

ORDINANCE NO. 371

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING AN AMENDMENT TO SECTIONS 19.10 DEFINITIONS AND 19.25 "USES AND ZONE CLASSIFICATION TABLES" OF THE UNIVERSITY PLACE MUNICIPAL CODE TO AMEND THE DEFINITIONS FAMILY, ADULT FAMILY HOME, ASSISTED LIVING FACILITIES, BED & BREAKFAST AND GROUP HOMES – LEVEL II AND INDICATE WHERE GROUP HOMES ARE ALLOWED.

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998; 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, recent case law has brought into question the City's definition of family and provisions regarding group homes of protected individuals, and

WHEREAS, the Planning Commission during a regular meeting on October 16, 2002 discussed group homes and unanimously recommended the City Council hold a public hearing and adopt amendments redefining "Family" "Adult Family Home", "Assisted Living Facilities" and "Bed & Breakfast" and changing the use tables to indicate where different types of group homes are allowed; and

WHEREAS, on October 18, 2002 the City issued a SEPA Determination of Nonsignificance with a 14-day appeal period ending on November 1, 2002; and.

WHEREAS, the proposed amendment was submitted for State agency 60-day review period pursuant to RCW 36.70A.106 during which no comments were received; and

WHEREAS, on January 6, 2002 the City Council held a Public Hearing on the proposed amendment and after hearing testimony and dully considering the amendment; NOW THEREFORE

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

Section 1. Chapter 19.10. – Definitions.
Amend the definition of "Family" as follows:

- A) "Family" means an individuals consisting of or two or more persons related by genetics, blood, or marriage, or adoption or marriage, or a group of not more than five or fewer persons who are not related by genetics, blood, marriage, or adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption or marriage to all of the members of such group living in a dwelling unit, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or adoption shall be counted as one person and all other individuals shall be counted as single individuals. For the purposes of this definition, persons with handicaps or otherwise protected by the Federal Fair Housing Act (42 U.S.C. 3601 et.seq.) shall not be counted as unrelated persons.

Section 2. Chapter 19.25 - Uses And Zone Classification Tables. Amend the descriptions of "Adult Family Home", "Assisted Living Facilities", "Bed & Breakfast" and "Group Homes – Level II" as follows:

Adult Family Home. Adult family home use type means a regular family dwelling unit in which a person or persons provide personal care, special care, room, and board to more than one but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services. (RCW 70.128.010). Adult family homes shall not serve as a Level II Group Home.

Assisted Living Facilities. Assisted living facilities 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. Assisted Living Facilities shall not serve as a Level II Group Home.

Level 1. Assisted Living Facilities:

- a. Located on an arterial street;
- b. On two (2) or fewer acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single family and two family 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 twenty (20) foot minimum side yard setbacks.

Level 2. Assisted Living Facilities:

- a. Located on an arterial street;
- b. On more than two (2) acres;
- c. Is limited to two stories in height;
- d. Maintains an architectural character similar to typical single family and two family 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);
- e. Maintains twenty (20) foot minimum side yard setbacks; and
- f. Has a minimum twenty (20) percent of open space including setbacks.

Level 3. Assisted Living Facilities with none of the above restrictions.

Bed and Breakfast. Bed and Breakfast use type is a dwelling unit within which no more than four (4) guest bedrooms are available for paying guests. The number of guests is limited to no more than six (6) at any one time. A Bed & Breakfast shall not serve as a group home.

Group Homes - Level II: All group homes other than those defined as Level I Group Homes shall be Level II Group Homes. Level II Group Homes includes but are not limited to, facilities where one or more individuals reside for the purposes of incarceration, sex offender housing, or drug or alcohol abuse treatment for a person or persons currently using alcohol or drugs. Level II Group Homes does not include facilities protected by the Washington's Law Against Discrimination, the Fair Housing Act or Fair Housing Act Amendments. A level II group home is considered an essential public facility and subject to review in accordance with UPMC 19.40.

Section 3. Chapter 19.25 - Uses And Zone Classification Tables


1. Amend the Residential, Use Zone Classification Table as set forth in Exhibit A
2. Amend the Utilities/Essential Public Facilities/Resource Use Zone Classification Table as set forth in Exhibit B

Section 4. 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 5. 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.

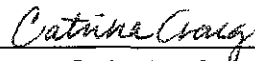
Section 6. Publication And Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 21, 2003



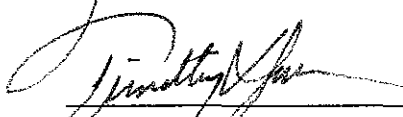
Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 1/23/03
Effective Date: 1/28/03

Ordinance 371, Exhibit A

The Use Tables will also change to reflect the new levels as follows:

RESIDENTIAL USES	One Family Residential	Two Family Residential	Multi-Family	Mixed Use Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Indus.-Business Park	Public Facility
	R1	R2	MF	MU-O	NC	TC	MU	C	LI-BP	PF
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 (a)	P	P	P	P	P					
4 Level I Group Home	P	P	P	P			P			P
5 Mobile/Manufactured Home			P (b)	-						
6 Mobile Home Park			C							
7 Multi-Family Housing			P	P (c)		P (c)	P (c)			
8 Nursing Home		P1, C2	P3	P3		P3	P3			
9 Single Family Housing (Attached)	P1	P1	P2	P2	P2		P2			
# Single (Detached) and Two Family Housing	P	P	P	P	P		P			

Ordinance 371, Exhibit B

UTILITIES, ESSENTIAL PUBLIC FACILITIES, AND RESOURCE USES		One Family Residential	Two Family Residential	Multi-Family	Mixed Use Office	Neighborhood Commercial	Town Center*	Mixed Use	Commercial	Light Industrial-Business Park	Public Facility
		R1	R2	MF	MU-O	NC	TC	MU	Commercial	LI-BP	PF
Utilities Use											
1	Comm. and Personal Wireless Tele. Fac.	C1 2 3 PFP3 4	C1 2 3 PFP3 4	C1 2 3, PFP3 4	C1 2 3 4, PFP3 4	C1 2 3, PFP3 4	C1 2 3 4, PFP3 4	P1, A2 3, C4	P1, A2,3, C4, PFP4	P1, A2, 3, C4	P1,2,3, PFP 4
2	Electrical Facilities	C	C	C	P	P	P	P	P	P	
3	Electrical Generation , Accessory on-site only										P
4	Natural Gas Facilities	P1	P1	P1	P1, 2	P1, 2		P1, 2*	P1, 2	P	
5	Recycling Collection Sites	P	P	P	P	P	P	P	P	P	P
6	Sewage Collection Facilities	P	P	P	P	P	P	P	P	P	PFP
7	Stormwater Facilities	P	P	P	P	P	P	P	P	P	P1, 2 PFP 3
8	Water Supply Facilities	P1, C2, PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2 PFP2	P1, C2, PFP2	P1, C2 PFP2	P1 C2 PFP2	P1 C2	P1 PFP
Essential Public Facilities Use**											
	Level II Group Home			PFP	PFP			PFP			
9	Organic Waste Processing Facilities										PFP
10	Prisons										-
11	Recycling Processor										-
12	Sewage Treatment Facilities										PFP
13	Waste Disposal Facilities										PFP2
14	Waste Transfer Facilities			P1	P1	P1	P1	P1	P1	P1 C2, 3	P1
Resource Use											
15	Agricultural Sales					P	P	P	P	P2	PFP
16	Crop Production	P	P	P							PFP
17	Fish Enhancement										P
18	Group Home			PFP	PFP						-
19	Limited Horse Boarding	P	P	-	-	-	-	-	-	-	-