

## ORDINANCE NO. 558

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, TO ALLOW DEVELOPMENT OF A LIMITED NUMBER OF INNOVATIVE HOUSING PROJECTS THAT DEMONSTRATE A HOUSING CHOICE NOT CURRENTLY AVAILABLE IN UNIVERSITY PLACE'S NEIGHBORHOODS

#### RECITALS

A. The purpose of this demonstration ordinance is to assess the viability of innovative housing, including cottage, carriage, and two/three-unit homes, in University Place. In support of Comprehensive Plan Goals HS1, HS2 and LU2, this demonstration ordinance allows development of a limited number of projects that demonstrate a housing choice not currently available in University Place. The City will use this demonstration ordinance to allow for construction of demonstration projects and will analyze adoption of a permanent innovative housing ordinance upon completion of the demonstration projects.

B. On March 13, 2009, the City submitted to the Washington State Department of Community, Trade and Economic Development a Notice of Intent to adopt housing choice zoning code amendments that would permit innovative housing to be constructed in University Place.

C. A State Environmental Policy Act Checklist was prepared and the City's SEPA responsible official issued a Determination of Nonsignificance on March 13, 2009 that no further SEPA review is required per WAC 197-11-600(4)(a).

D. The public involvement process for the Innovative Housing Demonstration Ordinance included the City's Planning Commission, which held a series of 39 public meetings in 2008 and 2009 to consider various housing choice options, including cottage, carriage, and two/three-unit homes. These meetings included a public open house on March 4, 2009 and public hearings on March 18, 2009 and April 8, 2009. The City Council reviewed the initial recommendations of the Planning Commission at a public study session on July 20, 2009, conducted a public review of revised Planning Commission recommendations on September 28, 2009, and voted to adopt the Innovative Housing Demonstration Ordinance on September 28, 2009.

#### ORDINANCE

Section 1. General Authority. Purpose. The purpose of this demonstration ordinance is to allow development of a limited number of projects that demonstrate a housing choice not currently available in University Place's neighborhoods, in support of Comprehensive Plan Goals HS1, HS2 and LU2. The City will use this demonstration ordinance to allow for construction of demonstration projects to assess the viability of innovative housing in University Place. A decision on whether to adopt a permanent innovative housing ordinance will be made upon completion of the construction of the demonstration projects.

Section 2. Selection and Permit Process for Innovative Housing Demonstration Projects.

A. Following adoption of this demonstration ordinance, Planning and Community Development shall publish a Notice of Call for Proposals. Notice will be sent to the Tacoma News Tribune; posted on the City's website; sent to local engineering companies, media contacts, the Master Builders Association, and others. There will be a 180 day timeframe "submittal period" during which proposals may be submitted.

