ORDINANCE NO. 79

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE NO. 58, ADOPTING NEW INTERIM ZONING CODE AND MAPS.

WHEREAS, The Interim Zoning Code needed changes to correct spelling and grammatical errors, to change references from the County to the City, to clarify requirements, modify, and/or move selected text to applicable sections, to make the code easier to understand and administer; and

WHEREAS, to implement the policies of the Interim Comprehensive Plan additional definitions and subsections are needed, and certain sections no longer apply to University Place; and

WHEREAS, detailed procedures for notice and appeals were added; and

WHEREAS, provisions to aid in the administration and enforcement of the sign code provisions are needed; and

WHEREAS, the City Council has indicated a desire to preserve significant trees and provide adequate landscaping and buffering with developments; and

WHEREAS, zoning designations that reflect current uses and development and do not create an excessive number of nonconforming uses are desirable; and

WHEREAS, The Planning and Development Committee has recommended selected changes to the zoning code and maps; NOW THEREFORE,

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

Section 1. <u>Interim Zoning Ordinance and Map Amended.</u> The Zoning Ordinance and Zoning Maps for the City of University Place adopted by Ordinance No. 58, are hereby amended as set forth in Exhibit A to this Ordinance entitled "University Place Zoning Code."

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. <u>Severability</u>. If any section, sentence, or phrase of the standards adopted by this Ordinance should be help 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. This ordinance shall take effect five days after its publication.

PASSED BY THE CITY COUNCIL ON JANUARY 3, 1996.

Stanley L.K. Flemming, Mayor

ATTEST:

Susan Matthew, City Clerk

APPROVED AS TO FORM:

City Attorney

Date of Publication:

January 5, 1996

Effective Date:

January 12, 1996

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CITY OF UNIVERSITY PLACE

ZONING CODE

EXHIBIT A ORDINANCE 79



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CHAPTER __.05 INTRODUCTION - CITY OF UNIVERSITY PLACE DEVELOPMENT REGULATIONS

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05.010 Title	Fitle. shall be known as the City of University Place Zoning Code.	
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);
- 2. To promote public health, safety, and general welfare through regulation of physical development of the City of University Place;
- 3. To plan for future development of the City of University Place in an orderly and predictable fashion;
- 4. To provide for adequate public facilities and services to support land development;
- 5. To promote social and economic well-being through integration of aesthetic, environmental, and economic values;
- 6. To protect property rights;
- 7. To encourage protection of environmentally critical or historically significant resources;
- 8. To ensure provision of adequate space for housing, commercial, industrial, and other activities necessary for public welfare;
- 9. To provide for efficient and effective administration and enforcement of the regulations.

10. To preserve the character of Single Family Neighborhoods within the City of University Place.

___.05.030 Interpretation and Application.

Interpretation and Application: General.

- [Add] 1. This Interim Zoning Code shall be consistent with and implement the Interim Comprehensive Plan. Any conflict between the provisions of this title and the Interim Comprehensive Plan shall be resolved by applying the Interim Comprehensive Plan.
- [Change] 1. [2.] In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this title to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.
- [Change] 2.[3.] When the provisions of this title impose greater restrictions than are imposed by other applicable City, County, regional, state, and federal regulations, the provisions of this title shall control.
- [Add] [4. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.]
- [Change] 3. [5.] In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the permitted use tables in Chapter __.25 shall control.
- [Change] 4. [6.] Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in Chapter __.15, all words and terms used in this title shall have their customary meanings.
- [Change] 5. [7.] The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary.

___.05.040 Severability.

If any section, subsection, clause, or phrase of this Code is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Code.

05.080	Brief User's Guide	
A.	Chapters.	The

- A. Chapters. The Zoning Code, Title __, contains eight chapters:
 - __.05 <u>Introduction</u>. Establishes the purpose, title and basic rules for using the Zoning Code.
 - __.15 <u>Definitions</u>. Provides definitions for words used throughout the title.

 Words or terms used only in one chapter may be defined in that chapter.
 - __.25 <u>Zone Classifications and Use Tables</u>. Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.

[A d]

- __.45 <u>Signs</u>. Includes the size, placement and other design criteria required for signs in the City of University Place.
- .75 <u>Special Use Permits</u>. Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.
- __.85 <u>Applications, Appeals, and Amendments</u>. Specifies the administrative rules and processes for determining a complete application, appealing a land use decision, amending the zoning code, amending permits, and reviewing applications for compliance with concurrency and adequacy requirements.
- __.95 <u>General Provisions</u>. Provides regulations for temporary uses, enforcement, and other issues not covered elsewhere.
- B. **Numbering Scheme**. The numbering scheme used in this title operates as shown below:

ZONING	05	.010	A.1.a.i.(1)(a
Title of U.P. City Code	Chapter of Title	Section of Chapter	paragraphs

C. Format. Each chapter begins with a listing of the sections and a purpose statement for the chapter. General definitions are contained in the Definitions Chapter, Chapter __.15; specialized definitions may be found at the beginning of the chapter where those definitions are used. Cross-references to other chapters and sections of this title can be found throughout the title. References to a chapter, section, or paragraph will be shown in boldface type, listing the entire citation.

CHAPTER ____.15

DEFINITIONS

Accessory Dwelling Unit. Accessory Dwelling Unit means a second dwelling unit, not exceeding 600 square feet, added to, created within a single-family detached dwelling for use as a completely independent unit.

Accessory Structure. Accessory Structure means a structure, either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

Use, Accessory. Accessory Use means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Adequate Public Facilities. Adequate public facilities means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

****Administrative Permit. Administrative Permit or Administrative Use Permit means a written decision, granted by the Director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative Use Permits include, but are not limited to: [Administrative Conditional Use], Administrative Variance, Administrative Nonconforming Use, Short Plats, Large Lot Divisions, Lot Combinations, Boundary Line Adjustments, [and] Binding Site Plans, [Minor Amendmants, and Home Occuation Permits.] [Edits]

Administrative Review. Administrative Review means a process involving the judgement and discretion of the Director in applying specific decision criteria and requirements.

Adult Businesses. Adult businesses means establishments from which minors are excluded and which are predominantly distinguished or characterized by an emphasis on entertainment, devices or services which are sexually explicit in nature. These businesses are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks, and community centers. Adult Businesses include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.

Adult Arcade. Adult arcade means an establishment from which minors are excluded and to which the public is permitted or invited, where, for any form of consideration, one or more motion picture projectors, slide projectors or other similar image producing machines situated for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis on the depiction, description, simulation or relation to "specified sexual activities" or " specified anatomical areas".

Adult Bookstore. Adult bookstore means an establishment from which minors are excluded and which offers for sale, for any form of consideration, any books, magazines, newspapers, publications, movie films, devices, slides, video cassettes or other photographic or periodical reproductions that are characterized by an emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas".

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Adult Cabaret. Adult Cabaret means a nightclub, bar, restaurant, theater, hall, studio or similar establishment, whether or not alcoholic beverages are served and from which minors are excluded, where, for any form of consideration, are featured live performances or any device is provided in which the subject matter is distinguished or characterized by the exposure of "specified anatomical areas" or by an emphasis on the depiction, description, simulation or relation to "specified sexual activities".

Adult Live Entertainment Establishment. See "Adult Cabaret".

****Adult Motion Picture Theater. Adult motion [picture theater] means an establishment from which minors are excluded and which does not fall within the definition of adult arcade, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown in which the subject matter is distinguished or characterized by emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas".

Adult Novelty Store. Adult novelty store means an establishment from which minors are excluded, where, for any form of consideration, are offered for sale or rental books, magazines, periodicals, films, photographs, motion pictures, slides, video cassettes or other visual representations that are characterized by emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention devices.

Amendment. Amendment means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of City Code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Director or Hearing Examiner.

Amendment, Major. Major Amendment means any change of a discretionary land use permit that is beyond the scope of a minor amendment and requires the same procedure as the initial permit.

Amendment, Minor. Minor Amendment means a limited change of a discretionary land use permit that is reviewed and approved by the Director without public notice or public participation. Examples of minor amendments include, but are not limited to: adjustments to the parking area layout, restriping of parking, or site access location; additions of fences, retaining walls, and mechanical equipment; adjustments to building height; adjustments to the landscaping plans such as changes to plant materials; adjustments to the location of structures provided the adjustment is generally consistent with the original approval; and the elimination of a portion of an approved project.

Assigned Service Area. Assigned Service Area means the geographical area served by Category A and B public facilities as contained in the current Comprehensive Plan.

Available Public Facilities. Available public facilities means facilities or services that are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

Barn. Barn means any building used for agricultural purposes that contains items generally associated with farming including but not limited to farm equipment such as tractors or farm animals such as livestock.

Bed and Breakfast House. Bed and breakfast house means any single-family dwelling, in which travelers are lodged for 2 weeks or less and a morning meal provided, and for which compensation of any kind is paid. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)

Biosolids. Biosolids means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

Boat House, Private. Private boat house means an accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boat house is erected on a pier or wharf and/or over a dock or docking ship.

Building. Building means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Detached. Detached building means a building surrounded by open space on the same lot.

Building Division. Building Division means the Building Division of the Planning and Community Development Department.

Building, Principal or Main. Principal or main building means a building devoted to the principal use of the lot on which it is situated.

Business Activity. Business activity means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or non-profit.

Business or Commerce. Business or commerce means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

Buy-back Recycling Center. Buy-back Recycling Center means any small business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

Carrying Capacity. Carrying capacity means the level of development density or use an environment is able to support without suffering undesirable or irreversible degradation.

[Category A Public Facilities. Category A public facilities means facilities owned or operated by the City or Pierce County and subject to the requirements for concurrency, including: sanitary sewer and surface water management systems and City arterials.

Category B Public Facilities. Category B public facilities means facilities owned or operated by federal, state and city governments, independent districts, and private organizations and subject to the requirement for concurrency, including: Transit, domestic water supply and on-site and community sewage systems.

Category C Public Facilities. Category C public facilities means facilities owned or operated by the City or County but not subject to the requirement for concurrency, including: The Pierce County airport; Pierce County Correction and Detention facilities; City Administration Buildings; City Law Enforcement; City Parks and Pierce County River Levees.

Category D Public Facilities. Category D public facilities means facilities owned or operated by federal, state, or city governments, independent districts, or private organizations but not subject to the requirements for concurrency, including: Libraries, Federal and State arterials, Fire and Emergency Medical Services, Solid Waste facilities and Schools.

Cellular Communication Facility, Attached. Attached Cellular Communication Facility means a cellular facility that is affixed to an existing structure. The existing structure, for example, an existing building, tower, water tank, utility pole, etc., to which the Cellular Communications Facility is attached, is not considered a component of the Attached Cellular Communications Facility.

Cellular Communication Support Structure. Cellular Communication Support Structure is the structure erected to support cellular communication antennas and connecting appurtenances. Support Structure types include, but are not limited to, monopoles, lattice towers, wood poles or guyed towers.

Central Office Switching Unit. Central Office Switching Unit means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks.

Certificate of Capacity. Certificate of Capacity means a document issued by a service provider indicating the quantity of capacity that has been reserved for a specific development project on a specific property.

*****Character. Character means the distinctive features or attributes of buildings, uses, and site design on adjacent properties and in the vicinity as required in the Comprehensive [-and Neighborhood or Specific Area-] Plan[s]; including but not limited to building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.

Check for Adequacy. Check for Adequacy means the annual comparison of the impacts of development to the available capacity of Category C and D public facilities and services.

Cogeneration. Cogeneration means the simultaneous production of electricity and heat energy. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both.

Cogeneration units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.

Commercial Vehicle. Commercial vehicle means any motorized vehicle, including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.

Composting Facility. Composting Facility means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable produce for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yardwaste, biosolids or food waste.

Composting Facility, Municipal Solid Waste (MSW). Municipal Solid Waste Composting Facility means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

Concurrency. Concurrency means that adequate public improvements or strategies are in place at the time of development. For transportation improvements, concurrency means that a financial commitment is in place to complete the improvements or strategies within six years.

Conditional Use. Conditional Use means a use conditionally permitted in one or more zones as defined by this Code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Conditional Use Permit. Conditional Use Permit means the documented evidence of authority granted by the Examiner to locate a conditional use at a specific location.

Constructed Wetlands. Constructed Wetlands means wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or stormwater treatment. Constructed wetlands are normally considered as part of the stormwater/wastewater collection and treatment system and must be maintained. (These wetlands are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.)

Contiguous. Contiguous means bordering upon, to touch upon, or in physical contact with.

Curb Level. Curb level for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

Day Care Center, Adult. Adult Day Care Center means centers which provide supervision and care for a group of elderly or disabled adults who cannot safely be left alone for a period of less than 24 hours per day.

Day Care Center, Child. Child Day Care Center means a facility, licensed by the State, which regularly provides care for a group of children for periods less than 24 hours per day. The term

shall include, but not limited to, facilities commonly known as "day care facilities", "day care centers", and "pre-schools".

Delayed Concurrency Affidavit. Delayed Concurrency Affidavit means a document signed by an applicant for a preliminary development permit which defers the Test for Concurrency until a Building Permit is applied for, and acknowledges that future rights to develop the property are subject to the deferred Test for Concurrency.

Department. Department means City Planning Department.

****Development Permit. Development permit means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision plat, site plan, building permit, special exception, variance, or any other official action of the [County] [City] having the effect of authorizing the development of land.

****Director. Director means the Director of the Planning and [Land Services Department.] [Community Development]

Discretionary Land Use Permit. Discretionary Land Use Permit means a document granted by official action of the [County] [City] which authorizes the development or use of land pursuant to the Final Development Plan approval of a Special Use Permit or Administrative Permit.

Duplex: (See "Two-Family")

Dwelling. Dwelling means a building or portion thereof designed exclusively for human habitation; including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.

Dwelling Unit. Dwelling Unit means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

Escort Service. An establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.

Establishment, Business or Commercial. Business or commercial establishment means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, and where direct access to each "business or commercial establishment" is separate and distinct from direct access to any other business or commercial establishment.

Examiner. Examiner means the City Hearing Examiner.

Family. Family means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than 5 persons who are not related by blood, marriage, or adoption, 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 (1) person and all other individuals shall be

counted as single individuals. Six or more unrelated persons living together constitutes a "group home." A dwelling unit where guest rooms are provided for compensation constitutes a "lodging and rooming house" or a "bed and breakfast house."

Farm. Farm means a parcel of land used for agricultural activities.

Final Development Plan. Final Development Plan means a plan or set of plans that comply with the conditions set forth in a Preliminary Approval and, once approved, authorizes the granting of a Discretionary Land Use Permit.

Floor Area. Floor area when prescribed as the basis for off-street parking spaces and loading berths for any use means the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes - except as otherwise noted herein - floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area Ratio (F.A.R.). The floor area ratio of the building or buildings on any lot means the floor area of the building or buildings on that lot divided by the area of such lot, or, in the case of planned developments, by the net site area.

*** [Freestanding Sign: A freestanding sign shall mean a self supporting sign.]

Freeway. Freeway means any Section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.

Garage, Private. Private garage means an accessory building or an accessory portion of the main building, enclosed on not less than 3 sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

Grade, Finished. Finished Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure. See Figure 3, Section ____35.020.

Hazardous Substance. Hazardous Substance means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products.

Hazardous Substance Processing or Handling. Hazardous substance processing or handling means the use, storage, manufacture, or other land use activity involving hazardous substances but does not include individually packaged household consumer products or quantities of hazardous substances of less than five (5) gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, WAC 173-303, and any pertinent local ordinances, such as sewer discharge standards.

Hazardous Waste. Hazardous waste means and includes all dangerous waste and extremely hazardous waste as designated pursuant to RCW 70.105, WAC 173-303.

- A. Dangerous Waste. "Dangerous waste" shall mean any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
 - 1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
 - Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
- B. Extremely Hazardous Waste. "Extremely hazardous waste" shall mean any waste which:
 - 1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and
 - 2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

Hearing Examiner Review. Hearing Examiner Review means a process involving the judgement and discretion of the Examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

Height, Building. Building height means the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, the deck level on a mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof. See Figure 3, Section __.35.020.

Height, Structure. Structure height means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See Figure 3, Section _.35.020.

Hobby Farm. Hobby farm means non-commercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.

Home-Based Day Care, Adult. Adult Home-Based Day Care means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

Home-Based Day Care, Child. Child Home-Based Day Care means a facility, licensed by the State, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

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.

****Hotel. Hotel means a building in which there are [-6] [5] or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

Industrial Pretreatment Facility. Industrial pretreatment facility means treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

**** [Inoperable Vehicle: An inoperable vehicle shall mean an uninsured or unregistered vehicle or a vehicle without current license tabs.]

Interim Propane Storage System. Interim Propane Storage System means propane storage facilities serving one or more customers on an interim basis unit extension of natural gas service is feasible.

Kennel. Kennel means a house, enclosure, or other structure in which any combination of 6 or more dogs or cats that individually exceed 7 months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.

Kitchen. Kitchen means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.

Landfill. Landfill means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a Solid Waste Permit under RCW 70.95.

Landfill, Demolition. Demolition Landfill means a solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster of other materials likely to produce leachate is not demolition waste.

Landfill, Inert. Inert Landfill means a solid waste facility for the permanent disposal of inert materials which are non-combustible and non-dangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.

Landfill, Municipal Solid Waste (MSW). Municipal Solid Waste Landfill means a solid waste facility for their permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.

Landfill, Special Waste. Special Waste Landfill means a solid waste facility for the permanent disposal of one specific type of waste of limited, known and consistent composition such as an ash monofill, a landspreading disposal facility for biosolids, problem waste landfill or any

facility which is not previously defined but is permitted with a Solid Waste Permit as a "limited purpose landfill".

Landfill, Woodwaste. Woodwaste Landfill means a solid waste facility with 2,000 cubic yards or more of capacity for their permanent disposal of woodwaste which does not contain chemical preservatives. This does not include woodwaste landfills on forest lands regulated under the Forest Practices Act but does include facilities which use woodwaste as a component of fill.

Level of Service. Level of service means an estimate of the quality of service provided by service providers. Levels of service are usually quantifiable measures of the amount of public facilities or services that are provided to the community per unit of demand or other measure of need.

Level of Service Standard. Level of service standard means the level of service established for Category A, B, C and D public facilities and services as specified in the current adopted Comprehensive Plan.

Livestock. Livestock means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.

Lodging and Rooming House. Lodging and rooming house means a building with not more than 4 guest rooms where meals (with or without lodging) are provided for compensation for not more than 10 persons. Guest rooms numbering [6] [5] or more shall constitute a hotel.

Lot. Lot means a designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

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

Lot, Corner. Corner lot means a lot situated at the intersection of 2 or more street rights-of-way having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. (see Figure 1, Chapter .15.)

Lot, Interior. Interior lot means a lot other than a corner lot. (see Figure 1, Chapter .15.)

Lot, Pipestem. Pipestem lot means a lot which gains street right-of-way access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem shaped lot abuts 2 or more street rights-of-way it shall not meet this definition of a pipestem lot. Lot dimension, lot area, and setback requirements shall be exclusive of the access stem. (see Figure 1, Chapter 15.)

Lot of Record. Lot of record means an area of land designated as a lot on the plat or subdivision recorded or registered pursuant to statute, with the Auditor of Pierce County.

Lot, Through. Through lot means a lot that fronts upon 2 parallel street right-of-ways or that fronts upon 2 street right-of-ways that do not intersect at the boundaries of the lot. (see Figure 1, Chapter .15.)

Lot Line. Lot line means a line of record bounding a lot that divides one lot from another lot or from a public or private street right-of-way or any other public space. (see Figure 1, Chapter .15.)

Lot Line, Front. Front lot line means the portion of a lot line abutting a street right-of-way. (see Figure 1, Chapter .15.)

****Lot Line, [-Interior] [Side.] lot line means any lot line other than a front or rear lot line. (see Figure 1, Chapter .15.)

Lot Line, Rear. Rear lot line means the lot line opposite and most distant from the front lot line. (see Figure 1, Chapter .15.)

**** [Major Tenant Improvement: "A Major tenant improvement shall mean a tenant improvement where within a 12 month period the commutative value of the improvements to the interior and/or exterior of the structure exceeds 25% of the value of the original structure.]

****Manufactured Home. Manufactured Home means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, [and] that was constructed in accordance with the [HUD] federal manufactured housing construction and safety standards act in effect at the time of construction, [and that is constructed in a way suitable for movement along public highways.]

Massage Parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the State pursuant to RCW __.108 and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.

Miniwarehouse. A miniwarehouse means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.

****Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intented for human occupancy, that is being used for residential purposes, [and] that was constructed prior to June 15, 1976. and met the construction requirements of Washington State mobile home laws in effect at the time of construction,

Mobile Home/Manufactured Home Park. Mobile home park means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads

are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.

Moderate Risk Waste Fixed Facility. Moderate Risk Waste Fixed Facility means a solid waste transfer facility needing a Solid Waste Permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility of for recycling. It may collect limited amounts of hazardous waste from Small Quantity Generators (SQG's) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations (RCW 70.105).

****Modular Home. Modular Home shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of WAC 296-150A. Modular Homes are also commonly referred to as factory built housing, [and for purposes of this title a modular home is considered single and two family housing.]

Motel. Motel means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such words shall include tourist courts, motor courts, automobile court, automobile camp, and motor lodges. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this Code governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone.

Multi-Family. Multi-Family means a structure containing 3 or more dwelling units, with the units joined to one another.

Multi-Family, Ground Level. Ground Level Multi-Family means a multi-family structure containing more than two dwelling units each of which have ground floor access and are joined to one another only by party walls. Examples of Ground Level Multi-Family include Townhouses, single-story tri-plexes and four-plexes.

Multi-Family, Multiple Level. Multiple Level Multi-Family means a multi-family structure containing three or more dwelling units and where such units are joined to one another by party walls and ceilings/floors and do not all have ground floor access. Examples of Multiple Level Multi-Family include Garden Apartments, Mid-rise Apartments and two-story Tri-plexes and Four-plexes.

Nonconforming Development. Nonconforming development means a contiguous area developed, operated and maintained as a single entity accommodating commercial, industrial or multi-family uses, or a combination of such uses, with common areas and accessory uses which were legal when established but does not conform to the current parking, loading, access, landscaping, screening, open space or design requirements of the zone classification in which it is located.

Nonconforming Lot. Nonconforming lot means a lot which does not conform to the design or density requirements of the zone classification in which it is located. A nonconforming lot is a lot that was legal when brought into existence or was made nonconforming by an acquisition of land in the public interest.

Nonconforming Structure. Nonconforming structure means a building or structure which was legal when established but does not conform to current development standards including, but not limited to design, height, setback or coverage requirements of the zone classification in which it is located.

Nonconforming Use of Land. Nonconforming use of land means a use which does not involve a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.

Nonconforming Use of a Structure. Nonconforming use of a structure means a use which is conducted at least partially within a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.

Nonconforming Use Permit. Nonconforming Use Permit means a written decision by the Examiner to allow limited exceptions to provisions of Nonconforming Standards while exercising a special degree of control to ensure mitigation of any use which is incompatible with adjacent uses, the character of the surrounding area and any applicable Neighborhood or Specific Area Plans as required by the Comprehensive Plan.

Noxious Matter. Noxious matter means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Odor Control Structure. Odor Control Structure means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

**** [Off-Premise Sign: Shall mean any sign identifying a use, facility, or service which is not located on the premises, any sign identifying a product which is not produced, sold, or manufactured, on the premise, and any sign which advertises or otherwise directs attention to a product, service, or activity, event, person, institution, or business which may or may not be identified by a brand name and which occurs or is generally conducted or offered elsewhere than on the premise where such sign is located.]

Official Controls. Official Controls means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

Offsite Treatment and Storage Facility. Offsite Treatment and Storage Facility shall mean a facility that treats or stores hazardous wastes generated on property other than those on which the offsite facility is located.

Onsite Treatment and Storage Facility. Onsite Treatment and Storage Facility shall means an accessory facility that treats or stores hazardous waste generated or handled on the same geographically contiguous property.

Outdoor Advertising Display. Outdoor advertising display means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

Outdoor Advertising Structure. Outdoor advertising structure means a structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.

Owner occupant. Owner occupant means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than 6 months out of any given year.

Package Wastewater Treatment Plant. Package Wastewater Treatment Plant means a preassembled factory built treatment plant. They can be the size of a motor home or larger.

Park, Neighborhood. Neighborhood Park means a combination playground and park designed primarily for non-supervised, non-organized recreation activities. Neighborhood Parks are small in size (about 3 to 10 acres) and serve an area of approximately one half mile in radius. In general, facilities recommended for a Neighborhood Park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

Park, Community. Community Park means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community Parks usually exceed 10 acres in size, serve an areas of at least 2-3 miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a Community Park.

Park, Regional. Regional Park means a large recreation area that serve an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, Regional Parks may offer a wider range of facilities and activities which serve the entire region. Regional Parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.

****Park, Linear Trail. Linear Trail Park means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases Linear Trail Parks may be used by equestrian groups. The trails within the Park may vary in scale and surfacing and may also be { uses - } [used] as a means of non-motorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.

Parking Area. Parking area means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

Parking Area, Private. Private parking area means an open area other than a street, alley, or other public property, limited to the parking of automobiles of occupants of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house, or lodging house to which these facilities are appurtenant.

Parking Area, Public. Public parking area means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of vehicles.

Passive Recreation. Passive recreation means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include: picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include: Playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

Pasture Lands. Pasture land means property on which grass or other plants grow and are used as food for grazing animals.

Planned Capacity. Planned capacity means capacity for City arterials, or public transit that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted Capital Facilities Program and scheduled to be completed within six years.

**** [Planned Development District (PDD). A flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment, results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications.]

Post Office, Branch. A branch post office means a government operated subdivision of a Main Post Office Station serving as a base for one or more carrier routes and providing customary customer postal service.

Post Office, Contract Station. A contract station post office means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

Post Office, Terminal. A terminal post office means the government operated principal mail handling facility for a postal geographic service area.

Preliminary Approval. Preliminary approval means an approval, based upon an application and conceptual plan for a Discretionary Land Use Permit, granted by the Director or Examiner which sets forth certain conditions that must be reflected on Final Development Plans.

Problem Waste. Problem waste means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes; and contaminated dredge spoils.

Public Bathhouse. An establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to: Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided that "public bathhouse" for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.

Public Facilities. Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools.

Public Facility Permit. Public facility permit means documented evidence of authority granted by the Examiner to locate a public facility at a specific location. Public facilities that are subject to a Public Facility Permit must be: identified as needed for meeting planned capacities within a comprehensive utility or facility plan or a land use plan adopted by the City Council or other municipal jurisdiction; or, included within a capital facility plan or capital improvement program adopted by the City Council or other municipal jurisdiction.

Pump/lift Station. Pump/lift station means the part of a water collection or distribution system, which raise water from a lower to a higher elevation.

Recorded. Recorded means, unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.

Recreational Vehicle. Recreational vehicle means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

Recreational Vehicle Park. Recreational vehicle park means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

Recycling Collection Site. Recycling Collection Site means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.

Recycling Processor. Recycling Processor means any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off site which is referred by as a "clean" materials resource recovery facility (MRF).

Religious Assembly, Place of. Place of Religious Assembly means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational class rooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

Remote Switching Unit. Remote Switching Unit means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and inter-facilities trunks, normally dependent on one or more Central Office Switching Units for full operability.

Right-of-way. Right-of-way means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a publicly or privately dedicated street or railroad,

together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

Service Provider. Service provider means the department, district or agency responsible for providing the specific public facility or service.

Septage. Septage means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

Setback. Setback means the minimum required distance between any structure and a specified line such as a lot, public or private right-of-way, easement or buffer line that is required to remain free of structures unless otherwise provided herein.

Sewage System, On-site. Sewage System, On-site means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

Sewerage Conveyance System. Sewage Conveyance System means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.

Sign. Any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.

Sign, Construction A construction sign means a sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises.

Sign, Flashing. A flashing sign means an illuminated sign on which the light is not constant in apparent intensity and color when in use, provided that a slowly revolving sign will not be considered a flashing sign.

Sign, Gross Area of. The gross area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one half the total surface area.

Sign, Identification. An identification sign means a sign which directs attention to uses other than private residence or home occupation, which uses are permitted outright or by Conditional Use Permit in residential or multi-residential zone.

Sign, Nameplate. A nameplate means a sign which indicates no more than the name, address, and home occupation of the resident of the premises.

Sign, Real Estate. A real estate sign means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premise.

Significant tree. An existing heathy tree which, when measured four feet above grade, has a minimum diameter of:

A. Eight (8) inches for evergreen trees, or
B. Twelve (12) inches for deciduous trees.

Single-Family, Detached. Detached single-family means a dwelling unit that is not attached to another dwelling unit by any means.

Small Animals. Small animals means all animals and birds except for livestock [and exotics.]

Soil. Soil means the surface layer of earth supporting plant life.

Soil Treatment Facility. Soil Treatment Facility means a solid waste facility which utilizes bioremediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vactor waste for reuse or final disposal.

Solid Waste. Solid waste means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, woodwastes, dangerous wastes, and problem wastes.

****Special Use Permit. Special Use Permit means an approval by the Examiner for those types of development proposals which, due to the nature of the project, involve judgement or discretion in determining compliance with the approval requirements. Development proposals subject to Special Use Permits include, but are not limited to: Conditional Use, Public Facilities, Preliminary and Final Plats, NonConforming Use, [Planned Unit Development], [Planned Development District] Site Plan Review, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, and Variance.

Specified Anatomical Areas. As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernably turgid state, even if completely and opaquely covered.

Specified Sexual Activities. As used herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic or intentional touching of human genitals, pubic region, buttocks, anus, or female breast; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

Stable, Private. Private stable means an accessory building for the keeping of more than 3 horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

Stormwater Conveyance Facilities. Stormwater Conveyance Facilities means features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems and drywells.

Stormwater Multiple Use Facilities. Stormwater Multiple Use Facilities means stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

Structure. Structure means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, Structure does not include paved areas, fill, or any vehicle.

Surface Mining. Surface mining means the primary use of a tract of land whereby all or any part of the processes are employed of excavating or extracting minerals from natural deposits on or in the earth for immediate or eventual removal from the tract being mined in either a natural or processed form in aggregate quantities or more than ten thousand (10,000) tons within a period of 12 consecutive calendar months for commercial, industrial, or construction purposes. In the event the removal of minerals occurs concurrently on two or more noncontiguous tracts of land within one half (1/2) mile of each other, the total quantity that may be removed from said 2 or more tracts by the same firm, corporation, partnership, or by any other agreement, shall be limited to the ten thousand (10,000) ton limitation. Removal of more than ten thousand (10,000) tons from said 2 or more noncontiguous tracts with 12 consecutive calendar months shall require a surface mining permit. "Surface mining" shall also include borrow pits and prospecting and exploration activities as defined in RCW 78.44. "Surface mining" shall be construed to be the principal use of a tract of land so long as any part of the total activity is taking place. "Surface mining" shall not include "site preparation" unless more than ten thousand (10,000) tons of minerals or soils are removed from the tract of land being prepared for development within a period of 12 consecutive calendar months for any purpose, provided in lieu of a surface mining permit an acceptable performance bond may be filed for the purpose of reclamation. This performance bond shall be a surety bond executed in favor of the City Council. The bond shall be filed and maintained in an amount equal to three hundred (300) dollars per acre for the purpose of reclamation in the event site preparation is not properly completed and approved. The bond shall be conditioned upon the faithful performance of the requirements set forth in this Code and of the rules and regulations adopted pursuant thereto. In lieu of the surety bond required by this Section, the operator may file with the City a cash deposit, negotiable securities acceptable to the City, or an assignment of a savings account in a Washington bank on any assignment form prescribed by the department. Liability under the bond shall be maintained until the project is completed and accepted by City.

**** [Surface Mining: Surface Mine Shall mean any area or areas within 1/2 mile to each other, where extraction of minerals from the surface results in: Removal of 5000 cubic yards of material; or More than 3 acres of disturbed area; or Mined Slopes greater than (30) feet high land steeper than 1.0 foot horizontal to 1.0 foot vertical; or More than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. Surface mining shall not include excavations and grading for the purpose of public safety or restoring the land following a natural disaster.]

Telecommunications Radio Relay Station. Telecommunications Radio Relay Station means a facility continuing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

Temporary Housing Unit, Family. Temporary housing unit, family means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot, parcel, or tract's principal use shall be a single family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

Temporary Housing Unit, Construction. Temporary housing unit, construction means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract in accordance with a valid building permit.

Temporary Housing Unit, Public Facility. A public facility temporary housing unit means a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities.

Test for Concurrency. Test for Concurrency means the comparison between the impact of a proposal on Category A and B public facilities and services, to the available capacity of Category A and B public facilities and services.

Toxic Materials. Toxic materials means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tract. Tract means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

Trailer, Automobile Commercial. Automobile commercial trailer means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

Transfer Station. Transfer Station means a solid waste facility needing a Solid Waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

Transfer Station, Drop-Box. Drop-Box Transfer Station means a solid waste facility needing a Solid Waste Permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.

****Two-Family. Two-Family means two dwelling units which are attached to one another. Two- Family housing types are also known as duplexes. [Two-family dwelling units may exceed 1000 square feet.] [Delete]

Urban Open Space. Urban Open Space means an area in an urban zone classification which is permanently dedicated to remain unimproved in public or private ownership. Urban Open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses.

Use. Use means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.

Use Category. Use category means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use Categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.

Use, Permitted. Permitted use means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

Use, Principal. Principal use means the primary or predominant use of any lot or parcel.

Use Type. Use type means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

Utility or Public Maintenance Facility. Utility or Public Maintenance Facility means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

****Variance. Variance means an adjustment to the development standards of the zoning regulation, that does not apply to use, that is reviewed and approved, modified, or denied by the Examiner after at least one public hearing [or the Director after obtaining an Administrative Use Permit.]

Waste to Energy (WTE) Facility. Waste to Energy Facility means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a useable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste and which requires a Solid Waste Permit under RCW 70.95.

Waste to Energy Facility, Municipal Solid. Municipal Solid Waste to Energy Facility means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.

Waste to Energy Facility, Special. Special Waste to Energy Facility means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

Waste Separation and Recovery Facility. Waste Separation and Recovery Facility means a solid waste facility needing a Soli Waste Permit where nixed solid waste is collected and processed to segregate recyclable components from that portion of the waste stream which is to be permanently disposed. It may be referred to as a Materials Resource Recovery Facility (MRF) or as a "dirty MRF".

Wastewater. Wastewater means water carrying waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

Wastewater Transfer Facility. Wastewater transfer facility means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

Water Purification Facility. Water Purification Facility means treatment plants or facilities for disinfecting water.

Yard. Yard means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. Front yard means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. (see Figure 5, Section __35.020)

****Yard, [Interior.] [Side.] means all yards except front yards and rear yards. (see Figure 5, Section __.35.020)

Yard, Rear. Rear yard means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. (see Figure 5, Section __35.020)

Zone Classification. Zone Classification means an area accurately defined as to boundaries and location, and classified by the Zoning Code as available for certain types of uses and within which other types of uses are excluded.

Unlisted Words and Phrases. Unlisted words and phrases means the definition of any word or phrase not listed in this Chapter which is in question when administering this Regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- (1) City Development Regulations;
- (2) Any City resolution, ordinance, Code or regulations;
- (3) Any statute or regulation of the State of Washington (i.e., the most applicable);
- (4) Legal definitions from case law or a law dictionary;
- (5) The common dictionary.

CHAPTER___.25

ZONE CLASSIFICATIONS AND USE TABLES

Sections:

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.25.500	Temporary Uses/Temporary Housing Units	5
25.010 25.020 **	Purpose. The purpose of this chapter is to list and describe the zone classifications and their purposes; provide interpretation of uses allowed in each zone classification; and classify uses according to a limited number of categorie on the basis of common functional, product or compatibility characteristics. *** List of Zone Classifications. [Zone classifications] [Zones] are grouped into Urban Classifications based on their locations inside of an urban growth boundary. See the table below for a list of zone classifications and their symbols. Descriptions and purposes can be found in Sections25.100, Urba Zone Classifications and Use Table.	S
25.030	Zoning Map.	
Α.	****Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the Department of Planning. Each property in [unincorporated Pierce County] [the City of University Place] is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in Sectio 25.020, List of Zone Classifications.	ı d
В.	Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules shall apply:	L

- 1. Where zoning or urban growth boundaries are indicated as following the centerline of streets, alleys or highways, the right-of-way centerline shall be the boundary.
- 2. Where zoning or urban growth boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.
- 3. Unmapped shorelands shall be considered to be within the same zoning classification or urban growth area designation as the adjacent upland.
- 4. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion, shall apply to the vacated or abandoned street or alley.
- 5. **** Where zoning or urban growth boundaries divide a parcel created prior to [January 1, 1995,] [August 31, 1995.] the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50% of the lot area.
- 6. Where these rules do not clarify a boundary issue, the Director shall make the determination. The Director's determination in these instances may be appealed according to Section __.85.050, Appeals.
- _____.25.050 Interpretation of Uses and Use Tables. Use tables are provided for urban zoning classifications in Section ____.25.100.F. Zoning classifications are shown across the horizontal axis and use category and type are shown down the vertical axis.
 - A. Use Categories, Types and Levels. Uses are grouped into 8 major categories: residential, civic, utilities, essential public facilities, office/business, commercial, industrial, and resource. Each use category includes a number of use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use table. For a description of use categories, types, and levels see Sections .25.250 to .25.330.
 - 1. Typical Uses within Use Types. The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.
 - 2. Organization of Uses. In Sections __.25.260 through __.25.330 uses are organized into use categories, use types and levels, which represent typical uses.

Example:

Commercial Use Category

Lodging Use Type

Level 2 - Hotels as a typical use

Any use may have accessory uses subordinate to the permitted use.

- **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 outright in the zone listed at the top of the column.
 - A "C" in a cell on the table indicates that the use type is permitted subject to the Conditional Use provisions specified in Section __.75.030, Conditional Use Permit.
 - 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 Section __.75.020, Administrative Use Permit.
 - 5. A "PFP" in a cell on the table indicates that the use type is permitted subject to a Public Facilities Permit (Section ___.75.060, Public Facility Permit) if the use is provided by a governmental entity to serve a specific public need as identified in the adopted facility plan.
 - 6. A number accompanying a "P", "C", "PFP", 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 Sections __.25.250 through __.25.330.
- C. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the Director shall have the authority to make the final determination. The Director's determination in these instances may be appealable according to Section ___.85.050, Appeals.
- **D.** Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use type. When more than one use category or use type level apply to one property, each use shall be classified separately.
- E. Accessory Uses. Accessory uses are described and regulated in Section __.25.400, Accessory Uses.
- F. Temporary Uses. Temporary uses are described and regulated in Section _____.95.040, Temporary Uses.
- G. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot, provided:
 - 1. Each principal use is permitted in the zone classification;
 - 2. Each principal use meets all pertinent regulatory requirements; and

3. *** No more than one single-family detached dwelling unit or one two-family dwelling unit shall be permitted as a principal use on any individual lot, except as specifically provided in Section __.35.110, mobile home Parks, and Section __.75.050, Planned Development Districts.

___.25.070 Exempted Uses.

- A. Applicability to Other Chapters. Unless otherwise stated, the uses exempted in Chapter __.25.070 are also exempted from Chapters __.35, Design Standards; __.75, Special Use Permits; and __.85, Applications, Concurrency, and Procedures.
- B. Uses Exempted From Chapter ___.25. The provisions of Chapter ___.25 shall not apply to the following uses:
 - 1. On-site and community septic systems;
 - 2. Stormwater conveyance systems which includes features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems and drywells;
 - 3. Electrical distribution lines and poles (55 kilovolts and under);
 - 4. Sewerage and water conveyance systems which include underground or flush-with-the-ground features, including but not limited to pipes and manholes:
 - 5. Water, oil, and petroleum gas distribution pipelines;
 - 6. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;
 - 7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances (not including antennae or cellular transmission towers see Utilities Use Category);
 - 8. Streets and linear trails when located in existing rights-of-way;
 - 9. Fertilizer applications and biosolids applications at or below agronomic rates.

