

*PRELIMINARY CITY COUNCIL AGENDA

September 19, 2016
Regular Council Meeting

October 3, 2016
Regular Council Meeting

October 17, 2016
Regular Council Meeting

November 7, 2016
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
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APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Monday, August 15, 2016
City Hall, Windmill Village**

1. CALL SPECIAL MEETING TO ORDER

Mayor Figueroa called the Special Meeting to order at 4:45 p.m.

Attendance was noted by the City Clerk as follows: Councilmember Belleci, Councilmember Nye, Councilmember McCluskey, Mayor Figueroa, Mayor Pro Tem Keel (left at 6:14 p.m.), Councilmember Grassi, and Councilmember Worthington.

Staff: City Manager Sugg, City Attorney Victor, Executive Director/ACM Faison, Executive Director/ACM Craig, and City Clerk Genetia.

Guest: Dr. Lowell Kuehn

STUDY SESSION

2. 2017-2018 COUNCIL GOALS WORKSHOP

Council members were presented with drafted goals and potential outcomes based on initial understanding of Council's ideas captured from their June 6, 2016 Council Goals Workshop. Dr. Kuehn explained that the intent of the document is to assist Council members in validating what was said and to provide a bridge to define goals and outcomes. Council worked to narrow identifiable goals with components that reflect Council's assumptions of community interests and encourage community involvement. Discussion continued around process, context, development of issues, and correlating outcomes.

The 2017-2018 Council Goals discussion will continue at a later date and time.

3. ADJOURNMENT

The meeting adjourned at 6:39 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, August 15, 2016
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER

Mayor Figueroa called the Regular Meeting to order at 7:00 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember McCluskey	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Excused
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Victor, Executive Director/ACM Craig, Planning and Development Services Director Swindale, Principal Planner Boers, Paralegal Grover, and City Clerk Genetia.

MOTION: By Councilmember Grassi, seconded by Councilmember McCluskey, to excuse the absence of Mayor Pro Tem Keel.

The motion carried.

3. PLEDGE OF ALLEGIANCE

Mayor Figueroa led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the minutes of August 1, 2016 as submitted.

The motion carried.

5. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the agenda.

The motion carried.

6. PUBLIC COMMENTS – The following individual provided comment: Howard Lee, 8302 41st Street West.

7. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the Consent Agenda as follows:

- A. Receive and File: Payroll for the period ending 07/31/16, dated 08/05/16, in the total amount of Two Hundred Ninety-One Thousand Four Hundred Sixty-Nine and 32/100 Dollars (\$291,469.32); Claims dated 08/15/16, check nos. 51978559 through 51978615, and wire nos. 4481091, 7272016, 18682282, and 125000024, in the total amount of One Hundred Forty-Three Thousand Three Hundred Ten and 81/100 Dollars (\$143,310.81).

The motion carried.

COUNCIL CONSIDERATION

8. TREE PRESERVATION

Staff Report – Planning and Development Services Director Swindale presented the proposed amendments to the Landscaping/Trees Ordinance (UPMC Chapter 19.65). He indicated that along with the Planning Commission’s proposed amendments, the Council has suggested additional amendments to the July 5, 2016 draft during its study session. He reviewed staff comments/concerns regarding Council’s proposed amendments before they were considered.

Public Comment – The following individual provided comment on the matter: David Harrowe, 4616 79th Avenue Court West.

The following motions to Council proposed amendments were made:

MOTION: By Councilmember McCluskey, seconded by Councilmember Grassi, to reject Planning Commission’s recommendation in 19.65.060 to increase the size of trees to be protected from 6” to 9” for deciduous and 12” for evergreens. **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember McCluskey, seconded by Councilmember Worthington, to amend 19.65.200(D)(2) to change “the first growing season” to “the initial three growing seasons.” **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Grassi, seconded by Councilmember Belleci, to reject the proposed amendment to 19.65.060 “Limited Tree Removal.” **The motion failed.**

MOTION: By Councilmember Grassi, seconded by Councilmember McCluskey, to amend 19.65.090(C)(7) to remove the word “no” and require street frontage landscaping for all single family or duplex dwellings. **The motion failed.**

MOTION: By Councilmember McCluskey, seconded by Councilmember Grassi, to reject the proposed amendment to 19.65.040(C) which would change “shall” to “may.” **The motion failed.**

MOTION: By Councilmember Grassi, seconded by Councilmember McCluskey, to amend 19.65.060, the definition of “tree” to: “A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.” **The motion failed.**

MOTION: By Councilmember Grassi, seconded by Councilmember McCluskey, to amend 19.65.060, the definition of “tree” to state: “A woody plant having one erect perennial stem (trunk) at least three inches in diameter at a point 4 ½ feet above the ground, a definitely formed crown of foliage, and a mature height of at least 13 feet.” **The motion failed 4 to 2. Councilmembers Grassi and McCluskey voted yes.**

MOTION: By Councilmember McCluskey, seconded by Councilmember Grassi, to amend 19.65.270(D) to remove the word “hazard” and replace it with “risk” trees as defined in ANSI A300 Best Management Practices Tree Risk Assessment. **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to amend 19.65.170(A)(4) to add the phrase “of equivalent screening” following “hedge.” **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Grassi, seconded by Councilmember McCluskey, to amend 19.65.200(C)(3) to add “Any plantings removed should be replaced with plantings of like kind.” **(The proposed motion was withdrawn and replaced with the motion below.)**

To amend 19.65.210(A)(1) Maintenance to add the phase “or ones that achieve the original objectives of the approved landscape plan.” **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to amend 19.65.240 to reject the proposed language saying “to the extent possible.” **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to amend 19.65.270(B)(5) to decrease from two acres to one acre. **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Grassi, seconded by Councilmember Belleci, to amend 19.65.270(A) to strike “larger” and replace with “more desirable.” **The motion passed 5 to 1. Councilmember Nye voted no.**

MOTION: By Councilmember Worthington, seconded by Councilmember Belleci, to amend 19.65.230 (B) to change the 18-month landscape bond requirement to 3 years with the option to extend, if deemed necessary by the Director. **The motion passed 5 to 1. Mayor Figueroa voted no.**

AMENDED MOTION: By Councilmember Worthington, seconded by Councilmember Belleci, to amend 19.65.230 to include the staff proposed language as follows: “The director may extend the maintenance guarantee beyond the initial 36-month term if necessary to ensure establishment of any plants replaced during the initial term. In recognition that landscape maintenance bond may not always be readily obtainable, options for guarantees could be provided, as shown in a new subsection C below.

C. The landscape maintenance guarantee may take the form of: (1) a maintenance bond in a form deemed acceptable to the city; (2) an assignment of funds in an amount equal to the bonded amount (125% of the cost of landscaping less the irrigation system); or (3) a three-year contractual agreement between the owner/developer and a licensed landscape architect, Washington certified nurseryman, or Washington certified landscape contractor, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement.” **The motion carried.**

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to add a new recital “M” in 19.65.010 stating that the intent of this ordinance is to comply with the eligibility requirements of Tree City USA. **The motion passed 5 to 1. Councilmember Nye voted no.**

Mayor Figueroa withdrew his motion to amend 19.65.090(7), to state “There shall be no landscaping requirements for single family residences.”

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Councilmember Worthington, to pass an ordinance amending Chapter 19.65 Landscaping/Trees of the University Place Municipal Code pertaining to purpose, enforcement and penalties, definitions, exemptions, maintenance, urban forest management, tree retention plans, tree removal in subdivisions, tree replacement, tree maintenance and pruning, and other related provisions as amended.

The motion passed 5 to 1. Councilmember Nye voted no. (ORDINANCE 673)

9. COUNCIL COMMENTS/REPORTS

Councilmember McCluskey reported that she attended Congressman Heck's forum on enhancing services for homeless youths in our State.

Councilmember Belleci reminded the public of the final Curran Apple Orchard concert this Thursday at 6:30 p.m.

Mayor Figueroa informed Council that he, along with City Manager Sugg, and Executive Director Faison met with Congressman Heck and the senior staff of Senator Murray to engage their legislative support for the City's needs. He commented about the City's positive direction and thanked the Council and staff for their leadership and hard work.

10. ADJOURNMENT - The meeting adjourned at 8:50 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Monday, August 22, 2016
City Hall, Windmill Village**

1. CALL SPECIAL MEETING TO ORDER

Mayor Figueroa called the Special Meeting to order at 4:02 p.m.

Attendance was noted by the City Clerk as follows: Councilmember Belleci, Councilmember Nye, Councilmember McCluskey, Mayor Figueroa, Councilmember Grassi, Councilmember Worthington, and Mayor Pro Tem Keel (arrived at 4:04 p.m.).

Staff: City Manager Sugg, City Attorney Victor, Executive Director/ACM Craig, and City Clerk Genetia.

STUDY SESSION

2. 2017-2018 COUNCIL GOALS

Mayor Figueroa reviewed the meeting schedule and explained the process that allows for an efficient and unbiased means of completing the 2017-2018 Council Goals. Council worked on the proposed goals, individual outcomes and actions. At the end of the workshop, Council consented to the following 2017-2018 Council Goals and directed staff to bring back a resolution reflecting such for consideration.

Goal #1: A SAFER, MORE LIVABLE COMMUNITY

A. Outcome: Effective community services with emphasis on police services, transportation infrastructure, and parks.

Actions:

1. *Maintain funding in the University Place Police Department budget to allow for current or better staffing levels for the biennium.*
2. *Continue to identify and apply for transportation and other infrastructure grants where local match is available or anticipated to be available.*
3. *Identify funding to construct and implement necessary legislation for Park Capital Improvement Projects such as Curran Apple Orchard restroom, and Paradise Pond Parking and Trails.*
4. *Identify funding to install additional gateway signs, and consider any necessary implementing legislation.*
5. *Maintain funding for City's beautification program at current or better levels for the biennium.*

B. Outcome: More physical and visual connections to Puget Sound and Chambers Bay from public areas in the City.

Actions:

1. *Participate fully with Pierce County and Lakewood in the Chambers Creek Properties Master Site Plan Update, seeking to include such connections.*
2. *Identify funding to construct Leach Creek Trail from 40th to Kobayashi, and consider any necessary implementing legislation.*
3. *Continue to work with Pierce County and Lakewood on the Chambers Creek Canyon Trail, and consider any necessary legislation.*
4. *Consider amending the Shoreline Master Program and the Comprehensive Plan to include this Outcome.*
5. *Prioritize facilities that provide public access to the waters of Chambers Bay, including but not limited to facilities for all types of water crafts.*

At 5:56 p.m., Council took a ten-minute break. The study session resumed at 6:05 p.m.

C. Outcome: Effective communications between the City Council and other local, state and federal elected officials.

Actions:

1. *Study and consider legislation adopting updated City Council intergovernmental legislative priorities for the new biennium.*
2. *Study, identify and consider any necessary legislation to implement a City Council intergovernmental legislative outreach program.*
3. *Consider additions to the Council Rules to establish a timely and effective intergovernmental legislative agenda, and improved inter- and intra-governmental communications in support of the City's adopted legislative agenda.*
4. *Adopt a legislative agenda by the second Council meeting in September of each year.*

At 6:42 p.m., Council took a dinner break. The study session resumed at 7:12 p.m.

Goal #2: INCREASED ECONOMIC VITALITY

A. Outcome: Position the City for redevelopment of commercial areas such as Narrows Plaza, and consider means and methods to promote the City to potential investors such as employers, lodging, leisure and other businesses.

Actions:

1. *Consider legislation making additional revisions to development regulations to improve conditions for development and redevelopment, including review of permitting processes and timelines.*
2. *Consider legislation adopting and implementing a completed Regional Growth Center Subarea Plan.*
3. *Consider legislation updating the Economic Development Strategic Action Plan to 2019.*
4. *Consider budgeting for promotion of the City to potential investors such as significant employers, lodging, leisure and other businesses through new identified means and methods.*
5. *Study the production and effectiveness of a City promotional video.*
6. *Consider budgeting for a professional study of the economic impact of changing the City's name to Chambers Bay.*
7. *Consider funding for next steps strategy following the completion of the Regional Growth Center Subarea Plan.*

Goal #3: STRONGER FINANCIAL CONDITIONS

A. Outcome: Complete an assessment of the sustainability of City revenues, including all fees and taxes, and consider revenue options to fund police services, public safety, streets, and events.

Action:

1. *Review fees and taxes, and other revenue options to fund public safety, police services, streets, and events, and upon completion of study, determine to conclude the topic, or consider legislation achieving the outcome.*

B. Outcome: Maintain a balanced budget and enhance our reserve goals to allow for future financial flexibility and stability.

Actions:

1. *Consider legislation to increase strategic reserves to 7% of the general fund.*
2. *Study options to reduce City debt, and consider any necessary implementing legislation.*
3. *Review current City assets that are surplus to the City's needs and consider legislation disposing of those assets.*
4. *Study the feasibility of re-capitalizing the City's fleet and equipment funds.*
5. *Study potential annexations.*

At 8:57 p.m., a motion was made and was carried to extend the meeting to 10:00 p.m.

Goal #4: GREATER CITIZEN TRUST AND CONFIDENCE

A. Outcome: Maintain and improve community engagement to build public trust in City government, to value U.P.'s history and heritage, to maintain community pride and the sense of UP as a safe and special place, and to encourage volunteers.

Actions:

1. Consider identifying the scoping of a new professionally conducted community survey, and budgeting the cost of such a survey.
2. Consider identifying new or enhanced community engagement events, and budgeting the cost of those events.
3. Consider funding the development and staffing of a University Place City Government Facebook page embracing all aspects of City government. (Current City Facebook pages are Rec, and event-specific).
4. Study the feasibility of establishing a City 4th of July celebration at Chambers Bay.
5. Review the purpose and operations of the City Council's Legislative Advisory Commissions.
6. Study means and options for capturing, preserving and having public access to City history.
7. Consider funding the development and staffing of a UP volunteer/event coordinator.

B. Outcome: Maintain and improve the quality of information provided to the public about U.P. government operations, and our focus on integrity and transparency in government, helpful and timely customer service, and remaining within the proper role of government.

Actions:

1. Consider funding increased production of City informational videos for broadcast on UPTV, and to be available on the City's website and social media forums.
2. Consider funding the production of additional reporting content for the City pages within the UP Press.
3. Consider cost-effective online and/or other information technology based surveys to engage citizens and obtain their feedback.

The meeting adjourned at 9:57 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

APPROVAL OF CONSENT AGENDA

Control No.: 5 Agenda of: 09/06/16	PREPAY
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Claim of: Payroll for Pay Period Ending 08/15/16

Check #	Date	Amount	Check #	Date	Amount
318687	8/19/2016	899.70	318689	8/19/2016	441.29
318688	8/19/2016	589.73	318690	8/19/2016	99.73

8/19/2016 127,233.88 DIRECT DEPOSIT

EMPLOYEE NET 129,264.33

318691 8/19/2016 155.00 MALAIER, TRUSTEE, MICHAEL G.
318692 8/19/2016 247.97 OHIO CHILD SUPPORT PMT CENTRAL

WIRE 8/19/2016 26,258.47 BANK OF AMERICA
WIRE 8/19/2016 18,693.93 - 106006, VANTAGEPOINT TRANSF
WIRE 8/19/2016 6,996.80 - 304197, VANTAGEPOINT TRANSF
WIRE 8/19/2016 4,136.39 - 800263, VANTAGEPOINT TRANSF
WIRE 8/19/2016 28,449.07 WA STATE DEPT OF RETIREMENT SY
WIRE 8/19/2016 736.25 PACIFIC SOURCE ADMINISTRATORS
WIRE 8/19/2016 2,788.11 - 106006 LOAN, VANTAGEPOINT
WIRE 8/19/2016 79.90 AFLAC INSURANCE
WIRE 8/19/2016 890.30 WA ST DEPT OF RETIREMENT SYS
WIRE 8/19/2016 538.21 - 304197 LOAN, VANTAGEPOINT TR
WIRE 8/19/2016 250.00 NATIONWIDE RETIREMENT SOLUTION
WIRE 8/19/2016 25.00 - 705544, VANTAGEPOINT TRANSF

BENEFIT/DEDUCTION AMOUNT 90,245.40

TOTAL AMOUNT 219,509.73

Preparer Certification:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: (Signature on file.)

Date

Steve Sugg, City Manager

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 08/31/16

Check Range: 51978618-51978691 Wire Transfer: 8182016

Claims Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: _____

Date: _____

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
8182016	8/31/2016	021638	PACIFICSOURCE ADMIN, INC.	0000263897	8/18/2016	AUG16/ADMIN FEES	71.25	71.25
		Voucher: 41073						
51978616	8/12/2016	025986	AUSTINCINA ARCHITECTS INC P:702		7/25/2016	CIVIC BUILDING PROGRAMMING	5,553.10	5,553.10
		Voucher: 41031						
51978617	8/12/2016	025986	AUSTINCINA ARCHITECTS INC P:696		6/25/2016	CIVIC CENTER PROGRAMMING/I	9,822.12	9,822.12
		Voucher: 41030						
51978618	8/31/2016	025715	ABM JANITORIAL SERVICES	9760498	8/1/2016	AUG16/JANITORIAL SERVICES	3,831.65	
		Voucher: 41026		9789515	8/1/2016	GARAGE CLEANING/CLEAR VIEV	1,703.56	5,535.21
51978619	8/31/2016	002075	AMERICAN REPROGRAPHICS CC1516758		8/17/2016	27TH ST W. IMPROVEMENTS/BIC	288.93	288.93
		Voucher: 41027						
51978620	8/31/2016	001818	APEX ENGINEERING PLLC	201653443	7/19/2016	BP WAY PH4/ROW REVISIONS	605.00	605.00
		Voucher: 41028						
51978621	8/31/2016	002160	APPLIED PROFESSIONAL SERVI(92989		8/5/2016	LOCATED UTILITIES/CONDUCTA	160.00	160.00
		Voucher: 41029						
51978622	8/31/2016	022368	BARRETT, SALLY	REIMB	8/12/2016	REIMB/GLOVES/FUNNEL/CIDER	17.93	17.93
		Voucher: 41032						
51978623	8/31/2016	022104	BENNETT, ROBERT	REIMB	8/8/2016	REIMB/PIES/CURRAN CONCERT	49.95	49.95
		Voucher: 41033						
51978624	8/31/2016	025573	CANON FINANCIAL SERVICES	16402913	8/13/2016	AUG16/COPIER LEASE/IRC5256	311.67	311.67
		Voucher: 41034						
51978625	8/31/2016	003155	CDW.GOVERNMENT, INC.	DVV4044	8/2/2016	MS SURFACE PRO 4/COVERS	483.50	
		Voucher: 41035		DVQ5092	8/1/2016	MS SURFACE PRO 4/COUNCIL	4,153.04	4,636.54
51978626	8/31/2016	001152	CENTURYLINK	253-565-9558	8/14/2016	PW PUMP CALLOUT LINE	41.97	
		Voucher: 41036		253-564-1992	8/21/2016	PHONE/SR CENTER	250.38	292.35
51978627	8/31/2016	025873	CERIUM NETWORKS, INC.	054266	8/22/2016	TELEPHONE SYSTEM/PHASE TV	12,619.16	12,619.16
		Voucher: 41037						
51978628	8/31/2016	003056	CITY OF LAKEWOOD	MC-00093	8/10/2016	AUG16/COURT SERVICES	12,304.00	12,304.00
		Voucher: 41038						
51978629	8/31/2016	025790	CITY OF TOPPENISH	JUL16	8/3/2016	JUL16/JAIL SERVICES	1,085.00	1,085.00
		Voucher: 41039						

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978632	8/31/2016	001024 CITY TREASURER	100895144	8/15/2016	POWER/8300 CIRQUE DR W	51.93	
	Voucher:	41040	100668517	8/16/2016	WATER/4300 BP WAY W	387.46	
			100895151	8/16/2016	POWER/7901 CIRQUE DR W	41.41	
			100940204	8/16/2016	WATER/7299 44TH ST W	195.59	
			100668504	8/4/2016	WATER/7401 CHAMBERS LN W	228.92	
			100315888	8/4/2016	POWER/7401 CHAMBERS LN W	38.07	
			100306925	8/4/2016	POWER/8020 CHAMBERS CK RD	41.78	
			100668505	8/4/2016	WATER/8102 CHAMBERS CREEK	320.60	
			100101775	8/5/2016	POWER/5250 GRANDVIEW DR W	131.05	
			100668523	7/8/2016	WATER/8400 20TH ST W	48.92	
			100083325	8/17/2016	POWER/4910 BRISTONWOOD DR	303.29	
			100798512	8/18/2016	POWER/4402 97TH AVE W H1 ST	86.17	
			100172057	8/17/2016	POWER & WATER/3920 GRANDV	183.54	
			100094683	8/17/2016	POWER/4758 BRISTONWOOD DR	98.06	
			100669141	7/12/2016	WATER/3500 GRANDVIEW DR W	1,944.45	
			100386367	8/23/2016	POWER/7223 40TH ST W	157.96	
			100668521	8/8/2016	WATER/3000 BP WAY W	268.82	
			100185134	8/19/2016	POWER/4401 67TH AVE W	45.95	
			100933758	8/19/2016	POWER/7203 44TH ST W	51.54	
			100668522	8/4/2016	WATER/8902 CHAMBERS CREEK	36.68	
			100093125	7/26/2016	POWER/8513 33RD ST W #A	38.00	
			100890035	8/12/2016	WATER/8399 CIRQUE DR W	341.00	
			100781041	8/12/2016	WATER/4600 BECKONRIDGE DR	371.70	
			100077160	8/12/2016	POWER/5202 67TH AVE W	247.71	
			100664578	8/9/2016	WATER/5300 GRANDVIEW DR W	2,258.15	
			100673072	8/10/2016	WATER/8300 40TH ST W	391.77	
			100664580	8/9/2016	WATER/6000 GRANDVIEW DR W	2,571.05	
			100109710	8/10/2016	POWER/8902 40TH ST W	9.19	
			100820972	8/8/2016	POWER/2700 SUNSET DR W	31.94	
			100092335	8/8/2016	POWER/3050 BP WAY W	152.50	
			100032203	8/8/2016	POWER & WATER/2534 GRANDV	283.69	
			100668524	8/8/2016	WATER/4999 ALAMEDA AVE W	306.38	
			100905391	8/9/2016	POWER/9313 56TH ST W	75.00	
			100101783	8/9/2016	POWER/5520 GRANDVIEW DR W	86.84	
			100089560	8/11/2016	POWER/4317 GRANDVIEW DR W	49.03	

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
			100089555	8/11/2016	POWER/4526 GRANDVIEW DR W	24.52	
			100089550	8/11/2016	POWER/4704 GRANDVIEW DR W	18.39	
			100089528	8/11/2016	POWER/3912 GRANDVIEW DR W	30.64	
			100089578	8/11/2016	POWER/4116 GRANDVIEW DR W	36.77	
			100057075	8/11/2016	POWER/4100 GRANDVIEW DR W	23.74	
			100142834	8/3/2016	WATER/3715 BP WAY W	162.52	
			100079046	7/5/2016	POWER/3715 BP WAY W, #D5	19.00	
			100087691	8/3/2016	POWER/3697 BP WAY W	178.25	
			100105615	8/3/2016	POWER/3503 BP WAY W	45.85	
			100110228	8/3/2016	POWER/3715 BP WAY W, #B5	886.35	
			100101800	8/4/2016	POWER/6318 GRANDVIEW DR W	124.46	
			100079031	8/3/2016	POWER/3715 BP WAY W, #D4	19.07	
			100083115	8/23/2016	POWER/4000 67TH AVE W	46.99	
			100565439	8/23/2016	WATER/3761 BP WAY W	394.43	
			100864411	8/23/2016	POWER/6730 40TH ST CT W	76.46	
			100165190	8/23/2016	POWER/3761 BP WAY W	37.04	
			100068203	7/29/2016	POWER/3715 BP WAY W	1,524.83	
			100086165	8/3/2016	POWER/7813 44TH ST W	3.72	
			100357178	8/10/2016	POWER/2620 BP WAY W	25.17	
			100089583	8/11/2016	POWER/4016 GRANDVIEW DR W	18.39	
			100131881	8/18/2016	POWER/4523 97TH AVE W	33.84	
			100080586	8/17/2016	POWER/4951 GRANDVIEW DR W	67.57	
			100079046	8/3/2016	POWER/3715 BP WAY W, #D5	19.00	
			100358203	7/13/2016	POWER/7150 CIRQUE DR W	848.92	
			100156353	8/3/2016	POWER/4720 BP WAY W	26.40	
			100138171	8/3/2016	POWER/3998 BP WAY W	60.20	
			100122800	8/3/2016	POWER/4398 BP WAY W	294.89	
			100137272	8/2/2016	WATER & POWER/1901 SEAVIEW	2,076.34	
			100086155	8/3/2016	POWER/7801 40TH ST W	3.72	
			100611293	8/11/2016	WATER/5200 BP WAY W	528.01	
			100077140	8/11/2016	POWER/2900 GRANDVIEW DR W	8.63	
			100072286	8/11/2016	POWER/8501 40TH ST W	8.63	
			100072268	8/11/2016	POWER/8901 40TH ST W	8.63	
			100333844	8/17/2016	WATER/4951 GRANDVIEW DR W	290.88	
			100072254	8/11/2016	POWER/8417 40TH ST W	8.63	

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
			100077151	8/11/2016	POWER/4000 OLYMPIC BLVD W	10.10	
			100081728	8/10/2016	POWER/6701 BP WAY W	220.58	
			100775637	8/11/2016	POWER/7001 CIRQUE DR W	194.34	
			100679491	8/10/2016	POWER/8002 40TH ST W	101.34	
			100344745	8/11/2016	POWER/6810 CIRQUE DR W	40.91	
			100346073	8/11/2016	WATER/7250 CIRQUE DR W	80.54	
			100263915	8/11/2016	WATER & POWER/7250 CIRQUE	1,108.87	
			100324281	8/11/2016	POWER/7820 CIRQUE DR W	95.29	21,708.99
51978633	8/31/2016	001140 CITY TREASURER	90708839	8/10/2016	JUL16/HYDRANT USE/BRISTONV	211.99	211.99
		Voucher: 41041					
51978634	8/31/2016	002171 CITY TREASURER	90705766	7/26/2016	YEARLY REPAIRS ON CITY VEHIC	4,960.89	
		Voucher: 41042	90709783	8/18/2016	MAINTENANCE/LABOR/CITY VEH	2,775.09	7,735.98
51978635	8/31/2016	025161 CITY TREASURER	129335	8/7/2016	DTA RECEIVERS/SR CENTER	8.27	
		Voucher: 41043	130297	8/7/2016	DTA RECEIVERS/CITY HALL	84.35	
			416	4/30/2016	APR16/UPTV CHANNEL GUIDE LI	92.70	
			516	5/31/2016	MAY16/UPTV CHANNEL GUIDE L	92.70	
			616	6/30/2016	JUN16/UPTV CHANNEL GUIDE LI	92.70	370.72
51978636	8/31/2016	024565 COMCAST	849835010094441	8/10/2016	AUG19-SEPT18/ INTERNET/SR C	97.56	
		Voucher: 41044	849835010073571	8/10/2016	MODEMS/REMOTE SURVEILLAN	80.84	
			849835010113564	8/7/2016	AUG12-SEPT11/INTERNET/CIVIC	142.79	
			849835010094436	8/10/2016	AUG19-SEPT18/INTERNET/PW S	137.56	
			849835010073570	8/10/2016	MODEMS/REMOTE SURVEILLAN	80.84	
			849835010094487	8/15/2016	AUG25-SEPT24/INTERNET/CITY	140.79	680.38
51978637	8/31/2016	024076 COMMENCEMENT BAY CONST.IN2030775		8/8/2016	SAKRETE CONCRETE MIX/PALLI	201.31	201.31
		Voucher: 41045					
51978638	8/31/2016	023782 COMPLETE OFFICE SOLUTIONS, 1416310-0		8/19/2016	LAMINATOR BUNDLE/PEN REFIL	546.14	
		Voucher: 41046	1407673-0	8/1/2016	STAPLES/PAGE FLAGS	9.53	
			1408873-0	8/3/2016	PAPER/PAD/CALCULATOR/ENGIN	35.36	
			1414590-0	8/16/2016	MOUSE PAD	7.87	
			1408769-0	8/3/2016	MARKER/PEN/PAPER/PW SHOP	201.32	
			1410968-0	8/8/2016	PAD/STAMP/ENVELOPE/LABEL	105.78	906.00
51978639	8/31/2016	002066 CONSOLIDATED ELECTR.DIST.C(8541-421517		8/24/2016	RADAR SIGN PROJECT/CHAMBE	278.73	278.73
		Voucher: 41047					

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978640	8/31/2016	024347	COPIERS NORTHWEST, INC.	INV1426567	8/12/2016	JUL11-AUG10/OVERAGE CHARG	9.69
	Voucher:	41048		INV1427416	8/16/2016	JUL14-AUG13/OVERAGE CHARG	128.53
				INV1425184	8/10/2016	JUL9-AUG8/OVERAGE CHARGE/	85.00
				INV1426566	8/12/2016	AUG11-SEPT10/CONTRACT LEA	32.31
				INV1423407	8/8/2016	JUL4-AUG3/OVERAGE CHARGE/	144.74
				AUG16	8/22/2016	SUMMER16/TENNIS CAMPS/REC	4,162.50
51978641	8/31/2016	022860	DAWSON, CHET				400.27
	Voucher:	41049					4,162.50
51978642	8/31/2016	002431	DIANE DEMARS	AUG16	8/16/2016	AUG16/YOGA CLASSES/#5257, #	480.00
	Voucher:	41050					480.00
51978643	8/31/2016	001737	DON SMALL & SONS OIL DIST	CC101910	8/2/2016	PURCHASE OF BULK FUEL FOR	2,506.30
	Voucher:	41051					2,506.30
51978644	8/31/2016	023461	ENTERTAINMENT MASTERS	8616	8/1/2016	MOVIE IN THE PARK/ARTISTS/FA	660.00
	Voucher:	41052					660.00
51978645	8/31/2016	022076	EXELTECH CONSULTING INC	1620-01	8/8/2016	ENGINEERING SERVICES/PROJE	4,366.73
	Voucher:	41053					4,366.73
51978646	8/31/2016	025660	FERGUSON WATERWORKS	0517033	7/26/2016	BLUE PIPE/CONCRETE BASIN	2,585.90
	Voucher:	41054					2,585.90
51978647	8/31/2016	002568	FIRST STUDENT	229-C-069202	8/12/2016	BUS/CAMP UPLAY/VARIOUS FIEL	2,180.25
	Voucher:	41055					2,180.25
51978648	8/31/2016	001398	GILCHRIST CHEVROLET CORP.	637503	8/23/2016	SEAT BELT INSTALL/FILTER CHA	43.79
	Voucher:	41056					43.79
51978649	8/31/2016	025936	GRAY CPA CONSULTING, PC	10138	8/15/2016	CAFR CONSULT/CASEWARE TIE	837.50
	Voucher:	41057					837.50
51978650	8/31/2016	025710	HODGE PRODUCTS INC	0365443-IN	8/9/2016	LAMINATED STEEL PIN TUMBLEI	365.42
	Voucher:	41058					365.42
51978651	8/31/2016	001221	HOLROYD COMPANY, INC.	290684	7/22/2016	CRUSHED ROCK	3,417.81
	Voucher:	41059					3,417.81
51978652	8/31/2016	025997	INSLEE, BEST, DOEZIE & RYDER	219229	8/9/2016	LEGAL SERVICES/JUL16	164.48
	Voucher:	41060					164.48
51978653	8/31/2016	025431	JR SIMPLOT COMPANY	212050294	8/18/2016	HERBICIDE/MOSQUITO DUNK	871.93
	Voucher:	41061					871.93
51978654	8/31/2016	001072	KLOSOWSKI, DEBBIE	REIMB	8/8/2016	REIMB/2 SOIL TESTS/POSTAGE/I	169.45
	Voucher:	41062					169.45
51978655	8/31/2016	025769	KRAMER, JEANNE E.	018	8/18/2016	SUMMER 2/PIANO & VOICE LESS	750.00
	Voucher:	41063					750.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51978656	8/31/2016	001960	KROGER - FRED MEYER STORE	700070	8/13/2016	CUSTOMER # 700070/MISC PURC	132.49	132.49
		Voucher: 41064						
51978657	8/31/2016	001243	LLOYD ENTERPRISES INC	197266	8/3/2016	HAULING/WASTE CONCRETE AS	649.19	
		Voucher: 41065		197538	8/3/2016	TRUCK RENTAL	1,040.00	1,689.19
51978658	8/31/2016	001797	LOWE'S BUSINESS ACCOUNT/GE874-3507-900095-		8/17/2016	MISC REPAIR & MAINTENANCE	465.40	465.40
		Voucher: 41066						
51978659	8/31/2016	025609	MATERIALS TESTING & CONSULT	118822	8/11/2016	CONSTRUCTION TESTING & INS	1,215.00	1,215.00
		Voucher: 41067						
51978660	8/31/2016	001352	MILES RESOURCES, LLC	259523	7/31/2016	HOT MIXED ASPHALT	592.82	
		Voucher: 41068		259470	7/31/2016	HOT MIXED ASHPALT	193.73	
				2	8/18/2016	BRIDGEPORT WAY W/PH 5/ROAI	453,483.85	454,270.40
51978661	8/31/2016	001095	NEWS TRIBUNE	77044640	8/18/2016	ANNUAL SUBSCRIPTION/7 DAY C	99.99	99.99
		Voucher: 41069						
51978662	8/31/2016	001096	NORTHWEST CASCADE, INC.	0550100591	8/5/2016	PORTA POTTY RENTAL/SKATEPA	72.00	
		Voucher: 41070		0550100592	8/5/2016	PORTA POTTY RENTAL/CURRAN	243.68	315.68
51978663	8/31/2016	025989	OTAK INCORPORATED	000071600415	7/29/2016	JUL8/SUBAREA PLAN/PHASE 00'	511.00	511.00
		Voucher: 41071						
51978664	8/31/2016	024139	P.C.COMMUNITY NEWSPAPER GI	8658	8/11/2016	AUG12 ISSUE DATE/UP PRESS C	1,846.15	1,846.15
		Voucher: 41072						
51978665	8/31/2016	026001	PACWEST MACHINERY LLC	20308975	1/9/2016	AIR MACHINE SWEEPER PART/S	285.44	285.44
		Voucher: 41074						
51978666	8/31/2016	024949	PAVING MAINTENANCE SUPPLY,	35001133	8/1/2016	SQUEEGEE REPLACEMENT	64.50	
		Voucher: 41075		35001063	7/26/2016	ROADSAVER LOW TACK	8,123.28	
				35001216	8/9/2016	DETACK & SQUEEGEES	503.95	8,691.73
51978667	8/31/2016	001109	PIERCE COUNTY BUDGET & FIN/CI-220099		8/11/2016	AUG16/POLICE SERVICES	271,860.53	
		Voucher: 41076		CI-220034	8/9/2016	SEPT16/INET CHARGES/UPTV	253.00	
				CI-219128	7/21/2016	MEMBERSHIP DUES/2ND QTR16	13,026.30	
				CI-219284	7/27/2016	JUN16/TRAFFIC OPERATIONS M.	30,880.92	
				CI-219117	7/20/2016	MEMBERSHIP DUES/1ST QTR16/	13,026.30	
				CI-220080	8/9/2016	JUL16/SPECIAL OVERTIME	1,070.46	
				CI-220049	8/9/2016	2ND QTR16/LIQUOR EXCISE & P	2,034.31	
				CI-219589	8/1/2016	TRACK MEET ENTRY FEES/37 P/	370.00	332,521.82
51978668	8/31/2016	024698	PIERCE COUNTY SECURITY, INC.	315044	8/4/2016	#10740/JUL16/PARADISE POND	150.00	
		Voucher: 41077		315306	8/4/2016	#9206/JUL16/KOBAYASHI PARK	150.00	
				315247	8/4/2016	#9205/JUL16/CIRQUE PARK	150.00	450.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978669	8/31/2016	023882	PIVETTA BROTHERS CONST.,INC7	8/8/2016	BRIDGEPORT LID PROJECT	8,334.64	8,334.64
		Voucher: 41078					
51978670	8/31/2016	025955	PMI TRUCKING 16473	8/9/2016	REPAIR LEAKING STORAGE TAN	929.90	929.90
		Voucher: 41079					
51978671	8/31/2016	001282	PUGET SOUND REG.COUNCIL,C(2017079	8/26/2016	JUL16 TO JUN17/MEMBERSHIP L	9,567.00	9,567.00
		Voucher: 41080					
51978672	8/31/2016	001854	R W SCOTT CONSTRUCTION CO 3	8/18/2016	MILDRED/67TH ROADWAY IMPRO	325,869.25	325,869.25
		Voucher: 41081					
51978673	8/31/2016	001124	SAFEWAY, INC. 64682	8/13/2016	ACCT #64682/MISC PURCHASES	70.53	70.53
		Voucher: 41082					
51978674	8/31/2016	023992	SCHUT, ANN REFUND	8/16/2016	REFUND/SR. DAYTRIP CANCELL	10.00	10.00
		Voucher: 41083					
51978675	8/31/2016	024207	SEA-TAC LIGHTING & CONTRLS,I21885	6/29/2016	MOUNTAIN STATE LIGHTING/CIR	5,533.25	5,533.25
		Voucher: 41084					
51978676	8/31/2016	001328	SHELL FLEET CARD SERVICES 8147100120608	8/5/2016	81-471-0012-0/SHELL	93.65	93.65
		Voucher: 41085					
51978677	8/31/2016	025815	SIGNATURE LANDSCAPE SERVICRC000009259	8/1/2016	AUG16/LANDSCAPE MAINT/CUS	11,056.10	11,056.10
		Voucher: 41086					
51978678	8/31/2016	003008	SPRAGUE PEST SOLUTIONS INC2939687	8/25/2016	RODENT/PEST CONTROL/SR. CE	43.76	43.76
		Voucher: 41087					
51978679	8/31/2016	002613	SUPERIOR LINEN SERVICE,INC. 70336	8/24/2016	OFFICE MAT RENTAL/PW SHOP	89.00	
		Voucher: 41088	67392	8/10/2016	OFFICE MAT RENTAL/PW SHOP	89.00	178.00
51978680	8/31/2016	025311	TACOMA WINSUPPLY, INC. 02976300	7/26/2016	MISC SUPPLIES/19TH & 81ST PR	129.83	129.83
		Voucher: 41089					
51978681	8/31/2016	001636	THOMSON REUTERS - WEST 834442146	8/1/2016	JUL16/WEST INFORMATION CHA	653.09	653.09
		Voucher: 41090					
51978682	8/31/2016	025376	UNIVERSAL FIELD SERVICES, INI47817	7/31/2016	BP WAY PH4A/ROW & ACQUISITI	116.80	116.80
		Voucher: 41091					
51978683	8/31/2016	001331	UNIVERSITY PLACE REFUSE SV,I920494	8/24/2016	SEPT16/BILLING PERIOD/COMP/	873.19	
		Voucher: 41092	919192	8/24/2016	SEPT16/BILLING PERIOD/REFUS	1,482.29	2,355.48
51978684	8/31/2016	025399	VASSEY NURSERY, LLC 16	8/6/2016	2 GAL ROSES/BASKETS	2,277.65	2,277.65
		Voucher: 41093					
51978685	8/31/2016	001153	VERIZON WIRELESS,LLC. 9769640602	8/1/2016	JUL16/CELL PHONES/CITYWIDE	1,653.85	
		Voucher: 41094	9770302179	9/7/2016	CELL PHONE/PW & PARK MAINT	702.54	2,356.39

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51978686	8/31/2016	025889	VORISE, KITTIE	REFUND	8/16/2016	REFUND/SR DAYTRIP CANCELLED	10.00	10.00
		Voucher: 41095						
51978687	8/31/2016	001653	WA FINANCE OFFICERS ASSN	1868412-9536214	8/26/2016	TRAINING/FEDERAL GRANTS/JUL	125.00	125.00
		Voucher: 41096						
51978688	8/31/2016	001032	WA STATE	2016070074	8/1/2016	JUL16/TELECOMMUNICATIONS S	198.94	198.94
		Voucher: 41097						
51978689	8/31/2016	001809	WA STATE DEPT OF ECOLOGY	2017-WAR045021	8/8/2016	ANNUAL STORMWATER PERMIT	5,390.96	5,390.96
		Voucher: 41098						
51978690	8/31/2016	022590	WA STATE DEPT OF TRANSPORTRE-313-ATB60718		7/18/2016	INSPECTION/MILDRED & 67TH R	89.04	89.04
		Voucher: 41099						
51978691	8/31/2016	024041	WESTERN SYSTEMS INC.	0000030883	8/5/2016	SPEED SIGN/RU2 FAST	6,919.56	6,919.56
		Voucher: 41100						
Sub total for BANK OF AMERICA:							1,294,211.75	

75 checks in this report.