B. The City shall use the following process to review and select innovative housing demonstration projects:

1. Pre-submittal meeting requirements. Potential applicants must schedule a pre-submittal meeting with City staff prior to submitting a formal proposal. This meeting will give City staff the chance to review with the applicant the requirements for stormwater, roads, open space, parking, home design, and other project elements.
2. Following the pre-submittal meeting, the applicant shall submit a full and complete proposal to Planning and Community Development, which includes the following:
  - a. A completed City of University Place application form. The form shall include owner and applicant information, as well as the name and contact information for the builder and any design professionals involved in the project.
  - b. A conceptual site plan of the proposed development.
  - c. Conceptual drawings of the proposed innovative houses, including building footprints, elevations, and floor plans.
  - d. A description of how the proposed development minimizes adverse impacts to the surrounding neighborhood. For example, describe what was considered during site layout and building selection to enhance the neighborhood and minimize adverse impacts to the surrounding community.
  - e. A description of how the proposed development complies with all selection criteria and development standards for an innovative housing demonstration project as described in this Innovative Housing Demonstration Ordinance (the "ordinance").
  - f. General information about the site including the number of allowed and proposed dwelling units, parking, open space, building heights, pervious and impervious surface, and low impact development design elements.
  - g. Photographs of the site and adjacent properties.
  - h. Any additional information or material specified at the pre-submittal meeting.
3. Neighborhood Meeting.
  - a. Applicants for innovative housing proposals submitted under this ordinance shall schedule and host a neighborhood meeting. The neighborhood meeting shall be held within thirty (30) days following submittal of the proposal. The City shall be represented at this meeting by one or more staff members.
  - b. The purpose of the neighborhood meeting shall be to inform nearby property owners of the proposed development, and provide the selection committee with comments pertinent to the selection process.
  - c. The applicant shall mail written notice of the neighborhood meeting to all property owners within 300 feet of the proposed project and shall publish notice in at least one (1) local newspaper at least ten (10) days prior to the meeting. Any alleged failure of any property owner to actually receive the notice of neighborhood meeting shall not invalidate the proceedings.
  - d. At the neighborhood meeting, the applicant shall present the proposed development to interested residents and solicit their comments. Within thirty (30) days of the neighborhood meeting, the applicant shall submit a narrative to the City, summarizing and addressing comments received at the meeting. The applicant may submit revisions to the proposal based on neighborhood comments.
4. Proposal Selection Process.
  - a. Evaluation of the proposals shall be based on the following selection criteria:
    - (1) Demonstration that the project has been designed to enhance and minimize adverse impacts to the surrounding neighborhoods and community.
    - (2) Demonstration that the project impacts are substantially equivalent to or less than the adverse impacts expected to be associated with development of conventional housing on the subject property, in regards to parking, building height, building bulk, setbacks, lot coverage, open spaces, screening, and aesthetics.
    - (3) Demonstration that the project will result in a unique cottage style community that is distinct from typical single family developments in University Place. This community shall

incorporate a high level of quality and originality throughout the development, including but not limited to the following areas:

- i. Site design;
- ii. Architectural design;
- iii. Building materials;
- iv. Open space;
- v. Parking;
- vi. Landscaping; and
- vii. Low impact development design elements.

(4) The proposal provides elements that contribute to a sense of community within the development by including elements such as front entry porches, common open space, and common buildings.

(5) The structures proposed for the innovative housing development are diverse in appearance, yet remain connected through use of architectural style, details, color, and materials.

(6) Examples of previous developments done by those involved in the project and explanation of related experience.

(7) Demonstration that the selected site for the innovative housing community supports Smart Growth techniques by providing accessibility to commercial services, alternative transportation modes, and recreational opportunities.

(8) Demonstration that neighborhood concerns have been considered.

5. Upon receiving all narratives required by Section 2.B, the Innovative Housing Committee ("committee") shall convene to review all submitted proposals. The committee will be made up of the following members, or as otherwise appointed by the Planning and Community Development Director or designee:

- a. Planning Commission Chair;
- b. Planning Commission Member;
- c. Planning and Community Development Director;
- d. Planning and Community Development Planner - Innovative Housing Specialist;
- e. Senior Project Review Engineer
- f. Two citizens at large, who reside within the city limits, to be appointed by the Planning Commission Chair.

6. All seven (7) members of the committee shall be present for a decision to be made on selection of a proposal. From the proposals submitted, the committee may select up to three (3) demonstration projects that demonstrate exceptional design quality and consistency with the selection criteria. If no proposals are submitted, or the proposals do not meet the selection criteria, the timeline for proposal submittals may be extended another 180 days, as determined by the committee. Extensions beyond this period require City Council approval. The committee's decision in selecting innovative housing developments to advance to the formal application phase shall be in writing and shall be the final decision of the City.

7. Permit Process.

a. Once a proposal has been selected by the committee, the applicant shall have ninety (90) days to submit a formal application to Planning and Community Development. The applicant may request in writing a maximum extension of three (3) months, subject to the approval of the Planning and Community Development Director.

b. A formal application shall include the following items:

- (1) A completed Administrative Design Review application per UPMC 19.85.050.
- (2) An environmental checklist (if applicable);
- (3) Narrative on how the project meets all innovative housing development standards;
- (4) A completed Preliminary Plat application (if applicable) per UPMC 21.20;
- (5) A completed Residential Condominium Binding Site Plan application (if applicable) per UPMC 21.45 and UPMC 21.40.