__.25.100 **** [Urban] Zone Classifications and Use Table

A. Employment Centers.

1. **Purpose**. To designate adequate industrial areas to meet the needs of a growing jobs-based economy.

- 2. Description. An Employment Center is a concentration of office parks, manufacturing, other industrial development, or a combination of activities. It may also include commercial development as a part of the center, so long as the commercial development is incidental to the employment activities of the center and supports and serves the needs of the workforce. There is the following Employment Center zone classification: Moderate Intensity Employment Centers.
 - a. <u>Moderate Intensity Employment Centers.</u> The Moderate Intensity Employment Center zone classification accommodates lighter industrial type uses, warehousing and corporate offices which have a low impact on the surrounding uses.

B.****[Urban Centers.] [Community Centers]

- **1.***** Purpose. To provide for major concentrations of employment, shopping, services and multi-family housing in unincorporated areas.
- 2. *** Description The Community Center zone classification has, as its focus, a significant commercial traffic generator, around which develops a concentration of other commercial office [, -services, and some high-density multi-family developments.] [and service developments.] The commercial activity within the center is directed to a customer base drawn from more than one neighborhood, but should be at a scale which is residential areas.
 - a. Community Centers. The Community Center zone classification has, as its focus, a significant commercial traffic generator, around which develops a concentration of other commercial office [, services, and some high density multi-family developments.] [and service developments.] The commercial activity within the center is directed to a customer base drawn from more than one neighborhood, but should be at a scale which is compatible with surrounding residential areas.
 - **[b.** Activity Centers. The Activity Center zone classification has, as its focus, a recreational, cultural, or educational activity, around which develops a concentration of commercial, office or high density residential development. The attraction draws people from throughout the area, not just surrounding neighborhoods or the community in which the activity is located.

C. Urban Districts.

- 1. **Purpose.** To allow multi-family, office, and other commercial uses that provide economic diversity and housing opportunities near transit routes and business activity.
- **2. Description.** There are two Urban Districts zone classifications: Mixed Use Districts and High Density Residential Districts.

- a. *** Mixed Use Districts. The Mixed Use District zone classification includes areas that are concentrations of commercial, office and multi-family developments located along major arterials. [-, state highways and major transit routes and between Community Centers. Commercial activity in Mixed Use Districts caters to a customer base beyond the surrounding neighborhoods or community due to its placement on a roadway used by residents of more than one community. Auto-oriented commercial and land intensive commercial with a low number of employees per acre is the primary use within Mixed Use Districts.]
- b. <u>High Density Residential Districts</u>. The High Density Residential District zone classification includes areas that are composed of multi-family and high density single-family housing which are located along major arterials, state highways and major transit routes that connect to Activity, Community or Employment Centers.

D. *** [Urban] Residential.

- 1. **Purpose**. To provide for single-family and two-family dwelling unit living in a residential environment.
- 2. **Description.** One Urban Residential zone classification is included in Title ___, Moderate Density Single Family.
 - **** Moderate Density Single-Family. The Moderate Density Single-Family zone classification covers geographic areas located within [urban growth areas] but which fall outside of an Employment Center, Urban Center or Urban District. The primary use of the classification is single and two-family residential.
- E. *** [Urban] Overlay Zones. (Section Reserved for later use.)

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F. *** [Urban] Zone Classifications Use Tables.

(TABLE 1)

(TABLE 1)

Section of the colors	Z		SSIFICATI(ons 🚃		ar a grafi de cara de ca
	Employment Centers	Urban Genters	Urcan	Districts	Ufoan Residentiak	A CONTRACTOR OF THE PARTY OF TH
Use Categories and Use Types	Intensity	- Community	Mixed Use a District	Density	Moderate Density Single Family	Study &
	_MEG	Œ	MUD		MSF	
Residential Use Catego	ry					
Fraternity or Sorority House	ľ		P	Р	С	
Group Home				С		
Mobile/Manufactured Home			P*	P*		
Mobile Home Park			Р	С	<u> </u>	
Multi Familiy Housing			Р	Р	<u> </u>	
Nursing Home		P	P	Р	C	<u> </u>
Senior Housing		Р	P	Р	С	
Single & Two Family Housing		P	P	P	P	
Civia Una Catamani						
Civic Use Category			Р	T		
Administrative Government Services	Р	P	L			PFP
Daycare Centers	<u> </u>	P	Р	Р	С	
Community andCultural Services		Р	P	P1 C2	С	C
Education Facilities		P1 C2 PFP	P1 C2 PFP	P1 PFP	P1 PFP	P1 C2
Health Services	Р	P	P			
Postal Services		P1	P1		1	
Recreation - Non-Profit		C1 PFP	C1 PFP	C1 PFP	C 1, 2, 4 PFP	C PFP
Religious Assembly		P	P	P1 C2	P1 C2	
Safety Services and Animal Control	P1, 2	P1 C2	P1 C2	C1	C1	C1
Transportation	P1	P1 C2 PFP2	P1 C2 PFP2	P1	P1	P1
Utility & Public Maintenance Facilities	Р	P1 C2 PFP	P1 C2 PFP		C PFP	C- PFP

Р	Permitted
P*	Permitted only in Mobile Home Parks
PFP	I provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a Public Facilities. Permit is required. Otherwise, uses allowed according to the applicable symbol.
С	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. SeeSections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
Α	Requires Administrative Review.

(TABLE 2)

	Z	ONE CLA	SSIFICATI	ONS.		
	Employment Center, 3	Urban Centers	ar a — Unbain	Districis	Uroan Residential	@verlays-
AUSE Categories and Use Types	Moderate Intensity = Employment Center	Community Center	Mixed Use District	High Density Residential	a Density	Leonesia;). Study Area
	MEC	<u> </u>	MUD	HRD	MSF	
Utilities Use Category						
Communication or Cellular Facilities	P1, 2 C3	P1 C2, 3	P1 C2, 3	P1 C2, 3	P1 C2, 3	P1
Electrical Facilites	Р	P	P	P1 C2	С	
Natural Gas Facilities	P1, 2, 3 C4	P1, 2	P1, 2	P1	P1 `	P1
Organic Waste Processing Facilities						PFP1
Pipelines	Р	Р	Р	P	Р	P
Sewage Collection Facilities	Р	P	Р	Р	Р	PFP
Sewage Treatment Facilities						PFP
Stormwater Facilities	P1, 2 PFP3	P1, 2 PFP3	P1,2 PFP3	P1, 2 PFP3_	P1, 2 PFP3	P1, 2 PFP3
Waste Transfer Facilities	P1 C	P1	P1	P1	P1	P1
Water Supply Facilities	P1 C2	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1 C2 PFP2	P1 PFP2
Essential Public Facilities Use Category (reserved)						
	<u> </u>			<u> </u>		
Office / Business Use C	ategory					
Administrative & Professional Offices	P1, 2	P1 C2	P1 C2			
Educational Services		P1 C2	P1 C2			

P	Permitted
PFP (A)	If provided by a governmental entitly to serve a specific public need as identified in the adopted facility plan, a Public Facilities. Permit is required. Otherwise, the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. SeeSections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review.

(TABLE 3)

		ONE CLA	SSIFICATI	ONS		
	Employment Center	Vion Cenos	Urban	DISITIAS:	Union Resignital	- 9Veitevé÷
Use Categories and Use Types	e Intensity e	Center :	District :	Density :		Study.
	-MEC	- 00	MUD	HRD	MSE	
Resource Use Category						
Agricultural Sales Animal Production / Boarding Crop Production		P1	P1		P P	
Commercial Use Catego	orv	<u> </u>	1	1	<u> </u>	
Adult Business	ĪĊ		T	1		
Amusements & Recreation Building Materials & Garden Supplies		P1 C2	P1 C2			
Bulk Fuel Dealers	С			 	<u> </u>	
Business Services	Р	С	С			
Buy-Back Recycling Center	C					
Commercial Centers Eating & Drinking Establishment	С	P	P1,2-C2, 3			
Food Stores	 	P1, 2 C2, 3	P1,2 C2, 3	·		
Lodging	 	C2	C2		<u> </u>	
Mobile, Manufactured and Modular Home Sales	С					
Motor Vehicle & Related Equipment Sales, Rental, Repair & Service	P1, 2 C3, 4	P1	P1			
Personal Services	P	P1 C2	P C2			
Storage	Р	С	С			
Pet Sales and Service	P	P1 C2	P1 C2			
Rental & Repair Services	Р	P1 C2	P1 C2			
Sales of General Mechandise	P1, 2 C3	P1, 2 C3	P1, 2 C3			
Wholesale Trade	P1 C2	C1 C	G C1	· ·		

Р	Permitted
& PFP 🛵 s	If provided by a governmental entitly to serve a specific public need as identified in the adopted facility plan, a Public Facilities. Permit is required. Otherwise, the use is allowed according to the applicable symbol.
С	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. SeeSections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
Α	Requires Administrative Review.

(TABLE 4)

arang managan arang b		ONEGEA	SSIFICATI	ONS:		
A magnitude of the second	annogradae Gealer	eenes	மேள்ளிற்கும்		Juen Rescentet	(ବିହଞ୍ଜାନ୍ୟର -
Use Calegories and Use Types	Moderate Intensity Employment Sente	Gorffinifility Gorffer	Mixed Use District		Moderale Densily Shela Hamily	ionesiaj Sugy Area
A CONTRACTOR OF THE CONTRACTOR	MEC	G(C)	MUD	HRD.	MSF	
Industrial Use Category					·	
Basic Manufacturing	C11					
Contractor Yards	P					
Food & Related Products	P	C1	C1	<u> </u>		
Industrial Services & Repair	С			<u> </u>	<u> </u>	
Intermediate Manufacturing & Intermediate Final Assembly	P1, 6, 11					
Motion Picture, Television & Radio Production Studios	P	C	C			
Printing, Publishing & Related Industries	Р	C1	C1			
Salvage Yards / Vehicle Storage Facilities	P1 C	C1	C1			
Warehousing, Distribution & Freight Movement	C1					

Р	Permitted
-	If provided by a governmental entitly to serve a specific public need as identified in the adopted facility plan. a Public Facilities Remarks required. Otherwise the use is allowed according to the applicable symbol.
C	Requires Conditional Use Permit
Number	Refers to the level of Use Type allowed. SeeSections 18.25.250 to 18.25.330. When no number is present, all levels of the Use Type are allowed.
A	Requires Administrative Review.

- __.25.250 *** List of Categories. Uses shown on the Use Tables in Sections
 __.25.100.F [and __.25.150.E] are grouped into the 8 major categories listed below. Each category includes a number of use types and associated levels. A description of all the use types by use category is provided in Sections[.25.250]
 [__.25.260] to __.25.330. See Section __.25.050 for interpretation of the use categories, types and levels.
 - A. Residential
 - B. Civic
 - C. Utilities
 - **D.** Essential Public Facilities
 - **E.** Office/Business
 - F. Resource
 - G. Commercial
 - H. Industrial

___.25.260 Residential Use Category - Description of Use Categories

The Residential Use Category includes permanent or transient living accommodations for individuals, families or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as: type of structure; number, age and special needs of individuals who reside in the structure; and state and local licensing requirements.

- A. Fraternity and Sorority House. Fraternity and Sorority Use Type refers to living accommodations for unrelated individuals belonging to a fraternity or sorority who share a residential structure in affiliation with a school of higher education.
- B. Group Home. Group Home Use Type refers to living accommodations for related or unrelated individuals with special needs who share a single-family detached dwelling unit. Individuals may be provided with a combination of personal care, social or counseling services and transportation. Examples of uses include group homes for the physically/mentally challenged, foster homes, women's shelters, drug abuse rehabilitation, and home-based incarceration for up to 16 individuals. See Essential Public Facilities Use Category for group living situations involving more than 16 individuals.
- C. Mobile Home. Mobile Home Use Type refers to factory-assembled single-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.
- D. Mobile Home Park. Mobile Home Park Use Type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.

- E. ***Multi-Family Housing. Multi-Family Use Type refers to three or more joined dwelling units [or three or more single or two family dwelling units on an individual lot] which provide living accommodations for families. "Ground Level Multi-Family" and "Multiple Level Multi-Family" are forms of multi-family housing.
- F. Nursing Home. Nursing Home Use Type refers to multi-unit or multi-bed facilities that are licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours.
- G. *** Senior Housing. Senior Housing Use Type refers to living accommodations where at least one member of the family or an individual is age 55 or over and no member of the household is under [18] years of age. Housing types consist of independent living units comprised of grouped multi-family housing where elderly individuals or families reside and care for themselves. Assisted living facilities provide rooms, meals, personal care, supervision of self-administered medication, recreational activities, financial services, and transportation.
- H. *** Single-Family/Two-Family Housing. Single-Family/Two-Family Housing Use Type refers to residential dwelling units, providing living accommodations for individual families, that are either not attached to another dwelling unit by any means or are attached in pairs of two. Single-family and two-family dwelling units include stick-built, [and] modular [, and manufactured] homes. A two-family housing structure is commonly known as a "duplex."

__.25.270 <u>Civic Use Category - Description of Use Categories</u>

Civic Use Category includes facilities or services that are strongly associated with public need or social importance, such as educational, cultural, medical, protective, and governmental.

- A. Administrative Government Facilities and Services. Administrative Government Facilities and Services Use Type refers to the executive, legislative, judicial, administrative and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical uses include courthouses, human and social service offices, health offices, and government offices.
- B. Daycare Facilities. Daycare Facilities Use Type refers to the use of a building or any portion thereof for the care of individuals needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as "day care facilities", "day care centers", and "pre-schools". Also see Section _____35.070, Day Care.
- C. Community and Cultural Services. Community and Cultural Services Use Type refers to establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Typical uses include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, community clubs and organizations, granges, blood

banks, food banks, and shelters for the homeless. Also see Essential Public Facilities, Residential and Commercial Use Categories.

- Level 1: Uses that serve primarily the neighborhood in which they are located and are open to the general public on an equal basis, with or without fee. Examples include: community clubs, senior centers, cemeteries, grange halls.
- Level 2: Uses that generally serve more than one neighborhood and are open to the general public on an equal basis, with or without fee. Examples include: boys and girls clubs, libraries, museums, blood banks, food banks, shelters for the homeless.
- Level 3: Uses that serve one or more neighborhoods and are restricted to members who are chosen through invitation and their guests. Examples include: fraternal organizations, but excluding fraternities or sororities with on-site living quarters, and private clubs.
- **D.** Education. Education Use Type refers to educational services provided by public, private or parochial institutions. Typical uses include elementary, junior and senior high schools, community colleges, public and private colleges, universities, and private colleges not otherwise considered business or trade schools. Also see Office/Business Use Category and Educational Services Use Type.
 - Level 1: Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.
 - Level 2: Higher educational facilities such as community colleges, public and private colleges, and universities.
- E. Health Services. Health Services Use Type refers to any health related facilities and services that are not listed elsewhere such as hospitals, surgical facilities, ambulance services, emergency medical facilities providing twenty- four hour walk-in services, and respite facilities for the elderly, terminally ill, or handicapped. Also see Office/Business Use Category Administrative Professional Office Use Type for medical and dental offices.
- F. Postal Services. Postal Services Use Type refers to mailing services provided by the United States Postal Service and including branch post offices, contract stations, terminals and distribution centers. Also see Commercial Use Category Business Services Use Type, and Industrial Use Category Warehouse and Distribution Use Type for courier and parcel delivery.
 - Level 1: Postal facilities serving neighborhoods, such as contract stations or branch offices.
- **G.** Recreation, Non-Profit. Recreation, Non-Profit Use Type refers to publicly owned or non-profit recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks,

5 4. XX.X

open space, arboretums, small or special landscaped areas, community gardens, fairgrounds, zoos and swimming pools. Rest areas associated with major transportation routes would also fall into this category. Also see Commercial Category - Amusement and Recreation Use Type for other types of recreation.

Level 1: Neighborhood Parks and Open Space. Neighborhood Parks range in size from approximately 3 to 10 acres. Open space may be unlimited in size and may or may not have public access.

Level 2: Community Parks. Community Parks exceed 10 acres in size.

Level 3: Regional Parks. Regional Parks exceed 40 acres in size, and may include golf courses..

Level 4: Linear Trails. Linear Trails are long, narrow parks used for walking, jogging and bicycling. (Linear Trails are exempt when located in existing rights-of-way; see Section __.25.070, Exempted Uses).

H. Religious Assembly. Religious Assembly Use Type refers to religious services involving public assembly such as that which customarily occurs in synagogues, temples, and churches.

Level 1: Religious Assembly with seating for 250 or fewer persons within the principal place of assembly.

Level 2: Religious Assembly with seating for greater than 250 persons within the principal place of assembly.

I. *** Safety Services and Animal Control. Safety Services and Animal Control Use Type refers to public safety and emergency services such as police and fire protection services, [correctional facilities,] and animal control facilities such as the dog pound or humane society, [but not including Correctional Facilities]

Level 1: Safety services requiring locations throughout the County such as police and fire.

Level 2: Animal control services, such as dog pounds or humane society facilities.

J. Transportation. Transportation Use Type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, parkand-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry docks, and other types of public and quasi-public transportation facilities.

Level 1: Transportation uses serving residential neighborhoods such as bus shelters.

Level 2: Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, transfer centers, and ferry docks.

Level 3: Airports, heliports, and landing fields.

- K. Utility or Public Maintenance Facilities. Utility or Public Maintenance Facilities Use Type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.
 - Level 1: Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.
 - Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage.

***** [Move next 2 items to Resource Category]

- L. Animal Production and Boarding. Animal Production and Boarding Use Type refers to uses which involve the commercial raising of animals, the production of animal products on an agricultural or commercial basis, but excluding the slaughtering and processing of aminals. Examples include commercial stables, riding academies, and breeding & boarding kennels, subject to the standards of Section __.035.090 {(C).(1).}
- M. Crop Production. Crop Production Use Type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include grain and vegetable crops, fruit trees and horticultural nurseries.

____.25.280 <u>Utilities Use Category - Description Of Use Categories</u>

Utilities Use Category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of stormwater and for the collection and disposal of sewage and refuse.

A. Communication or Cellular Facilities. Communication or Cellular Facilities Use Type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic or other similar means. Communication Facilities include central office switching units, remote switching units, telecommunications radio relay stations and cellular communication facility support structures.

Level 1: Antennas or satellite dishes not exceeding 60 feet in height,

structures not exceeding 2,500 square feet.

Level 2: Structures exceeding 2,500 square feet with or without antennas or

satellite dishes not exceeding 60 feet in height.

Level 3: Antennas or satellite dishes over 60 feet in height with or without a

structure of any size.

- B. Electrical Facilities. Electrical Facilities Use Type refers to above-ground electrical transmission lines of an operating voltage of 55 kV or greater, and above-ground substations and switching stations. Electrical facilities are utility facilities that provide service in urban and rural areas. Also, see Section .25.070, Exempted Uses.
- C. Electrical Generation Facilities. Electrical Generation Facilities Use Type refers to facilities that generate or cogenerate electric energy by, or as a resource for, utilities engaged in the transmission and distribution of electricity to the public. Electrical generation facilities include hydropower facilities, thermal generation facilities such as cogeneration and combustion turbines, and other facilities employed to generate electric energy by or as a resource for utilities.
- **D.** Natural Gas Facilities. Natural Gas Facilities Use Type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities and interim propane storage systems fall within this use type.

Level 1: Interim propane storage facilities.

Level 2: Natural gas storage for transportation.

Level 3: Natural gas gate stations.

Level 4: Natural gas storage facilities.

E. Organic Waste Processing Facilities. Organic Waste Processing Facilities Use Type refers to any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under RCW 70.95. Typical uses include MSW composting facilities, composting facilities, and soil treatment facilities.

Level 1: Soil treatment facilities.

Level 2: Composting facility designed to handle more than 40 cubic yards.

Level 3: MSW composting facility.

F. Pipelines. Pipelines Use Type refers to facilities engaged in the transmission of water, petroleum, oil or natural gas.

- G. Sewage Collection Facilities. Sewage Collection Facilities Use Type refers to facilities used to collect sewage, including but not limited to wastewater transfer facilities, odor control structures, pump stations and lift stations (Also see Section __.25.070, Exempted Uses).
- H. Sewage Treatment Facilities. Sewage Treatment Facilities Use Type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, privately owned treatment plants for industrial wastewater, or wastewater collection systems.
- I. Stormwater Facilities. Stormwater Facilities Use Type includes a conveyance, system of conveyances, or stormwater control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, man-made channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of stormwater.

Level 1: Diversion structures and pump and lift stations.

Level 2: Detention/retention ponds and constructed wetlands.

Level 3: Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities, known as Stormwater Multiple Use Facilities.

J. Waste Disposal Facilities. Waste Disposal Facilities Use Type refers to permanent disposal sites for solid waste. Typical uses include woodwaste, inert/demolition, MSW, special waste and biosolids landfills, and waste-to-energy facilities.

Level 1: Inert landfills.

Level 2: Inert landfills as accessory uses to mineral extraction sites.

Level 3: Woodwaste or demolition landfills.

Level 4: Special Waste-to-Energy Facilities designed to burn more than 12 tons per day.

Level 5: MSW landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and biosolids landfills), MSW Waste-to-Energy Facilities.

K. Waste Transfer Facilities. Waste Transfer Facilities Use Type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop-box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, moderate-risk waste facilities, and tire piles.

Level 1: Recycling collection sites.

Level 2: Drop-box transfer stations.

Level 3: Tire piles.

Level 4: Transfer stations, waste separation recovery facilities ("Dirty MRF"), and Moderate-Risk Waste Facilities.

L. Water Supply Facilities. Water Supply Facilities Use Type refers to water purification facilities, water storage facilities, wellheads and pump stations.

Wellheads, pump stations, water purification facilities not exceeding not exceeding 1,000 square feet of building area nor exceeding the building height for the zone, water storage facilities not exceeding a 1,000 square foot footprint nor exceeding the building height for the zone.

Level 2: Water purification facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone, water storage facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone.

__.25.300 Office/Business Use Category - Description of Use Categories

36.70A.200, Siting of Essential Public Facilities).

Office/Business Category includes establishments serving businesses or individuals with a wide variety of services such as providing advice, reports, marketing, financial needs, engineering, research, management and related services that are necessary to conduct personal or professional business.

A. Administrative and Professional Offices. Administrative and Professional Offices Use Type refers to offices, private firms or organizations which provide

professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering / surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services with or with out drive through facilities, offices for non-profit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services.

Level 1: Offices with a maximum floor area ratio of .75:1.

Level 2: Offices with a maximum floor area ratio of 2:1.

Level 3: Offices with a maximum floor area ratio of more than 2:1.

B. Educational Services. Educational Services Use Type refers to educational services provided by private organizations or individuals with the primary purpose of preparing students for jobs in a trade or a profession. Typical uses include commercial/vocational schools, beauty and barber schools, business schools, and conservatories of art, music, or drama.

Level 1: Total floor area up to 5,000 square feet.

Level 2: Total Floo area over 5,000 square feet.

.25.310 Resource Use Category - Description of Use Categories

Resource Use Category includes the production or sale of plant and animal products and other resource-based industries such as forestry, mining, aquaculture or the sale of products associated with resource-based industry.

A. Agricultural Sales. Agricultural Sales Use Type refers to uses which involve the sales of agricultural supplies, including feed, grain, fertilizers, and farming equipment or the sale of agricultural products.

Level 1: Agricultural Sales uses which involve the sale of goods such as produce, shrubbery, plants, eggs, wine, and dairy products in a farmer's market format. Examples include produce stands, horticultural nurseries, and wineries.

B. ***Animal Production and Boarding. Animal Production and Boarding Use Type refers to uses which involve the commercial raising of animals, the production of animal products on an agricultural or commercial basis, but excluding the slaughtering and processing of aminals. Examples include commercial stables, riding academies, and breeding & boarding kennels, subject to the standards of Section .035.090 {(C).(1).}

C. ***Crop Production. Crop Production Use Type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include grain and vegetable crops, fruit trees and horticultural nurseries.

.25.320 <u>Commercial Use Category - Description of Use Categories Category</u>

Commercial activities include the provision of services and the sale, distribution or rental of goods that benefit the daily needs of the general public which are not otherwise classified as civic, office or industrial activities. The Commercial Use Category has been separated into the following types based upon distinguishing features such as: nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 80,000 square feet shall be considered a Commercial Centers Use Type.

- A. Adult Business. Adult Business Use Type refers to establishments which provide entertainment, devices or services that are sexually explicit in nature and generate social impacts, thus, locationally sensitive to other uses, and where minors are excluded. Examples include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.
- B. Amusement and Recreation. Amusement and Recreation Use Type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members. Examples include marinas, video arcades, teen clubs, athletic clubs, swimming pools, billiard parlors, bowling alleys, ice or roller skating rinks, indoor movie theaters, drive-in theaters, miniature golf courses, golf courses, outdoor performance centers, sports arenas, and race tracks. Also see Lodging Use Type, Commercial Use Category, for camp sites and recreational vehicle parks.
 - Level 1: Indoor establishments not exceeding 5,000 square feet of total floor area.
 - Level 2: Indoor facilities with a total floor area over 5,000 to 30,000 square feet; outdoor facilities, including parking lots, landscaped areas, together with accessory uses established on a lot or combination of lots up to 3 acres.
 - Level 3: Indoor facilities exceeding 30,000 to 80,000 square feet of total floor area; outdoor facilities, including parking lots, landscaped areas, together with accessory uses established on a lot or combination of lots exceeding 3 acres.
- [C. Billboards. Billboards Use Type refers to an advertising mechanism conveyed on a preprinted or hand painted changeable sign which directs attention to businesses, commodities, services, or facilities which are not sold, manufactured, or distributed from the property on which the sign is located.]

- D. Building Materials and Garden Supplies. Building Materials and Garden Supplies Use Type refers to establishments primarily engaged in selling lumber and other building materials; paint, glass, and wallpaper; hardware; nursery stock; and lawn and garden supplies. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the Wholesale Trade Use Type, Commercial Use Category.
 - Level 1: Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is under 10,000 square feet.
 - Level 2: Establishments primarily engaged in selling lumber and a general line of building materials, nursery, lawn, and garden supplies to the public. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area ranges between 10,000 square feet and 80,000 square feet.
- E. Bulk Fuel Dealers. Bulk Fuel Dealers Use Type refers to establishments that sell fuels to businesses and households for transportation, heating and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include propane gas sales, heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.
- F. Business Services. Business Services Use Type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.
- G. Buy-Back Recycling Center. Buy-Back Recycling Center Use Type refers to any small-scale business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading or packaging recyclables for subsequent shipment and marketing (also see to the Industrial Use Category for Recycling Processor Use Type).
- H. Commercial Centers. Commercial Centers Use Type refers to any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into 2 levels:

Level 1: Any store or commercial center containing a variety of stores with a cumulative floor area over 80,000 square feet and up to 200,000 square feet.

Level 2: Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

I. Eating and Drinking Establishment. Eating and Drinking Establishment Use Type refers to establishments that sell prepared food and liquor, and may also provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

Level 1: Establishments without drive-through facilities

Level 2: Establishments with drive-through facilities

Level 3: Establishments that serve alcoholic beverages, including brew pubs

J. Food Stores. Food Stores Use Type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable non-food products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.

Level 1: Total floor area up to 5,000 square feet.

Level 2: Total floor area over 5,000 and up to 30,000 square feet.

Level 3: Total floor area over 30,000 square feet and up to 80,000 square feet.

K. Lodging. Lodging Use Type refers to establishments that provide lodging services. Examples include hotels, motels, master planned resorts, and retreat centers.

Level 1: Camp sites and recreational vehicle parks.

Level 2: Hotels and motels.

Level 3: Master planned resorts.

L. Mobile, Manufactured, and Modular Homes Sales. Mobile, Manufactured, and Modular Homes Sales Use Type refers to those establishments that store and sell pre-manufactured homes. The primary purpose is to provide sites for marketing and distribution.

M. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services.

Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use
Type refers to establishments or places of business engaged in the sales, leasing or

service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

- Level 1: Gasoline service stations together with accessory automobile repair and convenience shopping, and automobile laundry with a one car capacity.
- Level 2: Automotive repair shops and automobile laundries. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, and lube/oil shops.
- Level 3: On-site sales, lease, or rental of automobiles, trucks not exceeding 3 tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.
- Level 4: **** Sales, Lease or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses unclude truck shops primarily designed for for the service and fueling heavy trucks and tractor trailer sales.
- N. Personal Services. Personal Services Use Type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin- operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, beauty shops, barber shops, clothing alterations, tanning salons, travel agencies, funeral services, photographic studios, carpet and upholstery cleaners, taxi services and personal improvement services. Also see Rental and Repair Services Use Type for other services.
 - Level 1: Establishments whose total floor area does not exceed 2,500 square feet and do not involve outdoor storage of vehicles.
 - Level 2: Establishments whose total floor area exceeds 2,500 square feet or involve outdoor storage of vehicles.
- O. **** Storage Use Type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of Personal Storage uses include miniwarehousing, [public parking areas,] and boat storage yards. For maintenance or repair of recreational vehicles or boats, also see the Motor Vehicles and Related Equipment Sales/Rental/Repair and Services Use Type.
- P. Pet Sales and Service. Pet Sales and Services Use Type refers to places of business primarily engaged in the retail sale, production, and services associated with small animals and household pets. Examples include pet stores, dog bathing and clipping salons, pet grooming shops, pet training centers, and veterinary hospitals for small animals and pets. See the Resource Use Category Agricultural Services Use Type, for regulations pertaining to large animal

veterinary services. Also see Resource Use Category - Animal Production, Boarding and Slaughtering Use Type for breeding and boarding kennels.

Level 1: Retail and Service establishments are always located completely indoors and are less than 2,500 square feet in total floor area.

Level 2: Retail and Service establishments exceeding 2,500 square feet of total floor area and which may involve accessory outdoor facilities.

Q. Rental and Repair Services. Rental and Repair Services Use Type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to Motor Vehicles and Related Equipment Sales/ Rental/Repair and Services Use Type for automotive repair. Also see Personal Services Use Type for clothing alterations.

Level 1: Establishments that do not involve outdoor storage.

Level 2: Establishments that involve outdoor storage of equipment.

R. Sales of General Merchandise. Sales of General Merchandise Use Type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, optical goods, furniture and home furnishings, computers and electronics. Also see Building materials and Garden Supplies Use Type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper, hardware, nursery stock, and lawn and garden supplies.

Level 1: Total floor area up to 5,000 square feet.

Level 2: Total floor area over 5,000 and up to 30,000 square feet.

Level 3: Total floor area over 30,000 square feet and up to 80,000 square feet.

S. Wholesale Trade. Wholesale Trade Use Type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical Wholesale Trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale Trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

Level 1: Establishments with total floor area of 10,000 square feet or less and indoor storage only.

Level 2: Establishments with total floor area of more than 10,000 to 80,000 square feet and with indoor or outdoor storage.

_.25.330 Industrial Use Category - Description Of Use Categories

Industrial Use Categories include the on-site production, processing, storage, movement, servicing or repair of goods and materials. The harvesting and extraction of raw materials, e.g., agricultural, forest, mineral, etc., is not included within the Industrial Use Categories but is found within the Resource Use Category. The Industrial Use Categories typically have one or more of the following characteristics: relatively large acreage requirements, creates substantial odor or noise, creates heavy traffic passenger vehicle and/or truck volumes, employs relatively large numbers of people, and/or creates visual impacts incompatible with residential development.

- A. Basic Manufacturing. Basic Manufacturing Use Type refers to uses that involve the primary processing of a raw or initially processed material into a product that requires additional processing, manufacture or assembly in order to become a consumer good. Examples include:
 - 1. the production of basic chemicals;
 - 2. petroleum and natural gas storage:
 - 3. the manufacture of castings and other basic metal products and the manufacture of nails, spikes, and insulated wire and cable;
 - 4. the tanning, curing or storage of raw hides or skins.
 - 5. the manufacture of cement, ready mix concrete, cut stone, and erushed rock and other primary products from materials taken principally from the earth in the form of stone, clay and sand;
 - 6. the manufacture of asphalt and asphalt reclamation processes;
 - 7.—soil remediation facilities:
 - 8. saw, lath, shingle, planing, plywood and veneer mills engaged in producing lumber and basic wood materials;
 - the manufacture of pulps from woods and other cellulose fibers and from rags;
 - 10. petroleum and natural gas refining and processing;
 - 11. the smelting and refining of ferrous and non-ferrous metals from ore or scrap, rolling, drawing and alloying metals.
- [A]-B. Contractor Yards. Contractor Yards Use Type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.
- [B] C. Food and Related Products. Food and Related Products Use Type refers to uses which involve the processing of non-animal food materials, raw milk, ice manufacturing, and other food products manufacturing, processing, storage and packaging. Examples include: bakeries which distribute products to many retail outlets, creameries and other dairy products manufacturing without on- site dairy animals, soft drink bottling plants, feed and cereal mills, flour mills, vegetable oil manufacturing, refining or storage, yeast plants, and starch, glucose and dextrine

manufacturing, and dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing, sugar refining, breweries and distilleries. This Use Type does not include any food processing in which animals, slaughtered or live, are processed on site, those uses are found under the Animal Production, Boarding and Slaughtering Use Type.

Level 1: Breweries and wineries.

Level 2: All other uses in this use type.

- [C] D. Industrial Services and Repair. Industrial Services and Repair Use Type refers to uses involving the repair of medium and large sized products, e.g., ships, boats, and trucks exceeding 3 tons of vehicle weight; uses providing large scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., clothes cleaning plants, bulk laundries, diaper services, power laundries, linen supply, dry cleaning plants, industrial launderers, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying, towing and tugboat services, water transportation services, physical and biological research testing laboratories, and industrial wastewater treatment facilities.
- [D] E. ****[Intermediate Manufacturing & Intermediate/Final Assembly.]

 [Intermediate Manufacturing & Intermediate/Final Assembly.] [Limited Manufacturing] Use Type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This Use Type [is limited to:] [-refers to the production, manufacture, fabrication or assembly of one or more of the following product types:]

[Add] Level 1. This level is specifically limited to clithing and fabricated products, finished products made entirely or mainly of wood for use in construction, instruments for measuring, testing, analysing, and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products, and electronic computer hardware components and related equipment.

clothing and fabricated products;

2. products manufactured by predominately chemical processes and which are to be used for ultimate consumer or industrial consumption;

3. products manufactured by predominately chemical processes and which are to be used in further manufacture of other products;

4. electronic computers, computer hardware components and related equipment, and other machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy;

industrial and commercial machinery and equipment;

- 6. finished products made entirely or mainly from wood for use in construction;
- 7. paper and paperboard and its conversion into other paper-based products;
- 8. ferrous and non ferrous metal products and a variety of metal and wire products manufacturing;
- products manufactured or assembled from plastic resins and from natural, synthetic or reclaimed rubber;
- 10. paving and roofing materials, compounding lubricating oils and greases, rubber reclaiming, manufacture of synthetic rubber;
- 11. instruments for measuring, testing, analyzing and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products;
- glass and glass products, clay products, pottery, concrete and gypsum products, abrasive and asbestos products, and other secondary products from materials taken principally from the earth in the form of stone, clay and sand;
- 13. woven and knit fabrics, and carpets and rugs from yarn;
- 14. dyeing, finishing, coating, waterproofing and other treating of fiber, yarn and fabrics:
- 15. felt, lace goods, non-woven fabries, and miscellaneous textiles;
- 16. equipment for transportation of people or cargo by land, air, rail or water; and
- 17. other manufacturing and/or assembly processes in which processed or semi-processed materials are made or assembled into consumer products.
- [E.] F. Motion Picture/Television and Radio Production Studios. Motion Picture/Television and Radio Production Studios Use Type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.
- G. Off-Site Hazardous Waste Treatment and Storage Facilities. Off-Site Hazardous Waste Treatment and Storage Facilities Use Type refers to facilities that treat and store hazardous waste generated off site and are authorized pursuant to RCW 70.105. All contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, or treating hazardous wastes are included.
- [F] H. Printing, Publishing and Related Industries. Printing, Publishing and Related Industries Use Type refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and platemaking; and publishing newspapers, books and periodicals.
 - Level 1: Floor area devoted to printing/pressing operation not exceeding 5,000 square feet.
 - **Level 2:** Floor area devoted to printing/pressing operation in excess of 5,000 square feet.

- [G] Le Recycling Processor. Recycling Processor Use Type refers to any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off-site. Also see the Commercial Use Category for Buy-Back Recycling Center Use Type.
- [H] J. Salvage Yards/Vehicle Storage Facilities. Salvage Yards/Vehicle Storage Facilities Use Type refers to uses that involve: the salvage of wrecked vehicles, vehicle parts and appliances; and the storage of vehicles for purpose of wholesale trade or impoundment.
- *** Level 1: Hulk hauling where no storage of vehicles is permitted.]
- *** [Level 2:] Level 1: Salvage Yards/Vehicle Storage Facilities uses dealing with storage and impound facilities for motor vehicles in which all vehicles are stored within an enclosed building(s).
 - K. Warehousing, Distribution and Freight Movement. Warehousing, Distribution and Freight Movement Use Type refers to the large scale warehousing and distribution of manufactured or processed products for one or more businesses and the large scale distribution of raw, manufactured or processed products for one or more businesses at a central location.
 - Warehousing, Distribution and Freight Movement uses in which manufactured or processed products are stored either within a building serviced by loading docks or in secure outdoor storage areas. Such facilities typically transport product by truck or rail and are often located in close proximity to marine ports. Examples include: grocery chain distribution centers and parcel delivery distribution centers, storage of fabricated concrete blocks, finished lumber storage yards, new automobile storage areas.
 - Warehousing, Distribution and Freight Movement uses in which raw materials, semi-processed materials or fully manufactured or processed materials are stored either within buildings serviced by loading docks or in secure outdoor storage areas. Such facilities are not necessarily devoted to a single product and are usually located in close proximity to rail lines, marine ports, airports, or regional highways. Examples include: raw log storage, shipping container yards.

__.25.400 Accessory Uses And Structures

- A. Purpose. The purpose of this section is to allow accessory uses and structures and provide standards and conditions for regulating them.
- **B. Exemptions.** See the appropriate section regarding specific development standards for the accessory uses exempted from this section.

- See Section __.35.060 Home Occupations and Cottage Industries
 See Section __.35.080 Accessory Dwelling Units
- 3. See Section __.35.070Day Care
- 4. See Section __.35.090 Agricultural Uses and Animals
- 5. See Section __.35.140 Sign Code
- 6. See Section __.25.500Temporary Uses
- C. General Standards. Accessory uses and structures customarily incidental to either principal residential or non-residential uses and structures are allowed in all regulatory zones except as otherwise provided herein. The following provisions apply to all zone classifications.
 - In all zones there shall be no limit as to the number of accessory uses allowed on a lot, provided:
 - a. The accessory use is not specifically excluded from locating in the zone classification; and
 - **b.** The accessory use meets all regulatory requirements.
 - 2. Accessory uses, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.
 - a. Except as otherwise provided in this Code, it is unlawful to construct, erect, or locate private garages, sheds, or other accessory structures in any zone classification without a lawfully permitted principal use on the same lot of record.
 - b. Refer to Section __.25.500 for regulations governing the placement of temporary uses.
 - 3. All accessory uses must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
 - 4. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and an analysis of the compatibility of the use or structural size and placement with consideration of the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.
- **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 1 acre in size. No detached accessory structure or combination of detached accessory structures are permitted to exceed 800 square feet; subject to other provisions of this Code.

