

ORDINANCE NO. 98

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE NOS. 58 AND 79, THE UNIVERSITY PLACE ZONING CODE: MODIFYING DEFINITIONS OF LOT AREA, MULTI-FAMILY AND TWO FAMILY DWELLINGS; ADDING ACCESSORY USES ALLOWED UNDER THE RESIDENTIAL USE CATEGORY; REVISING DEVELOPMENT STANDARDS REGARDING ALLOWED DENSITY IN THE COMMUNITY CENTER ZONE, SETBACK REQUIREMENTS, ACCESSORY STRUCTURES IN REAR YARDS, INOPERABLE VEHICLES, HOME OCCUPATIONS, AND SEWER HOOKUP REQUIREMENTS; REPLACING LANGUAGE FOR NONCONFORMING SIGNS; MODIFYING REQUIREMENTS FOR DISCRETIONARY LAND USE PERMITS; AND CLARIFYING THE REQUIREMENT OF THE COMMUNITY MEETINGS PROCEDURE, AND EXAMINER REVIEW PUBLIC NOTIFICATION.

WHEREAS, Several changes and additions are required to the Interim Zoning Code to facilitate in the administration and enforcement of the code; and

WHEREAS, The Planning Commission held a public hearing on February 28, 1996 and has recommended these amendments to the zoning code; and

WHEREAS, the City Council held public hearings to consider the proposed amendments on April 1, 1996, and June 3, 1996; NOW THEREFORE,

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

Section 1. Interim Zoning Ordinance Amended. The Zoning Ordinance for the City of University Place adopted by Ordinance No. 58, and Amended by Ordinance No. 79 is hereby amended as set forth below.

CHAPTER 19.05

INTRODUCTION - CITY OF UNIVERSITY PLACE DEVELOPMENT REGULATIONS

19.05.020 Purpose.

The general purposes of the City of University Place Zoning Code are:

1. To implement the City of University Place Comprehensive Plan in accordance with RCW 36.70 et seq. (Planning Enabling Act) ~~and RCW 36.70A et seq. (Growth Management Act);~~

CHAPTER 19.15

DEFINITIONS

Home Occupation. ~~Home Occupation means any business activity carried on within the principal residence or within a permitted accessory structure, incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.~~ Home Occupation means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not for profit basis.

Inoperable Vehicle: ~~An inoperable vehicle shall mean an uninsured or unregistered vehicle or a vehicle without current license tabs~~ An inoperable vehicle is any type of vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads. Repairs include but are not limited to, replacement of a window, windshield, wheel, tire, motor, or transmission .

Lot, Area. Lot area means the total area within the lot lines of a lot, excluding any right-of-way. For the purposes of this regulation, any portion of a lot lying within a right-of-way or below the ordinary high water mark or lawfully constructed bulkhead may not be included in a lot area or density calculation.

Multi-Family. Multi-Family means a structure containing 3 or more dwelling units, with the units joined to one another. Multi-family includes three (3) or more dwelling units on a single lot or parcel, except as specifically provided in mobile home parks and Planned Development Districts.

Two-Family. Two-Family means two dwelling units ~~which are attached to one another~~ within the same building. Two-Family housing types are also known as duplexes.

CHAPTER 19.25

ZONE CLASSIFICATIONS AND USE TABLES

19.25.400 Accessory Uses And Structures

E. **Accessory Use List.** The following accessory uses are customarily found within one or more use categories.

1. **Residential.**

- a. Carports or garages for the sole use of occupants of premises and their guests, attached or detached (without fee to guests), for storage of motor vehicles, boats, recreational vehicles, and/or planes;
- b. Greenhouse, private and non-commercial;
- c. Storage buildings for yard maintenance equipment and household goods;
- d. Underground fuel storage tanks to serve a residential subdivision; and
- e. Refer to Section 19.25.400.E8 for uses applicable in more than one use category; and
- f. The outdoor storage of vehicles or parts thereof, for a period of 72 hours or more, is permitted in MSF and HRD zones, subject to the following provisions:

1. The outdoor storage of inoperable vehicles and vehicle parts shall be screened from neighboring properties and the public right-of-way by a solid fence or approved level 3 landscaping pursuant to Section 19.35.030(G). Storage of inoperable vehicles is prohibited in required front or side yard setbacks areas. Open or unscreened storage of inoperable vehicles is permitted for a seven day period while a vehicle is undergoing or awaiting repairs.