Grand Total All Checks: 1,294,211.75

SECOND QUARTER FINANCIAL REPORT JUNE 30, 2016



Introduction

The second quarter 2016 financial report is presented here. As has been the custom in the past, the report has been prepared on an accrual basis. There is a one month lag between when monies are collected by other entities (State of Washington and Pierce County) and when they are received by the City. As a result, the City has to accrue those revenues back to the period they were deemed receivable. For comparison purposes, certain revenues have been accrued and charged to the second quarter 2016. These include taxes and other state shared revenues.

Overall, general government revenues are up 6.28% over budget estimates and General Fund expenditures (excluding reserves and transfers) are under budget by 14.5%. A significant portion of the savings is related to equipment budgeted in the Finance and Administrative Services Department for UPTV capital expenses which have not, as yet, been expended. The continued effort by staff to monitor spending in all areas has also contributed to the savings.

ON-GOING OPERATING REVENUES - CITYWIDE

Overall the City's on-going operating revenues are 6.28% above 2nd Quarter budget estimates. The table bellows lists all on-going revenues with a 2nd Quarter Budget to Actual Variance. Details of major variances are discussed following the table.

	2013	2014	2015	2016		Budget to Actual	
	Actual	Actual	Actual	2nd Qtr Budget	Actual	\$ Variance	% Variance
Property Tax	2,083,544	2,096,566	2,141,407	2,072,141	2,154,358	82,217	3.97%
Sales Tax	1,036,455	1,358,107	1,636,038	1,100,000	1,401,791	301,791	27.44%
Sales Tax - 1% for Parks	78,626	85,303	89,163	113,231	120,034	6,803	6.01%
Criminal Justice Sales Tax	215,034	227,363	237,899	187,699	256,890	69,192	36.86%
Local Criminal Justice	44,611	47,776	48,317	40,133	49,658	9,525	23.73%
Leasehold Excise Tax	2,206	1,522	479	900	455	(445)	-49.46%
Utility Tax	989,754	986,141	988,498	958,750	990,638	31,888	3.33%
Gambling Tax	28,074	10,840	11,347	16,053	19,975	3,922	24.43%
Real Estate Excise Tax	300,469	283,754	466,000	522,875	488,529	(34,346)	-6.57%
Admission Tax (excludes US Open)	46,459	49,435	48,848	72,917	56,033	(16,884)	-23.15%
Business License Fees	43,685	46,835	45,964	42,500	48,348	5,848	13.76%
Franchise Fees	965,354	1,018,710	1,046,753	1,037,833	1,061,998	24,165	2.33%
State Shared Revenue (Liquor/Fuel)	450,967	471,390	485,072	525,140	563,364	38,224	7.28%
Local Government Assistance	39,294	42,792	51,629	42,500	51,345	8,845	20.81%
Penalty & Interest (Business Taxes)	0	79	38	-	-	-	n/a
Fines & Forfeitures	20	20	40	-	-	-	n/a
Judgements & Settlements	174	154	145	250	125	(125)	-50.00%
Alarm Permit Fees/False Alarm	4,862	2,863	4,163	2,250	4,220	1,970	87.53%
Building, Engineering, Fire & Planning	488,483	549,949	346,329	346,431	229,416	(117,015)	-33.78%
Impact Fees	101,784	83,580	54,463	80,400	78,359	(2,041)	-2.54%
Recreation Revenue	256,939	238,466	254,284	153,125	218,468	65,343	42.67%
SWM Fees	1,485,105	1,478,897	1,504,467	1,404,719	1,491,623	86,905	6.19%
Court Fees	-	-	5,260	0	21,929	21,929	n/a
Solicitor Permit Fees	250	225	175	200	175	(25)	-12.50%
Administrative Fee from SWM Fund	201,698	207,412	218,499	273,291	226,240	(47,051)	-17.22%
Rents and Leases	41,640	37,272	46,661	38,100	48,973	10,873	28.54%
Investment Interest	5,766	9,570	15,595	22,500	32,743	10,243	45.53%
Animal Control	33,449	28,981	27,639	27,060	26,478	(582)	-2.15%
Transportation Benefit District Fees	-	11,900	210,673	197,000	211,744	14,744	7.48%
Miscellaneous	10,628	4,113	19,651	6,999	14,452	7,453	106.49%
Total	8,955,329	9,380,014	10,005,496	9,284,994	9,868,361	583,367	6.28%

Sales tax is 27.44% higher than 2nd Quarter budget estimates. Much of this increase is from construction sales tax, which is volatile and difficult to sustain. Criminal Justice sales tax revenue are also exceeding budget projections.

Real Estate Excise Tax is 6.57% below budget, but we typically make that up and see higher REET taxes in the 3rd Quarter as more sales occur in the summer months.

Franchise fees are up slightly at 2.33% over budget estimates.

Building, Engineering, Fire and Planning fees are down 33.78%. These fees are cyclical so while the 2nd Quarter budget is half of the total budget it does not necessarily mean that half of the revenues are actually generated during that time period. More permits are issued during the summer so we expect this to be better reflected in the 3rd Quarter.

Recreation revenues are up by 42.67% when compared to 2nd Quarter budget estimates. Recreation revenues are cyclical with bulk of their revenues come in during the first half of the year for programs that occur in the 3rd quarter.

Business Licenses fees at \$48,348, are approximately 13.76% more than was budgeted for the 2nd Quarter. These revenues are also cyclical and 2016 2nd Quarter receipts are consistent with prior year collection rates.

Admission Tax, at \$56,033, is 23.15% less than budget estimates through the 2nd Quarter which is typical. We expect this to even out by year end due to summer activities that generate Admission tax.

The Administrative Fee from SWM is 17.22% below budget estimates. This fee is based on budget expenditures and transfers are made from the affected departments based on actual expenditures. The decrease in operating expenditures resulted in a decrease in the Administrative Fee from SWM.

Transportation Benefit District fees are up 7.48% over revenue projections. We were able to adjust our budget projections after having a full year of collections to more accurately predict expected revenues. All TBD fees are transferred to the Street Fund for street maintenance costs.

Investment interest is up by 45.53% and is the result of increased earning rates on our investments with the Washington State Local Government Investment Pool (LGIP). Additionally we continue to see good returns from our short term government bond investments.

GENERAL FUND OPERATING EXPENDITURES

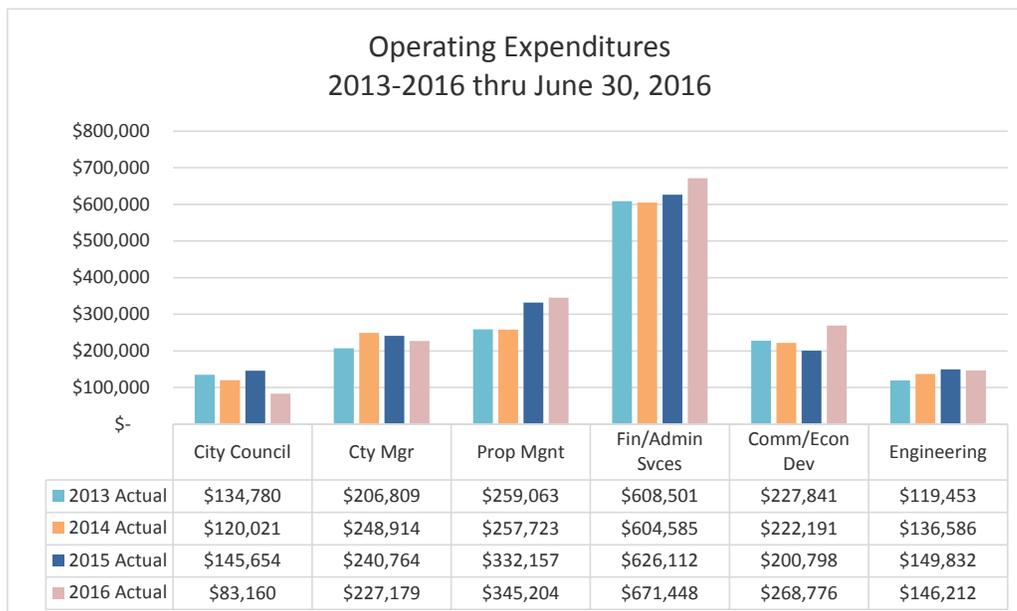
General Fund operating expenditures are presented by Department.

- City Manager’s Office includes the budgets for City Manager, Community Events and Beautification
- Finance and Administrative Services includes the budgets for Finance, Reception, City Clerk and Communications
- Community and Economic Development includes the budgets for Economic Development and Human Resources

Overall, second quarter operating expenditures were 14.5% below budget (excluding Reserves and Contingency). A significant portion of the savings is related to equipment budgeted in the Finance and Administrative Services Department for UPTV which have not, as yet, been expended. Property Management is show an increase over budget estimates of 15.9% but this is due to the timing of our payments to the Civic Building Condo Association. As of June 30, we have made 2 of our 3 installment payments.

GENERAL FUND OPERATING EXPENDITURES Through June 2013 to 2016

	2013	2014	2015	2016			2nd Quarter Budget Variance	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
<i>City Council</i>	\$ 134,780	\$ 120,021	\$ 145,654	\$ 199,877	\$ 99,939	\$ 83,160	\$ (16,778)	-16.8%
<i>City Manager's Office</i>	206,809	248,914	240,764	544,052	272,026	227,179	(44,847)	-16.5%
<i>Property Management</i>	259,063	257,723	332,157	595,626	297,813	345,204	47,391	15.9%
<i>Finance and Administrative Services</i>	608,501	604,585	626,112	1,786,554	893,277	671,448	(221,829)	-24.8%
<i>Community and Economic Development</i>	227,841	222,191	200,798	639,515	319,758	268,776	(50,981)	-15.9%
<i>Engineering</i>	119,453	136,586	149,832	310,850	155,425	146,212	(9,213)	-5.9%
	1,556,445	1,590,019	1,695,318	4,076,474	2,038,237	1,741,978	\$ (296,259)	-14.5%
<i>Reserves/Transfer-Other</i>	2,185,447	2,030,293	2,121,836	7,100,546	3,550,273	1,799,654		
Total	\$ 3,741,892	\$ 3,620,312	\$ 3,817,154	\$ 11,177,020	\$ 5,588,510	\$ 3,541,632		



POLICE/PUBLIC SAFETY FUND REVENUES AND EXPENSES

Public Safety revenues show a 7.04% increase compared to 2nd Quarter budget estimates. Expenditures are 9.18% below 2nd Quarter budget estimates. There are two changes to this fund. In prior years the UP School District reimbursement was recognized against the expenditure, thus reducing expenditure totals. In 2015 we began recognizing this as a revenue to better show the true expense costs. Additionally, the City is receiving all fees, costs, penalties and fines assessed in the University Place Municipal Court (\$21,929 through June) as part of the court contract with the City of Lakewood signed in January, 2015.

Expenditures for Court, Police, Animal Control, and Jail show that they are significantly below budget but this is due to a payment timing issue. These are all contracted services and the bills for June have not yet been received or paid. Code Enforcement is showing under by 45.13% due to salary savings. That position was vacant for a portion of the year.

The Police budget of \$3,527,208 includes the following \$3,314,054 for the police services contract with Pierce County; \$151,470 for Special Overtime; \$18,030 for Arson Investigations; and \$43,654 for other supplies and services.

POLICE AND PUBLIC SAFETY

	2013	2014	2015	2016			2nd Qtr. Budget to Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	2016 Actual	\$ Variance	% Variance
Beginning Fund Balance	249,729	684,019	635,058	1,471,411	1,471,411	1,471,411		
REVENUES								
Property Tax	2,083,544	2,096,566	2,141,407	4,144,282	2,072,141	2,154,358	82,217	3.97%
Criminal Justice Sales Tax	215,034	227,363	237,899	375,397	187,699	256,890	69,192	36.86%
Animal Control	33,449	28,981	27,639	54,120	27,060	26,478	(582)	-2.15%
Alarm Permit Fees/False Alarm	4,862	2,863	4,163	4,500	2,250	4,220	1,970	87.53%
Grants/Contributions	(3,320)	1,524	2,295	14,350	7,175	3,575	(3,600)	-50.17%
Local Crim Just	44,611	47,776	48,317	80,265	40,133	49,658	9,525	23.73%
DUI Response Restitution	4,882	3,644	5,902	6,500	3,250	1,949	(1,301)	-40.04%
Crime Free Multi-Housing	240	300	325	-	-	-	-	n/a
Liquor Profits Tax - Public Safety	28,431	28,191	27,852	58,810	29,405	27,662	(1,743)	-5.93%
SWM Administrative Fee - City Attorney	22,305	26,716	28,765	66,326	33,163	26,855	(6,308)	-19.02%
Court Fees	-	-	5,260	0	0	21,929	21,929	n/a
UPSD/SRO Reimbursement			Recognized as reimbursement	59,028	29,514	29,514	-	0.00%
Total Revenues	2,434,037	2,463,924	2,529,826	4,863,578	2,431,789	2,603,086	171,297	7.04%
Expenditures								
Municipal Court	62,135	61,310	42,646	188,202	94,101	50,887	(43,214)	-45.92%
Emergency Preparedness	13,290	13,584	16,859	34,454	17,227	28,337	11,110	64.49%
Legal Services	135,183	162,064	174,332	401,976	200,988	162,762	(38,226)	-19.02%
Police	1,659,917	1,405,361	1,546,651	3,527,208	1,763,604	1,707,539	(56,065)	-3.18%
Public Safety	44,310	42,342	49,448	108,261	54,131	48,302	(5,829)	-10.77%
Animal Control	37,893	40,408	36,631	119,660	59,830	36,517	(23,313)	-38.97%
Code Enforcement	26,197	36,671	38,644	95,761	47,881	26,274	(21,607)	-45.13%
Jail	53,949	30,706	43,288	159,135	79,568	44,629	(34,938)	-43.91%
Transfers Out to Internal Service Funds	-	-	-	1,200	600	-	(600)	-100.00%
Total Expenditures	2,032,874	1,792,446	1,948,499	4,635,857	2,317,929	2,105,247	312,801	-9.18%

RECREATION FUND REVENUES AND EXPENDITURES

Recreation program revenues show a 14.08% decrease compared to second quarter, 2015 (excluding City Share). The decrease is due to a reduction in registrations for youth sports and a reduction to the Trips and Tours program. Recreation expenditures show a 10.37% decrease when compared to second quarter, 2015. Senior Services expenses show a 66.04% decrease and is largely due to reduced salaries. One full time employee left the department and was replaced with a part-time temporary employee.

Recreation revenues are cyclical, so we have calculated the variance using a comparison between 2015 and 2016 2nd Quarter actuals to better show increases and decreases.

PARKS AND RECREATION

	2013	2014	2015	2016			2016 vs 2015 Actual	
	Actual	Actual	Actual	Budget	2nd Qtr Budget	Actual	\$ Variance	% Variance
Program Revenues								
Recreation Revenue	\$ 214,614	\$ 210,397	\$ 231,315	\$ 280,550	\$ 140,275	\$ 200,128	\$ (31,188)	-13.48%
Donations/Fund Raisers/Grants/Misc	25,397	11,176	6,646	-	-	5,206	(1,441)	-21.67%
Rental Revenue	16,928	16,893	16,323	25,700	12,850	13,135	(3,188)	-19.53%
Total Revenues and Donations	\$ 256,939	\$ 238,466	\$ 254,284	\$ 306,250	\$ 153,125	\$ 218,468	\$ (35,816)	-14.08%
Recreation - City Share	226,252	160,000	120,000	409,614	204,807	196,000	76,000	63.33%
Total Recreation Revenues	\$ 483,191	\$ 398,466	\$ 374,284	\$ 715,864	\$ 357,932	\$ 414,468	\$ 40,184	10.74%
Sales Tax 1% for Parks	Recognized in Gen. Func		89,163	226,462	113,231	\$ 120,034	30,871	34.62%
Parks - City Share	170,171	157,473	200,341	331,826	165,913	204,614	4,272	2.13%
Total Revenues and Transfers	\$ 653,362	\$ 555,939	\$ 663,788	\$ 1,274,152	\$ 637,076	\$ 739,116	\$ 183,177	11.35%
Program Expenditures								
<i>Program Management</i>	\$ 204,190	\$ 212,720	\$ 164,345	\$ 367,138	183,569	\$ 156,542	\$ (7,803)	-4.75%
Senior Services	15,366	9,266	57,136	112,231	56,116	19,405	(37,731)	-66.04%
Outdoors	-	269	-	2,000	1,000	485	485	n/a
Youth Sports	44,436	47,891	41,238	99,523	49,762	46,368	5,130	12.44%
Adult Trips & Tours	13,507	11,693	7,794	13,293	6,647	1,466	(6,328)	-81.19%
Martial Arts	-	553	595	-	-	1,020	425	71.43%
Youth Programs	17,083	8,197	11,717	69,064	34,532	9,904	(1,813)	-15.47%
Cultural Arts	1,609	1,791	5,497	3,626	1,813	3,523	(1,974)	-35.92%
Fitness	6,621	16,398	10,983	22,219	11,110	3,973	(7,010)	-63.82%
Community/Senior Center	5,441	5,810	7,622	17,070	8,535	6,132	(1,491)	-19.56%
Field/Park/Shelter Rentals	1,217	-	136	9,700	4,850	541	405	297.07%
Total Recreation Program Expenditures	309,469	314,587	307,065	715,864	357,932	249,359	(57,706)	-18.79%
Parks Maintenance	170,171	158,209	200,341	467,129	350,347	205,423	5,082	2.54%
Transfer to Debt Service	-	-	-	91,159	45,580	-	-	-
Total Program Expenditures	\$ 479,640	\$ 472,796	\$ 507,406	\$ 1,274,152	\$ 753,858	\$ 454,783	\$ (52,623)	-10.37%

INDIVIDUAL REVENUES

The information presented below provides a detailed look at the major revenues for the City.

Sales Tax

Sales tax is below the same period in 2015, which was high due to the US Open related sales taxes. With respect to budget estimates, the 2016 general sales tax revenues through 2nd Quarter 2016 exceeded budget estimates by 27.4% or \$301,791. (The sales tax revenues shown below do not include the 1% for Parks.) Much of this increase reflects construction tax revenue, which may not be sustainable. We continue to monitor this tax source.

Local Sales Tax Revenue By Month

MONTH	2013	2014	2015	2016		Change (Bud vs Act)	
	Actual	Actual	Actual	Budget*	Actual	\$	%
January	\$ 210,477	\$ 255,039	\$ 320,380	\$ 214,481	\$ 331,629	117,149	54.6%
February	161,923	193,118	234,718	160,953	187,548	26,596	16.5%
March	151,974	209,383	247,286	166,106	201,597	35,491	21.4%
April	170,886	244,304	297,502	194,503	218,715	24,213	12.4%
May	157,397	220,783	261,258	174,510	231,268	56,758	32.5%
June	183,798	235,480	274,894	189,448	231,033	41,585	22.0%
Total	\$ 1,036,455	\$ 1,358,107	\$ 1,636,038	\$ 1,100,000	\$ 1,401,791	\$ 301,791	27.4%
Taxable Sales	\$ 123,387,468	\$ 161,679,452	\$ 194,766,450	\$ 130,952,381	\$ 166,879,862	\$ 35,927,481	

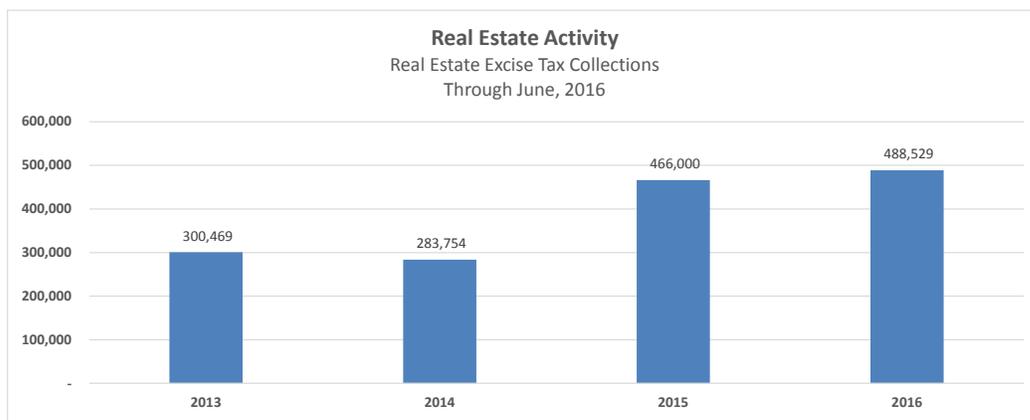
* Represents 3 year monthly historical pattern for the 2016 Adopted Budget.

Real Estate Excise Tax

Real Estate Excise Tax, at \$488,529 is 6.57% below our budget estimates through June; but is 4.83% higher than revenues received for the same period in 2015.

Month	2013	2014	2015	2016		Change (Bud vs Act)	
	Actual	Actual	Actual	Budget*	Actual	\$	%
January	\$ 45,931	\$ 61,496	\$ 85,619	\$ 96,112	\$ 102,530	\$ 6,418	6.68%
February	33,992	39,698	41,421	57,310	63,237	5,927	10.34%
March	23,509	32,472	29,244	42,431	47,566	5,135	12.10%
April	53,939	37,581	58,413	74,647	87,684	13,037	17.46%
May	58,527	45,211	95,126	99,008	106,334	7,326	7.40%
June	84,572	67,296	156,177	153,366	81,178	(72,188)	-47.07%
Total	\$ 300,469	\$ 283,754	\$ 466,000	\$ 522,875	\$ 488,529	\$ (34,346)	-6.57%

* Represents 3 year monthly historical pattern for the 2016 Adopted Budget.



State-Shared Revenues

Fuel Tax is the largest revenue source of our State-Shared Revenues. This tax is tied to the number of gallons sold, not the price per gallon. As a result, gas price increases or decreases have no effect on revenue. The Fuel Tax is collected at the state level and is distributed to cities based on percent of population as compared with the State.

Overall State-Shared Revenues are up 12.0% over 2nd Quarter 2015 and are up 15.8% over our budget estimates. We have seen the greatest increase in the Liquor Excise tax which was reinstated to higher levels in 2015.

STATE SHARED REVENUES

CATEGORY	2013	2014	2015	2016			Change (Bud vs Act)	
				Budget	2nd Qtr Budget	Actual	\$	%
Liquor Profits Tax General Fund	\$ 112,107	\$ 111,163	\$ 109,826	\$ 200,000	\$ 100,000	\$ 109,074	\$ 9,074	9.1%
Liquor Profits Tax Police Fund	28,431	28,191	27,852	58,810	29,405	27,662	(1,743)	-5.9%
Liquor Excise Tax	-	22,767	33,987	97,744	48,872	75,541	26,669	54.6%
Local Criminal Justice Sale	215,034	227,363	237,899	375,397	187,699	256,890	69,192	36.9%
Fuel Tax	310,429	309,268	313,407	693,725	346,863	351,087	4,224	1.2%
Subtotal State Shared Rev	666,000	698,752	722,971	1,425,676	712,838	820,254	107,416	15.1%
State of WA/City Assistance	39,294	42,792	51,629	85,000	42,500	51,345	8,845	20.8%
Local Crim Just/DUI Response	44,611	47,776	48,317	80,265	40,133	49,658	9,525	23.7%
Total	\$ 749,905	\$ 789,321	\$ 822,918	\$ 1,590,941	\$ 795,471	\$ 921,257	\$ 125,786	15.8%
% Change from prior year	-8.5%	5.3%	4.3%			12.0%		

Utility Taxes

Overall, utility tax revenue is up 0.22% compared to the same period in 2015. Second quarter budget and actual figures represent 5 months of collections, as there is a one month lag in receipts. Increases in some categories offset reductions in other categories. Natural gas taxes, at \$177,829, are down 6.83% when compared to second quarter last year. Cable television taxes are \$279,053 as compared with \$278,933 at the end of second quarter of 2015 which is an increase of 0.04%. We continue to see a trend of decreased revenue from cell phone and telephone services. Cell phone tax revenues were \$208,541 for 2nd Quarter 2016. This is 9.67% less than revenues in the same period last year. Telephone taxes are down 6.01% as compared to 2nd Quarter 2015.

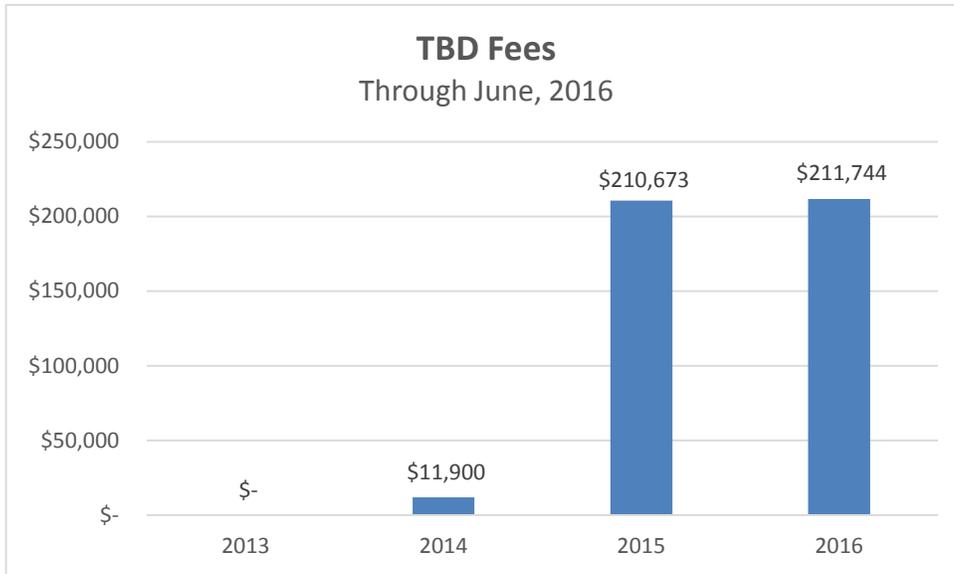
These revenues are cyclical (SWM taxes are largely paid in April and October and gas taxes are higher in the winter months), so we have calculated the variance using a comparison between 2016 and 2015 2nd Quarter actuals to better reflect increases and decreases.

Utility Tax Revenues Collected through June, 2016

	2013	2014	2015	2016 Budget	2016 2nd Qtr Budget	2016 Actual	2016 vs 2015 Actual	
							\$	%
Gas	196,314	214,488	190,868	364,000	151,667	177,829	(13,038)	-6.83%
Garbage	111,194	115,990	111,051	360,000	150,000	154,021	42,970	38.69%
Cable	249,121	221,316	278,933	660,000	275,000	279,053	121	0.04%
Phone	77,717	81,930	79,200	190,000	79,167	74,439	(4,761)	-6.01%
Cellular	277,690	256,488	230,860	547,000	227,917	208,541	(22,319)	-9.67%
SWM	77,717	95,928	97,587	180,000	75,000	96,754	(833)	-0.85%
Total Revenue	989,754	986,141	988,498	2,301,000	958,750	990,638	2,140	0.22%

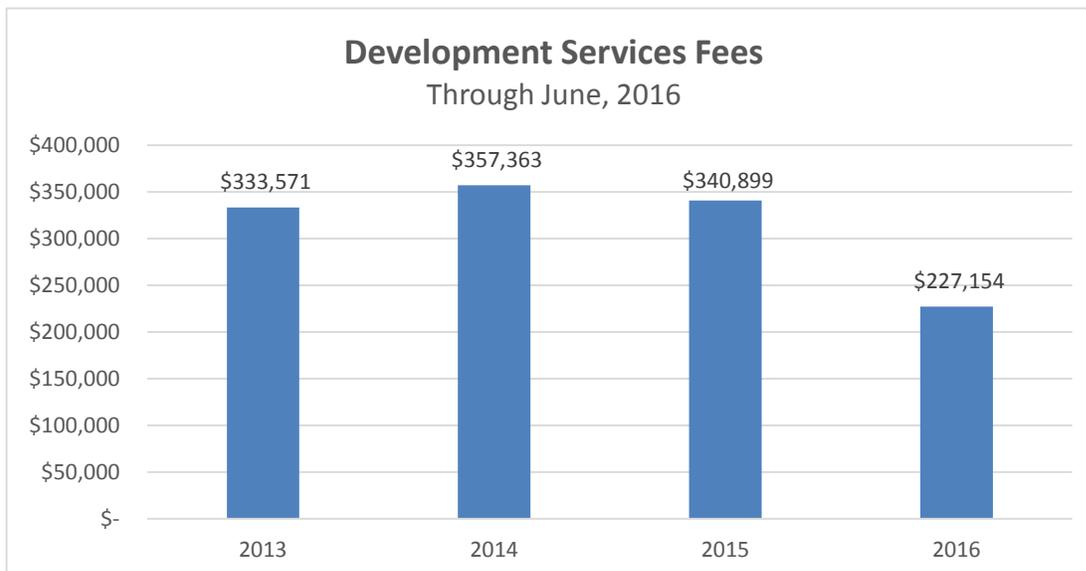
Transportation Benefit District (TBD) Fees

The UPTBD was created in December, 2013 and we began collecting revenues in 2014. TBD revenues are up 0.5% when comparing collections for January to June, 2015 to the same period in 2016. All TBD fees are transferred to the Street Fund for street maintenance costs.



Development Services Fees

Development Services revenue for second quarter, 2016 reflects a decrease of 33.46% compared to the same period for 2015. Revenues in 2015 include permit fees for the Latitude 47 building project. The revenue shown below does not include the General Fund and SWM Fund transfers for non-fee supported services included in the Development Services expenditures which, through 2nd Quarter 2016, were \$188,273.



CAPITAL IMPROVEMENT FUNDS - YTD EXPENSES AND STATUS

The table below reflects the active projects for 2016. The Parks CIP Fund is funded in large part by Parks Impact Fees and will not see any significant increase in monies over the next several years without additional funding sources. Public Works CIP is largely funded by Grants and restricted funds: Arterial Street Fund, REET Fund, SWM Fund and Traffic Impact Fees.

PROJECT	2nd QUARTER STATUS	2016 Budget	2016 Actual
Parks Capital Improvement			
Cirque Park(Skatepark Safety Improvements)	In Progress	\$ 12,000	\$ 2,084
Cirque Park (Field Lighting Grant)	Design	400,000	-
Paradise Pond Park (Trail Const.)	On Hold	41,814	-
Chambers/Leach Creek Trail (Trail Const. and Easement purchases)	In Progress	100,000	3,865
		<u>\$ 553,814</u>	<u>\$ 5,949</u>
Public Works Capital Improvement			
CIP Personnel	On-going	\$ 464,219	\$ 130,163
City Entrance Sign	In Progress	52,000	-
Cirque Drive Overlay	In Progress	75,496	26,567
Bridgeport Way - Phase 3, 3B, and 4	In Progress	397,451	4,587
Bridgeport Way - Phase 5	In Progress	3,254,965	46,234
Bridgeport Low Impact	Construction	1,400,000	1,375,128
Mildred Street	Construction	2,021,164	219,810
27th St W/Regents TIB	Design/Engineering	1,534,810	5,453
27th St. Phase 2 (Grandview to Bridgeport	Design/Engineering	1,498,357	1,808
54th Street Improvements	In Progress	100,000	-
67th Ave Phase 1	In Progress	300,000	-
Morrison CDBG	In Progress	5,000	-
Neighborhood CIP	On-going/as needed	29,686	133
Cirque/56th Street Corridor	Construction	5,253,770	67,321
SWM - Misc. Flooding	On-going/as needed	160,000	-
SWM - Storm Drainage for CIP	On-going/As needed	150,000	-
SWM - Leach Creek Channel Habitat Restoration	On Hold	100,000	-
SWM - Soundview Dr. W	Design/Engineering	1,800,000	-
SWM - Olympic Dr. W (Grandview to 31st)	Design/Engineering	334,595	-
SafeRoutes - 44th Street	Construction	67,130	72
SafeRoutes - 56th Street	Enforcement	15,000	251
SafeRoutes - Cirque	Enforcement	20,000	538
SafeRoutes - Elwood Drive	Construction	1,014,453	942,031
LRF - Market Place Street & Pedestrian Improvements	In Progress	50,000	2,514
LRF - Lot 10 Staircase	Construction	35,000	17,544
LRF - Garage & Elevator Improvements	In Progress	124,712	37,659
LRF - Market Place Phase 5	In Progress	10,000	-
Contingency		257,770	-
		<u>\$ 20,525,578</u>	<u>\$ 2,877,813</u>
Municipal Facilities CIP			
Library/Civic Building Tis	Design	\$ 2,700,000	\$ 476
		<u>\$ 2,700,000</u>	<u>\$ 476</u>

REPORT SUMMARY

The report has been produced reflecting City Council's desire for detailed information on individual revenues and expenditures. The report is a continuing work in progress and if there are additional analysis or trend information you would like to see in the report, please let us know and we will endeavor to include your requests in future reports.

Please do not hesitate to contact Leslie Blaisdell, Deputy Finance Director, if you have any questions about any information provided in this report.

Revenue and Expense Summary

The City's general government revenues are up 6.28% over 2016 2nd Quarter budget estimates. Expenditures (excluding reserves and transfers) are under budget by 14.5%. However, most of this savings reflects expenditures that have been budgeted and are expected to be expended by year's end.

Utility taxes continue to be an area that needs to be monitored. Total utility tax revenues are exceeding budget estimates by 0.22%, but the continued decline in Phone and Cellular Phone tax is an area we continue to monitor. Increases in cable television currently exceed the decreases in these two areas but these revenues will eventually level off. Natural gas taxes are affected by weather so typically go up and down from year to year and are difficult to predict.

State Shared revenues are also up, but continued funding of the State of Washington City Assistance is not guaranteed.

2015 Audit of Financial Statements

Washington State Auditor's Report on Financial Statements Audit - An unqualified opinion was issued on the financial statements of the governmental activities, each major fund and the aggregate remaining fund information. The Auditor reported no findings in relation to the Financial Statements.

Report on the Federal Single Audit - An unqualified opinion on the City's compliance with requirements applicable to its major federal program was issued. The Auditor found that the City qualified as a low-risk auditee under OMB Circular A-133.

Budget Strategic Issues

The City's current financial forecast indicates that existing services and legal and contractual obligations can be met with existing revenues through 2016. The Council continues to evaluate other financing options in support of Public Safety and Streets Maintenance. Staff is currently working on the 2017/2018 Proposed Biennial Budget which will be studied by Council in early October, 2016. Once all the budget figures are entered the forecast will be updated.

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Confirm Greg Taylor's appointment to the Parks & Recreation Commission for a four-year term ending January 31, 2020.

Agenda No: 7C

Dept. Origin: City Clerk

For Agenda of: September 6, 2016

Exhibits: Commission Application

Concurred by Mayor: _____

Approved by City Manager: _____

Approved as to form by City Atty.: _____

Approved by Finance Director: _____

Approved by Department Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.000	Appropriation Required: \$0.00
---------------------------------	-----------------------------	-----------------------------------

SUMMARY/POLICY ISSUES

For Council review and confirmation, Mayor Figueroa submits his appointments for the Parks & Recreation Commission. All Commission appointments are made by the Mayor subject to confirmation by the City Council.

RECOMMENDATION / MOTION

MOVE TO: Confirm Greg Taylor's appointment to the Parks & Recreation Commission for a four-year term ending January 31, 2020.

APPLICATION FOR APPOINTMENT TO CITIZEN COMMISSIONS



3715 Bridgeport Way W
University Place, WA 98466
PH: (253) 566-5656 FAX: (253) 460-2541

Note: Information on this form, other than the personal information reflected by an asterisk, becomes public information when submitted. Please type or print clearly.

RECEIVED

AUG 17 2016

CITY CLERK'S OFFICE

I am interested in serving on the following commission:

- Public Safety Commission
- Economic Development Commission
- Parks and Recreation Commission
- Planning Commission

Name Greg Taylor *Home Phone [REDACTED]
*Street Address [REDACTED] Work Phone [REDACTED]
*City, State, Zip Univ Pl Wa 98467 UP Resident? Yes No
*Email Address (Work email addresses become public information) _____

Are you over the age of 18? Yes No If No, date of birth: _____

Occupation: Business Owner

Education: Curtis Highschool

Professional and/or Community Activities:
Sponsor Duck Days Car Show
Sponsor Viking Football

Do you or your spouse have a financial interest in, or are you an employee or officer of any business which does or seeks to do business with the City of University Place?

Yes No If yes, please explain: owner cycle tires wholesale,
Maxmpa Scooters, UP Radiator Auto Service - Do not do
business with city but could at some point - not at this time.

Are there any special accommodations that you require?
 Yes No If Yes, please describe: _____

Have you ever been convicted of a felony or have you been convicted of a misdemeanor other than minor traffic offenses within the past three (3) years?
 Yes No If yes, please explain: _____

SUPPLEMENTAL APPLICATION FOR APPOINTMENT PARKS AND RECREATION COMMISSION

University Place
WASHINGTON 

3715 Bridgeport Way W
University Place, WA 98466
PH: (253) 566-5656 FAX: (253) 460-2541

RECEIVED

AUG 17 2018

CITY CLERK'S OFFICE

Note: All information on this form becomes public information when submitted. Please type of print clearly.

Describe why you are interested in serving on the Parks and Recreation Commission:

My Wife & I, our children & grandchildren, neighbors & friends
All use our parks. I would like to be a positive influence
in there uses & popularity

What do you feel is the most important task of the Parks and Recreation Commission?

Maintain environment & safety of our parks
Manage resources effectively to insure highest & best
use and create community thru their use by our
citizens

Describe results you have seen of the Parks and Recreation Commission's work in University Place.

Citizens concerns over resource management &
community events

What, in your opinion, is the most significant issue that needs to be addressed by the Parks and Recreation Commission at this time?

resource management & positive community involvement.

Please provide names and phone numbers of three references:

Name: Jamie Kirkebo

Phone: 

Name: Sean Hensley

Phone: 

Name: Jane Weyerhauser

Phone: 

In case of an emergency, please contact:

*Name: 
*Name: 

To the best of my knowledge, the information provided herein is true and complete. I understand that falsification of this application will be grounds for dismissal as a committee/commission member. Further, I give permission for an authorized representative of the City of University Place to conduct a state patrol criminal background check and to inquire of former employers and other individuals about my ability to perform all aspects of the volunteer position for which I am being considered, and I release the City of University Place and those individuals and/or institutions that provide information from any liability that may arise from the provision of this information.

I authorize any necessary emergency medical treatment that might be required for me in event of physical injury and/or accident to me while participating in this program. Furthermore I authorize the City of University Place and its agents the right to take and use photographs of me for civic purposes including use in City publications and on the City website. I understand that the City cannot always control use of these photographs by third parties.

As a volunteer for the City of University Place, I agree to follow all of the rules outlined in the City's volunteer policy. I will use all provided equipment appropriately and follow all safety practices. I am aware that the work associated with being a City volunteer involves certain risks of physical injury and death. Being fully informed as to these risks and in consideration of being given the opportunity to participate in the City's volunteer program, I hereby, on behalf of my heirs and myself, assume all risks in connection with my participation in this program. I further hold harmless the City of University Place, its officials, employees, and agents, for any injuries, losses or damages which may occur to me while I am participating in this program, and I waive any right to bring claim or lawsuit against them for any such injury, loss, damage, or death. Furthermore, I agree to hold harmless, defend and indemnify the City of University Place, its officials, employees and agents from any and all lawsuits for injury, loss, or damage to other persons or entities which may arise in the future as a result of or in connection with my participation in the volunteer program except for injuries or damages caused by the sole negligence of the City.

Signature: 

Date: 8 16 16

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Adopt a resolution establishing the City Council's collective goals, outcomes and actions for the 2017-2018 biennium.

Agenda No: 7D
Dept. Origin: City Manager
For Agenda of: September 6, 2016
Exhibits: Resolution

Concurred by Mayor _____
Approved by City Manager _____
Approved as to Form by City Atty.: _____
Approved by Finance Director _____
Approved by Dept. Head _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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SUMMARY / POLICY ISSUES

The members of the University Place City Council have worked diligently to establish their collective City Council goals and outcomes for the City's 2017-2018 biennium. During the 2017-2018 biennium, the City Council, in its sole discretion, may add, remove or revise the matters included in these goals and outcomes by further resolution. It is in the best interests of the City and its citizens for the City Council to formally adopt the 2017-2018 City Council goals and outcomes and actions in order to inform residents and provide policy guidance to the City Manager.

