 71.09 RCW now or as hereafter amended.

4. The applicant must demonstrate compliance with the requirements of Chapter 71.09 RCW, now or as hereafter amended.

5. For purposes of this section, the applicant must demonstrate compliance with the cited guidelines and statutory provisions through a written description specifically describing the steps taken to satisfy such guidelines or statutory requirements. In the event that compliance with the cited guidelines and statutory provisions can occur only during the construction of the facility or during its operation, then the applicant shall set forth the specific steps that will be taken to comply with such provisions, and such steps shall be made a condition of the conditional use permit for the facility.

D. Conditions. The city may impose conditions to mitigate any and all potential adverse impacts of the facility on surrounding uses, except that for the requirements specifically addressed in RCW 71.09.285 through 71.09.340 inclusive, now or as hereafter amended, such conditions may not impose restrictions on the facility greater than those set forth in the cited statutory provisions. A maximum of three beds can be provided in a secure community transition facility.

E. Additional Public Safety Measures. The city may seek additional public safety measures for any facility proposed under this section beyond those suggested by statute or proposed by the applicant. The city shall submit the comments to the Department of Social and Health Services in the manner and at the times set forth in Chapter 71.09 RCW now or as hereafter amended. The city may petition the Governor to designate a person with law enforcement expertise to review the Department of Social and Health Services response to the city's comments in the manner set forth in Chapter 71.09 RCW.

F. Additional Risk Potential Activities. The city may suggest additional risk potential activities, as defined in Chapter 71.09 RCW, now or as hereafter amended, for consideration by the Department of Social and Health Services, consistent with the provisions of Chapter 71.09 RCW, now or as hereafter amended. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003).

19.70.120 Manufactured housing.

Manufactured homes are permitted in all zones that permit single-family detached and two-family 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. (Ord. 443 § 1 (Exh. A), 2005)

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.

4. Town Center zone south of 37th Street West. Proposed drive-throughs located in 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 pedestrian~~ vision of a pedestrian oriented zone, in addition to this code section Drive-~~T~~hrough and Drive-up facilities located within the Town Center Zone 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 2 of the following requirements shall be met:

- i.) An additional pedestrian connection between the public street and the principal building within the shopping center.

- ii.) An additional pedestrian connection to a second public street for Shopping Centers with two or more street frontages.

- iii.) Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.

- iv.) Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with UPMC 19.52.150.A.6-11.

- v.) Provide a pedestrian connection from the principal building to a neighboring property.

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

- vii) Provide enhancement to an existing pedestrian connection within the Commercial Center. Or upgrade the existing connection to current pedestrian connection standards as described in section 19.70.130.D.1.c.

- viii) 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 5 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.

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.
- 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.

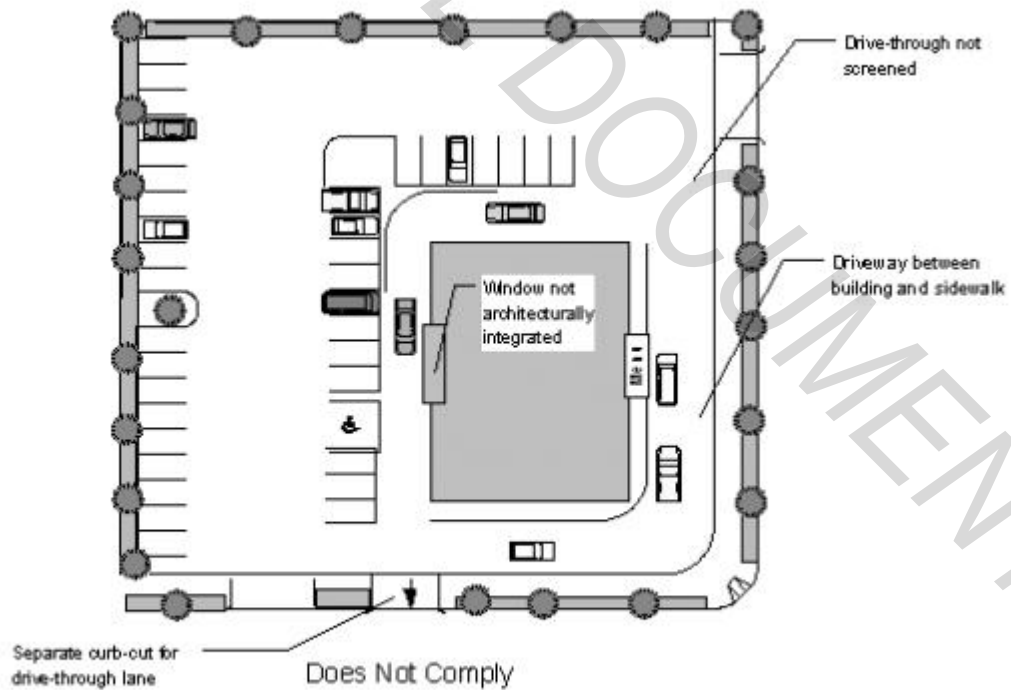
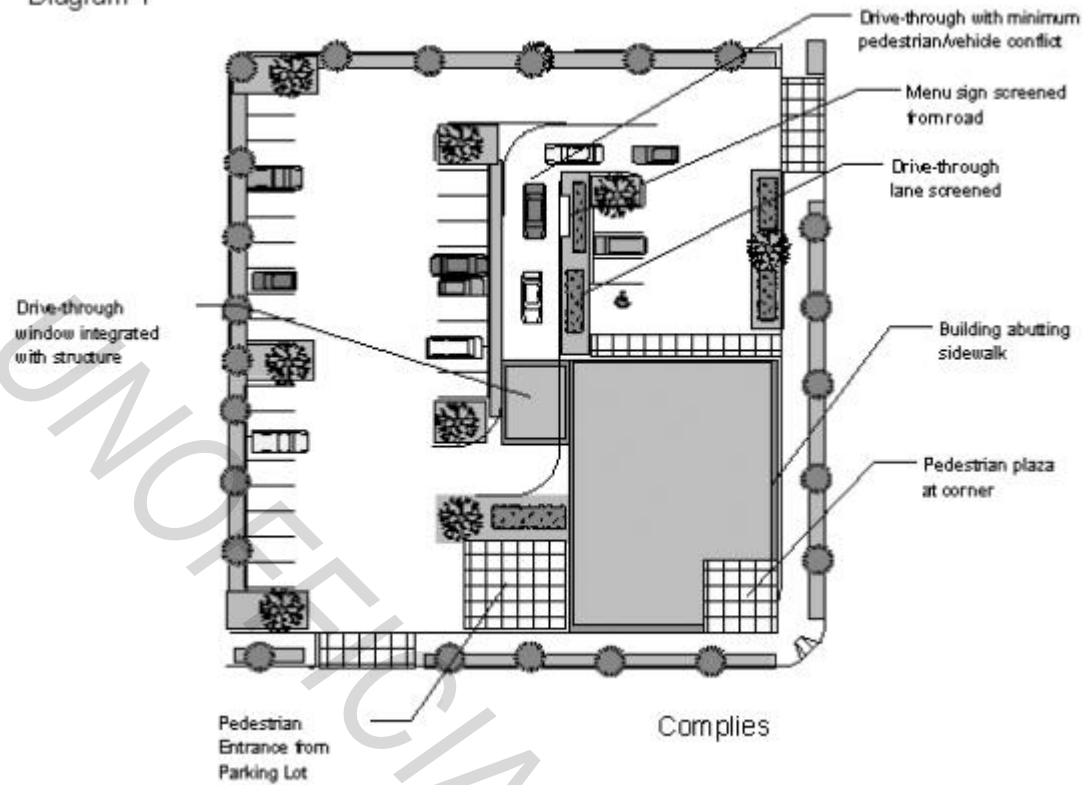
8. Maintenance. The site shall be maintained in a litter-free condition and no undesirable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that the trash or litter originating from the use is not deposited on adjacent properties. Trash enclosures and 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.

Diagram 1



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

(Ord. 455 § 1 (Exh. A), 2005).