- 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 __.25.400.[F.9] **[E8]** for uses applicable in more than one use category.
 - 2. Civic. Refer to Section ___.25.400.F.9 [E8] for uses applicable in more than one use category.
 - 3. Utilities. Refer to ___.25.400.F.9 [E8] for uses applicable in more than one use category.
 - 4. Essential Public Facilities. This section is reserved for future use.
 - 5. Office/Business. Refer to Section __.25.400.F.9 [E8] for uses applicable in more than one use category.
 - **6. Commercial.** Refer to Section ___.25.400.F.9 **[E8]** for uses applicable in more than one use category.
 - 7. Industrial.
 - a. Dwelling units used exclusively for caretaker or superintendent and his or her family; and
 - **b.** Refer to Section ___.25.400.F.9 [**E8**] uses applicable in more than one use category.
 - 8. Accessory Uses Applicable to Principal Uses in More than One Use Category.
 - a. Antennae and satellite dishes for private telecommunication services;
 - b. Decks and Patios;
 - c. Facilities used in grounds maintenance;
 - d. Food service facilities for use primarily by employees with no exterior advertisement of the facility;
 - e. Incidental storage of raw materials and finished products sold or manufactured on site:
 - f. Non-commercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use;
 - g. On-site hazardous waste treatment and storage;

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- h. Private docks and mooring facilities;
- i. Retaining walls, free-standing walls and fences;
- j. Waste piles authorized by a solid waste permit;
- k. Small-scale composting facility to handle less than 40-[10] cubic yards;
- 1. Solid waste impoundments [dumpsters]; and
- m.— Waste to energy facilities designed to burn less than 12 tons per day.
- 9. Uses and associated structures deemed by the Planning Director to be customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- F. Other Pierce County Codes. Please refer to Shoreline Management Use Regulations for specific specialized accessory use standards.

__.25.500 Temporary Uses/Temporary Housing Units

- A. Purpose
- B. Standards
 - A. Purpose. The purpose of this section is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures.
 - B. Standards.
 - 1.**** Temporary Construction Buildings. [Provided that a building permit is issued by the Building Department prior to use of the unit(s) on the site, one or more] temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be [removed from the site] within thirty (30) days after completion of the project or thirty (30) days after cessation of work.
 - 2. Temporary Construction Signs. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six (6) month period, provided that any time the removal is required for a public purpose said signs shall be removed at no expense to the City or other public agency.
 - 3. Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located, and provided further that if the subdivision is in any MSF zone, the temporary real estate office shall be removed at the end of a twelve (12) month period measured from the date of the recording of the map of the subdivision upon which such office is located.

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- 4. Temporary Housing Unit Construction. A "temporary housing unit construction" may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract provided:
 - a. The unit is removed from the site within thirty (30) days after final inspection of the project, or within one (1) year from the date the unit is first moved to the site whichever may occur sooner.
 - **b.** The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.
 - c. The unit is not located in any required front or side yard.
 - d. A temporary permit is issued by the Building Department prior to occupancy of the unit on the construction site.
- 5. Temporary Housing Unit Public Facility. A "temporary housing unit, public facility" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities, provided:
 - a. The public facility requesting the housing unit shall submit to the Building Official an affidavit showing need for the unit.
 - b. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site where it is located.
 - c. The unit is not located in any required front or side yards or designated open space.
 - d. Prior to the issuance of a temporary permit, the site shall be reviewed by the Health Department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.
 - e. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one (1) or more sides of the security unit, the Building Official may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.
 - f. The temporary building permit shall be valid until a permanent housing unit is incorporated into the public facility; at such time, the temporary unit shall be removed.
 - g. The Building Permit shall be renewed annually subject to the continued justification of conditions.

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- **6. Temporary Housing Units.** Temporary housing units are permitted in all zones as follows:
 - a. A temporary housing permit for a temporary housing unit may be issued by the Building Department if the applicant can satisfy the criteria set forth in the definition of Temporary Housing Units in Chapter __.15, Definitions, and Subsection __.25.500.B.6.b of this Section and attests by affidavit that:
 - (1) The information furnished with the application is true and correct.
 - That the standards and conditions set forth in the permit will remain satisfied so long as the temporary housing unit remains on the site.
 - b. Minimum standards for temporary housing units. The following are the minimum standards applicable to temporary housing units. Applications for a reduction of these standards may only be granted by the Examiner through the Variance procedures set forth in Section ___.75.040.
 - (1) *** A temporary housing unit shall be used and occupied solely in accordance with the provisions set forth in Chapter
 ______.15, Definitions. [The applicant must submit an affidavit that the requirements specified herein will be maintained, and a letter from a licensed physician stating that the person occupying the temporatry housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation unable to independently maintain a separate type of residence without human assistance.]
 - The mobile home is one bearing the seal of the State Department of Labor and Industries and/or HUD.
 - (3) The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land except for temporary connections to utilities necessary to service the temporary unit. In the event the Health Department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.
 - (4) Temporary housing units having a width in excess of fourteen (14) feet shall be permitted only on lots or tracts of land having a total area of one (1) acre or more.

- (5) The temporary housing unit shall not be located in any required yard or open space required by this Code nor shall the unit be located closer than twenty (20) feet nor more than one hundred (100) feet from the principal dwelling on the same lot.
- (6) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one (1) or more sides of the temporary housing unit, the Building Official may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.
- (7) Prior to the issuance of a temporary housing permit, the City shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
- (8) The temporary housing unit shall be removed from the lot or tract of land not more than thirty (30) days from the date the temporary permit expires or occupancy ceases.
- **Renewals.** Temporary housing permits shall be valid for the period of time the parent or close relative resides in the mobile home; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the Building Official. When obtaining a renewal, the Building Official shall confirm by affidavit from the applicant [and by a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance, [from the applicant] that the requirements specified herein are satisfied. Application for renewals must be made sixty (60) days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.
- d. Grandfather Clause. Temporary housing units which are legally existing pursuant to prior resolutions may continue to exist upon the same standards and criteria as said permit was issued and all renewals shall be obtained from the Building Department who shall renew said permit based on the same criteria that the initial permit was granted. Upon the termination of occupancy by the occupants who reside in said unit, on the effective date of this Section, the temporary housing unit permit shall terminate and the mobile home must be removed within thirty (30) days.

CHAPTER __.35

****[DEVELOPMENT STANDARDS]

Sections:

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****		Improvements	

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.35.020 DENSITY AND DIMENSION

- A. Purpose
- B. Tables
- C. Density Standards
- D. Setback Standards
- E. Height Standards
- F. General Development Standards
 - A. Purpose. The purpose of this section is to establish density and dimensional standards for development. These standards are established to provide flexibility in project design and promote high density development in urban areas when utilizing incentives.

B. Tables.

1. Interpretation of Tables. The density and dimension tables are arranged in a matrix format. Development standards are listed down the left side of both tables and the zones are listed across the top. The matrix cells contain the minimum dimensional requirements of the zone. The footnotes in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that the cell is not applicable.

2. Density and Dimension Tables

2.	Density and Dimension	1 1 ables.					
Density & Dimension	Urban Zone Classifications						
1	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 Singl Family		
	MEC	CC	MUD	HRD	MSF		
Base Density (du/ac) ⁽¹⁾		10	10	10	[4 ^{(1a)]}		
Maximum Density (du/ac)		12 ⁽²⁾	12 ²⁾	12 ⁽²⁾	[6 ^(1a-2)]		
Minimum Density (du/ac)							
Setback, Arterial Streets	35'	[0 ^{1(5-&-6)}] [35']	25'	25'	25'		
Setback, Other Roads	25'	[0 ⁽⁵⁾]	[25' ⁽⁹⁾]	[25' ⁽⁹)]	[25'(9)]		
Setback, Rear	0'(4)	0'(4)	0'(4)	0'(4)	30'		
Setback, Interior [Side]	0'(4)	0'(4)	0'(4)	0'(4)	[5 8]'		
Height	40'	[60 40]'	40'	40'	35'		

***** note added

[Refer to Tables 1, 2, & 3, in Section _.35.030 for landscaping and buffering requirements.]

- **Footnotes.** This subsection pertains to the parenthetical numbers in the preceding table, Section __.25.020.(B).2.
 - (1) Base Density. These densities may be achieved outright by following the development standards of Chapter ___.35, Development Standards.
 - (2) Maximum Density. These densities shall only be achieved through one of the following methods: the application of residential density incentives, transfer of development rights, ****planned development district, [and/] or planned unit developments.
 - (3) Minimum Density. If a lot is greater than 300 feet from a sewer hook up and is unable to meet the minimum density requirement due to on-site sewage disposal standards, the minimum density requirement shall not apply.
 - (4) Urban Centers and Districts, Setbacks. The minimum setback for any new multi-family or commercial building abutting a MSF classification shall be 30 feet. The minimum setback for an industrial building or use abutting a MSF or HRD classification shall be 100 feet.
 - [(5)] (4) [State Highways], Major Arterial and All Other Roads. These setbacks are minimum requirements abutting the specific right-of-way classification except that when abutting right-of-ways that have been identified for improvement in the City road plan, or most current version thereof, the minimum setback shall be 25 feet.
 - ****

 [(6)] [Community Centers. To meet the intent of providing a pedestrian friendly environment, sidewalks and landscaping shall be provided in lieu of the front yard setback requirement on arterial roads.]
- **** C. Density Standards. All density provisions shall be calculated in dwelling units per acre (du/ac). The calculation shall be based upon the net acreage, subtracting out land that, by city, state or federal regulation, is unbuildable. This would include any areas such, but not limited to, wetlands, floodways and steep slopes. Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage. In those areas designated as wetlands, the density transfer provisions of the Critical Lands regulations shall apply.]

- ***
- 1. [Residential Urban Centers and Districts Density Incentives. In MUD and HRD,]a density bonus of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every 5 percent of the total gross acreage of the project site designated as urban open space.

- 2. [Transfer of Development Rights. If a site contains a regulated wetlands an/or buffer. a person may transfer residential density to another within the city. The transfer of development rights provisions of the Critical Lands regulation apply.]
- 3. Shoreline Density Exception. For the creation of new lots abutting a marine or lake shoreline as described in City's Shoreline Management Use Regulations, the maximum densities shall be as follows:
 - a. The density requirements of the zone classification shall not apply to the first tier of lots abutting the shoreline, provided that all newly created lots maintain 75 feet of shoreline frontage and comply with the applicable densities in the City's Shoreline Management Use Regulations. The minimum lot size required for the creation of new lots abutting the shoreline shall be subject to the requirements of the Health Department.
 - b. For that portion of the original lot lying upland from the first tier of proposed lots abutting the shoreline, the density requirement shall be that of the applicable zone classification. The area of the first tier of newly created lots abutting the shoreline shall not be used when calculating the density in the upland portion of the lot.

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.
- **** 2. Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots must contain one rear yard setback except for [corner,] through, and pipestem lots. All other setbacks will be considered interior yard setbacks.
 - 3. Corner Lots. If a lot abuts the intersection of 2 or more street rights-of-way, a front yard setback is required abutting each right-of-way.

- 4. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way.
- **** 5. Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been [legally] established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:
 - a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by 2.
 - b. In the case of a corner lot or when an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by 2.
 - 6. Slopes. If the topography of a lot is such that the minimum front yard setback line is 8 feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least 5 feet back from the right-of-way.
- **** 7. Accessory Structures, Rear Yard Exception. [One Only] single story garden shed[s] and greenhouse[s] 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) foot setback from the rear property line, and be located at least ten (10) feet from the primary structure.
- 8. Bus Shelters. Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height, provided all applicable site distance requirements [in Ordinance 90-132] are met.

9. Projection Exception.

- a. Fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback, provided such projections are:
 - (1) Limited to 2 per required yard.
 - (2) Not wider than 10 feet.
 - (3) Not more than 2 feet into an interior or rear yard setback.
 - (4) Not more than 3 feet into a front yard setback.
- .b Uncovered porches and decks which do not exceed 30 inches from finished lot grade may project into any setback, provided such projections do not extend more than 5 feet into a front yard setback, [3 feet into a side yard setback, and 15 feet into a rear yard setback]
- **c.** Wheelchair ramps may project into any required setback.
- 10. Rear Yards, Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the "rear lot line" at the owners discretion. (see Figure 2)

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. 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 setback 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.

F. General Development Standards.

- 1. Existing Lot Single Family Dwelling Permitted. In any zone that permits a single family dwelling unit, a single family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.
- 2. Combining Lots Interior Yard Setback Exception. Where 2 or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.
- 3. Legally Created Lots Development Permitted Proof.
 - a. Development shall be permitted only on legally created lots.
 - **b.** To establish that a lot has been legally created, the applicant must provide one of the following:
 - (1) A copy of formal plat, short plat, or large lot subdivision approved by Pierce County [or the City of University Place] separately describing the lot.
 - (2) A copy of the boundary line adjustment or lot combination separately describing the lot.
 - (3) Documentation that the creation of the lot was exempt from the provisions of the Pierce County Subdivision Regulation.
 - (4) A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.
- Minimum Lot Dimension Shape. Newly created lots shall be of such shape that a circle of the diameter identified in Section
 ____.35.020.B.2, Density and Dimension Tables, can fit within the minimum setbacks of the lot. (See Figure 5)
- 5. Pipestem Lots. The owner of a pipestem lot may select setbacks of 15 feet from all property lines for both principal and accessory structures. Once setbacks have been established by the placement of structures on the lot, the established setbacks shall be maintained.

Adopted 8-28-95

- 6. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within required setbacks as follows, provided that all applicable site distance requirements are met:
 - a. side and rear setbacks to a maximum height of 6 feet.
 - b. front yard setbacks to a maximum height of 4 feet.
 - c. except that in required front yard setbacks for houses fronting on and facing an arterial street, the maximum height shall be 6 feet.
- 7. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required setbacks to a maximum height of 6 feet, provided all applicable site distance requirements are met.

(FIGURE 1)



(FIGURE 2)



(FIGURE 3)



(FIGURE 4)



35.030 LANDSCAPING AND BUFFERING

- A. Purpose
- B. Requirements Perimeter Landscape Buffering
- C. Requirements Parking Lot Landscaping
- D. Requirements Critical Area Buffering
- E. Requirements Landscaping and Public Rights-of-Way
- F. Requirements Expansion of Existing Development
- G. Standards Landscape Levels
- H. Standards Use of Existing Vegetation to Satisfy Requirements
- I. Standards Planting Sizes and Standards
- **** [J. Significant Tree Preservation]
 - K. Standards Irrigation
 - L. Standards Planting and Irrigation Plans
 - M. Standards Maintenance
 - N. Standards Replacement
 - O. Standards Bonding
 - P. Guidelines Root Control, Water Conservation and Suggested Plant Material
- **** [Q. Bonus Native Plant/Drought Tolerant Plant Use]
 - Q. Design Guidelines Landscape
 - A. Purpose. The purposes of this chapter are to use landscaping and buffering concepts to:
 - 1. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;
 - 2. Protect critical areas from the impacts of development;
 - 3. Make use of solar principles in landscape design for building and automobile protection and comfort;
 - 4. Unify development and enhance and define public and private open spaces;
 - 5. Promote the use and protection of vegetation native and common to the Puget Sound region;
 - **6.** Facilitate aquifer recharge;
 - 7. Promote the application of water efficient techniques in the design, installation and maintenance of landscaping;
 - 8. Provide wildlife habitat;

- 9. Promote physical safety of pedestrians and motorists in the proper location and placement of vegetation.
- B. Requirements Perimeter Landscape Buffering.
 - 1. Intent. The intent is provide for a physical, visual and noise buffer and transition between uses [of varying compatibilities]. Different landscape/buffer levels are used to address differing uses of compatibility [and in conjunction with new subdivisions]. [There is no perimeter landscape buffer requirement between compatible uses.]
 - 2. Minimum Requirements.
 - a. General Requirements. Refer to Tables 1, 2 or 3 for the requirement as to which landscape level is required to buffer adjacent uses and public streets and freeways, if any is required. A perimeter landscape buffer is required along interior lot lines of multi-family residential uses, most [non] residential uses [and round new subdivsions.] Each lot line will have a landscape level based on the abutting land use. Refer to Figure 1 for illustration of street tree landscaping requirements.
 - shall be installed at the rate set forth in Section
 __35.030.G.1.b.(3) along the interior lot line of all parcels in
 MEC, CC, MUD, HRD [and around new subdivisions] zones that
 abut vacant lands in a HRD, MSF. When the vacant parcel is
 developed, that applicant shall be required to supplement on said
 property the screening of the adjacent development in order to
 achieve the minimum landscape level set forth on Tables 1, 2 or 3,
 except that a single-family or two-family dwelling constructed on a
 lot of record is exempt. Refer to Figure 2 for illustration of
 buffering along vacant property lines.
 - c. Exemptions from Perimeter Landscape Buffers. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required. A landscape buffer is required along all rights-of-way of collector, secondary or major arterials for all uses, except that a single-family or two-family dwelling constructed on a lot of record that existed on the effective date of this Code is exempt. [Where a proposed permitted use abuts a nonconforming use no buffering shall be required of the permitted use. The requirement to screen along vacant property located in HRD or MSF zones shall not be required of single family or two-family subdivisions located in CC, MUD, or HRD zones.]

[d. Street Landscaping. Any portion of an industrial, commercial, office/business, multi-family, utility, or civil use type development or new subdivision that abuts a public right-of-way shall install an L1 landscape level unless otherwise specified.. See Figure 3.]

C. Requirements - Parking Lot Landscaping.

- 1. Perimeter Street Landscaping for the Parking Lot. The intent of perimeter street landscaping is to provide visual and noise relief to adjacent uses. Any portion of a parking lot which is within 20 feet of a public road right-of-way shall install an L1 landscape level. See Figure 3 for illustration.
- 2. Interior Landscaping within the Parking Lot. All surface parking lots with 10 or more spaces must provide interior landscaping which complies with one of the standards stated below. When a parking lot is divided into distinct areas, the applicant may utilize different options in distinct areas of the lot. Parking lots shall be located no closer to the interior lot line than the minimum width of required perimeter landscape buffer.

a. Options.

- (1) Interior landscaping must be provided at the rate of 25 square feet per stall. At least 1 tree must be planted for every 200 square feet landscaped area. No parking stall shall be more than 100 feet from any landscape area. Planting islands shall have a minimum width of 5 feet. Planting areas for the trees must be a minimum of 4 feet by 4 feet. Vegetative and/or inert groundcover or lawn is encouraged to completely cover all required landscape areas. Planting of lawn in areas less than 10 feet in width is discouraged, due to associated water waste, in order to keep these lawn areas green. Refer to Figure 4 for illustration; or
- (2) One tree must be provided for every 5 parking spaces. Planting islands shall have a minimum width of 5 feet. Planting areas for the trees must be a minimum of 4 feet by 4 feet. Trees shall be spaced at distances not to exceed 12 parking spaces. Refer to **Figure 5** for illustration.

(TABLE 1)





(TABLE 3)



HOW TO USE TABLE:

To determine what level of perimeter landscape buffering is required to be installed for a proposed project follow the procedure below:

- 1. Read down the left hand column for the unse type or use category in which the proposed use would most closely fit. I there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 2. Read across the top of the table to the column containing the the use type or use category abutting the property along a certain lot line. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 3. Read down the appropriate existing use column to it's intersection with the proposed use row to determine the required landscape level. If there are note references associated with the landscape levels, refer to the note descriptions immediately below the table for the appropriate landscape level, e.g., L2; *r/a* means not applyicable; and
- 4. Refer back to the text of the section for details on the landscape lavels and other standards.

If a use is not listed as proposed or existing on the table, no perimeter landscape buffering as defined in this section shall be required of that use.

TABLE 1: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS													
Existing Uses Proposed Uses	Single or Two-Family Subdivisions	Single or Two Family Uses	Multi Family Uses	Mobile Home Park Uses	Senior Hou- sing/Nursing Home Uses	Fraternity & Sorority House Uses	Civic and Utility use Category	Office & Business Uses	Resource Use Calegory	Commercial Use Calegory	Industrial Use Category	Streets (9)	Freeways (9)
Single/Two Family Subdivisions (7) (8)	L2	N/A	L2 or F1	N/A	L1	L1	L1 (1)	L2 or F1	L1 or F1 (2)	12 or F1	L3 or F1	(5) (6)	L3 or F1
Multi-Family Use Types (7) (8)	L3	L3	L2	L1	L2	L1	L2 (1)	L2	L2 (2)	L2	L3	(5) (6)	L3 or F1
Mobile Home Park Use Types (7) (8)	L2	L2	L2	L2	N/A	N/A	L2 (1)	L2 or F1	L2 or F1 (2)	L2 or F1	L3	(5) (5)	L3 or F1
Senior Housing & Nursing Home Use Types (7) (8)	L2	L.2	L1	L1	L2	L1	L1 (1)	L2	L2 (2)	L2	L3	(5) (6)	L3 or F1
Fraternity/Sorority House Use Types (7) (8)	L2	L2	N/A	N/A	L2	L2	L1 (1)	L2 or F1	L2 or F1 (2)	L2 or F1	L3	(5) (6)	L3 or F1
Civic & Utility Use Category (7) (8)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(5) (6)	(3)
Office & Business Use Category (7) (8)	L3	L3	L3	L3	L3	L3	L1 (1)	L1	N/A	N/A	N/A	(5) (6)	L2 or F1
Resource Use Category (7) (8)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(5) (6)	(4)
Commercial Use Category (7) (8)	L3	L3	L3	L3	L3	L3	L1 (1)	N/A	N/A	L1	N/A	(5) (6)	L2 or F1
Industrial Use Category	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2	码湖南	(5) (6)	L3 or F1

NOTES:

- (1) This landscape level applies only to the following Civic and Utility Use Types, which include: Administrative Governmental Facilities and Services; Health Services; Day Care Centers; Education; Postal services/Transportation (levels 2 and 3 only), and Utility or Public Maintenance Facilities, which include: Non-Profit, Religeous Assembly; Communication or Cellular Facilities; Electrical Facilities; Electric Generating Facilities; Natural Gas Facilities; Water Supply Facilities; Sewage Collection Facilities; and Sewage Treatment Facilities.
- (2) This landscape level applies only to the following Resource Type Uses: Agricultural Sales (Levels 2 and 3 only); Agricultural Services; Animal Production; Boarding and Slaughtering; Fish Hatcheries and Aquaculture; Forestry (Level 2 only); Mineral Extraction and Crop Production (Level 2 only).
- (3) Refer to Table 2 for landscape buffering requirements for proposed Civic and Utility Use Types.
- (4) Refer to Table 3 for landscape buffering requirements for proposed Resource Use Types.
- (5) Along lot frontages that abul a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way, and along both sides of collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way that run through a development, street trees shall be installed at the rate set forth in 35.030 G.1.B, with no trees to be located greater than 15 feet from the right of way line. Refer to Figure 1 for illustration.
- (6) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per 35,030 G.1.,2., and 3.
- (7) All parking lots shall be provided with interior landscaping per the requirements of 35.030 C.2.
- (8) Pedestrian openings in £3 perimiter buffers are permitted, subject to Department approval, as long as the full screen effect is not substantially eliminated.
- (9) "Streets" refers to public or private collector, secondary or major arterials. "Freeway" refers to any controlled accress roadway.

HOW TO USE TABLE:

To determine what level of perimeter landscape buffering is required to be installed for a proposed project, follow the procedure below:

- 1. Read down the left hand column for the unse type or use category in which the proposed use would most closely fit. I there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 2. Read across the top of the table to the column containing the the use type or use category abutting the property along a certain lot line. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 3. Read down the appropriate existing use column to it's intersection with the proposed use row to determine the required landscape level. If there are note references associated with the landscape levels, refer to the note descriptions immediately below the table for the appropriate landscape level, e.g., L2; "n/a" means not applyicable; and
- 4. Refer back to the text of the section for details on the landscape layers and other standards.

If a use is not listed as proposed or existing on the table, no perimeter landscape buffering as defined in this section shall be required of that use.

		TABLE 2: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS												
Proposed Uses	Single or Two-Family Subdivisions	Single or Two Family Uses	Multi Family Uses	Mobile Home Park Uses	Senior Hou- sing/Nursing Home Uses	Fraternity & Sorority House Uses	Civic and Utility use Category	Office & Business Uses	Resource Use Category	Commercial Use Category	Industrial Use Category	Streets (9)	Freeways (9)	
Administrative Governmental Facilities & Services/Community & Cultural Services and Health Service Use Types (8)	L3	L3	L3	L3	L3	L3	L1 (2)	N/A ·	N/A	N/A	, N/A	(6) (7)	L2 or F1	
Day Care Center Use Type (8)	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	N/A	N/A	N/A	N/A	(6) (7)	L3 or F1	
Education Use Type (8)	L2	L2	L2	L2	L2	L1	L3 or F1	L1	L1	L1	L3	(6) (7)	L3 or F1	
Postal Services/Transportation (Levels 2 & 3 only)/Utility or Public Maintenance Facilities Use Types (8)	L3	L3	L3	L3	L3	L3	L1 (2)	N/A	N/A	N/A	N/A	(6) (7)	L1 or F1	
Recreation, Non-Profit/Religeous Assembly Use Type (8)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	N/A	N/A	N/A	N/A	N/A	(6) (7)	L1 or F1	
Communications or Cellular Facilities/ Electrical Facilities/Electric Generation Facilities/Natural Gas Facilities/Sewage Collection Facilities/ Water Supply Facilities Use Types (8)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	N/A	N/A	N/A	N/A	(6) (7)	N/A	
Pipline/Stormwater Facil, Use Types (8)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(6) (7)	N/A	
Sewage Treatment Facil.Use Types (8)	L3	L3	L3	L3	L3	L3	L3 (2)	L3	N/A	L3	N/A	(6) (7)	N/A	
Organic Waste Processing Facilities/ Waste Disposal Facilities/Waste Transfer Facilities Use Types (6)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(6) (7)	(5)	

NOTES:

- (1) This landscape level is required only along that portlon of an interior lot line where parking spaces or aisles are located less than 15 feet from the interior property line.
- (2) This landscape level is required only if the interior abutting lot use is of an Education, Recreation, Non-Profit, Religeous Assembly or Community and Cultural Services Use Type.
- (3) Only the vegetative screen or berm requirements of the £3 landscape level are required, 35.030 G.3.b.(1) or (2). No canopy vegetation or minimum screen width is required, 35.030 G.3.b.(3) and (4).
- (4) Refer to Hazardous Waste Treatment and Storage Facility standards of 35,120.
- (5) Refer to Solid Wate Handling Facility standardsof 35.120.
- (6) Along lot frontages that abut a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights of way, and along both sides of collector arterial or major arterial designated streets, excluding unopened rights of way that run through a development, street trees shall be installed at the rate set forth in 35.030 G.1.b.(3), with no trees to be located greater than 15 feet from the right of way line. Refer to Figure 1 for illustration.
- (7) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per 35.030 G.1.,2., and 3.
- (8) All parking lots shall be provided with interior landscaping per the requirements of 35,030 C.2.
- (9) "Streets" refers to public or private collector, secondary or major arterials.
- (10) Where a Civic or Utility Use Type abuts a like use, the landscape level is not required.

HOW TO USE TABLE:

To determine what level of perimeter landscape buffering is required to be installed for a proposed project, follow the procedure below:

- 1. Read down the left hand column for the unse type or use category in which the proposed use would most closely fit. I there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 2. Read across the top of the table to the column containing the the use type or use category abutting the property along a certain lot line. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table, and
- 3. Read down the appropriate existing use column to it's intersection with the proposed use row to determine the required landscape level. If there are note references associated with the landscape levels, refer to the note descriptions immediately below the table for the appropriate landscape level, e.g., L2; "n/a" means not appl;icable; and
- 4. Refer back to the text of the section for details on the landscape lavels and other standards.

If a use is not listed as proposed or existing on the table, no perimeter landscape buffering as defined in this section shall be required of that use.

TABLE 3: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS													
Existing Uses Proposed Uses	Single or Two-Family Subdivisions	Single or Two Family Uses	Multi Family Uses	Mobile Home Park Uses	Senior Hou- sing/Nursing Home Uses	Fraternity & Sorority House Uses	Civic and Utility use Category	Office & Business Uses	Resource Use Calegory	Commercial Use Category	Industrial Use Category	Streets	Freeways (9)
Agricultural Sales Use Type (Levels 2 and 3 only) (5)	L3	L3	L3	L3	L3	L3	L1 (1)	N/A	N/A	N/A	N/A	(3) (4)	L2 or F1
Agricultural Services Use Type (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2	N/A	(3) (4)	L2 or F1
Animal Production, Boarding and Slaughtering - Level 1 / Fish Hatcheries and Aquaculture Use Types (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L1 (1)	L2	N/A	L2	N/A	(3) (4)	N/A
Animal Production, Boarding and Slaughtering - Level 2 / Forestry (Level 2 only) / Mineral Extraction Use Types (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2	N/A	(3) (4)	L3 or F1
Crop Production Use Type (level 2 only) (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	L3 (2)	L2	N/A	(3) (4)	L2 or F1

NOTES:

- (1) This landscape level is required only if the abutting use is of an Education, recreation, Non-Profit, Religious Assembly, or Community and Cultural Services Use Type.
- (2) This landscape level is required only along that portion of the interior lot line where enclosures or buildings are located less than 35 feet from the interior property line.
- (3) Along lot frontages that abut a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way, and along both sides of collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way that run through a development, street trees shall be installed at the rate set forth in 35.030 G.1.B, with no trees to be located greater than 15 feet from the right of way line. Refer to Figure 1 for illustration.
- (4) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per 35.030 G.1..2., and 3.
- (5) All parking lots shall be provided with interior landscaping per the requirements of 35,030 C.2.
- (6) "Streets" refers to public or private collector, secondary or major arterials. "Freeway" refers to any controlled accress roadway.

- **b. Development Standards.** The following are development standards for use in the layout of parking lot landscaping:
 - (1) Planting Areas. Planting areas shall be fully protected by curbs, wheel stops or other appropriate means, to prevent injury to plants from pedestrian or vehicular traffic. Landscape areas must be dispersed throughout the parking lot. Some trees may be grouped, but the groups must be dispersed.
 - (2) Parking Area Landscaping Boundaries. All planting areas and material required per Section __.35.030.C.2.a. shall be placed within the interior of the parking area and within a 6 foot perimeter surrounding the parking area. The perimeter street landscaping required per Section __.35.030.C.1. shall not be counted toward the requirements of Section __.35.030.C.2.a.(1) or (2).
 - (3) Plant Material Character within Parking Lots.
 - (a) Trees. A minimum of 70% required parking area trees shall be deciduous, except if existing evergreen trees are retained the percentage of deciduous trees can be decreased accordingly. Deciduous tree species should be selected based on their parking lot compatibility, i.e., high branching, do not release sticky substances, deep rather than shallow rooting, etc.
 - (b) Shrubs. Shrub and hedge material used shall not have mature heights that exceed 36 inches so as to provide for ease of vehicular sight distance and pedestrian safety.
 - (c) VegetativeGroundcover/Turf. Vegetative groundcover/turf material used shall not have mature heights that exceed 36 inches so as to provide for ease of vehicular sight distance and pedestrian safety. Vegetative groundcovers that are sensitive to occasional foot traffic should not be used in landscape areas where foot traffic might be likely. Planting of lawn in areas less than 10 feet in width is discouraged, due to associated water waste, in order to keep these lawn areas green.

- D. Requirements Critical Area Buffering. Refer to Critical Areas and Natural Resource Lands, for buffer requirements associated with critical areas and natural resource lands, including wetlands. Refer to the Shoreline Management Use Regulations for the City, for information on regulation of activities along the fresh and marine waters of the City.
- E. Requirements Landscaping and Public Rights-of-way.
 - 1. Private Landscaping in Public Rights-of-way. Lawn, vegetative groundcover and inert groundcover are the only plant materials permitted to be installed within public rights-of-way. Use of lawn in the public right-of-way is discouraged unless an above ground method of irrigation is readily available. Vegetative groundcover shall have a mature height of not greater than 18 inches. No underground irrigation may be used within a public right-of-way. Any landscaping installed in public rights-of-way is done at the financial risk of the installer.
 - 2. Vision Clearance Regulations. All trees within the vision clearance triangle regulated per the Site Development Regulations for entering sight distance, shall be pruned such that no branches extend lower than 6 feet above curb level and other plants within the vision clearance triangle for entering sight distance shall not exceed 36 inches in height above any street curb or crown of the adjacent paved way, if no curb exists. Minimum mature height requirements for vegetation required in other sections is superseded by the vision clearance regulations. Refer to Figure 6 for illustration.
 - 3. Vertical Clearance Regulations. All trees which spread across the roadway surface of a private road or across the surface of a emergency vehicle access shall be pruned such that no branches extend lower than 13 feet 6 inches above the crown of the adjacent paved way. Refer to Figure 7 for illustration.
- **** F. Requirements Expansion of Existing Development and Teneant Improvements. This chapter shall [only] apply to the [developable] lot area associated with the expansion of a permitted use or [non-conforming use] [major tenant improvement]. The remainder of the property shall be governed by regulations in force at the time of the original approval. Refer to Section __.35.130, Nonconforming Standards.
- **** G. Standards Landscape Levels. The intent of this section is to provide different levels of buffering for different circumstances. The locations where buffering is required are stated in Tables 1, 2 or 3 and in other parts of this chapter. The following standards are minimum requirements and may be exceeded by the applicant [or the Hearing Examiner]. The landscape standards are generally listed in a hierarchical order.

- 1. Low Screen/Berm (Landscape Level 1 L1).
 - a. Intent. This standard is intended to provide a minimal buffer between somewhat compatible uses, to soften the impact of uses that have a low profile but dominating presence, or where visibility is more important than a total visual screen. Examples of use: buffering parking lots from the street in pedestrian-oriented areas, buffering between like non-residential uses such as between offices or between commercial businesses.
 - b. Minimum Design Requirements. An L1 requirement shall be satisfied by using canopy vegetation, Section __.35.030.G.1.b.(3), and either a vegetative screen or berm, Section __.35.030.G.1.b.(1) or (2). The following are minimum design requirements for the L1 landscape level.
 - (1) Vegetative Screen. The L1 standard must consist of a continuous vegetative screen a minimum of 3 feet high and a maximum of 4 feet high at maturity, at a rate of 1 shrub per 4 feet of lot line, minus any driveway widths. The screen may consist of either clusters or a solid row of material. Plant spacing shall be no greater than 4 feet on center, with no greater than 5 feet on center between clusters. Installation of vegetative groundcover is encouraged within the planting area but not required. Refer to Figures 3 and 4 for illustration; or
 - (2) Berm. The L1 standard must consist of an earthen berm a minimum of 3 feet high and a maximum of 4 feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. The berm shall be planted with vegetative groundcover sufficient to achieve a 50% coverage rate at maturity. Refer to Figures 3 and 4 for illustration; and
 - (3) Canopy Vegetation. In addition to the requirements of Section __.35.030.G.1.b.(1) or (2), trees, at a rate of 1 per 30 lineal feet of lot line, shall be interspersed throughout the landscape strip in clusters or uniform rows. Spacing shall be no greater than 30 feet on center with uniform spacing or 50 feet on center between clusters. Minimum mature heights shall be 20 feet. Refer to Figures 3 and 4 for illustration.

(4) Screen Width. All required L1 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 5 feet. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to rights-of-way or adjacent property, shall be located between the interior edge of the screen width and the lot line, with no tree located more than 15 feet from the right-of-way line.

2. Filtered Screen (Landscape Level 2 - L2)

- a. Intent. This standard is intended to provide a visual separator between different types of non-residential uses and intensities and different types of residential uses and [and new subdivisons]. Examples of use: interior lot line buffering between commercial or office uses and heavy industrial, retail commercial and office development, etc.
- b. Minimum Design Requirements. The L2 standard must consist of: 1) trees, at a rate of 1 per 25 lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows; and 2) shrubs, at a rate of 1 per 7 lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows. Spacing shall be as follows: 1) trees at no greater than 25 feet on center with uniform spacing or 50 feet on center between clusters; and 2) shrubs at no greater than 8 feet on center, with no greater than 15 feet on center between clusters. Minimum mature heights shall be as follows: 1) Trees: 20 feet; and 2) Shrubs: 3 feet. Installation of vegetative groundcover is encouraged but not required within the planting area. Refer to Figure 8 for illustration.
- c. Screen Width. All required L2 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 15 feet, with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

3. Full Screen/Berm (Landscape Level 3 - L3).

a. Intent. This standard is intended to provide a physical and visual separator between incompatible uses or intensities/densities but where a complete noise barrier is not necessary. Examples of use:

interior lot line buffering between standard single-family development and commercial, office, industrial or multi-family uses, between multi-family development and non-residential uses or arterial roadways, between public schools and commercial and industrial uses, etc.

- b. Minimum Design Requirements. This requirement shall be satisfied by using canopy vegetation, Section __.35.030.G.3.b.(3), and either a vegetative screen or berm, Section __.35.030.G.3.b.(1) or (2). The following are minimum design requirements for the L3 landscape level.
 - (1) Vegetative Screen. The L3 standard must consist of: 1) evergreen shrubs, at a rate of 1 per 5 lineal feet of landscape strip; or 2) closely spaced evergreen trees, at a rate of 1 per 8 lineal feet of landscape strip, or a combination of the two in separate sections. The screen may consist of either overlapping clusters or a solid row of material. overlapping clusters are used, the overlap should be at least one-half plant width. Spacing shall be as follows: 1) evergreen trees for the landscape screen at no greater than 8 feet on center, with no more than 10 feet on center between clusters; 2) shrubs for the landscape screen shall be no greater than 5 feet on center, with no greater than 7 feet on center between clusters. Vegetative screening materials shall have a minimum mature height of 6 feet. Installation of vegetative groundcover is encouraged but not required within the planting area. Refer to Figure 9 for illustration; or
 - Berm. The L3 standard must consist of an earthen berm a **(2)** minimum of 4 feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative groundcover shall cover a minimum of 50% of the landscape strip area at maturity. Berms less than 6 feet in height shall be planted with evergreen shrubs, at a rate of 1 per 4 lineal feet of landscape strip, to a mature height equal to or greater than a 6-foot high berm. The screen may consist of either overlapping groupings or a solid row of material. If overlapping groupings are used, the overlap should be at least one-half plant width. Shrub spacing shall be no greater than 4 feet on center, with no greater than 6 feet on center between groupings. Refer to Figure 9 for illustration; and

- (3) Canopy Vegetation. In addition to the requirements of Section __.35.030.G.3.b.(1) or (2), trees, at a rate of 1 per 25 lineal feet of lot line, shall be interspersed throughout the landscape strip in groupings or uniform rows. Spacing shall be no greater than 25 feet on center with uniform spacing or 50 feet on center between groupings. Minimum mature height shall be 20 feet. Refer to Figure 9 for illustration.
- (4) Screen Width. All required L3 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 20 feet, with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

4. Sight-Obscuring Fence/Wall (Fence Level - F1)

- a. Intent. The F1 standard provides a tall and complete visual separation. This standard is applied in special circumstances where complete screening is necessary to protect abutting uses and landscape screens are impractical in that there is inadequate space for a landscape screen or when noise protection that is afforded by walls and fences is greater than what is provided by a vegetative screen. Examples of use: to screen open yard industrial activities from incompatible residential, institutional or office developments nearby.
- b. Minimum Design Requirements. Fences and walls must be at least 6 feet high and 100% sight obscuring. Sight-obscuring fences and walls can be constructed of wood, metal, bricks, masonry, or other permanent material; however, cylcone fences, with or without slats, will not be considered a sight-obscuring fence. A combination of fence and wall is permitted. The fence/wall shall be installed along the lot line. When using the F1 standard along road rights-of-way, the fence/wall shall comply with sight distance requirements and fence/wall setback requirements of Section

 _.35.020, Density and Dimension. Refer to Figure 10 for illustration.
- 5. Use of Existing Vegetation in Lieu of Landscape Levels. Where existing vegetation can provide the same level of screening as required per the above landscape levels, an applicant will be granted a waiver of the standard requirement, per Section .35.030.H.

H. Standards - Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the Planning Department an alternative conceptual landscape plan, supporting photographs and a brief explanation as to how the alternative plan satisfies the intent of the landscape level required per Section __.35.030.B.2.a, as permitted per Section __.35.030.G.5. Supplemental plant material may be required to be installed within, or adjacent to, the natural landscape area, critical area or critical area buffer to fully comply with the intent of the landscape level.