RECOMMENDATION / MOTION

MOVE TO: Adopt a resolution establishing the City Council's collective goals, outcomes and actions for the 2017-2018 biennium.

RESOLUTION NO.

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ESTABLISHING THE CITY COUNCIL'S COLLECTIVE GOALS OUTCOMES AND ACTIONS FOR THE 2017-2018 BIENNIUM

WHEREAS, the members of the University Place City Council have worked diligently to establish their collective City Council goals and outcomes for the City's 2017-2018 biennium; and

WHEREAS, during the 2017-2018 biennium, the City Council in its sole discretion may add, remove or revise the matters included in these goals and outcomes by further resolution; and

WHEREAS, the City Council now desires to formally adopt the 2017-2018 City Council goals and outcomes to inform residents and provide policy guidance to the City Manager;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

1. The following 2017-2018 City Council goals and outcomes are hereby adopted:

I. Goal: A SAFER, MORE LIVABLE COMMUNITY

A. Outcome: Effective community services with emphasis on police services, public safety, transportation infrastructure, and parks.

Actions:

1. *Maintain funding in the University Place Police Department budget to allow for current or better staffing levels for the biennium.*
2. *Continue to identify and apply for transportation and other infrastructure grants where a local match is available or reasonably anticipated to be available.*
3. *Identify funding to develop Park CIP projects, such as Paradise Pond Parking and Trails, and consider any necessary implementing legislation.*
4. *Identify funding to construct additional gateway signs and Curran Apple Orchard restroom, and consider any necessary implementing legislation.*
5. *Maintain funding for the City's beautification program at current or better levels for the biennium.*

B. Outcome: More physical and visual connections to Puget Sound and Chambers Bay from public areas in the City.

Actions:

1. *Participate fully with Pierce County, and Lakewood in the Chambers Creek Properties Master Site Plan Update, seeking to include such connections, including facilities that allow public access to the waters of Chambers Bay, with priority on facilities for the launching and docking of watercraft.*
2. *Identify funding to construct Leach Creek Trail from 40th to Kobayashi, and consider any necessary implementing legislation.*
3. *Continue to work with Pierce County and Lakewood on the Chambers Creek Canyon Trail, and consider any necessary legislation.*
4. *Consider amending the Shoreline Master Program and Comprehensive Plan to include the above Outcome.*

C. Outcome: Effective communications between the City Council and other local, state and federal elected officials.

Actions:

1. *Study and consider legislation adopting updated City Council intergovernmental legislative priorities for the new biennium.*
2. *Review, identify and consider any necessary legislation to implement a City Council intergovernmental legislative outreach program.*
3. *Consider additions to the Council Rules to establish a timely, and effective intergovernmental legislative agenda, and improved inter, and intra-governmental communications in support of the adopted legislative agenda.*
4. *Approve a City intergovernmental legislative agenda by the 2nd City Council meeting in September of each year.*

II. Goal: INCREASED ECONOMIC VITALITY

- A. Outcome: Position the City for redevelopment of commercial areas such as Narrows Plaza, and consider means and methods to promote the City to potential investors such as significant employers, lodging, leisure and other businesses.**

Actions:

1. *Consider legislation making additional revisions to development regulations to improve conditions for development and redevelopment, including review of permitting processes and timelines.*
2. *Consider legislation adopting and implementing a completed Regional Growth Center Subarea Plan.*
3. *Consider legislation updating the Economic Development Strategic Action Plan to 2019.*
4. *Consider budgeting for promotion of the City to potential investors such as significant employers, lodging, leisure and other businesses through new identified means and methods.*
5. *Study the usefulness of a video to promote the City.*
6. *Consider funding a study of the economic impact of changing the name of the city to Chambers Bay.*
7. *Consider funding for next steps in implementing the Regional Growth Center Subarea Plan.*

III. Goal: STRONGER FINANCIAL CONDITIONS

- A. Outcome: Complete an assessment of the sustainability of City revenues, including all fees and taxes, and consider revenue options to fund police services, public safety, streets, and events.**

Action:

1. *Review fees and taxes, and other revenue options to fund police services, public safety, streets, and events, and upon completion of study, determine to conclude the topic, or consider legislation achieving the outcome.*

- B. Outcome: Maintain a balanced budget and enhance our reserve goals to allow for future financial stability and flexibility.**

Actions:

1. *Consider legislation to increase strategic reserves to 7% of the adopted biennial general fund.*
2. *Study options to reduce City debt, and consider any necessary implementing legislation.*
3. *Review current City assets that are surplus to the City's needs and consider legislation disposing of those assets.*

4. *Study the feasibility of re-capitalizing the fleet and equipment funds.*
5. *Study potential annexations.*

IV. Goal: GREATER CITIZEN TRUST AND CONFIDENCE

A. Outcome: Maintain and improve community engagement to build public trust in City government, to value U.P.'s history and heritage, to maintain community pride and the sense of UP as a safe and special place, and to encourage volunteers.

Actions:

1. *Consider identifying the scoping of a new professionally conducted community survey and budgeting the cost of such a survey.*
2. *Consider identifying new or enhanced community engagement events and budgeting the cost of those events.*
3. *Consider funding the development and staffing of a University Place City Government Facebook page embracing all aspects of City government. (Current City Facebook pages are Rec, and event-specific).*
4. *Study the feasibility of establishing a U.P. City 4th of July celebration at Chambers Bay.*
5. *Review the purpose and operations of the City Council's Legislative Advisory Commissions.*
6. *Study potential City roles in recording, securing and affording public access to City historical resources and artifacts.*
7. *Consider funding the development and staffing of a part-time UP volunteer and event coordinator position.*

B. Outcome: Maintain and improve the quality of information provided to the public about U.P. government operations, and our focus on integrity and transparency in government, helpful and timely customer service, and remaining within the proper role of government.

Actions:

1. *Consider funding increased production of City informational videos for broadcast on UPTV, and to be available on the City's website and social media forums.*
 2. *Consider funding the production of additional reporting content for the City pages within the U.P. Press.*
 3. *Consider cost-effective online and/or other information technology based surveys to engage citizens and obtain their feedback.*
2. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 6, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emy Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

COUNCIL CONSIDERATION

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an Ordinance authorizing the issuance of Limited Tax General Obligation Refunding Bonds in the aggregate principal amount not to exceed \$22,500,000 for the purpose of refunding certain outstanding Limited Tax General Obligation Bonds of the City and paying costs of issuing the bonds; delegating certain authority to approve the final terms of the bonds; and authorizing other matters related thereto.

Agenda No: 8
Dept. Origin: Finance Department
For Agenda of: September 6, 2016
Exhibits: Ordinance

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to form by City Atty: _____
Approved by Finance Director: _____
Approved by Department Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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SUMMARY / POLICY ISSUES

In 2005, 2007, and 2009 the City issued LTGO Bonds for both refunding and new money capital purposes (including portions of the Town Center, road projects, and Civic Building). Interest rates are near historical lows and City staff have evaluated refunding options and determined that portions of each of these LTGO Bond issues can be refunded for substantial debt service savings. The average interest rate on the LTGO Bonds to be refunded is approximately 5.28%, while the current market interest rate is approximately 3.00%. The underwriter estimates that the City may save more than \$2.5 million over the remaining term of the LTGO Bonds proposed to be refunded (net of all costs of issuance). The final maturity for the Bonds will remain in 2034, with the refunding currently structured to provide level annual debt service savings for each refunded bond.

Similar to the 2012 Bond Ordinance, this Ordinance delegates to certain City staff the ability to finalize the refunding terms, subject to parameters in Section 11 of this Ordinance – the two most important of which is meeting (1) a minimum \$1 million net present value savings, and (2) the authorized par amount can be no more than \$22 million.

The current timeline is to receive the S&P bond rating on September 7, price the Bonds on September 15 (interest rates and savings locked-in), and close the issue on September 29. However, the actual timeline may be adjusted based on workload or market conditions.

BOARD OR COMMITTEE RECOMMENDATION

At the August 15, 2016 Finance Committee meeting the City Council reviewed and discussed the refunding of these bonds.

RECOMMENDATION / MOTION

MOVE TO: Pass an Ordinance authorizing the issuance of Limited Tax General Obligation Refunding Bonds in the aggregate principal amount not to exceed \$22,500,000 for the purpose of refunding certain outstanding Limited Tax General Obligation Bonds of the City and paying costs of issuing the bonds; delegating certain authority to approve the final terms of the bonds; and authorizing other matters related thereto.

CITY OF UNIVERSITY PLACE, WASHINGTON
LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2016
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$22,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY AND PAYING COSTS OF ISSUING THE BONDS; DELEGATING CERTAIN AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

PASSED: September 6, 2016

PREPARED BY:

PACIFICA LAW GROUP LLP
Seattle, Washington

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Exhibit A: Form of Bond

* This Table of Contents is provided for convenience only and is not a part of this ordinance.

CITY OF UNIVERSITY PLACE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$22,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY AND PAYING COSTS OF ISSUING THE BONDS; DELEGATING CERTAIN AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS, the City of University Place, Washington (the “City”), has issued the following limited tax general obligation bonds, which remain outstanding as follows:

Bonds	Authorizing Ordinance	Original Principal Amount	Outstanding Principal Amount
Limited Tax General Obligation Refunding Bonds, 2005 (the “2005 Bonds”)	440	\$ 5,670,000	\$ 1,040,000
Limited Tax General Obligation Bonds, Series 2007A (the “2007A Bonds”)	504	3,575,000	3,575,000
Limited Tax General Obligation Bonds, Series 2007C (the “2007C Bonds”)	513	3,065,000	2,880,000
Limited Tax General Obligation Bonds, 2009A (the “2009A Bonds”)	556	14,685,000	14,685,000

WHEREAS, Ordinance No. 440 (the “2005 Ordinance”) provides that the City may call the 2005 Bonds maturing on or after December 1, 2015 (the “2005 Refunding Candidates”), for redemption on or after June 1, 2015, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

WHEREAS, Ordinance No. 504 (the “2007A Ordinance”) provides that the City may call the 2007A Bonds maturing on December 1, 2029 (the “2007A Refunding Candidates”), for redemption on or after December 1, 2017, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

WHEREAS, Ordinance No. 513 (the “2007C Ordinance”) provides that the City may call the 2007C Bonds maturing on or after December 1, 2018 (the “2007C Refunding Candidates”), for redemption on or after December 1, 2017, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

WHEREAS, Ordinance No. 556 (the “2009A Ordinance”) provides that the City may call the 2009A Bonds (the “2009A Refunding Candidates” and together with the 2005 Refunding Candidates, the 2007A Refunding Candidates, and the 2007C Refunding Candidates, the “Refunding Candidates”), for redemption on or after December 1, 2019, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

WHEREAS, after due consideration it appears that all or a portion of the Refunding Candidates (the "Refunded Bonds") may be defeased and refunded by the proceeds of limited tax general obligation bonds at a savings to the City and its taxpayers; and

WHEREAS, the Council deems it in the best interest of the City to issue limited tax general obligation refunding bonds in an aggregate principal amount not to exceed \$22,000,000 (the "Bonds") to redeem and defease the Refunded Bonds and to pay costs of issuing the Bonds; and

WHEREAS, the Council wishes to delegate authority to the City Manager and Executive Director for Administrative Services/Interim Finance Director/Assistant City Manager (each, a "Designated Representative"), for a limited time, to approve the interest rates, maturity dates, redemption terms and principal maturities for the Bonds within the parameters set by this ordinance, in order to effect such a refinancing; and

WHEREAS, the City expects to receive a proposal from D.A. Davidson & Co. (the "Underwriter") to underwrite the Bonds, and now desires to authorize the acceptance of such proposal, and the issuance and sale of the Bonds to the Underwriter, all as set forth herein;

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

Section 1. Definitions.

(a) *Definitions.* As used in this ordinance, the following words shall have the following meanings:

Acquired Obligations means the Government Obligations acquired by the City under the terms of this ordinance and the Escrow Agreement to effect the defeasance and refunding of the Refunded Bonds, but only to the extent that the same are acquired at Fair Market Value.

Beneficial Owner means any person that has or shares the power, directly or indirectly to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries).

Bond Counsel means Pacifica Law Group LLP or an attorney at law or a firm of attorneys, selected by the City, of nationally recognized standing in matters pertaining to the tax exempt nature of interest on bonds issued by states and their political subdivisions.

Bond Purchase Contract means the contract for the purchase of the Bonds between the Underwriter and City, executed pursuant to Section 11.

Bond Register means the registration books showing the name, address and tax identification number of each Registered Owner of the Bonds, maintained for the Bonds in the manner required pursuant to Section 149(a) of the Code.

Bond Registrar means, initially, the fiscal agent of the State, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

Bonds mean the City of University Place, Washington, Limited Tax General Obligation Refunding Bonds, 2016, or other such series designation as approved by a Designated Representative, issued pursuant to this ordinance.

Call Date means the date set forth in the Escrow Agreement as the call date for a series of Refunded Bonds.

City means the City of University Place, Washington, a municipal corporation duly organized and existing by virtue of the laws of the State.

City Manager means the duly appointed and acting City Manager of the City or the successor to the duties of such office.

City Mayor or **Mayor** means the duly elected and acting Mayor of the City or the successor to the duties of such office.

Code means the Internal Revenue Code of 1986 as in effect on the date of issuance of the Bonds or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the date of issuance of the Bonds, together with applicable proposed, temporary and final regulations promulgated, and applicable official public guidance published, under the Code.

Commission means the Securities and Exchange Commission.

Council means the University Place City Council as the general legislative authority of the City, as duly and regularly constituted from time to time.

Debt Service Fund means the "City of University Place Limited Tax General Obligation Bond Debt Service Fund" and the accounts held therein.

Designated Representative means each the City Manager and the Finance Director of the City, any successors to the functions of such offices, and their designees. The signature of one Designated Representative shall be sufficient to bind the City.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Bonds pursuant to Section 3.

Escrow Agent means U.S. Bank National Association, Seattle, Washington.

Escrow Agreement means the Escrow Deposit Agreement between the City and the Escrow Agent to be dated as of the date of closing and delivery of the Bonds.

Fair Market Value means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm's length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of Section 1273 of the Code) and, otherwise, the term "Fair Market Value" means the acquisition price in a bona fide arm's length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Code, (iii) the investment is a United States Treasury Security--State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the City and related parties do not own more than a 10% beneficial interest therein if the return paid by the fund is without regard to the source of the investment. To the extent required by the applicable regulations under the Code, the term "investment" will include a hedge.

Federal Tax Certificate means the certificate executed by a Designated Representative setting forth the requirements of the Code for maintaining the tax exemption of interest on the Bonds to be dated as of the date of closing and delivery of the Bonds, and attachments thereto.

Finance Director means the City's Executive Director for Administrative Services/Interim Finance Director/Assistant City Manager, or the successor to such officer.

Government Obligations means those obligations now or hereafter defined as such in chapter 39.53 RCW, as such chapter may be amended or restated.

Letter of Representations means the Blanket Issuer Letter of Representations from the City to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successors to its functions.

Official Statement means the disclosure documents prepared and delivered in connection with the issuance of the Bonds.

Projects mean the capital projects financed or refinanced with proceeds of the Refunded Bonds.

Refunded Bonds mean the 2005 Refunded Bonds, the 2007A Refunded Bonds, the 2007C Refunded Bonds and the 2009A Refunded Bonds.

Refunding Account means the account by that name established pursuant to Section 7.

Refunding Candidates mean the 2005 Refunding Candidates, the 2007A Refunding Candidates, the 2007C Refunding Candidates and the 2009A Refunding Candidates.

Registered Owner means the person named as the registered owner of a Bond in the Bond Register. For so long as the Bonds are held in book-entry only form, DTC or its nominee shall be deemed to be the sole Registered Owner.

Rule means the Commission's Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

State means the State of Washington.

2005 Bonds mean the City's Limited Tax General Obligation Refunding Bonds, 2005, issued pursuant to the 2005 Ordinance as described in the recitals of this ordinance.

2005 Ordinance means Ordinance No. 440 passed by the Council on March 21, 2005, authorizing the issuance of the 2005 Bonds.

2005 Refunded Bonds mean those 2005 Refunding Candidates designated by a Designated Representative for refunding pursuant to Section 7 and Section 11.

2005 Refunding Candidates mean the outstanding 2005 Bonds.

2007A Bonds mean the City's Limited Tax General Obligation Bonds, Series 2007A, issued pursuant to the 2007A Ordinance as described in the recitals of this ordinance.

2007A Ordinance means Ordinance No. 504 passed by the Council on July 16, 2007, authorizing the issuance of the 2007A Bonds.

2007A Refunded Bonds mean those 2007A Refunding Candidates designated by a Designated Representative for refunding pursuant to Section 7 and Section 11.

2007A Refunding Candidates mean the 2007A Bonds maturing on December 1, 2029.

2007C Bonds mean the City's Limited Tax General Obligation Bonds, Series 2007C, issued pursuant to the 2007C Ordinance as described in the recitals of this ordinance.

2007C Ordinance means Ordinance No. 513 passed by the Council on December 17, 2007, authorizing the issuance of the 2007C Bonds.

2007C Refunded Bonds mean those 2007C Refunding Candidates designated by a Designated Representative for refunding pursuant to Section 7 and Section 11.

2007C Refunding Candidates mean the outstanding 2007C Bonds maturing on or after December 1, 2018.

2009A Bonds mean the City's Limited Tax General Obligation Bonds, 2009A, issued pursuant to the 2009A Ordinance as described in the recitals of this ordinance.

2009A Ordinance means Ordinance No. 556 passed by the Council on August 13, 2009, authorizing the issuance of the 2009A Bonds.

2009A Refunded Bonds mean those 2009A Refunding Candidates designated by a Designated Representative for refunding pursuant to Section 7 and Section 11.

2009A Refunding Candidates mean the outstanding 2009A Bonds.

Underwriter means D.A. Davidson & Co., or its successors.

(b) *Interpretation.* In this ordinance, unless the context otherwise requires:

(1) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of this ordinance;

(2) Words of the masculine gender shall mean and include correlative words of the feminine and neutral genders and words importing the singular number shall mean and include the plural number and vice versa;

(3) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(4) Any headings preceding the text of the several articles and sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(5) All references herein to "articles," "sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

Section 2. Authorization of Bonds and Bond Details. For the purpose of refunding the Refunded Bonds and paying costs of issuance of the Bonds and costs related to the administration of the refunding, the City is hereby authorized to issue and sell limited tax general obligation refunding bonds in an aggregate principal amount not to exceed \$22,000,000 (the "Bonds").

The Bonds shall be general obligations of the City, shall be designated "City of University Place, Washington, Limited Tax General Obligation Refunding Bonds, 2016," or other such designation as set

forth in the Bond Purchase Contract and approved by a Designated Representative. The Bonds shall be dated as of the date of closing and delivery of the Bonds; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 each, or any integral multiple thereof, within a maturity; shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; and shall bear interest payable on the dates set forth in the Bond Purchase Contract; and shall mature on the dates and in the principal amounts set forth in the Bond Purchase Contract and as approved by a Designated Representative pursuant to Section 11. The Bonds of any of the maturities may be combined and issued as term bonds, subject to mandatory redemption as provided in the Bond Purchase Contract.

Section 3. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City hereby specifies and adopts the system of registration approved by the State Finance Committee from time to time through the appointment of a state fiscal agent. The City shall cause a bond register to be maintained by the Bond Registrar. So long as any Bonds remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration or transfer of Bonds at its designated office. The Bond Registrar may be removed at any time at the option of the Finance Director upon prior notice to the Bond Registrar and a successor Bond Registrar appointed by the Finance Director. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication of the Bonds.

(b) *Registered Ownership.* The City and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond as the absolute owner thereof for all purposes (except as provided in Section 12), and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described in Section 3(g), but such Bond may be transferred as herein provided. All such payments made as described in Section 3(g) shall be valid and shall satisfy and discharge the liability of the City upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letters of Representations.* The Bonds initially shall be held in fully immobilized form by DTC acting as depository. The City has executed and delivered to DTC the Letter of Representations. Neither the City nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Bond Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds are held in fully-immobilized form, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

(d) *Use of Depository.*

(1) The Bonds shall be registered initially in the name of "Cede & Co.", as nominee of DTC, with one Bond maturing on each of the maturity dates for the Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any

applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the Finance Director pursuant to subsection (2) below or such substitute depository's successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Finance Director to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Finance Director may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the Finance Director, issue a single new Bond for each maturity then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Finance Director.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Finance Director determines that it is in the best interest of the beneficial owners of the Bonds that such owners be able to obtain such Bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held by a depository. The Finance Director shall deliver a written request to the Bond Registrar, together with a supply of physical Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds together with a written request on behalf of the Finance Director to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity, and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer of or to exchange any Bond during the 15 days preceding any principal payment or redemption date.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are held by DTC, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer held by a depository, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the fifteenth

day of the month preceding the interest payment date, or upon the written request of a Registered Owner of more than \$1,000,000 of Bonds (received by the Bond Registrar at least 15 days prior to the applicable payment date), such payment shall be made by the Bond Registrar by wire transfer to the account within the United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the designated office of the Bond Registrar.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bonds until it is paid.

Section 4. Redemption Prior to Maturity and Purchase of Bonds.

(a) *Mandatory Redemption of Term Bonds and Optional Redemption, if any.* The Bonds shall be subject to mandatory redemption to the extent, if any, as set forth in the Bond Purchase Contract and as approved by a Designated Representative pursuant to Section 11. The Bonds shall be subject to optional redemption on the dates, at the prices and under the terms set forth in the Bond Purchase Contract approved by a Designated Representative pursuant to Section 11.

(b) *Purchase of Bonds.* The City reserves the right to purchase any of the Bonds at any time at a price deemed reasonable by a Designated Representative.

(c) *Selection of Bonds for Redemption.* For as long as the Bonds are held in book-entry only form, the selection of particular Bonds within a maturity to be redeemed shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds are no longer held by a depository, the selection of such Bonds to be redeemed and the surrender and reissuance thereof, as applicable, shall be made as provided in the following provisions of this subsection (c). If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot (or in such manner determined by the Bond Registrar) in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City and the Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the designated office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like maturity and interest rate in any of the denominations herein authorized.

(d) *Notice of Redemption.*

(1) Official Notice. For so long as the Bonds are held by a depository, notice of redemption (which notice may be conditional) shall be given in accordance with the operational arrangements of DTC as then in effect, and neither the City nor the Bond Registrar will provide any notice of redemption to any Beneficial Owners. Thereafter (if the Bonds are no longer held in uncertificated form), notice of redemption shall be given in the manner hereinafter provided. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

(A) the redemption date,

- (B) the redemption price,
- (C) if fewer than all outstanding Bonds are to be redeemed, the identification by maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (D) any conditions to redemption;
- (E) that (unless such notice is conditional) on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
- (F) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the designated office of the Bond Registrar.

On or prior to any redemption date, unless any condition to such redemption has not been satisfied or waived or notice of such redemption has been rescinded, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date. The City retains the right to rescind any redemption notice and the related optional redemption of Bonds by giving notice of rescission to the affected registered owners at any time on or prior to the scheduled redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

(2) Effect of Notice: Bonds Due. If notice of redemption has been given and not rescinded or revoked, or if the conditions set forth in a conditional notice of redemption have been satisfied or waived, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and, if the Bond Registrar then holds sufficient funds to pay such Bonds at the redemption price, then from and after such date such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be canceled by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 20 days before the redemption date to each party entitled to receive notice pursuant to Section 12 and with such additional information as the City shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Amendment of Notice Provisions. The foregoing notice provisions of this Section 4, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 5. Form of Bonds. The Bonds shall be in substantially the form set forth in Exhibit A, which is incorporated herein by this reference.

Section 6. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may be signed and attested on behalf of the City by such persons who at the date of the actual execution of such Bond, are the proper officers of the City, although at the original date of such Bond any such person shall not have been such officer of the City.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

Section 7. Refunding Plan; Application of Bond Proceeds.

(a) *Refunding Plan.* For the purpose of realizing an aggregate debt service savings and benefiting the taxpayers of the City, the Council proposes to refund and defease the Refunded Bonds as set forth herein. The Refunded Bonds shall include those Refunding Candidates (or portions thereof) as are selected by a Designated Representative and set forth in the Bond Purchase Contract. A portion of the proceeds of the Bonds and other available funds of the City, if any, shall be deposited with the Escrow Agent pursuant to the Escrow Agreement to be used immediately upon receipt thereof to defease the Refunded Bonds as authorized by the applicable bond ordinance authorizing the issuance of such Refunded Bonds and to pay costs of issuance of the Bonds.

The net proceeds deposited with the Escrow Agent shall be used to defease the Refunded Bonds and discharge the obligations thereon by the purchase of certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing such interest and maturing as to principal and interest in such amounts and at such times which, together with any necessary beginning cash balance, will provide for the payment of interest on the Refunded Bonds due and payable on and prior to the applicable Call Date and the redemption prices of the Refunded Bonds on the applicable Call Date.

Such Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues.

(b) *Escrow Agent/Escrow Agreement.* The City hereby appoints U.S. Bank National Association, as the Escrow Agent. A cash balance, if any, and the Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining after acquisition of the Acquired Obligations and provision for the necessary cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Bonds.

In order to carry out the purposes of this Section 7, each Designated Representative is authorized and directed to execute and deliver to the Escrow Agent the Escrow Agreement.

(c) *Call for Redemption of Refunded Bonds.* The City hereby calls the Refunded Bonds for redemption on their applicable Call Date in accordance with the provisions of the 2005 Ordinance, the 2007A Ordinance, the 2007C Ordinance, and the 2009A Ordinance authorizing the redemption and retirement of the 2005 Bonds, the 2007A Bonds, the 2007C Bonds and the 2009A Bonds, respectively,

prior to their fixed maturities. Said defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the issuance of the Bonds and delivery of the Acquired Obligations to the Escrow Agent.

The Designated Representatives and the Escrow Agent are hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the provisions of the 2005 Ordinance, the 2007A Ordinance, the 2007C Ordinance, and the 2009A Ordinance. The costs of publication of such notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Finance Director, or, at the direction of the Finance Director, to the paying agent for the Refunded Bonds, sums sufficient to pay, when due, the payments specified in this Section 7. All such sums shall be paid from the money and Acquired Obligations deposited with the Escrow Agent, and the income therefrom and proceeds thereof. All such sums so paid to said Finance Director shall be credited to the Refunding Account for the refunding of the Refunded Bonds, which is hereby authorized to be created, or to pay costs of issuance. All moneys and Acquired Obligations deposited with the Escrow Agent and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and the Escrow Agent and with the laws of the State for the benefit of the City and owners of the Refunded Bonds.

The City will take such actions as are found necessary to see that all necessary and proper fees, compensation and expenses of the Escrow Agent for the Refunded Bonds shall be paid when due.

Section 8. Tax Covenants. The City will take all actions necessary to assure the exclusion of interest on the Bonds from the gross income of the owners of the Bonds to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the date of issuance of the Bonds, including but not limited to the following:

(a) *Private Activity Bond Limitation.* The City will assure that the proceeds of the Bonds are not so used as to cause the Bonds to satisfy the private business tests of Section 141(b) of the Code or the private loan financing test of Section 141(c) of the Code.

(b) *Limitations on Disposition of Project.* The City will not sell or otherwise transfer or dispose of (i) any personal property components of the projects financed with proceeds of the Refunded Bonds (the "Projects") other than in the ordinary course of an established government program under Treasury Regulation 1.141-2(d)(4) or (ii) any real property components of the Projects, unless it has received an opinion of Bond Counsel to the effect that such disposition will not adversely affect the treatment of interest on the Bond as excludable from gross income for federal income tax purposes.

(c) *Federal Guarantee Prohibition.* The City will not take any action or permit or suffer any action to be taken if the result of such action would be to cause any of the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

(d) *Rebate Requirement.* The City will take any and all actions necessary to assure compliance with Section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government, to the extent that such section is applicable to the Bonds.

(e) *No Arbitrage.* The City will not take, or permit or suffer to be taken by the Escrow Agent or otherwise, any action with respect to the proceeds of the Bonds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Bonds would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

(f) *Registration Covenant.* The City will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code until all Bonds have been surrendered and canceled.

(g) *Record Retention.* The City will retain its records of all accounting and monitoring it carries out with respect to the Bonds for at least three years after the Bonds mature or are redeemed (whichever is earlier); however, if the Bonds are redeemed and refunded, the City will retain its records of accounting and monitoring at least three years after the earlier of the maturity or redemption of the obligations that refunded the Bonds.

(h) *Compliance with Federal Tax Certificate.* The City will comply with the provisions of the Federal Tax Certificate with respect to the Bonds, which are incorporated herein as if fully set forth herein. The covenants of this Section will survive payment in full or defeasance of the Bonds.

Section 9. Debt Service Fund and Provision for Tax Levy Payments. The City hereby authorizes the creation of one or more accounts in the City's Debt Service Fund to be used for the payment of debt service on the Bonds. No later than the date each payment of principal or interest on the Bonds becomes due, the City shall transmit sufficient funds, from the Debt Service Fund or from other legally available sources, to the Bond Registrar for the payment of such principal or interest. Money in the Debt Service Fund may be invested in legal investments for City funds, but only to the extent that the same are acquired, valued and disposed of at Fair Market Value.

The City hereby irrevocably covenants and agrees for as long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy an *ad valorem* tax upon all the property within the City subject to taxation in an amount that will be sufficient, together with all other revenues and money of the City legally available for such purposes, to pay the principal of and interest on the Bonds when due.

The City hereby irrevocably pledges that the annual property tax provided for herein to be levied for the payment of such principal and interest shall be within and as a part of the regular property tax levy permitted to cities without a vote of the people, and that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bonds will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bonds. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bonds when due.

Section 10. Defeasance. In the event that the City, to effect the payment, retirement or redemption of any Bond, sets aside in the Debt Service Fund or in another special account, cash or noncallable Government Obligations, or any combination of cash and/or noncallable Government Obligations, in amounts and maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Debt Service Fund for the payment of the principal of and interest on such Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the Debt Service Fund or such special account, and such Bond shall be deemed to be not outstanding under this ordinance. The City shall give written notice of defeasance in accordance with Section 12.

Section 11. Sale of Bonds.

(a) *Bond Sale.* The Bonds shall be sold at negotiated sale to the Underwriter pursuant to the terms of the Bond Purchase Contract. The Council has determined that it would be in the best interest of the City to delegate to the Designated Representatives for a limited time the authority to approve the selection of the Refunded Bonds and the final interest rates, aggregate principal amount, principal amounts of each maturity of the Bonds, and redemption rights for the Bonds.

Each Designated Representative is hereby authorized to approve the final interest rates, aggregate principal amount, principal amounts of each maturity of the Bonds, and redemption rights for the Bonds and to select the Refunded Bonds in the manner provided hereafter so long as:

- (1) the aggregate principal amount of the Bonds does not exceed \$22,000,000;
 - (2) the final maturity date for the Bonds is no later than December 1, 2034;
 - (3) the Bonds are sold (in the aggregate) at a price not less than 97% and not greater than 135%;
 - (4) the Bonds are sold for a price that results in net present value debt service savings over the Refunded Bonds (in the aggregate) of at least \$1,000,000;
 - (5) the true interest cost for the Bonds (in the aggregate) does not exceed 4.50%;
- and
- (6) the Bonds conform to all other terms of this ordinance.

Subject to the terms and conditions set forth in this Section 11, the Designated Representatives are each hereby authorized to execute the Bond Purchase Contract. The signature of one Designated Representative shall be sufficient to bind the City.

Following the execution of the Bond Purchase Contract, a Designated Representative shall provide a report to the Council describing the final terms of the Bonds approved pursuant to the authority delegated in this section. The authority granted to the Designated Representatives by this Section 11 shall expire on December 31, 2016. If a Bond Purchase Contract for the Bonds has not been executed by December 31, 2016, the authorization for the issuance of the Bonds shall be rescinded, and the Bonds shall not be issued nor their sale approved unless such Bonds shall have been re-authorized by ordinance of the Council. The ordinance re-authorizing the issuance and sale of such Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving a bond purchase contract or establishing terms and conditions for the authority delegated under this Section 11.

(b) *Delivery of Bonds; Documentation.* Upon the execution and delivery of the Bond Purchase Contract, the proper officials of the City, including the Designated Representatives, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the Underwriter and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Bond Purchase Contract. Such documents may include, but are not limited to, documents related to a municipal bond insurance policy delivered by an insurer to insure the payment when due of the principal of and interest on the Bonds as provided therein, if such insurance is determined by a Designated Representative to be in the best interest of the City.

(c) *Preliminary and Final Official Statements.* The Finance Director is hereby authorized to deem final the preliminary Official Statement relating to the Bonds for the purposes of the Rule. The Finance Director is further authorized to approve for purposes of the Rule, on behalf of the City, the final Official Statement relating to the issuance and sale of the Bonds and the distribution of the final Official Statement pursuant thereto with such changes, if any, as may be deemed to be appropriate.

Section 12. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking.* This section constitutes the City's written undertaking for the benefit of the owners, including Beneficial Owners, of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data.* The City agrees to provide or cause to be provided to the MSRB, the following annual financial information and operating data for the prior fiscal year (commencing in 2017 for the fiscal year ended December 31, 2016):

- (1) Annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the State Auditor pursuant to RCW 43.09.200 (or any successor statute) and generally of the type included in the Official Statement for the Bonds;
- (2) The assessed valuation of taxable property in the City;
- (3) Ad valorem taxes due and percentage of taxes collected;
- (4) Property tax levy rate per \$1,000 of assessed valuation; and
- (5) Outstanding general obligation debt of the City.

Items 2-5 shall be required only to the extent that such information is not included in the annual financial statements.

The information and data described above shall be provided on or before the end of nine months (September 30) after the end of the City's fiscal year. The City's fiscal year currently ends on December 31. The City may adjust such fiscal year by providing written notice of the change of fiscal year to the MSRB. In lieu of providing such annual financial information and operating data, the City may cross-reference to other documents available to the public on the MSRB's internet website or filed with the Commission.

If not provided as part of the annual financial information discussed above, the City shall provide the City's audited annual financial statement prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the State Auditor pursuant to RCW 43.09.200 (or any successor statute) when and if available to the MSRB.

(c) *Listed Events.* The City agrees to provide or cause to be provided to the MSRB, in a timely manner not in excess of 10 business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- Principal and interest payment delinquencies;
- Non-payment related defaults, if material;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- Modifications to the rights of Bondholders, if material;
- Optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856, if material, and tender offers;
- Defeasances;
- Release, substitution, or sale of property securing repayment of the Bonds, if material;
- Rating changes;
- Bankruptcy, insolvency, receivership or similar event of the City;

- The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(d) *Format for Filings with the MSRB.* All notices, financial information and operating data required by this undertaking to be provided to the MSRB must be in an electronic format as prescribed by the MSRB. All documents provided to the MSRB pursuant to this undertaking must be accompanied by identifying information as prescribed by the MSRB.

(e) *Notification Upon Failure to Provide Financial Data.* The City agrees to provide or cause to be provided to the MSRB notice of its failure to provide the annual financial information described in Subsection (b) above on or prior to the date set forth in Subsection (b) above.

(f) *Termination/Modification.* The City's obligations to provide annual financial information and notices of listed events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City (1) obtains an opinion of Bond Counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies the MSRB of such opinion and the cancellation of this section.

The City may amend this section, without the consent of Bond owners, with an opinion of Bond Counsel in accordance with the Rule. In the event of any amendment of this section, the City shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (A) notice of such change shall be given in the same manner as for a listed event under Subsection (c), and (B) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(g) *Bond Owner's Remedies Under This Section.* The right of any Bond owner or Beneficial Owner of Bonds to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City's obligations under this section, and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds.

(h) *No Default.* Except as otherwise disclosed in the City's Official Statement relating to the Bonds, the City is not and has not been in default in the performance of its obligations of any prior undertaking for ongoing disclosure with respect to its obligations.

Section 13. Lost, Stolen or Destroyed Bonds. In case any Bond or Bonds shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his/her filing with the City evidence satisfactory to the City that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and/or the Bond Registrar with indemnity satisfactory to the City and the Bond Registrar.

Section 14. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of

competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 15. Effective Date of Ordinance. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as required by law. A summary of this ordinance, consisting of the title, may be published in lieu of publishing the ordinance in its entirety.

Section 16. Corrections by Clerk. Upon approval of the City Attorney and Bond Counsel, the City Clerk is hereby authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; ordinance numbering and section/subsection numbering; and other similar necessary corrections.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 6, 2016.

By _____
Javier H. Figueroa, Mayor

ATTEST

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

PACIFICA LAW GROUP LLP

Bond Counsel

PUBLISHED: _____

EFFECTIVE: _____

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, within and as a part of the tax levy permitted to the City without a vote of the electorate, upon all the property within the City subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist and to have happened, been done and performed precedent to and in the issuance of this bond exist and have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of University Place, Washington, has caused this bond to be executed by the manual or facsimile signatures of the Mayor and the City Clerk and the seal of the City to be imprinted, impressed or otherwise reproduced hereon as of this ____ day of _____, 2016.

[SEAL]

CITY OF UNIVERSITY PLACE, WASHINGTON

By /s/ manual or facsimile
Mayor

ATTEST:

 /s/ manual or facsimile
City Clerk

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Refunding Bonds, 2016, of the City of University Place, Washington, dated _____, 2016.

WASHINGTON STATE FISCAL AGENT, as
Bond Registrar

By _____

CERTIFICATE

I, the undersigned, City Clerk of the City Council of the City of University Place, Washington (the "City"), DO HEREBY CERTIFY:

1. The attached copy of Ordinance No. _____ (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on September 6, 2016, as that ordinance appears in the minute book of the City; and the Ordinance will be in full force and effect five (5) days after its passage and publication as provided by law; and

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been fully fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

3. That Ordinance No. _____ has not been amended, supplemented or rescinded since its passage and is in full force and effect and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of September, 2016.

City Clerk

STUDY SESSION

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an Ordinance amending Chapters 1.15 General Penalty Provisions, 1.30 Civil Infractions, 5.05 Business Licenses, 5.10 Special Events, 5.15 Adult Entertainment, 5.25 Peddler/Solicitor/Master Solicitor License, 9.10 Alarms, 9.15 Abandoned and Junk Vehicles, 9.35 Public Nuisances, 9.55 Pedestrian Interference, 10.40 Compression Brakes Prohibited, 12.10 Water Quality Standards, 13.5 Public Work Standards, 13.25 Surface Water Management, 14.05 Building and Construction Code, 14.10 Moving of Buildings, 17.10 Critical Areas, 17.40 Environmental Regulations, 19.15 Enforcement and Penalties (Zoning), 19.75 Signs, 21.70 Subdivisions, and 23.45 Wireless Telecommunications for code consistency.

Agenda No: 10
Dept. Origin: Planning & Development Services
For Agenda of: September 6, 2016
Exhibits: Exhibit A-Proposed Amendments

Concurred by Mayor _____
Approved by City Manager _____
Approved as to Form by City Atty.: _____
Approved by Finance Director _____
Approved by Dept. Head _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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SUMMARY / POLICY ISSUES

In preparation for the US Open the City Council adopted a new Chapter of the Municipal Code entitled Civil Infractions. This new chapter would allow the City's Code Enforcement Officer to write Notices of Civil Infractions (tickets) for certain code violations. Fortunately, the City did not need to utilize this tool at the time and have since met with the University Place Municipal Court to discuss the best way to implement Civil Infractions. It was determined that clear chain of authority was needed. For example, in each chapter of the code which includes a penalty provision, a provision stating under what authority and process the penalty would be assessed and applied is needed.

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission reviewed and recommended the proposed amendments to penalty and code enforcement provisions related to development regulations including Title 17 Critical Areas, Title 19 Zoning, Title 21 Subdivisions, and Title 23.45 Wireless Telecommunications.

RECOMMENDATION / MOTION

MOVE TO: Pass an Ordinance amending Chapters 1.15 General Penalty Provisions, 1.30 Civil Infractions, 5.05 Business Licenses, 5.10 Special Events, 5.15 Adult Entertainment, 5.25 Peddler/Solicitor/Master Solicitor License, 9.10 Alarms, 9.15 Abandoned and Junk Vehicles, 9.35 Public Nuisances, 9.55 Pedestrian Interference, 10.40 Compression Brakes Prohibited, 12.10 Water Quality Standards, 13.5 Public Work Standards, 13.25 Surface Water Management, 14.05 Building and Construction Code, 14.10 Moving of Buildings, 17.10 Critical Areas, 17.40 Environmental Regulations, 19.15 Enforcement and Penalties (Zoning), 19.75 Signs, 21.70 Subdivisions, and 23.45 Wireless Telecommunications for code consistency.