**Section 3. Development and Design Standards for Innovative Housing Demonstration Projects.** Parameters identified in this section will apply to innovative housing demonstration projects only.

Subsections:

- 3.1 Purpose
- 3.2 Housing Types Defined
- 3.3 Applicable Use Zones
- 3.4 Parameters for Innovative Housing
- 3.5 Design Standards and Guidelines
- 3.6 Review Process
- 3.7 Additional Standards

**3.1 Purpose and intent.**

The provisions of this ordinance are available as alternatives to the development of typical detached single-family homes. In the event of a conflict between the standards in this ordinance and standards in Title 13 and Title 19, the standards in this ordinance shall control. These standards are intended to address the changing composition of households and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development. These provisions support the growth management goal of more efficient use of urban residential land.

**3.2 Housing types defined.**

The following definitions apply to the innovative housing types allowed through the provisions in this chapter:

- A. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
- B. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
- C. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, not exceeding 1,000 square feet per unit on average, designed to look like a detached single-family home.

**3.3 Applicable use zones.**

Innovative housing as described in this ordinance may be located in the R1 and R2 zone.

**3.4 Parameters for Innovative Housing.**

**A. Cottage.**

Unit Size	Maximum: 1,500 square feet, excluding garage. Cottages may not exceed 1,000 square feet on the main floor. Any additions or increases in unit sizes after initial construction shall be subject to compliance with all cottage housing development standards.
Maximum Density	8 units per acre in R1 zone and 12 units per acre in R2 zone (2 times base density allowed in underlying zone).

Minimum Lot Size	None. Lot sizes shall be determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a site's buildable area, including private street area and excluding critical areas and their required associated buffers. FAR for individual lots may vary. See UPMC 19.45.080 for FAR standards.
Development Size <sup>1</sup>	Minimum: 6 units. Maximum: 24 units. Minimum cluster: 6 units. Maximum cluster: 12 units. Cottage clusters may be integrated into small lot developments where the combined number of cottage and small lot units may exceed 24.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Impervious Surface Coverage	50%. Coverage is calculated using a site's entire buildable area, including private street area and excluding critical areas and their required associated buffers.
Maximum Height for Dwellings	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Maximum Height for Accessory Structures	One story, not to exceed 18 feet.
Open Space	400 square feet common open space required per unit. 300 square feet private open space required per unit. See section 3.5.A.2 and 3.5.A.3.
Community Buildings	At least one community building shall be provided. See section 3.5.A.4
Attached Covered Porches	Each unit must have a covered porch with a minimum area of 64 square feet and a minimum dimension of 8 feet.
Parking Requirements	Units ≤ 800 square feet: 1 space per unit minimum. Units > 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
Garage Requirements	Private garages: 250 square foot maximum floor area. Shared garages: 1,200 square foot maximum floor area. Front loaded garages shall be recessed ≥ 10 feet from the front façade of the cottage and their visual impact shall be minimized through the use of architectural design elements.
Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage development.
Development Options	Subdivision, condominium, rental or ownership.
Review Process	Administrative design review. See UPMC 19.85.050.

<sup>1</sup> Cluster size is intended to encourage a sense of community among residents. Homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster provided there is a clear separation between clusters. Clusters shall be connected via pedestrian pathway(s).

**B. Carriage Unit.**

Unit Size	Maximum 800 square feet.
Maximum Density	8 units per acre in R1 zone and 12 units per acre in R2 zone for all cottages, carriage units, and two-three-unit homes located within a cottage development. The number of carriage units and two/three-unit homes combined shall not exceed 20% of the total number of units in a cottage project. Carriage units are allowed only when included in a cottage project.
Minimum Lot Size	None. Determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a site's buildable area, including private street area and excluding critical areas and their required associated buffers. See UPMC 19.45.080 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Height	18 feet.
Parking Requirements	1 space per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per carriage unit.
Garage Requirements	Carriage units allowed only above detached shared garages, which shall not exceed a 1,200 square foot maximum footprint area.
Review Process	Administrative design review. See UPMC 19.85.050.

