

ORDINANCE NO. 524

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING
TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", CHAPTER 19.25
USES AND ZONE CLASSIFICATION TABLES**

WHEREAS, the City Council created and appointed the Planning Commission to advise the City Council on growth management and land use planning, and to hold hearings and make recommendations to the City Council on amendments to the development regulations of the City; and

WHEREAS, on July 23, 2007, the Tacoma Rifle and Revolver Club submitted a request for a text amendment to the City's zoning code, the purpose of which is to make the Club's shooting facilities a lawful use; and

WHEREAS, on August 2, 2007, the application and environmental checklist were routed to City departments, the City of Lakewood, Town of Steilacoom, and Department of Ecology for review with a comment deadline on August 16, 2007.

WHEREAS, comments on the application or environmental checklist were received prior to the deadline from the Town of Steilacoom, which provided the following statement: *"This district [R-1] is not compatible with a shooting range. The applicants would be better served seeking a rezone to a district that is compatible with their activity, rather than trying to redefine a residential zone designation"*; and

WHEREAS, the City notified the Washington State Department of Community, Trade and Economic Development of the proposed amendment on February 5, 2008, thereby commencing the required state agency 60-day review period; and

WHEREAS, on February 6, 2008, the City mailed notices of the February 20, 2008 Planning Commission hearing to owners of property and homeowner associations located within 300 feet of the applicant's property; and

WHEREAS, the City issued a Determination of Non-Significance on the proposed zoning text amendment on February 6, 2008, and no appeals were filed prior to the end of the required 14-day appeal period on February 19, 2008; and

WHEREAS, on February 6, 2008, the City published a legal notice in the Tacoma News Tribune advertising a public hearing to be held on February 20, 2008 and the issuance of a SEPA DNS for the proposal; and

WHEREAS, on February 20, 2008 the Planning Commission held a public hearing on the Tacoma Rifle and Revolver Club request and received testimony in support of, and in opposition to, the Club's proposed amendment; and

WHEREAS, the applicant's proposed amendment would make lawfully nonconforming shooting facilities located on more than 20 acres in the R1 zoning classification prior to January 1, 2007 a permitted use; and

WHEREAS, any such facilities would be allowed to exist and continue operation under the City's nonconforming use provisions, regardless of whether the proposed amendment is passed; and

WHEREAS, the proposed amendment would permit, outright, future modifications and improvements; and

WHEREAS, on March 19, 2008 the Planning Commission, after duly considering the applicant's proposed amendments, Staff's recommended alternative amendments and public testimony, voted 4 to 1 to recommend the Staff-recommended zoning text amendments to the City Council for adoption;

WHEREAS, the City Council finds the applicant's proposed amendment would not provide sufficient regulatory oversight and community protection when modifications and improvements to the facilities are proposed by the Tacoma Rifle and Revolver Club; and

WHEREAS, Staff has presented to the City Council a recommended alternative amendment that would make lawfully nonconforming shooting facilities located on more than 20 acres in the R1 zoning classification prior to January 1, 2008 subject to conditional use permit approval for future modifications; and

WHEREAS, the City Council finds the Staff-recommended alternative amendment would provide a reasonable level of City regulatory oversight and community protection when modifications and improvements to the facilities are proposed by the Tacoma Rifle and Revolver Club through the conditional use permit review process; and

WHEREAS, the City Council finds that the Staff-recommended alternative amendment would be consistent with the goals, objectives and policies of the Comprehensive Plan, as outlined below:

- a) Goal LU1: "Achieve a rational and prudent mix of land uses within the city."
- b) Policy LU1B "Create a well balanced, well organized combination of land uses which includes residential, commercial, industrial, recreational, public use, and open space. Make protection and preservation of residential neighborhoods a priority."