Exhibit A

Penalty and Code Enforcement Amendments

Various Chapters

Sections:

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

1.15.010 General civil penalty.

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

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

(Ord. 44 § 1, 1995).

1.15.020 General criminal penalty.

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

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

(Ord. 44 § 2, 1995).

1.15.030 Other Legal Remedies

Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of any ordinance of the city.

1.15.030 Failure to respond to a civil infraction.

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

In any court proceeding to enforce this section, the city shall have the burden of proving beyond a reasonable doubt both that the violator was personally served with the notice of civil infraction

and that the violator willfully failed to respond to the infraction by either appearing in court as directed or by paying the fine for the infraction.

Chapter 1.30 CIVIL INFRACTIONS

1.30.020 Civil infraction – Monetary penalties – Restitution.

A. Any person found to have committed a civil infraction shall be assessed a monetary penalty in the sum of ~~\$500.00~~~~420.00~~, not including statutory assessments, unless a greater or lesser sum is specified for a particular infraction within the University Place Municipal Code.

Chapter 5.05 BUSINESS LICENSES

5.05.140 Penalties and ~~enforcement~~~~legal remedies~~.

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

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

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 5.10 SPECIAL EVENTS

5.10.180 Penalties and ~~enforcement~~~~for violation~~.

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

~~B. Civil Penalties~~ ~~In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC~~

~~C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.~~

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

Chapter 5.15 ADULT ENTERTAINMENT BUSINESSES

5.15.150 Violation — Penalties and enforcement.

~~A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15.UPMC punished by a fine of up to \$1,000, or by imprisonment of up to 90 days, or by both such fine and imprisonment.~~

~~B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.~~

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 5.25 PEDDLER/SOLICITOR/MASTER SOLICITOR LICENSE REQUIRED

5.25.100 Penalties and enforcement violations

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

~~A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15.UPMC Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in RCW 9A.20.021(3). Any person violating or failing to comply with any of the provisions of this chapter may be punished by a fine of not more than \$500.00 or imprisoned for not more than 90 days, or both, for each day or part of a day during which the unlawful act or violation occurs. The person may also be ordered to discontinue the unlawful act or correct the violation.~~

~~B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.~~

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

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

Chapter 9.10 ALARMS

9.10.130 ~~Violation~~ — Penalties and enforcement.

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

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

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

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 9.15 ABANDONED AND JUNK VEHICLES

9.15.050 Inoperable vehicles.

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

Chapter 9.35 PUBLIC NUISANCES

9.35.040 Penalties and Enforcement.

A. Civil Penalties. Any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

B. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

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

Chapter 9.55 PEDESTRIAN INTERFERENCE

9.55.020 ~~Violations — Penalties and enforcement.~~

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

1. Obstructs pedestrian or vehicular traffic; or
2. Aggressively begs.

B. Criminal Penalties. Pedestrian interference is a misdemeanor and ~~shall be punished as provided for in upon conviction thereof be penalized as provided in Chapter 1.15.UPMC RCW 9A.20.020(3).~~

C. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

D. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 10.40 COMPRESSION BRAKES PROHIBITED

10.40.040 ~~Violation — Penalties and enforcement.~~

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 12.10 WATER QUALITY STANDARDS

12.10.090 Penalties and Enforcement.

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

~~The Director is authorized to enforce against prohibited illicit discharges, prohibited illicit connections, and other violations of this chapter.~~

B. The Director shall gain compliance with this chapter by requiring the implementation of operational BMPs and, when necessary, AKART. The Director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the Director determines a violation is a result of an intentional act or poses a hazard as defined in UPMC [12.10.080](#).

C. The Director may order the correction or discontinuance of any unsafe condition or operation or correction of any violation of this chapter. Any order issued by the Director may be appealed to the City's Hearings Examiner within 14 days of the order in accordance with the provisions of Chapter 1.20 UPMC or to the Court in accordance with Chapter 1.30 UPMC as appropriate. Such an appeal does not stay the requirement to comply with the order, and in particular any emergency order issued under UPMC [12.10.080](#).

D. In addition to or in the alternative to a correction order or civil infraction, the Director may issue a notice of civil violation for a violation of this chapter with a penalty of up to \$10,000, based upon the factors set forth in UPMC [12.10.100](#).

E. In addition to or in the alternative to a correction order or notice of civil violation, the Director may issue a civil infraction for a violation of this chapter, with a penalty in an amount of ~~\$4~~500.00 per violation for minor violations, and \$1,000 per violation for significant violations. Each day the violation shall continue shall constitute a separate violation. A minor violation shall be one in which the damage or risk to the public or water quality is low and the violator acted unknowingly or in good faith. A significant violation is one in which the damage or risk to the public or water quality is great or is a repeat violation or the violator acted in bad faith.

Chapter 13.05 ADMINISTRATION (PUBLIC WORK STANDARDS)

13.05.445 Penalties and enforcement.

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

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

C. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

D. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 13.25 SURFACE WATER MANAGEMENT

13.25.115 Adopting King County Surface Water Codes.

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

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

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

Chapter 14.05 BUILDING AND CONSTRUCTION CODE

14.05.120 ~~Violations and pPenalties and enforcement.~~

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

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

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

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

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

14.05.140 Hearings Examiner – Powers and duties.

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

Chapter 14.10 MOVING OF BUILDINGS

14.10.080 Penalties and enforcement.

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

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 17.10 GENERAL REQUIREMENTS (CRITICAL AREAS)

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

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

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

Chapter 17.40 ENVIRONMENTAL REGULATIONS

17.40.140 Penalties and enforcement~~Violation – Civil infraction.~~

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

Chapter 19.15 ENFORCEMENT AND PENALTIES (ZONING)

19.15.020 Violations.

- A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by this title.
- B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.
- C. It is a violation of this title for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, Chapter 1.20 UPMC, or Chapter 1.30 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, provisions, standards, criteria or processes of this title, regardless of whether or not a permit is required.

19.15.035 Investigation and notice of violation.

- A. The Director or his representative may investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this title.
- B. If, after investigation, the Director determines that this title has been violated, the Director may seek compliance and serve a notice of violation or issue a notice of civil infraction on the owner, tenant or other person responsible for the condition that violates this title and may otherwise enforce this title, pursuant to this chapter; UPMC 19.15.045, Emergency Order; Chapter 1.20 UPMC, Enforcement; Chapter 1.30, Civil Infractions; and Chapter 9.35 UPMC, Public Nuisances.

19.15.045 Emergency order.

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter [1.20 UPMC, Enforcement](#), [Chapter 1.30 UPMC, Civil Infractions](#), and Chapter [9.35 UPMC, Public Nuisances](#).

19.15.055 Penalties and enforcement.

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

19.15.060 Additional relief.

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

Chapter 19.75 SIGNS (ZONING)

19.75.130. Penalties and eEnforcement.

~~1.A. Penalty for Violations. It shall be unlawful for any person, firm or corporation to erect, construct, paint, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter;~~

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

B. Right of Entry. Upon proper presentation of credentials including court orders if appropriate, the Director may enter at reasonable times any building, structure or premises within the City to perform any duty imposed by this code.

~~B.C.~~ Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign from personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workmen in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.

~~C.D.~~ Revocation of Permits. The Director is authorized and empowered to revoke any sign permit issued in error or on the basis of incorrect information, or in violation of the provisions upon failure of the holder thereof to comply with any provision or provisions of this code.

~~D.E.~~ Nuisance Declared – Abatement. Signs constructed, altered or maintained in violation of the provisions of this code are declared to be a public nuisance.

F. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

G. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

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

~~E.~~

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

Title 21 SUBDIVISIONS

21.70.010 Penalties.

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

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC

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

~~C.~~ Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title or any permit or written order or decision

~~issued pursuant to this title shall be subject to a civil violation citation as defined in the City's civil violation ordinance.~~

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

(Ord. 500 § 1, 2007; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995. Formerly 21.22.020).

21.70.020 Enforcement.

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

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

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

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

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

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

(Ord. 500 § 1, 2007; Ord. 423 §§ 98, 99, 2004; Ord. 61 § 1, 1995. Formerly 21.22.030).

Chapter 23.45 WIRELESS TELECOMMUNICATIONS

23.45.180 Violation — Penalties and enforcement.

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

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

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

~~B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15. UPMC~~

~~C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.~~

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

CITY of UNIVERSITY PLACE
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**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT TO THE CITY COUNCIL
SEPTEMBER 6, 2016**

2016 MISCELLANEOUS CODE AMENDMENTS

SUBJECT: Miscellaneous Code Amendments

INTRODUCTION: The September 6, 2016 study session will provide opportunity for initial Council review of proposed miscellaneous code amendments recommended by the Planning Commission. Once Council has reviewed the amendments and possible revisions thereto, consideration of the amendments may be scheduled for a subsequent meeting.

BACKGROUND: On November 16, 2015, Council adopted Ordinance 662, thereby amending the City's development regulations in accordance with GMA Periodic Update requirements per RCW 36.70A.130. The 2015 amendments were intended to ensure consistency with the GMA, PSRC VISION 2040 Growth Strategy and multicounty policies, and Pierce County Countywide Planning Policies, as amended. The 2015 amendments were also intended to assist in the implementation of the City's updated Comprehensive Plan to more carefully manage change in the community consistent with its aspirations over a 20 year planning horizon (2015-2035).

The 2016 Miscellaneous Code Amendments are intended to build on the 2015 amendments in terms of assisting with the implementation of the Comprehensive Plan. The 2016 amendments would also improve code clarity and simplify code administration. Some of the zoning amendments would provide greater flexibility in how citizens may use and enjoy their properties while ensuring that improvements to these properties will not negatively impact nearby properties.

PLANNING COMMISSION REVIEW AND RECOMMENDATION: The Planning Commission initiated its review of proposed amendments to Title 19 Zoning, Title 22, Administration of Development Regulations, and Title 23 Telecommunications in November 2015. The Commission's code analysis and formulation of additional amendments continued through its March 16, 2016 meeting.

On April 20, 2016, the Commission conducted a public hearing to consider public comment on the proposed amendments. The Commission voted unanimously to recommend to Council the approval of the draft Miscellaneous Code Amendments summarized below and provided in their entirety in attachments 2-5 to this report.

PROPOSED AMENDMENTS: The City proposes to amend development regulations contained within Title 13 Public Works Code, Title 19 Zoning, Title 21 Subdivision Regulations, Title 22 Administration of Development Regulations, and Title 23 Telecommunications. The following chapters would be amended (or repealed or established, as noted) under this proposal.

TITLE 13 PUBLIC WORKS CODE

Exhibit 1

- [13.05.220](#) Definitions
- [13.05.320](#) Adopted guidelines and regulations
- [13.05.420](#) Modifications
- [13.05.530](#) Right-of-way permits
- [13.05.540](#) Temporary right-of-way permits
- [13.05.630](#) Street use guarantee
- [13.05.670](#) Insurance required
- [13.20.120](#) Additional design standards
- [13.20.425](#) Pedestrian protection during construction
- [13.20.880](#) Temporary right-of-way signs, street banners and decorations
- [13.05.885](#) Temporary open during construction right-of way signs

TITLE 19 ZONING

Exhibit 2

Chapters:

- [19.10](#) Definitions
- [19.15](#) Enforcement and Penalties
- [19.25](#) Uses and Zone Classification Tables
- [19.30](#) Accessory Uses and Structures
- [19.35](#) Temporary Uses/Temporary Housing Units
- [19.36](#) Temporary Tent Encampments
- [19.45](#) Density and Dimension
- [19.52](#) Community Commercial Zone Design Guidelines
- [19.54](#) Design Standards and Guidelines for Streetscape Elements (*moved to Title 13*)
- [19.55](#) Overlay Zones
- [19.60](#) Off-Street Parking Requirements
- [19.70](#) General Development Standards
- [19.75](#) Signs
- [19.90](#) Amendments (*to be repealed and moved to new chapter 22.25*)

TITLE 21 SUBDIVISION REGULATIONS

Exhibit 3

- [21.55](#) Improvements

TITLE 22 ADMINISTRATION OF DEVELOPMENT REGULATIONS

Exhibit 4

Chapters:

- [22.05](#) Permit Processing
- [22.25](#) Amendments (*new chapter, moved from chapter 19.90*)
- [22.30](#) Development Agreements (*new chapter*)

Chapters:

[23.05](#) Telecommunications[23.45](#) Wireless Communications Facilities for Persons and Government

PROCEDURAL COMPLIANCE: The City published a *Notice of Public Hearing* for the Planning Commission's April 20, 2016 hearing in the Tacoma News Tribune on March 28, 2016 in accordance with UPMC requirements. The City submitted a *Notice of Intent to Adopt Amendment* to the Department of Commerce on March 28, 2016, which initiated a mandatory 60-day state agency comment period ending on May 27, 2016. The City issued a *Determination of Nonsignificance* and *Environmental Checklist* on March 28, 2016 with a 14-day comment period, which ended April 11, 2016. No comments were received in response to either notice or SEPA determination.

Exhibits:

1. Title 13 Proposed Public Works Code Amendments
2. Title 19 Proposed Zoning Amendments
3. Title 21 Proposed Subdivision Regulations Amendments
4. Title 22 Proposed Administration of Development Regulations Amendments
5. Title 23 Proposed Telecommunications Amendments

Title 13
PUBLIC WORKS CODE

Chapter 13.05
ADMINISTRATION

“Director” means the City of University Place ~~Development Services~~ Director of Engineering or duly authorized representative.

13.05.320 Adopted guidelines and regulations.

A. The most current version of the following guidelines and standards are hereby adopted as part of this code. The design detail, workmanship and materials for all projects constructed under this code shall meet the following guidelines and standards. In case of a conflict among standards, the Director shall determine which standard shall govern.

B. Standards Adopted.

1. City of University Place Comprehensive Storm Drainage Plan.
2. Conditions and standards as set forth in the Pierce County Health Department regulations.
3. Conditions and standards as set forth in the Pierce Transit regulations.
4. Conditions and standards as set forth in the University Place Comprehensive Land Use Plan.
5. King County Surface Water Design Manual.
6. U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), as amended and approved by Washington State Department of Transportation.
7. WSDOT Construction Manual as amended and approved by Washington State Department of Transportation.
8. Conditions and standards adopted by the State of Washington, Department of Labor and Industries.
9. Traffic Engineering Handbook, Institute of Traffic Engineers.
10. Highway Capacity Manual, Transportation Research Board.
11. ITE Trip Generation Manual.
12. AASHTO, A Policy on Geometric Design of Highways and Streets.
13. King County Road Standards (for drainage structures, and appurtenances only).
14. Tacoma Electrical Code.
15. Roundabouts: An Informational Guide, Federal Highway Administration.
16. City of University Place Town Center ~~Overlay~~ Design Standards.
17. City of University Place Community Commercial Design Standards
18. City of University Place Standards and Guidelines for Streetscape Elements

197. University Place Municipal Code.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.05.420 Modifications.

A. Criteria. The Director may modify the requirements of this code after submittal of an application and approval of associated information, plans, and/or design data provided by the applicant. The application and associated information shall demonstrate to the satisfaction of the Director and City Engineer that: (1) the requested modification is based upon sound engineering principles; (2) strict application of the requirements of this code would impose an undue hardship on the applicant; (3) that the requirements for safety, environmental considerations, function, appearance, and maintainability are fully met; (4) granting the modification adequately protects the public health, safety, and welfare; and (5) granting the modification is in the best interest of the public.

B. Application. All applications for modifications shall be on a form provided by the City. All modifications must be approved by the Director in writing prior to the start of construction.

C. Notification.

1. Whenever the Director determines that a proposed modification has the potential to negatively impact surrounding properties, all adjacent property owners will be notified in writing of the application. The Director shall notify abutting property owners of the due date for any written comments about the application. The applicant shall be furnished a copy of all written comments from abutting property owners that will be considered by the Director in making a decision. Abutting property owners shall be mailed a copy of the decision.

2. The Director may require the notification of additional property owners if he determines they have a potential to be negatively impacted.

3. All costs associated with public notification shall be borne by the applicant.

D. Fees. All fees associated with a modification application shall be in accordance with the Development Services Fee Resolution.

E. Expiration.

1. A modification application shall expire when the applicant fails to provide necessary documentation and/or correction necessary to issue a permit in compliance with this code within 180 days of a request to provide such documentation and/or correction. A modification application may be extended for a single period not exceeding 180 days provided the applicant submits a request in writing and demonstrates that circumstances beyond the control of the applicant have prevented completion of the request for documentation and/or correction.

2. An approved modification shall expire two years after permit issuance.

F. Extension of Modification. A modification approval may be extended for a period not exceeding 180 days provided the applicant submits a request in writing and demonstrates that circumstances beyond the control of the applicant have prevented completion of the work under the modification. No modification shall be extended more than once.

L. Suspension or Revocation. The Director may suspend or revoke any modification issued in error or on the basis of incorrect information supplied by the applicant. The Director may also suspend or revoke any modification when the applicant fails to comply with the provisions of the modification. Any modification applicant aggrieved by the Director's decision to suspend or revoke a permit may appeal this action as provided in this chapter.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.05.530 Right-of-way permits.

A. Permit Required. A right-of-way permit is required before any person may cut or remove trees or other vegetation; grade or stockpile material; alter, construct, repair, remove, excavate, place, obstruct, damage or disturb any structure, utility, facility or improvement located in the public right-of-way; or commence any other activity that interferes with the free use of the public right-of-way. ~~A An blanket annual right-of-way permit for certain activities may be obtained by utilities operating with a franchise granted by the City. The provisions for annual right-of-way permits are included in the annual right-of-way permit procedures.~~

B. Permit Exemptions. A right-of-way permit shall not be required for the activities listed below. Exemption from the permitting requirements of this section shall not constitute approval for any work done in violation of this code or any other City code.

1. Construction, improvement, maintenance, or repair of public roads or public storm drainage facilities when performed by the City.
2. Emergency sandbagging, diking, ditching, filling or similar work when done to protect life or property.
3. Any activity that the Director determines does not have the potential to significantly impact the right-of-way or the free use thereof. Any exemption granted under this section shall be issued in writing.

C. Permit Application. To obtain a right-of-way permit, an applicant shall file a written application on a form provided by the City. A permit application that does not comply with this section shall be ineligible for review. An application shall:

1. Identify and describe the work proposed to be covered by the permit.
2. Describe and locate the area where the proposed work is to be performed.
3. Indicate the use for which the work is intended.
4. Be accompanied by plans, diagrams, computations, specifications and other data required in subsection (D) of this section.
5. Be signed by the applicant, or the applicant's authorized agent.
6. Give such other data and information as may reasonably be required by the Director to carry out the objectives of this code and other provisions of the UPMC.
7. Pay the application fee. The permit fee may be waived if the work is done in conjunction with a city capital improvement project.
8. Proof of insurance as required in UPMC 13.05.670.

I. Expiration. ~~Except for annual right-of-way permits~~ All other right-of-way permits expire 180 days after permit issuance. The Director may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented work under the permit. No permit shall be extended more than once.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.05.540 Temporary right-of-way sign permit.

A. Permit Required. A temporary right-of-way sign permit is required to place any sign, street banner, or other decoration in, along, over, or across any public right-of-way. A temporary right-of-way sign permit may be issued only for placement of signs, street banners, or decorations to promote bona fide community events. A bona fide community event is a carnival, circus, exhibition, fair, farmers' market, festival, parade, holiday celebration, or other community or regional celebration or event that may be of interest to the entire City or a substantial portion thereof.

B. Permit Exemptions. A temporary right-of-way sign permit shall not be required for the following signs, street banners, or decorations. Exemption from the permitting requirements of this section does not constitute authorization to place any signs, street banners, or decorations in violation of the provisions of this code, the UPMC or other City ordinance.

1. Political signs regulated under Chapter 19.75 UPMC.
2. Advisory or regulatory signs installed under a right-of-way or site development permit.
3. Signs, street banners, or decorations of the City.
4. Public notice signs required by local and State law.

5. Temporary “Open During Construction” signs approved by the Director

13.05.630 Street use guarantee.

A. A street use guarantee ensures compliance with right-of-way permit conditions and warrants the design, materials, and workmanship associated with the work performed in a right-of-way. All applicants performing work that will, or has the potential to, disturb, modify, or damage anything within the City right-of-way will be required to post a street use guarantee with the City.

B. Prior to issuance of a right-of-way permit the applicant shall submit a street use guarantee.

C. Street use guarantees shall be in the amount of \$5,000 unless the Director determines after a review of a permit that a lower or higher amount is appropriate.

D. When an Applicant has multiple right-of-way permits, a single street use guarantee in the amount of \$20,000 may be submitted in lieu of individual \$5,000 street use guarantees.

~~D.E.~~ The applicant shall be responsible to repair all defects resulting from the applicant’s activity in the right-of-way. The applicant will not be relieved of this obligation until the right-of-way impacted by the applicant has remained free from defects for a consecutive period of two years. The applicant will be liable for any third party damages that result from a breach of these duties for the duration of the street use guarantee.

~~E.F.~~ During the period of the street use guarantee, City staff will periodically inspect the right-of-way impacted by the applicant. The City shall provide notice to the applicant when maintenance and/or repairs are necessary, specifying a reasonable timeframe within which such work is to be completed. In the event that the applicant does not complete such maintenance and/or repairs, the applicant will be in default subject to the provisions of this article, and the City may perform such work.

~~G.F.~~ If, on the basis of its inspections, the City determines that repairs must be performed immediately to prevent risk to person(s) or property, the City may make necessary repairs and the cost of those repairs shall be paid by the applicant upon demand. If the applicant fails to pay for the repairs by the time specified by the City, the applicant will be in default subject to the provisions of this article.

~~H.G.~~ The applicant shall pay for the inspections performed by the City during the duration of the street use guarantee. Inspection fees will be as specified in the development services fee resolution.

~~I.H.~~ Release Procedures. Any release of the street use guarantee must be in writing to be effective. The City of University Place will release a street use guarantee only after each of the following have been met:

13.05.670 ~~Liability Insurance~~ required.

A. The Applicant shall procure and maintain for the duration of the Permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the Applicant’s behalf with the issuance of this Permit.

B. No limitation. Applicant's maintenance of insurance as required by the Permit shall not be construed to limit the liability of the Applicant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. The Applicant shall obtain insurance of the type described below:

1. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. The City shall be named as an insured under the Applicant's Commercial General Liability insurance policy using ISO Additional Insured-State or Political Subdivisions-Permits CG 20 12 or a substitute endorsement providing equivalent coverage.

2. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

D. Minimum Amounts of Insurance. Applicant shall maintain the following insurance limits:

1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products- completed operations aggregate limit.

2. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:

1. The Applicant's insurance coverage shall be primary insurance as respect to the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Applicant's insurance and shall not contribute with it.

2. The Applicant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage. Applicant shall furnish the City with original certificates and a copy of the amendatory endorsements, including the additional insured endorsement, evidencing the insurance requirements of the Applicant before issuance of the Permit.

~~Repealed by Ord. 518.~~

(Ord. 395 § 3, 2003).

Chapter 13.20

TRANSPORTATION

Article IV. Sidewalks, Curbs and Gutters

- 13.20.405 General.
- 13.20.410 Purpose.
- 13.20.415 Sidewalks.
- 13.20.420 Pedestrian guardrails.
- 13.20.425 Pedestrian protection during construction.
- ~~13.20.430~~ Joint-use facilities.
- ~~13.20.435~~ Accessibility.
- ~~13.20.440~~ Curb and gutter.
- ~~13.20.445~~ Bus pads.

13.20.120 Additional design standards.

~~UPMC Title 19 presents additional design standards that apply to certain transportation facilities. These include the Design Standards and Guidelines for Streetscape Elements adopted by reference in Chapter 19.54 UPMC. 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.”~~

These standards and guidelines apply to neighborhood collector streets and local streets associated with new development as well as qualifying modifications to existing development.

(Ord. 565 § 1 (Exh. A), 2010; Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.20.425 Pedestrian protection during construction

Pedestrian protection during construction shall be provided in accordance with the International Building Code adopted by reference in UPMC 14.05

~~13.20.430~~ Joint-use facilities.

Joint pedestrian and bicycle facilities shall be a minimum 10-foot-wide travel way with necessary drainage and illumination. The joint bicycle/pedestrian facility shall be concrete.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

~~13.20.435~~ Accessibility.

All sidewalks must be constructed to provide for accessibility in accordance with the Americans with Disabilities Act (ADA) requirements and WSDOT Standard Specifications.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

~~13.20.440~~ Curb and gutter.

Cement concrete curb and gutter shall be used for all street edges unless otherwise approved by the Director.

A. All curbs and gutters shall be constructed of Portland cement concrete in conformance with Section 8-04 of the Standard Specifications.

B. Form and subgrade inspections are required before curb and gutter are poured. The applicant shall request the inspection 24 hours in advance.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.20.44~~50~~ Bus pads.

Bus stop pads shall be installed in conformance with Pierce Transit specifications.

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.20.880 Temporary right-of-way signs, street banners and decorations.

A. Signs, street banners, or decorations may be permitted in City right-of-way only to promote bona fide community events. A bona fide community event is a carnival, circus exhibition, fair, farmers' market, festival, fiesta, parade, holiday celebration, or other community or regional celebration or event that may be of interest to the entire City or a substantial portion thereof.

B. Any temporary right-of-way sign permit shall be subject to the following conditions:

1. Signs, street banners, or decorations shall not promote or advertise the sale of any product, service, or commodity except that 10 percent of a sign may contain sponsor information. The remaining 90 percent will contain information promoting the community event or celebration.
2. Signs, street banners, or decorations shall not advertise or promote any religious or political message, except that political signs are regulated under Chapter 19.75 UPMC.
3. The City may remove any sign, street banner, or decoration if it obstructs any traffic sign, interferes with the safe movement of traffic, or otherwise interferes with the public health, safety or welfare.

C. Additional Conditions for Signs. Additional conditions for temporary signs placed in the City right-of-way are as follows:

1. Signs in the right-of-way shall be located as close as possible to the outside edge of the right-of-way.
2. The size of temporary right-of-way signs shall be as set forth for temporary signs as provided in Chapter 19.75 UPMC, except for street banners which are regulated below.
3. No sign shall obstruct safe visibility for vehicular or pedestrian traffic, or obstruct the clear-view triangle as described in Article II of this chapter.
4. All temporary right-of-way 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 City may remove the sign and the applicant will not be eligible for another temporary right-of-way sign permit for 12 months.

5. Signs shall not be placed in medians or round-a-bouts.

D. Additional Conditions for Street Banners and Decorations. Additional conditions for temporary street banners or decorations placed in the City right-of-way are as follows:

1. Street banners and decorations shall be mounted and removed only by authorized City personnel on City-owned street light poles or other City-owned facilities approved by the Director for that purpose.
2. No more than 10 City street light poles shall be affixed with street banners at any one time unless the banners are owned by the City.
3. No street banner or decoration shall obstruct safe visibility for vehicular or pedestrian traffic, or obstruct the clear-view triangle as described in Article II of this chapter.
4. Street banner or decoration shall not interfere with any planned City street banner or decoration.
5. No street banner or decoration may be hung across the traveled portion of any public right-of-way.
6. Street banners and decorations shall be constructed in accordance with the University Place Standard Notes and Details.

7. Banners shall be no greater than 24 square feet

8. Banners shall not be placed in medians or round-a-bouts

(Ord. 518 § 1, 2008; Ord. 395 § 3, 2003).

13.20.885 Temporary “open during construction” right-of-way signs

A. The Director may allow temporary “open during construction” signs placed in front of businesses affected by a City capital facility project provided:

1. The sign(s) shall be no larger than 12 square feet.
2. The sign(s) shall not promote or advertise the sale of any product, service, or commodity
3. The signs must be removed immediately following the construction activity that affects that business.

Title 19 Miscellaneous Zoning Amendments

Planning Commission Recommended Draft

April 20, 2016

19.10.030 Definitions.

“Composting facility, small scale” means a facility or equipment used in the composting of organic feedstock such as yard waste or food waste to produce a product for use as a soil conditioner or amendment. Such product is intended for use on the property from which it was generated and is not intended for sale.

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

“Director” means the Director of the Planning Community and Development Services Department or authorized designee.

“Floor area” means the sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a use, including storage areas. However, “floor area” shall not include attic storage, unfinished basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. The floor area shall be measured from the exterior face of exterior walls and from the centerline of walls dividing uses or establishments. See UPMC 19.45.080 for guidance on calculating floor area ratio. inside perimeter of the exterior walls.

“Inoperable vehicle” means a vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads, such as repair or replacement of a window, windshield, wheel, tire, motor or transmission. any wrecked, dismantled, or partially dismantled, or inoperative vehicle, or any other vehicle or vehicles not legally operable upon the roadway; and/or auto body parts, engines or drivetrain parts, or any other parts, assemblies or components of automobiles and other motor vehicles.

“Kitchen” means any room or ~~area, rooms, or portion of a room or rooms,~~ used, or intended, or designed to be used for the cooking or the preparation of food that contains a range, stove, oven or cooktop that is serviced by gas or a 220/240v outlet, plus one of the following: a kitchen type sink, garbage disposal, or refrigerator. by having a stove.

“Lot size, minimum” means the smallest lot that can be created through a land division process, consistent with applicable development regulations.

“Lot, substandard” means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

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

“Modulation” means a stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth, as a means of lessening the apparent bulk of a structure’s continuous exterior walls.

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

“Use, temporary” means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses include sales by temporary vendors, temporary housing units, temporary real estate offices, temporary construction buildings, and COWs and personal wireless telecommunications facilities exempt under UPMC 23.45.030.

“Yard Sale” means all temporary and intermittent sales that may be variously referred to as “yard sale,” “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” or any similar casual sale of tangible personal property from a residence or community use that is advertised by any means whereby the public at large is or can be made aware of the sale, and that is clearly secondary to the primary use of the site.

19.15.020 Violations.

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

E. It is a violation of this title for any person to fail to comply with the requirements, [provisions](#), [standards](#), [criteria](#) or [processes](#) of this title, regardless of whether or not a permit is required.

19.15.035 Investigation and notice of violation.

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

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

19.15.045 Emergency order.

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter [1.20 UPMC](#), Enforcement, [Chapter 1.30 UPMC, Civil Infractions](#), and Chapter [9.35 UPMC](#), Public Nuisances.

19.15.055 Penalties.

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

19.15.060 Additional relief.

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

19.25.020 Use tables – Interpretations.

A. Use Categories, Types and Levels. Uses are grouped into eight major categories: residential, civic/[recreation/education](#), utilities, essential public facilities, [resource, office/business](#), commercial, [and industrial](#), ~~and resource~~. Each use category includes a number of use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use tables at the end of this chapter.

19.25.030 Exempt uses.

Unless otherwise stated, the provisions of this title shall not apply to the following uses:

A. On-site and community septic systems;

B. Stormwater conveyance systems which include features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells;

C. Electrical distribution lines and poles less than 40 feet high and under 55 kilovolts;

D. Sewerage and water conveyance systems which include [small-scale above-ground facilities](#) and underground or flush-with-the-ground features, including but not limited to pipes and manholes;

E. Water, oil, and natural gas distribution pipelines;

F. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;

G. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances less than 40 feet high (not including personal wireless telecommunication facilities; see UPMC [19.25.060](#), Utilities use category – Descriptions);

H. Streets and linear trails when located in existing rights-of-way; and

I. Fertilizer applications and biosolids applications at or below agronomic rates.

J. Over-the-Air-Reception Devices such as satellite television antenna (dish) of one meter or less in accordance with the Federal Telecommunications Act of 1996 OTARD Rules.

K. Bus shelters less than 80 square feet in area.

19.25.040 Residential use category – Descriptions.

B. Assisted Living Facilities. Assisted living facilities means any home or other institution that provides housing and basic services, assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care to seven or more residents. Assisted living facilities do not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations. Residential communities that include a mix of assisted living and independent housing facilities must meet the density requirements of the underlying zone for independent housing that includes dwelling units. use type is a living situation with dwelling units and/or rooms where services such as prepared meals, personal care, supervision of self-administered medication, recreation, and/or transportation are provided. The scope of services provided in assisted living facilities may vary, but it must, at least, provide prepared meals in a group setting and offer transportation services. Assisted living facilities with dwelling units must meet the density requirements of the underlying zone. Assisted living facilities with only “rooms” are not subject to the density requirements of the underlying zone. An assisted living facility shall not serve as a Level II group home.

1. Level 1. Assisted living facilities:

- a. Located on an arterial street;
- b. Located on two or fewer acres;
- c. Limited to two stories in height; and
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- ~~e. Maintains 20-foot minimum side yard setbacks.~~

2. Level 2. Assisted living facilities:

- a. Located on an arterial street;
- b. Located on more than two acres;
- c. Limited to two stories in height;
- d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and
- ~~e. Maintains 20-foot minimum side yard setbacks; and~~
- ~~ef. Provides Has at least minimum 20 percent of site area as open space including setbacks.~~

3. Level 3. Assisted living facilities with none of the above restrictions.

D. Level I group home use type includes group homes for the physically/mentally challenged, foster homes, and women’s shelters and other groups protected by the Fair Housing Act or Washington’s law against discrimination. Group homes are living accommodations for related or unrelated individuals with special needs. Individuals may be provided with a combination of personal care, social or counseling services and transportation.

Level II: See ~~this chapter~~ essential public facilities (UPMC 19.25.070(B)).

I. Nursing Home. Nursing home means any home, place or institution that operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Nursing homes do not include general hospitals or other places that provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nursing home use type refers to multi-unit or multi-bed facilities licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours. A nursing home is not a "hospital." Nursing homes with dwelling units must meet the density requirements of the underlying zone. Nursing homes with only "rooms" are not subject to the density requirements of the underlying zone.

1. Level 1. Nursing homes:

a. Located on an arterial street;

b. Located on two or fewer acres;

c. Limited to two stories in height; and

d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and

~~e. Maintains 20-foot minimum side yard setbacks.~~

2. Level 2. Nursing homes:

a. Located on an arterial street;

b. Located on more than two acres;

c. Limited to two stories in height;

d. Maintains an architectural character similar to typical single-family and duplex residences including pitched roofs, modulated facades to divide the structure into smaller visual units, and architectural detailing (e.g., at windows and doors, ornamental use of building materials); and

~~e. Maintains 20-foot minimum side yard setbacks; and~~

~~ef. Provides at least Has minimum 20 percent of site area as open space including setbacks~~

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

19.25.050 Civic/recreation/education use category – Descriptions.

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

1. Level 1 – Neighborhood and Community Parks and Open Space. Neighborhood parks ~~typically do not exceed 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](#), Exempt uses.)

19.25.110 Use tables.

A. The following use tables indicate which uses are permitted in which zones. Zones are shown across the horizontal axis and use category and types are shown down the vertical axis.

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

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

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

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

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

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

4. A “D” in a cell on the table indicates that the use type is permitted subject to design review under the provisions specified in UPMC [19.85.050](#), Administrative design review.
5. An “A” in a cell on the table indicates that the use type is permitted subject to administrative review under the provisions specified in UPMC [19.85.010](#), Administrative use permits.
6. A number accompanying a “P,” “C,” “D” or “A” in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

Residential Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS										
RESIDENTIAL USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (27)
Adult family home (6 or fewer)	P	P	P		P	P	P	P	P		P
Assisted living facility		P1, C2	P3		P3		P3	P3	P3		
Bed and breakfast (2)	P	P	P		P	P					
Caretaker unit	P (22)			P							P
Family day care facility	P	P	P		P	P	P	P	P		P
Level I group home	P	P	P		P	P	P	P	P		P
Live/work unit					D (5)			D (5)	D (5)		D (16)
Mobile/manufactured home (3)			P								
New manufactured home (4)	P	P	P								
Mobile home park			C								
Multifamily housing			D (16)		D (5)		D (5)	D (5)	D (5)		D (16)
Nursing home		P1, C2	P3		P3		P3	P3	P3		
Single-family attached housing	P1	P1	P2		P2	P2		P2			
Single-family/duplex housing	P	P	P								
Small lot housing	D (17)	D (17)									

See notes in UPMC [19.25.120](#).

Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS										
	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
Administrative government services				P	P	P	P	P	P	P	
Animal control (animals kept)										C	
Existing cemeteries/mortuaries	C	C									
Community centers	C	C	C	P	P	P	P	P	P	P	P
Community clubs	C	C	C	P	P	P	P	P	P	P	P
Courthouse							C		C		
Cultural services (museums, libraries)				P	C	P	P	P	P		P
Day care centers (exceeds 12)	C	C	P		P	P	P	P	P	C	P
Education	P1	P1	P1		P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	P4	P4
Hospitals/24-hour medical clinics					P, C2	P, C2	P, C2	P, C2	P, C2	C	
Holding cells							P1	P1	P1	C	
Postal services						P1	P1	P1	P1	P1, 2	P1
Private clubs and lodges						P	P	P	P		P
Public safety services	C	C	C		P	P	P	P	P	P	P
Recreation – Public	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 2, 3	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1	P1, 3
Recreation – Nonprofit	P	P	C			C	C	C	C		P1, 3

Civic and Recreation Use Types and Zone Classification Table

USE TYPES	ZONE CLASSIFICATIONS										
	R1	R2	MF	POS	MU-O	NC	TC	MU	CC	LI-BP	MU-M (20, 21, 27)
CIVIC AND RECREATION USES											
Religious assemblies	P1, C3	P1, C3	P1, C3		P1, C2	P	P	P	P	P1	P1
Transportation	P1	P1	P1		P1, C2	P1	P1, C2				
Utility and public maintenance facilities				P1, 2			P1, C2	P1, C2	P1, C2	P	P1, C2

See notes in UPMC [19.25.120](#).

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

USE TYPES	ZONE CLASSIFICATIONS										
	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	P	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	C1, 2, 3, 4	P1, A2, 3, C4	P1, C2, 3
Electric facilities	C	C	C		P	P	P	P	P	P	P
Electrical generation, accessory, on site only											
Natural gas facilities	P1	P1	P1		P1, 2	P1, 2		P1, 2		P	P1, 2
Recycling collection sites	P	P	P	P (18)	P	P	P	P	P	P	P
Sewage collection facilities	P	P	P		P	P	P	P	P	P	P
Storm water facilities	P	P	P	P	P	P	P	P	P	P	P
Water supply facilities	P1, C2	P1, C2	P1, C2		P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2

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

USE TYPES	ZONE CLASSIFICATIONS										
UTILITIES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
ESSENTIAL PUBLIC FACILITIES (8)	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Level II group homes			C		C			C		C	
Organic waste processing facilities										C	
Correctional institutions										C	
Recycling processors											
Sewage treatment facilities											
Waste disposal facilities											
Waste transfer facilities										C1, 2, 3	
RESOURCE USES	R1	R2	MF	POS	MU-O (14)	NC	TC (15)	MU (14)	CC (15)	LI-BP	MU-M (20, 21, 27)
Agricultural sales						P	P	P	P		P1
Crop production	P	P	P								
Fish enhancement											P
Limited horse boarding	P	P									

See notes in UPMC [19.25.120](#).

Commercial Use Types and Zone Classification Table

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

Commercial Use Types and Zone Classification Table

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

See notes in UPMC [19.25.120](#).

Light Industrial Use Types and Zone Classification Table

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

See notes in UPMC [19.25.120](#).

19.25.120 Use table notes.

(1) *Repealed by Ord. 455.*

(2) Breakfast is the only meal served.

(3) In approved mobile/manufactured home parks only.

(4) Permitted subject to standards in UPMC [19.70.120](#).

(5) Only permitted in conjunction with a permitted commercial use and subject to compliance with the design standards and guidelines for the Town Center and Community Commercial zones per Chapter [19.52](#) UPMC or the design standards for the Mixed Use and Mixed Use – Office zones per Chapter [19.50](#) UPMC.

(6) Kindergarten and primary school only.

(7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title [23](#).

(8) Subject to essential public facility review.

(9) Subject to adult entertainment siting criteria.

(10) Permitted only at 1,000 square feet gross floor area or less.

(11) Establishments over 80,000 square feet are considered commercial centers.

(12) Commercial centers greater than 200,000 square feet are permitted outright in the Town Center zone subject to the Town Center design standards.

(13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.

(14) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to administrative design review approval to ensure compliance with the design standards and guidelines in Chapter [19.50](#) UPMC.