I. Standards - Planting Sizes, Berms.

- 1. Landscape areas required pursuant to **Section** __.35.030 shall conform to the following standards:
 - a. Trees, evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than 6 feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.
 - b. Trees, deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of 1.5" and a minimum height of 8 feet at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.
 - c. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than gallon size containers at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 5 years of installation.
 - d. Groundcover, vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 50% of required coverage within 2 year of installation and shall achieve 100% of required coverage within 5 years of installation.
 - **e. Groundcover, inert.** Wood chips, bark, decorative rock or other appropriate inert organic material may be used.
 - f. Lawn, sodded and seeded. Newly seeded lawns or installed sod shall be comprised of drought resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use. Refer to Section

__.35.030.O.3.a. and c. for recommended methods to decrease water consumption when utilizing lawn in the landscape.

2. Berms. Mounds of earth used for berming shall not exceed a slope of two horizontal feet to one vertical feet (2:1).

**** [J. Significant Tree Preservation]

**** [1. Significant tree. An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

A. Six (6) inches for evergreens, except as provided under B. or D below, or

- B. Eight (8) inches for Douglas Fir and Hemlock trees, or
- C. Twelve (12) inches for deciduous trees. or
- D. A tree that because of its unique species, environment, or location is determined by the Director to be a significant tree.]
- ** 2. Significant Trees Retention Required. Except as provided in Section 7 below, significant trees shall be retained in all residential, commercial, industrial or institutional developments as follows:
 - [a. Significant tree preservation shall be required at any time a site development permit, building permit, short subdivision, or subdivision is required.]
 - b. All significant trees located within any required perimeter landscaping area shall be retained;
 - c. Ten Fifty percent ([10] [50]%) of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in apartment, townhome, new residential, or institutional developments;
 - d. Five Ten percent ([5] [10]%) of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in commercial [, utility,] or industrial developments;
 - e. Utility developments and mineral extraction operations shall be exempt from the significant tree retention requirements of this chapter;
 - £ [e] If significant trees were previously located in a closed, forested situation, a registered landscape architect shall determine if a tree has a significant chance of toppling in high winds, and whether a buffer of smaller trees, retained or replaced on the fringe of such significant trees would reduce the risk of toppling.

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- g.[f.] A grouping of three or more existing trees with canopies that touch or overlap, may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade;
- h. [g] Except as provided in subsection h, significant trees to be retained shall not include significant trees that, following inspection by a registered landscape architect, certified nursery professional or certified arborist, are determined to be:
 - 1. Damaged or diseased,
 - 2. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation;
- I. [h] At the discretion of the City, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees.
- 4. Significant Trees Retention Plan. The applicant shall submit a tree retention plan concurrent with a grading permit, building permit or preliminary subdivision or short subdivision application, whichever is reviewed and approved first. The tree retention plan shall consist of:
 - a. A tree survey that identifies the location, size and species of all significant trees on a site. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees provided that, when using either method, the survey:
 - 1. Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to Section 5 below, and
 - 2. Any tree 18 inches or greater diameter for the purpose of establishing wildlife habitat value;
- b. A development plan identifying the significant trees that are proposed to be retained, transplanted or restored.

- 5. Significant trees incentives for retention. Each significant tree that is located outside of the area for perimeter landscaping and is retained may be credited as two trees for complying with the retention requirements of Section 3 above, provided it meets one or more of the following criteria:
 - a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees or thirty (30) inches for deciduous trees;
 - b. The tree is located in a grouping of at least five other significant trees with canopies that touch or overlap;
 - c. The tree provides energy savings, through winter wind protection or summer shading, as a result of its location relative to buildings;
 - d. The tree belongs to a unique or unusual species;
 - e. The tree is located within twenty five (25) feet of any critical area or required critical area buffers; and
 - f. The tree is 18 inches or greater and is identified as providing valuable wildlife habitat.
 - **6. Significant Trees Protection.** To provide the best protection for significant trees:
 - a. No clearing shall be allowed on a site until approval of tree retention and landscape plans;
 - b. An area free of prohibited disturbance, generally corresponding to the drip line of the significant tree shall be identified during the construction stage with a temporary five-foot high chainlink or plastic net fence;
 - No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing or stakes;
 - d. A rock [well wall] shall be constructed if the grade level around the tree is to beraised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;
 - e. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - 1. The drip line of the tree(s); or
 - 2. An area around the tree equal to one (1) foot diameter or each inch of tree trunk diameter measured four (4) feet above the ground; and
 - f. The Planning Department may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect or certified nursery professional.
 - g. No impervious surface or fill shall be installed within the dripline of the tree unless a registered landscape architect or certified nursery professional determines that the long term health of the tree will not be significantly harmed.

- 7. Significant trees replacement. When the required number of significant trees cannot be retained, significant trees that are removed shall be replaced with:
 - a. Transplanted significant tree
 - b. New trees measuring three inch caliper or more, at a replacement rate of one and one-half (1.5) inches diameter for every one inch diameter of the removed significant tree.
- K. Standards Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable to lack of watering and to survive periods of extended drought once they are established. All landscaped areas must provide an irrigation method as stated below:
 - 1. Option 1. Pursuant to Section __.35.030.O.3.c., a permanent underground irrigation method with an automatic controller plus an overriding rain switch.
 - 2. Option 2. Pursuant to Section __.35.030.O.3.c., an irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant material are selected are determined to be drought tolerant by the Department, refer to Section __.35.030.O.4., in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.
- L. Standards Planting and Irrigation Plans. A planting plan and irrigation plan are required to be prepared for any landscape activity proposed for multi-family or non-residential development. Formal subdivisions and short subdivisions require only a planting plan.
 - 1. Persons Qualified to Prepare Plans. The landscape plan shall be prepared by a Washington state registered landscape architect, a Washington state certified nurseryman, or a Washington state certified landscaper, except that planting plans for short subdivisions and for street tree requirements may be prepared by the applicant. The irrigation plan shall be prepared by a Washington state registered landscape architect or certified irrigation designer, except that irrigation plans for short subdivisions and for street tree requirements may be prepared by the applicant.
 - 2. Planting Plan. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this

chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

- a. The location of existing vegetation to be retained and to be removed, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.
- b. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.
- 3. Irrigation Plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. The irrigation plan shall conform with the requirements of Section .35.030.J.
- 4. Installation. The following is required following approval of the planting and irrigation plan.
 - a. The person or persons certified pursuant to Section __.35.030.K.1. and authorized to prepare the planting and irrigation plans shall submit, within 30 days of completed installation, a signed affidavit that landscaping has been installed per the approved plans.
 - b. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The Director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarentees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued. However, the Director may approve an alternative timeline associated with a phased project.
- M. Standards Maintenance. With regard to maintenance of on-site landscaping, the following standards shall be followed:
 - 1. All landscaping shall be maintained for the life of the project.
 - 2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.

- 3. All landscape areas shall be kept free of trash.
- N. Standards Replacement. The following standards apply to the replacement of vegetation within required perimeter buffers and parking lot landscape areas.
 - 1. Any installed plant material located within required perimeter landscape buffers and parking lot landscape area shall be replaced within the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.
 - Any tree existing on site at the time of development, greater than 8" DBH, that is located within required perimeter landscape buffers and parking lot landscape areas shall be replaced within the spring or fall growing season following death or following a determination by a registered landscape architect or certified nurseryman that the tree is diseased or damaged and has a significant chance of toppling in high winds, but not greater than 180 days from time of loss. The existing tree shall be replaced on a 2 for 1 basis. Any future replacement of the initial replacement trees shall occur at 1 for 1 ratio. This standard applies for the life of the project.
- O. Standards Bonding. Performance bonds or other appropriate security (including letters of credit) shall be required if landscaping is not installed prior to issuance of occupancy permits.
- P. Guidelines Root Control, Water Conservation and Suggested Plant Material
 - 1. Intent. The following guidelines are not intended to be mandatory but are suggested ideas for reducing the maintenance cost of a development, enhancing the long-term health of plant material and reducing the cost of watering. The intent of a root control guideline is to reduce the potential of tree roots causing costly damage to adjacent asphalt and concrete surfaces. The intent of water conservation guidelines is to ensure that costly plant material is provided with the opportunity to take the most advantage of natural watering and therefore reduce the amount of water required to maintain plant material health during the dry season. The intent of a plant material guideline is to encourage use of plants native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to maximize use of rainwater, to reduce general maintenance needs and to encourage the development of landscape designs reflective of our natural surroundings.

It is also the intent of the plant material guideline to encourage the use of drought tolerant plants in landscape designs in order to reduce the amount of water devoted to outdoor watering at a time when population pressures are increasing faster than the water supply.

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2. Root Control Guidelines. Any tree planted within 5 feet of public or private road pavement edge, curbing or sidewalk or within required parking areas shall install a root control barrier. Root control barriers shall consist of galvanized metal sheets extending a minimum of 2 feet below the finished grade of the surrounding surface.

3. Water Conservation Guidelines.

- a. Soil Preparation. Landscape areas should be deep tilled to a depth of at least 12 inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration or water holding capacity. For all newly landscaped areas, including single-family residences, organic matter should be incorporated to a depth of 4-6 inches to facilitate deep water penetration and soil oxygenation.
- b. Mulching. Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion. Mulches include organic materials such as wood chips and shredded bark and inert organic materials such as decomposed lava rock, cobble and gravel. The use of inert organic mulches are recommended in conjunction with geotextiles. Non-porous materials, such as plastic sheeting is not recommended for use in any area of the landscape because of down slope erosion and potential soil contamination from herbicide washing. Mulches should be applied to the following depths: 3 inches over bare soil and 2 inches where plant materials will cover.
- c. Compatible Water Use Design. Trees and plants having similar climatic, water, soil, and maintenance requirements should be grouped in distinct and compatible planting areas as follows: 1) plants which, at maturity, require moist soils and supplemental water in addition to natural rainfall to survive; 2) plants which, at maturity, survive on natural rainfall with supplemental water during seasonal dry periods that are unusual due to their length, high temperature or lack of moisture; and 3) plants which, at maturity, survive on natural rainfall without supplemental water. Grouping/zoning of plantings in coordination with the irrigation hydrozoning plan as well as topographic features in the landscape such that plantings benefit from collected precipitation, run-off or water harvesting is also encouraged.

- 4. Plant Lists Guidelines. Applicants are strongly encouraged to utilize plant material native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to retain the natural character of the region and to utilize plants that are best suited to the wet/dry climate of the Pacific Northwest. Applicants are also strongly encouraged to utilize drought tolerant plants. Regardless of their geographic origin or perceived ability to endure drought, it is important to put plants into landscape situations that are similar to their natural habitat. A water-wise landscape is not strictly made up of low-water plants, but a combination of plants put in the right place. Applicants may contact the Department for lists of suggested plantings.
- Q. Design Guidelines Landscaping. [Reserved]





(FIGURE 4)



(FIGURE 5)



(FIGURE 6)





(FIGURE 8)





35.040 LOADING AREA REQUIREMENTS AND OFFSTREET PARKING

- A. Purpose
- B. Required Automobile Parking Spaces
- C. Size and Access
- D. Location
- E. Unit of Measurement
- F. Expansions or Enlargements
- G. Mixed Occupancies
- H. Uses Not Specified
- I. Parking Spaces Required For Particular Uses
- J. Parking Dimensions
- K. Compact Car Allowance
- L. Handicapped Parking Requirements
- M. Required Loading Areas
- N. Transit and Rideshare Provisions
- **** [O Inoperable Vehicles]
 - A. Purpose. The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles.
 - B. Required Automobile Parking Spaces. Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this Section at the time any building or structure is erected, enlarged, or expanded.
 - C. Size and Access. Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles and a width of not less than eight (8) feet. There shall be adequate provision for ingress and egress from each parking space.
 - D. Location. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.
 - 1. For a single-family dwelling or multi-family dwellings, the parking facilities shall be located on the same lot or building-site as the building they are required to serve.
 - 2. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, and club rooms, parking facilities shall be located not farther than one hundred fifty (150) feet from the facility.

- 3. For uses other than those specified, parking facilities shall be located not farther than three hundred (300) feet from the facility.
- E. Unit of Measurement. In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of width or eighty (80) square feet of open area of such seating facilities should be counted as one (1) seat for the purpose of determining requirements of off-street parking facilities under this Code.
- F. Expansions or Enlargements. Where any structure is enlarged or expanded, then off-street parking spaces shall be provided for said expansion or enlargement in accordance with the requirements of Subsection I. Nothing in this Code shall be construed to require off-street parking spaces for the portion of said building or structure existing at the effective date of this title. A change in use in an existing structure shall require additional off-street parking spaces as set forth in Subsection I.
- G. Mixed Occupancies. In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereafter specified in Subsection I. for joint use.
- H. Uses Not Specified. In the case of a use not specifically mentioned in Subsection I., the requirements for off-street parking facilities shall be determined by the Examiner. Such determination shall be based upon the requirements for the most comparable use specified in Subsection I.
- I. Parking Spaces Required For Particular Uses. The minimum number of offstreet parking spaces required shall be as set forth in the following:

Use

- 1. Administrative & Professional Offices
- Amusement & Recreation
 Exceptions:
 Bowling Alleys
 Golf Course

Stadiums Theater

Parking Spaces Required

One (1) for each 400 square feet of gross floor area.
One (1) per 300 square feet.

Four (4) per lane
Three (3) per hole, plus one per
300 square feet of club house
facilities.
One (1) for each four seats
One (1) for each 300 seats up
to 800 seats, plus one (1) for
each 5 seats over 800 seats.

3.	Basic Manufacturing	One (1) for each three employees on a maximum shift
4.	Community and Cultural Services Exceptions: Conference Center	One (1) for each 250 square feet of gross floor area. One (1) for each four seats.
5.	Daycare Centers	Two (2) per facility, plus one (1) for each 20 children
6.	Eating and Drinking Establishments.	One (1) for each 200 square feet of gross floor area
_a 7.	Food Stores	One (1) for each 200 square feet of gross floor area.
8.	Fraternity or Sorority House	One (1) for each three sleeping rooms or one for each six beds, whichever is greater.
9.	Group Home	One (1) for each two beds.
10.	Health Services Exceptions:	Two (2) for each bed.
	Medical or Dental Clinics	Ten (10) for each physician or dentist.
11.	Industrial Services and Repair	One (1) per 300 square feet of office, plus one (1) per 1,000 square feet of indoor repair areas.
12.	Lodging	One (1) for each sleeping room.
	Motor Vehicles & Related Equipment Sales, Rental, Repair & Service Wholesale Trade	One (1) for each 400 square feet of gross floor area.
14.	Multi-Family Housing	One and one-half (1 & 1/2) for each unit.
15.	Nursing and Personal Care Facilities	One (1) per four beds.
16.	Religious Assembly	One (1) for each five seats in the principal place of assembly for worship, including balconies and

choir loft.

Exceptions:

Mortuaries or Funeral Homes

One (1) for each four fixed seats or one (1) for 80 square feet of floor area used for services, whichever is greater.

17. Schools

High School

One (1) for each eight (8) students plus one (1) for each faculty member (exclusive of loading and

unloading area).

Elementary and Jr. High

One (1) for each faculty member.

18. Senior Housing

One (1) per two dwelling units.

19. Single and Two-Family Housing

Two (2) for each dwelling unit..

20. Warehousing Distribution & Freight, Storage Facilities

One (1) for each 2,000 square feet of gross floor area, except that office space shall provide parking as required for offices.

J. Parking Dimensions.

- 1. The dimensions for parking spaces are:
 - a. Nine feet wide and 18 feet long for a standard space;
 - b. Eight and one-half feet wide and fifteen long for a compact space;
 - c. As required by applicable State of Washington and federal standards for designated disabled person parking spaces.
- K. Compact Car Allowance. In any development containing more than twenty parking spaces, up to fifty percent of the total number of the spaces may be sized to accommodate compact cars, subject to the following:
 - 1. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;
 - 2. Aisle widths shall conform to the standards set for standard size cars;

- 3. Apartment developments with less than twenty parking spaces may designate upto 40 percent of the required parking spaces as compact spaces.
- L. Handicapped Parking Requirements. Off-street parking and access for physically handicapped persons shall be provided in accordance with RCW 19.27, State Building Code, and RCW 70.92, Public-Buildings Provision for aged and handicapped.
- Required Loading Areas. In any commercial and manufacturing zones, and for any institutional use in whatever zone it may be located, every building or portion of building hereafter erected or structurally altered to provide additional floor space shall be provided with a minimum of one (1) off-street or off-alley loading space for each twelve thousand (12,000) square feet of floor space or fraction thereof within the building, which floor space is intended to be used for or is used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains more than twenty-four thousand (24,000) square feet of floor space so used, then there shall be one (1) additional loading space provided for each additional twenty-four thousand (24,000) square feet of floor space. In no case shall less than one (1) loading space be provided. Each loading space shall measure not less than thirty (30) feet by twelve (12) feet, and shall have an unobstructed height of fourteen (14) feet, and shall be made permanently available for such purpose, and shall be surfaced, improved, and maintained. Such facilities shall be so located that trucks using same shall not encroach upon or interfere with areas reserved for off-street parking nor project into any public right-of-way and shall be adjacent to the building to be served thereby. If the site upon which such loading space or spaces is to be located abuts upon an alley, such loading space or spaces shall be off-alley. If the loading space is incorporated within a building then, as to location, the requirements of this Section shall not apply.

Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space.

N. Transit and Rideshare Provisions.

- 1. All land uses that include Government/Business and Manufacturing shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:
 - a. The parking spaces shall be located closer to the primary employee entrance than any other employee parking except handicapped;
 - **b.** Reserved areas shall have markings and signs indicating the space is reserved, and;
 - c. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and

to vehicles meeting minimum rideshare qualifications set by the employer.

*** [O. Inoperable Vehicles.

- 1. An inoperable vehicle shall be a vehicle without a valid registration, insurance, 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 5 [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.]

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.35.050 OPEN SPACE AND SET ASIDE LANDS

- A. Purpose
- B. Applicability
- C. Incentives
- D. General Provisions
- E. Classification of Open Space
- F. Designation of Rural Set Aside Areas
 - A.*** Purpose. The purpose of this section is to outline the provisions for classifying open space or designating set aside lands in conjunction with new development. Open space serves to: preserve the character of the natural and rural environment, protect stream corridors, ridgelines, shorelines, critical areas and fish and wildlife movement corridors; provide residents with usable open space for passive recreation and alternative non-motorized transportation corridors; and protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality and flood water storage capacity. Set aside lands serve to retain the rural character until such future time when increased densities are permitted.
 - B. Applicability. The provisions of this section only apply to the zone classifications specifically identified in Section __.35.020, Density and Dimension Tables.
 - C. Incentives. As a mechanism to encourage open space classification or set aside designation the following incentives shall be available:
 - 1. Tax Relief. Any property owner who has classified open space in accordance with this section may apply for tax relief pursuant to the provisions of **Chapter 84.34 RCW**, Open Space, Agricultural, and Timber Lands-Current Use Assessment-Conservation Futures.

D. General Provisions.

- 1. Open Space Locational Criteria.
 - a. The location of a proposed classification of open space shall be determined utilizing one or more of the following criteria:
 - (1) Tract(s) which are identified [in the Comprehensive Park and Recreation Plan] for a proposed new trail or extension of an existing trail system;
 - (2) Tract(s) which create a linkage to another classified open space or public park on an adjacent parcel;

associated buffer(s); or *** Tract(s) which provide access to marine, lake, river [,creek] **(4)** or stream shoreline areas. Tract(s) which preserve sensitive areas for aquifer recharge (5) and enhancement of water quality or provides flood water storage capacity; Tract(s) which serve as a buffer between the urban/rural line; +(7)Tract(s) which serve as a buffer between the road and a proposed development in a rural designation; **** (8)Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and useability; [or] **** [(9) Tract(s) which preserve rural prime agricultural soils for agricultural land use activities; or] (10)Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas. b. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established. 2. Permitted Uses. The following uses shall be permitted in areas which

Tract(s) which create a linkage to a critical area and its

a. Urban Open Space:

have been classified for open space.

(3)

- 1. pervious and impervious surface trails;
- 2. passive recreation and accessory structures;
- 3. agricultural practices and associated agricultural structures;
- 4. aquaculture;
- 5. utility easements; and
- 6. drainfields.

E. Classification of Open Space.

1. Classification Mechanisms.

- a. To assure that the open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within the open space are limited to those identified in Section __.35.050.D.2.a above.
- Drior to or concurrent with final approval of the Discretionary Land Use Permit or Building Permit, the open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the Department.

2. Public Access.

- a. The Department shall require public access to the open space tract(s) [when the Comprehensive Park and Recreation Plan specifies public access to] the tract(s) [as are] necessary for a proposed new trail or extension of an existing trail system.
- b. If the Department requires public access to an open space tract(s), as specified in __.35.050.E.2.a above, then prior to or concurrent with final approval of the Discretionary Land Use Permit or Building Permit, an easement shall be granted to the City of University Place providing for public access to the classified tract(s).
- c. Public access is not required when determined to be inappropriate due to the presence of sensitive environmental areas or other unique features which would be better preserved and protected by limiting access.

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.35.060 HOME OCCUPATIONS

- A. Purpose
- B. Applicability
- C. Exemptions
- D. Performance Standards
- E. Conditions and Decision Criteria
- F. Revocation of Permits
- G. Required Permit and Review
- H. Procedures
 - A. Purpose. The purpose of this section is to provide standards which allow a resident of a single-family dwelling to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.
 - **B.** Applicability. Home Occupations are only permitted as an accessory use in conjunction with a detached single-family dwelling.

C. Exemptions.

- Home Based Day Care activities are exempt from the regulations of this Chapter. The regulations governing day care facilities are stated in Section __35.070, Day Care Facilities.
- 2. Temporary Lodging Facilities (Lodging House), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this Chapter.

D. Performance Standards.

- 1. Intent. It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to Chapter ___.25, Zone Classifications and Use Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.
- 2. General Provisions and standards. The following general provisions and standards shall apply to all home occupation activities.

- a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;
- **b.** External alteration inconsistent with the residential character of the structure is prohibited;
- c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
- d. The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;
- e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;
- f. Manufacturing shall be limited to the small-scale assembly of already manufactured parts but does not preclude production of small, individually hand-crafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;
- g. Customers/clients are prohibited on the premises prior to 6:00 a.m. and after 9:00 p.m.;
- h. One advertising sign not exceeding 2 square feet in size is permitted which shall be attached to the residence or accessory structure or placed in a window;
- i. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted;
- j. No more than two customers or clients at any one time are allowed.
- k. The activity shall be limited to an area less than 500 square feet or a size equivalent to 50% of total floor area of the living space within the residence, whichever is less;
- 1. One vehicle, up to 10,000 gross vehicle weight, is permitted in connection with the activity;
- m. The activity shall be performed completely inside the residence; an accessory structure or a combination of the two.

- n. There shall be no outside display or storage of materials, merchandise, or equipment.
- E. Conditions and Decision Criteria. In addition to the standards set forth in Section __.35.060.D, the Director shall have the authority to impose additional conditions or to deny a Home Occupation permit based upon the following decision criteria:
 - 1. Activities which are potentially harmful or hazardous and may adversely affect the surrounding residential character or the environment may be modified or denied;
 - 2. Activities which are not clearly incidental and secondary to the use of the property for residential purposes shall be denied; and
 - 3. A Home Occupation, where the single-family dwelling is not occupied for residential use, shall be denied.
- F. Revocation of Permits. A Home Occupation permit_may be revoked pursuant to Section __.85.060, Revocation and Expiration, if applicant is found to be in noncompliance with any standards or conditions imposed upon the issuance of said permit.
- G. Required Permit and Review.
 - 1. Home Occupation. Activities which do not exceed the standards identified in Section __.35.060 are allowed in all land use classifications with a Home Occupation Permit and are subject to administrative review, with public notice. Appeals shall be to the Hearings Examiner.

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.35.070 DAY CARE FACILITIES

- A. Purpose
- B. Home-Based Day Care Facilities
- C. Day Care Centers
- **** A. Purpose. The purpose of this section is to provide operating criteria to meet the need for quality, affordable, and safe day care facilities for adults and children in all areas of [University Place Pierce County]. There are two types of Day Care Facilities: Home-Based Day Care Facilities and Day Care Centers.
 - B. Home-Based Day Care Facilities. Home-Based Day Care facilities operate from a residence and are restricted to a maximum of 12 children or adults. There are two types of Home-Based Day Care Facilities: Adult Home-Based Day Care and Child Home-Based Day Care.
 - 1. Operating Criteria for Home-Based Day Care Facilities.
 - a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a 6 foot high fence.
 - **b.** Outdoor Play Equipment. Play equipment shall not be located in any required front or side yard setback area.
 - c. Off-Street Parking. In addition to the parking space required for the single-family dwelling, one parking space shall be required for each nonresident employee plus one additional parking space.
 - 2. Administrative Use Permit. In a Moderate Density Single-Family (MSF) classification, an Administrative Use Permit (Section __.75.020) will be required for Home-Based Day Care Facilities with more than 6 children or adults.
 - C. Day Care Centers. Day Care Centers are facilities which operate in places other than a residence with no limited number of clients. There are two types of Day Care Centers: Adult Day Care Center and Child Day Care Center.
 - 1. Operating Criteria for Day Care Centers.
 - a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a 6-foot-high fence.
 - b. Off-Street Parking. A minimum of one stall for every employee plus one for every 10 children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in Section __.35.030, Landscaping.

- c. Loading. There shall be an off-street area for loading and unloading children or adults (clearly marked). Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.
- d. Signs. One sign will be permitted at a size to be determined by the zone classification where the facility is located.
- **** [2. Permitted Zones. Daycare Centers shall be permitted as speicifed in Section __.25.100(F) Civic Use Type.]

.35.080 ACCESSORY DWELLING UNITS

- A. Purpose
- B. Procedures
- C. General Requirements
 - A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the county while protecting the existing character of single-family neighborhoods.
 - **B.** Procedures. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:
 - 1. Application. The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.
 - 2. Property Owner. The property owner, which shall include title holders and contract purchasers must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
 - 3. Affidavit. An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this ordinance is required.
 - a. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.
 - 4. Notice of Title. Prior to issuance of building permits the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department and shall include as a minimum:
 - a. the legal description of the property which has been approved for an ADU;
 - **b.** the applicability of the restrictions and limitations contained in this section;
 - c. a copy of the [County City] approved floor/site plan; and
 - d. the property owner's signature on the notice. The signature shall be notarized prior to recording the notice.

- **** 5. Reports. The Department shall report annually to the [County City] Council on ADU applications, the number of units established and their distribution throughout the [County City], the average size of the units, and the number and types of complaints and enforcement related actions.
 - C. General Requirements. The creation of an ADU shall be subject to the following general requirements:
 - 1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.
 - 2. Type of Unit.
 - a. An ADU must be attached to the principal unit and will be permitted as a second dwelling unit.
 - 3. Size. In no case shall an ADU be more than 40 percent of the building's total floor area, nor have more than 600 square feet, nor have more than two bedrooms.
 - 4. **Design.** An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
 - a. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.
 - 5. Parking. One (1) off-street parking spaces shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to Section __.35.040, Loading Area Requirements and Off-Street Parking. Such parking must be provided in the rear of the lot when alley access is available.

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.35.090 AGRICULTURAL USES AND ANIMALS

- A. Purpose
- B. Exceptions
- C. Standards
- D. Urban Area Requirements
- E. Rural Area Requirements
- F. Additional Standards for Environmentally Sensitive Areas
- G. Farm Management Plans
- H. Commercial Agricultural Activities
 - A. Purpose. The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

B. Exceptions

- 1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a non-commercial use without an associated dwelling unit, provided:
 - a. The applicant completes a Hobby Farm Agreement provided by the Department. Each Hobby Farm Agreement shall:
 - 1. Define the type and intensity of all proposed agricultural activities.
 - 2. Clarify that the use of the site is for private non-commercial use.
 - 3. Provide time frames for periodic Departmental monitoring.
 - 4. Be signed by the property owner and recorded as a title notice with the Pierce County Auditor.
 - **b.** Hobby farms must comply with all other requirements of this section.
- C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling subject to the following requirements:
 - 1. Animals Accessory to Residential Use. Animals kept [for private, non-commercial] use shall be permitted subject to the following criteria:
 - a. <u>Livestock.</u> Livestock shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:
 - 1. A fence used to enclose pasture lands may be constructed on the property line provided such pasture is maintained as required in this section.
 - 2. A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required pursuant to Wetlands and Fish & Wildlife Habitat Areas

Codes. Such fence shall be constructed before livestock are introduced to a site.

- **b.** <u>Small Animals.</u> Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:
 - (1) Poultry, Pigeons, Peacocks and Rabbits. Poultry, peacocks, pigeons and similar birds, or rabbits and similar mammals raised for domestic, noncommercial use, provided:
 - (a) A minimum setback of 35 feet from all property lines shall be required for all pens, hutches, coups or similar enclosures.
 - (b) No more than 12 poultry, peacocks, or rabbits and similar mammals shall be permitted per acre.
 - (c) Aviaries or lofts shall provide for 1 square foot for each pigeon or similar birds, and shall not exceed 2000 square feet.
 - (2) Dogs and Cats. Any combination of 5 dogs or cats that individually exceed 7 months of age are permitted. [Any combination of 6 or more dogs or cats that individually exceed 7 months of age are permitted pursuant to Section ___.25.270 (L.), Animal Production and Boarding. Kennels for 5 or more dogs or cats are prohibited]
- wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrishes, exotic, vicious, or poisonous animal or reptile. [except as set forth in Pierce County Code, [Pierce County Code.] Chapter 6.16].
- ****

 2. Crop Production Accessory to Residential Use. Agricultural activities such as gardens and orchards [for private, non-commercial use] shall be permitted and shall not be limited in any zone classification.
- **** D. [Urban] Area Requirements. Agricultural uses and animals shall be permitted in all urban zoning classifications as an accessory use to a residential dwelling subject the standards in this section. The following requirements apply to livestock [kept for private, non-commercial use in urban areas]:
 - 1. Livestock are not permitted on lots less than 1 acre.
 - 2. On any lot from 1 acre to less than 2 acres in size, the number of animals shall not exceed 2 such animals which are 12 months or more of age.
 - 3. On any lot exceeding 2 acres in size, there may be one more livestock animal for each additional acre beyond the initial 2 acres.
 - 4. All pens, stables, barns, corrals, or similar concentrated enclosures used or the keeping of livestock shall be setback a minimum of 35 feet from all property lines.

- E. Additional Standards for Environmentally Sensitive Areas. The following areas have been classified as environmentally sensitive in the City Code areas designated Natural in the City Shoreline Management Use Regulations. In addition to the other requirements of this section, the following standards shall apply to all commercial and non- commercial agricultural uses in these environmentally sensitive areas.
 - 1. Livestock shall be limited to one per acre of fenced usable pasture.
 - 2. Small animals shall be limited as follows:
 - a. Poultry, Pigeons, Peacocks, and Rabbits are limited to 8 per acre.
 - b. Kennels that exceed any combination of 5 dogs or cats that individually exceed 7 months of age require a conditional use permit.
- Farm Management Plans. The requirements in this section may be exceeded provided the property owner completes a Farm Management Plan in conjunction with the Pierce County Conservation District, the Natural Resources Conservation Service, or other agency acceptable to the Department. The plan must address, at a minimum, best management practices for the control of animal wastes, stormwater runoff, and erosion.
- H. Commercial Agricultural Activities. See Section __.25.310, Resource Use Category, for commercial agricultural uses, and Section __.35.060, Home Occupations, for same.

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[35.	100-A	DULT BUSINESSES
A. — B. — C. —		se on Standards se For Adult Businesses
	A.	Purpose. The intent of this section is to establish regulations for activities or uses which, because of their adult orientation, are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks and community centers. Special regulations for these uses are necessary to: 1. Prevent inappropriate exposure of such businesses to the public;
	<i>*</i>	 Ensure that adverse effects of these uses will not contribute to the blighting or downgrading of surrounding neighborhoods; and Protect property values and quality of life from potential adverse impacts.
	В. —	Location Standards. Adult Businesses shall be subject to the provisions of this section.
		1. Separation Requirements I. Adult Businesses are prohibited from locating within 660 feet of any other Adult Business or any of the following:
		a. Areas zoned CC, HRD, MSF
		 b. Community and cultural facilities, including but not limited to post offices, government offices and courthouses;
		e. Residential, day treatment or workshop facilities primarily or mentally disabled; or
		d. Senior citizens service centers or residential facilities with the primary emphasis oriented to senior citizens.
		2. Separation Requirements II. Adult Businesses are prohibited from locating within 2,000 feet of the following uses:
		a. Public or private schools from kindergarten to 12th grade and their grounds:

	b	Day care centers, preschools, nurseries or other child care facilities;
	е.	Youth cabarets, public parks, playgrounds, libraries or any other area where large numbers of minors regularly travel or congregate; or
	d-	- Churches, convents, monasteries, synagogues, temples, chapels or other places of religious worship.
	a new	Use Status. Adult businesses shall not become nonconforming it was as listed under Section35.100.B.1 is located closer than sect from the adult business or if a new use as listed under Section .100.B.2 is located closer than 2,000 feet of the adult business.
ء -	shall upon neare	nee Measurement. The distance requirements for this section be measured in a straight line from the nearest point of the lot which the proposed Adult Business use is to be located to the est point of any lot owned or leased for any of the uses listed in on35.100.B.1 and35.100.B.2.
D.	describing o anatomical a as window d	Adult Businesses. No descriptive art or displays depicting, relating to any "specified sexual activities" or "specified areas" shall be allowed on any exterior portion of the building or isplays visible to the public; otherwise, signage for Adult hall comply with the provisions of the sign regulations section of ode.]

.35.110 MOBILE AND MANUFACTURED HOME PARKS

- A. Purpose
- B. Design Criteria
- C. Phased Development
- D. Park Administration
 - A. Purpose. The purpose of this section is to provide the regulations for the development of mobile and manufactured home parks.
 - B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:
 - A mobile or manufactured home park shall contain not less than two (2) spaces and shall not exceed the densities established in **Section** ___.35.020, Density and Dimension.
 - 2. A mobile or manufactured home park shall not be established on any site providing less than a thirty (30) foot wide access to a public street.
 - 3. Only one (1) mobile or manufactured home dwelling unit shall occupy any given space in the park.
 - 4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:
 - a. Mobile or manufactured homes used as a single-family residence only.
 - **b.** A patio, carport, or garage as an accessory use for a mobile or manufactured home.
 - c. Recreation buildings and structures including facilities such as a swimming pool for the exclusive use of park residents and their guests.
 - d. One residence for the use of the owner, a manager, or caretaker responsible for maintaining or operating the property. This residence may be either a mobile or manufactured home or a sitebuilt structure.
 - e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.
 - 5. Setbacks. No mobile or manufactured home, building or other structure shall be located closer to a park boundary property line than is specified by the zone district in which the park is located. Unless an intervening fire wall is provided, a mobile or manufactured home or accessory structure shall not be located closer than fifteen (15) feet from any other mobile or manufactured home, or closer than five (5) feet from the interior park roadway. Mobile or manufactured home accessory buildings, when not

attached to the mobile or manufactured home, shall not be closer than three (3) feet from such mobile or manufactured home, unless an intervening firewall is provided. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than fifty (50) feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.

- 6. Two (2) off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum ten (10) feet access to a park street. All required off-street parking spaces shall be not less than eight by twenty (8 x 20) feet and shall be paved or a crushed rock surface and maintained in a dust free surface. On-street or curb-side parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.
- 7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a seventy (70) foot minimum diameter roadway surface turnaround exclusive of parking lanes.
- 8. Storage areas comprising not more than ten percent (10%) of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.
- 9. There shall be landscaping and ground cover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
- 10. When deemed necessary to maintain compatibility of the park with adjacent land uses, buffering or screening may be required by the City approving authority.
- 11. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the City Building Official. Each mobile or manufactured home shall be skirted with weather resistant, non-combustible material compatible with the exterior finish of the mobile or manufactured home.
- C. Phased Development. Proposed mobile or manufactured home parks of ten (10) or more acres in size developed after the effective date of this Section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan provided that this exception shall only be applicable to phases which can be substantially completed within five (5) years of the adoption of the change of zone.

D. Park Administration.

- 1. It shall be the responsibility of the park owner and manager to assure that the provisions of this Code are observed and maintained within the mobile or manufactured home park. Violations of this Code shall subject both the owner and the manager of the facility to any penalties provided for violation of this Code.
- 2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters, however, the parking of an unoccupied recreational vehicle in duly-designated storage areas shall be permitted.
- 3. All refuse shall be stored in insect-proof, animal-proof, water-tight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight-obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.
- 4. Construction of accessory structures and alterations and additions to the mobile or manufactured home park shall be subject to review by the Building Department, and necessary permits and inspections shall be obtained as required for such construction.
- 5. All electrical connections to each mobile or manufactured home shall comply with the Electrical Code and shall be inspected.
- 6. Portable fire extinguishers rated for classes A, B, and C shall be kept in service buildings and at other locations, conveniently and readily accessible for use by all residents, and shall be maintained in good operating condition.
- 7. The park shall be maintained free of any brush, leaves, and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home. The County Health Department shall inspect each park annually, prior to licensing, and submit to the park owner and manager a written report stating whether or not the park is in compliance and listing any repairs which may be required prior to issuance of a license renewal. An extension of time to complete repairs may be granted if no risk to public health or safety is created by such extension.
- 8. Individual mail boxes shall be provided for each space in the park.
- 9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park.
- **** [E. Conditions and Decision Criteria. In addition to the standards set forth in Section ___.35.060.D, the Director shall have the authority to impose additional conditions or to deny a Home Occupation permit based upon the following decision criteria:

Activities which are potentially harmful or hazardous and may adversely —affect—the surrounding residential character or the environment may be — modified or denied;
 Activities which are not clearly incidental and secondary to the use of the —property for residential purposes shall be denied; and
 A Home Occupation, where the single-family dwelling is not occupied for —residential use, shall be denied.
 Revocation of Permits. A Home Occupation permit may be revoked pursuant to Section —.85.060, Revocation and Expiration, if applicant is found to be in noncompliance with any standards or conditions imposed

upon-the issuance of said permit.

__.35.120 SOLID/HAZARDOUS WASTE HANDLING, TREATMENT & STORAGE FACILITIES

- A. Purpose
- B. Foregoing Regulations Subject to this Section
- C. Solid Waste Handling Facilities Applicability
- D. Solid Waste Handling Facilities Landscaping and Buffering Standards
- [E. Hazardous Waste Treatment and Storage Facility Applicability]
- [F. Hazardous Waste Treatment and Storage Facility Standards]
 - A. Purpose. The purpose of this Section is to use buffering, fencing, and landscaping concepts to:
 - provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and state agencies;
 - 2. promote compatibility between land uses and unify development with aesthetic screening;
 - 3. provide mitigation measures for security, vector, and fire control;
 - 4. provide for potential corrective measures for groundwater protection;
 - 5. promote the use of water conservation in the design, planting and maintenance of landscaping.
 - B. Foregoing Regulations Subject to this Section. The foregoing regulations pertaining to the zoning classifications shall be subject to the specific use development standards in this Section.
 - **C**.. Solid Waste Handling Facilities - Applicability. The following development standards are applicable to all solid waste facilities whether or not a Solid Waste Permit is required by State regulations or the Tacoma-Pierce County Health Department, unless otherwise stated. These standards are in addition to the requirements of each zone classification. Individual facilities requiring a Conditional Use Permit may be subject to increases in these standards by the Hearing Examiner. Solid waste facilities that require a Solid Waste Permit shall indicate on a site plan that the facility meets the State and the Health Department's locational siting standards for that particular facility which are found in the Minimum Functional Standards or any other siting criteria adopted by the Health Department or the City including, but not limited to, the Solid Waste Plan; Shoreline Management Use Regulations; Flood Damage Prevention Ordinance; Site Development Regulations; Tire Storage Yard Ordinance; and any comprehensive land use plan. Variances to the Health Department's Solid Waste Permit which impact these development standards or conditions required through the Conditional Use Permit must receive Planning Department review and possible rehearing.

