

ORDINANCE NO. 216

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS 19.25.400(D)(1), 19.35.020(D)(7) AND 19.35.020(E) OF THE UNIVERSITY PLACE MUNICIPAL CODE PERMITTING RESIDENTIAL ACCESSORY STRUCTURES OF UP TO 10% OF THE LOT AREA OR 1,200 SQUARE FEET, WHICHEVER IS LESS.

WHEREAS, following several comments from concerned citizens, the City Council requested that the Planning Commission reassess provisions regarding residential accessory structures; and

WHEREAS, on November 18, 1998 the Planning Commission considered the City Council request and found that existing provisions were adequate; and

WHEREAS, when presented with the Planning Commission's finding, the City Council questioned whether the Planning Commission had considered existing provisions that limited the size of residential accessory structures to 800 square feet regardless of lot size, up to one acre and then place no limit of the number of 800 square foot accessory structures; and

WHEREAS, on December 20, 1998, the Planning Commission discussed residential accessory structures and indicated that the size of residential accessory structures should be proportionate to the size of the lot, that accessory structures must be residential in character and that there be a reasonable limit to the size of residential accessory structures; and

WHEREAS, the Comprehensive Plan includes land use policies that serve to protect individual property rights and protect residential areas from incompatible uses; and.

WHEREAS, on January 11, 1999, the City Council met in study session to discuss the issue further; and,

WHEREAS, on January 19, 1999, the City Council held a public hearing to hear and duly consider testimony.

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

Section 1. Section 19.25.400(D)(1), of the University Place Municipal Code is hereby amended as follows:

"D. Residential Standards. Accessory uses and structures customarily incidental to principal residential uses and structures are allowed in all regulatory zones except as otherwise provided herein. The following provision applies to all zone classifications permitting a residential use.

1. ~~Residential Lots Less than One Acre in Size.~~ No detached accessory structure or combination of detached accessory structures are permitted to exceed 10 percent of the lot area or 800 1,200 square feet whichever is less; subject to other provisions of this code."

Section 2. Section 19.35.020((D)(7), of the University Place Municipal Code is hereby amended as follows:

"7. Detached Accessory Structures, Rear and Side Yard Exceptions.

~~A detached accessory garage may be placed in the required rear and/or side yard subject to all of the following provisions.~~

~~The accessory garage shall:~~

- ~~i. Be no greater than 600 square feet in gross floor area;~~
- ~~ii. Maintain five (5) foot minimum side and rear yard setbacks;~~
- ~~iii. Have no portion of the structure, such as eaves, closer than three feet from a property line.~~
- ~~iv. Be no greater than 15 feet in height (see definitions, "Height, Building"); and,~~
- ~~v. Be no closer than five (5) feet to the primary structure.~~

~~Accessory garages up to 800 square feet in area may be permitted through administrative use permit approval.~~

~~b. One single story garden sheds and greenhouses not to exceed 80 square feet in area, children's play equipment, swimming pools, arbors, and/or gazebos may be placed in the required side or rear yard setback, but shall also be no closer than five (5) feet to a property line and shall meet the requirements of Section 25.400.D.1."~~

a. Detached accessory structures including, but not limited to garages, carports, garden sheds, and other accessory buildings may be placed in the required side and/or rear yard setback subject to the following requirements:

- i. Be no larger than 600 square feet in gross floor area;
- ii. Maintain five (5) foot minimum side and rear yard setbacks;
- iii. Have no portion of the structure, such as eaves, closer than three (3) feet from any property line.
- iv. Be no greater than 15 feet in height, and,
- v. Be no closer than five (5) feet to the primary structure.

b. Children's play equipment and swimming pools (above and in-ground) also may be placed at the minimum five (5) foot side and/or rear setback.

c. Exceeding Size Limitation. One detached accessory structure up to 800 square feet in size may be permitted through a Conditional Use Permit process.

Section 3. Section 19.35.020(E), of the University Place Municipal Code is hereby amended as follows:

E. Height Standards. See Figure 3.*

1. Measurement. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm. See Figure 4.*
2. No residential accessory structure shall exceed 15 feet in height.

2.3. Exceptions. Height standards shall not apply to the following:

a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures; provided the structure is set-back from all property lines a distance equal to the height of the structure.

b. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided all equipment is setback 10 feet from the edge of the roof

c. Personal wireless telecommunication antenna may project no more than 16 feet above the roof line including parapets. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if colocation and an adequate screening structure is used.

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.

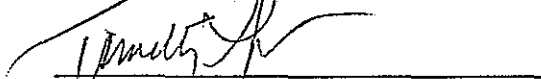
PASSED BY THE CITY COUNCIL ON JANUARY 19, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: January 21, 1999

Effective Date: January 26, 1999