(15) Certain categories of development, including new construction on vacant land, major redevelopment and major improvement, are subject to administrative design review approval to ensure compliance with the design standards and guidelines in Chapter [19.52](#) UPMC.

(16) Allowed in MF-L, MF-H and MU-M zones subject to compliance with multifamily design standards and guidelines per Chapter [19.53](#) UPMC. Vertical mixed use buildings that include multifamily units in the MU-M zone are exempt from these provisions and subject to compliance with the mixed use design standards adopted by reference in Chapter [19.50](#) UPMC.

(17) Allowed in R1 and R2 zones subject to compliance with small lot design standards and guidelines per Chapter [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.

(20) Uses allowed subject to compliance with mixed use design standards per Chapter [19.50](#) UPMC. The Director may exempt development proposals from compliance with specific mixed use design standards that conflict with UPMC Title [18](#), Shoreline Master Program, requirements.

(21) Uses located within the Day Island Medium Intensity (DIMI) Shoreline Environment are also subject to compliance with the requirements of UPMC Title [18](#). Non-water-oriented commercial, industrial and recreation uses, certain transportation and utility uses, and over-water portions of marinas and other boating facilities, are subject to shoreline conditional use permit approval in accordance with Table 18.30.A.

(22) May be authorized only in conjunction with an approved marina or other boating facility.

(23) Modifications to existing marinas and other boating facilities may be authorized in accordance with Level 1 zoning requirements and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Day Island overlay zone. Level 2 marinas are not permitted in the R1 Day Island overlay zone.

(24) Level 2 marinas and other boating facilities may be authorized in accordance with the Chambers Creek properties master site plan and UPMC Title [18](#), Shoreline Master Program, requirements when located within the R1 Chambers Creek properties overlay.

(25) Covered moorage lawfully established prior to adoption of the Shoreline Master Program is a permitted use; no new covered moorage may be authorized. Existing covered moorage may be maintained, modified or replaced, but not extended in terms of cumulative footprint and shading of water. See UPMC [18.30.070](#)(G).

(26) Predominantly marine-related activities, facilities, services, merchandise, and uses. Predominant means the most common, main or prevalent activities measured by the proportion of a site or building floor area devoted to such activities. The City may consider additional factors in determining whether marine-related activities are the predominant

(27) Taverns and nightclubs are not permitted on Larson Lane or Drexler Drive.

(28) Dollar stores, factory second stores, and retail establishments primarily selling used goods including second hand stores, are not allowed in the TC and CC zones.

19.30.040 Accessory use list.

A. The following table lists accessory uses permitted in each zone classification. Zones are shown in the row heading and accessory use types are shown in the left column.

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

<u>USE TYPES</u> <u>ACCESSORY</u>	<u>ZONE CLASSIFICATION</u>										
	<u>R1</u>	<u>R2</u>	<u>MF</u>	<u>POS</u>	<u>MU-O</u>	<u>NC</u>	<u>TC</u>	<u>MU</u>	<u>CC</u>	<u>LI-BP</u>	<u>MU-M</u>
<u>Small-scale composting facility to handle less than 10 cubic yards</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>							
<u>Solid waste dumpsters.</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Level 1 and 2 battery and electric vehicle charging stations in nonresidential zones.</u>				<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Donation and recycle collection boxes¹</u>					<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Yard Sales²</u>	<u>X</u>	<u>X</u>									
<u>Little free libraries</u>	<u>X</u>	<u>X</u>	<u>X</u>								
<u>Notes</u>											
<u>¹Subject to compliance with applicable design standards for trash and recycling receptacles</u>											
<u>²Subject to temporary use permit and standards in UPMC 19.35.020(C)(1)</u>											

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

1. Carports or garages for the sole use of occupants of premises and their guests (without fee to guests), attached or detached, for storage of motor vehicles, boats, recreational vehicles, and/or planes.
2. Greenhouse, private and noncommercial.
3. Storage buildings for yard maintenance equipment and household goods.
4. Refer to UPMC 19.30.050 for uses applicable in more than one zone.
5. Minor auto repair is permitted for persons residing at the residence and for relatives of those residing at the residence and shall not be performed in a public right-of-way.

B. In addition to the accessory use types permitted in (A) above, the following accessory uses are permitted subject to the performance standards listed below:

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

- a. Work shall be limited to the repair and maintenance of vehicles currently registered to occupant(s) residing at that residence. This limitation precludes auto repair on residential premises by any commercial entity or for commercial purposes.
- b. Such work shall be conducted on no more than one vehicle at any one time.
- c. Such work shall only be done within an enclosed structure (such as a garage) or in an area which is screened from public view and neighboring properties.
- d. Such work shall be done only between the hours of 7:00 a.m. and 10:00 p.m.
- e. Such work shall not be done in a street or public right-of-way.

f. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area screened from public view (i.e., public right-of-way) and neighboring properties.

g. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.

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

a. No person owning, leasing, renting, occupying, being in possession or having charge of any residentially used or zoned property in the City, including vacant lots, shall retain or store outdoors an inoperable vehicle for more than seven consecutive or nonconsecutive days, except as may be permitted by any other City ordinance, subject to and the following:

~~b.~~(1) No more than one unenclosed or unscreened inoperable vehicle may be on a property at any one time.

~~c.~~(2) Storage of inoperable vehicles for any period greater than seven days shall be within an enclosed structure or screened from neighboring properties and the public right-of-way by a solid fence or approved Level III landscaping pursuant to Chapter 19.65 UPMC.

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

94. Recreational Vehicles and Other Equipment. The outdoor storage, or parking of any combination of two (total) currently licensed motorized or nonmotorized boats or motorized or nonmotorized recreation vehicles is permitted; provided, that they do not interfere with the vision of drivers entering a street from a private driveway by causing a safety hazard for vehicular and pedestrian traffic and that they are maintained in a clean, well-kept condition that does not detract from the appearance of the surrounding area. Nonmotorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Nonmotorized recreation vehicles do not include bicycles and similar nonmotorized sports equipment.

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

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

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

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

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

(4) Habitation of recreational vehicles is not permitted in the public right-of-way.

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

(6) Recreational vehicles/travel trailers meeting the requirements of this section shall:

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

(B) Be on a hard surface.

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

~~10. Level 1 and 2 battery and electric vehicle charging station — restricted. Privately owned and restricted to the noncommercial use by the residents of the dwelling unit where the station is located.~~

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

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

~~1. Antennas and satellite dishes for private telecommunication services;~~

~~2. Decks and patios;~~

~~3. Facilities used in ground maintenance;~~

~~4. Food service facilities for use primarily by employees with no exterior advertisement of the facility;~~

~~5. Incidental storage of raw materials and finished products sold or manufactured on site;~~

~~6. Noncommercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use;~~

~~7. On-site hazardous waste treatment and storage;~~

~~8. Private docks and mooring facilities;~~

~~9. Retaining walls, freestanding walls and fences;~~

~~10. Temporary waste piles authorized by a solid waste permit;~~

~~11. Small-scale composting facility to handle less than 10 cubic yards;~~

~~12. Solid waste dumpsters.~~

~~13. Level 1 and 2 battery and electric vehicle charging stations in nonresidential zones.~~

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

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

19.35.020 [Temporary and temporary commercial uses.](#)

It is the intent of this ~~section~~[chapter](#) to regulate certain temporary uses of property which are not otherwise regulated by other City ordinances or regulations.

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

B. Temporary 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.

C. Residential Zone Temporary Uses. The following residential temporary uses are allowed subject to the following requirements:

1. Yard, estate and similar types of sales are allowed as an accessory use to a residential property provided sales last no more than 3 consecutive days and are held no more than 3 times per calendar year, provided:

a. Merchandise offered for sale is only displayed during the duration of the sale; and

b. Signs are in compliance with UPMC 19.75.090(G).

2. A portable storage unit within a front yard or side yard setback for a period up to two weeks no more than 4 times per year.

19.36.010 Regulations established.

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

19.45.030 Density standards.

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

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

~~-. This would include any areas such as, but not limited to, wetlands, floodways, steep slopes, and streets (except as provided in Chapter 17.35 UPMC and subsection (B) of this section), lands below the ordinary high water mark, and lands set aside (by dedication or easement) for public or private streets (not including alleys).~~

Land that may be difficult or expensive to build upon, but where development is not prohibited, is included ~~would still count~~ as buildable acreage. (See also Chapter [19.10 UPMC](#), Definitions, "Density.") When calculating density, no rounding is used.

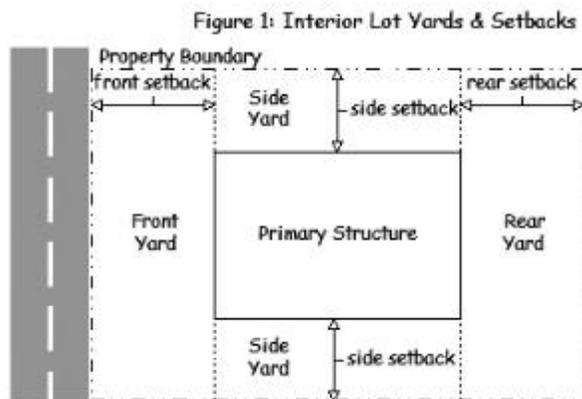
B. Where the City has acquired an easement for street improvements adjoining an existing public street right-of-way, the area of the easement shall be used in density and minimum lot size calculations to determine the number of dwelling units allowed.

C. Base densities are established in UPMC 19.45.100 for each zoning district that allows residential use. Compliance with base density and maximum density standards is required for dwelling units in the MF-L, MF-H, MU-O, MU, MU-M, NC, CC, and TC districts. New lots created through a short plat or conventional subdivision in the R1 and R2 districts shall comply with minimum lot size requirements to achieve a density that is equivalent to the base density.

D. Densities may be increased above the specified base density to the maximum density specified in UPMC 19.45.100 for small lot developments that achieve reduced lot sizes in exchange for the provision of open space and greater amenities. For small lot developments that are not subject to minimum lot size standards, compliance with maximum density standards is required.

19.45.040 Setback standards.

A. A setback is the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided. Setback Measurement. A setback is measured from the edge of a street. Where there is no street, a setback is typically measured from the property line, which may coincide with a public street right-of-way. Where a property line is located within a private street easement, the setback is measured from the edge of the easement. Where the City has acquired an easement for street improvements adjoining an existing public street right-of-way, the setback is measured from the public street right-of-way/property line. A minimum eight-foot setback measured from the edge of a driveway access easement is required. An eight-foot setback is required from portions of hammerhead turnaround easements used only for emergency vehicle access. A setback is measured to the leading edge of a structure or the foundation of a building. Once a determination has been made as to whether a particular yard constitutes a front, side or rear yard, and a structure has been placed on the lot in accordance with applicable setbacks requirements, have been established by the placement of structures on the lot, the established setbacks yard determination shall be maintained. See Figure 1.



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

1. Corner Lots Exception. If a lot abuts the intersection of two or more streets, the front yard setback on one side of the lot may be reduced to 15 feet, provided the reduced yard does not abut an arterial street. and g Garages and carports shall be designed to ensure a minimum distance of 25 feet from the garage door to the front property line are set back at least 25 feet. See Figure 3a. If a lot abuts a curving street that has no distinct intersection to define two street

frontages, the midpoint on the curved front property line shall define the two front yards. See Figure 3b.

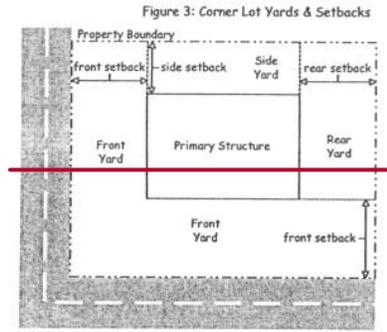


Figure 3a: Corner Lot Yards & Setbacks

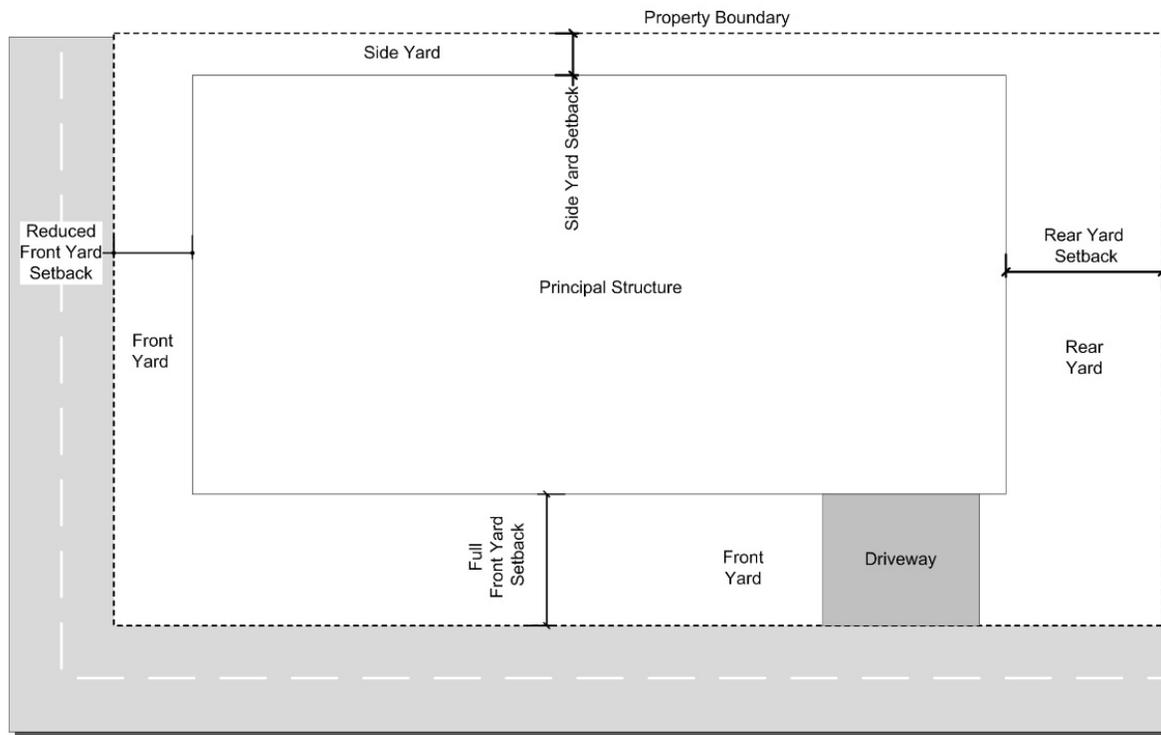
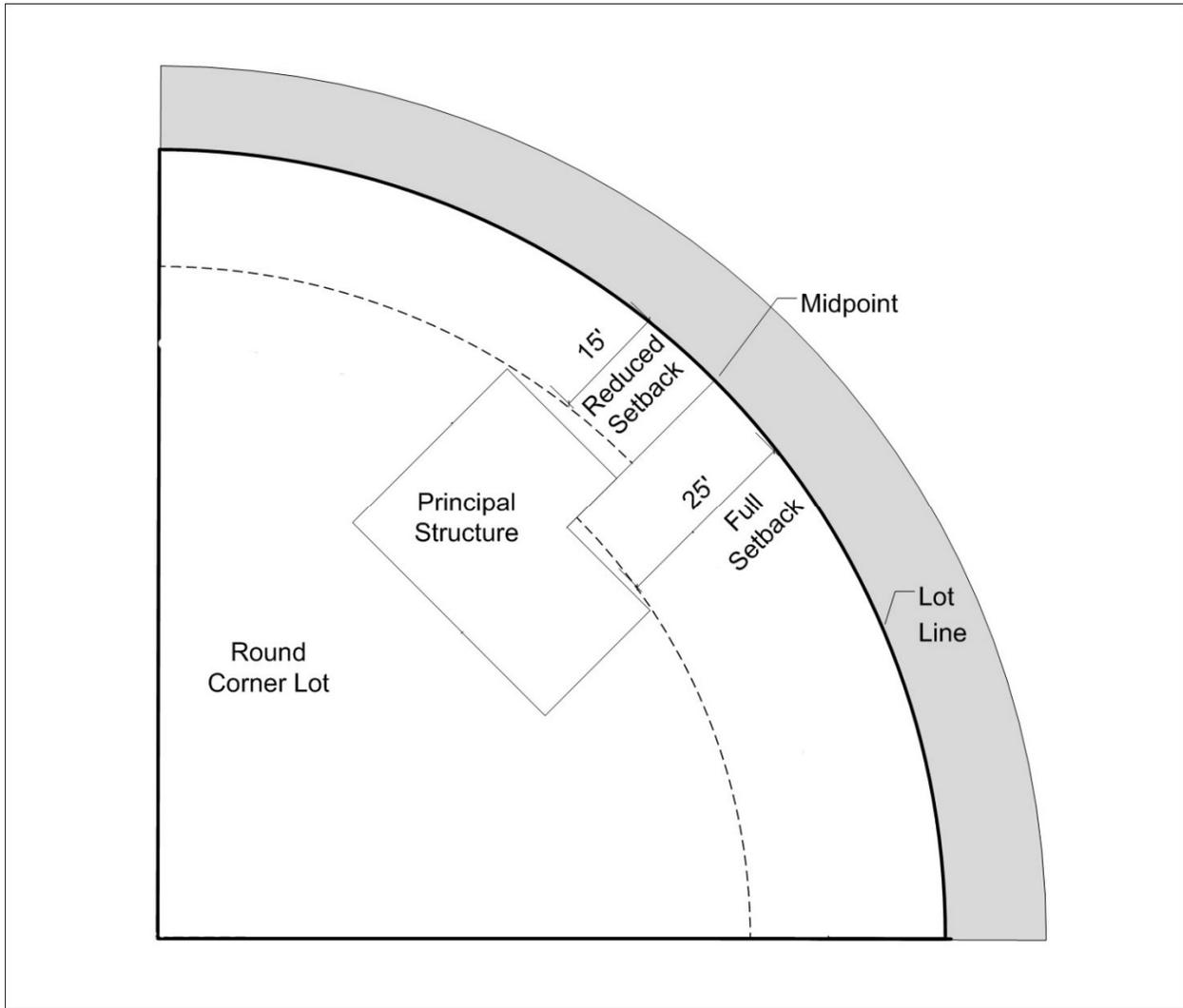


Figure 3b: Curving Street Corner Lot

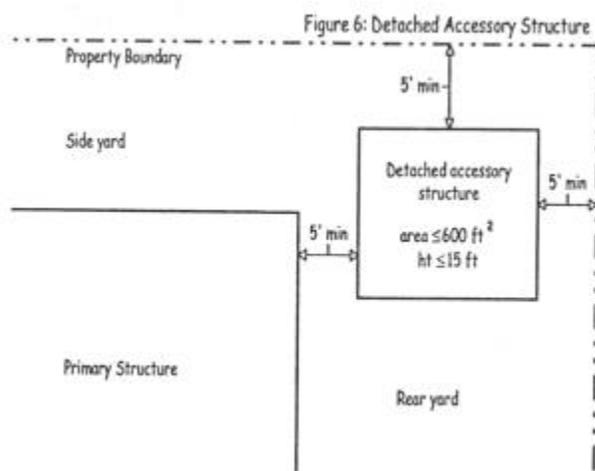


H. Detached Accessory Structures – Exceptions.

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 1845 feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall; and

- e. Be no closer than five feet to the primary structure.
2. Large children's play equipment such as swing sets, big toys, and swimming pools (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.
5. Detached accessory structures, play equipment, and related improvements located within a shoreline vegetation conservation area shall comply with the requirements in UPMC [18.25.100](#)(E) and [18.30.130](#)(C).



6. Mechanical equipment, including air conditioning units, heat pumps, swamp coolers and other HVAC equipment, shall be set back at least five feet from any side or rear property line and shall not encroach into required front yard setbacks.

J. Projection Exception.

1. Projections including, but not limited to, fireplace structures, bay or garden windows, building wall modulations and enclosed stair landings, ~~or covered but unenclosed porches~~ may project into any setback, provided such projections are:
 - a. Limited to two per required yard, separated from each other by at least ten feet.
 - b. Not wider than 10 feet.
 - c. Not more than two feet into an interior side or rear yard setback.
 - d. Not more than two feet into ~~or~~ the setback that extends landward from a shoreline vegetation conservation area buffer established per UPMC [18.25.100](#)(C)(3), except for building wall modulations, which are not allowed to encroach into this setback.
 - e. Not more than three feet into a front yard setback.

2. Uncovered decks ~~with floors that which~~ do not exceed 30 inches ~~(not including railings)~~ from average finished lot grade measured at the perimeter of the deck may project into any setback, provided such projections do not extend more than ~~five~~six feet into a front yard setback, three feet into a side yard setback, and 15 feet into a rear yard setback. In no case shall a deck encroach further into a yard than 50 percent of the setback. Decks located within a shoreline vegetation conservation area buffer shall comply with the standards specified in UPMC [18.25.100](#)(E)(3).

3. Unenclosed covered porches with floors that do not exceed 30 inches from average finished grade measured at the perimeter of the porch may project six feet into a required front yard setback. Steps providing access to the porch may further encroach into the required setback as needed to meet code.

4. Patio covers and unenclosed covered decks or porches with floors that do not exceed 30 inches from finished lot grade may project 10 feet into a required rear yard.

~~53.~~ Wheelchair ramps may project into any required setback.

~~64.~~ Eaves may extend 24 inches into a required setback.

~~75.~~ Patios, paved walkways and driveways may extend to property lines.

~~86.~~ 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.

~~97.~~ Projection exceptions for properties located within the City’s shoreline jurisdiction shall comply with the vegetation conservation area requirements in UPMC [18.25.100](#)(E), when applicable.

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

19.45.050 Height standards.

A. No residential accessory structure shall exceed the height of the principal structure by more than 5 feet, except barns on property exceeding five acres.

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

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

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

2. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided, all equipment is set back 10 feet from the edge of the roof.
3. Personal Wireless Telecommunication Antenna. See Chapter [23.45](#) UPMC.

19.45.070 Fences, bulkheads, retaining walls.

A. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within a required yard setbacks subject to compliance with the following height limits and as follows; provided, that all applicable sight site distance requirements in UPMC 13.20.250 are met. Fences located outside of required yards are subject to the height limits specified for the applicable zone. See Figure 9.

Yard Location	Maximum Height
<u>Required front yard</u>	<u>4 feet</u>
<u>Required side and rear yards</u>	<u>6 feet</u>
<u>Required front yard of R1 or R2 zoned property separated from a commercially zoned or developed property by an arterial street</u>	<u>6 feet</u>
<u>Required front yard reduced where corner lot exception is applied, per UPMC 19.45.040(D)(1)</u>	<u>6 feet</u>
<u>Required front yard of a through lot where no vehicular access is provided to the abutting street, per UPMC 19.45.040(E).</u>	<u>6 feet</u>
<u>Shoreline jurisdiction yard – varies depending on commercial, industrial, recreational or residential use</u>	<u>See UPMC 18.30</u>

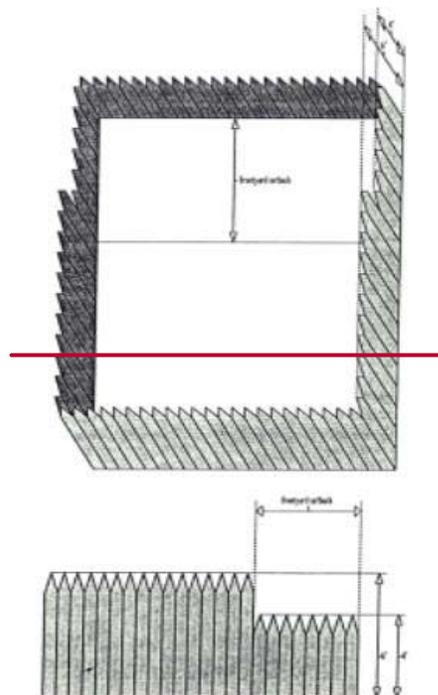


Figure 9: Fence Height

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 six feet in a front yard where the corner lot exemption (UPMC 19.45.040(D)(1)) is being applied.
5. On through lots a fence may be constructed to a maximum height of six feet in the front yard where no access is provided to the abutting street.
6. Fences located within shoreline jurisdiction shall comply with the requirements in Chapter 18.30 UPMC specified for commercial, industrial, recreational and residential uses.

19.45.090 ~~Compliance with density and m~~Minimum lot size standards.

A. Minimum lot sizes are established in UPMC 19.45.100 for the R1 and R2 districts. These standards apply to new lots created through the short plat or subdivision process. Minimum lot size varies depending on the type of residential use and the zone in which a property is located.

When determining the number of lots that would be permitted within a short plat or conventional preliminary plat while meeting the applicable minimum lot size standard, the calculation shall be based upon the net acreage as defined in UPMC 19.45.030. For example, if a one acre subdivision (43,560 square feet) in the R1 district dedicates 17+/- percent of gross acreage to street right-of-way, approximately 36,000 square feet of lot area (net acreage) would remain for development. This net acreage could be subdivided into four 9,000 square foot lots that meet the R1 minimum lot size standard. This would equate to the R1 base density of four units per gross acre. For a one acre subdivision in the R2 zone, the same 36,000 square feet of lot area (net acreage) could be subdivided into six 6,000 square foot lots that meet the R2 minimum lot size standard. This would equate to the R2 base density of six units per gross acre.

B. For small lot developments that provide additional open space and greater amenities in exchange for design flexibility in the R1 and R2 districts, minimum lot size standards do not apply. Instead, compliance with density standards per UPMC 19.45.030 and 19.45.100 is required.

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

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

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

19.45.100 Density and Dimensions Tables

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

Density and Dimensions Table

<u>DEVELOPMENT STANDARDS DENSITY AND DIMENSIONS (SETBACKS)</u>	ZONE CLASSIFICATIONS											
	R1	R2	MF-L	MF-H	MU-O	NC	TC	MU (9)	CC	LI-BP	POS¹	MU-M
Base Density (du/ac) (1)	4 SFD; 5 duplex	6	35	55	45/60 (2)(7)	4	20 min (18)	60 (2)	60			30
Maximum Density (du/ac) (3)	6 small lot housing	9 small lot housing	40	60	50/65 (2)(7)	6	none	65 (2)	65			35
Minimum Lot Size (16)	9,000 detached SFD, 6,750 attached SFD, and 13,500 duplex in conventional plat; none specified for small lot housing	6,000 SFD, 12,000 duplex in conventional plat; none specified for small lot housing	4,000	2,500	4,000	4,000		4,000				
Minimum Lot Width (15)	60'	55'										
Maximum Lot Coverage	50% (17)	50% (17)	50%		45%	45%		45%				50 – 65% (22) 75 – 90% (23)

Density and Dimensions Table

DEVELOPMENT STANDARDS DENSITY AND DIMENSIONS (SETBACKS)	ZONE CLASSIFICATIONS											
	R1	R2	MF-L	MF-H	MU-O	NC	TC	MU (9)	CC	LI-BP	POS¹	MU-M
Setback, Arterial Streets	25' (19)	25' (19)	25'		15'/20' min/max (5)	25'	0'/20' (18)	15'/20' min/max (5)	0'/10' min/max (18)	35'	25'	0'
Setback, Other Roads	25' (19)	25' (19)	25'		15'/20' min/max (5)	20'	0'/20' (18)	15'/20' min/max (5)	0'/10' min/max (18)	25'	25'	0'
Setback, Rear (4)	30' (19)	30' (19)	0'/30'		0'/30'	0'/30'	0'/50' (13)	0'/30'	0'/30'	0'/50'	30'	0'/30'
Setback, Side (4)	8' (8) (19)	8' (8) (19)	0'/30' (8)		0'/30' (8)	0'/30' (8)	0'/30' (13)	0'/30' (8)	0'/30'	0'/50'	8'	0'/30'
Maximum Height	35' SFD or duplex, 30' small lot (20)	35' SFD or duplex, 30' small lot (20)	45'		45'	40'	75'/120'/55' (14)	45'	45' (18)	40'	45'	35'/45'/65' (24)
Floor Area Ratio (FAR)	.4240 average and .4745 maximum for small lot housing; .4240 maximum for existing substandard lot (21)	.4240 average and .4745 maximum for small lot housing; and .4240 for existing substandard lot (21)										

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

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

Overlay Zones Density and Dimensions Table(Setbacks)

<u>DEVELOPMENT STANDARDS-</u>	<u>OVERLAY ZONES CLASSIFICATIONS</u>					
	Chambers Creek Properties CCPO	Public Facility PFO (6)	Transition Properties TPO	Day Island DIO	Day Island South Spit DISSO	Sunset Beach SBO
Base Density (du/ac) (1), (2)	0 (27)		(6)	4	4	4
Maximum Density (du/ac)	0 (27)		(6)	6 (3)	6 (3)	6 (3)
Setback, Arterial Streets (10)	25'		(6)	NA	NA	NA
Setback, Other Roads	25'		25'	20' (11)	0'	0'/20' (12)
Setback, Rear (4)	0'		(6)	20'/35' (25)	5' (26)	5' (26)
Setback, Side (4)	0'		(4)	5'	0'	5' Total
Height	45'		(6)	35'	30'	35'

19.45.10019.45.110 Density and dimension table notes.

(1) Base Density. These densities may be achieved outright by following the applicable development and design standards.

(2) Mixed Use Development. Multifamily residential development is only permitted in conjunction with a permitted commercial use and subject to applicable design standards.

(3) Maximum density in R1, R2 or specified overlay districts may only be achieved through approval of a small lot development designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC. Maximum density in MF-L, MF-H, MU-O, MU-M, CC, NC or MU districts may only be achieved for a multifamily project that receives Washington State Housing Finance Commission approval for a Low Income Housing Tax Credit (LIHTC) and is designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter [19.53](#) UPMC.

(4) Side and Rear Yard Setbacks. A side or rear yard setback is not required in LI-IB, CC, TC, MU, NC, MF-L, MF-H, MU-M and MU-O zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s), unless the subject parcel is in a transition overlay, in which case a 20-foot setback is required along the abutting lot line(s). No setback is required in the MU-M zone where the parcel abuts a railroad right-of-way.

(5) Fifteen feet is a minimum setback requirement. Maximum setback is 20 feet. However, see also design standards (Chapter [19.50](#) UPMC).

(6) Refer to underlying zone.

(7) Within the 27th Street Business District west of Bridgeport Way West, base density is 45 dwelling units per acre and maximum density is 50 units per acre. In other MU areas, base density is 60 dwelling units per acre and maximum density is 65 dwelling units per acre.

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

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

(10) *Repealed by Ord. 636.*

(11) Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.

(12) The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.

(13) Town Center Zone Setbacks.

(a) Front Yard. No setback is required from streets except at significant corners where a 20-foot setback is required;

(b) Rear Yard. A rear yard setback is not required if the parcel does not abut a parcel in the R1 or R2 zone. If abutting a parcel in the R1 or R2 zone, a 50-foot setback is required along the abutting lot lines;

(c) Side Yard. A side yard setback is not required. If a side yard setback is provided, a minimum of 10 feet is required.

(14) Within the Town Center zone, structures on the west side of Bridgeport Way shall not exceed 75 feet in height. Between Bridgeport Way and Drexler Drive West, height shall not exceed 120 feet. East of Drexler Drive West, height shall not exceed 55 feet. Specific height requirements and exceptions are provided in the Town Center design standards.

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

(16) Minimum lot sizes for detached single-family dwelling/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the administrative design review process. A legally nonconforming duplex lot existing prior to the effective date of 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 and Community Commercial zones.

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

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

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

(22) Impervious area located within 100 feet of the ordinary high water mark; may be increased from 50 to 65 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC [18.25.100](#).

(23) Impervious area located more than 100 feet from the ordinary high water mark; may be increased from 75 to 90 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC [18.25.100](#).

(24) Maximum height of a building or structure is 35 feet when located within 100 feet of the ordinary high water mark (OHWM). Height may be increased for buildings or structures located more than 100 feet from the OHWM or when located on the upland (easterly) side of 91st Avenue West, up to a range of 45 to 65 feet, when a visual impact assessment is submitted in accordance with UPMC [18.25.110](#)(E) and the decision-maker determines that a proposal will

comply with the purpose and intent of UPMC [18.25.110](#) regarding view protection. The 35-foot, 45-foot and 65-foot limit areas located east of 91st Avenue West are shown in Figure 11.

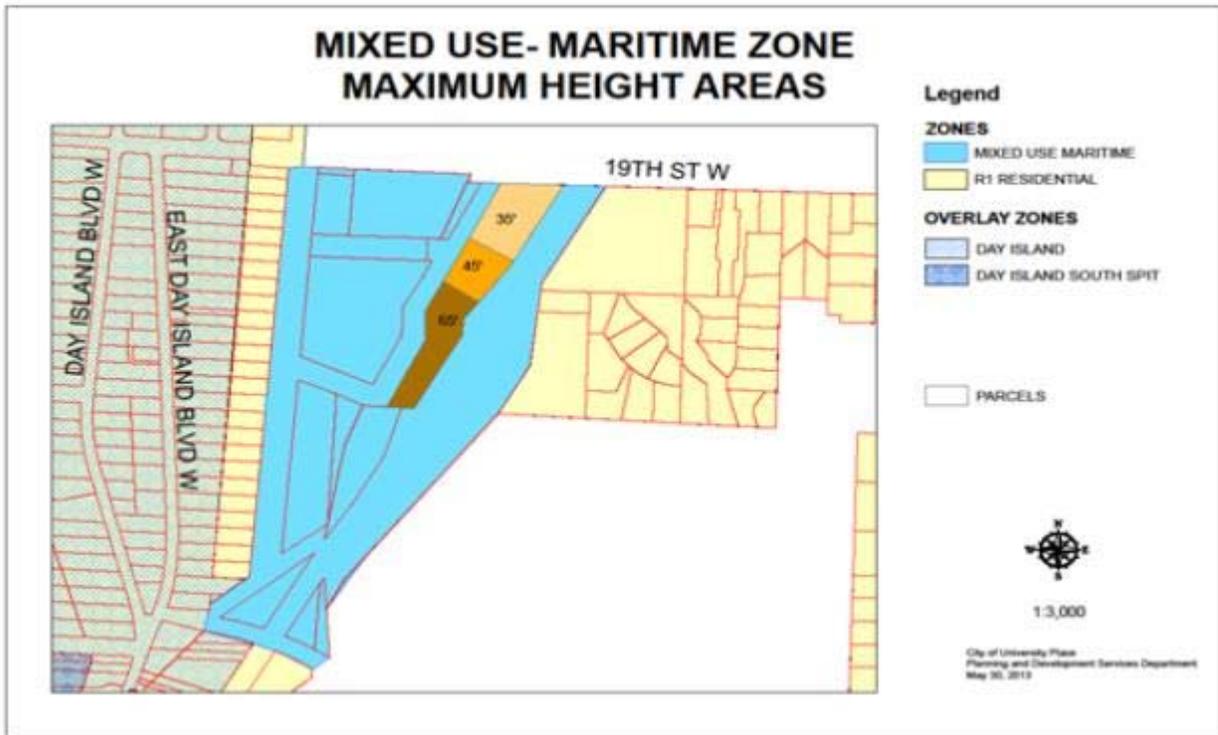


Figure 11

(25) A 35-foot rear setback measured from the ordinary high water mark is required for properties located within shoreline jurisdiction.

(26) Rear setback is measured from the ordinary high water mark.

(27) Only uses included in the Chambers Creek properties master site plan are allowed in the Chambers Creek overlay. Residential uses are not included in the Chambers Creek properties master site plan.

19.52.050 Design standards and guidelines adopted.

The "~~Community Commercial Town Center~~ Zone Design Guidelines" are adopted by reference and contained in a separate City design manual titled "~~Community Commercial Town Center~~ Zone Design Guidelines".

~~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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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.”~~

~~(Ord. 607 § 1 (Exh. A), 2012; Ord. 566 § 3, 2010; Ord. 559 § 7 (Exh. A), 2009).~~

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. 607 § 1 (Exh. A), 2012; Ord. 559 § 7 (Exh. A), 2009).

Chapter 19.55 OVERLAY ZONES

Sections:

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

19.55.010 Purpose.

The purpose of ~~the~~ overlay/~~potential~~ zones is to establish special standards for certain areas of the City characterized by unique historical development patterns or which may require special standards due to other unique circumstances applicable to the properties and to implement the goals and policies of the Comprehensive Plan regarding economic development and protection of residential neighborhoods.

19.55.060 Chambers Creek ~~pP~~Properties overlay zone.

A. Purpose. The purpose of the Chambers Creek ~~pP~~Properties overlay zone (CCPO) area is to promote the development of the Chambers Creek ~~pP~~Properties master site plan. The overlay will allow the City and County to manage the development of the Chambers Creek ~~pP~~Properties in a way that is most beneficial to the County and community.

B. Standards. The City has adopted the Chambers Creek ~~pP~~Properties master site plan, joint procedural agreement and the Chambers Creek ~~pP~~Properties design standards in this title to implement the master site plan. These documents are hereby incorporated by reference. Portions of the Chambers Creek ~~pP~~Properties overlay located within the City's shoreline jurisdiction shall be subject to the Shoreline Master Program requirements in UPMC Title 18.

C. Use. The following uses shall be permitted in the Chambers Creek ~~pP~~Properties overlay:

1. Uses and uses commonly accessory to those uses identified in the Chambers Creek ~~pP~~Properties master site plan shall be permitted within the overlay zone area subject to the Chambers Creek joint procedural agreement and the Chambers Creek ~~pP~~Properties design standards.
2. Essential public facilities, existing on January 1, 2005, located outside the master site plan area and permitted in accordance with Chapter 19.40 UPMC.
3. Administrative government offices.
4. Level 1 public maintenance facilities outside the master site plan area.
5. Level 2 public maintenance facilities outside the master site plan area subject to a conditional use permit.

6. Uses and activities described in the Chambers Creek Properties master site plan that are not listed as exemptions in the joint procedural agreement may occur without the requirement to obtain a land use permit (e.g., nonconforming use permit, conditional use permit, or special use permit); however, the requirements for building permits, land development permits, and environmental permits still apply. Uses and activities specifically exempted under the joint procedural agreement will continue to occur within the CCPO and may require modification of existing permits and approvals and/or issuance of new permits and approvals subject to the UMPC.

D. Scope of CCPO. The total acreage subject to the master site plan and CCPO provisions in this title may be increased upon

19.55.070 Public facilities overlay zone.

A. Purpose. The purpose of the public facilities overlay zone is to ensure the impacts associated with public facilities are appropriately mitigated and to provide exceptions to allow public facilities to best serve their clients and community with less cost to the taxpayer.

B. Standards. Unless otherwise specified, all uses and standards of the underlying zone apply.

C. Use. The following land uses shall be permitted in the public facilities overlay:

1. Uses Permitted Outright.

- a. Education Level 1.
- b. Public maintenance facilities (established prior to July 1, 2012).
- c. Public safety services (established prior to July 1, 2012).
- d. Transportation Level I and II (established prior to July 1, 2012).

2. Uses Permitted by Conditional Use Permit.

- a. Public maintenance facilities.
- b. Public safety services.
- c. Public school auxiliary services.
- d. Transportation Level I and II.

D. Signs. Gateway and changing message signs are permitted subject to design and construction standards, general and specific sign requirements, and other requirements of Chapter [19.75](#) UPMC, notwithstanding any restrictions otherwise prohibiting such signs. For the purposes of this provision, gateway sign shall have the same definition as “city gateway sign.” The following restrictions apply to gateway and changing message signs in the public facilities overlay zone:

1. Gateway signs existing as of the effective date of this provision may be maintained or reconstructed. No additional gateway signs are permitted.

2. Changing message signs shall be programmed so that the transmission of changing messages is limited to 5:30 a.m. to 6:30 p.m. during standard time and 5:30 a.m. to 8:30 p.m. during daylight savings time, except when the transmission of emergency messages is determined to be in the public interest.

3. Changing messages shall be limited to text. Messages that include graphics, animation, video clips or other non-text images are prohibited.

4. Changing message signs shall be limited in area to 12 square feet. A changing message sign may be incorporated into an identification sign that includes additional area devoted to static (non-changing) messages.

5. Changing message signs shall be programmed to adjust illumination levels to reflect ambient light levels and ensure that illumination levels will not create excessive glare that may result in traffic hazards or other public nuisance.

19.55.080 Mixed use district incentive overlay zoning.

A. Purpose. The purpose of the mixed use district incentive overlay 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 ~~5030~~ 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(J)	Projection Exception
19.45.050	Height standards
19.50.020 – 19.50.030	Design Review
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 ~~that typically which~~ provides retail, service or ~~commercial and~~ office uses on the ground floor, and residential and/or office uses on the above floors.