2. In no event shall any outdoor storage of commercial vehicles in excess of 10,000 GVW be permitted in the MSF or HRD zones, and

g. The outdoor storage of two boats or non-motorized recreation vehicles. Non motorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Non motorized recreation vehicles do not include bicycles and similar sports equipment. Outdoor storage of additional boats and/or non motorized recreation vehicles shall

screened from neighboring properties and the public right-of-way by a solid fence or approved level 3 landscaping pursuant to Section 19.35.030(G). Storage of additional vehicles is prohibited in required front or side yard setbacks.

UNOFFICIAL DOCUMENT

CHAPTER 19.35

DEVELOPMENT STANDARDS

19.35.020 DENSITY AND DIMENSION

B. Tables.

2. Density and Dimension Tables.

Density & Dimension	Urban Zone Classifications				
	Employment Centers	Urban Centers	Urban Districts		Urban Res.
	MEC Moderate Intensity Employment Center	CC Community Center	MUD Mixed Use District	HRD High Density Residential District	MSF Moderate Density Single-Family
	MEC	CC	MUD	HRD	MSF
Base Density (du/ac) ⁽¹⁾	4	4	10	10	4 ⁽¹⁾
Maximum Density (du/ac)	12	6 ⁽²⁾	12 ⁽²⁾	12 ⁽²⁾	6 ⁽²⁾
Setback, Arterial Streets	35'	35'	25'	25'	25'
Setback, Other Roads	25'	25'	25'	25'	25'
Setback, Rear	0 ⁽⁴⁾	0 ⁽⁴⁾	0 ⁽⁴⁾	0 ⁽⁴⁾	30'
Setback, Side	0 ⁽⁴⁾	0 ⁽⁴⁾	0 ⁽⁴⁾	0 ⁽⁴⁾	8'
Height	40'	40'	40'	40'	35'
<u>Minimum Lot Dimension</u>		<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>

D. Setback Standards.

1. **Setback Measurement.** A setback is measured from the edge of a street right-of-way, access easement or private road. Where there is no street right-of-way, access easement or private road, a setback is measured from the property line. A setback is measured to the leading edge of a structure or the foundation of a building.

7. **Accessory Structures, Rear Yard Exception.** One single story garden shed and greenhouse not to exceed 80 square feet, children's play equipment, swimming pools, arbors and gazebos may be placed in a rear yard, but shall not be closer than five (5) feet to a property line, and shall meet the requirements of Section 25.400.D.1. An accessory garage up to 800 square feet may be placed within the rear yard, but must maintain a minimum ~~fifteen(15)~~ ten (10) foot setback from the rear property line, and be located at least ~~ten (10)~~ five (5) feet from the primary structure.

9.35.040 LOADING AREA REQUIREMENTS AND OFFSTREET PARKING

~~O. Inoperable Vehicles.~~

1. ~~An inoperable vehicle shall be a vehicle without a valid registration, and/or current licenses tabs.~~

2. ~~**Inoperable Vehicles and Motor Vehicles Accessories.** The outdoor storage of an inoperable vehicle, vehicle parts and/or vehicle accessories such as but not limited to, camper shells and equipment trailers shall be screened from neighbors properties and any public right-of-way and prohibited in any front or side yard. The outdoor storage of more than 3 inoperable vehicles shall be considered a salvage yard and permitted only in the appropriate zones.~~

3. ~~**Screening.** For the purpose of this subsection screening shall mean an arrangement of natural or manmade materials installed for the purpose of concealing a specific area from view. The term includes but is not limited to, solid walls and fencing, dense hedges and Landscaping.~~

19.35.060 HOME OCCUPATIONS

2. **General Provisions and standards.** The following general provisions and standards shall apply to all home occupation activities.