The proposal is consistent with the City's goal to achieve a rational and prudent mix of land uses. By allowing shooting ranges in very limited circumstances, the City is maintaining the type and amount of recreational space available to its residents. Moreover, the proposal is limited to those sites that lawfully existed prior to January 1, 2008. Those sites are allowed to continue their operations regardless of this amendment. The proposal, however, allows those existing nonconforming ranges to make modifications that are otherwise prohibited under the current code. For example, existing lawful ranges could make noise and safety improvements that are currently prohibited, subject to the granting of a conditional use permit. Accordingly, making shooting ranges subject to a conditional use permit would be consistent with protecting and preserving the surrounding residential neighborhoods. The proposal also helps maintain substantial open space.

- c) Goal LU5 "Expand the parks, recreational land, and open space for the City."
- d) Policy LU5A "Reserve portions of the remaining undeveloped land for public use."

The proposed amendment would add to the City's recreational opportunities. Figure 1-1 on page 1-15 of the City's Comprehensive Plan appropriately designates the applicant's property, which would be subject to the proposal, as 'Parks, Recreation and Open Space'. Under the current zoning designation, however, the land is limited to residential development. Thus, the proposal lowers the risk that the recreational and open space that currently exists will be lost to residential development.

- e) Goal EN2 "Protect and conserve environmental resources to enhance natural elements of the community for plant and wildlife habitat."

The proposal allows shooting ranges under limited circumstances. Those circumstances would include sufficient buffers of wooded space in between the ranges and other uses. Those buffers also provide plant and wildlife habitat.

- f) Goal EN3 "Protect and improve the essential livability of the urban environment."

- g) Policy EN3F "Reduce and where possible eliminate problems associated with major noise-generating uses, especially when located near residences. Establish standards for noise-generating land uses."
- h) Policy EN3G "Protect and enhance the natural green and wooded character of University Place."

The proposal allows existing nonconforming shooting ranges to make improvements that would reduce the impact of noise and improve safety.

- i) Goal CC1 "Provide residents and visitors with a positive identifiable image of the City of University Place."
- j) Policy CC1F "Preserve greenbelts so that the expanse and intensity of development is tempered by natural features found in the community, and so that wildlife habitat and corridors are maintained and enhanced."

Outdoor shooting ranges normally have vegetated buffers. Those buffers can serve as greenbelts and wildlife habitat. The proposal could help maintain the current buffers that exist at the sites subject to the proposal.

- k) Goal CC3 "Provide a range of spaces and places for civic functions such as public meetings, ceremonial events, and community festivals."

The proposal furthers this goal in a number of ways. First, the proposal only applies to those sites that are at least 20 acres in size. Such large areas are hard to come by in the City and could provide a unique space for meetings, festivals and community activities of a larger scale. Making existing shooting ranges that operate on 20 acres a conditionally allowed use lowers the risk that these large spaces will be lost to residential development. Moreover, the proposal would allow those existing shooting ranges to construct buildings that could be used for a variety of civic functions.

- l) Goal PRO1 "Develop a high quality, diversified park, recreation and open space system that benefits citizens of various ages, incomes and physical abilities."

Although the proposal does not create public parks in the traditional sense, it does allow for a different form of recreation that is enjoyed by members of the general public. Moreover, the proposal ensures that those existing ranges are allowed to make improvements that would bring the existing ranges to a higher level of quality that what currently exists.

WHEREAS, the City Council finds that the Staff-recommended alternative amendment will be in the best interest of the citizens and property owners of the city, in that it would allow modifications to be made that could reduce noise impacts and improve safety. In addition, structures could be added to take some activities that presently occur outdoors and move them indoors. This could also have the effect of reducing noise impacts and improving safety. Additional building area could also be used as classroom space for gun safety and hunter education programs. There is strong demand for these programs and they presently can occur only during summer months when more daylight time is available. Buildings associated with shooting facilities could also be used for a variety of purposes, some related to firearms, and some not. For example, these facilities could be used for community meetings and educational programs, charitable events, weddings, other celebrations and the like; and

WHEREAS, the City Council finds that the Staff-recommended alternative amendment will enhance the public health, safety, comfort, convenience or general welfare, in that it would allow modifications to be made that could reduce noise impacts and improve safety. In addition, if additional facilities could be constructed to accommodate community meetings and other events, the public convenience and welfare could be enhanced;

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


SECTION 1. TITLE 19 ZONING -- CHAPTER 19.25 Uses and Zone Classification Tables - Section 19.25.110 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 JUNE 16, 2008.