2. Horizontal Mixed Use – Attached. A single structure that typically provides retail, service or office commercial use in the portion fronting the street with attached residential ~~or office~~ uses located toward the rear of in behind the same building.

3. Horizontal Mixed Use – Detached. Two or more structures where retail, service or office 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:
 - (1) Requires consistent site and building designs;
 - (2) Requires the minimum area of retail, office or commercial use is maintained; and
 - (3) Ensures retail, office and commercial uses are built prior to or concurrently with residential development.

F. Design Standards. The Design Standards and Guidelines for the Mixed Use Incentive Zoning Overlay are adopted by reference and contained in a separate City design manual titled “Design Standards and Guidelines for Mixed Use Incentive Zoning Overlay.”

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 ¹ + 2
Assisted Living Facility	0.5 per bed
Affordable Senior Multifamily Housing ² (1)	0.6
Bed and Breakfast	0.5 per room
Group Home	0.5 per bed
Mobile/Manufactured Home	1 per unit
Multifamily Housing	

	Parking Requirements
Studio and 1 Bedroom Unit	1 per unit
2 Bedroom Units	1.25 per unit
3+ Bedroom Units	1.52 per unit
Nursing Home	0.25 per bed
Single-Family Housing (Attached)	2 per unit
Single-Family Housing (Attached) in Small Lot Development	1.5 per unit + 1 guest stall
Single-Family Housing (Detached) in Small Lot Development	2 per unit + 1 guest stall
Single-Family (Detached) and Duplex Housing	2 per unit
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 + 1 per 10 clients
High School	1 per employee ¹ + 1 per 10 students
Elementary and Intermediate	1 per employee ¹ + 10
Hospital and 24-Hour Medical Clinic	1 per employee ¹ + 1 per bed
Jail	1 per employee ¹ + 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

	Parking Requirements
UTILITIES AND RESOURCE USES	
Utilities Use	
Comm. and Personal Wireless Telecommunication Facility	400*
Essential Public Facilities Use	
Organic Waste Processing Facility	1 per employee ¹ + 10
Sewage Treatment Facility	1 per employee ¹ + 10
Resource Use	
Agricultural Sale	250
*Note: For telecom towers = 1 per tower.	
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 + 1 per 10 cages
Limited Accessory Retail (MU-O Only)	250
Lodging – Hotel and Motel (No RV)	1 per room
Marina and Other Boating Facility	1 per slip
Medical and Dental Office	250
Mini Casino	200
Movie Theater (Indoor Only)	1 per 4 seats
Mobile, Manufactured and Modular Home Sales	400
Motor Vehicle and Related Equipment Sales	400

	Parking Requirements
Pawn Shop	250
Personal Service (Other)	250
Rental and Repair Service	400
Sales of General Merchandise	250
Tattoo Parlor	250
Video Rental/Sale	250
Wholesale Trade	250
INDUSTRIAL USES	
Boat Building	400 office, 1,000 other
Bulk Fuel Dealer	400 office, 1,000 other
Buy-Back Recycling	400 office, 1,000 other
Contractor Yard	400 office, 1,000 other
Craft Production Facility	400 office, 1,000 other
Food and Related Products	400 office, 1,000 other
Industrial Service and Repair	400 office, 1,000 other
Limited Manufacturing	400 office, 1,000 other
Microbeverage Production Facility	400 office and tasting room, 1,000 other
Motion Picture, TV and Radio Production Studio	400
Printing, Publishing and Related Industry	400 office, 1,000 other
Salvage Yard	400 office
Storage Unit	250 ¹
Warehousing, Distr. and Freight Movement	400 office, 2,000 other

¹Employees per largest shift

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

19.60.120 ~~Surfacing for~~ Driveways and parking lot designs.

A. Driveway and parking lot designs shall comply with the *Low Impact Development Technical Guidance Manual for Puget Sound*, prepared by the Washington State University Extension and Puget Sound Partnership, to the extent practicable. Required driveways and areas for required loading, parking and maneuvering shall have a paved surface (asphalt, concrete or pervious

pavement approved by the City) which is durable and able to withstand all weather conditions, unless modified with approval of the Director.

B. Off-street parking areas and driveways that are not required for the purposes of meeting the minimum off-street parking and loading requirements shall use pervious pavement to the extent practicable.

19.60.130 Maximum number of parking spaces.

~~For nonresidential developments of over 4,000 square feet, t~~he maximum number of parking spaces shall not exceed 15 percent over the minimum standards identified in this chapter. ~~Requests for a variance-A request~~ to allow for greater than 15 percent over the minimum parking standards shall be reviewed as a variance in accordance with UPMC [19.85.030](#).

19.70.010 Accessory dwelling units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the City while protecting the existing character of single-family neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.

2. Type of Unit. An ADU may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., carriage unit above garage).

3. Size. An attached ADU shall not exceed 800 square feet; provided, if the ADU is to be established within an existing multistory structure and located entirely on a single floor, the Director may allow increased size in order to efficiently use all area of this single floor. A detached ADU shall comply with the following building standards:

a. The total area of a detached ADU [placed in a side or rear yard in accordance with 19.45.040\(H\)](#) shall be no larger than 600 square feet in gross floor area; ~~although total building area may exceed this amount if located outside of required side and rear yards;~~

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

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

d. Be no greater than 15 feet in height ~~if located within a required side or rear yard~~; and

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

4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

a. Modifications to the exterior of an existing building intended to accommodate an ADU shall be architecturally consistent with the existing facade, roof pitch, siding, windows, and other exterior design elements and finish materials to the extent practicable. A detached ADU shall be designed to be architecturally compatible with the principal residence.

b. Only one entrance is permitted to be located on the front facade of the principal unit. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

5. Parking. No additional off-street parking is required for an ADU. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.

6. In order to encourage the development of housing units for people with disabilities, the Director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.

C. Procedures. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. Application. The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. Property Owner. The property owner, which shall include title holders and contract purchasers, or an on-site property manager, must occupy either the principal unit or the ADU as their permanent residence, but not both, ~~for at least six months out of the year~~, and at no time receive rent for the owner-occupied unit. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner-occupied.

3. Affidavit. An affidavit affirming that the owner or an on-site property manager will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.

4. Notice of Title. Prior to issuance of building permits, the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department.

5. Reports. The Department shall report annually to the City Council on ADU applications, the number of units established and their distribution throughout the City, the average size of the units, and the number and types of complaints and enforcement-related actions.

19.70.030 Agricultural uses and animals.

A. Purpose. The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

B. Exceptions.

1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit, provided:

a. The applicant completes a hobby farm agreement provided by the Department. Each hobby farm agreement shall:

- (1) Define the type and intensity of all proposed agricultural activities;
- (2) Clarify that the use of the site is for private noncommercial use;
- (3) Provide time frames for periodic Departmental monitoring; and
- (4) Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.

b. Hobby farms must comply with all other requirements of this section.

2. Wildlife Rehabilitation.

a. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife:

- (1) Small mammals;
- (2) Medium mammals;
- (3) Lagomorphs (rabbits, hares, pikas); and
- (4) Nonraptor avians.

b. Other categories, including carnivores and raptors, are excluded from this exemption.

C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling, subject to the following requirements:

1. Animals Accessory to Residential Use. Animals kept shall be permitted subject to the following criteria:

a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot, subject to the following provisions:

(1) Area Requirements.

(A) Livestock are not permitted in lots of less than one acre.

(B) On any lot from one acre to less than two acres in size, the number of animals shall not exceed two that are 12 months or more of age.

(C) On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.

(D) All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.

(2) A fence used to enclose pasture lands may be constructed on the property line, provided such pasture is maintained as required in this section.

(3) A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required following wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.

b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

(1) Poultry, Pigeons, Peacocks, and Rabbits. Poultry, peacocks, pigeons, and similar birds, or rabbits and similar mammals (e.g., ferrets, pot-belly pigs) raised for domestic, noncommercial use shall be permitted, provided:

(A) All animals kept outside shall be cooped or kept in hutches or pens or similar enclosures.

(B) A minimum setback of 1535 feet from all property lines shall be required for all pens, hutches, coops, or similar enclosures.

(C) No more than 12 poultry, peacocks, or rabbits or similar mammals shall be permitted per acre. This requirement shall be calculated on a fractional basis. The allowed number of animals shall be rounded down to the nearest whole number.

(D) Aviaries or lofts shall provide for one square foot for each pigeon or similar bird, and shall not exceed 600 square feet.

(2) Dogs and Cats. Any combination of five dogs or cats that individually exceed seven months of age are permitted. Kennels for six or more dogs or cats are prohibited.

c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, or other exotic, vicious, or poisonous animal or reptile.

2. Crop Production Accessory to Residential Use. Agricultural activities such as noncommercial gardens and orchards shall be permitted and shall not be limited in any zone classification.

D. Additional Standards for Critical Areas. In addition to the other requirements of this section, the following standards shall apply to all commercial and noncommercial agricultural uses in critical areas:

1. Livestock shall be limited to one animal per acre of fenced usable pasture.

2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight animals per acre.

E. Commercial Agricultural Activities. See UPMC [19.25.090](#), Resource use category – Descriptions, for commercial agricultural uses, and UPMC [19.70.050](#), Home occupations, for same.

19.70.060 Improvements.

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of the Comprehensive Plan.

B. Sanitary Sewers.

1. All new subdivisions creating 5 or more lots shall hook up to sanitary sewers.

2. Sanitary sewer hookups shall be required for all other new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located

within 300 feet of the development, the City may permit such development to use interim septic on-site systems and dry sewer facilities.

5. Upon application by the property owner, the Director shall approve an exception to the requirement to connect to the sanitary sewer system only if all the following criteria are met:

a. The cost of extending the sewer system to serve the property would be an economic hardship to the owner; an economic hardship exists if the estimated cost of the extension is greater than 200 percent of the cost of the septic or other private disposal system; and

b. The proposed septic system will not have an adverse environmental impact on potable water wells, ground water, streams or other surface bodies of water; and

c. The proposed septic system is in compliance with all applicable Federal, State, and local health and environmental regulations.

d. This exception does not allow a new subdivision of more than 4 lots to be developed without sanitary sewer hookups.

19.70.070 Mobile and manufactured home parks.

A. Purpose. The purpose of this section is to provide regulations for the development of mobile and manufactured home parks.

B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:

1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC [19.45.030](#), Density standards.

2. A mobile or manufactured home park shall not be established on any site providing less than a 30-foot-wide access to a public street.

3. Only one mobile home ~~park~~ or manufactured home dwelling unit shall occupy any given space in the park.

4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:

a. Mobile or manufactured home used as single-family residence only;

b. A patio, carport, or garage as an accessory use for a mobile or manufactured home;

c. Recreation buildings and structures including facilities such as swimming pools for the exclusive use of park residents and their guests;

d. One residence for the use of the owner, manager, or caretaker responsible for maintaining or operating the property, which may be either a mobile or manufactured home or a site-built structure; or

e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.

5. Setbacks. No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. A mobile or manufactured home or accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.

6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by 20 feet and shall be paved or a crushed rock surface and maintained in a dust-free surface. On-street or curbside parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.

7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turnaround, exclusive of parking lanes.

8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.

9. There shall be Level IV landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.

10. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the City building official. Each mobile or manufactured home shall be skirted with weather-resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.

19.75.130 Enforcement.

A. Penalty for Violations.

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

The following chapter, 19.90, would be repealed and its text would be revised, and moved, to a new chapter in Title 22 -- 22.25 Amendments.

Chapter 19.90 Amendments

~~19.90.010 Purpose.~~

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

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

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

~~B. Rezones Versus Reclassifications. A rezone shall mean the change of a zone designation on the City's zoning map and is subject to the provisions of this chapter. A reclassification is a change of a Comprehensive Plan land use designation and is subject to the provisions contained in UPMC Title 16. When a proposal requires both a reclassification and a rezone, the following shall apply:~~

- ~~1. A reclassification and a legislative rezone may be conducted concurrently.~~
- ~~2. A reclassification and a quasi-judicial rezone shall be conducted in phases, with the reclassification occurring first in time.~~

~~C. Any interested person, including applicants, citizens, City Council, Planning Commission, Hearings Examiners, City staff, or staff of other agencies, may request amendments to the zoning code, other development regulations or zoning map.~~

~~D. Application Required. For the purpose of advising and informing an applicant of the procedural requirements and to ensure that an application is in satisfactory form, the department may require a pre-filing conference.~~

- ~~1. The department shall provide the application forms and submittal requirements for amendments.~~
- ~~2. No amendment shall be processed until the Director determines that the information necessary to review and decide upon the amendment is complete.~~
- ~~3. An application fee may be required, adopted by separate resolution.~~

~~19.90.030 Legislative amendments.~~

~~A. Amendments. Amendments to development regulation text and tables and rezones of 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.~~

~~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.~~

~~19.90.060 Revocation and expiration.~~

~~*Superseded by Ord. 559.*~~

Chapter 19.52

TOWN CENTER COMMUNITY COMMERCIAL ZONE DESIGN STANDARDS AND GUIDELINES

Sections: (Note: The UPMC Section numbers are no longer relevant given that these standards and guidelines were removed from the UPMC in 2012. However, a new numbering system should be established to facilitate ease of use.

CC1—Purpose.

CC2—Authority and applications.

CC3—General requirements.

CC3—Review process.

CC5—Use and density.

CC6—Accessory structures and uses.

CC7—Temporary uses, seasonal uses, and special events.

~~19.52.080—Prohibited uses.~~

CC8—Crime prevention through environmental design.

CC9—Setbacks.

CC10—Height.

CC11—Walkways.

CC12—Gateways.

CC13—Courtyards.

CC14—Plazas.

CC15—Primary building facades.

CC16—Secondary building facades.

CC17—Significant corners.

CC18—Architectural features.

CC19—Projections.

CC20—Awnings and canopies.

CC21—Building materials.

CC22—Colors.

CC23—Roof design and materials.

CC24—Materials to avoid.

CC25—Storefronts.

CC26—Windows.

CC27—Doors and entryways.

CC28—Parking – General.

CC29—On-street parking.

CC30—Structured parking.

CC31—Loading spaces.

CC32—Streetscapes.

CC33—Street paving.

CC34—Sidewalks and curbs.

CC35—Street lighting.

CC36—Special effects lighting.

CC37—Street trees and landscaping.

CC38—Street furniture.

CC39—Artwork.

CC40—Water features.

CC41—Transit facilities.

CC42—Outdoor kiosks.

- CC43 —Trash and recycling receptacles.
- CC44 —Newspaper racks.
- CC45 —Utility accessories.
- CC46 —Handrails and fencing.
- CC47 —Bollards.
- CC48 —Bicycle racks.
- CC49 —Outdoor pay phones and emergency phones.
- CC50 —Mailboxes and other miscellaneous features.
- CC51 —Major arterial – Bridgeport Way.
- CC52 —Other arterials – 35th Street, 40th Street, and 44th Street.
- CC53 —Connector streets – Drexler Drive, Larson Lane and 42nd Street.
- CC54 —Signs in general.
- CC55 —Sign lighting.
- CC56 —Freestanding signs.
- CC57 —Wall signs.
- CC58 —Projecting signs.
- CC59 —Temporary signs.
- CC60 —Directional and incidental signs.

CC19.52.010 Purpose.

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

CC29.52.020 Authority and applications.

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

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

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

~~D. Any exterior alterations shall comply with these standards. When expanding the footprint of an existing building that is nonconforming with regard to its distance from the edge of a sidewalk, the building footprint shall be expanded in the direction of the sidewalk to decrease the nonconforming setback, unless it can be demonstrated this is not structurally possible.~~

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

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

G. ~~The following UPMC provisions do not apply:~~

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

~~*Except adjacent to R1 and R2 Zones.~~

H. ~~Each section includes a boxed definition or intent statement.~~

~~I. When reference is made to required or recommended use, streetscape amenity landscaping or parking in the zone, refer to specific standards and/or guidelines regarding those items. For example, if landscaping is required in parking areas, refer to the landscaping section in streetscapes for specific plant and irrigation standards and guidelines.~~

~~J. The Town Center is divided into areas by streets. Each street has different characteristics, including traffic volumes, width of right of way and proximity to single family residential uses. These differences require standards and guidelines to achieve the Town Center vision and implement the City’s Comprehensive Plan. Building height, building mass, buffering, landscaping, parking standards and signs vary by area.~~

CC319.52.030 General requirements.

A. Purpose. The purpose of the design review process is to ensure that development within the Community Commercial ~~Town Center~~ zone complies with these standards and guidelines and the overall vision established for this zone in this title.

B. Scope. The design standards and guidelines provisions of this chapter shall apply to all development applications that is subject to for administrative design review ~~administrative use permit~~ within the ~~Town Center~~Community Commercial zone.

C. Review Authority. The Planning and Development Services ~~Director of Community Development~~ shall review the applications in accordance with the process below.

D. Review Criteria. The Planning and Development Services ~~Director of Community Development~~ shall approve applications when any of the following findings are made:

1. The applicant meets all applicable design standards and guidelines of this title; or
2. The application sets forth a proposal that the Director determines is equivalent to or exceeds the standards and guidelines of this title.

CC419.52.040 Review process.

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

~~A. Time Frame and Procedure. Design review shall be conducted in accordance with the timelines and procedures set forth in UPMC Title 22, Administration of Development Regulations. Town Center design review shall be considered a Type I permit.~~

~~B. Pre-Submittal Concept Review. A pre-design meeting may be scheduled with the City's Technical Review Committee prior to formal project development and application. The applicant may present schematic sketches and a general outline of the proposed project. This meeting will allow City staff to acquaint the applicant with the design standards, submittal requirements and the application procedures, and provide early input on the proposed project.~~

~~C. Submittal Requirements. Applicants shall submit the design review application form(s) provided by the Community Development Department, along with the correct number of documents, plans and support material required in the application checklist.~~

~~D. Review Fees. Design review fees must be paid at the time of submittal.~~

~~E. Written Decisions. The Director shall issue a written decision approving, approving with conditions or denying the permit and include findings of fact and conclusions that support the decision.~~

~~F. Expiration of Approvals. If the applicant has not submitted a complete application for a building or site development permit within two years from the date of permit issuance, or if appealed within two years from the decision on appeal from the final design review decision, design review approval shall expire. The Director may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration of the permit.~~

~~G. Exceptions. The Director is authorized to make exceptions to the standards when the applicant can demonstrate to the satisfaction of the Director that the exception meets the intent of these standards and is of equal or greater quality or quantity.~~

CC519.52.050 Use and density.

A. ~~Standards.1.~~ Land uses allowed in the ~~Town Center~~Community Commercial zone are listed in Chapters [19.25](#), [19.30](#) and [19.35](#) UPMC unless otherwise specified herein.

~~2. If a development has a residential component it shall be combined with one or more nonresidential, nonparking use(s).~~

~~3B. The following standards apply to minimum requirements for mixed use development within the ~~Town Center~~Community Commercial zone:~~

~~1a. A minimum of 50 percent of a project site's building floor area at the ground floor level shall be devoted to in-commercial or other non-residential or, non-parking use.~~

~~2b. The commercial or non-residential component shall be built first or concurrent with the residential portion of the project.~~

~~3e. 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. If a development has a residential component it shall be combined with one or more non-residential, non-parking use(s).~~

~~4. A maximum residential density of 12 dwelling units per acre is permitted in the Town Center zone subject to these standards. For residential density within the Town Center overlay refer to the Town Center design standards and guidelines, UPMC Ordinances 409 and 469.B. Guidelines. The City Hall, Library and Public Safety Building (Police and Fire) are already located in the Town Center zone. To promote an economically viable Town Center with an increased level of activity the following uses are encouraged to locate in the Town Center overlay:~~

~~1. National, regional and local specialty retail uses including apparel, book and music stores, electronics and computer sales, eyewear and optical stores, jewelry, home furnishings, shoes and accessories, and specialty foods;~~

~~2. Residential uses, including leased units, condominiums, live/work units and lodging;~~

~~3. Large and small restaurants, including formal sit-down restaurants, ethnic cuisine, brew pubs, walk-up and take-out restaurants, delis, and vending kiosks;~~

~~4. Entertainment uses, including movie and performance theaters;~~

~~5. Professional services, including company headquarters, banks, investment firms, consulting firms, accounting, insurance, real estate, law, medical and dental offices and similar professional offices; and~~

~~6. Personal services, including hair and beauty salons and health clubs.~~

CC619.52.060 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 Community Commercial 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.

CC719.52.070 Temporary uses, seasonal uses, and special events.

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

A. Standards.

~~1. Temporary and seasonal uses in the Town Center zone are permitted in accordance with Chapter 19.35 UPMC.~~

~~21.~~ Outdoor temporary sales, except farmer's markets, Christmas tree and firework stands, shall be conducted within portable kiosks ~~meeting these design standards and guidelines.~~

3. Signs advertising temporary and seasonal uses shall be limited to window signs or kiosks within five feet of where the sales are taking place.

4. Facilities such as electrical outlets and water bibs shall be available for temporary and seasonal uses and special events but such electrical cords or water hoses shall not extend across walkways, sidewalks or plazas.

~~19.52.080 Prohibited uses.~~

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

~~A. Standards. The following uses are prohibited:~~

~~1. Any commercial use that encourages patrons to remain in their cars while receiving goods or services.~~

~~2. Motor vehicle rental and repair uses are not allowed as a principal or accessory use.~~

~~3. Small engine repair.~~

~~4. Bars and nightclubs along Larson Lane or Drexler Drive.~~

~~5. The storage or repair of inoperable vehicles (except vehicles owned by residents of a development where the storage or repair is taking place and only then within residential garages).~~

~~6. Retail establishments primarily selling used goods including pawn shops and secondhand stores.~~

~~7. Dollar and factory second stores.~~

CC819.52.090 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.

CC919.52.100 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 ~~may~~ be built in the interior of the project site.

3. No side setbacks are required; however, if a building is set back, then a minimum of 10 feet is required, to provide access between buildings.

4. At least 40 percent of the street facade of a building shall be set back a maximum of 10 feet from the wall plane established at the sidewalk, to provide horizontal articulation of the building facade.

5. A minimum 30-foot setback is required from R1 and R2 zones.

CC1019.52.110 Height.

A. Standards.

1. The maximum building height shall be ~~4540~~ feet with additional height permitted for the below-listed exceptions listed in (3) and (4) below.

2. Buildings throughout the ~~Town-Center~~Community Commercial 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 maximum 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.

CC1119.52.120 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. In such cases, then the walkways shall be a minimum of 10 feet in width.

2. Provide decorative paving, lighting, landscaping and at least one discovery element such as artwork, potted plants, or murals within walkways.

3. The design of buildings and structures adjacent to walkways shall allow ample sunlight to light the walkway during daylight hours and walkways shall be well lit at night to enhance safety.

4. Where there are setbacks between buildings, walkways shall be provided to provide better pedestrian circulation.

B. Guidelines.

1. Walkways should have storefronts facing them; if possible, storefront entries should open to walkways. Windows should face walkways. Windows facing walkways allow people to see out into the walkway, enhancing safety.
2. Where appropriate, accommodate cafe seating.
3. Provide a distinct character to help with orientation, such as a name or unique decorative paving treatment.
4. Curve walkways around landscaping and other streetscape features to provide interest.

CC1219.52.130 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 ~~may~~ 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.

CC1319.52.140 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.

CC1419.52-150 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 at least 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 ~~may~~ 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.

CC1519.52.160 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.

CC1649.52.170 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.

CC1749.52.180 Significant corners.

Significant corners are located at street intersections on Bridgeport Way West at 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~~ Community Commercial zone.

CC1849.52.190 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.

CC1949.52.200 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.

CC2019.52.210 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.

CC2119.52.220 Building materials.

Building materials native to the Northwest provide a character in keeping with the Town Center community 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 emphasis the core value of a sustainable environment and conservation of natural resources including energy.

5. Developers should use the New Buildings Institute Energy Benchmark for High Performance Buildings to improve indoor environmental quality and energy efficiency.

CC2219.52.230 Colors.

Colors common in nature around the South Puget Sound help provide a cohesive appearance 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.

CC2319.52.240 Roof design and materials.

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

A. Standards.

1. Roofing materials visible from streets, plazas or courtyards shall be finished with an attractive non-reflective material, including, but not limited to, wood shingles, copper (including terne coated), factory-finished painted metal, slate, synthetic slate, terra cotta and cement tile and glass fiber shingles.

2. Adjacent buildings with roofs visible from streets and plazas or courtyards shall use a different slope, design, type or color of roof material to break up building mass and provide variety.

3. Articulate roof form and material to break up building mass.

4. Where rooftop mechanical equipment will be visible from rights-of-way and existing buildings' roofs, mechanical equipment shall be hidden by an attractive screen and/or a roof garden or rooftop courtyard provided.

5. Roof flashing shall not be visible from streets, plazas or courtyards.

B. Guidelines.

1. Rooftop courtyards and gardens are encouraged.

CC2419.52.250 Materials to avoid.

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

A. Standards.

1. Multi-floor glass curtain walls are prohibited. Integrate glass with other materials.

2. Vinyl, painted steel, metal or aluminum siding may only be used above 20 feet or a second story, whichever is greater.

3. Synthetic stucco is prohibited.

4. Unfinished concrete block is prohibited.

5. Chain link fencing and unfinished wood fencing are prohibited.

6. Decorative metal gates or fences are allowed.

7. Roll-up metal security doors in front of storefronts and exterior applied metal security bars are prohibited. Roll-up metal doors are allowed at service entrances.

B. Guidelines.

1. Avoid large expanses and non-detailed stucco. Integrate stucco with other materials.
2. Painted steel, metal and aluminum siding should be avoided.

~~CC2519.52.260~~ 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.~~

~~45.~~ Storefronts shall be predominantly glass to provide views into the store, but glass shall not be the exclusive material.

~~56.~~ 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.

CC2649.52.270 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 non-reflective transparent glazing.

B. Guidelines.

1. Windows should comprise 25 to 50 percent of upper facades visible from public rights-of-way and should reflect a rhythm, scale and proportion compatible with the overall building design.

CC2749.52.280 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.

CC2819.52.290 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~~ Community Commercial 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.

[i. Design landscaping in surface parking lots to accommodate storm water runoff and infiltration in accordance with the Low Impact Development Technical Guidance Manual for Puget Sound.](#)

B. Guidelines.

1. Meeting parking requirements with off-street surface parking is discouraged.

~~2. Design landscaping in surface parking lots to handle storm water runoff.~~

32. ~~Use~~ Consider durable pervious surfaces to reduce storm water runoff.

43. Use native plants in parking lot landscaping.

54. ~~Consider using~~ Use pavers, colored concrete and landscaping to delineate walkways through parking lots.

~~CC2919.52.300~~ On-street parking.

On-street parking in the ~~Town Center~~ Community Commercial zone 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.

~~CC3019.52.310~~ Structured parking.

Structured parking that takes advantage of the topography is preferred in the ~~Town Center~~ Community Commercial zone.

A. Standards.

1. Structured parking shall not be visible, except at entrances.

2. Entrances to structured parking shall be the minimum size to permit reasonable entry and shall be consistent with the building facade design.

3. Any elevation of a parking structure visible from an adjacent street or a residential zone shall have a solid decorative parapet wall of not less than 46 inches high and shall utilize materials and colors consistent with the surrounding buildings.

4. On walls facing a residential zone, planter boxes supporting vines and other vegetative screening materials shall be attached to the exterior of the structure.

5. At least 75 percent of the area occupied along the street level facade of any parking structure that is immediately adjacent to a sidewalk or street right-of-way shall be developed for active office or retail uses.

6. If not abutting a street, structured parking facilities shall be provided with adequate access from public streets via a private drive and/or access easements.

7. Provide high ceilings and ample lighting at pedestrian entrances to elevate safety and comfort.

B. Guidelines.

1. Provide enough clearance and appropriate curve radius in structured parking to facilitate delivery, maintenance and emergency vehicle routes.

CC3149.52.320 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.

CC3219.52.330 Streetscapes.

A. General Requirements. The purpose of this section is to provide for the coordinated provision of functional and aesthetically pleasing transportation and related facilities within the ~~Town~~ CenterCommunity Commercial zone. The streetscape is comprised of streets, sidewalks and all features located within the street, sidewalk or right-of-way.

B. Standards.

1. Streetscapes shall be designed at a pedestrian scale to promote a feeling of comfort and security.
2. Streets shall be designed to promote multiple modes of transportation.
3. Pedestrian circulation shall be facilitated via wide sidewalks, walkways, well-defined crossings and utilization of on-street parking.
4. Streetscapes shall be designed to encourage visual interest.
5. Sidewalks shall include a pedestrian zone directly adjacent to storefronts and an amenity zone for roadside features, located adjacent to the street edge.
6. All roadside features, except as otherwise noted, shall be located in the sidewalk amenity zone.
7. Building and site features shall not project into the pedestrian zone within the vertical area eight feet above sidewalk grade, except as specifically allowed by these standards. In no case shall projections reduce the width of the pedestrian zone to less than the minimum required.
8. Roadside features located adjacent to parallel parking lanes shall be set back a minimum of 30 inches from face of curb/edge of street.
9. Roadside features shall be designed and placed to minimize visual obstruction of adjacent building signage, windows and entries.

C. Guidelines.

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

CC3319.52.340 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.

CC3419.52.350 Sidewalks and curbs.

The intent of this section is to provide for safe and attractive sidewalks and curbs on streets in the ~~Town Center~~Community Commercial 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.

CC3519.52.360 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.

~~CC3619.52.370~~ 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~~ [these standards-guidelines](#) ~~title~~.
3. Lighting shall be shielded, as necessary, to avoid glare to pedestrians, vehicles and adjacent sites.
4. Outlets or fixtures for effect lighting shall be installed in tree grates or otherwise integrated in an unobtrusive manner.

~~CC3719.52.380~~ 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.

CC3849.52.390 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.

~~CC39~~19.52.400 Artwork.

The intent of this section is to provide for artwork that reflects the values, culture and history of the Northwest and the City of University Place, complements building design and adds to ~~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~~[Community Commercial](#) 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.

CC4019.52.410 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~~Community Commercial zone area as specifically identified in other sections of ~~these standards~~guidelines~~this title~~.
- 2. Where required, water features shall allow people to interact with the display ~~providing~~using at least one of the following:
 - a. ~~Allow for a~~Ample pedestrian circulation on all sides.
 - b. ~~Provide s~~Seating as part of the water feature design, using a low wall.
 - c. ~~Promote p~~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.

CC4119.52.420 Transit facilities.

The intent of this section is to promote multi-modal transportation options through public transit opportunities within the Town Center Community Commercial 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 Community Commercial zone unless an exception is granted.

3. Streets where transit is expected to operate shall be built to arterial street standards, in order to withstand continuing transit vehicle use.

B. Guidelines.

1. Transit facilities should be located in close proximity to pedestrian crossings.

2. Transit patron waiting facilities should be covered for weather protection.

3. Transit stops should be convenient for pedestrians to facilitate their use and placed to be safely and efficiently served by transit vehicles.

CC4219.52.430 Outdoor kiosks.

The intent of this section is to provide for functional and attractive kiosks. Kiosks serve to provide information, or direction, or are used for the sale of retail goods or food.

A. Standards.

1. Kiosks from which merchandise or food is sold shall be attended when open for business.

2. Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings.

3. Kiosks shall be well illuminated.

4. All sides of a kiosk shall have a finished look.

B. Guidelines.

1. Kiosks that provide information or directory assistance may be attended or unattended.

2. Kiosks that provide information or directory assistance and do not provide merchandise for sale should be accessible from all sides.

3. Kiosks should be located in areas of high pedestrian traffic.

4. Kiosks should be positioned to complement and respect other street furnishings such as benches and lighting.
5. Kiosks are not required to be fixed and may be mobile to allow for flexibility in public areas.

CC4319.52.440 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.

CC4419.52.450 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.

CC4519.52.460 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.

CC4619.52.470 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.

CC4719.52.480 Bollards.

The intent of this section is to provide for functional and attractive bollards. Use of bollards is an attractive way to provide semi-permanent separation of uses.

A. Standards.

1. Bollards shall be uniform in design and color throughout a development unless integral to a specific storefront or restaurant design.
2. Bollards shall be set back from parking lanes to allow movement of car doors.
3. Bollards shall be utilized where necessary to physically separate vehicles from pedestrians.
4. Bollard color and design shall be similar to and aesthetically complement other streetscape elements including but not limited to street furniture and streetscape waste receptacles.

B. Guidelines.

1. Removable bollards may be utilized where service vehicles need periodic access and for street closures in the event of festivals or community events.
2. Bollards may be chained together to ensure pedestrian safety or define areas for public functions.

CC4819.52.490 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 ~~may~~ 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.

CC4919.52.500 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.

CC5049.52.540 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.

CC5149.52.520 Major arterial – Bridgeport Way.

Bridgeport Way carries the highest volume of vehicular traffic through the ~~Town Center~~ Community Commercial zone. The envisioned streetscape is a pedestrian-friendly and highly visible retail street. Wide sidewalks and on-street parking provide a secure shopping environment separated from vehicular traffic. Streetscape amenities are designed to allow high visibility to passing motorists who are provided parallel parking opportunities on both sides of the street.

Bridgeport Way West shall be improved consistent with the cross-sections shown in UPMC 19.52.540, Figures 1 and 2. The location of the street shall be as depicted on the adopted master plan, unless modified by the Director. Minor modifications may be made where such changes are consistent with the overall vision of the ~~Town Center~~ Community Commercial zone.

A. Standards.

1. The 16-foot sidewalk on Bridgeport Way shall be comprised of an eight- to 11-foot pedestrian zone and a 5.5- to eight-foot amenity zone.
2. Street trees shall be spaced at 45 feet on center.
3. Each development on Bridgeport Way north of 40th Street shall install a minimum of one street furniture feature, excluding cafe seating, within the right-of-way or street. Street furniture features shall provide seating for a minimum of three people. If a development occupies both sides of the street this requirement applies to both sides.
4. A maximum of 50 percent of the amenity zone ~~may~~ 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.

~~CC5219.52.530~~ Other arterials – 35th Street, 40th Street, and 44th Street.

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

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.

~~CC5319.52.540~~ 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~~Community Commercial zone.