Chapter 19.75 SIGNS

Sections:

19.75.010	Purpose.
19.75.020	Scope.
19.75.030	Definitions.
19.75.040	Permits required.
19.75.050	Permit issuance.
19.75.060	Design and construction.
19.75.070	General sign requirements.
19.75.080	Specific sign requirements table.
19.75.090	Specific sign requirements.
19.75.100	Removal of sign for vacant premises.
19.75.110	Nonconforming signs.
19.75.120	Prohibited signs.
19.75.130	Enforcement.

19.75.010 Purpose.

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

- A. Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs; and
- B. Support the economic well-being of businesses by allowing businesses to identify their premises and advertise products and services; and
- C. Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and
- D. Ensure that signs are compatible with adjacent land uses; and
- E. Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure vision of motorists, distract motorists, or interfere with traffic signs and signals; and
- F. Minimize overhead clutter for drivers and pedestrians; and
- G. Provide for types and sizes of signs appropriate to the land uses and zoning districts of the city; and

H. Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant; and

I. Provide for the orderly and reasonable elimination of existing signs that are not in conformance with this chapter to protect the public health, safety, and welfare; and

J. Provide a reasonable amortization period for businesses which have made a substantial investment in signs prior to the adoption of this chapter; and

K. Implement the goals and policies of the city of University Place comprehensive plan; and

L. Protect property values by encouraging signs that are appropriate in both scale and design to surrounding buildings and landscape and by discouraging a needless proliferation of the number of signs.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.020 Scope.

This chapter may be referred to as the sign code. This chapter applies to all signs in the city. This chapter regulates the type, size, location and number of signs. This chapter shall be administered by the director.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.030 Definitions.

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

“Building code” means codes adopted by the city including, but not limited to, Chapter [14.05](#) UPMC.

“Building official” means the city official responsible for administration of the building code or a duly authorized deputy.

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

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

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

“Landscaping” means any material used as a decorative feature for a sign, such as shrubbery, native vegetation, grass, flowers, decorative groundcover, planting materials,

planter boxes, or brick work. Landscaping does not include any material that displays advertising copy.

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

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

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

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

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

“Special displays” means displays of merchandise, animals, balloons, cars, airplanes, or other objects used to attract attention for purposes of advertising.

“Special event” means events regulated under Chapter [5.10](#) UPMC.

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

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

“Address sign” means a sign displaying only an address.

“Animated sign” means a sign using movement or change of lighting, either natural or artificial, to depict action or to create special effects or scenes. All digital signs, except those displaying the time and temperature, are animated signs.

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

“Banner” means a temporary sign usually made of cloth, nylon or plastic that is hung by rope, cable or similar materials from a building or another sign structure.

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

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

“Changing message sign” means an electronic or mechanical sign, with the ability to change the sign message electronically. Time and temperature signs are not considered changing message signs.

“Charitable event sign” means a sign that advertises an event for a charity.

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

“Construction sign” means a sign designating the contractor(s), architect(s), and/or engineer(s) participating in a construction project underway on the premises.

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

“Emergency medical sign” means a sign advertising the location where emergency services are located.

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

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

“Garage or yard sale sign” means a temporary sign used to direct people to a sale of personal household possessions.

“Home occupation sign” means a sign advertising a home occupation.

“Identification sign” means a sign located in an R1, R2 or MF or PFO overlay advertising uses other than residential or home occupation.

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

“Menu sign” means a menu board at the entrance to a drive-through lane at a restaurant or an automobile service facility listing menu items or services for sale at the establishment. Car washes or automobile lubrication facilities typically display a menu sign.

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

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

“Nameplate” means a sign displaying only an occupant’s name or the name or address of premises.

“New residential development sign” means a sign advertising new homes for sale.

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

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

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

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

“Personal message sign” means a sign displaying a political, religious, or other personal noncommercial message.

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

“Political sign” means a sign relating to candidate for political office or measure on the ballot at any election.

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

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

“Promotional sign” means posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature used to promote a grand opening or sales event.

“Public safety sign” means a sign advertising a location where public safety services are available.

“Reader board sign” means a sign with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than four times a day shall be considered an animated sign rather than a reader board sign.

“Real estate sign” means a temporary sign directing attention to the availability for sale, lease, or rent of particular premises.

“Religious sign” means a sign or symbol either freestanding or wall-mounted which identifies a religious institution and may include hours of services offered or sponsored programs or events.

“Residential development sign” mean a sign identifying a subdivision or multifamily complex.

“Revolving sign” means a sign that revolves or partially revolves by mechanical means.

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

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

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

“Temporary sign” means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar materials, with or without a frame, intended to be displayed for a limited time only. Holiday decorations and other special events shall be considered temporary signs.

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

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

“Window sign” means a sign on a window or located inside and in such close proximity to the window so as to be easily and readily viewed from outside the window. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.040 Permits required.

A. Sign Display Permits. It shall be unlawful to erect or display a sign in the city without a sign display permit issued by the department. Nothing in this chapter modifies any provision of Chapter [14.05](#) UPMC, which requires a building permit to erect, modify or demolish certain signs and sign structures.

B. Temporary Sign Display Permits. The director may issue temporary sign display permits and attach reasonable conditions to the issuance of a permit as may be necessary to ensure timely discontinuance of the use and to ensure substantial compliance with this chapter.

C. Applications for Sign Permits. Any person submitting an application for a sign display permit or a temporary sign display permit shall make application on forms provided for that purpose at the department.

D. Additional Information. The director may require the filing of plans or other pertinent information as necessary to ensure compliance with this chapter. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.050 Permit issuance.

A. Permit Issuance. It shall be the duty of the director, upon the filing of an application for a permanent sign permit or a temporary sign permit, to review the application and to issue, issue with conditions, or deny the permit in accordance with the provisions of this chapter.

B. Permit Fees. Required fees are set forth in the city’s fee resolution as adopted or hereafter amended.

C. Temporary Signs – Deposit. Prior to the issuance of a temporary sign permit, a deposit equal to the permit fee shall be submitted by the applicant. All temporary signs must be removed within three working days after the expiration of the permit. If the applicant fails to remove the sign in the time required, the deposit shall be forfeited and the applicant will not be eligible for another temporary sign permit for 12 months.

D. A sign permit shall be processed as a Type I permit under UPMC Title [22](#).

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.060 Design and construction.

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

A. Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

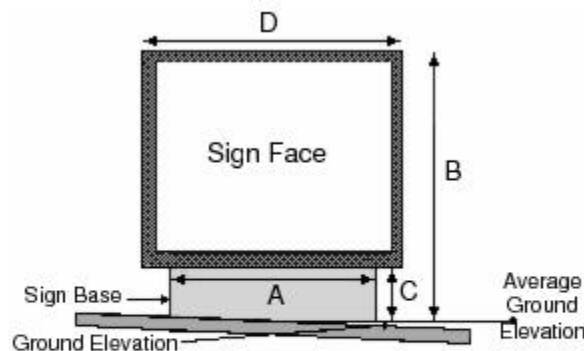
B. Visibility. No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility for vehicular or pedestrian traffic.

C. Construction Standard for Permanent Signs. No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other requirements as specified in the building code. Permanent freestanding signs shall also be subject to the following design standards:

1. Structural Components. To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

2. Dimensional and Design Standards.

a. Pedestal, Pole or Pylon Signs. The following drawings illustrate the dimensional standards for pedestal, pole or pylon signs:

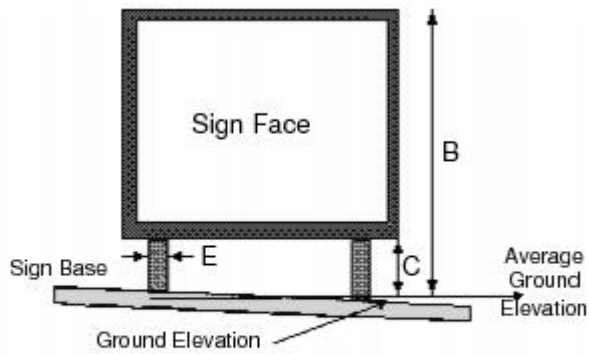


B = Height of sign

A ≥ 50% of B

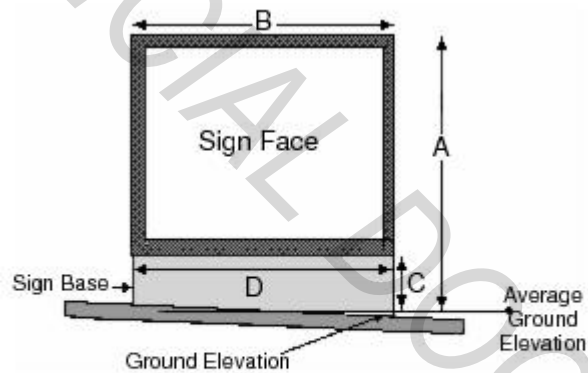
A ≥ 50% of D

C ≥ 20% of B



B = Height of sign
 $C \geq 20\%$ of B
 $E \geq 4$ inches

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



A: Maximum height of sign
 B: Maximum = 200% of A
 C: Minimum = 20% of A
 D: Equal to 100% of B