Linda Bird, Mayor

ATTEST:



Emy Genetia, City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Published: 06/18/08
Effective Date: 06/23/08

EXHIBIT "A"
AMENDMENTS TO ZONING CODE

CHAPTER 19.25 Uses and Zone Classification Tables

19.25.110 Use Tables

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

B. 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. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provision specified in UPMC 19.85.010, Administrative use permits.
5. A number accompanying a "P," "C," or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in this chapter.

Residential Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	RESIDENTIAL USES	One-Family Residential	Two-Family Residential	Multi-family	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Adult family home (6 or fewer)	P	P	P	P	P		P		
2	Assisted living facility		P1, C2	P3	P3		P3	P3		
3	Bed and breakfast (2)	P	P	P	P	P				
4	Level I group home	P	P	P	P			P		
5	Mobile/manufactured home (3)			P						
	New manufactured home (4)	P	P	P						
6	Mobile home park			C						
7	Multifamily housing			P	P (5)		P (5)	P (5)		

8	Nursing home		P1, C2	P3	P3		P3	P3		
9	Single-family housing (attached)	P1	P1	P2	P2	P2		P2		
10	Single (detached) and two-family housing	P	P	P						

See notes following all tables.

Civic and Recreation Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	CIVIC AND RECREATION USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Administrative government services				P	P	P	P	P	P
2	Animal control (animals kept)									C
3	Cemeteries/mortuaries	C	C							

4	Community centers	C	C	C	P	P	P	P	P	P
5	Community clubs	C	C	C	P	P	P	P	P	P
6	Courthouse						C			
7	Cultural services (museums, libraries)				C	P	P	P	P	
8	Day care centers (exceeds 12)	C	C	P	P	P	P	P	P	C
9	Education	P1	P1	P1	P1	P1 (6), 4, C2	P1 (6), 4, C2, 3	P1 (6), 4, C2, 3	C1, 3, P2, 4	P4
10	Hospital/24-hour medical clinics				P, C2	P, C2	P, C2	P, C2	P, C2	C
11	Holding cells						P1	P1		C
12	Postal services					P1	P1	P1	P1	P1, 2
13	Private clubs and lodges	<u>C (14)</u>				P	P	P	P	
14	Public safety services	C	C	C	P	P	P	P	P	P
15	Recreation – Public	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1, 3, C2	P1

16	Recreation – Nonprofit		C	C		C	C	C	C	
17	Religious assembly	P1, C3	P1, C3	P1, C3	P1, C2	P	P	P	C	
18	Transportation	P1	P1	P1	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1
19	Utility and public maintenance facilities						P1, C2	P1, C2	P1, C2	P

See notes following all tables.

Utilities/Essential Public Facilities Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	UTILITIES/ESSENTIAL PUBLIC FACILITIES USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
UTILITIES USE										
1	Commercial and personal wireless telecommunications facilities (7)	C1, 2, 3	C1, 2, 3	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	C1, 2, 3, 4	P1, A2, 3, C4	P1, A2, 3, C4	P1, A2, 3, C4

2	Electric facilities	C	C	C	P	P	P	P	P	P
3	Electrical generation, accessory on-site only									
4	Natural gas facilities	P1	P1	P1	P1, 2	P1, 2		P1, 2	P1, 2	P
5	Recycling collection facilities	P	P	P	P	P	P	P	P	P
6	Sewage collection facilities	P	P	P	P	P	P	P	P	P
7	Stormwater facilities	P	P	P	P	P	P	P	P	P
8	Water supply facilities	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
ESSENTIAL PUBLIC FACILITIES USE (8)										
9	Level II group home			C	C			C		C
10	Organic waste processing facilities									C
11	Correctional institutions									C
12	Recycling processor									
13	Sewage treatment facilities									
14	Waste disposal facilities									
15	Waste transfer facilities									C1, 2, 3

RESOURCE USE											
16	Agricultural sales						P	P	P	P	P2
17	Crop production	P	P	P							
18	Fish enhancement										
19	Limited horse boarding	P	P								

See notes following all tables.