- D. Solid Waste Handling Facilities Landscaping and Buffering Standards.
 - 1. Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the Planning Department an alternative conceptual landscape plan, supporting photographs and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area or critical area buffer to fully comply with the intent of this section.
 - 2. Organic Waste Processing Facilities. This includes any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a Solid Waste Permit under RCW 70.95.
 - a. Soil Treatment Facility or Composting Facility. These development standards apply to any soil treatment facility or any composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste.
 - (1) Landscape screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, a soil treatment or composting facility shall have a perimeter landscaping area which is not less than twenty 50 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
 - (a) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF. The earth berm shall be at least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and / or planted with ground cover to minimize erosion.
 - (b) At least one (1) row of deciduous and evergreen trees, staggered and spaced not more than fifteen (15) feet apart.
 - (c) At least one (1) row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least five (5) feet in height when adjacent to existing residential or commercial uses or residential and commercial zones, CC, MUD, HRD, MSF.

- (d) A mixture of lawn, low-growing shrubs, or hardy evergreen ground cover over the balance of the area.
- a. Municipal Solid Waste (MSW) Composting Facility. This includes any MSW composting facility which requires a Solid Waste Permit including a facility located within an enclosed structure.
 - (1) Buffer areas. A facility composting municipal solid waste shall have a buffer area around the active area so that the active area is no closer than fifty (50) feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF.
 - (2) Fencing. To impede entry by the public and animals, a facility composting municipal solid waste shall have perimeter fencing six (6) feet to eight (8) feet in height with a lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.
 - (3) Landscape screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, an MSW composting facility shall have a perimeter landscaping area which is not less than twenty (20) feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
 - (a) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF. The earth berm shall be at least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and / or planted with ground cover to minimize erosion.
 - (b) At least one (1) row of deciduous and evergreen tress, staggered and spaced not more than fifteen (15) feet apart.

- (c) At least one (1) row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least five (5) feet in height.
- (d) A mixture of lawn, low-growing shrubs, or hardy evergreen ground cover over the balance of the area.
- **** [3. Waste Disposal Facilities. This section applies to all waste

 disposal facilities requiring a Solid Waste Permit under

 RCW 70.95.
 - a. Waste-to Energy Facility. These development standards apply to all energy recovery and incinerator facilities, including those which burn less than twelve (12) tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill.
 - (1) Fencing. To impede entry by the public and animals, a waste-to-energy facility shall have perimeter fencing six (6) feet to eight (8) feet in height with a lockable entry gate, provided that no sight obscuring fence constituting a traffic bazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections, or broken supports.
 - (2) Landscape screening. To be adequately screened to minimize noise and nuisances and to enhance the visual appearance, an energy recovery and incinerator facility shall have a perimeter landscaping area not less than twenty (20) feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
 - (a) A perimeter, sight-obscuring earth berm when outside storage piles, tanks, containers, or surface impoundments are adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF,. The earth berm shall be at least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and for planted with ground cover to minimize erosion.

- (b) At least one (1) row of deciduous and evergreen trees, staggered and spaced not more than fifteen (15) feet apart.
- (e) A mixture of lawn, low-growing shrubs, or hardy evergreen ground cover over the balance of the area.
- b. Landfill. These development standards apply to all landfills including all surface impoundments or other solid waste facilities to be closed as permanent disposal landfill sites and only to those inert and demolition landfills to contain two thousand (2,000) cubic yards or more of fill.
 - (1) Buffer areas. With the exception of woodwaste or inert and demolition landfill, a landfill shall have a buffer area around the active area so that the active area is no closer than one hundred (100) feet to the facility property line when adjacent to land zoned for commercial or industrial uses MEC, CC, MUD, and no closer than two hundred and fifty feet (250) feet to existing residential uses or residential zones HRD, MSF, RSep.
 - (2) Fencing. To impede entry by the public and animals, a landfill shall have perimeter fencing six (6) feet to eight (8) feet in height with a lockable entry gate, provided that no sight obscuring fence constituting a traffic hazard is creeted within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections, or broken supports.
 - (3) Landscape screening. To be adequately screened to prevent blowing of litter, to minimize noise and dust nuisances, and to enhance the visual appearance, a landfill shall have a perimeter landscaping area which is not less than twenty (20) feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
 - (a) A perimeter, sight obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zone CC, MUD, HRD, MSF. The earth berm shall be at

least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and/or planted with ground cover to minimize erosion.

- (b) At least one (1) row-of deciduous and evergreen trees, staggered and spaced not more than fifteen (15) feet apart.
- (c) When adjacent to residential or commercial uses or residential or commercial zones, CC, MUD, HRD, MSF and adjacent to street frontage, at least one (1) row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least five (5) feet in height.
- (d) A mixture of lawn, low-growing shrubs or hardy evergreen ground cover over the balance of the area.]
- **4. Waste Transfer Facilities.** These development standards apply to all transfer facilities receiving solid waste from off-site.
 - a. **Drop Box Transfer Station.** This section applies to all drop-box transfer stations requiring a Solid Waste Permit under RCW 70.95.
 - (1) Fencing. To impede entry by the public and animals, a drop-box transfer facility shall have perimeter fencing six (6) feet to eight (8) feet in height with a lockable entry gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections, or broken supports.
 - (2) Landscape Screening. To be adequately screened from residential development, a drop box transfer facility shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six (6) feet in width when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plan material which does not live shall be replaced within the next planting season.
 - b. Transfer station, waste separation recovery facility or moderate- risk waste facility. This section applies to all interim transfer facilities which require a Solid Waste Permit under RCW 70.95.

- (1) Buffer areas. A transfer station, waste separation recovery facility or a moderate-risk waste facility shall have a buffer zone around the active area so that the active area is no closer than fifty (50) feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF.
- (2) Fencing. To impede entry by the public and animals, a transfer station, waste separation facility or a moderate-risk waste facility shall have perimeter fencing six (6) feet to eight (8) feet in height with a lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.
- (3) Landscape screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, a transfer station, waste separation recovery facility or a moderate-risk waste facility shall have a perimeter landscaping area which is not less than twenty (20) feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:
 - (a) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF. The earth berm shall be at least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and / or planted with ground cover to minimize erosion.
 - (b) At least one (1) row of deciduous and evergreen tress, staggered and spaced not more than fifteen (15) feet apart.
 - (c) At least one (1) row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least five (5) feet in height when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, MSF.

evergreen ground cover over the balance of the area. Tire Piles. This section applies to all tire piles whether or not they are required to have a Solid Waste Permit under RCW 70.95. To impede entry by the public and Fencing. animals, a tire pile facility shall have perimeter fencing six (6) feet to eight-feet in-height with a lockable gate, provided that no sight obscuring fence constituting a traffic hazard is creeted within any required setback flanking a street. Every fence shall be maintained in a condition of good-repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports. Landscape Screening. To be adequately screened to minimize noise, dust, litter nuisances and to enhance the visual appearance, a tire pile shall have a perimeter landscaping area not less than twenty (20) feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planing screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material-which does not live shall be replaced within the next-planting season. Landscaping areas shall incorporate: A perimeter, sight-obscuring earth-berm when adjacent to existing residential or commercial uses or residential or commercial zones, CC, AC, UNC, MUD, HRD, MSF, RAC, GC, RNC, RSep. The earth berm shall be at least three (3) feet high with a slope not more than forty percent (40%) (1:2.5) on the side away from the active area and shall be terraced and / or planted with ground cover to minimize erosion. At least one (1) row of deciduous and evergreen tress, staggered and space not more than fifteen (15) feet apart. At least one (1) row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form-a continuous hedge at least five (5)-feet in

(d)

A mixture of lawn, low-growing shrubs, or hardy

height when adjacent to existing residential or commercial uses or residential or commercial

zones and adjacent to street frontage.

- (d) A mixture of lawn, low-growing shrubs, or hard evergreen ground cover over the balance of the area.
- (3) Size and height. No tire pile shall be visible from offsite when viewed fifty (50) feet from the property line
 containing the pile. Tire piles shall not exceed fifteen
 thousand (15,000) tires; shall not be more than one half
 (1/2) acre in size; shall not be in excess of forty (40) feet
 in any horizontal dimension and shall be limited to ten
 (10) feet in height. A tire pile of less than two thousand
 five hundred (2,500) tires shall have thirty (30) foot fire
 lanes between piles. Tire piles of more than two
 thousand five hundred (2,500) tires shall have a dirt
 berm not less than five feet in height around each stack
 of tires and shall have a forty (40) foot fire land between
 piles to include ten (10) feet at the base of each berm
 plus twenty (20) feet between berms.
- E. Hazardous Waste Treatment and Storage Facility—Applicability. The following standards apply to all types of hazardous waste treatment and storage facilities and are in addition to the standard bulk and performance requirements of each zone. A hazardous waste facility is subject to State siting and design criteria and permitting processes adopted pursuant to the requirements of RCW 70.105 and to any other siting criteria applying to commercial and industrial uses adopted by the Tacoma-Pierce County Health Department or the City, including, but not limited to, the Hazardous Waste Plan; Shoreline Management Use Regulations; Flood Damage Prevention Ordinance; Site Development Regulations; and the City's Environmental Regulations. Like other uses, individual facilities requiring a Conditional Use Permit may be subject to increases in those standards by the Hearing Examiner.
- F. Hazardous Waste Treatment and Storage Facility Standards.
 - Site Plan: A site plan must be filed with the Planning Department along with a copy of the application for a State facility permit issued pursuant to RCW 70.105 and any other required City permits. In addition to the City site plan requirements, the site plan shall show all State requirements for siting, performance, buffering, security, and design. The site plan shall become a binding site plan when approved by the Hearing Examiner or the Planning Director (whichever is appropriate depending upon the land use permitting process) and when all land use and State permits have been approved. However, in no case shall a site plan receive final approval until agreements with City Law Enforcement, the Fire District, City Fire Marshal, and Emergency Management Department have been signed in accordance with WAC 173 303. Any major changes as defined by WAC 173 303 which affect State requirements or City-development standards require amendments to the original site plan and must be reviewed and approved through the same permit process as the original was approved. Site plans must be finalized and approved prior to the issuance of any Building Permit.

- 2. Security Fencing and Signage: All security fencing and signs required for the State's final facility permit must meet City sign code and fencing standards. Perimeter fencing shall be six feet (6') to eight feet (8') in height with a lockable gate, provided that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections, or broken supports.
- 3. Onsite Facility: An onsite facility shall only be allowed as an accessory use clearly incidental and secondary to a permitted principal commercial or industrial use and subject to the permitting procedures of the principal use. The proposed addition of an onsite facility to an existing use that is permitted through a Conditional Use Permit requires an amendment to the original permit. Any onsite facility requiring a Conditional Use Permit may be subject to additional conditions by the Hearing Examiner in relation to specific concerns about the site's location and proximity to environmentally sensitive areas, residential development, or other constraints.

4. Offsite Facility:

- a. An Offsite Facility limited to treating or storing hazardous wastes generated within Pierce County shall be allowed through a Conditional Use Permit in the , MEC and zones. Permit applications and site plans must address and demonstrate that the proposed facility meets the policies of the County's Hazardous Waste Plan.
- b. An Offsite facility treating or storing hazardous waste generated outside Pierce County shall only be allowed through a Conditional Use Permit in the , MEC and zones and not unless and until a State Hazardous Waste Plan is adopted. Permit applications and site plans must address and demonstrate how the proposed facility meets the regional needs as assessed in the State's Hazardous Waste Plan.
- An offsite facility located in the, MEC or RAC when adjacent to residential zones MSF, HRD, shall meet the same minimum setback distances and landscaping requirements for industrial uses as listed in Section 35.020 and .030 unless State buffering and setback permitting requirements are more restrictive. In addition, the facility must provide a continuous setback of three hundred feet (300') measured from the property line unless it can be shown that a sight-obscuring screen formed by natural growing evergreen trees or shrubs will be maintained. If the natural configuration of the land is such that it serves to completely screen the facility from view from the adjacent residential zones, the setback may be reduced, but in no case shall the setback be less than one hundred feet (100'). In such cases, it shall be the responsibility of the applicant to prove compliance with the intent of this exception.

d. An offsite facility located in a MEC zones when adjacent to commercial zones, CC, MUD, and industrial zones MEC shall provide a setback measured from the property line equal to the setback required for the same yard in the abutting zone directly opposite, unless State buffering and setback permitting requirements are more restrictive.]

.35.130 NONCONFORMING STANDARDS

- A. Purpose
- B. Applicability
- C. Basic Standards
- D. Change of Use Standards
- E. Nonconforming Structure Standards
- F. Nonconforming Lot Standards
- G. Nonconforming Development Standards
- H. Restoration Standards for Damaged or Destroyed Nonconforming Structures and Uses
- I. Abandonment Standards
 - A. Purpose. The purpose of this section is to provide standards and conditions to regulate lots, structures and uses which were legally established prior to the adoption, revision or amendment of this code and which remain legal, but have become nonconforming as a result of this code's application. This section provides reasonable alternatives to property owners for the limited expansion and continuance of nonconformities.
 - B. Applicability. The provisions of this section shall be applicable to any nonconforming lots, structures, developments or uses and lots. [which were made nonconforming by an acquisition of land in the public interest.]
 - C. Basic Standards. The Basic Standards apply to all nonconforming uses, structures, developments, and lots. However, limited exceptions to the standards in this section are allowed through an Administrative Nonconforming Use Permit or a Nonconforming Use Permit in Section ____.75.070, Nonconforming Use Permit.
 - 1. Expansion of Nonconforming Uses and Structures. Nonconforming uses and structures shall not be enlarged, expanded, extended, replaced or altered except as expressly permitted in this section.
 - 2. Expansion Beyond Original Parcel. Nothing in this section shall be construed to permit expanding or extending a nonconforming use or structure beyond the confines of the lot or parcel of land upon which it was located on the date the use or structure became nonconforming.
 - 3. Continuation of Use. A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned (see Section __.35.130.J, Abandonment Standards).
 - 4. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.

- 5. Structures and Uses Accessory to Residential. Structures and uses accessory to an existing nonconforming residential use shall be allowed as provided in Section __.25.400, Accessory Uses.
- D. Change of Use Standards. A nonconforming use may change outright to a conforming use allowed within the zone classification in which the use is located. A nonconforming use may change to another use within another use category, use type or use level subject to the following provisions:
 - 1. A nonconforming use may change to another use of equal or lesser intensity that is not allowed in the underlying zone classification in which it is located only after review and approval from the Examiner through a Nonconforming Use Permit using the criteria in Section __.75.070, Nonconforming Use Permit.
- E. Nonconforming Structure Standards. A nonconforming structure may be altered or replaced provided the Basic Standards of this section are satisfied and provided:
 - 1. A structure which is nonconforming due to height or yard requirements may be structurally altered, enlarged or replaced provided the degree of nonconformity is not extended or increased; and
 - 2. The nonconforming portion of the structure shall not be expanded or the footprint of that portion altered except as specifically authorized through a Variance (see Section __.75.040, Variances).
- F. Exception for single family detached houses. Any existing non-conforming single family detached housing unit may be expanded, as an exception to the basic rules on expansion on non-conforming uses.
- G. Nonconforming Lot Standards. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Applicable Development Standards in Chapter .35 shall be complied with.
- **** H. Nonconforming Development Standards. [If permitted,] existing uses or structures may be expanded or new uses and structures added provided the nonconforming development is brought into conformance with the Development Standards of Chapter __.35 for the lot or parcel on which it is located.
 - I. Restoration Standards for Damaged or Destroyed Nonconforming Structures and Uses. Any nonconforming structure damaged or destroyed by fire, explosion, wind, flood, earthquake or other calamity may be completely restored or reconstructed. Damaged or destroyed nonconforming structures must be restored under the following provisions.

- 1. Restoration or reconstruction shall not serve to extend or increase the nonconformance of the original structure or use except as provided by Sections __.35.130.D, Expansion Standards, and __.35.130.F, Nonconforming Structures Standards.
- 2. To the extent reasonably possible, restoration should retain the same general architectural style as the destroyed structure.

- 3. Permits shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within [12] months of permit issuance. When deemed reasonable and necessary, the Examiner may grant a time extension through an Appeal of an Administrative Decision.
- J. Abandonment Standards. Abandoned nonconforming use of a property or structure shall be subject to the following provisions.
 - 1. **Discontinuance.** Should a nonconforming use of a property or structure be discontinued for more than one year, the use of the property and structure shall be deemed abandoned and shall conform to a use permitted in the zone classification in which it is located.

[.__35.140 IMPROVEMENTS

- A. Purpose
- B. Sidewalks
- C. Sanitary Sewers
- D. Access
- E. Lighting
- F. Equipment and Outdoor Activities
- G. Open Space / Parks

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of providing sidewalks and other means of non-motorized circulation, controlling vehicle access, protecting living areas from traffic, unhealthful conditions and incompatible uses, and to continue to remedy potential groundwater contamination.

Sidewalks: Sidewalks shall be constructed by the developer of any new industrial, commercial, and multi-family development, major tenant improvement, or subdivision. Sidewalks shall be located along all arterial streets contiguous to the property line and shall serve to provide a pedestrian right-of-way and prevent interference or encroachment by fencing, walls, hedges, and other plantings and structures. Sidewalks shall be constructed with curb and gutter and shall meet the standards of the University Place Street, Drainage and Right-Of-Way Regulations.

Subdivisions: In all subdivisions, in addition to sidewalks along arterial streets sidewalks shall be installed by the developer on all plat roads.

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 he 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 propoerty 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.

Access: Multi-family, commercial and industrial development shall be located on arterial streets or have access to arterial streets. All residential new lots shall access off internal plat roads, except as authorized by the City Engineer.

Lighting: Street lighting shall be provided in conjunction with new industrial, commercial, and multi-family development, major tenant improvement, or subdivision. Street lighting shall be provided along arterial streets in accordance with specification and standards approved by the City Engineer.

In multi-family, commercial, and industrial developments, and Major Tenant Improvements lighting and glare shall be shielded or directed away from moderate density single family zones and residential uses.

Equipment and Outdoor Activities: Mechanical equipment or outdoor activities such as but not limited to storage, loading, utilities, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single family neighborhoods and screened from view.]

Open Space and Parks: In new single family subdivisions of 10 or more lots and multi-family residential developments of greater than 10 units, a minimum of seven (7) percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.

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CHAPTER __.45

SIGNS

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__.45.010 Code Adopted.

These Sign Code Regulations are adopted as the Sign Code for the City of University Place.

__.45.020 Purpose.

The purpose of this Code is to provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures.

.45.030 Definitions.

For the purpose of this Chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as follows:

- A. "A-board and similar signs" means small type signs, either single or double faced, portable or permanently installed, upon which is generally placed advertising copy denoting products being offered upon the premises on which such signs are placed. Such signs may also bear other messages or copy.
- B. "Awning" means any structure made of cloth or metal with a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.
- C. "Billboard" means a preprinted or handpainted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

- D. "Billboard face" means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing preprinted poster panels or by painted copy.
- E. "Building line" means a line established by ordinance beyond which no building or structure may extend.
- F. "Building Official" means the officer or other person charged with the administration and enforcement of this Code or his duly authorized deputy.
- G. "Business sign" means a sign located on the premises of the business it is associated with.
- H. "Canopy" means any structure, other than an awning, made of cloth or metal with metal framework attached to a building or carried by a frame supported by the ground.
- I. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.
- J. "Electric sign" means any sign containing electrical wiring, but not including signs illuminated by exterior light source.
- K. "Freestanding letters" means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a steel framework for support.
 - L. "Marquee" means a permanent-roofed structure attached to and supported by a building.
- M. "May" means permissible and shall be solely the decision of Planning Director
- N. "Nonconforming" means a sign or sign structure erected prior to this Code that does not conform to the provisions as contained in this Chapter.
- O. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.
- P. "Owner-user" means the outright owner of a sign or sign structure or lessor in case of leased signs or sign structures, or the lessee in the case of leased signs or sign structures.

- Q. "Painted signs" means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.
- R. "Person" means one or more persons of either sex, an association, copartnership, or a corporation, whether acting by themselves or by a servant, agent, employee, guardian or trustee; the singular shall be understood to include the feminine.
- S. "Pole sign" means any sign, electric or otherwise, hung, supported or cantilevered from structural steel, pipe or combinations of same and mounted in concrete.
- T. "Portable sign" means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.
- U. "Projection" means the distance by which a sign extends beyond its means of support.
- V. "Revolving sign" means any sign or sign structure that revolves or partially revolves by means of some mechanical method.
- W. "Roof sign" means a sign or sign structure erected upon or above a roof or parapet of a building or structure.
- X. "Sign" means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods or service.
- **** Y > [Sign, Construction. A construction sign means a sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises.
 - Z Sign, Flashing. A flashing sign means an illuminated sign on which the light is not constant in apparent intensity and color when in use, provided that a slowly revolving sign will not be considered a flashing sign.

- AA Sign, Gross Area of. The gross area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.
- BB Sign, Identification. An identification sign means a sign which directs attention to uses other than private residence or home occupation, which uses are permitted outright or by Conditional Use Permit in residential or multi-residential zone.
- CC Sign, Nameplate. A nameplate means a sign which indicates no more than the name, address, and home occupation of the resident of the premises.
- DD Sign, Real Estate. A real estate sign means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premise.]
- **** EE. "Freestanding sign" means a sign which is supported on a structure used exclusively for the support of the sign or for a group of signs.
- **** FF "Off-premise sign" means a sign which advertises a business or service which is not located on the site where the sign is displayed.]
 - GG. Special displays shall not be included as "signs" as that term is use[used] in this Code.
 - 1. "Double face" means a sign carrying advertising on both faces.
 - 2. "Horizontal sign" means a projecting sign having a greater horizontal than vertical dimension.
 - 3. "Marquee sign" means any sign affixed to any marquee.
 - 4. "Single face" means a sign carrying advertising on one surface only.
 - 5. "Vertical sign" means a projecting sign having a greater vertical than horizontal dimension.
 - HH. "Sign structure" means the supports, uprights, braces and framework of the sign.
 - II. "Special displays" means and includes displays of merchandise, animals, balloons, cars, airplanes, and/or other objects used to attract attention for purposes of advertising.

- JJ. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
- KK. "Temporary sign" means and includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames intended to be displayed for a limited time only. Christmas decorations and other special events shall also come under this heading.
- LL. "U.B.C. Standards" means the current of the Uniform Building Code Standards, published by the International Conference of Building Officials.
- MM. "Uniform Building Code" means the current version of the Uniform Building Code, published by the International Conference of Building Officials.
- NN. "Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

__.45.040 Administration and Enforcement.

The administration and enforcement authority shall be the City Planning Director

__.45.050 Permits Required.

No sign shall hereafter be erected, re-erected, constructed, or altered, except as provided by this Code, and provided that a sign permit for the same has been issued by the Planning Department. Also, any sign for which a building permit is required under the UBC must obtain a building permit. A sign permit shall be required for each sign installed at one time on contiguous property.

__.45.060 Applications for Sign Permits.

- A. Any person entitled to apply for and receive a sign permit shall make application on forms provided for that purpose at the office of the City Planning Department.
- B. Such application shall contain the following information:
 - 1. Name and address of applicant;
 - 2. Name and address of location of sign erection;
 - 3. Provide a reasonable sketch on eight and one-half by eleven inch paper of the proposed sign erection giving all sizes and measurements including footing details, height and proposed location of the sign on the property;
 - 4. The Planning Director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure proper compliance with this Code, as is provided in Section __.35.200;
 - 5. The type of sign and number of faces;
 - 6. An affidavit that the written consent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained.

__.45.070 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

- A. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under Section .45.075 as temporary signs.
- B. Private signs on utility poles;
- C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, including, but not limited to signs containing words such as "stop", "look", and "danger".

- D.*** Signs located in the public right-of-way [or on City property], except where permitted in this chapter; and
- E. Poster, pennants, banners or streamers, string of lights, blinking lights or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in Section __.45.075 as grand opening displays, or the following other exceptions:
 - 1. National, state, and institutional flags when properly displayed;
 - 2. Signs and banners approved as temporary signs; and
 - 3. Balloons as approved as temporary signs.
- F. Changing message center signs, where the message changes more frequently than every three minutes, except for display of time and temperature.
- G. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other regulations as specified in the Uniform Building Code.
- H. Signs erected at intersections of any streets in such a manner as to materially obstruct free and clear vision.
- I. No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure. Barber shop poles are excluded from this provision.
- J. Any sign attached to or placed upon a vehicle or trailer parked on public or private property. The prohibition of this paragraph does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.
- K. No public address system or sound devices shall be used in conjunction with any sign or advertising device.
- L. No roof signs or signs which project above the roof shall be permitted.

- M. Obscenity. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.
- N. Traffic Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.
- O. Abandoned signs.
- P. Signs painted on bus benches
- [Q.*** No sign shall be used as a fence nor shall any fence be used as a sign.]

[R.***Off premise signs except as authorized by this chapter.]

__.45.075 Exemptions.

- A. Exemption from the sign permit request of this Chapter shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this Chapter or any other laws or ordinances of the City or the State of Washington, including the prohibition against placing signs upon City right-of-way.
- B. A sign permit will not be required for the following signs:
 - 1. Professional nameplates not exceeding two [(2)] square feet in area;
 - 2. Signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed sixteen (16) square feet in area; and must be placed at least ten (10) feet back from the property line.
 - 3. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the

face of the building, which are non-illuminated, and which do not exceed four [(4)] square feet in surface area;

- 4. Signs of the state, city or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or Adopt-A-Road Litter Control Program signs;
- 5. Painting, repainting or cleaning of any sign, unless a structural change is made, while sign is still in position;
- 6. *** a. Signs [located on private property] relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election are political signs and exempt from the sign permit requirement; provided, that such political signs shall not be displayed more than sixty days prior to or ten days after the date of the election for which intended. In cases where a general election follows within fifty-five days of a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to ten days after the general election. If political signs are not removed within the specified times, they will be subject to removal by the City in addition to any other remedies provided in this Chapter.
 - b. No political sign shall be erected upon any private property without permission of the resident or owner thereof.
 - c. Political signs shall not exceed sixteen (16) square feet in area, and shall not obstruct safe visibility of any mobile or pedestrian traffic.
- 7. Historic site markers or plaques, gravestones, and address numbers;
- 8. Signs required by law, or intended to notify the public of public meetings or hearings, including but not limited to:
 - a. Official or legal notices issued and posted by any public agency or court:
 - b. Temporary sandwich/A-Frame signs or bulletin board signs; or
 - c. Traffic directional or warning signs.
- 9.*** Incidental signs, which shall not exceed two (2) square feet in surface area, provided that said size limitation shall not apply to

signs providing directions, warnings or information when established and maintained by a public agency. Incidental signs are signs, emblems and decals designed to inform the public of goods, facilities, or services available on the premises, and may include but are not limited to signs designating restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths and recycling containers.

- 10. State or Federal flags;
- 11. Religious symbols; and
- 12. The flag of a commercial institution, provided no more than one flag is permitted per business premises, and further provided the flag does not exceed 20 square feet in surface area.
- 13. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes.
- 14. Building addresses with numbers and letters not more than 10 inches in height.
- 15. Signs not oriented or intended to be legible from a right-of-way, other property, or from the air;
- 16. Signs inside of a building, except for strobe lights or flashing neon lights visible from a right-of-way, other property or from the air;
- 17. Painted wall decorations;
- 18. Painted wall highlights;
- 19. Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction;
- 20. Interior window signs;
- 21. Strings of incandescent lights in non-residential zones where the lights do not exceed 5 watts per bulb, the bulbs are placed no closer than 6" (six inches) apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.
- 22. Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than twenty

percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of this code for permanent signs.

- 23.*** Temporary, non-illuminated real estate signs (not more than one per tax lot), [located on the property which is for sale or lease,] or construction signs not exceeding six square feet in residential areas or twelve square feet in commercial and industrial areas, provided said signs are removed fifteen days from the sale, lease or rental of the property or within seven days of completion of the project.
- 24. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.
- 25. Signs on private property when such signs are solely designated to direct pedestrians or vehicular traffic while on the parcel of real estate on which the signs are located.
- 26. Signs on private property which are required by any law or ordinance
- .27. Nonilluminated signs not exceeding 4 square feet placed on lawns or buildings or in windows and containing a noncommercial political, religious or personal message.

.45.090 Permit Issuance.

**** It shall be the duty of the Planning Director or his duly authorized representative, upon the filing of an application for a sign permit, to investigate the same, and if it shall appear to be in compliance with all the requirements of this Code, he shall then issue the permit. [The Planning Director shall not issue a permanent or temporary sign permit if it is determined that any temporary sign on the premise does not comply with the provisions of this code.]

__.45.100 Right of Entry.

Upon proper presentation of credentials, the Planning Director or his duly authorized representative may enter at reasonable times any building, structure or premises within the City to perform any duty imposed upon him by this Code.

__.45.110 Compliance With Zoning Regulations.

Only signs of the type or types as designated by the City Zoning Regulations shall be permitted in the respective zoned areas.

[**** .45.115 Sign Record

The Planning and Community Development Department shall maintain a list of all currently permitted signs, including the status of such signs and shall make the list available for public inspection.]

__.45.120 Conflicting Regulations.

If any portion of this Code shall conflict with any other regulation the most restrictive shall apply.

__.45.130 Liability.

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign for personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workman, in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this Chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this Code or ordinance.

.45.140 Revocation of Permits.

The Planning Director is authorized and empowered to revoke any sign permit issued by him upon failure of the holder thereof to comply with any provision or provisions of this Code.

__.45.150 Nuisance Declared - Abatement.

**** Signs constructed, altered or maintained in violation of the provisions of this Code are declared to be public nuisances. When judgment is rendered against any person, firm or corporation finding them guilty of violating any provisions of this Code, the court may, in addition to or in lieu of imposing other penalties, order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within forty-eight (48)

hours, the same shall be abated and removed by any officer authorized by order of the court. [In the event the owner of such sign cannot be found or refuses to comply, the Director or Office authorized by the Court shall have the non-conforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.]

__.45.160 Damaged Nonconforming Signs.

A nonconforming sign or sign structure damaged to the extent of more than twenty-five percent of its value at the time of damage by fire, wind or other casualty shall not be restored as a non-conforming sign or sign structure.

.45.170 Permit Fees.

Permit fees shall be as set forth in the City's Fee Resolution.

.45.180 Freestanding Letters.

For the purpose of computing the permit fee, freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.

.45.190 Plans Filed.

The Planning Director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this Code.

.45.200 Individual Signs.

Each individual sign shall require a separate permit.

.45.210 Permits Issued to Whom.

Sign permits shall be issued only to the firm, company, corporation or person making the installation and shall not be transferable.

__.45.220 Marquee - Canopy - Awnings - Eyebrow.

- A. No sign shall be designed as a marquee, canopy, awning or eyebrow, either in part or whole, that will change the required setback or setbacks for the building to which it may be attached.
- B. Signs may be placed on the outer face of a marquee provided they shall not exceed eighteen inches in thickness and such marquees are constructed as specified by the Uniform Building Code.

_.45.230 Wall Signs.

Wall signs as defined in Subsection 34 of Section __.35.030 shall not exceed eighteen [(18)] inches in thickness.

.45.240 Street Banners - Decorations.

Street banners, decorations and/or other similar items shall not be permitted, except by special permit issued by the City Engineer, and shall comply with the regulations governing such items.

__.45.250 Signs Not to Obstruct Traffic Signals.

The issuance of a sign permit as regulated by this Code shall not relieve the permit holder from fully complying with the State of Washington law or any other law governing the obstruction of any authorized traffic sign, signal or device.

__.45.260 Public Right-of-Way.

No person, organization, or agency shall place any signs, indicators, advertisements, stakes, posts or any other foreign object or objects upon a public highway or right-of-way of any public highway in this City without the express permission, in writing, of the City Engineer, and any such foreign objects now upon the highways or public highway rights-of-way as designated in this Section are declared illegal, except for those now in place with written permission of the City Engineer; and provided, that this Section shall not apply to mailboxes and attached newspaper boxes, placed on the City right-of-way, where these are placed as far removed from the driving portion of the right-of-way as possible, except that the placement shall be subject to approval of the City Engineer. [In the event the owner of such sign cannot be found or refuses to comply, the Director shall have the non-conforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.]

[Signs which the Director finds are so located as to present a hazard to the public may be immediately removed withour prior notice.

__.45.270 Billboards: General requirements.

A. The total number of billboard faces within the City of University Place shall not exceed the total number of billboard faces existing on the date of incorporation.

- B. The demolition or removal of any billboard reduces the number of allowable billboard faces by the number removed.
- C. In the event that the City of University Place annexes areas containing billboards after the date of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.
- D. Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered non-conforming.
- E. Except as provided in Sections D and E, following, billboards shall not be altered with regard to size, shape, orientation, height, or location.
- F. Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within 90 days of permit issuance.
- G. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of billboard shall not require a permit. Billboard copy replacement may occur at any time and is also exempt from the requirement for a permit.

.45.280 Billboards - General.

- A. Billboards shall not be erected or maintained which have any moving parts.
- B. Billboards shall not be erected or maintained which have any projections that extend more than three feet out from the surface of the billboard face.

__.45.290 Billboard Lighting.

Billboards shall not be erected or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights. Billboards shall not include lighting unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Signs found to be too bright, in the opinion of the City Director, shall be adjusted in accordance with the instructions of the Director.

.45.300 Setback Lines.

*** A. Setbacks for Business-signs. The setback point shall be that portion of any sign or sign structure that is closest to the property line. [When a sign has less than ten feet six inches (10'-6") clearance above the ground, the setback shall be not less than fifteen (15) feet from a street frontage property line nor less than five (5) feet from a side property line except in CC zone.] When a sign has less than thirteen feet six inches clearance above the ground, the setback shall not be less than five feet from a street property line nor less than two feet from a side property line. When a sign has thirteen feet six inches or more of ground clearance, the setback shall not be less than two feet from a street property line nor less than two feet from a side property line. See also Diagrams 1 and 2 following this Chapter.

__.45.310 Maximum Height - Generally.

Maximum height of all signs or sign structures including trim shall be twenty (20) feet above ground.

_.45.320 Visibility.

No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility of any mobile or pedestrian traffic.

__.45.330 Establishment of Property Lines.

- A. It shall be the responsibility of the property owner or his authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken.
- B. In the event of a dispute or discrepancy in the establishment of the property lines involved, the Planning Director may order an independent survey where, in his opinion, such information is necessary to insure compliance with this Code.

__.45.340 Sizes and Types of Signs Permitted in Various Zones.

A. Chart - Purpose. A description designating the various zones and sizes and types of signs permitted in each zone appears in Subsection C of this Section.

- a. Each commercial center may have one freestanding sign which shall not exceed a maximum height of thirty 30 feet, or a maximum size per sign face of seventy-five 75 square feet. Any other freestanding signs allowed because of frontages on other streets or more than 300 feet of street frontage shall meet the size and height requirements of section __.45.340.C.3.
- d. Temporary Signs. One temporary sign shall be allowed per contiguous lot or business entity subject to the provisions of Section ____.45.415
- * The Planning Department may prescribe reduced area and height, more controlled illumination and greater setback for those zones in which site plan approval is required.

__.45.350 Planter Boxes - Bumper Guards - Shrubs - Plants.

- A. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line.
- B. Planter boxes, planter boxes containing shrubs, bumper guards, plants or shrubs shall be limited to and maintained at not more than thirty-six inches above the closest ground level. See also Section __.45.320 covering visibility.

__.45.360 Entrance and Exit Signs.

- A. Entrance and exit signs and/or other similarly worded signs when used for the sole purpose of controlling mobile traffic shall be limited to the following:
 - 1. Number: Only one sign for each entrance or exit.
 - 2. Horizontal: Not to exceed thirty-six inches in height above ground level. The maximum size shall be six square feet.
 - 3. Vertical: Not to exceed sixteen inches in width. The maximum size shall be six square feet.
- B. See also Section ___.45.320 covering visibility.

__.45.370 Entrance and Exit Ways - Ingress and Egress - Gateways.

The use of concrete, wood, stone, brick, steel, masonry and/or other similar materials in con structing entrance and exit ways and/or gateways shall be subject to:

- B. Application for Variances. Applications for variance of setback, height and size requirements shall be made with the Planning Department.
- C. Where Permitted.

GROUP I: MSF, HRD

- ** 1. One (1) nameplate, not greater than two square feet in gross area, not over four feet in height if detached from the residence, and nonflashing.
- ***
 2. One (1) identification sign, real estate signs, not greater than twenty (20) square feet in area, not greater than five (5) feet in height, and non-flashing.
 - 3. Construction signs, not greater than sixteen (16) square feet in area, not greater than five (5) feet in height, and non-flashing.

GROUP II: CC, MUD, MEC Except see below.

- a. Nameplates, identification, real estate and construction signs, as permitted in MSF zones.
- b. Wall signs are permitted, provided they do not total an area more than 15 percent of the building facade on which they are located;
- c. Freestanding signs:
 - 1. One freestanding sign not exceeding 30 square feet, plus an additional 20 square feet for each additional business in a multiple tenant structure but not to exceed 50 square feet total, is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign;
 - 2. On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined provided the combined sign area does not exceed fifty (50) square feet; and
 - 3. The maximum height for freestanding signs shall be twenty (20) feet, except for one sign for a commercial center, in which case the maximum height shall be 30 feet.
 - 4. Commercial Centers.

- A. Location to be approved by the City Engineer.
- B. Height shall be limited to four feet above natural grade, except when such structures are twenty-five feet from a secondary highway or thirty-five feet from a primary highway.
- C. The incorporation of signs, plaques, emblems and/or other similar items in or on such structures shall be by special permission of the Planning Director.

__.45.380 A-Board and Similar Type Signs.

Placing of A-board and other similar type signs whether portable or stationary shall be governed by Sections ____.45.415, ___.45.260 and ___.45.320 and shall not be less than fifteen feet from a street property line.

.45.390 Electric Power Lines - Clearance.

Horizontal and vertical clearance of signs or sign structures from energized power lines shall not be less than twelve feet.

__.45.400 Signs on Fences.

No sign shall be used for a fence nor shall any fence be used for a sign.

__.45.410 Temporary Residential Development Area Signs.

Temporary signs or sign structures designating residential development areas may be permitted upon receiving special permission from the Planning Department. Such signs or sign structures shall be limited to a two-year period.

.45.415 Temporary Signs

A. Authorization:

- 1. The Director shall be empowered to authorize temporary signs not exempted by Section __.45.070.A and E. The Director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.
- B. Issuance Authority:

- 1. The Director may issue temporary sign permits which shall terminate within 30 days from the date of issuance; and
- 2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the Director for two additional permit periods (30 days each) per calendar year.
- C. Types of locations of temporary signs shall be as follows:
 - 1. The total number of temporary signs shall not exceed one for any use at any one period of time; such signs are not permitted for single family and duplex dwellings.
 - 2. The total area of temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 48 square feet.
- D. Location shall be as approved by the Director

E. Attachment:

1. Temporary signs may not be permanently attached to the ground, building, or other structures.

F.*** Deposit:

1. A deposit shall be submitted along with an affidavit stating that the applicant for a tempory sign will comply with all provisions of this section is required prior to the issuance of a temporary sign permit. The affidavit shall state that all temporary signs must be removed within three (3) working days after the expiration of the permit. The deposit shall be four (4) times the permit fee. If the applicant fails to subect signs in the time required and the City must enforce persuant to Section __.45. 100 and __.45.150, the deposit shall be foreited and the applicant will not be eligible for another temporary sign permit for a period of 1 12 months.

G. *** Removal:

Each sign permit shall specify a removal date for streamers, banners, pennants, A-boards, and other temporary signs. The applicant, the owner of the premises, and the owner of the devises shall be jointly and severally responsible for the rompt

removal of such temporary signs at the termination of the specifies time period.

45.420 Real Estate Signs:

All exterior real estate signs must be of wood or plastic or other durable material. Real estate signs are permitted with applicable limits as follows:

1. Residential "for Sale and Sold Signs: Such signs shall be limited to one sign per street frontage not ot exceed fire squarre feet in sing area placed wholly won the property for sale, and not to exceed a height of seven feet.