3. Design Criteria.

a. Sign Base. The base of the sign must be constructed of landscape materials such as brick, stucco, stonework, textured wood, tile or textured concrete or materials that are harmonious with the character of the primary structures on the subject property. Materials that differ from the primary structure are subject to the director's approval. No visible gap shall be allowed between the sign base and the finished grade or between the sign face or cabinet and the sign base except as provided in this chapter.

b. Except as provided in this chapter all pole or pylon signs shall be supported by two or more supports.

c. Sign Face. The color, shape, material, lettering and other architectural details of the sign face must be harmonious with the character of the primary structure.

D. Minor Deviations. Minor deviations from the dimensional standards for signs, except for maximum sign height, may be approved by the director upon finding that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.

E. Electric Signs. Electric signs shall be constructed and inspected in accordance with applicable electrical codes.

F. Public Right-of-Way. Signs in the public right-of-way shall be regulated by UPMC Title [13](#) and require a valid right-of-way use permit pursuant to UPMC Title [13](#). Any sign located in a public right-of-way without a valid right-of-way permit is hereby declared a public nuisance. Any unlawful sign may be removed from a public right-of-way immediately.

G. Planter Boxes – Bumper Guards – Shrubs – Plants. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line. Planter boxes shall not be more than 36 inches above average finished grade.

H. Utility Lines – Clearance. Horizontal and vertical clearance of signs or sign structures from utility lines shall be determined by the appropriate service provider. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.070 General sign requirements.

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

A. General Sign Requirements.

1. Area of Signs.

- a. The area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display.
- b. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the sign faces. No more than two faces are permitted per freestanding sign. The area of a spherical, cubical or polyhedral sign equals one-half the total surface area.

2. Area of Freestanding Letters. Freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.

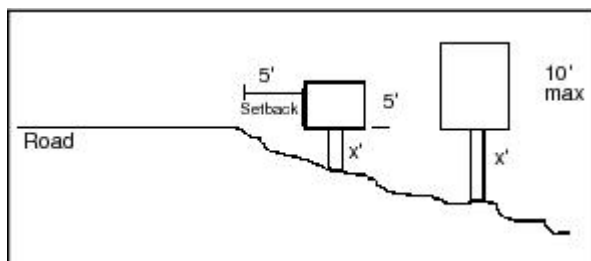
3. Height of Signs. Maximum height of all freestanding signs or any part of the freestanding sign structure shall be 10 feet above average finished grade. Sign height shall be measured from the average finished grade at the sign foundation. The average finished grade for signs on grades lower than the adjacent right-of-way shall be considered the same as the average grade of the adjacent right-of-way. See the diagram following subsection (A)(7) of this section for grade exceptions.

4. Width of Signs. The maximum width of a freestanding sign structure shall be 12 feet. Sign width shall be measured on the face side of the sign from one side of the face or any part of the sign structure to the farthest point on the opposite side of the face or part of the sign structure.

5. Setbacks for Signs. All signs are permitted a zero-foot setback, except as provided in this chapter, provided the owner demonstrates to the city by reasonable evidence that the sign will not obstruct the clear sight zone as specified in UPMC Title [13](#).

6. Illumination. External sign illumination shall be directed only towards the sign face or freestanding letters and shall be shielded in ways to prevent light and glare on adjacent properties.

7. Grade Exception. When the elevation at the base of a freestanding sign is at least five feet below the elevation of the adjacent road, a single pole may be used to support the sign provided the portion of the sign above the elevation of the adjacent roadway has the appearance of a monument sign. See figure below.



8. Maintenance of Signs. All signs shall be maintained in a safe condition and in good repair. Any sign that is damaged shall be restored to a safe condition and good repair no later than 90 days after the event that caused the damage. Failure to maintain a sign in a safe condition and in good repair shall be grounds for revocation of a sign permit.

9. Establishment of Property Lines. It shall be the responsibility of the property owner or an authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken. In the event of a dispute or discrepancy in the establishment of the property lines involved, the director may order an independent survey to ensure compliance with this chapter. The survey cost shall be charged to the sign applicant.

~~B. Optional Standards for Two-Year Permit Extension. The following landscaping and illumination standards apply to those nonconforming signs for which the sign owner has applied for a two-year extension and chosen landscaping or illumination as a condition of that extension.~~

~~1. Landscaping. Freestanding signs shall have a landscaped area:~~

~~a. The number of trees, shrubs, and size of landscape area are as follows:~~

Size of Sign Face (sq. ft.)	Trees	Shrubs	Landscape Area (sq. ft.)
Up to and including 32	0	3	60
> 32 to £ 40	1	4	80
> 40 to £ 50	2	5	100

~~b. Size of trees and shrubs and groundcover are pursuant to Chapter 19.65 UPMC.~~

~~c. Perennial and annual flowers may be used in lieu of groundcover requirements and shall have a minimum coverage of 50 percent.~~

~~d. Plantings shall be located immediately adjacent to the base of the sign.~~

~~e. The plantings or the landscaped area shall be located so as to shield illumination sources.~~

~~f. Landscaping shall be installed in the planting season closest to the date of the sign permit issuance. Signs installed after the planting season shall be landscaped no later than the following planting season.~~

~~2. Illumination Requirements.~~

~~a. All illumination shall be a steady, continuous burning bulb or light with the exception of time and temperature signs.~~

~~b. External Illumination. Signs may be externally illuminated. The light source must be shielded so that the light is not visible from adjacent properties or the public right-of-way.~~

~~c. Internal Illumination. Internally illuminated signs should conform to the following:~~

- ~~i. Individual pan-channel sign graphics and emblems;~~
- ~~ii. Individual sign graphics using "halo" or "silhouette" lighting;~~
- ~~iii. Only text and graphics may be internally illuminated; the sign face must remain opaque, and be sealed at the seams to avoid light leaks;~~
- ~~iv. Internally Illuminated Awning Signs. Awning material must be completely opaque. Only the sign graphics on awnings may be translucent.~~

~~d. Wall signs may be internally illuminated if:~~

- ~~i. The background does not emit light;~~
- ~~ii. The background constitutes a minimum of 80 percent of the sign area;~~
- ~~iii. The illumination source is shielded.~~

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.080 Specific sign requirements table.