**C. Two/Three-Unit Home.**

Unit Size	Average unit size: 1,000 square feet, excluding garage. Maximum structure total floor area: Two-Unit: 2,000 square feet, excluding garages. Three-Unit: 3,000 square feet, excluding garages.
Maximum Density	8 units per acre in R1 zone and 12 units per acre in R2 zone for all cottages, carriage units, and two-three-unit homes located within a cottage development. The number of carriage units and two/three-unit homes combined shall not exceed 20% of the total number of units in a cottage project.
Minimum Lot Size	None. Lot sizes shall be determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a site's buildable area, including private street area and excluding critical areas and their required associated buffers. See UPMC 19.45.080 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.

Maximum Height	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Parking Requirements	Units ≤ 800 square feet: 1 space per unit minimum. Units > 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
Garage Requirements	A two-unit home may include attached or detached garages, not to exceed an additional 500 square feet combined. A three-unit home may include attached or detached garages, not to exceed an additional 750 square feet combined. Front loaded attached garages shall be recessed ≥ 10 feet from the front façade of the principal structure and their visual impact shall be minimized through the use of architectural design elements. No more than three single garage doors may be visible on any façade.
Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
Development Options	Subdivision, condominium, rental or ownership.
Review Process	Administrative design review. See UPMC 19.85.050.

### 3.5 Design Standards and Guidelines.

**A. Orientation of Dwelling Units.** Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Each dwelling unit shall have a primary entry and/or covered porch oriented to the common open space or pathway connecting to the common open space.

2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the City shall determine to which right-of-way the inviting facade shall be oriented.

3. Each dwelling unit abutting a public right-of-way (not including alleys) shall incorporate facade modulation, windows, and roofline variations to avoid blank walls that orient to the public right-of-way.

**B. Required Common Open Space.** Common open space shall provide a sense of openness, visual relief, and community for cottage developments. The space must be located outside of critical areas and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and usable piece with a minimum dimension of 20 feet on all sides.

2. Land located between dwelling units and an abutting right-of-way or access easement may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

3. Required common open space may be divided into no more than two separate areas per cottage cluster.

4. Common open space shall be located in a centrally located area and be easily accessible, physically and visually, to all dwellings within the cottage cluster.

5. Sight-obscuring privacy fences that discourage interaction between neighbors may not be located within required open space areas. If fences are used to enclose common open space, they shall have at least 50% visually permeable elements, such as pickets, cedar split rails, iron work, or trellis treatment, and shall not exceed 2 feet in height.

6. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Existing mature trees should be retained in accordance with UPMC 19.65.

7. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

a. The open space shall be located so that it will be surrounded by cottages or common buildings on at least three sides;

b. At least 50 percent of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure, road or critical area between the unit and the open space.

8. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults, are permitted if located underground.

#### **C. Private Open Space.**

1. Each cottage unit shall have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 8 feet on all sides. Porches shall be associated with primary point of entry.

2. Each carriage unit shall have a deck or balcony, oriented toward the common open space.

3. In addition to porches, at least 300 square feet of private, contiguous, usable open space adjacent to each individual dwelling unit shall be provided to contribute positively to the visual appearance of the development, promote diversity in planting materials, and utilize generally accepted good landscape design. The private open space shall be oriented toward the common open space to the extent possible and have no dimension less than 10 feet. The private open space shall define private residences from common areas, trails, and parking areas. If fences are used to enclose private open space, they shall have at least 50% visually permeable elements through the use of pickets, cedar split rails, iron work, or trellis treatment, and shall not exceed 2 feet in height.

#### **D. Community Buildings.** At least one community building is required for each cottage development.

1. Community buildings shall be at least 500 square feet on the main floor and shall have an architectural character similar to that of the dwelling units.

2. Building height for community buildings shall not exceed the height standard for cottages.

3. Outdoor patio space is encouraged to be provided in conjunction with community buildings.



4. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

**E. Shared Detached Garages and Surface Parking Design.** Parking areas should be located so their visual presence is minimized and associated noise or other impacts are minimized, both within and outside the development. These areas should also maintain the single-family character along public streets.