2. Residential directional "Open House" Signs shall be limited to one sign per street frontage on the premises for sale and three off-premise signs. However, if a seller, realtor, broker, or developer has more than one house open for inspection in a single development or subdivision he/she is limited to four off-premise "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the seller, realtor broker, or developer is in attendance at the property for sale. No such sign shall exceed five square feet in sign area. The sign may be place along the periphery of a public right-of-way within one mile of the subject residential development. Signs placed in the right-of-way may be removed by the Director or his/her designee if their location poses a safety hazard.

- 3. Undeveloped commercial and industrial property for sale or rent signs: One sign per street frontage advertising undeveloped commercial or industrial property for sale or rent. The sign shall not exceed 32 square feet in area or seven (7) feet in height.
- 4. Developed commercial and industrial property for sale or rent signs: One sign per street frontage is permitted only while the building is acually for rent or sale. The sign shall be located at lease 25 feet from any property line, shall not exceed 32 square feet in area or seven (7) feet in height.

__.45.420 Nonconforming Signs.

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- A. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of non-conforming status. Acts of God or vandalism which damage these non-conforming signs shall be exempt from this Section, if the cost of the repair is less than 50% of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design or to a more conforming design.
- B. For purposes of this title, a sign face or message change shall be subject to the following provisions:
 - 1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
 - 2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
 - 3. No sign permit shall be required for allowable sign face or message changes.
- C. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags; banners; streamers; or strings of lights; balloons or temporary or incidental signs; shall be made to conform within 90 days from written notice by certified mail given by the Director.
- D. Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use which requires a Site Review or Conditional Use Permit. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until compliance with this provision is assured.

E. Variances can be granted using the variance procedure of this ordinance to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstance.

.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.

__.45.440 Sign Removal Provisions: Nonconforming and Abandoned Signs

- A. All signs erected after the effective date of this ordinance, which are in violation of any provisions of this ordinance, shall be removed or brought into conformance upon written notice by the Director.
- B. If the owner of sign, building, structure or premises fails to comply with the written order, the Director may then cite the owner into court subject to the City's Enforcement Ordinance.
- C. All signs and sign structures nonconforming in the structural requirements as specified in the UBC which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the Director may specify:
 - (1). In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the Director shall then have the dangerous sign removed and the owner

cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

- D. Any person who owns or leases a non-conforming or abandoned sign or sign structure shall remove such sign or sign structure when the sign has been abandoned:
 - 1. If the person who owns or leases such sign fails to remove it as provided in this Section, the Director shall give the owner of the building, structure or premises upon which such sign is located, 60 days written notice to remove it;
 - 2. If the sign has not been removed at the expiration of the 60 days' notice, the Director may remove such sign at cost to the owner of the building, structure or premises; and
 - 3. Costs incurred by the City due to removal, may be made by a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

.45.450 Removal of Sign - Time Period.

Every person maintaining a sign shall upon vacating the premises where a sign is maintained, remove or cause to be removed the sign within a thirty-day period. Upon failure to comply with the provisions of this Section, the Planning Director shall issue a notice to the owner to remove the sign within a ten-day period or be in violation of this Code.

__.45.460 Penalty for Violations.

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code
- B. Any person, firm or corporation violating any of the provisions of this Code shall be subject to a Class 1 civil infraction citation as defined in the City's Enforcement Ordinance.

__.45.470 Severability.

If any provision of this Chapter or its application to any person or circumstance is invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.



DESCRESSIONARY LAND USE PERMITS

Sections:

.75.020	Administrative Use Permit	175
75.030	Conditional Use Permit	177
75.040	Variances	179
75.050	Planned Development Districts	181
75.060	Public Facilities Permit	187
.75.070	Nonconforming Use Permit	191

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_.75.020 ADMINISTRATIVE USE PERMIT

- A. Purpose
- B. Decision Criteria
 - A. Purpose. The purpose of this section is to establish decision criteria and procedures for uses which due to their unique qualities may require additional regulations or other special degrees of control. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with the Comprehensive Plan, adjacent uses, and the character of the vicinity.
 - B. Decision Criteria. The Director shall review applications for Administrative Use Permits in accordance with specific findings as set forth below.
 - 1. Requirements and Decision Criteria Unique to Certain Uses. Section _____.25.200. The Development Standards of this Code shall be used by the applicant in preparing the Administrative Use Permit application and by the Director in determining the acceptability of permitting a use in a certain location.
 - 2. Required Findings. The Director shall grant an Administrative Use Permit approval if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed Administrative Use Permit approval will not:
 - (1) be detrimental to the public health, safety, and general welfare;
 - (2) adversely affect the established character of the surrounding vicinity; nor
 - (3) be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
 - b. That the granting of the proposed Administrative Use Permit approval is consistent and compatible with the intent of goals, objectives and policies of the City's Comprehensive Plan, appropriate Community Plan, and any implementing regulation.

- c. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
- **d.** That all requirements for a specific use have been addressed by the applicant.
- 3. Burden of Proof. The applicant has the burden of proving that the proposed use meets all of the criteria set forth in __.75.020.B.2., Required Findings.
- 4. Approval. The Director may approve an application for an Administrative Use Permit, approve with additional requirements above those specified in this Code or require modification of the proposal to comply with specified requirements or local conditions.
- 5. Denial. The Director may deny an application for an Administrative Use permit if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of complying with specific standards set forth in this Code and if any of the above required findings are not supported by evidence in the record as determined by the Director.

__.75.030 CONDITIONAL USE PERMIT

- A. Purpose
- B. Decision Criteria
 - A. Purpose. The purpose of this section is to establish decision criteria and procedures for special uses, called Conditional Uses, which possess unique characteristics. Conditional Uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity.

Conditional Uses will be subject to review by the Examiner and the issuance of a Conditional Use Permit. This process allows the Examiner to:

- 1. determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and
- 2. make further stipulations and conditions that may reasonably assure that the basic intent of this Code will be served.
- B. Decision Criteria. The Examiner shall review Conditional Use Permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit. The Examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the Conditional Use Permit.
 - 1. Required Findings. The Examiner may use Design Standards and other elements in this code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed Conditional Use Permit will not:
 - (1) be detrimental to the public health, safety, and general welfare;
 - (2) adversely affect the established character of the surrounding vicinity; nor
 - (3) be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

- b. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the City's Comprehensive Plan, and any implementing regulation.
- c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
- d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
- e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
- f. That the Level of Service standards for public facilities and services are met in accordance with the concurrency management requirements. See Section __.85.030, Concurrency Requirements.
- 2. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in Section ___.75.030.B.1, Required Findings.
- 3. Approval. The Examiner may approve an application for a Conditional Use Permit, approve with additional requirements above those specified in this Code or require modification of the proposal to comply with specified requirements or local conditions.
- 4. Denial. The Examiner shall deny a Conditional Use Permit if the proposal does not meet or cannot be conditioned or modified to meet Section
 __.75.030.B.1, Required Findings.

.75.040 VARIANCES

- A. Purpose
- B. Administrative and Examiner Variances
- C. Granting of Variances
- D. Required Showings for a Variance
- E. Conditions on Variances
 - A. Purpose. The purpose of this section is to provide a means of altering the requirements of this Code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.
 - B. Administrative and Examiner Variances. There are two types of variances hereby established. A "minor", or Administrative variance, and a "major", or Examiner variance. An administrative variance is one which is within 10% of the standard contained in the Code. An examiner variance is one that is greater than 10% of the standard contained in the Code. Both types are based on the same criteria or showings, as found in section D. below.
 - C. Granting of Variances. The Planning Director and the Examiner shall have the authority to grant a Variance from the provisions of this Code, when, in the opinion of the Planning Director or Examiner, the conditions as set forth in Subsection D. herein have been found to exist. In such cases a Variance may be granted which is in harmony with the general purpose and intent of this Code so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.
 - **D.** Required Showings for a Variance. Before any Variance may be granted, it shall be shown that the applicant demonstrates all of the following:
 - 1. That the granting of such Variance will not adversely affect the Comprehensive Plan.
 - 2. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
 - 3. That such Variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

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- 4. That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
- 5. That strict enforcement of the provisions of this title creates an unneccessary hardship to the property owner;
- that the need for the variance is not the result of deliberate actions of the applicant or property owner;
- 7. that the variance does not relieve an applicant from any of the procedural provisions of this title;
- 8. that the variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
- 9. that the variance does not relieve the applicant from conditions of approval established during prior permit review;
- 10. that the variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
- 11. that the variance does not allow the creation of lots or densities that exceed the base residential density of the zone;
- 12. that the variance is the minimum neccessary to grant relief to the applicant;
- 13. that the variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
- 14. that the variance does not relieve the applicant from any of the provisions of the critical areas code, except for the required buffer widths.
- E. Conditions on Variances. When granting a Variance, the Planning Director or Examiner shall determine that the circumstances do exist as required by Subsection D. of this Section, and attach specific conditions to the Variance which will serve to accomplish the standards, criteria, and policies established by this Code.

.75.050 PLANNED DEVELOPMENT DISTRICTS

- A. Purpose
- B. Classifications of Planned Development Districts
- C. Initiation of a PDD
- D. PDD Minimum Area Required
- E. PDD Staging
- F. Redevelopment Street Vacations
- G. Uses Permitted in a PDD
- H. Use Permit Exceptions
- I. PDD Procedure for Approval
- J. PDD Approval Findings Required
- K. Examiner's Actions Appeals
- L. Motion Effect
- M. Building Permits Issuance
- N. Subdivisions
- O. Final Development Plan Time Limitation
- P. Permissive Variation from Standard Requirements
- Q. Prior Existing Planned Unit Developments
- R. Parties Bound by PDD District
 - A. Purpose. A PDD is intended to be a flexible zoning concept; it will provide the Examiner, and if appealed, the Council, a chance to mold a district so that it creates more desirable environments, and results in better use of land than that produced through the limiting standards provided in the regular zone classifications. The uses within the PDD depend on the uses in the underlying zone. The residential densities within the PDD may vary depending upon how the land is developed with general aesthetics, natural areas, and open space being an incentive.
 - B. Classifications of Planned Development Districts. Planned Developments shall be classified as one of two types: Residential or Non-Residential. A Residential PDD shall mean that the principal purpose of the PDD is to provide one or more types of housing at densities of dwellings the same as densities permitted by the underlying zone and where all other uses shall be considered accessory, supportive, or adjunct to housing. A Non-Residential PDD shall mean a development where the preponderance of uses are intended for purposes other than housing and shall include, but are not necessarily limited to: retail, service, industrial, and manufacturing, and where residential uses as are allowed by the underlying zone shall be minor and secondary in purpose to intended use of the district.
 - C. Initiation of a PDD. An application for an amendment to the Official Map proposing a Planned Development District may be initiated by the property owner(s), contract purchaser(s) of property involved in a proposed PDD, or a public agency.

- D. PDD Minimum Area Required.
 - 1. Residential PDD: Not less than one acre.
 - 2. Non-Residential PDD: No minimum area.

The Examiner, in order to protect the public health, safety, welfare, and general interest may limit or restrict development in a PDD or any portion thereof in relationship to the size of the area being developed or redeveloped with the nature of uses intended, lot coverage, parking and loading requirements, provisions for open space, adequacy of roads and utility systems to accommodate the use as well as to minimize the impact the development will have on the existing or intended development of adjacent lands and the general neighborhood.

- E. PDD Staging. The applicant may elect, or the Examiner may require that the development of a PDD be accomplished or constructed in stages provided that when a residential PDD is developed in stages, the first and each succeeding and accumulation of stages thereafter shall not be developed at a greater density of dwelling units than would be allowed in the underlying zone, as specified in Section 18.35.020.C, Density Standards.
- F. Redevelopment Street Vacations. When deemed necessary, prior to development of a PDD, the Examiner may require the removal of all or portions of existing structures. It is the further purpose of this Chapter to encourage development of a PDD upon contiguous land and property. When deemed appropriate and necessary, the Examiner may require the vacation of all or portions of existing streets within the PDD. The Examiner may, as an alternative to vacation of streets, permit the inclusion of existing rights-of-way within a PDD, when it can be shown that the existing rights-of-way serve a functional purpose for the PDD and does not act to separate or divide a PDD into noncontiguous units. Rights-of-way within the context of this Section shall not include freeways, limited access roads, or major arterial highways.

G. Uses Permitted in a PDD.

- 1. *** Residential: Housing concepts of all types [are] limited only by the density commensurate with [and uses permitted in] the underlying zone and bonus when authorized upon land either subdivided into two or more ownerships or held in common, unified, or single ownership. Examples include the following:
 - a. Condominiums and townhouses.
 - **b.** Customary accessory uses and structures common to individual or group dwellings.

- **c.** Group residence.
- d. Incidental retail and service uses primarily for the convenience of and supported by the residences within the PDD containing not less than one hundred (100) acres or four hundred (400) dwelling units provided incidental retail or service uses may be authorized on a final development plan only upon completion and occupancy of at least fifty percent (50%) of the total dwelling units intended within the total group.
- e. Manufactured home subdivisions.
- f. Non-residential uses such as schools, churches, libraries as authorized in the PDD.
- 2. Non-Residential: Uses permitted by the underlying zone as authorized in the development plan.
- H. Use Permit Exceptions. When a Special Use Permit or Administrative Use Permit is authorized as part of a development plan and when said uses are permitted by the underlying zone as requiring a permit from the Examiner, said procedure for obtaining the permit shall be waived.
- I. PDD Procedure for Approval. The approval of a PDD shall be considered an amendment to the Official Maps and, except as provided in this Section, shall be processed as is any other amendment with respect to notice, hearings, and appeals pursuant to this Code. A two step procedure shall be followed in the approval of a PDD as follows:
 - 1. The conditional approval of a preliminary development plan by the Examiner after public notice and hearing.
 - 2. The conditional approval by the Examiner shall not become final and effective until the date the final development plan is approved by the Planning Director and at such date the final development plan shall be deemed to be adopted. The final development plan may be approved and adopted by stages. The final development plan shall be approved by the Planning Director after he is convinced that it conforms with the specific guidelines set forth by the Examiner.
- J. PDD Approval Findings Required. The action by the Examiner to approve a preliminary development plan for a proposed PDD with or without modifications shall be based upon the following findings listed below. If the Examiner cannot make such findings, the proposed PDD shall be denied.

- 1. *** That the proposed development is in substantial conformance with the Pierce County [City of University Place] Comprehensive Plan. and any adopted Neighborhood or Specific Area Plans.
- 2. *** That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program. [The design and amenities proposed and provided must be substantially greater than minimum requirements. The design should be exemplary.]
- 3. That the proposal is in harmony with the surrounding area or its potential future use.
- 4. That the system of ownership and means of developing, preserving, and maintaining open space is suitable.
- 5. That the approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts.
- 6. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.
- K. Examiner's Actions Appeals. The action of the Examiner in conditionally approving or denying a preliminary development plan shall be final and conclusive unless a written appeal is filed pursuant to the City's appeals procedures.
- L. *** Motion Effect. The conditional approval by the Examiner approving a preliminary development plan shall mean approval by the Examiner in principle with the PDD concept. The effective date of the amending action shall be the date the Director approves the final development plan. When a part of the approval of a PDD, applications for change of zone or subdivision approval shall become effective on the date the final development plan is approved [unless applied for jointly.]
- M. Building Permits Issuance. Building Permits shall be issued for only those portions of a PDD for which a final development plan has been approved by the Planning Director.
- N. Subdivisions. When it is the intention of an applicant to subdivide or resubdivide all or portions of property within a proposed PDD, application for approval of a preliminary subdivision may be filed and considered concurrently with an application for approval of a preliminary development plan. Subject to density of dwelling units, the minimum area, width, and yard requirements for subdivision lots proposed within a PDD may be less than the minimum specified in the underlying zone district if the design of the subdivision is in accordance with the

intent and purpose of this Section. Except for necessary roads the balance of the total tract intended for subdivision shall be devoted to open space.

- O. Final Development Plan Time Limitation. Within three (3) years from the date of conditional approval of a preliminary development plan by the Examiner, the applicant shall submit a final development plan for the PDD or a stage thereof for approval. When deemed reasonable and appropriate, the Examiner may grant an extension of one (1) year for such submittal. If at the date of expiration of the time period provided herein a final development plan has not been filed for approval or at any time after a final plan has been approved it appears that the project is not progressing in a reasonable and consistent manner or the project has been abandoned, action may be initiated pursuant to Section __.85.060 of this Code to revoke the PDD. When revocation has been enacted upon a PDD, the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the PDD is located.
- 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:
 - 1. Off-street parking and loading: The total required off-street parking facilities should not be less than the sum of the required parking facilities for the various uses computed separately.
 - 2. Common walls: In projects receiving final approval where units will have common walls, the Building Department may issue Building Permits for construction of those units prior to approval of a final plat.
 - [2.]-***3. Height of buildings: The height of buildings and structures within a PDD should be limited to the height permitted by the underlying zone, or as required by the County [City] as a special limitation. The height of buildings and structures may be increased in relationship to provisions for greater open space and separation between buildings on the same or adjoining property and when adequate provision is made for light, air, and safety.
 - 4. Lot area coverage: The maximum lot coverage within a PDD or any portion thereof shall be determined by the Examiner at the time of consideration of a preliminary development plan.
 - 5. Yards: The requirement for yards in a PDD should be same as required by the underlying zone for those yards abutting the exterior boundary of the PDD. Yard requirements for any yard not abutting or adjoining an exterior boundary of a PDD shall be as authorized in the preliminary development plan.

- Q. Prior Existing Planned Unit Developments. Planned Unit Developments previously authorized by Unclassified Use Permit, prior to the effective date of this Section, shall be repealed and reclassified to Planned Development Districts pursuant to this Section as is now in effect. Except for the reclassification of a prior Unclassified Use Permit to a Planned Development District, all prior Planned Unit Developments may continue to develop on the basis of controls contained in the resolution establishing the development provided that subsequent changes, additions, or modifications to an existing Planned Unit Development shall be processed under this current Section.
- 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.

.75.060 PUBLIC FACILITIES PERMIT

- A. Purpose
- B. Decision Criteria
- C. Remodels and Expansions
- D. Amendments
- E. Recognition of Previously Granted Authorities
- F. Procedures
 - A. Purpose. The purpose of this section is to establish decision criteria and procedures for the permitting of public facilities; and to provide coordinated review with local and state agencies. Certain public facilities provide necessary services to other uses but are deemed unique due to factors such as: siting criteria, size, technological processes, and requirements for municipal comprehensive facility planning and budgeting. These uses require a special degree of review to incorporate and document consistency with the Comprehensive Plan, facility plans, or capital improvement programs, and to assure compatibility with adjacent uses.
 - B. Decision Criteria. The Examiner shall review Public Facility Permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the Public Facility Permit. The Examiner may reduce or modify bulk requirements, off-street parking and loading requirements, and public facility design standards as a condition of granting the Public Facility Permit.
 - 1. Required Findings. The Examiner may approve a Public Facility Permit only if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed Public Facilities Permit will not:
 - (1) be detrimental to the public health, safety, and general welfare;
 - (2) be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor
 - (3) adversely affect the established character of the surrounding vicinity.
 - b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
 - c. *** That the granting of the proposed Public Facilities Permit is consistent and compatible with the intent of the goals, objectives and policies of the County [City] Comprehensive Plan; appropriate Community Plan; comprehensive general or utility plans for sewage, stormwater, water, solid waste, park and recreation, transportation or other facility plans; capital facility plan or capital improvement programs; and any implementing regulation.

- **d.** That the facility site and environmental designs:
 - (1) meet local and state siting criteria and design requirements adopted as standard mitigations and as administrated by local and state agencies; and
 - (2) have been reviewed and commented upon by local and state agencies responsible for issuing permits.
- e. That all conditions to mitigate the site specific impacts of the proposed use which were identified through SEPA review can be monitored and enforced.
- f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with character of the surrounding area.
- g. That the Public Facilities Permit will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
- 2. Burden of Proof. The applicant has the burden of proving that the proposed public facility meets all the criteria in Section .75.060.B.
- 3. Approval. The Hearing Examiner may approve an application for a Public Facilities Permit, approve with additional requirements above those specified in this Code or require modification of the proposal to comply with specified requirements or local conditions.
- 4. **Denial.** The Examiner shall deny a Public Facility Permit if the proposal does not meet or cannot be conditioned or modified to meet the required findings in Section __.75.060.B.
- C. Remodels and Expansions. For a facility with a Public Facility Permit, remodeling, additions or expansions to the facility shall not require an amendment to the permit if the additions or expansions were identified in the original Public Facility Permit.
- D. Recognition of Previously Granted Authorities. Any previously granted development permit, zoning permit or otherwise lawfully established public facility and/or activity, which existed prior to the effective date of these regulations are hereby acknowledged and reaffirmed by these provisions. These previously granted authorities include but are not limited to: Unclassified Use Permit, Conditional Use Permit, Non-Conforming Use Permit, Special Use Permit, Planned Development District, Planned Unit Development, Approved Site Plan, Recorded Memorandum of Agreement, Site Plan Review (SPR), Administrative Site Plan Review (ASPR), Conditional Change in Zone, Variances, and similar permits and approvals.

Each of these previously granted authorities, are hereby defined as an existing and approved Public Facility Permit under these regulations, subject to any specific conditions imposed on the approval of said authority. Any public facility and/or activity which does not possess one of these authorities, but has been legally established prior to the effective date of these regulations, shall be defined as an existing and approved Public Facility Permit, but shall be subject to the limitations imposed on all legally established uses under the bulk regulations and special use design standards until the specific Public Facility Permit is amended pursuant to these regulations.

Any facility or activity which possesses a Public Facility Permit as established herein, shall not be defined as a non-conforming use under these regulations. Existing state and federal permits, including, but not limited to, Federal Mining Permits and Leases, Surface Mine Permits (SM), National Pollution Discharge Elimination Permits (NPDES), and Solid Waste Permits may be used to aid in the establishment of a Public Facility Permit for any existing facility or activity. The Community Development Department shall establish and maintain a list of these Public Facility Permits.

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.75.070 NONCONFORMING USE PERMIT

- A. Purpose
- B. Nonconforming Use Permit
- C. Administrative Nonconforming Use Permit
- D. Approval
- E. Denial
 - A. Purpose. The purpose of this section is to establish decision criteria and procedures to allow reasonable limited expansion and continuance of nonconformities. Nonconformities require a special degree of control to ensure compliance with applicable regulations and compatibility with the Comprehensive Plan, any applicable neighborhood plans, adjacent uses and the character of the surrounding areas. Limited exceptions or changes of use are allowed after approval of a Nonconforming Use Permit by the Examiner or after approval of an Administrative Nonconforming Use Permit by the Director.
 - B. Nonconforming Use Permit. Exceptions to the Nonconforming Standards, Section __.35.130, are allowed after approval from the Examiner through a Nonconforming Use Permit. The Examiner may impose such conditions as deemed necessary to ensure proposals conform to the intent of the Comprehensive Plan, any applicable neighborhood plans and this Code.
 - 1. Required Findings for Nonconforming Use Permit. The Examiner shall grant a Nonconforming Use Permit if documentary evidence is provided by the applicant to support the Examiner's findings that:
 - a. Granting a Nonconforming Use Permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicants's ability to compete;
 - b. Granting a Nonconforming Use Permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;
 - c. The nonconforming use and associated structures will comply with the requirements of Section ___.35.130.C.5;
 - d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses; and
 - e. Granting a Nonconforming Use Permit will not detract from the intent of the Comprehensive Plan and any implementing regulation.

- 2. Abandonment. An exception to the Abandonment Standards in Section __.35.130.J may be granted by the Examiner. Documentary evidence shall be provided by the applicant to the Examiner to show that the discontinuance was beyond the control of the applicant. If the Examiner is satisfied by evidence that the discontinuance was beyond the control of the applicant, nonconforming rights shall be continued for the property or structure. The Examiner may consider circumstances such as, but not limited to, the following below.
- **a.** The property or structure has been involved in litigation.
- **b.** Attempts to lease the site is on-going due to:
 - (1) length of time involved for marketing of premises;
 - The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration; or
 - (3) There is a uniqueness to the property giving the use special operating characteristics such as its location in relationship to transportation facilities, open spaces needed for operations or its proximity to other critical activities such as mineral extraction.
- 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.
 - 1. Required Findings for a Change of Use. A change of an existing nonconforming use to another use of equal or lesser intensity shall be allowed by the Director, subject to the provisions of this section and Section __.35.130.E.1, after documentary evidence is provided by the applicant to support the Director's findings that:
 - a. There will be no increase to the number of hours or change in times of operation;
 - b. The nonconforming use and associated structures will comply with the requirements of Section __.35.130.C.5;
 - c. There will be no increase to the average daily traffic generated by the use or business;
 - d. There will be no increase in the amount of smoke, dust, noise, vibration, odor, fumes or glare;
 - e. There will be no increase in demand on public facilities or services; and

- f. The proposal will not expand existing or introduce new hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety, and welfare from such hazards.
- D. Approval. A Nonconforming Use Permit or an Administrative Nonconforming Use Permit may be approved, approved with additional requirements above those specified in this Code, or approved with modification of the proposal to ensure that surrounding land uses or the character of the area are not adversely impacted.

CHAPTER __85

PROCEDURES

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.85.020	Applications, Review Process and Permits	197
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__.85.020 APPLICATIONS, REVIEW PROCESS AND PERMITS

- A. Purpose
- B. Applicability
- C. Application Requirements
- D. Time Periods
- E. Review Process
- F. Permit Conditions
- G. Time Computations
 - A. Purpose. The purpose of this section is to outline discretionary land use permit application requirements, review process and permit provisions.
 - **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

 Conditional Use, Administrative Variance, Administrative Nonconforming
 Use, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary
 Line Adjustments, and Binding Site Plans, [Minor Amendments, and
 Home Occupations Permits.]
 - 2. **** Hearing Examiner review includes but is not limited to
 Conditional Use, Formal Subdivision, NonConforming Use, Planned Unit
 Development, Site Plan Review, Shoreline Substantial Development,
 Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline
 Variance, and Variance, [and Major Amendments.]

C. Application Requirements.

- 1. Pre-Development Conference. The pre-development conference is a process designed to define those items of Department review which, if not addressed at the conceptual plan stage, are of such significance that continuation of the project might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a Discretionary Land Use Permit will discuss the conceptual plan for the proposed project and the City's regulatory process. A pre-development conference may be scheduled at the request of the applicant.
- [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 may 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 which do not abut or have an impact on residential properties.]

Land Use Permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for a Discretionary Land Use Permit.

3. Complete Applications.

- a. Form and Content. The Department shall prescribe the form and content for complete applications made pursuant to this Code.
- b. Check for Complete Application. Applications shall be considered complete when the Department determines application materials contain the following:
 - (1) the correct number of completed Department master and supplemental application forms signed by the applicant;
 - the correct number of documents, plans or maps identified on the Department Submittal Standards form which are appropriate for the proposed project;
 - (3) a copy of the pre-development conference written summary, if applicable, along with the correct number of any items which were stated therein as additional requirements;
 - (4) a completed State Environmental Policy Act checklist, if required; and
 - (5) payment of all applicable fees.
- c. Initiation of Review Process. The Department shall not commence the review process of any application set forth in Section __.85.020.F, Review Process, until the application is deemed complete.

d. Time Limitations.

- (1) Within 28 days after receiving a development permit application, the Department shall provide a written determination to the applicant, stating either:
 - (a) the application is complete; or
 - (b) the application is incomplete and what information is necessary to make the application complete.
- An application shall be deemed complete if the Department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.
- Within 14 days after an applicant has submitted the requested additional information, the Department shall

- notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.
- (4) An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- 4. Incomplete Applications. Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information, identified in the notice of incomplete application, has not been received by the Department within 120 days from the application submittal date then the application shall be deemed null and void unless the applicant has been granted an time period extension. Time period extensions may be granted by the Director when the applicant can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120 day time period.
- 5. Waiver of Requirements. The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.
- **Modifications.** Proposed modifications to an application, which has been deemed complete by the Department, will be treated as follows:
 - a. Modifications proposed by the Department to a pending application shall not be considered a new application.
 - b. Modifications proposed by the applicant to a pending application, which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.
- 7. **Filing Fees.** The schedule of fees for Development Permits is established in separate City Resolution.
- 8. Applications Part of Permanent Record. Applications filed pursuant to this Code shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the agency to which the application is made. Copies of all notices and orders; certificates and affidavits of posting, mailing or publication; plans, maps,

- and exhibits; and any other additional application information shall be filed together with the application in the permanent official records.
- 9. Additional Application Requirements. In the interest of public health, safety or welfare or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.
- 10. Concurrent Processing of Applications. Applications for more than one type of Discretionary Land Use Permit for a single project may be consolidated into one review process held before a single hearing body or officer. If the various applications require different review procedures, as set forth in Section __.85.020.E, Review Process, below, then the review procedure with the broadest public notice provision applies.

D. Time Periods.

- 1. The Director or Examiner shall issue their notice of final decision on a Discretionary Land Use Permit within 120 days after the Department notifies the applicant that the application is complete or is deemed complete as provided in Section __.85.020.C.3 above. The following time periods shall be excluded from the 120 day time period requirement:
 - a. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information;
 - **b.** Any period during which an EIS is being prepared in accordance with State law.
 - **c.** Any period for administrative appeals of Discretionary Land use Permits; and
 - d. Any extension of time mutually agreed upon in writing between the applicant and the Department.
- 2. The 120 day time period established in **Section** __.85.020.D.1 above shall not apply in the following situations:
 - a. If the permit requires an amendment to the Comprehensive Plan or a development regulation;
 - **b.** If the permit requires approval of the siting of an essential public facility.
 - c. If there are substantial revisions to the project proposal at the applicants request, in which case the time period shall start from the date at which the revised project application is determined to be complete per Section .85.020.C.3 above.

E. Review Process.

- 1. 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:
 - a. Content of Public Notice Documents. At a minimum, public notice documents shall contain the following information:
 - (1) subject property location;
 - (2) name of the applicant;
 - (3) nature of the request;
 - time periods for submitting comments and the date on which the Director will issue the decision;
 - (5) right to appeal statement; and
 - (6) Department contact and telephone number.
 - b. Department Public Notice Provisions. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than 3 working days from the submittal of a complete application. Parties receiving notice shall be given 14 days, from the mailing date, to provide any comments to the Department.
 - c. Applicant Public Notice Provisions. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.
- 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.
- 1. 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:

- a. Content of Public Notice Documents. At a minimum, public notice documents shall contain the following information:
 (1) subject property location;
 - (2) name of the applicant;
 - (3) nature of the request;
 - (4) time periods for submitting comments and the date on which the Director will issue the decision;
 - (5) right to appeal statement; and
 - (6) Department contact and telephone number.
- b. Department Public Notice Provisions. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than 3 working days from the submittal of a complete application. Parties receiving notice shall be given 14 days, from the mailing date, to provide any comments to the Department.
- c. Applicant Public Notice Provisions. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.
- d. Publish Notice. Notice shall be given bu at least one publication in a newspaper of general circulation in the City not less than 10 days before the date of the hearing and such notice shall set the date, time, and place of the public hearing.

F. Permit Conditions.

- 1. Authority to Establish Time Limitations. The Director or Examiner has the authority, as part of the approval of a Discretionary Land Use Permit, to establish a time limitation for filing and approving Final Development Plan(s).
- 2. Extensions. The expiration time period, outlined in Section
 __.85.020.F.1 above, may be extended in the following situations:
 - a. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond

- their control to cause delay in the project, the time period may be extended by one year; or
- b. The Director or Examiner, which is determined based upon the original review process, has the authority to grant an extension time period greater than one year.
- 3. Compliance With Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this Code and shall be subject to enforcement actions and penalties. See Section __.85.060, Revocation and Expiration and Section __.85.070, Enforcement and Penalties.
- 4. Relinquishment of Discretionary Land Use Approvals. A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:
 - a. The property owner must submit in writing, to the Department, the request including the reasons for the relinquishment.

 Accompanying the request should be a copy of the original approval.
 - b. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure, for a decision.
 - c. The Department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.
- G. Time Computations. Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.

__.85.030-CONCURRENCY AND ADEQUACY

- A. Purpose
- B. Exemptions
- C. Concurrency Procedures
- D. Cheek for Adequacy
- E. Approval or Denial of Permits
- F. Concurrency Test Request Without An Application
 - A. Purpose. The purpose of this section is to ensure that Category A and B public facilities and services needed to maintain minimum level of service standards are provided simultaneous to or within a reasonable time after development occurs; and, to ensure that those Category C and D public facilities and services are adequate to serve the development at the time development is available for occupancy and use.
 - B. Exemptions. The Test for Concurrency shall not be required for exempted developments as specified in the provisions below.
 - 1. No Impact. Development which creates no additional impacts on Category A or B-public facilities are exempt from the Test for Concurrency. Such development includes, but is not limited to:
 - a. Additions or accessory structures to a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalent;
 - b. Additions to a non residential use which do not result in a change in use, expansion in use, or otherwise increase demand in Category A or B public facilities;
 - e. Interior remodels which do not result in a change in use or increase in the number of dwelling units or residential equivalent;
 - d. Replacement of a residential structure which does not result in a change or expansion in use or increase in the number of dwelling units or residential equivalent;
 - e. Replacement of a non-residential structure which does not result in a change in use, expansion in use or otherwise increase demand in Category A or B public facilities;
 - f. Temporary uses as defined in Section .25.500;
 - g. Demolitions.
 - 2. Permits. The following permits are exempt from the Test for Concurrency:
 - Boundary Line Adjustments;
 - **b.** Temporary Use Permits;

- e. Variances and Shoreline Variances;
- **d.** Approvals pursuant to Site Development Regulations:
- e. Other Permits as determined by the Director.
- 3. Accounting for Capacity. Service providers must account for the capacity required for developments exempted in Section ___.85.030.B.3 above by subtracting the required capacity from the available capacity.
- 4. SEPA. Application exempt from the Test for Concurrency are not necessarily exempt from SEPA.

C. Concurrency Procedures.

- 1. Concurrency Review Procedures. The Test for Concurrency will be performed in the processing of Discretionary Land Use Permits and Building Permits, unless exempt from the Test for Concurrency as provided in Section ___.85.030.B above, through a concurrency review process established by the individual service providers.
 - a. The concurrency review-process shall include a requirement that the Test for Concurrency occur prior to the issuance of a Building Permit.
 - b. The concurrency review process may provide an applicant with the option to delay the Test for Concurrency, subject to Section

 —.85.030.C.1.a above.
 - (1) Delay of the Test for Concurrency allowed under this provision does not defer, replace or substitute for the reviews required under PCC Title 16, Subdivisions and Platting and RCW 58.17, Chapter 17.08, Environment Regulations, or other applicable regulations.
 - (2) Delay of the Test for Concurrency allowed under this provision shall not affect the ability of a service provider to require payment of fees at any time during the permit review process.
 - e. The concurrency review process shall include a review process for phased projects.
 - d. The concurrency review process established by the individual service provider shall be specified in written policy, with copies available at the City's permit processing center for distribution with Discretionary Land Use Permits and Building Permits.

2. Test for Concurrency Roles.

- a. The Planning Department shall provide the overall coordination of the Test-for Concurrency by:
 - (1) notifying the service providers of all applications requiring a Test for Concurrency:
 - (2) notifying the service providers of all exempted development applications which use capacity as set forth in Section .85.030.B.3;
 - (3) notifying the service providers of expired development permits or other actions resulting in the release of capacity reserved through a Certificate of Capacity.

b. Service Providers of Category A or B public facilities:

- (1) shall be responsible for conducting the Test for Concurrency for their individual Category A or B public facilities, for all applications requiring a Test for Concurrency;
- (2) shall reserve the capacity needed for each application;
- (3) shall account for the capacity for each exempted application which uses capacity as set forth in Section ___.85.030.B.3;
- (4) shall adjust capacity to reflect the release of reserved capacity as notified by the Department;
- (5) shall annually report the capacity of their Category A or B public facilities to the City Council. The annual report shall include an analysis of Comprehensive Plan infrastructure priorities.
- (6) may charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.
- 3. Capacity. For sanitary sewer, surface water management and domestic water supply, only available capacity shall be used in conducting the Test for Concurrency. For City arterials, transit, available and planned capacity will be used in conducting the Test for Concurrency.
- 4. Test for Concurrency Pass. The Test for Concurrency is passed when the capacity for Category A and B public facilities is equal to or greater than the capacity required to maintain the level of service standard within assigned service areas. A Certificate of Capacity will be issued according to the following provisions.
 - a. A Certificate of Capacity will be issued upon payment of any fee, performance of any condition or other assurances required by a service provider.

- b. A Certificate of Capacity shall apply only to the specific land use types, densities, intensities and development project described in the Certificate.
- e. A Certificate of Capacity is not transferable to other land, but may be transferred to new owners of the original land subject to the conditions imposed by the service provider on the original permit or approval.
- d. A Certificate of Capacity shall expire if the accompanying permit expires or is revoked. The expiration date of a Certificate of Capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the Certificate of Capacity. If the accompanying permit does not include an expiration date, the Certificate of Capacity shall expire two years from the date of issuance. Expiration dates shall be included in Certificates of Capacity.
- 5. Test for Concurrency Fail. The Test for Concurrency is not passed if the capacity for a Category A or B public facility is less than the capacity required to maintain the level of service standard for the impact from the Permit.
 - a. The following options are available to applicants in the event that partial capacity for a Category A or B public facility is available:
 - (1) Accept a 120 day reservation of capacity and modify the application to reduce the need for the Category A or B public facility consistent with the available capacity.
 - (2) Accept a 120 day reservation of capacity and modify the application to phase development to spread out impacts on the Category A or B public facility consistent with the available capacity.
 - (3) Accept a 120 day reservation of capacity and arrange provision of the additional capacity of the Category A or B public facility required:
 - (4) Resubmit the original application for another Test for Concurrency after a waiting period of 120 days.
 - (5) Appeal the results of the Test for Concurrency to the Hearings Examiner in accordance with the provisions of City Code.
 - **b.** An applicant may only obtain one (1) 90 day reservation of capacity per application per Category A or B public facility.

- D. Check for Adequacy. The Check for Adequacy will be performed on an annual basis concurrent with the annual update of the Capital Facilities Element of the Comprehensive Plan. The Check for Adequacy will be conducted by the appropriate service provider.
 - 1. The Planning and Land Services Department shall:
 - a. provide the affected service providers a report of all permit applications occurring within the last year;
 - b. provide population growth figures to the service providers.
 - e. forward the results of the Check for Adequacy to the City Council.
 - 2. Service providers of Category C and D public facilities shall:
 - a. conduct the Check for Adequacy for their individual Category C or D public facilities
 - **b.** provide a report to the Planning Department;

E. Approval or Denial of Permits.

- 1. <u>Approval of Permits.</u> Discretionary Land Use Permits or Building Permits which do not result in a reduction of an adopted level of service standard for any Category A or B public facilities can be approved as long as all other provisions of this Code are met.
- 2. <u>Denial of Permits</u>. Discretionary Land Use Permits or Building Permits which do result in a reduction of an adopted level of service standard for any Category A or B public facilities are subject to denial.
- F. Concurrency Test Request Without An Application. A Test for Concurrency may be requested without an accompanying permit application. Any available capacity found to be available at the time of the Test cannot be reserved. A Certificate of Capacity will not be issued.

.85.040 AMENDMENTS

- A. Purpose
- B. Amendment Standards Administrative Permits
- C. Amendment Standards Special Use Permits
- D. Amendment Standards Development Regulations and Other Official Controls
- E. Amendment Standards Comprehensive Plan
- A. Purpose. The purpose of this section is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions.
- B. Amendment Standards Administrative Permits. This section is to provide the method for amending conditions of approval and final development plans that have received an administrative permit.
 - 1. Minor Amendments. The following procedures shall be required for all minor amendments.
 - a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
 - b. *** Minor amendment applications may be routed to any County [City] division or any agency with jurisdiction. This distribution shall be at the discretion of the Department.
 - c. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - 1. A change to a condition of approval does not modify the intent of the original condition.
 - 2. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.
 - 3. The proposal does not add more than 5 percent gross square footage of structures to the site.
 - 4. The proposal does not increase the overall impervious surface on the site by more than 5 percent.
 - 5. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
 - d. Minor amendment decisions shall be in writing and attached to the official file.
 - e. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
 - f. Copies of the decision shall be mailed to all parties of record.