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

Residential (R1, R2, MF) and PF Overlay						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements
Address	No			0		Numbers and letters £ 10" high
<u>Banners</u>	<u>Yes (Temporary)</u>	<u>24</u>			<u>1</u>	<u>Allowed only at K-12 schools and churches in R1 and R2 Zones and MF Zones. Not permitted at preschools or day cares.</u>
Bus Shelter	Yes					Subject to Pierce Transit agreement
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

Residential (R1, R2, MF) and PF Overlay						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements
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 per entrance or exit	
Flags	No	20	10	0	1	Nongovernmental flags subject to stated requirements; government flags are exempt from requirements
Historic Markers/ Plaques Gravestones	No					
Home Occupation	No	2	10	0	1	May be freestanding, placed on primary structure, or placed in window
Identification in PF overlay	Yes	36	10	0	2	Only one may be a pole-mounted reader board
Identification in Residential Zones	Yes	36	10	0	1 to 3 per street frontage	<u>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</u>
Incidental	No	2				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		Number reviewed and approved on individual basis
Nameplates	No	6		0		
New Residential	Yes	16	10	0	1 per street	Two-year period

Development	(temporary)				frontage	
Official Legal Notices	No			0		Notices issued and posted by public agency or court
Residential (R1, R2, MF) and PF Overlay						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements
Personal Message	Yes	3	5, if free-standing	0	1 per lot	Nonilluminated
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
Political **	No	3	3	0		Area and height requirements apply only to signs at the edge of public right-of-way
Real Estate	No (temporary)	6	6	0	1 per tax lot	Nonilluminated; must be removed 15 days after sale, lease, or rental of property
Religious	Yes	36	10	0	1 per street frontage	
Religious Symbols	No			0		
Residential Development	Yes	20	10	0	1 per entrance; two at main entrance	
Residential Open House A-Boards	No	5		0	1 per street frontage, 3 off-premises for any single development	Permitted during daylight hours only; a realtor, seller, or agent must be on property
State, City, or Public Service Company	No					Signs indicating danger, aids to service or safety
Traffic Control	No					Traffic direction signs or Adopt-A-Road litter control program signs

Yard Sale **	No	3	3	0	1 on-premises, 3 off-premises	
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* The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title [13](#).

** Additional requirements are listed in UPMC [19.75.090](#), Specific sign requirements.

Commercial Zones (TC, NC, MU, MU-O, C, IB)						
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 <u>per 50' of frontage</u>	Setback 5' from ROW; setback 20' from intersections
Banner **	Yes (temporary)	24			1 <u>per tenant</u>	
Billboard	Prohibited					
Bus Shelter	Yes					Subject to Pierce Transit agreement
Changing Message	Yes		10	0 100	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; 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
Commercial Zones (TC, NC, MU, MU-O, C, IB)						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements
Historic Markers Plaques/ Gravestones	No					
Incidental	No	2				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,	No	3				Nonilluminated, indicates name of

Tablets, or Inscriptions						building; date of erection, or commemorative information; integral part of building structure; or attached flat to face of building
Commercial Zones (TC, NC, MU, MU-O, C, IB)						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback* (feet)	Number of Signs	Other Requirements
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 Developme nt	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					Permitted in accordance with UPMC Title 13

Commercial Zones (TC, NC, MU, MU-O, C, IB)						
Type of Sign	Permit Required	Area (sq. ft.)	Height (feet)	Setback * (feet)	Number of Signs	Other Requirements
Special Event	Yes (temporary)	30		5	5 on-premises	45-day time period for each event; this time is included in the limit for temporary signage
		4			6 off-premises	
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; displayed for duration of permitted temporary use
		24			1 banner	
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-premises 3 off-premises	

* The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title [13](#).

** 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.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 402 § 1, 2003; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.090 Specific sign requirements.

A. A-Board or Sandwich Signs.

1. Signs may not be displayed for longer than 60 days in a year.
2. Signs shall be removed at the close of each business day.
3. Signs must be removed within three working days after the expiration of the permit. Failure to remove signs will forfeit use of a temporary sign permit for a period of 12 months.
4. Signs may not be permanently attached to the ground, building, or other structure.

B. Banners.

1. Banners may not be displayed for longer than 60 days in a year.
2. Banners are not permitted in the right-of-way without the express permission of the city engineer.

C. Kiosk. Kiosks may be placed at public facilities or within the right-of-way to provide information on facility events, rules, or public announcements.

D. Marquee – Canopy – Awnings.

1. Awnings shall project not less than three feet and not more than seven feet from the face of the supporting building, when over public property.
2. No portion of any awning or canopy shall extend nearer than two feet to the face of the nearest curb line.

E. Political Signs. The placement of signs is limited to a reasonable time before the election. Signs for a successful primary candidate may remain in place until after the general election. The exemption of political signs from city regulation is limited by the following provisions:

1. Signs relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election are political signs and exempt from the sign permit requirement; provided, that such political signs shall be removed 10 days after the date of the election for which they are intended. If political signs are not removed within the specified time, they will be subject to removal by the city in addition to any other remedies provided in this chapter. The city will notify the candidates or their designated representatives of sign removal and a designated location for picking up signs that have been removed. When these appropriate individuals cannot be contacted or do not respond within five working days, the signs will be destroyed.

2. No political sign shall be erected upon any private property without permission of the resident or owner thereof.

3. Political signs may be placed along the edge of the right-of-way, and shall not exceed three square feet in area per sign face nor three feet in height, and shall not obstruct safe visibility of any mobile or pedestrian traffic, nor interfere with routine maintenance and other common uses of the right-of-way such as public parking, pedestrian and bicycle traffic or access to utilities.

F. Roof Signs.

1. Acceptable Roof Signs.



2. Unacceptable Roof Signs.



G. Yard Sale Signs. Off-premises signs posted at locations away from the location(s) of the sales are subject to the following provisions:

1. The signs may be placed adjacent to the right-of-way with the property owner's permission.
2. Yard sale signs shall not be posted sooner than 5:00 p.m. on the day prior to the sale and shall be removed immediately following the end of the sale.
3. Yard sale signs must include the address where the yard sale is located and a date or dates of the sale.
4. Signs for yard sales shall not be allowed for more than three successive calendar days in a 30-day period and shall be limited to advertising not more than three yard sale events in the same calendar year at the same location.
5. A fine of \$100.00 per yard sale sign which exceeds these provisions may be levied against the property owner where the sales are held.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.100 Removal of sign for vacant premises.

Within 30 days of the vacancy or change in tenancy of any property, the sign face of any sign advertising the former tenant, or product or activity sold by the former tenant shall be removed or changed. If the removal or change of the sign face exposed any structural, electrical, or illumination fixtures, an opaque covering, or other material approved by the director, shall be placed over the exposed fixtures.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.110 Nonconforming signs.

A. Nonconforming Signs Inventory. ~~The director shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this code.~~

Upon determination that a sign is nonconforming or illegal, the director shall use reasonable efforts to so notify in writing the sign owner and where practicable the owner of the property on which the sign is located. Notification shall include:

1. Whether the sign is conforming, nonconforming or illegal;
2. Whether the sign may be eligible for a **nonconforming** sign permit. If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

3. The reasons the sign is non-conforming or illegal.

4. A time period in which to comply with the sign code prior to the commencement of code enforcement.

~~B. Nonconforming Sign Permits.~~

~~1. Eligibility. An on-premises nonconforming sign may be issued a nonconforming sign permit. Nonconforming sign permits shall not be issued for off-premises, illegal, prohibited, or temporary signs.~~

~~2. Permit Required. A nonconforming sign permit is required for all eligible nonconforming signs in commercial zones. The sign owner shall obtain the permit within 180 days of notification by the city. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the director may require to ensure compliance with this chapter. The director may waive specific submittal requirements determined to be unnecessary for review of an application.~~

~~3. Permit Issuance. Any person submitting an application for a nonconforming sign permit shall use the forms provided by the department. The director shall issue nonconforming sign permits upon a determination of eligibility. The director may require the filing of plans or other pertinent information where such information is necessary to determine compliance with this chapter. Fees for nonconforming sign permits shall be set by separate resolution as adopted or hereafter amended. Appeals shall be filed in accordance with Chapter 22.05 UPMC.~~

~~4. Permit Expiration. The nonconforming sign permit shall expire on March 4, 2009. Any nonconforming permit extension granted under subsection (C)(3) of this section shall expire on March 4, 2011.~~

~~C. Amortization.~~

~~1. All legal nonconforming signs in residential zones (R1, R2, and MF) or public facility overlay (PFO) zones and all nonconforming signs for which a nonconforming sign permit has been issued shall be removed or made conforming on or before March 4, 2009.~~

~~2. Billboards. All billboards shall be removed on or before July 1, 2004. New billboards are prohibited in the city.~~

~~3. Amortization Extension. Nonconforming signs in commercial zones (TC, NC, MU, MU-O, C, IB) that are eligible for a nonconforming sign permit may obtain a permit extension of two years to March 4, 2011. Permit issuance is upon the condition that at least three of the following improvements are made to the nonconforming sign within six months of receipt of the nonconforming sign permit:~~

- ~~a. Paint the sign;~~
- ~~b. Install landscaping per this chapter;~~
- ~~c. Reduce height of sign to 10 feet;~~