1. Shared detached garage structures may not exceed four single garage doors per building, and a total of 1,200 square feet. Carriage units are preferred above these garage structures.

2. For shared detached garages, the design of the structure must be similar to and compatible with that of the dwelling units within the development. Garage doors shall be painted to match, or minimize contrast with, the building's body color in order to minimize their visual impact.

3. Shared detached garage structures and surface parking areas must be screened from streets and adjacent residential uses by landscaping or architectural screening.

4. Shared detached garage structures shall be reserved through a covenant for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

5. Surface parking areas may not be located in clusters of more than 4 spaces. Clusters must be separated by a distance of at least 20 feet.

6. Carports are not permitted.

**F. Low Impact Development.** The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.

2. Reduced impervious surfaces.

3. Treatment of stormwater in numerous small, decentralized structures.

4. Use of natural topography for drainageways and storage areas.

5. Preservation of portions of the site in undisturbed, natural conditions.

6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

**G. Two/Three-Unit Homes and Carriage Units within Cottage Projects.** Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

**H. Variation in Unit Sizes, Building and Site Design.** Cottage projects shall establish building and site design that promote variety and visual interest.

1. Projects shall include a variety of unit sizes within a single development.

2. Proposals shall provide a variety of building styles, features, colors and site design elements within a cottage housing development.

3. Dwellings with a similar combination of features and treatments may be clustered around a shared common open space. Developments containing two or more clusters of cottages shall use distinctively unique exterior finish materials and architectural design elements for each cottage cluster to avoid repetition.

I. Pedestrian Flow through Development. Pedestrian connections should link all buildings to the public right-of-way, common open space, parking areas and other cottage clusters in the development.

J. Storage Space. Storage space may be provided as follows:

1. Detached sheds designed to be similar in character to the cottage units, using similar building materials and design elements.

2. Storage space within detached parking structures that does not conflict with parking of vehicles in the garages.

3. Storage space within a dwelling unit, accessible only through an external door.

4. Designated storage space attached to a community building that is not counted toward the 500 square foot minimum area for such buildings.

5. Other storage space options approved through the administrative site plan review process.

K. Landscaping. Cottage housing developments shall incorporate a landscape master plan, designed and stamped by a professional landscape architect. The design shall comply with the landscape standards and guidelines provided in UPMC 19.53 that address landscape components included in a cottage housing development.

### **3.6 Review Process.**

A. Approval Process – Innovative Homes.

1. Developments shall be processed under UPMC Section 19.85.050 Administrative Design review.

2. Public notice for developments proposed through this section shall comply with the provisions of UPMC Chapter 22.05 applicable to Type II project permit applications.

B. Approval Process – Requests for Modifications to Standards. Applicants may request minor modifications to the general parameters and design standards set forth in this ordinance. The Director may modify the requirements if all of the following criteria are met:

1. The site is constrained due to unusual shape, topography, easements or sensitive areas.

2. The modification is consistent with the objectives of this chapter.

3. The modification will not result in a development that is less compatible with neighboring land uses.

C. Review Criteria. In addition to the criteria established for review of development proposals in UPMC Section 19.85.050, the applicant must demonstrate that:

1. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.

2. Any proposed modifications to provisions of this chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.

**3.7 Additional Standards.**

**A.** Traffic impact fees for a proposed innovative housing project shall be assessed at the rates for single family attached dwelling units, as identified in the city's adopted traffic impact fee schedule adopted pursuant to UPMC 4.65. Traffic impact fees for two/three-unit homes shall be assessed at the rates for two-unit attached (duplex) units, per the city's adopted traffic impact fee schedule.


**B.** The City's approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision, a short plat, or a binding site plan. A lot that has cottage, carriage or two/three-unit homes may not be subdivided unless all of the requirements of the University Place Municipal Code are met. A lot containing a two/ three-unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.

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

Section 5. 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 6. 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 SEPTEMBER 28, 2009.**

  
Linda Bird, Mayor

**ATTEST:**

  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

  
Jeanan Parker, City Attorney

Date of Publication: 09/30/09  
Effective Date: 10/05/09