Commercial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	COMMERCIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Administrative and professional offices				P	P	P	P	P	P
2	Veterinary clinics/animal hospitals				C1	P1	P1	P1	P1	P
Retail/Services/Entertainment										

3	Adult entertainment									C (9)
4	Amusement and recreation (private)				P	P	P	P		P
5	Beauty salon/barber			P (10)	P	P	P	P		
6	Building materials (11)				P1	P1, C2	P1, C2	P1, C2		P
7	Business support services			P	P	P	P	P		P
8	Commercial centers				C	P1, C2 (12)	C	C		
9	Eating and drinking establishment			P4	P1, 2, 3	P1, 3	P1, 3, C2	P1, 2, 3		
10	Food stores (11)				P1, C2	P	P1, C2	P		
11	Garden center (11)				P	P1	P1	P		C
12	Health club (a.k.a. fitness center)				P	P	P	P		C
13	Kennels							C		P
14	Limited accessory retail			P (13)						

	(MU-O only)								
15	Lodging – Hotels and motels (no RV)				C	P	P	P	
16	Marinas, existing only	P							
17	Mini casinos								
18	Movie theaters (indoor only)				P	P		P	
19	Mobile, manufactured, and modular home sales								C
20	Vehicle sales, repair, service				P1, 2		P1, C2	P1, 2	P1, 2, C3, 4
21	Pawn shops							P	C
22	Personal services (other)			P1 (10)	P1, C2	P1, C2	P1, C2	P1, C2	P
23	Rental and repair				P1, C2	P1, C2	P1, C2	P1, C2	P
24	Sales of general merchandise (11)				P1, C2	P1, C2	P1, C2	P1, C2	P1, C2
25	Tattoo parlors							C	

26	Video rental					P	P	P	P	P
27	Wholesale trade (11)							C1	C1	P1, C2

See notes following all tables.

Industrial Uses Zone Classification Table

ZONE CLASSIFICATIONS										
	INDUSTRIAL USES	One-Family Residential	Two-Family Residential	Multifamily	Mixed Use – Office	Neighborhood Commercial	Town Center	Mixed Use	Commercial	Light Industrial – Business Park
		R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP
1	Bulk fuel dealers									C
2	Buy-back recycling									
3	Contractor yards								C1	P
4	Food and related products									P
5	Industrial services and repair									C

6	Limited manufacturing									P
7	Motion picture, TV and radio production studios							C1		P
8	Printing, publishing and related industries									P
9	Salvage yards									P1, C2
10	Storage units									P
11	Vehicle impound yards									P
12	Warehousing, distribution and freight movement									C1

See notes following all tables.

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 or subject to the Town Center overlay design standards (Ord. 409).
- (6) Kindergarten and primary school only.
- (7) Allowed in R1 and R2 zones only in conjunction with selected nonresidential uses in accordance with UPMC Title 23.
- (8) Subject to essential public facility review.
- (9) Subject to adult entertainment siting criteria.
- (10) Permitted only at 1,000 square feet gross floor area or less.
- (11) Establishments over 80,000 square feet are considered commercial centers.
- (12) Commercial centers greater than 200,000 square feet are permitted outright in the Town Center overlay zone subject to the Town Center overlay design standards (Ord. 409).
- (13) Retail uses that are related to a use in an office building are limited to 750 square feet each. Total retail uses in a building shall not exceed 20 percent of the building's leasable square footage.
- (14) Only where such use is a shooting facility that lawfully existed prior to January 1, 2008 and is located on at least 20 acres. Shooting facilities include rifle, shotgun and pistol shooting ranges and supporting facilities.