- ~~d. Replace sign face with a dark background and light lettering;~~
- ~~e. Add paneling to single poles (create a pylon or monument look);~~
- ~~f. Change illumination per this chapter.~~

~~D. Loss of Legal Nonconforming Status.~~ Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:

~~1. When a nonconforming sign permit is required but not obtained within 180 days of notice of nonconformance; or~~

~~21.~~ A change of use has taken place that limits the type or size of sign allowed;
or

~~3. An application is granted for a major tenant improvement to the structure for which the nonconforming sign is an accessory use; or~~

~~4. A special use permit or administrative use permit is granted for the lot on which the nonconforming sign is located; or~~

~~25.~~ A vacancy occurs for more than nine months at any property for which a ~~nonconforming~~ sign is an accessory use; or

~~6. Damage of 25 percent or more in the value of either the nonconforming sign or the structure to which it is affixed.~~

~~E. Maintenance.~~ Ordinary maintenance and repair of a sign, including a sign face or message change that does not increase the sign face area, shall be permitted without loss of nonconforming status if the cost of the maintenance or repair is less than 50 percent of the cost of replacing the sign.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.120 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

A. Billboards.

B. Bus bench signs.

C. Obscenities. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material that is utterly without redeeming social value.

D. Off-premises signs except as authorized by this chapter.

E. Posters, pennants, banners or streamers, flashing lights, strobe lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features or on a limited basis as seasonal decorations or as provided for in this chapter as promotional signs for grand opening displays or special sales events.

F. Portable signs including, but not limited to, sandwich/A-frame signs and mobile reader board signs except when permitted as provided in this chapter as temporary signs.

G. Public address systems or sound devices used in conjunction with any sign or advertising device except as part of a drive-through menu sign.

H. Signs mounted on roofs except on a parapet or when incorporated into a building providing an overall finished appearance.

I. Signs attached to or placed upon a vehicle or trailer parked in such a way as to serve as a sign on public or private property. This does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.

J. Signs on light or utility poles.

K. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination either distract vehicular traffic or cause confusion with traffic control signs or signals, including, but not limited to, signs containing words such as "stop," "look," and "danger."

L. Three-dimensional statue, caricature or representation of persons, large inflatable balloons and other inflatable displays including characters, animals, merchandise and dirigibles, or merchandise as a sign.

M. Merchandise such as shoes or donuts may be incorporated into the sign structure. Barbershop poles are excluded from this provision.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.130 Enforcement.

A. Penalty for Violations.

1. It shall be unlawful for any person, firm or corporation to erect, construct, paint, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter;

2. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter [1.20](#) UPMC, Enforcement.

B. Right of Entry. Upon proper presentation of credentials including court orders if appropriate, the Director may enter at reasonable times any building, structure or premises within the City to perform any duty imposed by this code.

C. Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign from personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workmen in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.

D. Revocation of Permits. The Director is authorized and empowered to revoke any sign permit issued in error or on the basis of incorrect information, or in violation of the provisions upon failure of the holder thereof to comply with any provision or provisions of this code.

E. Nuisance Declared – Abatement. Signs constructed, altered or maintained in violation of the provisions of this code are declared to be a public nuisance. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).



Chapter 19.80

NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

<u>19.80.010</u>	Applicability.
<u>19.80.020</u>	Intent.
<u>19.80.030</u>	Nonconforming lots.
<u>19.80.040</u>	Nonconforming uses.
<u>19.80.050</u>	Nonconforming structures.
<u>19.80.060</u>	Nonconforming parking, loading, signs, landscaping and other required improvements.
<u>19.80.070</u>	Unclassified use permits.

19.80.010 Applicability.

This chapter applies to any land, structure, or use that became nonconforming after August 31, 1995, by the passage of any zoning ordinance of the City. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.020 Intent.

This chapter is intended to permit legal nonconforming developments, lots, structures and uses to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconforming developments, lots, structures and uses not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Because nonconforming developments, lots, structures and uses do not conform to requirements of the zone where they are located, they are declared by this chapter to be incompatible with the permitted developments, lots, structures and uses in the zone. (Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.030 Nonconforming lots.

The party asserting the existence of a lawful nonconforming lot has the burden of establishing that the lot was not substandard according to the requirements in effect at the time of its creation.

A. Nonconforming Single Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office prior to August 31, 1995, may be used for the purposes permitted by this title notwithstanding the minimum lot area required.

B. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Compliance with applicable development standards such as height and setbacks is required.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.040 Nonconforming uses.

The party asserting the existence of a lawful nonconforming use has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revisions or amendments, the use was either consistent with the zoning provisions or was a pre-existing legal nonconforming use.

A legal nonconforming use may be continued; provided, that:

A. The nonconforming use is not replaced by a conforming use. If replaced by a conforming use, the nonconforming use may not thereafter be resumed.

B. Abandonment. A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned. If the use ceases for a period of more than one year, the subsequent use of the land shall be conforming.

C. Expansion on Land, in Buildings or Structures. The nonconforming use shall not be enlarged, increased, expanded or extended to occupy a greater area of land, building or structure than was occupied on the date the use became nonconforming; except, if the nonconforming use is an accessory use and the principal use is a conforming use, the conforming principal use may expand so long as the nonconforming accessory use is not made more nonconforming.

D. The use is not moved in whole or in part to any other portion of the lot or parcel or another lot or parcel in a zone where the structure would be nonconforming.

E. Substantial Destruction. If the structure in which the use depends is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the nonconforming use can no longer continue, except when the structure is damaged or destroyed as a result of accidental fire or natural causes, in which case permits to reconstruct a structure in order to continue the nonconforming use shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

F. Exception for Single-Family Detached Houses. Any existing nonconforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion of nonconforming uses.

(Ord. 514 § 6, 2008; Ord. 455 § 1 (Exh. A), 2005; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.050 Nonconforming structures.

The party asserting the existence of a lawful nonconforming structure has the burden of establishing that as of August 31, 1995, the effective date of the ordinance codified in this chapter, or subsequent revision or amendments, the structure was constructed in conformance with the zoning provisions in place at the time the structure was built, or that the structure was built pursuant to the granting of a variance.

A. A nonconforming structure may remain and be used; provided, that:

1. The nonconforming portion of the structure shall not be expanded in any direction which increases its degree of nonconformity, except as specifically authorized through a variance (see UPMC [19.85.030](#), Variances).
2. If moved, the structure shall be made to conform to regulations of this code.
3. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.
4. Substantial Destruction. If the structure is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the structure must be reconstructed in compliance with the requirements of the zone in which it is located. Structures damaged or destroyed as a result of intentional acts by someone other than the owner may be replaced in the same location and to the same dimensions as the original structure.
5. Permits to reconstruct a nonconforming structure after damage by fire, or natural causes where more than 50 percent of the structure's value remains, shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.060 Nonconforming parking, loading, signs, landscaping and other required improvements.

If improvements required for a given use including but not limited to off-street parking, signs, landscaping, and open space are not in accordance with the requirements of this title, no change that increases the nonconformity with such requirements is permitted. Change that decreases the nonconformity to the requirements of this title is permitted.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.80.070 Unclassified use permits.

Unless redefined as a conditional use permit, in accordance with Chapter [19.85](#) UPMC, unclassified use permits shall be considered nonconforming uses and subject to the requirements of this chapter.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

Chapter 19.85 DISCRETIONARY LAND USE PERMITS

Sections:

19.85.010	Administrative use permits.
19.85.020	Conditional use permits.
19.85.030	Variances.
19.85.040	Public facilities permits.
19.85.050	Administrative design review.
19.85.060	Amendments to discretionary land use permits.
19.85.070	Duration of a discretionary land use permit approval.
19.85.080	Revocation.
19.85.090	Relinquishment of discretionary land use approvals.
19.85.100	Time calculations.

19.85.010 Administrative use permits.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for uses that, due to their unique qualities, may require additional regulations or other special degrees of control. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Administrative use permits include:

1. Accessory dwelling units;
2. RV permits;
3. Telecommunication facility review;
4. Temporary uses; and
5. Tree permits.