- ~~o. Vehicle repair, alteration, or rebuilding shall not be permitted as a home occupation.~~

19.35.140 IMPROVEMENTS

- D. **Sanitary Sewers:** At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within 300 feet of the property at the property owners expense.

~~If connecting to the existing sewer requires the property owner to obtain an easement across private property but the property owner is unable to do so and can provide evidence that a reasonable attempt to obtain such easement was made, and providing further that hookup to any existing and available sewer requires the property owner to extend a line greater than 1000 feet, a waiver from this requirement can be granted. This waiver provision does not apply to new subdivisions of 5 or more lots.~~

CHAPTER 19.45

SIGNS

19.45.430 Replacement of Nonconforming Signs

Any sign which is nonconforming in that it does not conform to the regulations in this chapter shall either be removed or brought into compliance with the chapter requirements within the time period specified herein.

~~Any sign existing within the City on January 3, 1996, the date of the adoption of this ordinance, that does not comply with this chapter must be removed or brought into compliance by December 31, 2001. Any nonconforming sign legally installed within the City after January 3, 1996 must be removed or brought into compliance by December 31, 2001. Any nonconforming sign in an area subsequently annexed into the City shall be removed or brought into compliance with this chapter five (5) years after the effective date of the annexation.~~

Except as provided in this chapter, signs in existence on August 31, 1995 which did not conform to the provisions of this chapter, but which were constructed, erected, or maintained in compliance will all previous Pierce County regulations, shall be regarded as nonconforming. Each nonconforming sign and sign structure shall be allowed to be displayed for a period of time that allows a reasonable opportunity for the owner to benefit from the investment made in the sign. This period shall be seven (7) years. After this time has expired, nonconforming signs and sign structures shall be removed or otherwise brought into compliance with this code. The table below establishes a fair and equitable time schedule for such compliance. Where there is no record of a permit being issued, the sign shall be considered illegal.

<u>Date of Permitting</u>	<u>Date of Removal</u>
<u>1/01/95 - 8/31/95</u>	<u>12/31/02</u>
<u>1/01/94 - 12/31/94</u>	<u>12/31/01</u>
<u>1/01/93 - 12/31/93</u>	<u>12/31/00</u>
<u>1/01/92 - 12/31/92</u>	<u>12/31/99</u>
<u>1/01/91 - 12/31/91</u>	<u>12/31/98</u>
<u>Prior to 12/31/90</u>	<u>12/31/97</u>

Any sign not removed within the time limit stated herein shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the City if the sign owner or property owner fails to do so after being so ordered by the Director or designee. Cost of said removal shall be borne by the sign owner or property owner and may be recovered by the City, if necessary by placing a lien on the property from which the sign has been removed.

Signs that received permits for face changes in accordance with this Chapter prior to the effective date of the provision, shall be considered new signs for the purposes of this provision and if nonconforming, shall be brought into compliance by 12/31/02.

CHAPTER 19.75

DISCRETIONARY LAND USE PERMITS

19.75.050 PLANNED DEVELOPMENT DISTRICTS

P. Permissive Variation from Standard Requirements. In considering a proposed development plan, the approval may involve modifications in the regulations, requirements, and standards of the underlying zone in which the project is located so as to appropriately accomplish the purpose of this Section. In making such modifications as are deemed appropriate, the following, except for item 1. which may not be exceeded, guidelines shall apply.