2. Major Amendments.

a. Any modification exceeding the provisions of Section __.85.040.B.1.c, shall follow the same procedure required for the original application.

- b. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
- c. Any modification that requires a discretionary permit other than the type granted for the original application shall require the new permit type.
- C. Amendment Standards Special Use Permits. This section is to provide the method for amending conditions of approval and final development plans that have received a Special Use Permit from the Examiner.
 - 1. Minor Amendment. The following procedures shall be required for all minor amendments.
 - a. Request for minor amendments shall be in writing from the property owner or the owner's authorized agent.
 - b. Minor amendment applications may be routed to any county division or agency with jurisdiction. This distribution shall be subject to the discretion of the Department.
 - c. A copy of all applications and any Department recommendation for minor amendments shall be routed to the Examiner. The Examiner shall determine if the proposal is consistent with the original decision. Each minor amendment approval is subject to the consensus of the Examiner.
 - d. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - 1. The examiner does not object to the minor amendment.
 - 2. A change to a condition of approval does not modify the intent of the original condition.
 - 3. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.
 - 4. The proposal does not increase the overall residential density of a site.
 - 5. The proposal does not change or modify housing types.
 - 6. The proposal does not reduce the designated open space.
 - 7. The proposal does not add more than 5 percent gross square footage of structures to the site.
 - 8. The proposal does not increase the overall impervious surface on the site by more than 5 percent.
 - 9. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
 - e. Minor amendment approvals shall be in writing and attached to the official file.
 - f. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
 - g. Copies of the decision shall be mailed to all parties of record.

2. Major Amendments.

- a. Any modification exceeding the provisions of Section ___.85.040C.1.d, shall follow the same procedure required for the initial application.
- b. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
- c. Any modification that requires a discretionary permit other than the type granted for the initial application shall require the new permit type.

D.*** Amendment Standards - [Comprehensive Plan -] Development Regulations and other Official Controls.

This subsection is to provide the method for adoption and amendment to the text and official map of this development regulation and other official controls. Request to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under Procedures for Amendments to the Comprehensive Plan.

- 1. Initiation of an Amendment. An amendment to the zoning code or other official controls may be initiated by:
 - a. The Council requesting the planning Agency to set the matter for hearing and recommendation.
 - b. The Planning Commission with concurrence of the Department.
 - c. One or more owner's of property directory affected by the proposal may petition the Planning Commission to initiate an amendment.

2. Application Required.

- a. For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Department may require a prefiling conference.
- b. The Department shall provide the application forms and submittal requirements for amendments.
- c. No amendment shall be processed until the information necessary to review and decide upon the amendment is deemed complete by the Director.
- 3. *** Fees. See Pierce County Code, Chapter 2.05, [Resolution No. ____Planning and Land Services Department Fees, for the filing fees adoption or amendment to the zoning code and other official controls.
- 4. Planning Department Report. The Department shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and the applicant before the public hearing. Each report shall contain:
 - a. Any factual finding of the City department proposing the amendment.
 - b. Any comments from other City departments.
 - c. The environmental assessment or copy of any environmental determination or final environmental impact statement.

- d. The Planning Department's recommendations on the amendment if any are to be made.
- 5. Public Hearing Required by Planning Commission. The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any official control.
- 6. Adoption Required by the Council. An amendment to the development regulation or other official controls shall be adopted by the Council by ordinance after a public hearing and report by the Planning Commission.
- E. Amendment Standards Comprehensive Plan. See Procedures for Amendments to the Comprehensive Plan, for timelines and procedures for any amendment to the Comprehensive Plan or Zoning Ordinance or related Maps.

_***__.85.050 APPEALS OF ADMINISTRATIVE DECISIONS [AND RECONSIDERATIONS]

- A. Purpose
- B. Applicability [Reconsideration by the Examiner]
- C. Appeal to the Hearing Examiner [Appeals to the Council]
- [D. Appeals and Administrative Decisions]
 - **A. Purpose.** The purpose of this section is to provide the procedures for appealing administrative decisions on land use proposals.
 - B. Applicability. The provisions of this section shall apply to any order, requirement, permit, decision, or determination on a land use proposal made by an administrative official.
 - **B.** Reconsideration by the Examiner. Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or fact may make a written request for review by the Examiner within seven (7) working days of the written decision. This request shall set forth the alleged errors, and the Examiner may, after review of the record take such further action as he deems proper and may render a revised decision. Only one (1) request for reconsideration may be filed by any one (1) person or party, even if the Examiner reverses or modifies his original decision or changes the language in the decision originally rendered.
 - C. Appeal to the Hearing Examiner. The Examiner shall have the authority to hear and decide Appeals from any order, requirement, permit, decision, or determination on land use proposals made by an administrative official.

C. Appeals to the Council.

- 1. Appeal of Examiner's Decision. The final action by the Examiner on any land use matter within his jurisdiction may be appealed to the Council by an aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:
- a. The appellant must file written notice of appeal with the Planning Department and pay the appeal fee within ten (10) working days of the date of mailing of the Examiner's final written decision; provided, that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final written order or decision on the reconsideration request.
- b. The notice of appeal shall concisely specify each error and/or issue which the Council is asked to consider on appeal.
- c. Upon the filing of an appeal, the Planning Department shall forward to the Council the original tape containing a verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.
- 2. Council Action on Appeals.

- a. General. For Examiner decisions on which an appeal is properly filed, the Planning Department shall forthwith forward therr (3) copies if the Examiner's decision plus a copy of the official file and the recorded record to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.
- b. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner to appraise them of the meeting date before the Council. "Parties of record" are those persons who have (1) testified before the Examiner, or (2) listed their names on a sign up sheet which is available during the Examiner's hearings, or (3) advised the Planning Department in writing of their desire to be a party of record.
 - Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council shall allow the appellant(s) or their representatives no more than a total of ten (10) minutes of oral presentation. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided, that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.
- d. Council Decision on Appeal. The Council's decision on an appeal of all land use matters may adopt, amend and adopt, reject, reverse, amend and reverse the findings, conclusion, and decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision by the Council shall be based on the record of the hearing held by the Examiner; however, the Council may by motion, request additional information of the appellant or the Examiner.
- e. Amendment or Reversal Council to Prepare Separate Findings. If the action by the Council on an appeal of the decision of the Examiner is to amend or reverse the Examiner, the Council shall prepare a written decision giving their findings of fact and conclusions insofar as they may differ from those of the Examiner.
- f. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person files an appropriate action in Superior Court for purpose of review of the action taken, and serves all necessary parties. When such action has been taken, the effective date of the Council action shall be stayed until final resolution by the courts have been made.
- g. Appeals to Court: Cost of Preparing Transcript. The costs of transcription of all records ordered certified by the Court for such review, shall be borne by the appellant. If a court reporter has taken and preserved the record, then the appellant shall make arrangements with said reporter for transcriptions and payment thereof. When the County staff is required to

transcribe any record, the actual transcribing cost shall be determined by the University Place Budget Director and shall be paid prior to said case being reviewed.

4. Remands to the examiner.

- a. Remand Notice and Hearing Required. Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Examiner shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Examiner shall transmit notice sustaining the original decision or in the event of a changed or modified decision, the Examiner shall ransmit additional amended findings.
- **b.** Action by the Council Remended Matters. Upon receipt of a notice from the Examiner sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a meeting and make a final decision.
- **Reconsideration by the Council**. Any aggrieved party or person affected by the action may, within seven (7) working days of the Councils oral decision, file with the Clerk of the Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:
 - a. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
 - b. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.
 - c. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.

Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one (1) request for reconsideration may be filed by any one (1) person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.

In the event that a request for reconsideration is filed with the Councils the thirty (30) day appeal period to Superior Court as set forth in this Section shall be deemed to commence on the date of the Council's final action relative to the request for reconsideration.

[D. **** Appeals of Administrative Decisions.

1. Time Limit. Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the City affected by a decision of an administrative offial in the administration of enforcement of this code. Such appeals shall be filed in writing on forms

available at the City in duplicate with the Planning Department within twenty(20) days of the date of the action being appealed.

- 2. Notice. Notice of the date, time, and place of the appeal shall be mailed to the appellant, to the parties of recors and to the officer who's decision is being appealed, together with a copy of the written appeal. Such notice shall be mailed no less than ten (10) days prior to the date of the hearing.
- 3. Report. Upon receiving notice of the appeal, the office for whom the appeal is being taken, shall submit to the examiner a copy of all records pertaining to the decision together with a written report as deemed pertinent.
- 4. Authority. The examiner may, in conformance with this code, reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as should be made and, to that end shall have all the powers of the officer from whom the appeal is taken insofar as the decision on the particular issue is concerned and in making its determination the examiner may hear any pertinent facts bearing on the case.
- 5. Appeals to the Council. The decision of the Examiner on an appeal of an Administrative Decision may be further appealed to the Council in the same manner as appeals of land use decisions.] [Section added]

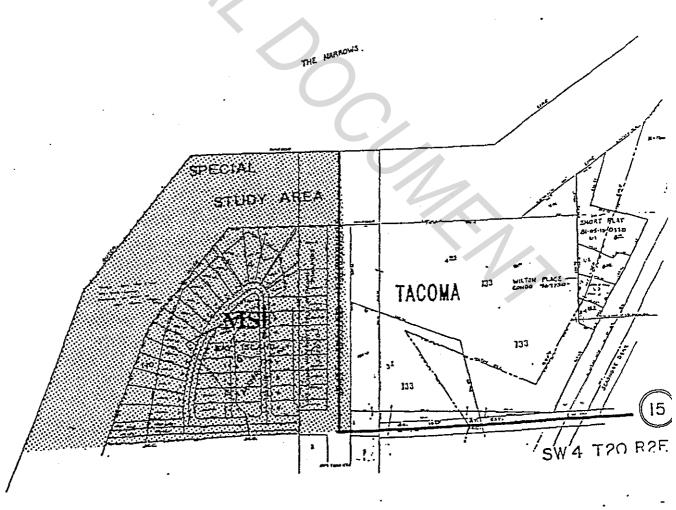
.85.060 REVOCATION & EXPIRATION

- A. Purpose
- B. Examiner May Revoke Permits
- C. Initiation of an Action
- D. Public Hearing
- E. Grounds for Revocation, Modification, or Reclassification
- F. Previously Granted Authorities
- [F. Expiration] [Added]
 - A. Purpose. The purpose of this section is to provide the procedures for revocation, modification, or reclassification of permits.
 - B. Examiner May Revoke Permits. The Examiner may revoke or modify any Special Use Permit or Administrative Use Permit.
 - C. Initiation of an Action. An action to revoke, modify, or reclassify any matter set forth in Subsection B. may be initiated by:
 - 1. The City Council, upon its own motion to refer said matter to the Examiner; or
 - 2. The Planning Director; or
 - 3. The petition of any aggrieved party directly affected by the project or use together with a filing fee as set by separate Resolution, filed with the Planning Department.
 - D. *** Public Hearing. Prior to such revocation, or modification, or reclassification, a public hearing shall be held by the Examiner and procedures concerning notice, reporting, and appeals shall be the same as required for the initial consideration thereof provided: that when any Conditional Use Permit is not exercised within the time specified in such Permit or, if no date is specified, within one (1) year from the date of approval of said Permit, said Permit shall automatically become null and void and no public hearing by the Examiner shall be required on the matter. [Refer to Section_.85.02(E)(2) for notice requirements.]
 - E. Grounds for Revocation, Modification, or Reclassification. Such revocation or modification or reclassification shall be made on any one or more of the following grounds:
 - 1. That the approval was obtained by fraud;
 - 2. That the use for which such approval was granted is not being exercised;
 - 3. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more;
 - 4. That the Permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law, or regulation.
 - 5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

F. Expiration. If no action is taken by the applicant on any application for a discressionary land use permit, special use permit, or administrative use for a period of none year, the application shell be deemed null and void, and the applicant will need to re-apply as required by this code unless otherwise permitted in writing by the Planning Director. This provision shall not apply to short plats.

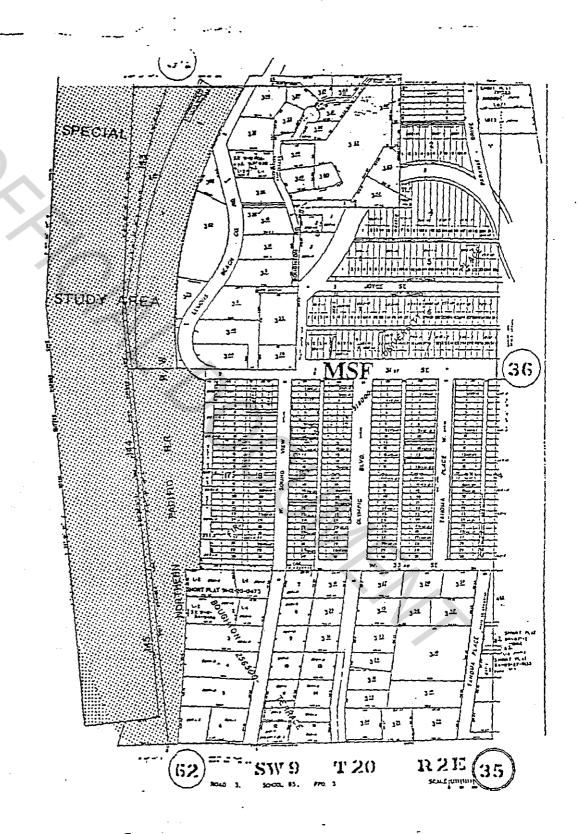
ZONING MAPS

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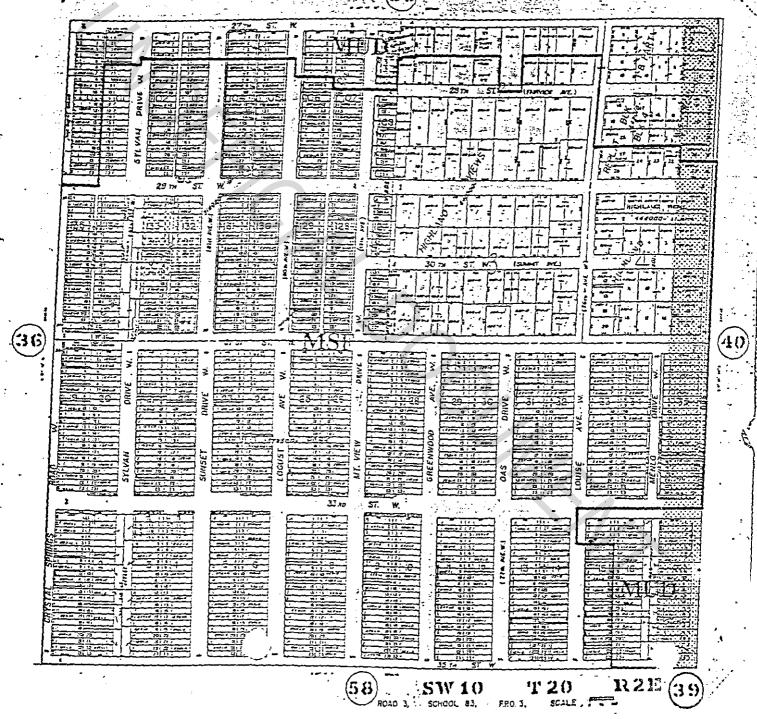
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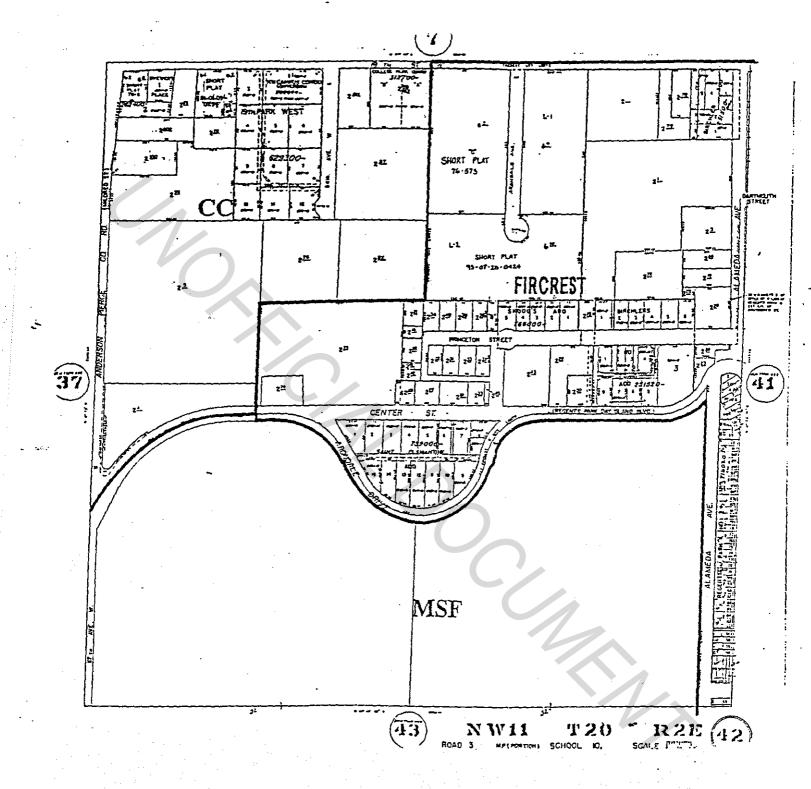
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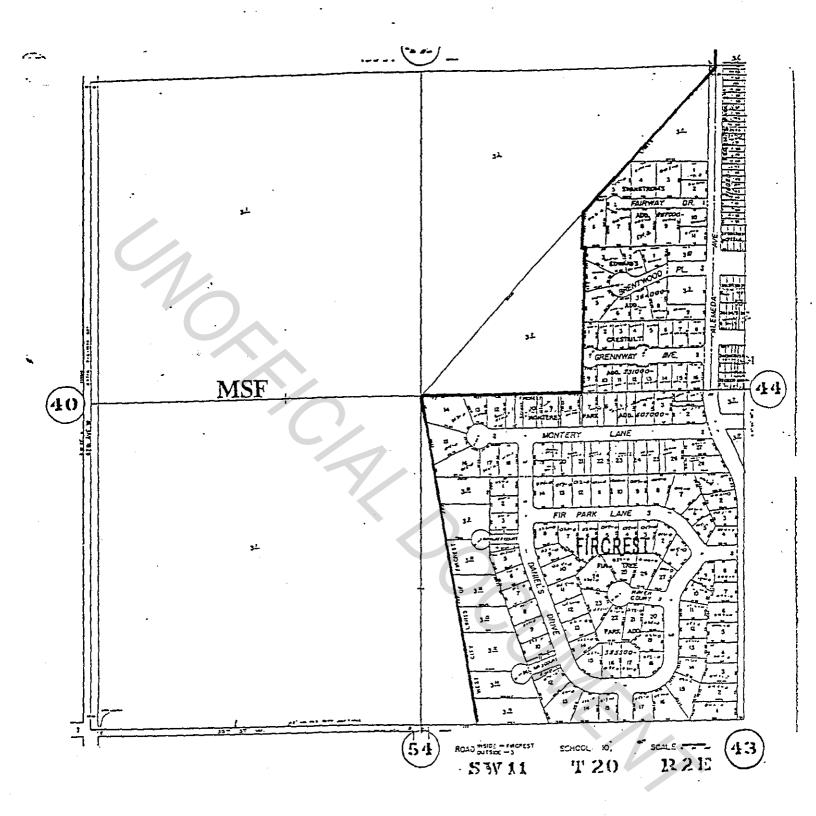


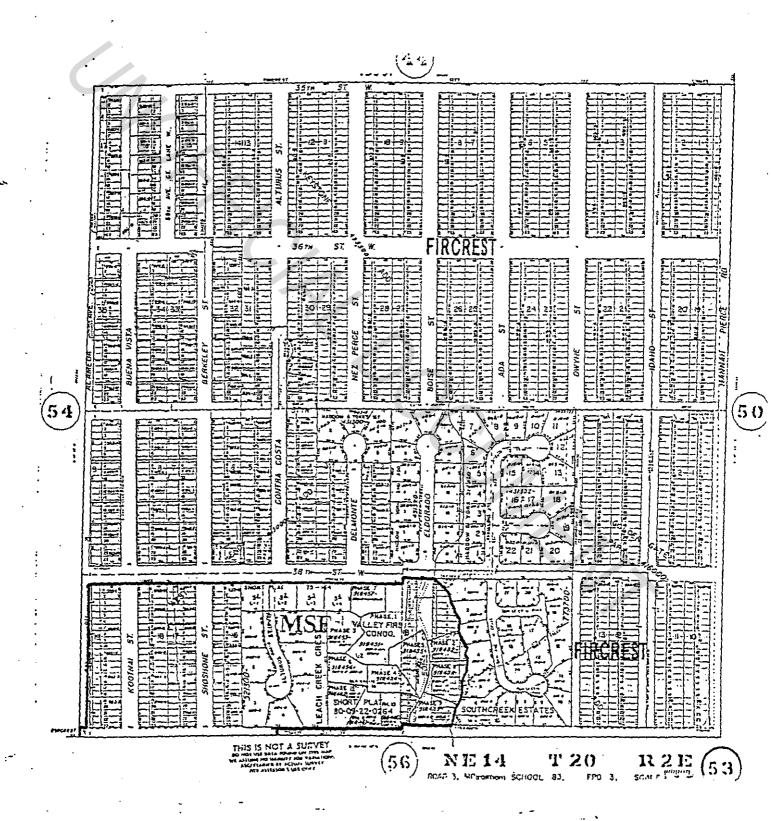
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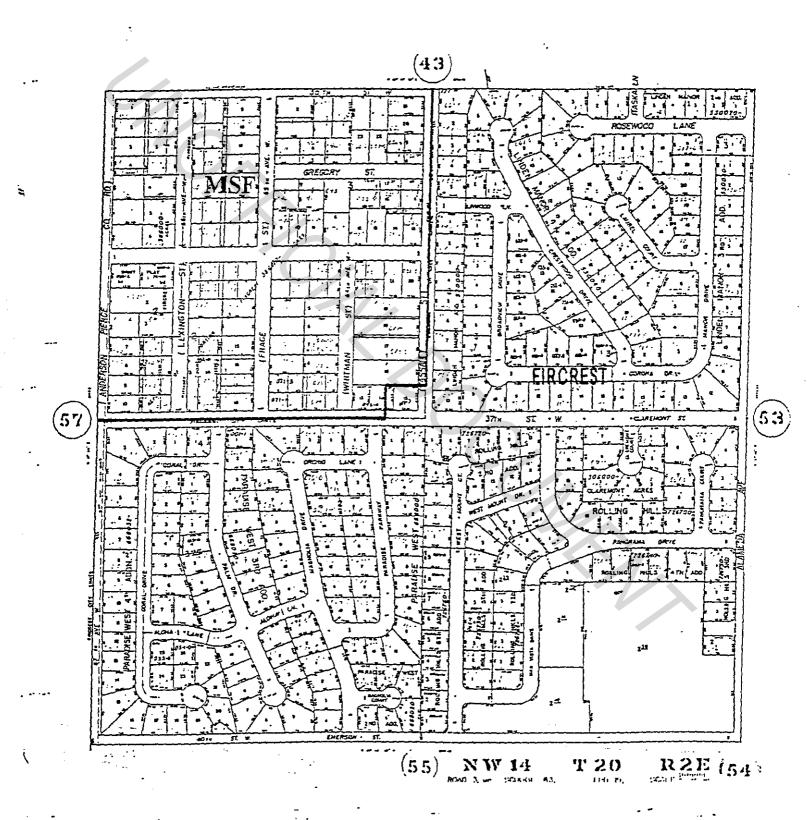
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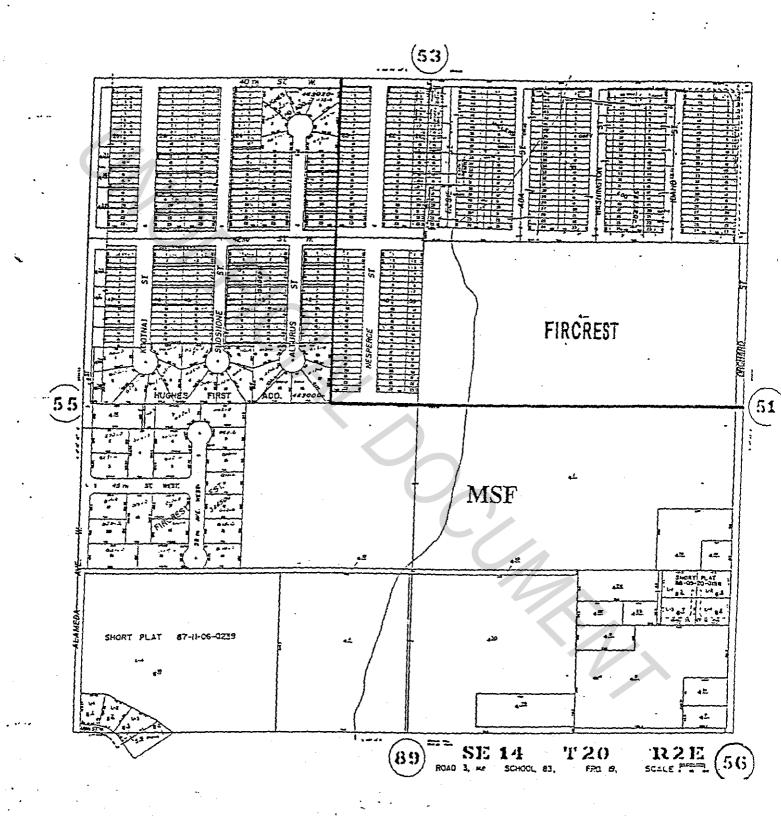




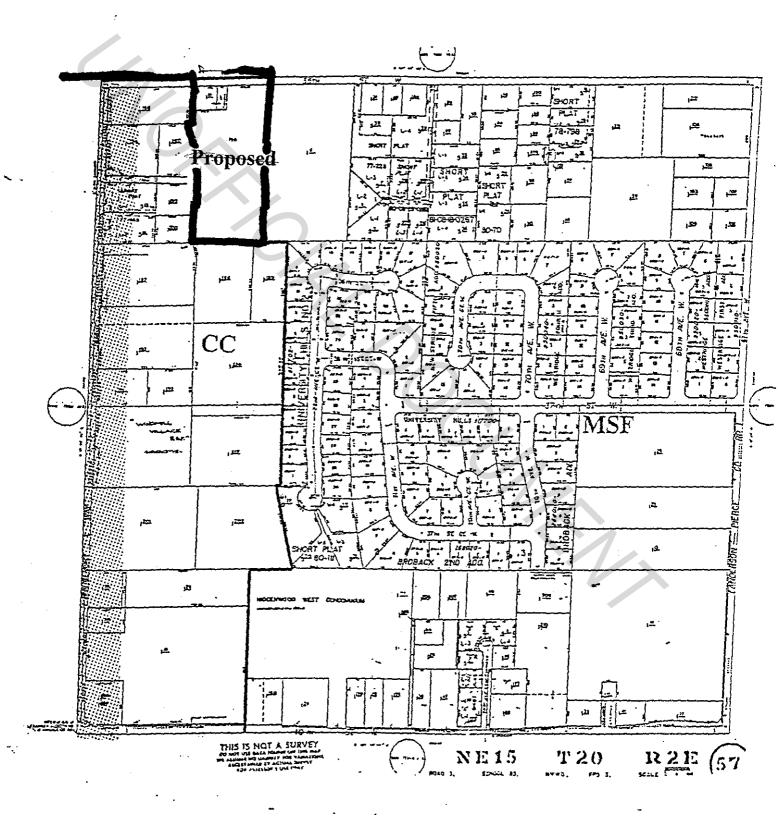


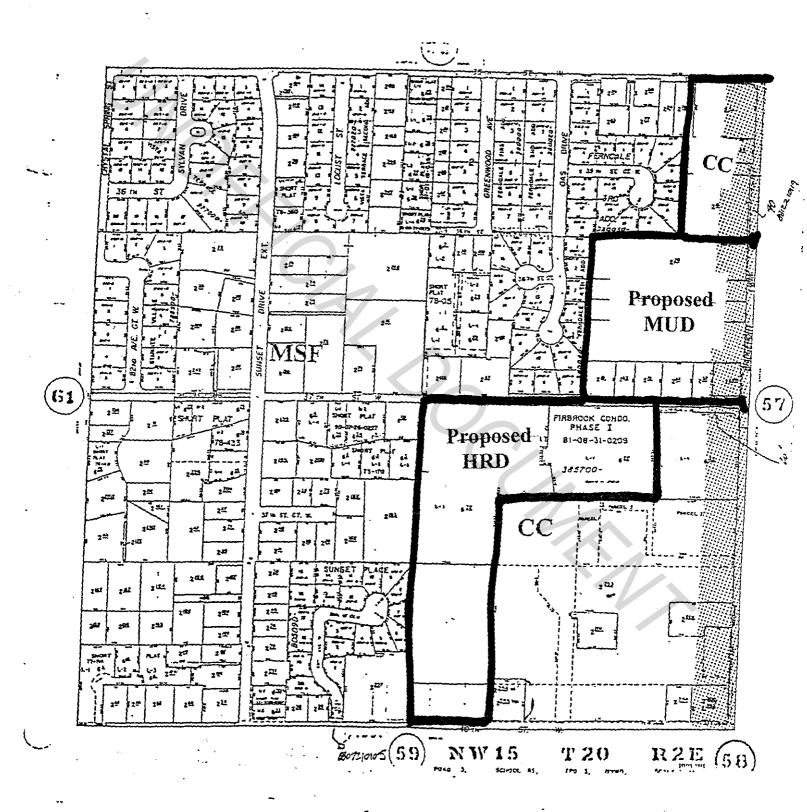


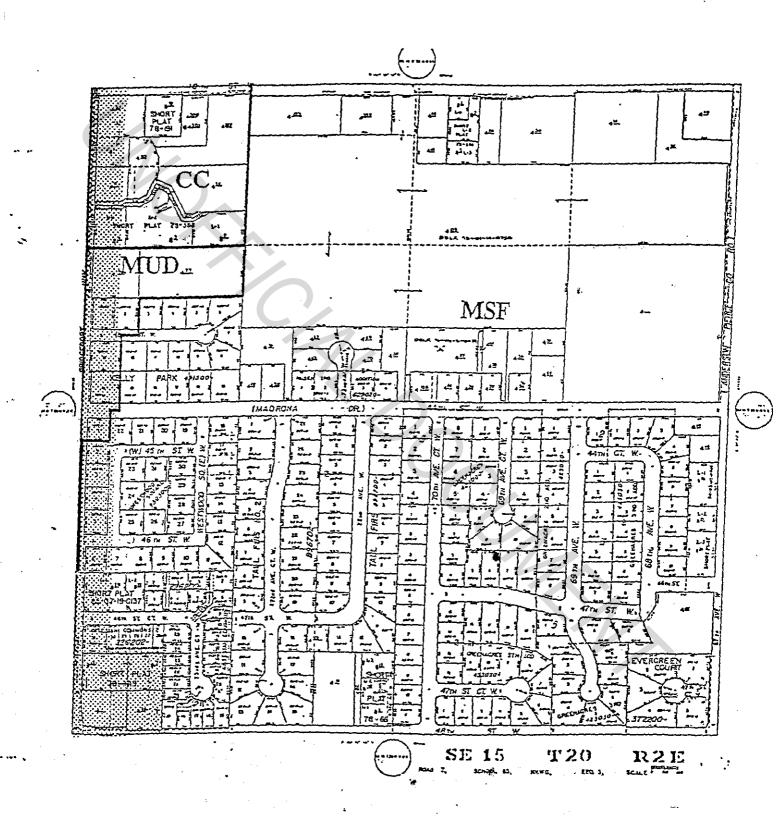






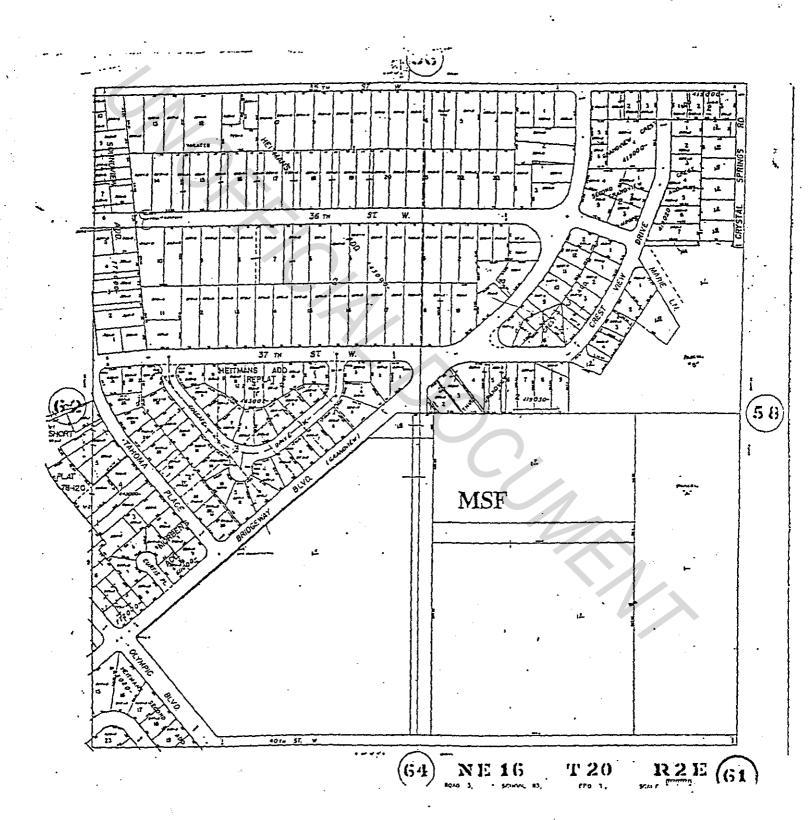


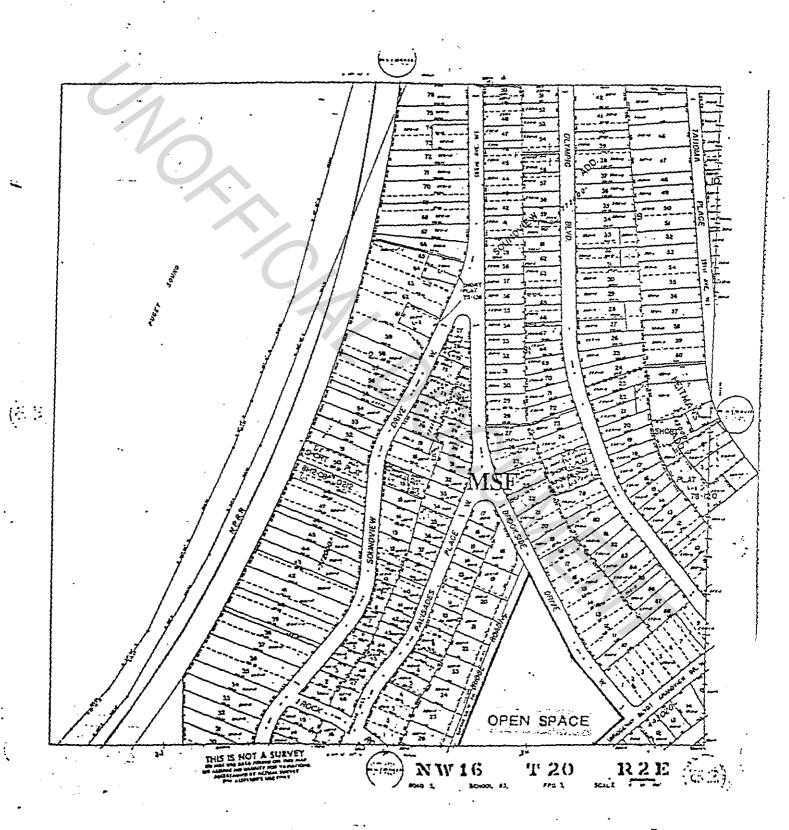


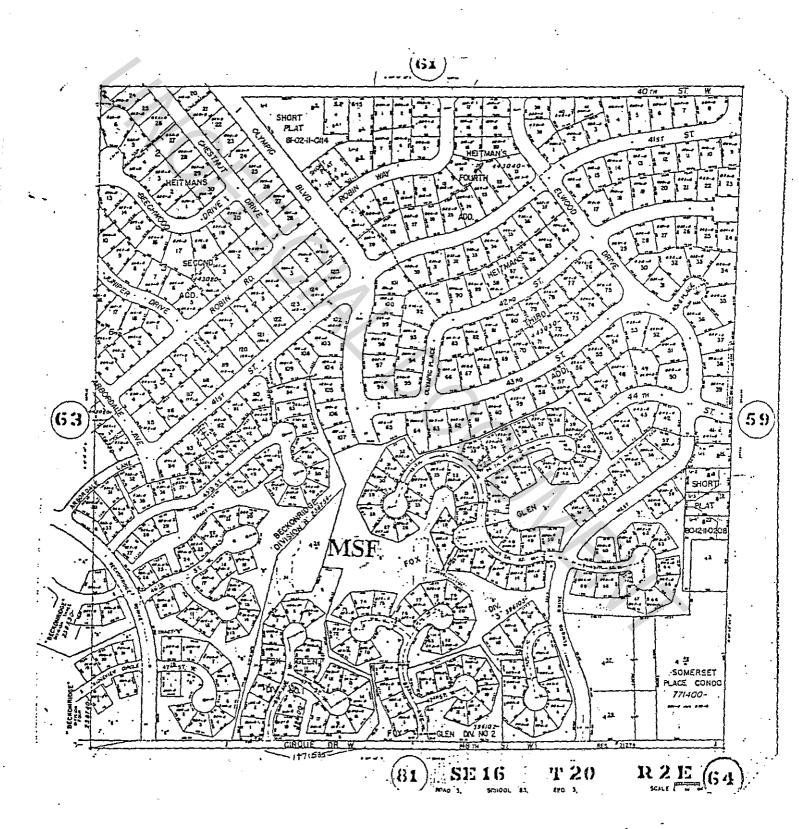


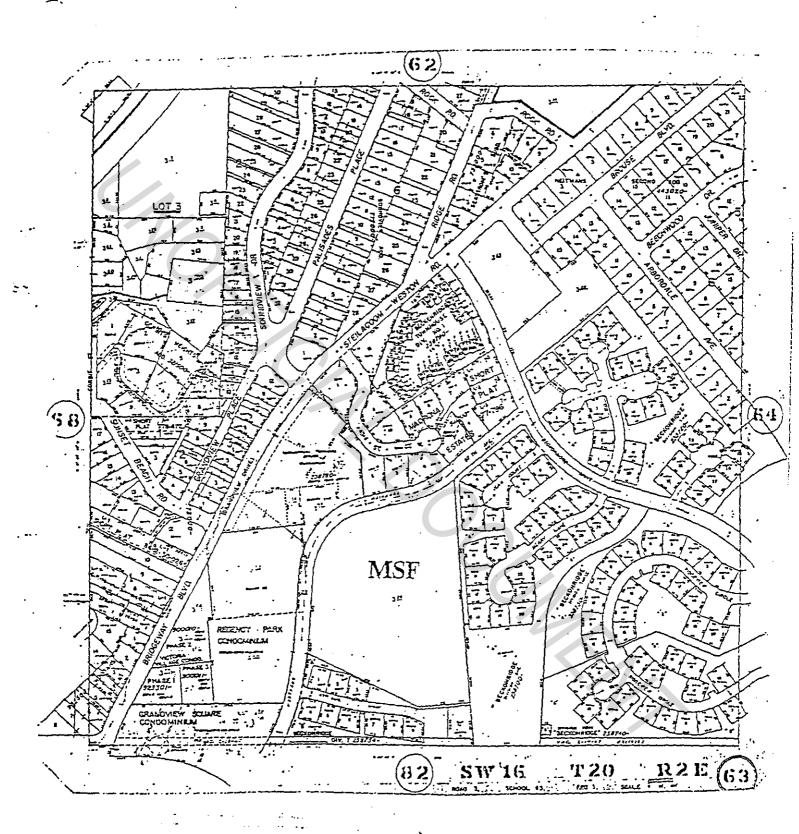
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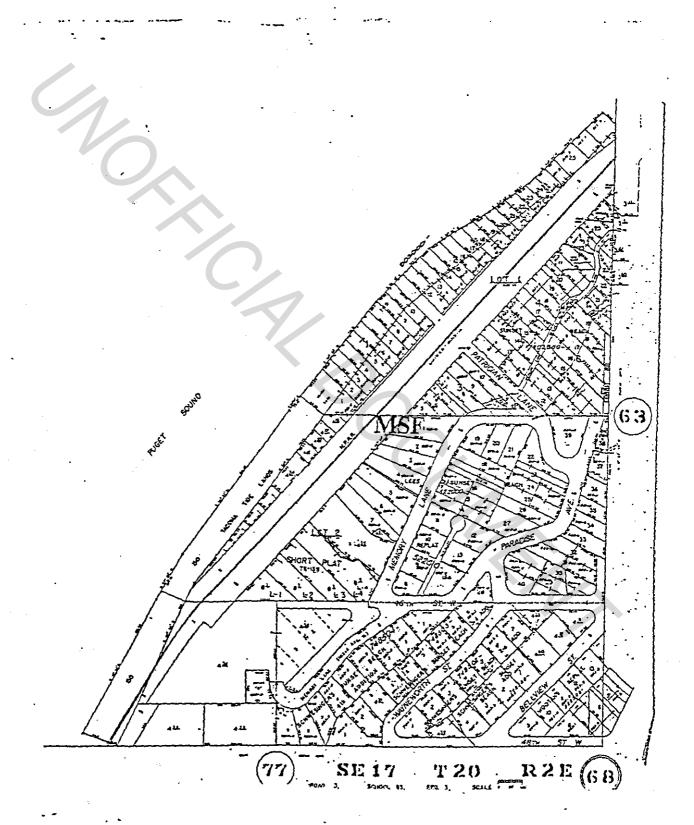
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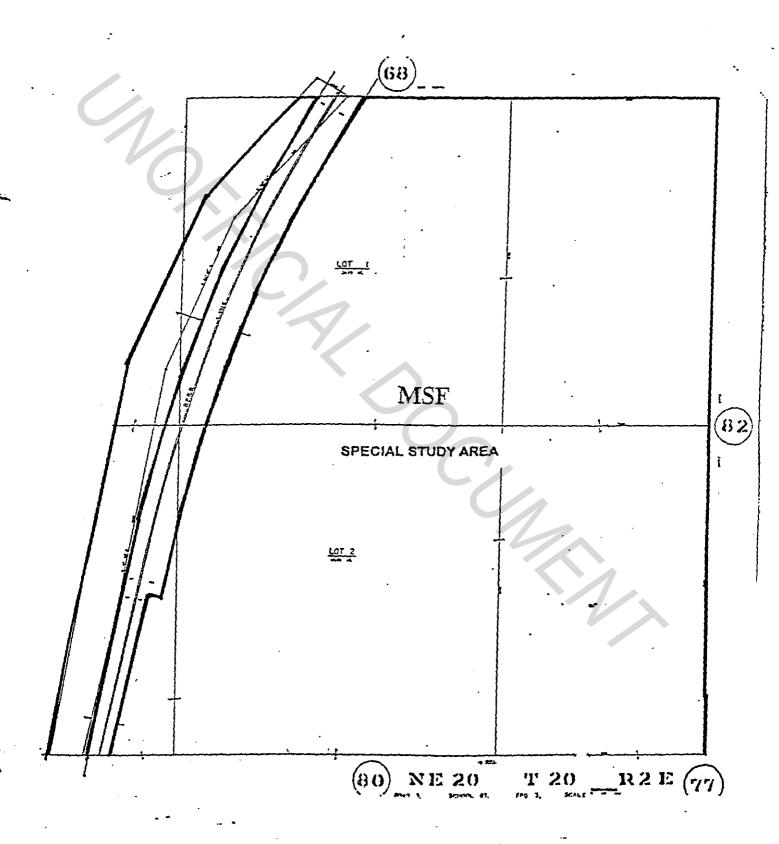