B. Decision Criteria. The Director shall review applications for administrative use permits in accordance with specific findings as set forth below.

1. Requirements and Decision Criteria Unique to Certain Uses. The development standards of this code shall be used by the applicant in preparing the administrative use permit application and by the Director in determining the acceptability of permitting a use in a certain location.

2. Required Findings. The Director shall grant approval of an administrative use permit if all of the criteria pertaining to that type of permit (such as a home occupation permit) and all of the following findings can be made and supported by the record:

- a. That the granting of the proposed administrative use permit approval will not:

- i. Be detrimental to the public health, safety, and general welfare;
- ii. Adversely affect the established character of the surrounding vicinity; nor
- iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;

b. That the granting of the proposed administrative use permit approval is consistent and compatible with the intent of goals, objectives, and policies of the City's Comprehensive Plan, and any implementing regulation;

c. That all conditions necessary to mitigate the impacts of the proposed use can be monitored and enforced; and

d. That all requirements for a specific use have been addressed by the applicant.

C. Burden of Proof. The applicant has the burden of proving that the proposed use meets all criteria set forth in subsection (B)(2) of this section, Required Findings.

D. Approval. The Director may approve an application for an administrative use permit, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.

E. Denial. The Director may deny an application for an administrative use permit if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of complying with specific standards set forth in this code, and if any of the above required findings are not supported by evidence in the record as determined by the Director.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 §2, 2001).

19.85.020 Conditional use permits.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Conditional uses will be subject to review by the Examiner and the issuance of a conditional use permit. This process allows the Examiner to:

1. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and

2. Make further stipulations and conditions that may reasonably assure that the basic intent of this code will be served.

B. Decision Criteria. The Examiner shall review conditional use permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The Examiner may reduce or increase bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

1. Required Findings. The Examiner may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

- a. That the granting of the proposed conditional use permit will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Adversely affect the established character of the surrounding vicinity; nor
 - iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
- b. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the vision statement, goals, and policies of the City's Comprehensive Plan, and any implementing regulation;
- c. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced;
- d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard;
- e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services; and
- f. That the level of service standards for public facilities and services are met in accordance with the concurrency management requirements.

C. Additional Required Findings for Public Facilities.

1. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of comprehensive, general or utility plans for sewage, stormwater, water, solid waste, park and recreation, transportation or other facility plans, capital facility plan or capital improvement programs.

2. That the facility site and environmental designs:

- a. Meet local and State siting criteria and design requirements adopted as standard mitigation and as administrated by local and State agencies; and
- b. Have been reviewed and commented upon by local and State agencies responsible for issuing permits; and

3. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.

D. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (B)(1) of this section, Required Findings.

E. Approval. The Examiner may approve an application for a conditional use permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.

F. Denial. The Examiner shall deny a conditional use permit if the proposal does not meet or cannot be conditioned or modified to meet subsection (B)(1) of this section, Required Findings.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.85.030 Variances.

A. Purpose. The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.

B. Administrative and Examiner Variances. There are two types of variances hereby established. A “minor” or administrative variance, and a “major” or examiner variance. An administrative variance is one which is within 25 percent of the standard contained in the code. An examiner variance is one that is greater than 25 percent of the standard contained in the code. Both types are based on the same decision criteria, as found in subsection (E) of this section.

C. Granting of Variances. The Director and the Examiner shall have the authority to grant a variance from the provisions of this code, when, in their opinions, the conditions as set forth in subsections (E) and (F) of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. The Director or Examiner shall only grant the minimum necessary variance to grant relief to the applicant.

D. Variances shall not relieve an applicant from any of the procedural provisions of this title, from any standard or provision that specifically states that no variance from such standard or provision is permitted, or from conditions of approval established during prior permit review. A variance shall not allow establishment of a use that is not otherwise permitted in the zone, including the creation of lots or densities that exceed the base residential density of the zone. A variance cannot be used to relieve an applicant from any of the provisions of the critical areas code, except for the required buffer widths.

E. Decision Criteria. Before any variance may be granted, it shall be shown that the applicant demonstrates all of the following:

1. That the granting of such variance will not adversely affect the Comprehensive Plan;
2. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;
4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
5. That strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner; and
6. That the need for the variance is not the result of deliberate actions of the applicant or property owner.

F. Burden of Proof. The applicant has the burden of proving that the proposed variance meets all of the criteria in subsection (E) of this section, Decision Criteria.

G. Approval. The Director or Examiner may approve an application for a variance, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.

H. Denial. The Director or Examiner shall deny a variance if the proposal does not meet or cannot be conditioned or modified to meet subsection (E) of this section, Decision Criteria.

(Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 330 § 1, 2001; Ord. 307 § 2, 2001).

19.85.040 Public facilities permits.

A. Public Facility Permits Repealed. Existing public facility permits are considered conditional use permits. Public facilities allowed subject to a conditional use permit must meet the required findings in UPMC [19.85.020](#)(C).

B. Recognition of Previously Granted Permits for Public Facilities. Any previously granted development permit, zoning permit or otherwise lawfully established public facility and/or activity, which existed prior to the effective date of these regulations, are hereby acknowledged and reaffirmed by these provisions. These previously granted authorities include but are not limited to unclassified use permit, conditional use permit, nonconforming use permit, planned development district, planned unit development, conditional change in zone, variances, and similar permits and approvals.

Each of these previously granted authorities are hereby defined as an existing and approved conditional use permit under these regulations, subject to any specific conditions imposed on the approval of said authority. Any public facility and/or activity which does not possess one of these authorities, but has been legally established prior to the effective date of these regulations, shall be defined as an existing and approved public facility permit, but shall be subject to the limitations imposed on all legally established uses under the bulk regulations and special use design standards until the specific permit is amended pursuant to these regulations.

Any facility or activity which possesses a conditional use permit as established herein shall not be defined as a nonconforming use under these regulations. Existing state and federal permits, including, but not limited to, federal mining permits and leases, surface mine permits (SM), National Pollution Discharge Elimination System permits (NPDES), and solid waste permits may be used to aid in the establishment of a public facility permit for any existing facility or activity. The Department shall establish and maintain a list of these permits.

(Ord. 559 § 11 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 330 § 2, 2001; Ord. 307 § 2, 2001. Formerly 19.85.050).

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 C zones per Chapter [19.50](#) UPMC or the TC 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.
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 preapplication meeting with the City's technical review committee prior to formal project application. An applicant may present schematic sketches and a general outline of the proposal for a preliminary staff review. The meeting is intended to provide a prospective applicant with information concerning application procedures, submittal requirements and design standards and guidelines that may be applicable to the proposal. The meeting is also intended to provide a prospective applicant with early input and initial design direction from City staff on the proposal. The completion of this preapplication review process does not vest any future application.

F. Final Design Review. The Director may determine that a design submittal generally meets the criteria listed in subsection (C) of this section but includes specific design elements that will require a more detailed review later in the design process to demonstrate full compliance. In such case, the Director may grant design review approval subject to the submittal and approval of additional detailed plans. This final design review is intended to ensure that all specific design issues identified during the Director's initial review are fully addressed prior to issuance of a building permit, site development permit or other construction permit.

G. 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 [17](#), 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. (Ord. 559 § 11 (Exh. A), 2009).

19.85.060 Amendments to discretionary land use permits.

A. Amendment Standards – Discretionary Land Use Permits. This section provides the method for amending conditions of approval and final development plans that have received discretionary land use permit approval.

1. Minor Amendment. Minor amendments shall be consistent with the requirements set forth in subsection (A)(1)(c) of this section, and shall include, but not be limited to, adjustments to site plan and structure layout, provided the adjustment is generally consistent with the original approval; minor adjustments to site access, parking area layout, additions of fences, retaining walls, and mechanical equipment; adjustments to building height, provided the height is below the maximum allowed in the zone; and adjustments to the landscaping plans such as changes to plant materials.

The following procedures shall be required for all minor amendments.

- a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent and shall fully describe the amendments requested and the reasons therefor.
- b. Minor amendment applications may be routed for comments to any City division and to any agency with jurisdiction at the Director's discretion.
- c. Minor amendments shall meet all of the following requirements:
 - i. A change to a condition of approval does not modify the intent of the original condition.
 - ii. The perimeter boundaries of the original site shall not be extended by more than five percent of the original lot area.