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

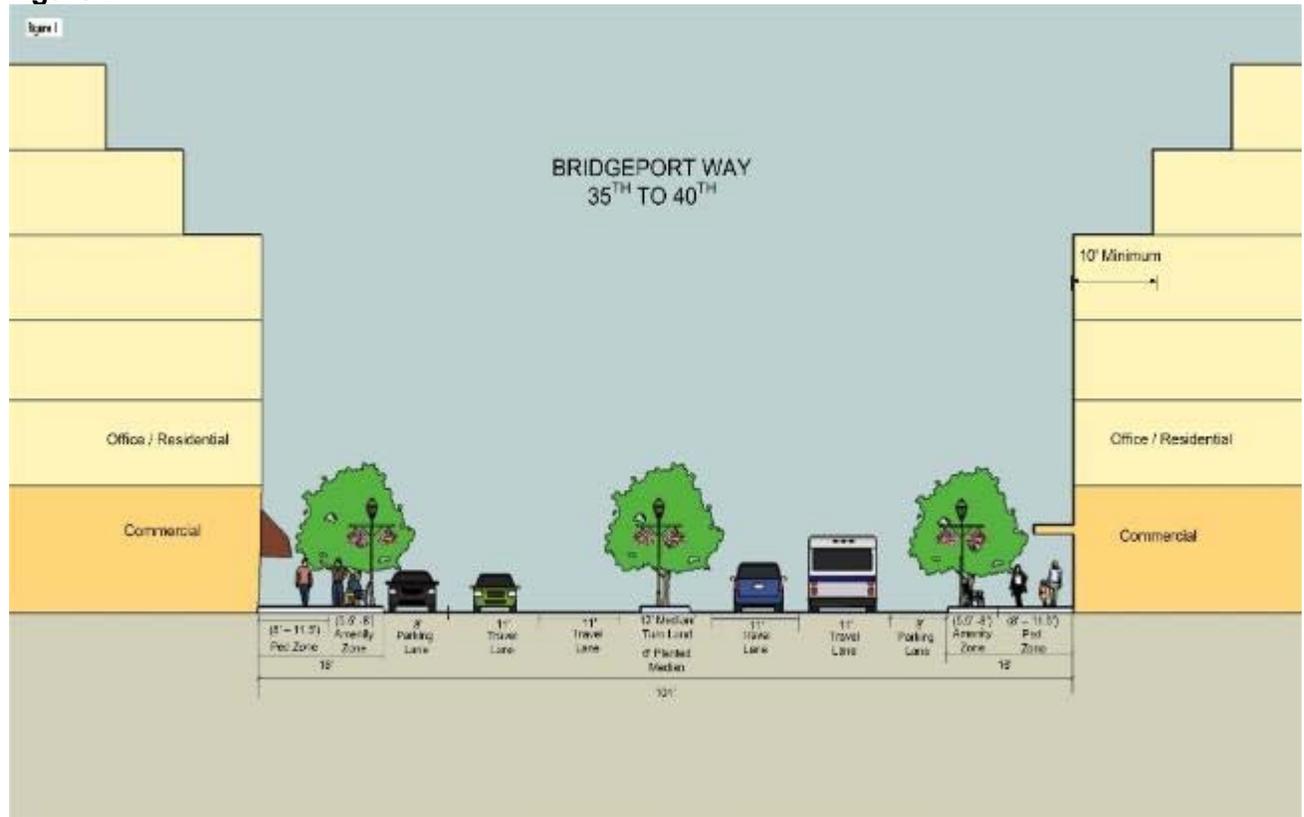


Figure 2

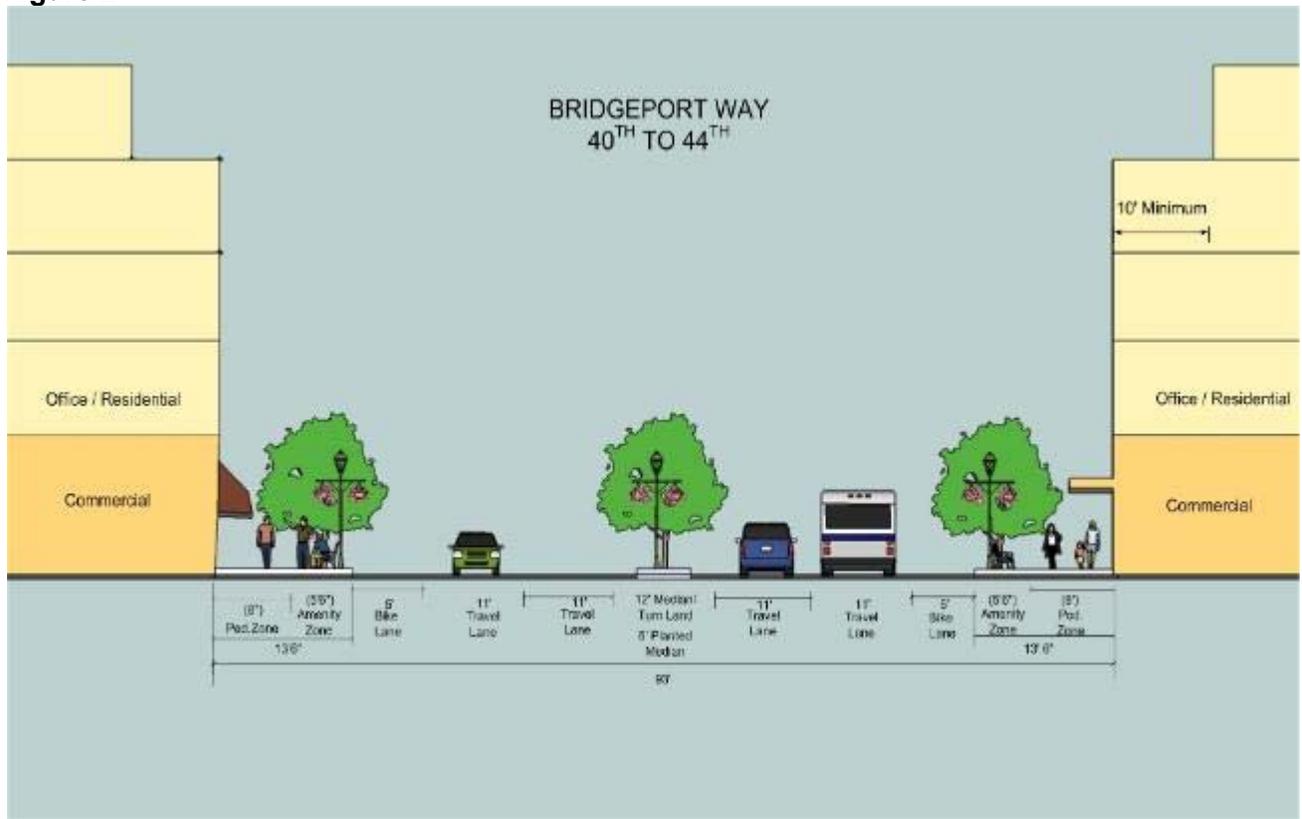


Figure 3

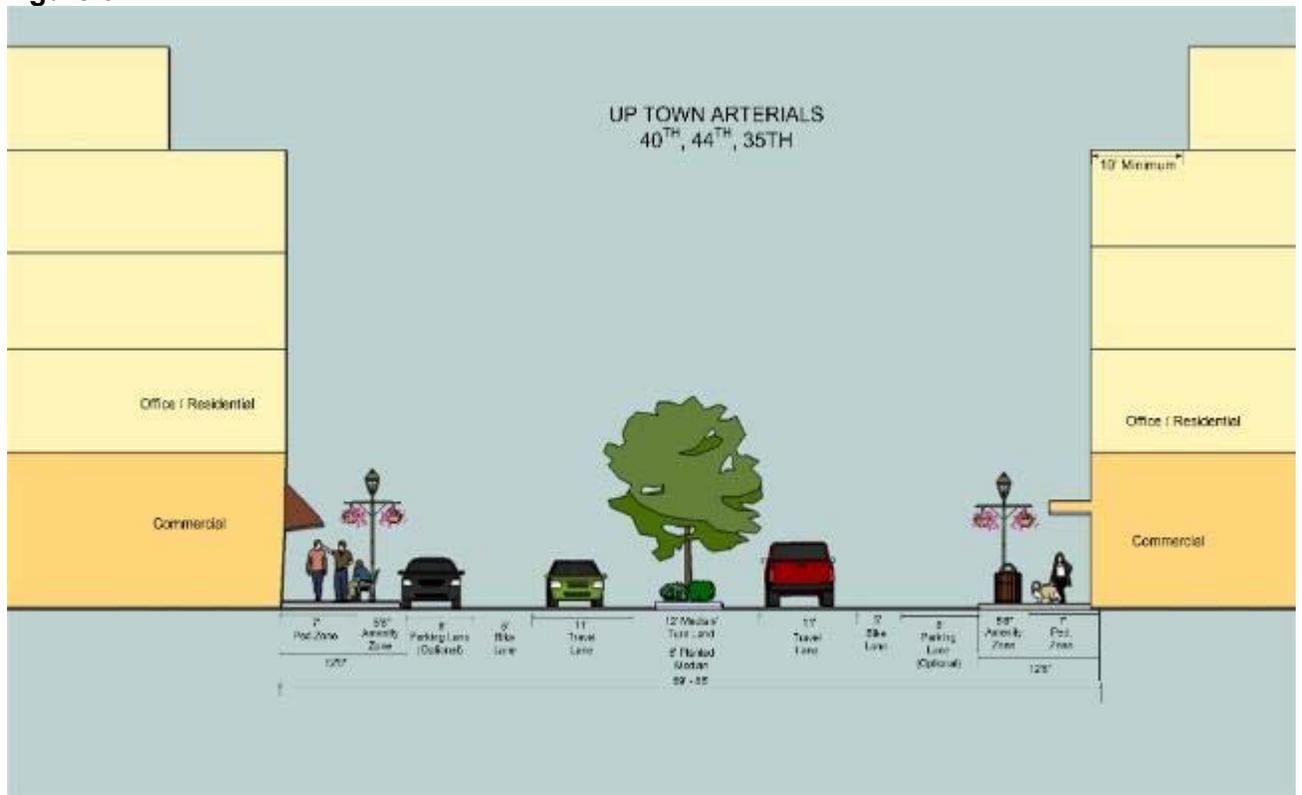
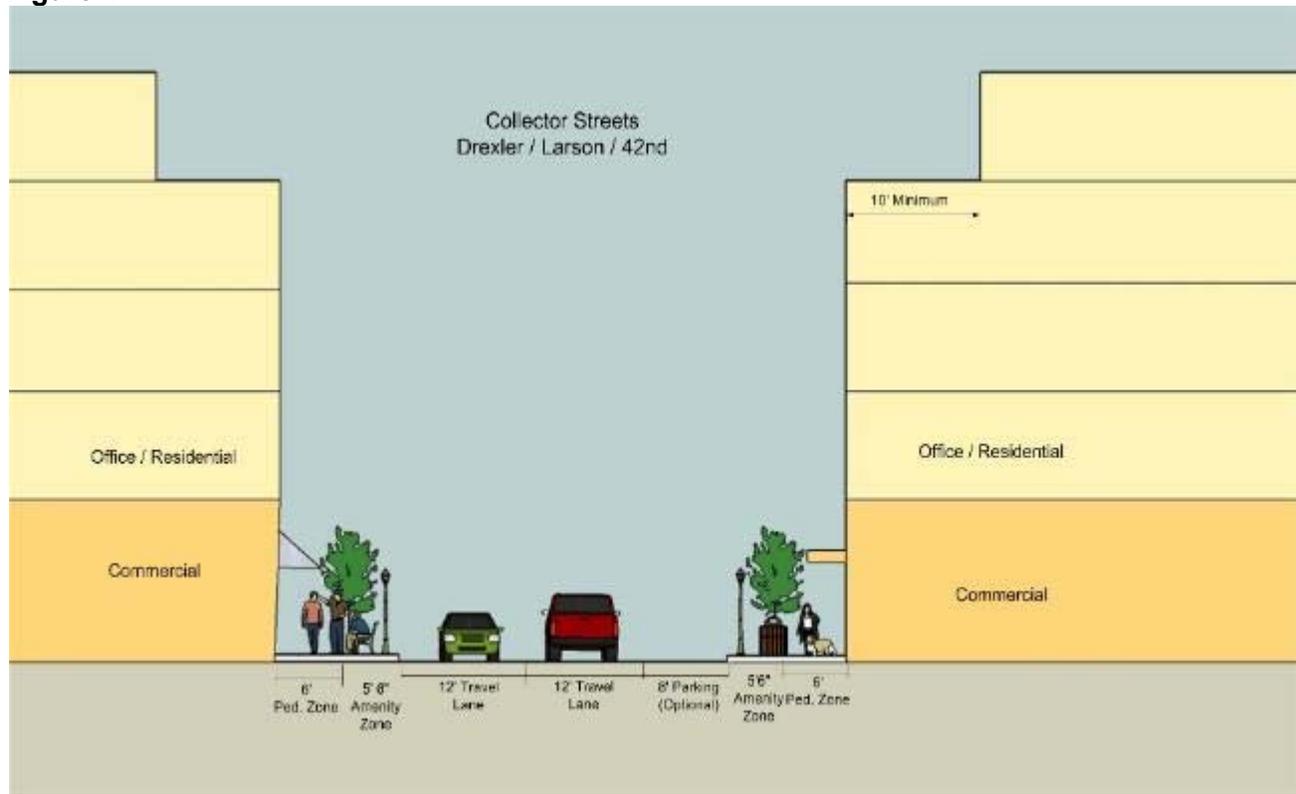


Figure 4



CC5419.52.550 Signs in general.

Distinctive, finely crafted signs enhance the aesthetics of the ~~Town Center~~Community Commercial zone 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.

CC5519.52.560 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.

CC5619.52.570 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.

CC5719.52.580 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 should be used judiciously to avoid cluttering the streetscape.

CC5819.52.590 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.

CC5919.52.600 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.

CC6019.52.610 Directional and incidental signs.

Develop a distinctive style for directional signs in the Town Center Community Commercial zone 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 Community Commercial vision, the architecture of buildings and other streetscape elements.
2. Signs intended to direct motorists toward Town Center Community Commercial facilities shall be located at gateways.

B. Guidelines.

1. Directional and incidental signs need to be understood by the vast majority of the population, including non-English-speaking people. The use of internationally recognized symbols should be considered as an effective way to identify features to all pedestrians.

2. Signs ~~may~~ 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.

Chapter 21.55
IMPROVEMENTS*

E. Sanitary Sewers.

1. All new subdivisions creating 5 or more lots shall hook up to sanitary sewers.
2. Short plats, binding site plans and plat amendments creating 4 or less lots ~~All other land divisions~~ shall hook up to sanitary sewers if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the City may permit such development to use interim septic on-site systems and dry sewer facilities.
3. A sanitary sewer system shall be considered available when the boundary of the land division is within the specified distance from the sewer line by way of a public right-of-way or private utility easement between the boundary of the land division and the existing sewer line.
4. If the sanitary sewer system is not available or if an exception has been granted, the Director ~~may~~ **shall** approve an interim on-site septic system subject to the following conditions:
 - a. A note shall be placed on the ~~plat~~, short plat, or binding site plan indicating that connection shall be required at such time as the system becomes available.
 - b. A title notification shall be recorded stating:

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

- c. A no protest to the formation of any future ULID for extension of a sewer system that would serve the property shall be recorded on the property.
- d. The developer shall install dry sewer facilities.
- e. The use of interim on-site septic systems does not apply to subdivisions of 5 or more lots.

Title 22 Code Amendments

Planning Commission Recommended Draft

April 20, 2016

Chapter 22.05 PERMIT PROCESSING

Sections:

- [22.05.010](#) Purpose.
- [22.05.020](#) Definitions.
- [22.05.030](#) ~~Classification of project permits~~[Applicability.](#)
- [22.05.035](#) ~~Procedures~~
- [22.05.040](#) Preapplication ~~options~~ [requirements.](#)
- [22.05.050](#) Complete applications.
- [22.05.060](#) Notice of application.
- [22.05.070](#) Time periods.
- [22.05.080](#) Notice of decision.
- [22.05.090](#) Consistency with development regulations and SEPA/consolidated permit review.
- ~~[22.05.100](#) Permit conditions.~~
- ~~[22.05.100](#) Exemptions from project permit application processing.~~
- [22.05.110](#) Optional consolidated permit processing.
- [22.05.120](#) Appeals of administrative decisions.

22.05.010 Purpose.

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

22.05.020 Definitions.

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

A. "Closed record appeal" means an administrative appeal on the record to the Pierce County Superior Court, following an open record hearing on a project permit application when the appeal is on the record with no new evidence allowed to be submitted.

B. "Open record hearing" means a hearing, conducted by the Hearings Examiner, ~~which~~[that](#) creates the City's record through testimony and submission of evidence and information, under the procedures prescribed herein. An open record hearing may be held prior to the City's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

C. "Project permit" or "project permit application" means any land use or environmental permit or license required from the City for a project action, including but not limited to administrative design reviews, administrative use permits, building permits, subdivisions, binding site plans, ~~planned unit developments,~~ conditional uses, shoreline substantial development permits, shoreline variances, variances, site plan review, permits or approvals required by UPMC Title 17, Critical Areas, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

~~D. "Public meeting" or "community meeting" means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or neighborhood meeting, or a scoping meeting on a draft environmental impact statement. Under RCW 36.70B.020(5), a public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.~~ **22.05.030 Classification of project permits.**

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

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

B. Determination by Director. The Planning and Development Services Director or designee shall determine the proper classification for each project permit application. If there is a question as to the

appropriate classification, the Director shall resolve the question in favor of the higher classification type.

~~22.05.030 Applicability.~~

~~This title serves to implement the University Place zoning code, subdivision code, shoreline use regulations, critical areas regulations, public works standards and the site development regulations. The regulations identified in this title apply to project permits falling into three categories or types. The three types of permit projects have differing provisions applicable to each type as follows:~~

~~A. Type I Permits.~~

~~1. Administrative Review. Administrative review is used when processing applications for administrative permits including, but not limited to, administrative variance, administrative nonconforming, minor amendments, home occupation permits, sign permits, building and construction permits, site development permits, right of way permits, lot combinations, boundary line adjustments, and code interpretations.~~

~~2. Review Process. Unless otherwise stated, administrative review shall be subject to the application requirements, complete application, notice of application, time periods, consolidated permit processing and the notice of decision provisions of this title. If an administrative decision is appealed, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.~~

~~B. Type II Permits.~~

~~1. Administrative Plat Review. Administrative plat review is used when processing applications for short plats, plat alterations and short plat amendments, large lot subdivisions, and binding site plans.~~

~~2. Review Process. Unless otherwise stated, administrative plat review shall be subject to the application requirements, complete application, notice of application, consolidated permit processing and the notice of decision provisions of this title. Timing of the project permit review shall be in accordance with the University Place subdivision code and Chapter 58.17 RCW. Binding site plans shall be processed utilizing the same time limits as short plats. If applicable, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.~~

~~C. Type III Permits.~~

~~1. Hearings Examiner Review. Hearings Examiner review is used when processing applications for project permits, including but not limited to decisions rendered in accordance with Chapter 43.21C RCW, conditional use, preliminary subdivision, nonconforming use, planned development district, major amendments, variances, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, critical area permits and private road variances. An appeal of an administrative decision is also subject to Hearings Examiner review.~~

~~2. Review Process. Unless otherwise stated, Hearings Examiner review shall be subject to application requirements, complete application, time periods, consistency with development regulations and SEPA, permit conditions, consolidated permit processing, open record hearings, notice of public hearings, joint public hearings, notice of decision, and the closed record appeal provisions of this title.~~

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

Exhibit "A"

PROJECT PERMIT APPLICATION TYPES

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

22.05.035 Procedures.

Procedures applicable to each type of project permit application are summarized in Table B. Code provisions offering more detailed explanations of processing requirements are referenced in the table. Exemptions from the listed processes are provided in UPMC 22.05.100.

Table B Exhibit "B"			
PROJECT PERMIT APPLICATION PROCESSES			
	TYPE I	TYPE II	TYPE III
Initial Permit Decision Made By: Hearings Examiner or Administration	Administration	Administration	Hearings Examiner
Determination of Completeness	May Be Required Within 28 Days of Receiving Application Generally Not Required – Most Permits Exempt Under <u>UPMC 22.05.100</u>	Required Within 28 Days of Receiving Application Generally Not Required – Most Permits Exempt Under <u>UPMC 22.05.100</u>	Required Within 28 Days of Receiving Application

Consolidated Permit Process	See UPMC 22.05.090	See UPMC 22.05.090	See UPMC 22.05.090
Consistency with Development Regulations and SEPA	See UPMC 22.05.090	See UPMC 22.05.090	See UPMC 22.05.090
Applicability	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner
Applicability	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision
Application Requirements	X	X	X
Notice of Application	Not Generally Not Required – Most Permits Exempt Under UPMC 22.05.100 in Most Cases	Mailed Notice Generally not Required – Most Permits Exempt Under UPMC 22.05.100 14 Days After Determination of Completeness	Required – See UPMC 22.05.060 Mailed Notice Required 14 Days After Determination of Completeness
Notice of Decision	X Generally Not Required – Most Permits Exempt Under UPMC 22.05.100	X Generally Not Required – Most Permits Exempt Under UPMC 22.05.100	Required – See UPMC 22.05.080 Not Applicable
Permit Conditions	X	X	X
Open Record Hearing (Hearings Examiner) (He) Notice of Public Hearing	Not Required Public Notice Required 14 Days Prior to Open Record Hearing	May be Required Public Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required – See Chapter 22.10 14 Days Prior to Open Record Hearing UPMC
Notice of Public Hearing	See UPMC 22.10.040	See UPMC 22.10.040	See UPMC 22.10.040
Time Periods	Not Generally Not Applicable Required -- Most Permits Exempt Under UPMC 22.05.100 in Most Cases	Short Plats, Final Plats, and Binding Site Plans Must Be Processed Within 30 Days of Filing Thereof, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days	Preliminary Plat of Any Proposed Subdivision or Dedication Must Be Processed Within 90 Days of Filing, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days
Judicial Review Chapter 36.70C RCW	Yes	Yes	Yes

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

D. Exemptions. The following are exempt from the provisions of this title unless otherwise specified:

- ~~1. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, and annexations;~~
- ~~2. Final plat approval pursuant to RCW 58.17.170;~~
- ~~3. Landmark designations;~~
- ~~4. Street vacations;~~
- ~~5. Street use permits; and~~
- ~~6. Pursuant to RCW 36.70B.140(2), administrative appeals, boundary line adjustments, lot combinations, right of way permits, plats, building permits, site development permits, sign permits, and other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or permits/approvals for which environmental review has been completed in connection with other project permits, except short plats, are excluded from the following procedures:~~
 - ~~a. Determination of completeness;~~
 - ~~b. Notice of application;~~
 - ~~c. Optional consolidated project permit processing;~~
 - ~~d. Joint public hearings;~~
 - ~~e. Staff reports;~~
 - ~~f. Notice of decision; and~~
 - ~~g. Time limitations.~~

22.05.040 Preapplication Optionsrequirements.

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

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

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

22.05.050 Complete applications.

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

B. Checklist for Complete Application. Applications shall be considered complete when the Department determines that the application materials contain or demonstrate the following:

1. The correct number of completed Department master and supplemental application forms signed by the applicant;

2. The correct number of documents, plans or maps identified on the department submittal standards form which are appropriate for the proposed project;

3. A completed State Environmental Policy Act (SEPA) checklist, if required; ~~and~~

4. Payment of all applicable fees; and

5. The proposed project is generally consistent with the City's development regulations and comprehensive plan in consideration of:

a. The type of land use;

b. The level of development, such as units per acre or other measures of density;

c. Infrastructure, including public facilities and services needed to serve the development; and

d. The characteristics of the development, such as development standards and guidelines.

C. Time Limitations.

1. Within 28 days after receiving a project permit application, the Department shall provide a written determination to the applicant, stating either:

a. The application is complete; or

b. The application is incomplete and what information is necessary to make the application complete.

2. Within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

3. An application shall be deemed complete if the Department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.

4. When the project permit is complete, the Department shall accept it and note the date of acceptance.

5. An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional

information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

D. Initiation of Review Process. The Department shall not start the review process of any application until the application is deemed complete.

E. Incomplete Applications. Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information identified in the notice of incomplete application has not been received by the Department within 120 days from the application submittal date, then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be granted by the Director when applicants can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120-day time period.

F. Waiver of Requirements. The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.

G. Modifications. Proposed modifications to an application which has been deemed complete by the Department will be treated as follows:

1. Modifications proposed by the Department to a pending application shall not be considered a new application; and
2. Modifications proposed by the applicant to a pending application which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.

H. Filing Fees. The schedule of fees for development permits is established in a separate City resolution.

I. Additional Application Requirements. In the interest of public health, safety or welfare, or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.

22.05.060 Notice of application.

A. Notice of Application.

1. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notices for home occupation applications will be sent to only those property owners abutting the property lines of the subject property for single-family and duplex dwellings, and to apartment managers and/or owners for multifamily dwellings. Such notice shall be mailed not more than 14 working days from the determination of a complete application. Parties receiving notice shall be given at least 14 days, from the mailing date, to provide any comments to the Department.

2. Within the Chambers Creek Properties Overlay (CCPO) the County will assume responsibility for mailing the required notices for SEPA and other permits. The City will transmit electronically to the County the notice to be printed and distributed by US post and/or e-mail. The public notice will be provided to the City; designated neighborhood advisory committee chairpersons; and all property owners of record within a radius of 1,000 feet, but not less than two parcels deep, around the exterior boundaries of the CCPO. A copy of the mailing/distribution list, along with an affidavit of mailing, will be provided to the City for official record.

B. Content of Notice of Application. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;
2. The subject property location;
3. A description of the proposed project and a list of the project permits included in the application, and, if applicable, a list of studies requested under RCW [36.70B.070](#) or [36.70B.090](#);
4. A list of existing environmental documents that evaluate the proposed project and a location where such documents can be reviewed;
5. A preliminary determination, if available, of the applicable development regulations that will be used for project mitigation and of consistency with land use plans, policies and regulations;
6. The date of application, the date of the notice of completion of the application and the date of the notice of the application;
7. The written determination shall, to the extent known by the City, identify the local, State, and/or Federal government agencies that may have jurisdiction over some aspects of the application;
8. A list of other permits not included in the application, to the extent known by the City;
9. The time periods for submitting comments. Comments shall be due not less than 14 days nor more than 30 days following the date of notice of application, include a statement of the rights of any person to comment on the applications, receive notice of, participate in any hearings and request a copy of the decision once made. All public comment on the notice of application must be received by the Department by 5:00 p.m. on the last day of the comment period;
10. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least 14 days prior to the hearing;
11. A right to appeal statement; and
12. A Department contact and telephone number.

C. Public Notice Provisions. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.

D. Shoreline Use Regulations Notice. The following exceptions apply to notice of shoreline use regulations permits:

1. Comments may be submitted within 20 days of the last date of the published notice. Each person responding to such notice shall receive a decision;
2. Notice of a hearing on shoreline use regulation permits shall include a statement that any person may submit oral or written comments on an application at the hearing; and
3. The public may obtain a copy of the decision within two days following issuance (RCW [90.58.140](#)), and the notice must state the manner in which the public may obtain a copy of the decision.

E. Determination of Significance. If a determination of significance has been made prior to the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

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

22.05.070 Time periods.

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

1. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information, and a period of up to 14 days after the submittal of such to determine if the information satisfies the request;
2. Any period during which an environmental impact statement (EIS) is being prepared in accordance with State law following a determination of significance pursuant to Chapter [43.21C](#) RCW;
3. Any period during which, at the applicant's request, a proposal undergoes the optional Planning Commission design review process pursuant to UPMC [19.50.050](#).
4. Any period for administrative appeals; and
5. Any extension of time mutually agreed upon in writing between the applicant and the Department.

B. The 120-day time period established above shall not apply in the following situations:

1. If the permit requires an amendment to the Comprehensive Plan or a development regulation; or
2. If the permit requires approval of the siting of an essential public facility; or
3. If there are substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete; or
4. If the application is for a subdivision, then the timelines set in Chapter [58.17](#) RCW shall apply.

C. The applicant shall designate a single person or entity to receive determinations and notices required by this title.

D. If the City is unable to issue its final decision within the time limits provided for, the City shall provide written notice to the applicant stating the reasons why the time limits have not been met, including an estimate of the date for issuance of the notice of final decision.

22.05.080 Notice of decision.

The City shall provide a notice of decision that includes a statement of any threshold determination and the procedures for administrative appeal. The notice of decision may be a copy of the report or the decision on the project permit application. The notice shall be provided to the applicant and any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application.

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

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

1. The type of land use permitted at the site, including uses that may be allowed under special circumstances, if the criteria for the approval have been satisfied;
2. The level of development, such as density of residential development, floor area ratios, or maximum floor areas; and
3. Character of the development and development standards.

B. The City shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter [43.21C](#) RCW, the SEPA rules, Chapter [197-11](#) WAC and the City environmental regulations, Chapter [17.40](#) UPMC, and shall:

1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
2. Determine if the applicable regulations require measures that adequately address such environmental impacts;
3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures; and
4. Provide prompt and coordinated review by governmental agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan and development regulations level.

C. In its review of the project permit application, the City may determine that the requirements for environmental analysis, protection, and mitigation measures in the applicable development regulations, Comprehensive Plan, and or other applicable local, State, or Federal laws provide adequate analysis of, and mitigation for, specific adverse environmental impacts of the application.

D. A comprehensive plan, development regulation or other applicable local, State, or Federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impact of an application when:

1. The impacts have been avoided or otherwise mitigated; or

2. The City has designated or accepted certain levels of service, land use designations, development standards, or other land use planning required or allowed by Chapter [36.70A](#) RCW.

E. If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation described in subsection (B) of this section, the City shall not impose additional mitigation under SEPA during project review.

F. In its decision whether the specific adverse environmental impact has been addressed by an existing rule or laws of another agency with jurisdiction and with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making a deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.

G. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws as provided by Chapter [43.21C](#) RCW.

H. The City shall also review the application under Chapter [17.40](#) UPMC.

I. During project review, the City shall not re-examine alternatives to, or hear appeals on, the items identified in subsection (A) of this section, except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details or site plans, curb cuts, drainage swells, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

J. Within the Chambers Creek properties overlay (CCPO) the County and City will act as joint co-lead agencies for determining SEPA compliance and mitigation for projects covered by the master site plan. When the majority of the project (i.e., largest land area) is located within the City, then the City shall be the nominal lead agency for SEPA. As nominal lead agency, the City will be responsible for coordinating SEPA review with the other parties and any other appropriate agency or entity for the issuance of threshold determinations and conducting subsequent environmental review. The City will also be responsible for ensuring compliance with environmental review notification procedures.

22.05.100 Exemptions from project permit application processing.

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

(1) Landmark designations;

(2) Street vacations;

(3) Street use permits;

(4) Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, development agreements associated with legislative decisions, and annexations; and

(5) Final plat approval pursuant to RCW 58.17.170.

B. Pursuant to RCW 36.70B.140(2), Type I and Type II project permits that are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or for which environmental review has been completed in connection with other project permits, except short plats, are exempt from the following procedures:

(1) Determination of completeness;

(2) Notice of application;

(3) Optional consolidated project permit review processing;

(4) Joint public hearings;

(5) Single staff report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;

(6) Notice of decision; and

(7) Time periods.

~~22.05.100 Permit conditions.~~

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

~~B. Extensions. The expiration time period for filing final development plans may be extended in the following situations:~~

~~1. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond his/her control to cause delay in the project, the time period may be extended by one year.~~

~~C. Compliance with Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties.~~

22.05.120 Appeals of administrative decisions.

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

Chapter ~~22.25.19.90~~ (repeal Chapter 19.90; move text, with revisions, to new Chapter 22.25)
AMENDMENTS

Sections:

- ~~22.25.010~~~~19.90.010~~ Purpose.
- ~~22.25.020~~~~19.90.020~~ Development regulation and zoning map amendments.
- ~~22.25.030~~~~19.90.030~~ Legislative amendments.
- ~~22.25.040~~~~19.90.040~~ Quasi-judicial rezones.

~~22.25.010~~~~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.

~~22.25.020~~~~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. Development regulations include zoning, subdivision, shoreline master program, critical areas, buildings and construction, public works, and other municipal code provisions that regulate the use and development of land. Amendments to development regulation text and tables are legislative amendments. In addition, changes to the zoning map that are Citywide, area-wide, or have area-wide significance are legislative amendments. All other site-specific map amendments (or "rezones") are quasi-judicial amendments. Legislative and quasi-judicial amendments shall be processed as provided in this chapter. Quasi-judicial 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 in phases or concurrently, provided final action is first taken on the reclassification.

2. A reclassification and a quasi-judicial rezone ~~may~~shall be conducted in phases, or they may be conducted concurrently provided final action is first taken on the reclassification and further provided the applicant submits a written waiver of the deadline for issuance of a final decision of the rezone, which is 120 days from the city making a determination that a project permit application is complete, 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 encourage applicant attendance at ~~require a~~ preapplication~~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.

22.25.030~~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 UPMC Title 19, 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.

22.25.040~~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 will promote, rather than detract from, 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 compatible with the uses and zoning not inconsistent with the of surrounding propertiesarea;

i. If applicable, that there is a means of developing, preserving, and maintaining open space; and

j. That all conditions necessary to lessen any impacts of the proposed use can be monitored and enforced.

E. Recommendation by the Hearings Examiner. After considering all of the information submitted on the matter, the Hearings Examiner shall issue a written recommendation to the City Council setting forth the Examiner's findings, conclusions and recommendation. The recommendation shall include the following:

1. A statement of facts presented to the Hearings Examiner that supports his or her recommendation, including facts supporting any conditions and restrictions that are recommended.

2. A statement of the Hearings Examiner's conclusions based on those facts.

3. A statement of the criteria used by the Hearings Examiner in making the recommendation.

4. Any conditions, restrictions, and modifications that the Examiner determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the requested rezone.

F. Distribution of Written Recommendation. The Director shall distribute copies of the recommendation of the Hearings Examiner to the applicant, each person who submitted written or oral testimony at the public hearing, and the City Council. The Director shall include a draft resolution or ordinance that embodies the Hearings Examiner's recommendation with the copy of the recommendation sent to each City Council member.

G. City Council Action.

1. Time for Consideration. The City Council shall consider and take final action on the application at a public meeting and issue a decision within 120 days of the City making a determination that the application is complete~~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 pursuant to RCW 36.70B.080(3). ~~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 development agreement between the applicant and ~~with~~ the City as a condition of the rezone, if warranted. Such agreement may impose development conditions designed to mitigate potential impacts of the rezone and the development;
- c. The City Council's conclusions based on its finding of facts.

8. Effect. The decision of the City Council on an application is the final decision of the City.

H. Minor Modifications. Subsequent to the adoption of the ordinance, the applicant may apply for a minor modification to a site plan approved as part of that ordinance. The Director shall review applications for a minor modification. The Director may approve a minor modification only if the Director finds that:

- 1. The change will not result in reducing the landscaped area, buffer areas, or the amount of open space on the project by more than five percent;
- 2. The change will not result in increasing the residential density;
- 3. The change will not result in increasing gross floor area of the project by more than five percent;

4. The change will not result in any structure, or vehicular circulation or parking area being moved more than 10 feet in any direction and will not reduce any required yard;
5. The change will not result in any increase in height of any structure;
6. The change will not result in a change in the location of any access point to the project;
7. The change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project; and
8. The change will not modify the intent of any condition.

I. Major Modifications. If the applicant seeks a modification to the approved site plan that does not meet the requirements of a minor modification, the applicant may propose a major modification by submitting an application for a quasi-judicial project-related rezone. The City will process such application in the same manner as an application for a new quasi-judicial project-related rezone.

J. Expiration. Unless otherwise addressed in a development agreement pursuant to Chapter 22.30 UPMC:

1. The applicant must begin construction, or submit to the City a complete building permit application for the development activity, use of land, or other actions approved under this chapter, within two years after the final City decision on the matter is issued. Failure to do so shall render the City approval of the applicant's proposal void, and the zoning of the subject property shall revert to its original zoning; provided, however, the City Council, upon a showing of good cause, may extend the time limits contained herein.
2. The applicant must substantially complete construction of the development activity, or use of land, or other actions approved under this section and complete all applicable conditions of approval within five years after the final City decision on the matter is issued. Failure to do so shall render the City approval void.
3. If litigation is initiated, the time limits of this section shall be automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, use of land, or other action approved under this chapter includes phased construction, the time limits of this subsection may also be extended at the discretion of the Director.

K. Time Extension. Unless otherwise addressed in a development agreement pursuant to Chapter 22.30 UPMC, A 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](#).

New Chapter 22.30

DEVELOPMENT AGREEMENTS

Sections:

22.30.010 Authority.

22.30.020 General provisions of development agreements.

22.30.030 Enforceability.

22.30.040 Approved procedure for development agreements.

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

22.30.060 Judicial appeal.

22.30.070 No retroactive effect.

22.30.010 Authority.

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

22.30.020 General provisions of development agreements.

A. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with the applicable policies and goals of the comprehensive plan and all applicable development standards adopted by the City pursuant to State law. For the purposes of this section, "development standards" includes, but is not limited to:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions and other requirements of State law;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features;
5. Provisions for affordable housing, if applicable;
6. Parks and common open space preservation;
7. Review procedures and standards for implementing decisions;
8. Phasing, if applicable;
9. A build-out or vesting period for applicable standards; and
10. Any other appropriate development requirement or procedure.

B. The execution of a development agreement is a proper exercise of city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

22.30.030 Enforceability.

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

22.30.040 Processing procedure for development agreements.

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

B. Project Permits. A development agreement associated with a project permit application shall be processed in accordance with the procedures established in Chapters 22.05 and 22.10 UPMC.

1. If the final decision on the underlying project permit application is made by the Hearings Examiner, then the Hearings Examiner shall consider both the project permit application and the proposed development agreement together during the public hearing. The Hearings Examiner shall make a recommendation to the Council on the development agreement and the Examiner's decision on the underlying project permit application shall be held in abeyance until the City Council considers the proposed development agreement in a public hearing. If the City Council approves the development agreement, the Council shall, by resolution or ordinance, authorize the Mayor to execute the development agreement on behalf of the City. At this point, the Hearings Examiner may then issue the final decision on the underlying project permit application. Nothing in this section obligates the Hearings Examiner to forward a recommendation to the City Council for further consideration if the Hearings Examiner denies the underlying project permit application.

2. If the final decision on the underlying project permit application is made by the City administrative staff, then City staff shall consider both the project permit application and the proposed development agreement together. City staff shall make a recommendation to the Council on the development agreement, and the City staff's decision on the underlying project permit application shall be held in abeyance until the City Council considers the proposed development agreement in a public hearing. If the City Council approves the development agreement, the Council shall, by resolution or ordinance, authorize the Mayor to execute the development agreement on behalf of the City. At this point, City staff may then issue the final decision on the underlying project permit application. Nothing in this section obligates City staff to forward a recommendation to the City Council for further consideration if City staff denies the underlying project permit application.

3. If a final decision on an underlying project permit application has been previously made by the Hearings Examiner or City administrative staff and the application was approved, City staff shall make a

recommendation to the Council on the development agreement. A public hearing shall be held on the development agreement and if approved, the Council shall authorize the Mayor, in a resolution or ordinance, to execute the development agreement on behalf of the City.

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

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

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

C. Term.

1. Unless a longer term is specified in the development agreement, such agreements shall have a maximum term of five years.

2. In determining the appropriate term for a development agreement, the City Council should consider the type, size and location of the development and phasing if proposed.

3. Extensions. Unless extensions are provided for in the development agreement one-time extension for up to five years may be requested if authorized in the development agreement. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration. All extension requests shall be reviewed by the City Council after a public hearing on the request, unless another process is expressly provided for in the development agreement.

D. Recordation. A development agreement shall be recorded against the real property records of the Pierce County Assessor’s Office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the City.

22.30.060 Judicial appeal.

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

22.30.070 No retroactive effect.

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

Title 23 Code Amendments
Planning Commission Recommended Draft
April 20, 2016

Chapter 23.05
TELECOMMUNICATIONS

23.05.080 Penalties.

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

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

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

~~**23.05.090 Other remedies.**~~

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

Chapter 23.45
WIRELESS COMMUNICATIONS FACILITIES FOR PERSONS AND GOVERNMENT

23.45.020 Definitions.

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

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

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

“Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna.

Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

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

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

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

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

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

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

“Conditional use permit” or “CUP” means a process and approval as described in UPMC Title [22](#), Administration of Development Regulations, and in the UPMC Title [19](#), Zoning.

“COW” means “cell on wheels.”

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

“EIA” means the Electronics Industry Association.

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

“Eligible facilities request” means any request for facility modification of an existing wireless tower or base station that involves:

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Facility modification” means any modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

“Governing authority” means the City Council of the City of University Place.

“Governmental entity” means the State of Washington, Pierce County, the City, municipally owned utilities, and special purpose districts including the school, fire and library districts.

“Hearings Examiner” means the duly appointed Hearings Examiner of the City.

“Modification” means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

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

1. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.
2. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.
3. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

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

“Provider” means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual that provides personal wireless service over personal wireless service facilities.

~~“Public facility permit” or “PFP” means a process and approval as described in UPMC Title 22, Administration of Development Regulations, and in the UPMC Title 19, Zoning.~~

“Screening” means a personal wireless telecommunications facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 75 percent of the height of the facility.

“Secondary use” means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.

“Security barrier” means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

“Substantially change” means to increase the height of an existing wireless tower by more than 10 percent, or by a height exceeding 20 feet, whichever is greater.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

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

23.45.080 Priority of locations.

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

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

or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

~~4. A conditional use or public facility permit is required for all personal wireless facilities located in an R1, R2 or MF zone.~~

23.45.100 Required submittals and testing.

Required submittals include:

A. Applications for conditional use permit, ~~public facility permit~~, administrative use permit, or building permit. A balloon test is required for any wireless facility that needs a conditional use ~~or public facility~~ permit;

B. The balloon test shall be conducted prior to the hearing on the permit application. The purpose of the balloon test is to enable the applicant, abutting and neighboring property owners, and the city to better understand the height and visual impact of the proposed tower and antenna array and to provide useful evidence for consideration before the hearings examiner on the permit application. A balloon test is also required when an application proposes to add 20 feet or more to the height of an existing wireless facility;

C. Other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of UPMC Title [22](#), Administration of Development Regulations, and other applicable ordinances;

D. If a balloon test is not required then a photo-simulation of the proposed facility from affected residential properties and public rights-of-way at varying distances must be provided. If a balloon test is required, then photos of the balloon test from six locations located approximately 300 feet from the base of the proposed tower and spaced evenly around the proposed tower shall be submitted within two weeks after the commencement of the balloon test;

E. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility;

F. A signed statement indicating that (1) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location, and (2) the applicant and/or landlord agree to remove the facility within 60 days after abandonment;

G. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

H. A site plan clearly indicating the location, type and height of the proposed tower or antenna support structure and antenna, accessory buildings, fencing, landscaping, other on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and all other items required in this chapter;

I. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the

applicant and those proposed by the applicant that are close enough to impact service within the city;

J. Legal description of the parcel, if applicable;

K. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

L. A landscape plan showing specific landscape materials;

M. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;

N. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;

O. A statement by the applicant that the design of the tower will accommodate co-location of additional antennas for future users;

P. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;

Q. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC; and

R. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city.

23.45.110 Co-location.

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

A. Proposed facilities may, and are encouraged to, co-locate onto existing towers.

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

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

C. The city may deny an application to construct new facilities if the applicant has not shown by substantial evidence that it has made a diligent effort to mount the facilities on an existing structure or tower.

D. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for technical or physical reasons.

E. Unless co-location is not feasible: (i) an applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower. A first right-of-refusal (which is either executed or maintained while the providers personal wireless facilities and services are in use) to lease the area at the base of the tower or mount for other providers will meet the reservation requirement; and (ii) the site plan for towers in excess of 100 feet above ground level must propose space for two comparable providers, while the site plan for towers 100 feet or less must propose space for one comparable provider.

F. All personal wireless service providers or lessees or agents thereof shall cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city manager may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

G. While co-location and the requirements herein are encouraged, co-location shall not take precedence over the construction of shorter towers with appropriate screening.

23.45.120 Design criteria.

A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.

B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

1. Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In R1, R2, ~~MF-L and MF-H or multifamily~~ zones or where a proposed tower is on property abutting a residential use, towers shall be set back from all property lines a distance equal to 100 percent of tower height as measured from ground level. However, if there are unusual geographical limitations or if better screening can be achieved, setbacks may be reduced at the city's discretion. All towers shall be set back a minimum of 30 feet. When making a discretionary decision to reduce setbacks, considerations shall include by way of illustration and not limitation:

- a. Impact on adjacent properties;
- b. Alternative sites for personal wireless facilities; and
- c. The extent to which screening and camouflaging will mitigate the effects of the personal wireless facilities.

2. Right-of-Way Setback Exception. The setback requirement is waived if the antenna and antenna support structure are located in the city right-of-way provided antenna is attached to an existing utility pole and does not increase the height of the utility pole and/or extend above the utility pole by more than 10 feet. Wireless facilities attached to utility poles are only permitted in the MU, MU-O, MU-M, NC, CC, TC and LI-BP~~light industrial-business park, mixed use, mixed use-office, neighborhood-commercial and commercial~~ zones subject to license or franchise agreements with the city.

3. Tower and Antenna Height. The applicant shall have the burden of demonstrating that the tower and antenna is the minimum height required to meet the proven communications need. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount together with antenna shall exceed 60 feet in ~~residential~~ R1, R2, MF-L, MF-H, POS or TC or multifamily zones or 110 feet in the MU, MU-O, NC, CC and LI-BP~~light industrial-business~~

~~park, commercial, neighborhood commercial, mixed use, mixed use office and town center zones. Towers or mounts and antenna shall not exceed the height limits specified in UPMC 19.45.100 and UPMC 19.45.110 in the MU-M zone.60 feet in the city center area.~~

4. Tower Separation. In no case shall towers be located closer than 500 feet from another tower whether it is owned or utilized by applicant or another provider, unless the city designates areas where multiple towers can be located in closer proximity.

5. View Corridors. Due consideration shall be given so that placement of towers, antennas, and personal wireless service facilities do not obstruct or significantly diminish views from public areas of Mt. Rainier, Puget Sound or the Olympic Mountains.

6. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

7. Signs. No signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.

8. Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance that is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

9. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip.

10. Landscaping.

a. Landscaping. Landscaping, as described herein, shall be required to buffer personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

b. Buffers. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.

i. A row of evergreen trees a minimum of six feet tall at planting a maximum of six feet apart shall be planted around the perimeter of the fence.

ii. A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

iii. To guarantee required landscaping the applicant shall provide the city with an ~~36~~48-month landscape maintenance guarantee in accordance with UPMC 19.65.230(B).

iv. In the event that landscaping is not maintained at the required level after the 18-month landscape guarantee period, the City after giving 30 days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.

