

ORDINANCE NO. 437

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING" TO ADDRESS PUBLIC SAFETY AND THE UNIQUE HISTORICAL DEVELOPMENT PATTERN IN THE DAY ISLAND SOUTH SPIT OVERLAY.

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, on May 3, 2004, the City Council adopted a moratorium and interim zoning control with respect to building permits or other land use applications that would result in the construction of any new building or expansion of any existing building on the south spit of Day Island that either exceeds 30 feet in height or encroaches on a side yard setback of less than five feet per side, exempting development and building permit applications that were pending on the effective date of Ordinance No. 418, and

WHEREAS, the City Council enacted the moratorium to allow time to study the issue and consider bulk regulations on the Day Island South Spit that more adequately protect the public health, safety and welfare and that address concerns raised by the Fire District, and

WHEREAS, the City Council held a public hearing on this matter on June 7, 2004 and adopted Resolution No. 449 to adopt Findings of Fact to support Ordinance No. 418, and

WHEREAS, the City Council directed City Staff to involve residents from Day Island and the Lemons Beach area in developing options to address the concerns of each neighborhood, and

WHEREAS, the City Council adopted Ordinance No. 430 on October 18, 2004 extending the moratorium through May 1, 2005 to allow additional time for the community to identify a solution, and

WHEREAS, the City sponsored public workshops on October 14 and 28, 2004 during which residents from Day Island South Spit and the Lemons Beach areas identified issues of concern and developed three options to address the Fire District's public safety concerns and preservation of the unique historical development patterns of the Day Island South Spit, and

WHEREAS, taking the three options developed by area residents and the Fire District's concerns into account City Staff developed a fourth hybrid option, that was accepted by most residents as fair and recommended this option to the Planning Commission, and

WHEREAS, the Planning Commission held a public hearing on November 17, 2004 to take testimony and consider proposed amendments to the Day Island South Spit Overlay, and

WHEREAS, the Planning Commission after hearing testimony and duly considering the issue voted to amend the overlay standards as proposed by staff by a vote of 4 in favor, 2 against with 1 abstention, and

WHEREAS, the City's received an expedited State Agency review in accordance with RCW36.70A.106, and

WHEREAS, on November 30, 2004 the City issued a SEPA Determination of Nonsignificance,
and

WHEREAS, the City Council on December 6, 2004 held a public hearing to consider public
comments and questions; NOW THEREFORE

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

SECTION 1. TITLE 19 ZONING. Title 19 Zoning of the University Place Municipal Code
is hereby amended as set forth in Exhibit "A"

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.

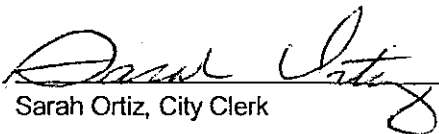
SECTION 4. PUBLICATION AND EFFECTIVE DATE. A summary of this Ordinance
consisting of its title shall be published in the official newspaper of the City. This ordinance shall take
effect on February 15, 2005.

PASSED BY THE CITY COUNCIL ON THE 7TH DAY OF FEBRUARY 2005.



Ken Grassi, Mayor

ATTEST:


Sarah Ortiz, City Clerk

APPROVED AS TO FORM:


Janean Polkinghorn, City Attorney

Date of Publication: 2/10/05
Effective Date: 2/15/05

EXHIBIT A

19.55.030 Day Island overlay zone.

A. Purpose. The purpose of the Day Island overlay zone is to preserve the unique residential character of Day Island by allowing flexibility in building setbacks and other development standards.

B. Day Island Development Standards.

1. Unless otherwise specified in this section, all development standards of this code also apply.

2. For the purpose of the Day Island development standards, Day Island is divided into two areas, Day Island and the South Spit. Day Island is generally that portion north of the 27th Street Bridge and the South Spit, generally that portion south of the 27th Street Bridge. Specific lots subject to the development standards are identified in Figure 1*. The following table specifies setback and height requirements for Day Island areas.

Setbacks	Day Island	South Spit
Front Yard Minimum	20 feet	0
Side Yard Minimum	5 feet	0
Rear Yard Minimum	20 feet	NA
Garages (a)	5 feet	NA
Accessory Structures (b)	5 feet	NA
Boat Houses (c)	0 feet	NA
Height (Maximum)		
Principal Structure	35	35 30 (d)(e)

a. One single-story garage or carport not exceeding 15 feet in height from street centerline elevation is permitted in the front yard setback but no closer than five feet from the street providing the garage does not exceed a maximum width of 24 feet and size of 600 square feet.

b. Accessory structures may be constructed in the rear yard setback.

c. Boathouses may be built in the rear yard setback.

d. From street centerline elevation.

e. All new structural roofs shall be gabled or pitched.

C. Porches and Decks. The following porches and decks are allowed to project into the required setbacks as follows:

1. A porch or deck built at the same elevation as the floor of the house where the principal access door is located may project five feet into the front yard.

2. A porch or deck with a maximum height of five feet from finished grade may project three feet into the side yard.

3. A porch or deck no higher than the floor of the top story may project 15 feet into the rear yard.

D. Fences. Fences not to exceed six feet in height may be located in the required setbacks.