- iii. The proposal does not increase the overall residential density of a site.
- iv. The proposal does not change or modify housing types.
- v. The proposal does not reduce the designated open space.
- vi. The proposal does not add more than five percent gross square footage of structures to the site.
- vii. The proposal does not increase the overall impervious surface on the site by more than five percent.
- viii. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.

d. Burden of Proof. The applicant has the burden of proving by a preponderance of the evidence that the proposed amendment meets all of the criteria in subsection (A)(1)(c) of this section.

e. Approval. The Director may approve an application for a minor amendment, approve with additional conditions, require modification of the proposal to comply with specified requirements or determine that the application shall be processed as a major amendment.

f. Denial. The Director shall deny an application for amendment if the proposal does not meet or cannot be conditioned to meet subsection (A)(1)(c) of this section.

g. The Director's decision may be appealed as provided in UPMC Title [22](#).

2. Major Amendments.

a. Any modification exceeding the provisions of subsection (A)(1)(c) of this section shall be considered a major amendment and shall follow the same procedure required for a new application and fee.

b. Major amendments shall be subject to the most current City codes. (Ord. 559 § 11 (Exh. A), 2009).

19.85.070 Duration of a discretionary land use permit approval.

If a discretionary land use permit approval is not exercised within one year from the effective date of approval, or within five years from the effective date of an administrative design approval associated with a preliminary plat or short plat, it shall automatically become null and void. For good cause, the appropriate review authority (Hearings Examiner or Director) may grant a one-time extension of one year if an extension request is filed with the Department no less than 45 days prior to the date of expiration. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original discretionary land use permit

application. Before taking action to grant an extension, the review authority shall adopt written findings showing that the following circumstances exist:

A. The proposal approved under the terms of the discretionary land use permit application originally granted remains in conformance with current development standards and design guidelines contained or referenced in this title. If the proposal would no longer conform to this title as a result of more restrictive standards or guidelines being adopted subsequent to the original approval, the review authority may consider a modified proposal that would comply with the more restrictive standards or guidelines.

B. The findings adopted in support of the original discretionary land use permit approval remain valid and supportive of the time extension request.
(Ord. 559 § 11 (Exh. A), 2009).

19.85.080 Revocation.

A. Purpose. The purpose of this section is to establish procedures to be followed when action is initiated to revoke a discretionary land use permit.

B. Authority. The Hearings Examiner may revoke or modify a major variance, conditional use permit or planned development district approval when it has determined that one or more of the grounds listed in subsection (E) of this section exists. The Director may revoke or modify an administrative use permit, minor variance or administrative design review approval when it has determined that one or more of the grounds listed in subsection (E) of this section exists.

C. Initiation of a Revocation. Revocation may be initiated by a request from an adversely affected property owner or other aggrieved party, a motion by the City Council to refer the matter to the Hearings Examiner, or the Director.

D. Procedures. Review of a motion, recommendation or request for revocation by the appropriate review authority shall be conducted in the same manner as was required for the initial consideration of the discretionary land use permit. Procedures concerning public notice, reporting and appeals shall be the same as for the initial review.

E. Grounds for Revocation or Modification. A revocation or modification of a discretionary land use permit by the appropriate review authority shall be made on any one or more of the following grounds:

1. The approval was obtained by deception, fraud or other misrepresentations;
2. The use for which the approval was granted has ceased to exist or has been suspended for one year or more;
3. That the permit granted is being, or recently has been, exercised contrary to the terms or conditions of the approval or the applicable development regulations that govern the permit; or

4. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

F. Submittal Requirements. A request for a revocation by an adversely affected property owner or other aggrieved party shall be submitted on forms provided by the Department. The party requesting the revocation shall submit a statement indicating the specific grounds listed in subsection (E) of this section that provide the basis for the request. Based on a preliminary review of the request, the Director may determine that additional information is necessary to complete the review and shall be provided by the party requesting the revocation.
(Ord. 559 § 11 (Exh. A), 2009).

19.85.090 Relinquishment of discretionary land use approvals.

A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:

A. The property owner must submit in writing to the Department the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.

B. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure for a decision.

C. The Department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.
(Ord. 559 § 11 (Exh. A), 2009).

19.85.100 Time calculations.

Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.
(Ord. 559 § 11 (Exh. A), 2009).



Chapter 19.90 AMENDMENTS

Sections:

19.90.010	Purpose.
19.90.020	Development regulation and zoning map amendments.
19.90.030	Legislative amendments.
19.90.040	Quasi-judicial rezones.
19.90.060	Superseded.

19.90.010 Purpose.

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

(Ord. 559 § 12 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 434 § 1, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001).

19.90.020 Development regulation and zoning map amendments.

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

B. Rezones Versus Reclassifications. A rezone shall mean the change of a zone designation on the City's zoning map and is subject to the provisions of this chapter. A reclassification is a change of a Comprehensive Plan land use designation and is subject to the provisions contained in UPMC Title [16](#). When a proposal requires both a reclassification and a rezone, the following shall apply:

1. A reclassification and a legislative rezone may be conducted concurrently.
2. A reclassification and a quasi-judicial rezone shall be conducted in phases, with the reclassification occurring first in time.

C. Any interested person, including applicants, citizens, City Council, Planning Commission, Hearings Examiners, City staff, or staff of other agencies, may request amendments to the zoning code, other development regulations or zoning map.

D. Application Required. For the purpose of advising and informing an applicant of the procedural requirements and to ensure that an application is in satisfactory form, the department may require a prefiling conference.

1. The department shall provide the application forms and submittal requirements for amendments.
2. No amendment shall be processed until the Director determines that the information necessary to review and decide upon the amendment is complete.
3. An application fee may be required, adopted by separate resolution.

(Ord. 559 § 12 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 434 § 1, 2004; Ord. 423 § 74, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.90.030).

19.90.030 Legislative amendments.

A. Amendments. Amendments to development regulation text and tables and rezones of area-wide significance are legislative actions and shall be considered by the City Council following review and recommendation by the Planning Commission.

B. Requests Docket. Requested legislative amendments shall be docketed and considered by the Planning Commission and City Council at least on a biannual basis, consistent with the provisions of Chapter 36.70A RCW.

C. Staff Report. The Director shall prepare a written report on each legislative amendment pending before the Planning Commission. The report shall be provided to the Planning Commission and any parties of record before the public hearing. Each report shall contain:

1. Any proposed factual findings of the City department proposing the amendment;
2. Any comments from City departments, agencies, districts and other interested parties;
3. The environmental assessment or copy of any environmental determination or final environmental impact statement; and
4. The department's recommendations on the amendment.

D. Public Hearing Required by Planning Commission. The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any amendment. Alternatively, the Planning Commission may hold a joint public hearing with the City Council.

E. Recommendation by Planning Commission. Each determination recommending a legislative amendment shall be supported by written findings and conclusions showing the following:

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

2. That the proposed amendment is in the best interest of the citizens and property owners of the City;
3. That the proposed amendment enhances the public health, safety, comfort, convenience or general welfare;
4. For rezone requests, that the proposed amendment to the zoning map is consistent with the scope and purpose of this title and the description and purpose of the zone classification applied for;
5. For rezone requests, that there are sufficient changed conditions since the previous zoning became effective to warrant the proposed amendment to the zoning map;
6. For rezone requests, that the proposed amendment to the zoning map will not be materially detrimental to uses in the vicinity in which the subject property is located.

F. Adoption by the City Council. Following receipt of the Planning Commission's recommendation, the City Council may hold additional public hearings at its discretion.

G. Should the City Council agree to an amendment to the development regulations and/or zoning map, such amendments shall be adopted by ordinance.

(Ord. 559 § 12 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 434 § 1, 2004. Formerly 19.90.040).

19.90.040 Quasi-judicial rezones.

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

B. An application for a quasi-judicial rezone shall be processed in accordance with UPMC Title [22](#), Administration of Development Regulations, except that the decision of the Hearings Examiner shall not be final, but shall be a recommendation to the City Council.