- 6. Internal Roads** All internal roads shall be constructed to public road standards, except when permitted by the Examiner, the road easement width may be reduced to not less than 36 feet. Road easement area can not be counted in allowed density calculations. To offset the reduction in road easement width, an area adjacent to public property not smaller than the area equal to the difference in area between the reduced road width and the required road width shall be dedicated or transferred into public ownership. The City must approve the area for dedication or transfer. The area dedicated or transferred to the public may be used in density calculations.

R. Parties Bound by PDD District. Once the preliminary development plan is approved by the Examiner, all persons and parties, their successors, and heirs who own or have any interest in the real property within the proposed PDD, are bound by the Examiner's action. The applicant(s) shall record a deed restriction on the subject property. The deed restriction shall include the conditions of PDD approval

19.75.070 NONCONFORMING USE PERMIT

C. Administrative Nonconforming Use Permit. An Administrative Nonconforming Use Permit is required for a limited expansion of a nonconforming use or for a change of a nonconforming use. An Administrative Nonconforming Use Permit is allowed after approval from the Director. The Director may impose such conditions as deemed necessary to ensure proposals conform to the intent of the Comprehensive Plan, appropriate Community Plan, and any implementing regulation.

CHAPTER 19.85

PROCEDURES

19.85.020 APPLICATIONS, REVIEW PROCESS AND PERMITS

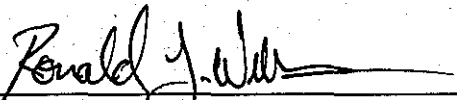
- B. Applicability.** The regulations identified in this section apply to Discretionary Land Use Permits which are recognized by the Department. These include two types:
1. Administrative review includes but is not limited to, Administrative Variance, Administrative Nonconforming Use, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary Line Adjustments, Binding Site Plans, Minor Amendments, and Home Occupations Permits.
 2. Hearing Examiner review includes but is not limited to Conditional Use, Formal Subdivision, Planned Unit Development, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, Variance, Non Conforming Use and Major Amendments.
- C. Application Requirements.**
2. **Community Meeting.** For land use actions that required approval by the Hearing Examiner following the pre-application meeting and before submitting an application, the applicant shall conduct a public meeting to solicit input and suggestions from the community. A member of the planning staff ~~should~~ **shall** attend. Notice of the public meeting shall be made in accordance with Section 85020(E)(2) (notice to neighbors) and held on a weekday evening. Community meetings are not required for variances, or when waived by the Director for ~~Conditional permits~~ Special Use Permits which do not abut or have an impact on residential properties.
- E. Review Process.**
2. **Hearing Examiner Review.** Hearing Examiner Review is utilized when processing applications for Special Use Permits including, but not limited to: Conditional Use, Formal Subdivision, Nonconforming Use, Planned Unit Development, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, and Variance. Hearing Examiner Review shall be subject to the City's Hearings Examiner Ordinance.
 3. ~~**Administrative Review.** Administrative Review is utilized when processing applications for Administrative Permits including, but not limited to: Administrative Variance, Administrative Nonconforming Use, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary Line Adjustments, Minor Amendments, Home Occupation Permits, and Binding Site Plans. Administrative Review shall be subject to the following provisions:~~

Section 2. Copy to be Available. This Zoning Ordinance shall constitute a new title in the University Place City Code and a copy will be available in the office of the City Clerk. The official copy of the Zoning Maps shall be kept at the office of the University Place Planning Department and shall be available for public inspection during regular office hours.

Section 3. Severability. If any section, sentence, or phrase of the standards adopted by this Ordinance should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of any other section, sentence, or phrase.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in official newspaper of the City. This ordinance shall be effective five days after its publication.

PASSED BY THE CITY COUNCIL ON JUNE 3, 1996.



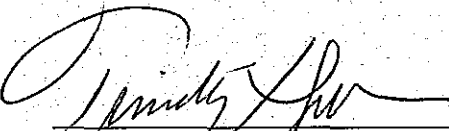
Ronald L. Williams, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: June 5, 1996
Effective Date: June 10, 1996