

ORDINANCE NO. 571

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", CHAPTER 19.45.070 FENCES, BULKHEADS AND RETAINING WALLS TO ADD DEFINITIONS REGARDING RETAINING WALLS AND REGULATE THE HEIGHT OF RETAINING WALLS.

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000 and August 4, 2003; and

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 Planning Commission held a public meeting on March 3, 2010 and took testimony at a public hearing held on April 10, 2010 after which the Planning Commission recommended these the zoning code amendments to the City Council; and

WHEREAS, the required State agency 14-day expedited review period on the proposed Zoning Code amendments began on June 4, 2010 and concluded on June 18, 2010 without comment; and

WHEREAS, a Determination of Non-Significance (DNS) was issued on July 15, 2010 with a comment period ending on July 29; and

WHEREAS, the University Place City Council held public meetings on June 14, 2010 and June 21, to study and discuss the recommended amendments; and

WHEREAS, the City Council has determined that amending the City of University Place Zoning Code is in the public interest and serves to implement comprehensive plan policies.

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

Section 1. Title 19 Zoning -- Chapter 19.45 -- Amendments. Section 19.45.070 of the University Place Municipal Code is hereby amended as set forth in Exhibit "A" attached.

Section 2. Copy to be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON AUGUST 2, 2010.


Debbie Klosowski, Mayor

ATTEST:


Emy Geneta, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Date of Publication: 08/04/10
Effective Date: 08/09/10

RESOLUTION NO. 571 - EXHIBIT A

Amend UPMC 19.45.070 as follows:

Add the following definitions:

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

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

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

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

B. Maximum Retaining Wall and Berm Heights.

1 Fill Retaining Walls :

- a. Within a required setback area the height of a retaining wall - fill in an R1 or R2 Zone or on a property line abutting an R1 or R2 Zone shall not exceed 6 feet in height.
- b. The total height of a fence located on a retaining wall supporting fill or berm shall not exceed a height of 12 feet within a required setback area. Fences on the high side of the wall or berm located a horizontal distance less than or equal to the height of the fence from the face of the wall or berm shall be considered to be located on the wall or berm. The height shall be measured from the top of the fence to the grade on the low side of the retaining wall or berm.
- c. The total height of a the fence on a retaining wall or berm itself, measured from the top of the fence to the top of the retaining wall or berm, shall not exceed six feet.
- d. Outside a required setback area ¶the combined height of a fence Fences located on a retaining wall - fill or berm outside required setback areas shall not exceed the building height of the zone; provided, that the fence itself shall not exceed six feet.
- e. Where multiple walls are situated in a terrace-like pattern they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than 1/2 the combined height of the walls.

2 Cut Retaining Walls:

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

Diagram 1

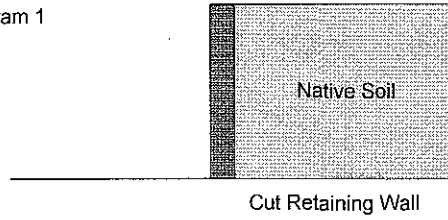


Diagram 2

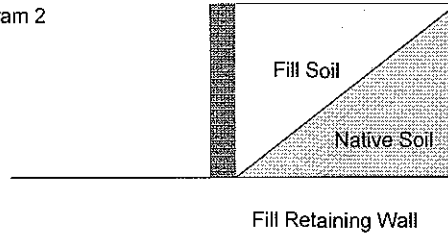
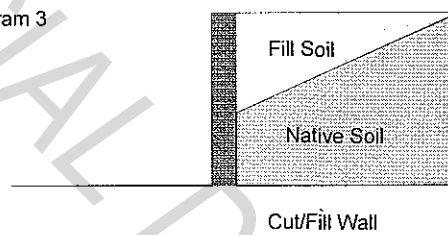


Diagram 3



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

3. Combination fill/cut walls. The maximum height of the cut section of a cut/fill wall shall be no higher than the pre-existing grade. However, the fill section shall not be higher than 6 feet in height measured from the top of the cut.