C. Public Hearing. The Hearings Examiner shall hold an open record public hearing on each application. Any person may participate in the hearing by submitting written comments or making oral comments at the hearing.

D. Decision Criteria.

1. The Hearings Examiner shall recommend approval or approval with conditions or modifications if the applicant has demonstrated that the proposal complies with the decision criteria set forth in this section.
2. The applicant carries the burden of proof and must demonstrate that the criteria are met by a preponderance of the evidence.
3. If the criteria are not met, the Hearings Examiner shall recommend denial of the application.
4. Criteria. All criteria must be met in order for an application to be approved. The applicant must demonstrate the following:
 - a. The proposed rezone is in the best interest of the residents of the City;
 - b. The proposed rezone is appropriate because either:
 - i. Conditions in the immediate vicinity of the subject property have so significantly changed since the property was given its present zoning that, under those changed conditions, a rezone is within the public interest; or
 - ii. The rezone will correct a zone classification or zone boundary that was inappropriate when established;
 - c. The proposed rezone is consistent with the Comprehensive Plan;
 - d. The proposed rezone is consistent with all applicable provisions of UPMC Title [19](#), including any specific design criteria;
 - e. The proposed rezone bears a substantial relation to the public health, safety, and welfare;
 - f. The site plan of the proposed project is designed to minimize all significant adverse impacts on other properties;
 - g. The site plan is designed to minimize impacts upon the public facilities, services and utilities;
 - h. The proposal is not inconsistent with the surrounding area;
 - i. If applicable, that there is a means of developing, preserving, and maintaining open space;
 - j. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced.

E. Recommendation by the Hearings Examiner. After considering all of the information submitted on the matter, the Hearings Examiner shall issue a written recommendation to the City Council setting forth the Examiner's findings, conclusions and recommendation. The recommendation shall include the following:

1. A statement of facts presented to the Hearings Examiner that supports his or her recommendation, including facts supporting any conditions and restrictions that are recommended.
2. A statement of the Hearings Examiner's conclusions based on those facts.
3. A statement of the criteria used by the Hearings Examiner in making the recommendation.
4. Any conditions, restrictions, and modifications that the Examiner determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the requested rezone.

F. Distribution of Written Recommendation. The Director shall distribute copies of the recommendation of the Hearings Examiner to the applicant, each person who submitted written or oral testimony at the public hearing, and the City Council. The Director shall include a draft resolution or ordinance that embodies the Hearings Examiner's recommendation with the copy of the recommendation sent to each City Council member.

G. City Council Action.

1. Time for Consideration. The City Council shall consider and take final action on the application at a public meeting within 90 calendar days of the date of issuance of the Hearings Examiner's recommendation. This time period may be extended upon written agreement of the Director and the applicant. Calculation of this time period shall not include any time necessary for reopening the hearing before the Hearings Examiner or further action by the Examiner in the event of remand from the City Council.
2. Closed Record Hearing. The City Council review and consideration of the rezone application shall be conducted as a closed record hearing and shall be limited to the record of the hearing before the Hearings Examiner, the Hearings Examiner's written recommendation, and comments received during the closed record hearing. No new evidence or information may be presented at the closed record hearing.
3. Argument. Persons entitled to participate in the closed record hearing are limited to parties of record in the open record hearing. Arguments made at the hearing must be limited to the information contained in the record developed by the Hearings Examiner and must specify the specific findings or conclusions disputed, if any, and the relief requested from the City Council.

4. Burden of Proof. The applicant carries the burden of proof and must demonstrate to the City Council that the decision criteria are met by a preponderance of the evidence. If the criteria are not met, the City Council shall deny the application.

5. City Council Decision. The City Council shall review the Hearings Examiner's recommendation for compliance with the review criteria set forth in this chapter. After consideration the City Council may remand the application to the Hearings Examiner to reopen the hearing for additional evidence and supplementary findings and conclusions, or further actions as directed. If not remanded or after remand, the City Council shall, by ordinance approved by a majority of the total membership, take one of the following actions:

- a. Approve the application;
- b. Approve the application with modifications or conditions; or
- c. Deny the application.

6. Conditions and Restrictions. The City Council shall include in an ordinance granting the rezone any conditions and restrictions it determines are necessary to meet the decision criteria or to eliminate or minimize any undesirable effects of granting a rezone. Any conditions, modifications and restrictions that are imposed shall become part of the decision.

7. Findings of Fact and Conclusions. The City Council may adopt by reference some or all of the findings and conclusions of the Hearings Examiner. The City Council shall include in the ordinance:

- a. A statement of the facts that support the decision, including the facts that support any new conditions, restrictions, or modifications that are imposed;
- b. The City may require that the applicant enter into a concomitant agreement with the City as a condition of the rezone. Such agreement may impose development conditions designed to mitigate potential impacts of the rezone and the development;
- c. The City Council's conclusions based on its finding of facts.

8. Effect. The decision of the City Council on an application is the final decision of the City.

H. Minor Modifications. Subsequent to the adoption of the ordinance, the applicant may apply for a minor modification to a site plan approved as part of that ordinance. The Director shall review applications for a minor modification. The Director may approve a minor modification only if the Director finds that:

1. The change will not result in reducing the landscaped area, buffer areas, or the amount of open space on the project by more than five percent;
2. The change will not result in increasing the residential density;
3. The change will not result in increasing gross floor area of the project by more than five percent;
4. The change will not result in any structure, or vehicular circulation or parking area being moved more than 10 feet in any direction and will not reduce any required yard;
5. The change will not result in any increase in height of any structure;
6. The change will not result in a change in the location of any access point to the project;
7. The change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project; and
8. The change will not modify the intent of any condition.

I. Major Modifications. If the applicant seeks a modification to the approved site plan that does not meet the requirements of a minor modification, the applicant may propose a major modification by submitting an application for a quasi-judicial project-related rezone. The City will process such application in the same manner as an application for a new quasi-judicial project-related rezone.

J. Expiration.

1. The applicant must begin construction, or submit to the City a complete building permit application for the development activity, use of land, or other actions approved under this chapter, within two years after the final City decision on the matter is issued. Failure to do so shall render the City approval of the applicant's proposal void, and the zoning of the subject property shall revert to its original zoning; provided, however, the City Council, upon a showing of good cause, may extend the time limits contained herein.
2. The applicant must substantially complete construction of the development activity, or use of land, or other actions approved under this section and complete all applicable conditions of approval within five years after the final City decision on the matter is issued. Failure to do so shall render the City approval void.
3. If litigation is initiated, the time limits of this section shall be automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, use of land, or other action approved under this chapter includes phased construction, the time limits of this subsection may also be extended at the discretion of the Director.

K. Time Extension*. At least 30 days prior to the lapse of approval for a project-related rezone, the applicant may submit an application in the form of a letter with supporting documentation to the Department of Development Services requesting a one-time extension of the time limits set forth in subsection (J) of this section of up to one year. The request must demonstrate:

1. The applicant is making substantial progress on the development activity, use of land, or other actions approved under this chapter; and
2. That circumstances beyond the applicant's control prevent compliance with the time limits.

L. Judicial Review. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to UPMC Title [22](#).
(Ord. 559 § 12 (Exh. A), 2009; Ord. 443 § 1 (Exh. A), 2005; Ord. 434 § 1, 2004. Formerly 19.90.050).

*Code reviser's note: Ordinance 533 §§ 1 and 3, effective until December 31, 2010, state: "The Development Services Director is hereby authorized to extend permit and permit applications without fee for periods not to exceed 180 days upon written request. Said request shall demonstrate that circumstances beyond the control of the applicant have prevented work on the permit application or work under an issued the permit. The current economic slowdown resulting in lax housing sales and unavailable credit may be cited as a circumstance beyond the applicant's control."

The Development Services Director shall not issue an extension under Section 1 if a Title of the Municipal Code has been amended affecting the property for which the permit was issued or the permit application pertains unless the applicant agrees in writing to abide by any applicable amended provisions."

19.90.060 Revocation and expiration.

Superseded by Ord. 559.
(Ord. 443 § 1 (Exh. A), 2005; Ord. 434 § 1, 2004; Ord. 394 § 1, 2003; Ord. 307 § 2, 2001. Formerly 19.90.030).