11. Screening. Screening, camouflaging or otherwise integrating a telecommunications facility into existing structures on the site in order to make the facility as visually unobtrusive as possible shall take priority over increased height to accommodate co-location. A personal wireless telecommunications facility shall be integrated through location and design to blend in with the existing "character" (as defined in Chapter [19.10 UPMC](#)) of the site so as to be visually unobtrusive or screened. To be considered screened, the tower or mount shall be placed amongst and adjacent to (within 20 feet) the drip line of three or more trees at least 75 percent of the height of the facility. To ensure the screening trees are preserved the following note shall be recorded on the property title:

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

12. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the City. Security fencing should be colored or should be of a design which blends into the "character" (as defined in Chapter [19.10 UPMC](#)) of the existing environment.

13. Antenna Criteria. Antenna on or above a structure shall be subject to the following:

- a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.
- b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line, including parapets.
- c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
- d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.
- e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.
- f. The antenna and any accessory buildings must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
- g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in

less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the City, in the City's sole discretion.

h. On buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:

i. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

ii. No portion of the antenna, base station or screening causes the building to exceed the maximum height allowed in the zone.

iii. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

iv. No portion of the antenna may exceed 16 feet above the height of the existing building.

i. For antenna attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure, the antenna must be either:

i. An omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; or

ii. A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.

iii. Antenna, antenna arrays, and support structures not on publicly owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

j. Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.

k. If a proposed antenna is located on a building or a lot subject to a land use permit, approval is required prior to the issuance of a building permit.

l. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

14. Equipment Structures.

a. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

i. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations, the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the City, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

ii. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other City ordinances.

iii. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

b. Roof Mounted. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted.

c. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the City's sole discretion if co-location and an adequate screening structure is used.

15. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.

16. Building Codes – Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the City may remove the tower at the owner's expense.

17. Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer that demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

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

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

23.45.130 Permits required.

In addition to the other provisions of this chapter, the following permits are required unless otherwise stated: GA. Project permit review procedures are specified in UPMC Title 22, Administration of Development Regulations. The following table specifies the permits required for the various types of personal wireless service facilities that meet the standards of this chapter.

Permit Table ¹				
Type of Use	Conditional Use <u>Permit</u> ²	Administrative Use <u>Permit</u>	<u>Building Permit Over Counter</u>	<u>Variance</u>
<u>Towers ≤ 60 Feet in R1, R2, MF-L, MF-H, POS and TC Zones and Towers ≤ 65 Feet in MU-M Zone</u> ³²	X	X		
<u>Towers ≤ 60 Feet in MU, MU-0, NC, CC, TC and LI-BP Zones</u>		X		
<u>Towers > 60 Feet in MU, MU-0, NC, CC, TC and LI-BP Zones</u>	X			X ⁴
<u>Towers > 110 Feet</u> ³	X			X
<u>Towers in R1, R2, and MF Zones</u> ⁵	X			
<u>Antenna Mounted on Existing Antenna Support Structure with additional height ≤ 60 feet or ≤ the maximum height specified in UPMC 19.45.100 and UPMC 19.45.110. -Mounted</u>		X ⁶	X ³	
<u>Antenna Mounted on Existing Antenna Support Structure with additional height > 60 feet</u>	X			
<u>Antenna Mounted on Building Mounted</u>			X	
<u>Co-Location, including “Eligible Facilities Request” pursuant to federal law</u>			X	
<u>Tower Modification ≤ 60 Feet</u>		X		
<u>Tower Modification > 60 feet</u>	X	X ⁶		X ⁷

Notes:

¹ Right-of-way and site development permits may also be required depending on type and location of facilities.

~~² A public facility permit is required in public facility zones.~~

~~³ Towers must be located in a nonresidential zone.~~

~~⁴ In residential zones.~~

~~⁵⁻² Towers must be located on nonresidential property.~~

~~³ Antenna mounted on existing antenna support structure in the LI-BP, CC, NC, MU, MU-O, MU-M and TC zone at ≤ the maximum building height allowed in the zone may be permitted following building permit review and submittal of an affidavit of compliance with this chapter and other City regulations.~~

~~⁶ If additional height above 60 feet is proposed, a conditional use or public facility permit is required⁷ For towers in excess of 110 feet in nonresidential zones.~~

~~A. An administrative use permit is required for a tower or antenna support structure together with antenna 60 feet or less in height in the light industrial-business park, mixed use, mixed use-office, town-center, neighborhood commercial and commercial zones.~~

~~B. A conditional use or public facility permit is required for any tower, antenna support structure and/or antenna located in an R1 or R2, public facility or multifamily zone.~~

~~C. A conditional use permit or public facility permit is required for a tower, antenna support structure and/or antenna more than 60 feet in height, in all other zones.~~

~~D. Antennas mounted on existing structures in the light industrial-business park, commercial, neighborhood commercial, mixed use, mixed use-office and town-center zones which will not exceed the maximum building height allowed in the zone do not require an administrative use permit but may be permitted following an administrative review and submittal of an affidavit of compliance, with this chapter and other City regulations.~~

EB. If a wireless facility is not greater than 1.5 cubic feet in size, has two or fewer antennas that are no more than two feet in length, and is attached to an existing electric, telephone or light pole at a height no lower than 15 feet above ground in nonresidential districts of the City, then only administrative use and building permit review are required. Such a facility shall not be subject to setbacks and screening requirements.

FC. A variance from the height limit may be granted if the applicant can show by evidence that the additional height is necessary to provide adequate service to the residents of the City and no other alternative is available. When granting a variance the Examiner shall require that a significant portion of the ~~of the~~ tower and related facilities be screened by existing trees or existing structures. In the City center area, a variance may only be granted in extraordinary circumstances.

1. The purpose of this subsection is to provide a means of increasing the maximum height of tower and antenna in specific instances where the strict application of those limits would deprive a tower or antenna operator from achieving the minimum height required to meet the proven communications need.

2. The Examiner shall have the authority to grant a variance from the maximum height allowed for tower or antenna when, in his/her opinion, the conditions as set forth in subsection (**FC**)(3) of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this chapter.

3. Before a height variance can be granted, it shall be shown that the applicant demonstrates all of the following:

- a. That there is evidence that additional height is required to provide adequate service to the residents of the City and that no other alternative is available;
- b. That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that prevent the operator from achieving the minimum height required to meet the proven communications need;
- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity;
- d. That any visual impacts will be mitigated to the greatest extent possible using camouflage or screening, including but not limited to strategic placement next to existing buildings or vegetation or incorporation with architectural features of existing buildings or structures;
- e. That the location of the tower and antenna has been chosen so as to minimize the visibility of the facility from residentially-zoned land and to minimize the obstruction of scenic views from public properties; and
- f. That the variance is the minimum necessary to grant relief to the applicant.

4. The applicant has the burden of proving that the proposed variance meets all of the criteria in subsection (FC)(3) of this section, decision criteria.

5. The Examiner may approve an application for a variance with additional requirements above those specified in this title or require modification of the proposal to comply with specified requirements or local conditions.

6. The Examiner shall deny a variance if the proposal does not meet or cannot be conditioned or modified to meet subsection (FC)(3) of this section.

23.45.180 Violation – Penalty.

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

B. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter, for relief under Chapter [1.20 UPMC](#), [Chapter 1.30 UPMC](#), and all other remedies provided at law or in equity.

CITY of UNIVERSITY PLACE
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**PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT TO THE CITY COUNCIL**

September 6, 2016

SIGN CODE AMENDMENTS

SUBJECT: Sign Code Amendments

INTRODUCTION: The City Council will review sign code amendments recommended by the Planning Commission in response to City Council Resolution 743 and the U.S. Supreme Court Decision in *Reed v Town of Gilbert, Arizona*.

BACKGROUND: On February 3, 2014 the University Place City Council adopted Resolution 743 (Attachment A) requesting that the Planning Commission review nine specific provisions in the Sign Code. These include the purpose statement, applicability, real-estate and residential open house signs, off-premise signs for abutting properties, window signs, neon signs in the Town Center Overlay Zone, banners, changing message signs, and billboards. Council direction is provided related to each of the provisions.

The Resolution limited the Planning Commission review to only nine provisions and includes Council direction because the City Council determined that the remaining Sign Code provisions met with their approval. The 13-year process of bringing hundreds of signs into conformance with the Sign Code also was a factor in their decision

On June 18, 2015 the Supreme Court of the United States of America issued a decision in the case of *Reed v Town of Gilbert, Arizona* (Attachment B). Although the City Council wanted to limit the scope of the Planning Commission's review of the Sign Code, the City is required to comply with the decision in *Reed v Town of Gilbert* as is every sign code in the nation.

In *Reed*, the Supreme Court found that signs cannot be regulated based on content. Subsequent lower court decisions have ruled that *Reed* applies to non-commercial speech as opposed to commercial speech.

COMPREHENSIVE PLAN: The University Place Comprehensive Plan contains the following applicable policy:

Policy CC3D

Prohibit new billboards and other large signs, and use design review for new signage, to protect views of significant land forms and community features, ensure more focused views of buildings, landscaping and open space areas, and avoid visual clutter. Ensure development of appropriate design standards that address compatibility of signage to community character.

ORGANIZATION OF THE STAFF REPORT

This Staff Report lists proposed amendments by page number and section. Subsections or definitions are shaded followed by a brief description of the proposed amendment. Referring to the referenced pages in the Sign Code (Attachment C) as you review this Report will assist in understanding the brief explanations and reviewing the proposed amendments. A staff or Planning Commission recommendation follows the description of the proposed amendment. Staff recommendations are identified in green, Planning Commission recommendations are in blue.

PAGE 1 SECTION 19.75.10 **PURPOSE**

Council Direction: Should signs visible from the right-of-way and adjacent properties be regulated or just signs visible from the right-of-way?

Planning Commission Recommendation: *Signs visible from either the right-of-way or adjacent property should be regulated to prevent potential negative impacts associated with signs visible from residential properties.*

Council Direction: The City has multiple goals it is trying to achieve including promoting economic development and creating an attractive community. The Sign Code purpose statements should reflect our desire to balance these goals without promoting some goals at the expense of others. For example, the purpose statement: “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;” can be interpreted as offensive to business interests

Planning Commission Recommendation: *Delete purpose statements A, H and I. H and I have been completed.*

PAGES 5 & 13 SECTIONS 19.75.030 & 080 **DEFINITIONS / SPECIFIC SIGN REQUIREMENTS**

Council Direction: Consider increasing the number of Off-Site Residential Open House A-board signs allowed. In addition to one non-illuminated real estate sign per lot for sale, the Sign Code allows three off-premises open house A-board signs during daylight hours only when a realtor, seller, or agent is on the property for sale.

Planning Commission Recommendation: Increase the number of off-site residential open house signs from 3 to 5, the size from 5 to 6 sq. ft. and maximum height from 6 to 10 feet. Define and allow signs at periphery of right-of-way.

Conflicting Provisions: Temporary signs allowed at periphery of right-of-way vs. not allowed in right-of-way. Title 13 prohibits temporary signs in the right-of-way except by right-of-way permit and approval by City Engineer. An amendment to Title 13 will be required to remove conflicting provisions.

PAGES 6 & 15 SECTIONS 19.75.030 & 080 DEFINITIONS / SPECIFIC SIGN REQUIREMENTS

Council Direction: The Sign Code allows up to 25% of an on-site sign to advertise an abutting off-site use. Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.

Planning Commission Recommendation: Allow an off-premise tenant to advertise on an existing on-premise sign in close proximity to them. Define tenant and close proximity.

PAGE 7 SECTION 19.75.050(C) PERMIT ISSUANCE

Request from Finance: Delete Temporary Sign Permit – Deposit. Rarely has any temporary sign permit applicant ever returned to reclaim their deposit. Over time this account has been growing with no expenditures.

Planning Commission Recommendation: Reverse fee and deposit amounts per Finance Department recommendation to promote compliance with temporary sign display periods. This will require an amendment to the City’s Fee Resolution.

PAGE 13 SECTION 19.75.080 SPECIFIC SIGN REQUIREMENTS TABLE

Council Direction and Reed: Banners are considered temporary signs that are allowed for up to 60 days a year. The 60 days may be consecutive or as defined at the time of permitting. The permit cost for a temporary banner is \$68.75 plus a \$26.45 refundable deposit. The time limit and permit fee may be discouraging business. These concerns should be weighed against allowing too many banners at once. The Planning Commission is requested to review and provide a recommendation regarding these issues.

- Planning Commission Recommendation:*
- *Reduce fee for temporary signs, increase deposit to encourage timely compliance.*
 - *Allow for up to 60 days or for duration of temporary event*
 - *Allow two banners and one A-board at the same time.*

- *Increase off-premise Event Sign size from 4 to 6 sq. ft., maximum height to 10 feet and number permitted to 6 for consistency with residential open house sign requirements.*
- *Regulate Political Signs on private property. On private property allow political signs up to 6 sq. ft. without a permit and up to 24 sq. ft. with a temporary sign permit.*
- *Provide definition of feather sign*

Council Direction: Changing message signs are only allowed in the auto-oriented Neighborhood Commercial Zone. City Council members expressed the following concerns which should be considered in any recommendation:

- Equality: Why are some businesses allowed changing message signs and others not?
- Town Center: The City may want a changing message sign for the Town Center Project.
- Public Notice: The City may want one or more public notice changing message signs providing digital information. A sign at the intersection of 67th Avenue and Regents Blvd. was mentioned.
- Time and Temperature vs. Advertising: It does not make any sense to restrict some changing message signs to time and temperature only.
- Purpose of Zone: Changing message signs are only allowed in the Neighborhood Commercial Zone because it is an auto-oriented zone. The Town Center Overlay is a pedestrian-oriented zone. Are changing message signs desired in pedestrian-oriented zones? For example, should pedestrian-scaled changing message signs be allowed in pedestrian-oriented zones?
- Proliferation: Given the density of businesses in some areas, allowing changing message signs could create sign blight and/or become overwhelming.
- Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign. A shared sign could address the equality issue without the proliferation of changing message signs.

Planning Commission Request: *A majority of the Planning Commission are in favor of allowing Changing Message Signs subject to conditions regulating their location and use. The Commission believes the amount of time needed to formulate a recommendation will be considerable and requests that Council indicate the priority of this topic related to the entire Planning Commission workplan.*

Council Direction: The City prohibited billboards, which made them nonconforming signs. While the City managed to bring all other nonconforming signs into compliance, the City has yet to have any billboards removed. Billboard companies are a business in themselves as opposed to signs which are an accessory use. Recognizing the difference and the difficulty in banning billboards, the City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.

Planning Commission Recommendation: *Maintain the status quo. Billboards are non-conforming, but will be allowed to remain until such time as they are removed or require repairs which amount to more than 50% of their value.*

Attachments:

- A. Resolution 743
- B. Supreme Court of the United States of America Decision-Reed v Town of Gilbert, Arizona
- C. Sign Code

ATTACHMENT A

RESOLUTION NO. 743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REQUESTING THE CITY PLANNING COMMISSION TO REVIEW AND RECOMMEND AMENDMENTS TO THE SIGN CODE

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan; and

WHEREAS, the City's Sign Code is codified in the University Place Municipal Code as Title 19. Zoning, 19.75 Signs; and

WHEREAS, on September 9, 2013, November 12, 2013 and January 21, 2014 the City Council of the City of University Place held study sessions to discuss the City's Sign Code; and,

WHEREAS, the City Council desires to refer the specific Sign Code Provisions to the City's Planning Commission for review and recommendation; and

WHEREAS, in accordance with Council Rules, directives to the City's Commissions including the Planning Commission are to be in the form of a City Council Resolution; and

WHEREAS, in accordance with Ordinance 338 the purpose of the Planning Commission is to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Review and Recommendations to Specific Sign Code Provisions. The City Council directs the Planning Commission to review and make recommendations regarding only the following Sign Code provisions in accordance with Council direction given below:

A. Purpose Statement

Council Direction: The City has multiple goals it is trying to achieve including promoting economic development and creating an attractive community. The sign code purpose statements should reflect our desire to balance these goals without promoting some goals at the expense of others. For example, the purpose statement: "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;" can be interpreted as offensive to business interests. Consider the public's interest in finding the location of businesses.

B. Applicability

Council Direction: The Sign Code regulates signs visible from the public right-of-way and/or surrounding properties. Should the Sign Code regulate signs visible only from streets and public property or from streets and all surrounding properties?

C. Real Estate and Residential Open House A-board Signs

Council Direction: Consider increasing the number of Off-Site Residential Open House A-board signs allowed. In addition of one non-illuminated real estate sign per lot for sale the Sign Code allows three off-

premise open house a-board signs during daylight hours only when a realtor, seller, or agent is on the property for sale.

D. Off-premise Sign for Abutting Properties

Council Direction: The Sign Code allows up to 25% of an on-site sign to advertise an abutting off-site use. Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.

E. Window Signs

Council Direction: In most commercial zones the City's design standards require 50% of the ground floor façade of a building be made of transparent glazing so that patrons can look out and the public can look into stores and businesses. Tenants often place multiple window signs, window coverings or obstructions effectively reducing the amount of transparent glazing to 25% percent or less, defeating the intent of the standard. Provide recommendations to align the sign code with the development regulations.

F. Neon Signs in Town Center Overlay Zone

Council Direction: Neon signs have been described as warm, inviting and effective means of advertizing that can be seen from a distance. Others are concerned about the visual impact of multiple colored neon signs. Neon Signs are prohibited in the Town Center Overlay Zone by the Town Center Overlay Design Standards rather than the Sign Code. Any recommendation to amend this provision should be weighed with the impact of amending the Town Center Overlay Design Standards while under contract for its development. Include the current developers of the Town Center Overlay Zone in the discussion.

G. Banners

Council Direction: Banners are considered temporary signs that are allowed for up to 60 days a year. The 60 days may be consecutive or as defined at the time of permitting. The permit cost for a temporary banner is \$68.75 plus a \$26.45 refundable deposit. The time limit and permit fee may be discouraging business. These concerns should be weighed against allowing too many banners at once. The Planning Commission is requested to review and provide a recommendation regarding these issues.

U.S. Open Exception: Consider a separate ordinance providing an exception to the rules on banners and temporary signs during a period leading up to the USGA U.S. Open in June 2015, to promote the city and businesses in the City.

H. Changing Message Signs

Council Direction: Changing message signs are only allowed in the auto oriented Neighborhood Commercial zone. City Council members expressed the following concerns which should be considered in any recommendation:

- i. Equality: Why are some businesses allowed changing message signs and others not.
- ii. Town Center: The City may want a changing message sign for the Town Center Project
- iii. Public Notice: The City may want one or more public notice changing message signs providing digital information. A sign at the intersection of 67th Avenue and Regents Blvd. was mentioned.
- iv. Time and Temperature vs. Advertising: Does not make any sense to restrict some changing message signs to time and temperature only?

- v. Purpose of Zone: Changing message signs are only allowed in the Neighborhood Commercial zone because it is an auto oriented zone. The Town Center Overlay is a pedestrian oriented zone. Are changing message signs desired in pedestrian oriented zones? For example, should pedestrian scaled changing message sign be allowed in pedestrian oriented zones?
- vi. Proliferation: Given the density of businesses in some areas, allowing changing message signs could create sign blight and/or become overwhelming.
- vii. Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign. A shared sign could address the equality issue without proliferation of changing message signs.

I. Billboards

Council Direction: The City prohibited billboards which made them nonconforming signs. While the City managed to bring all other nonconforming signs into compliance, the City has yet to have any billboards removed. Billboard companies are a business in themselves as opposed to signs which are an accessory use. Recognizing the difference and the difficulty in banning billboards, the City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.

Section 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 3, 2014.

Denise McCluskey, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

ATTACHMENT B

(Slip Opinion)

OCTOBER TERM, 2014

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

Syllabus

is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

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.A.~~ 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

~~C.B.~~ Ensure that signs are compatible with adjacent land uses; and

~~D.C.~~ 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

~~E.D.~~ Minimize overhead clutter for drivers and pedestrians; and

~~F.E.~~ Provide for types and sizes of signs appropriate to the land uses and zoning districts of the City; and

~~G.F.~~ Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant; and

~~H. 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~~

~~I. Provide a reasonable amortization period for businesses which have made a substantial investment in signs prior to the adoption of this chapter; and~~

~~J.G.~~ Implement the goals and policies of the City of University Place Comprehensive Plan; and

~~K.H.~~ 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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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 [board](#) 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, ~~which 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. Banners include feather signs.

“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.~~

“Event sign” means a temporary sign advertising and/or providing direction to an event with a limited duration of time. Examples of events include a real estate open house, yard sales, temporary uses and special events.

“Feather sign” means a temporary sign made of paper, cloth flexible plastic or fabric of any kind with only such material for backing. Feather signs are generally a sign attached to a support post. Feather signs are also known as feather flags, banner flags, bow flag, wind feather and tear drop signs.

“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-L, MF-H, POS, or PFO zone identifying an institutional, multi-family use or subdivision. ~~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, ~~which 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.

Periphery of Right-of-Way means within a right-of-way but at the edge of the Right-of Way so as not to interfere with vehicular and/or pedestrian traffic including maintaining sight distance. Periphery of Right-of-Way does not include landscape areas between a street and sidewalk, within a median or roundabout.

“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.

“Private sign” means a sign owned or maintained by a private individual, partnership, company, non-municipal corporation, or non-governmental agency.

“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.~~

~~“Public sign” means a sign owned or maintained by a public agency or municipal corporation. This definition includes City gateway, traffic control and directional signs in the right-of-way.~~

“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 an on-site temporary sign directing attention to the availability for sale, lease, or rent of a 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. A-boards, banners, portable, promotional and event signs~~Holiday decorations and other special events~~ shall be considered temporary signs.

Tenant for the purposes of this section shall mean an occupant of a premise upon which a sign is located or in the case of an off-premise freestanding sign an occupant of a premise within 300 feet of the free standing sign on which that occupant advertises.

“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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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. Failure to request the deposit be returned within 30 days of permit expiration shall result in forfeiture of the deposit

D. A sign permit shall be processed as a Type I permit under UPMC Title [22](#).

(Ord. 607 § 1 (Exh. A), 2012; 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.

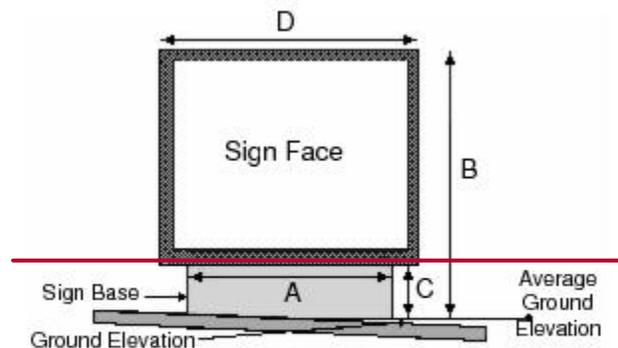
B. Visibility. No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility for vehicular or pedestrian traffic.

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:

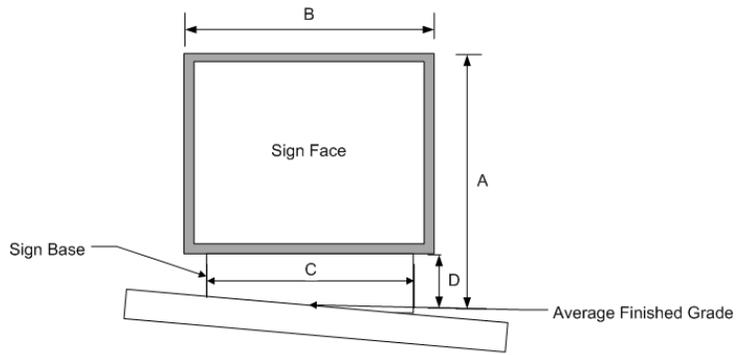
1. Structural Components. To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

2. Dimensional and Design Standards.

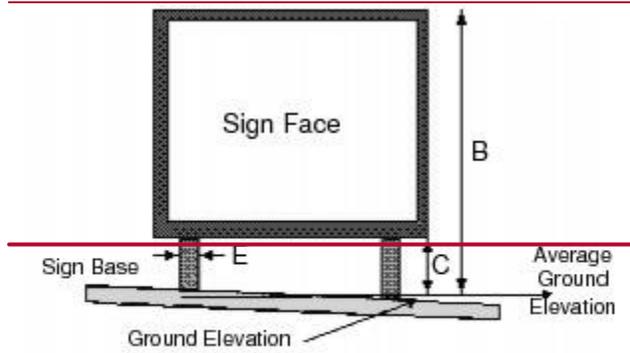
a. Pedestal, Pole or Pylon Signs. The following drawings illustrate the dimensional standards for pedestal, pole or pylon signs:



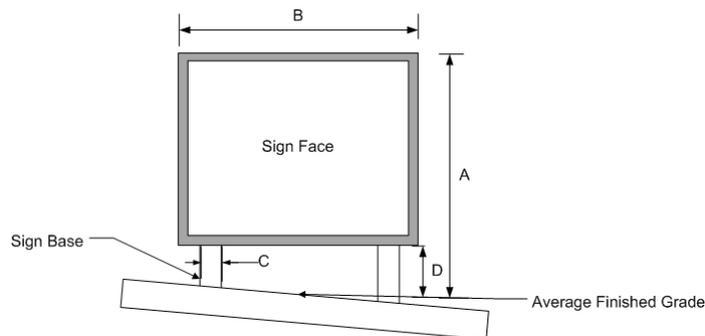
$B =$ Height of sign
 $A \geq 50\%$ of B
 $A \geq 50\%$ of D
 $C \geq 20\%$ of B



A = Height of Sign
 C Shall be $\geq 50\%$ A
 C Shall be $\geq 50\%$ B
 D Shall be $\geq 20\%$ A

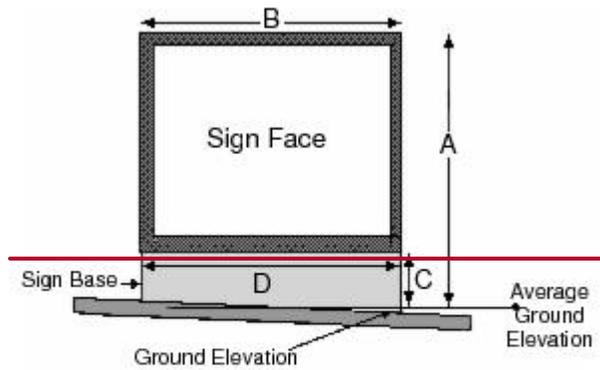


B = Height of sign
 C $\geq 20\%$ of B
 E ≥ 4 inches

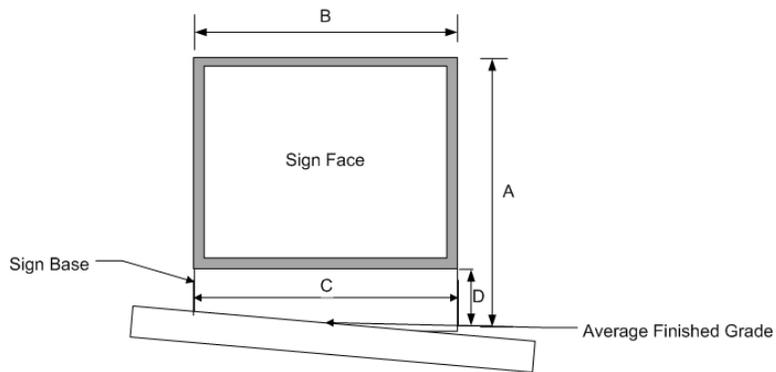


A Maximum height = 10'
 B Maximum Width = 12'
 B Shall be $\geq 50\%$ of A
 C Shall be ≥ 4 "
 D Shall be $\geq 20\%$ A

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



- A Maximum height = 10'
- B Maximum width = 12'
- C = B
- D Shall be $\geq 20\%$ A

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. 607 § 1 (Exh. A), 2012; 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.

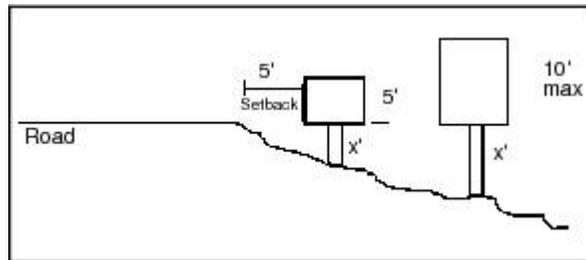
4. Width of Signs. The maximum width of a freestanding sign structure shall be 12 feet. Sign width shall be measured on the face side of the sign from one side of the face or any part of the

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 immediately 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 Director may order an independent survey to ensure compliance with this chapter. The survey cost shall be charged to the sign applicant.

Ord. 607 § 1 (Exh. A), 2012; 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-L, MF-H), POS and PF Overlay¹

Type of Sign	Permit Required	Area (Sq. ft.)	Height (Feet)	Setback ¹	Number of Signs	Requirements ²
Address	No	3	10	0	2	Numbers and letters ≤ 10" high
Banners	Temporary	24		0	1	For non-residential uses only
Directional	No	6	3	0		One per entrance
Event ³	No	6	10		6	1 on premise and 5 at periphery of right-of-way-s
Home Occupation	No	2	10		1	May be freestanding, placed on the primary structure or in a window
Identification	Permanent	36	10	0	1-3	1 per entrance or 2 at main entrance.
Incidental	No	2				
Nameplates	No	6		0		
Non-Government Flags	No	20	30	5	1	Government flags are exempt.
Official Legal Notices	No			0		Notices issued and posted by public agency or court.
Personal Message	Permanent	3	5*		1 per lot	Non-illuminated *if freestanding
Plaques, Tablets, or Inscriptions	No	3	3	0		
Political	No	3/6/24				3 sq. ft. at periphery of right-of-way. 6 sq. ft. on private property. Up to 24 sq. ft. with temporary sign permit.
Public	No			0	No Limit	Allowed in public right-of-way; Subject to approval by City Engineer.
Real Estate	No	12	6		1 per tax lot	Non-illuminated; removed within 7 days after sale, lease or rental of property
Residential Open House A-Boards	No	6	10	0	1 on premise and 5 at periphery of right-of-ways	Permitted during daylight hours only; a realtor, seller or agent must be on the property.

Notes

¹The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title [13](#).

² Additional requirements are listed in UPMC [19.75.090](#), Specific sign requirements.

³ See UPMC 19.35 Temporary Uses and UPMC 5.10 Special Events for additional requirements.

~~4. Code reviser's note: Ord. 589 changed the title of this table to include POS. This amendment was inadvertently left out of Ord. 607. It has been restored per the intent of the City.~~

Commercial Zones (TC, NC, MU, MU-O, MU-M, CC, LI-BP)

<u>Type of Sign</u>	<u>Permit Required</u>	<u>Area (Sq. ft.)</u>	<u>Height (Feet)</u>	<u>Setback¹</u>	<u>Number of Signs</u>	<u>Requirements²</u>
<u>A-Board</u>	<u>Temporary</u>	<u>12</u>		<u>5-20</u>	<u>1 per 50' feet of frontage</u>	<u>5' setback from right-of-way; 20' from intersections.</u>
<u>Address</u>	<u>No</u>			<u>0</u>		<u>Numbers and letters ≤ 10" high</u>
<u>Banners</u>	<u>Temporary</u>	<u>24</u>		<u>0</u>	<u>2</u>	
<u>Billboards</u>	<u>Prohibited</u>					
<u>Changing Message</u>	<u>Permanent</u>		<u>10'</u>	<u>0</u>	<u>1</u>	<u>Permitted only in NC Zone. Must be set back at least 100' from center of any controlled intersection.</u>
<u>Directional</u>	<u>No</u>	<u>6</u>	<u>3'</u>	<u>0</u>	<u>1-2</u>	
<u>Event³</u>	<u>No</u>	<u>6</u>	<u>10</u>		<u>6</u>	<u>1 on premise and 5 at periphery of right-of-way</u>
<u>Feather</u>	<u>Temporary</u>	<u>24</u>	<u>10</u>	<u>0</u>	<u>1</u>	
<u>Flags</u>	<u>No</u>	<u>20</u>	<u>30'</u>	<u>5'</u>	<u>1</u>	<u>Government flags are exempt</u>
<u>Freestanding Single Tenant</u>	<u>Permanent</u>	<u>32</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street.</u>
<u>Freestanding Two to Five Tenants</u>	<u>Permanent</u>	<u>40</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street.</u>
<u>Freestanding Six or More Tenants</u>	<u>Permanent</u>	<u>50</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is</u>

						<u>permitted on a secondary street.</u>
<u>Plaques, Tablets, or Inscriptions</u>	<u>No</u>	<u>3</u>	<u>10'</u>	<u>0</u>	<u>1</u>	
<u>Incidental</u>	<u>No</u>	<u>2</u>				
<u>Murals</u>	<u>No</u>					<u>Provided the mural does not meet the definition of a sign</u>

<u>Type of Sign</u>	<u>Permit Required</u>	<u>Area (Sq. ft.)</u>	<u>Height (Feet)</u>	<u>Setback¹</u>	<u>Number of Signs</u>	<u>Requirements²</u>
<u>Nameplates</u>	<u>No</u>	<u>3</u>		<u>0</u>		
<u>Official Legal Notices</u>	<u>No</u>			<u>0</u>		<u>Notices issued and posted by a government agency or court</u>
<u>Off-Premises Freestanding⁴</u>	<u>Permanent</u>		<u>10'</u>	<u>0</u>		<u>A property that is landlocked or otherwise unable to advertise on a street may advertise on an existing on-premises freestanding sign within 300 feet with the owner's permission⁴</u>
<u>Personal Message</u>	<u>Permanent</u>	<u>3</u>	<u>5*</u>		<u>1 per lot</u>	<u>Non-illuminated *if freestanding</u>
<u>Projecting</u>	<u>Permanent</u>	<u>20</u>	<u>Height of building</u>	<u>0</u>	<u>1</u>	<u>In lieu of freestanding sign. May project up to 5' from building wall. No closer than 2' from curb; minimum clearance ≥ 10'</u>
<u>Promotional</u>	<u>Temporary</u>			<u>5-20</u>	<u>No Limit</u>	<u>Setback 5' from property lines, 20' from intersections. Allowed for up to 5 days.</u>
<u>Real Estate</u>	<u>No</u>	<u>12</u>	<u>6</u>		<u>1 per tax lot</u>	<u>Non-illuminated</u>
<u>Residential Open House A-Boards</u>	<u>No</u>	<u>6</u>	<u>10</u>	<u>0</u>	<u>1 per street frontage; five off-premises</u>	<u>Permitted during daylight hours only; a realtor, seller or agent must be on the property.</u>
<u>Roof</u>	<u>Permanent</u>	<u>≤ 15% of facade</u>	<u>See Req.</u>	<u>0</u>		<u>Shall not project above any roof line, soffit or parapet.</u>
<u>Temporary</u>	<u>Temporary</u>			<u>0-5</u>		<u>See UPMC 19.75.090</u>
<u>Temporary Use</u>	<u>Temporary</u>	<u>12</u>			<u>1 A-board</u>	<u>Display for period of temporary use only.</u>
		<u>24</u>			<u>1 Banner</u>	

<u>Under Marquee</u>	<u>Permanent</u>	<u>7</u>	<u>Min 8' Clear</u>	<u>2</u>	<u>1 per business</u>	<u>12" max sign height. Sign must swing.</u>
<u>Wall</u>	<u>Permanent</u>	<u>≤ 15% of facade</u>				<u>18" maximum thickness</u>
<u>Window</u>	<u>Temporary</u>	<u>20% of Window</u>		<u>0</u>		<u>See UPMC 19.75.090</u>

1 The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title 13.

2 Additional requirements are listed in UPMC 19.75.090, Specific sign requirements.

3 See UPMC 19.35 Temporary Uses and UPMC 5.10 Special Events for additional requirements.

4 See freestanding signs for size allowances.

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. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 402 § 1, 2003; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.90 Specific sign requirements.

A. Temporary Signs

~~1. Signs may not be displayed for the duration of the temporary use or event for which they are intended but not~~ for longer than 60 days in a year.

~~2. Signs shall be removed at the close of each business day.~~

~~3.2.~~ Signs must be removed within three working days after the expiration of the permit, or the event. Failure to remove signs will forfeit use of a temporary sign permit for a period of 12 months.

~~3.~~ Signs may not be permanently attached to the ground, building, or other structure.)

~~4. Signs may not be placed in the public right-of-way unless authorized by the City Engineer. All off-premises signs may be placed adjacent to the right of way with the property owner's permission.~~

~~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.B. 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.C. 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.D. Roof Signs. Roof Sign shall not project above any roof line, soffit or parapet. See examples of acceptable and unacceptable roof signs below.

1. Acceptable Roof Signs.





2. Unacceptable Roof Signs.



G.E. 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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.110 Nonconforming signs.

A. Nonconforming Signs. 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 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 nonconforming or illegal;
4. A time period in which to comply with the sign code prior to the commencement of code enforcement.

B. 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. A change of use has taken place that limits the type or size of sign allowed; or
2. A vacancy occurs for more than nine months at any property for which a sign is an accessory use.

(Ord. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; 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. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

**CITY COUNCIL RESOLUTION 743
PLANNING COMMISSION RECOMMENDATIONS**

City Council Request	Planning Commission Recommendation	Considerations
Should signs visible from the right-of-way and adjacent properties be regulated or just signs visible from the right-of-way?	<i>Signs visible from either the right-of-way or adjacent property should be regulated to prevent potential negative impacts associated with signs visible from residential properties.</i>	
The Sign Code purpose statements should reflect our desire to balance goals without promoting some goals at the expense of others.	<i>Delete "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"</i>	
Consider increasing the number of Off-Site Residential Open House A-board signs allowed.	<i>Increase the number and size of off-site residential open house signs from 3 to 5, the size from 5 to 6 sq. ft. and maximum height from 6 to 10 feet. Define and allow signs at periphery of right-of-way</i>	<i>Title 13 prohibits temporary signs in the right-of-way except by right-of-way permit and approval by City Engineer. An amendment to Title 13 will be required to remove conflicting provisions. The Public Works Director opposes allowing these signs in the right-of-way.</i>
Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.	<i>Allow an off-premise tenant to advertise on an existing on-premise sign in close proximity to them. Define tenant and close proximity.</i>	
Consider allowing banners for longer periods of time and/or reducing the cost for temporary signs. Weighed against allowing too many banners at once.	<i>Reduce fee for temporary signs, increase deposit to encourage timely compliance.</i>	<i>Reverse fee and deposit amounts per Finance Department recommendation to promote compliance with temporary sign display periods. This will require an amendment to the City's Fee Resolution.</i>
	<i>Allow for up to 60 days or for duration of temporary event.</i>	
	<i>Allow two banners and one A-board at the same time.</i>	
	<i>Increase off-premise temporary event sign size from 4 to 6 sq. ft., maximum height to 10 feet and number permitted to 6.</i>	
	<i>On private property allow political signs up to 6 sq. without a permit and up to 24 sq. ft. with a temporary sign permit.</i>	
	<i>Allow feather signs and provide a definition.</i>	

**CITY COUNCIL RESOLUTION 743
PLANNING COMMISSION RECOMMENDATIONS**

City Council Request	Planning Commission Recommendation	Considerations
Address the following concerns regarding changing message signs:	<p><i>The Planning Commission seeks direction from the City Council. A majority of the Planning Commission are in favor of allowing changing Message Signs subject to conditions regulating their location and use. The Commission believes the amount of time needed to formulate a recommendation will be considerable and would like to gage support from the Council before proceeding.</i></p>	<p><i>Changing message signs are only allowed in the auto-oriented Neighborhood Commercial Zone.</i></p>
Equality: Why are some businesses allowed changing message signs and others not?		
Town Center: The City may want a changing message sign for the Town Center Project.		
Public Notice: The City may want one or more public notice changing message signs providing digital information.		
Time and Temperature vs. Advertising: It does not make any sense to restrict some changing message signs to time and temperature only.		
Are changing message signs desired in pedestrian-oriented zones?		
Proliferation, allowing changing message signs could create sign blight and/or become overwhelming.		
Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign.		
The City prohibited billboards, which made them nonconforming signs. The City has yet to have any billboards removed. The City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.	<p><i>Maintain the status quo. Billboards are non-conforming, but will be allowed to remain until such time as they are removed or require repairs which amount to more than 50% of their value</i></p>	