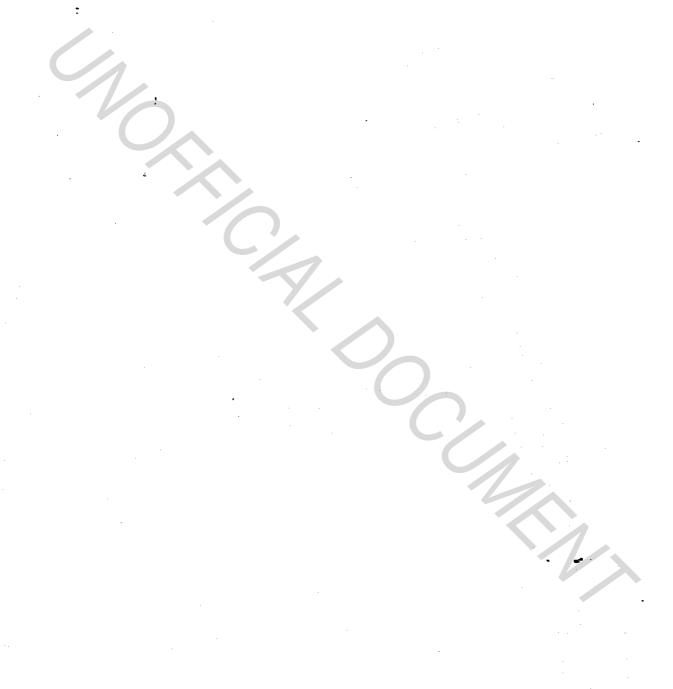


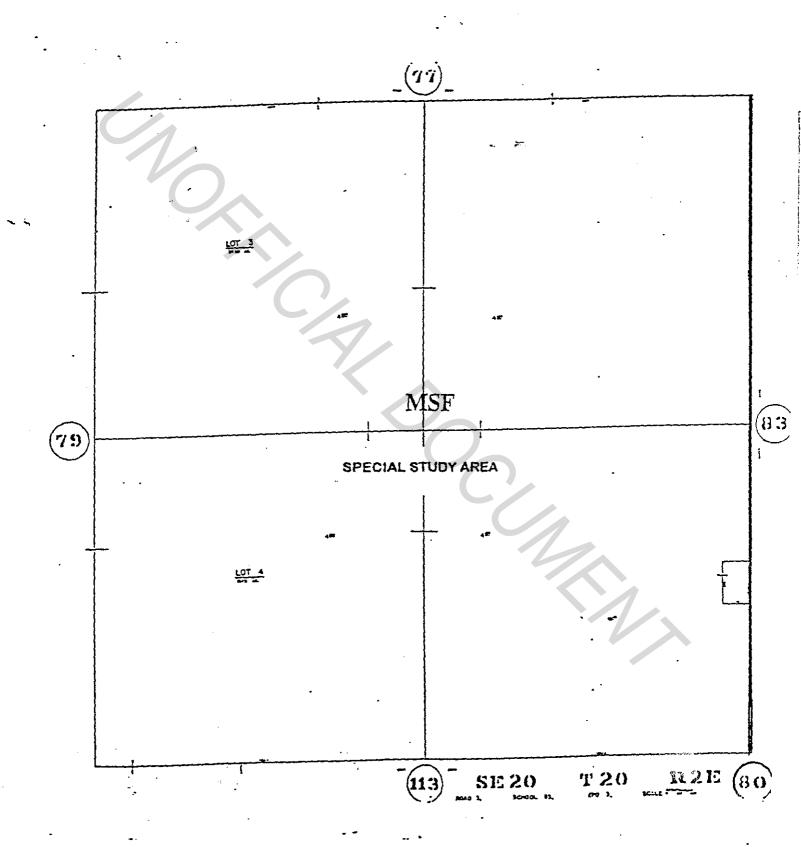


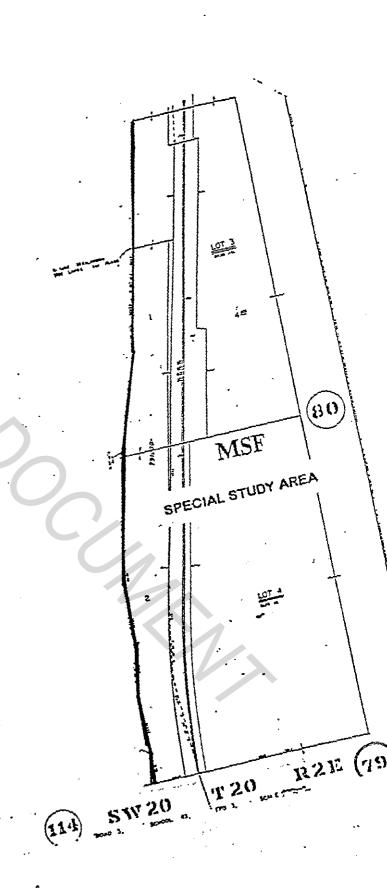




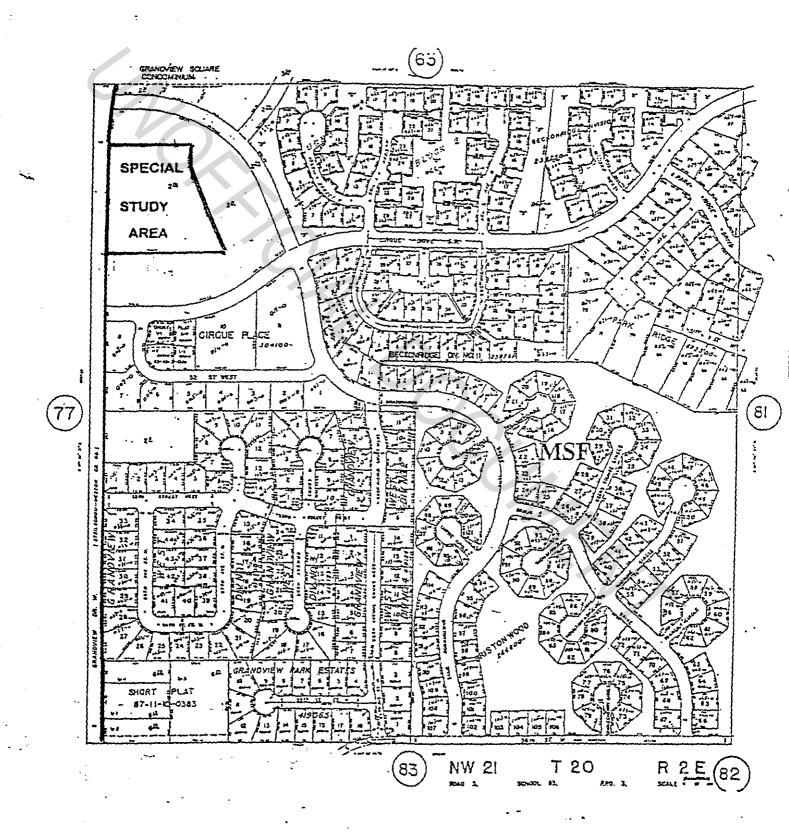
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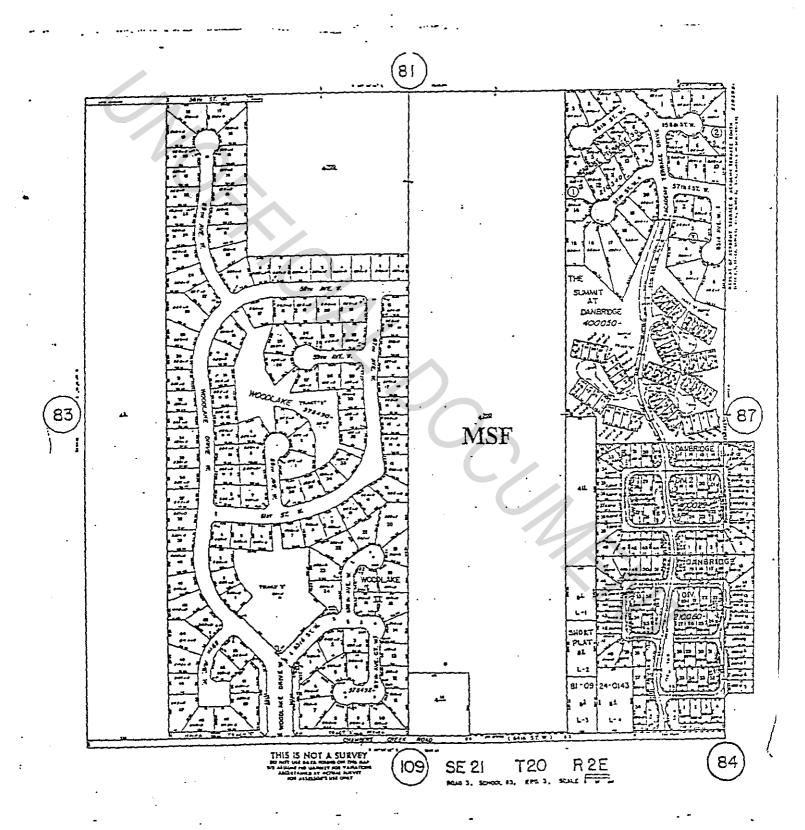




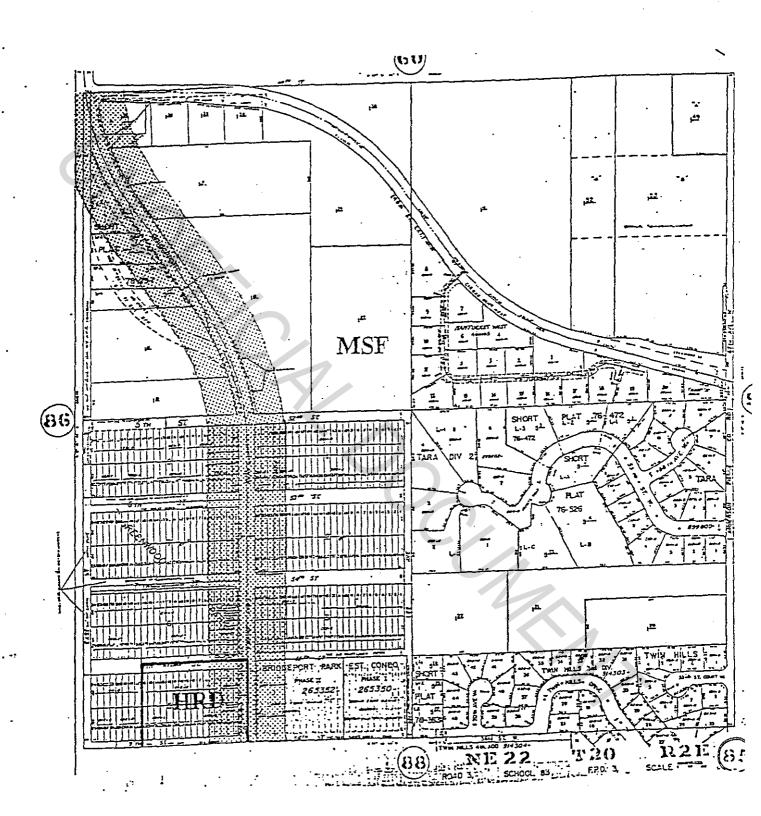


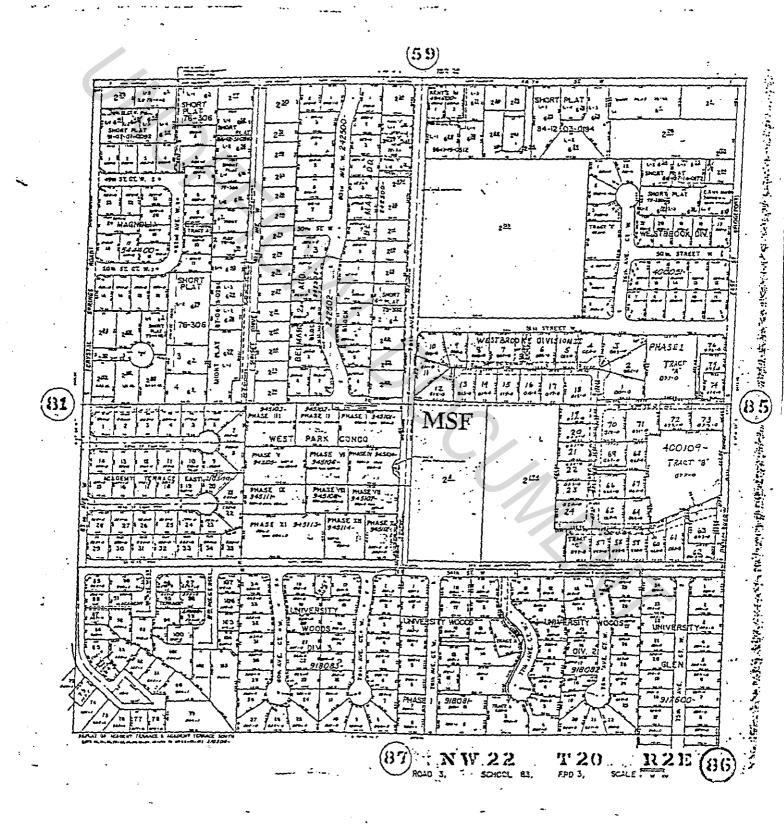
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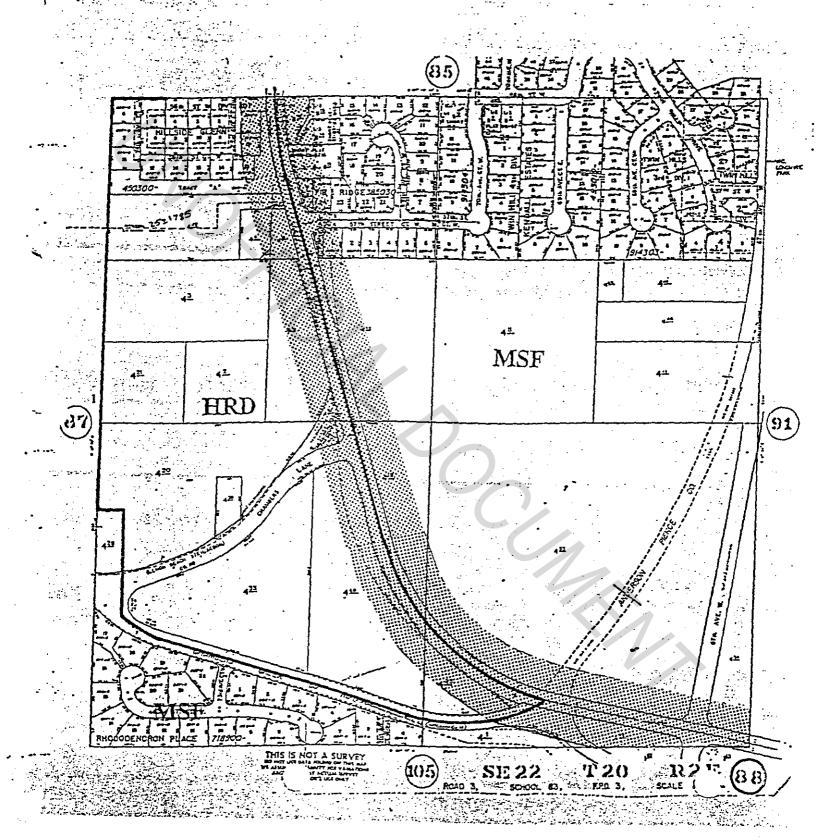


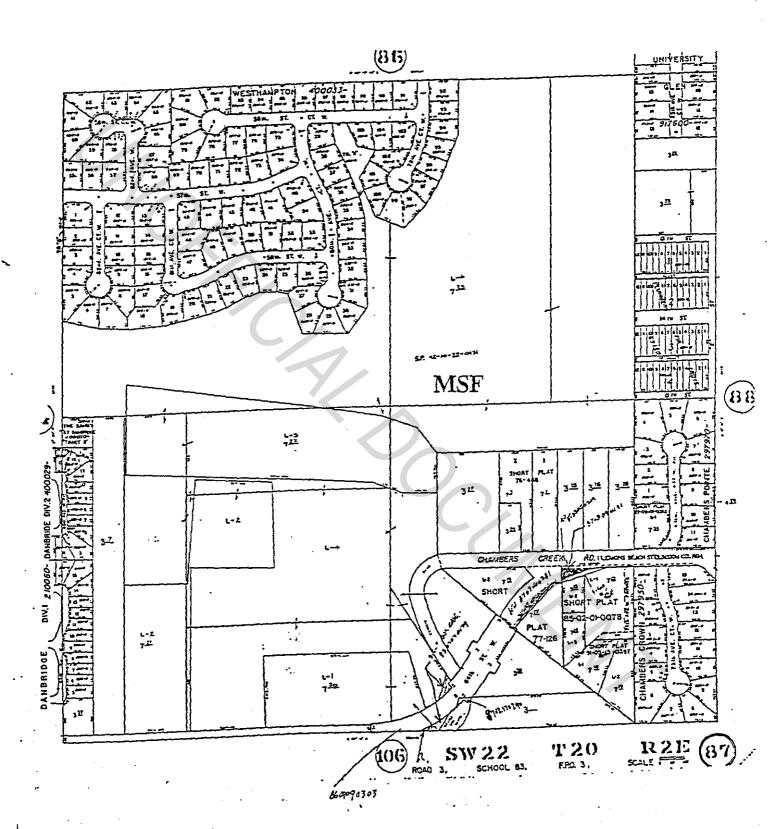


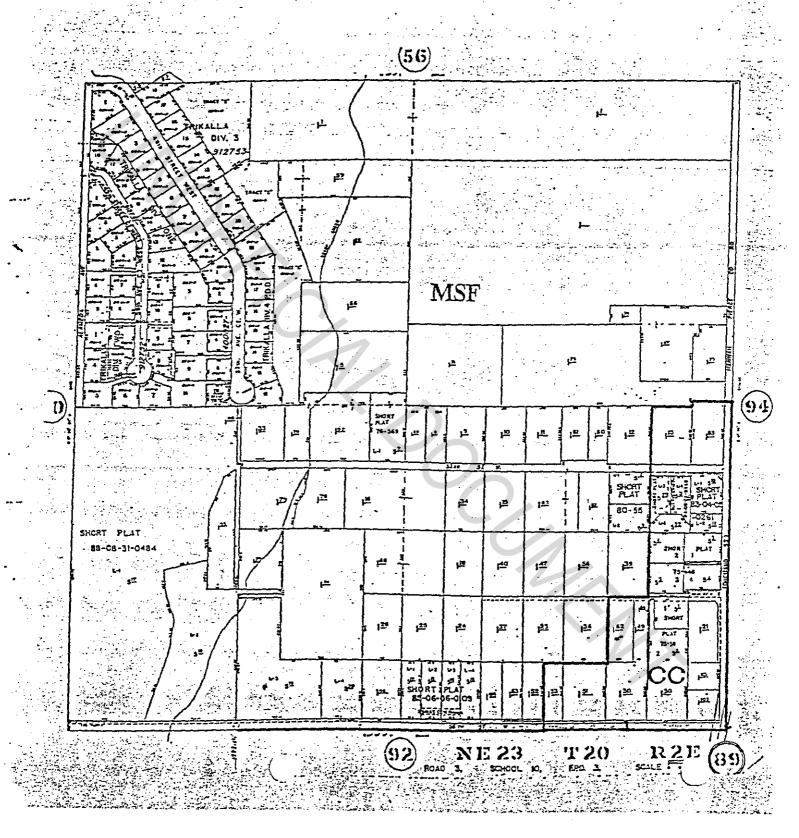
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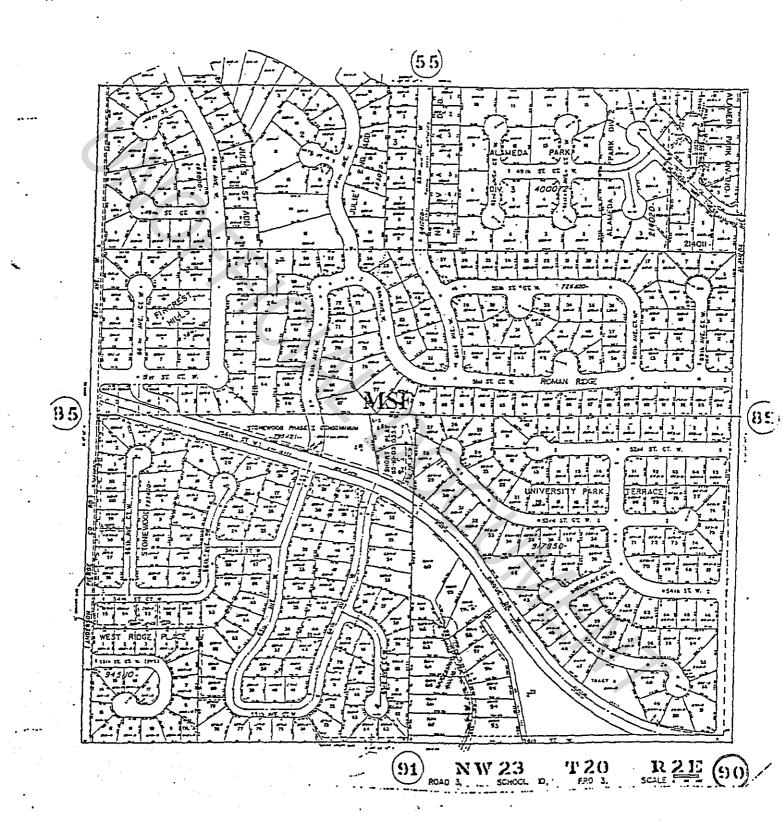


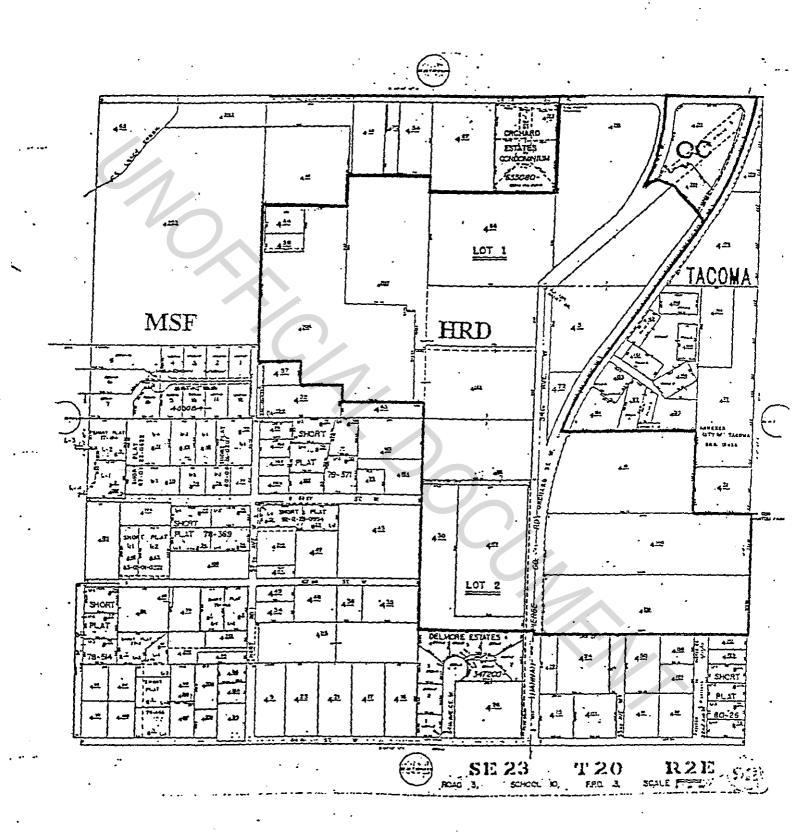


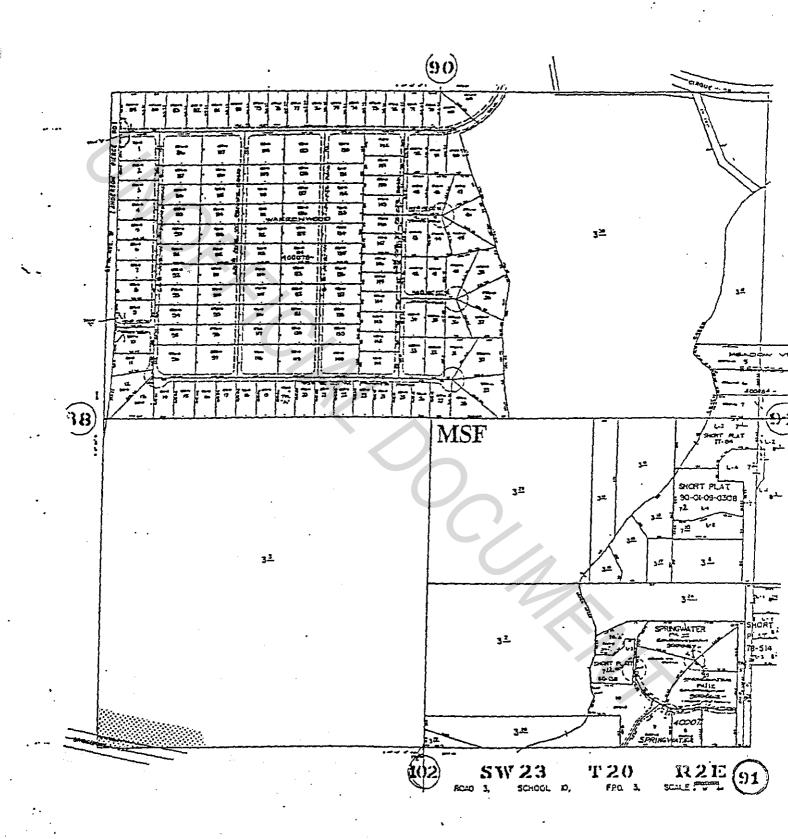


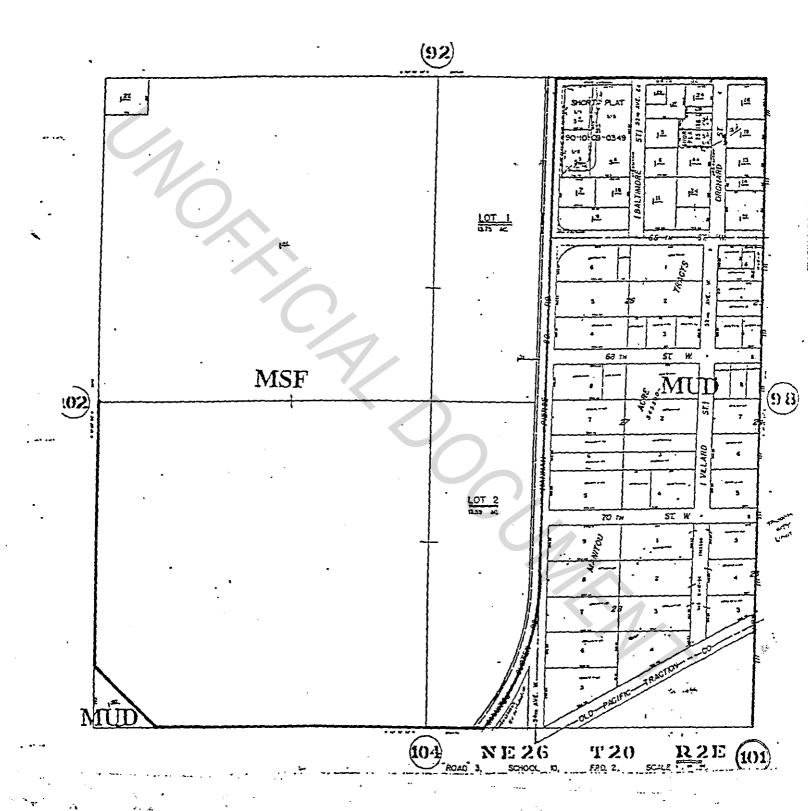


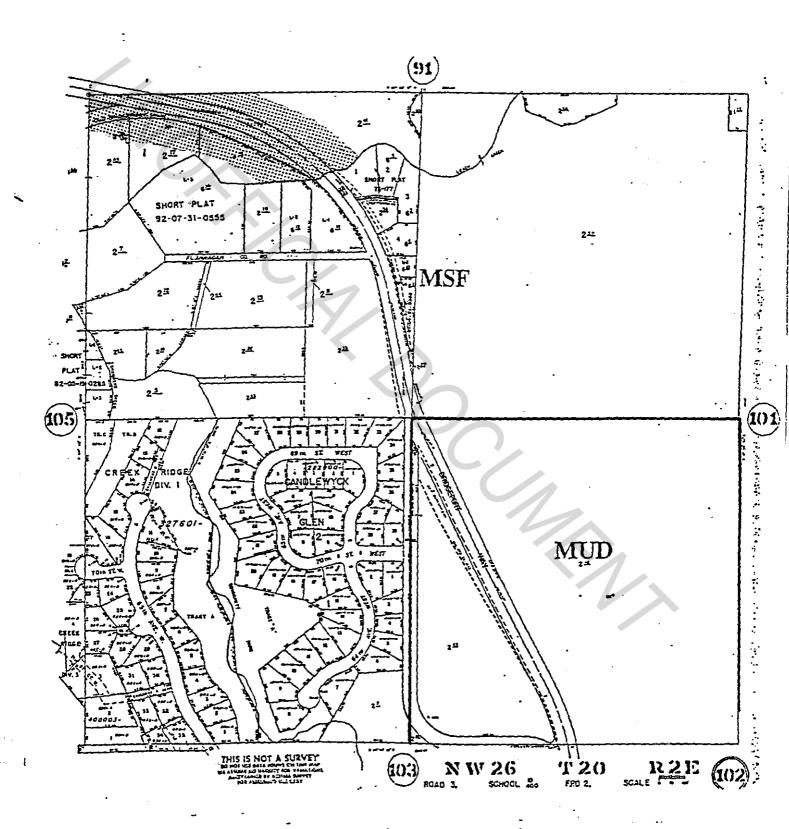


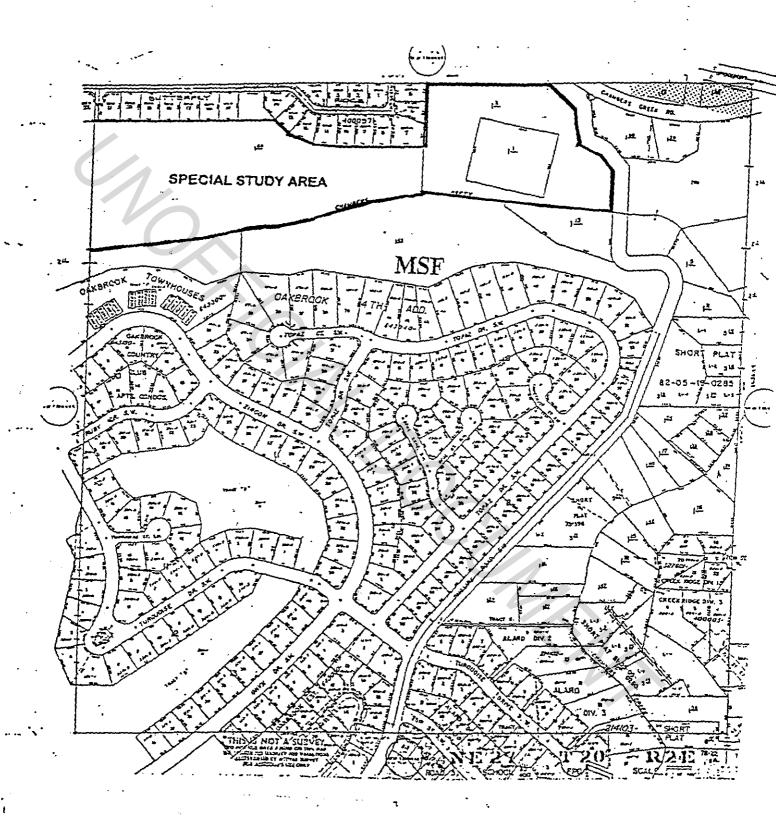


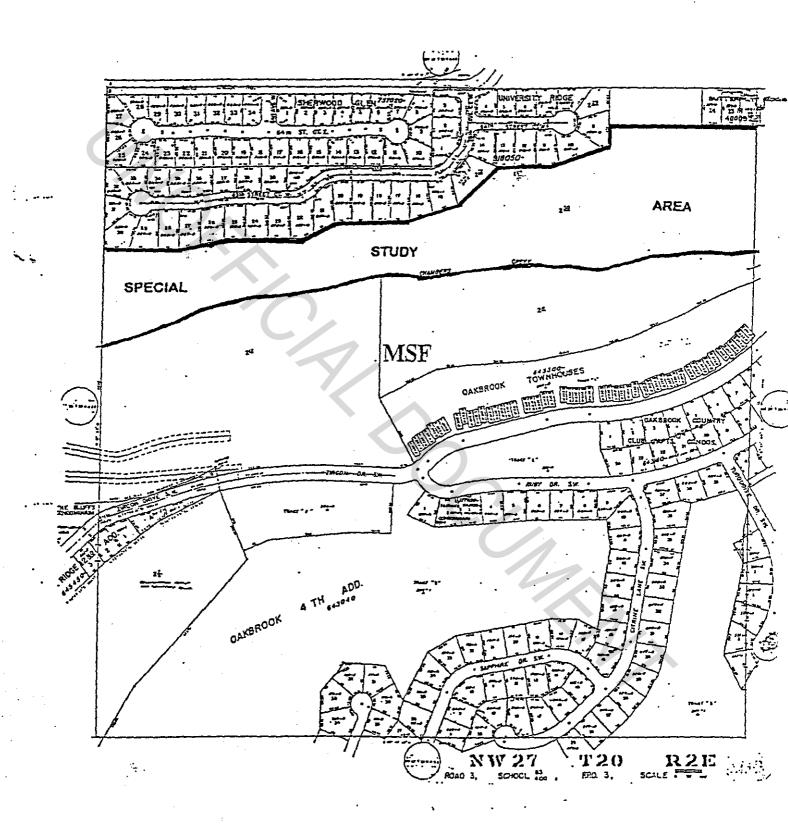


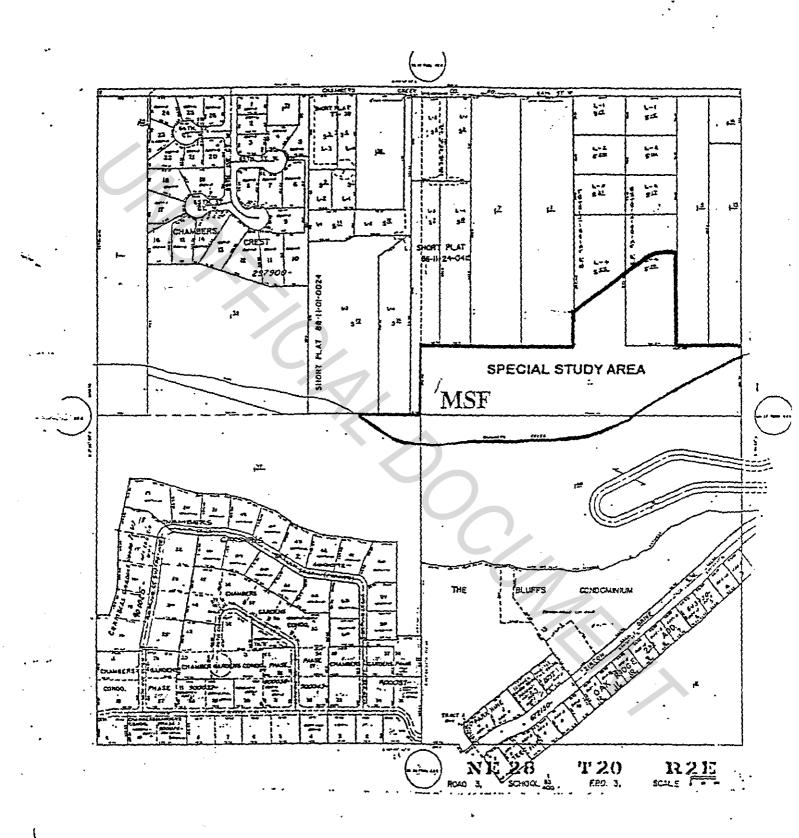


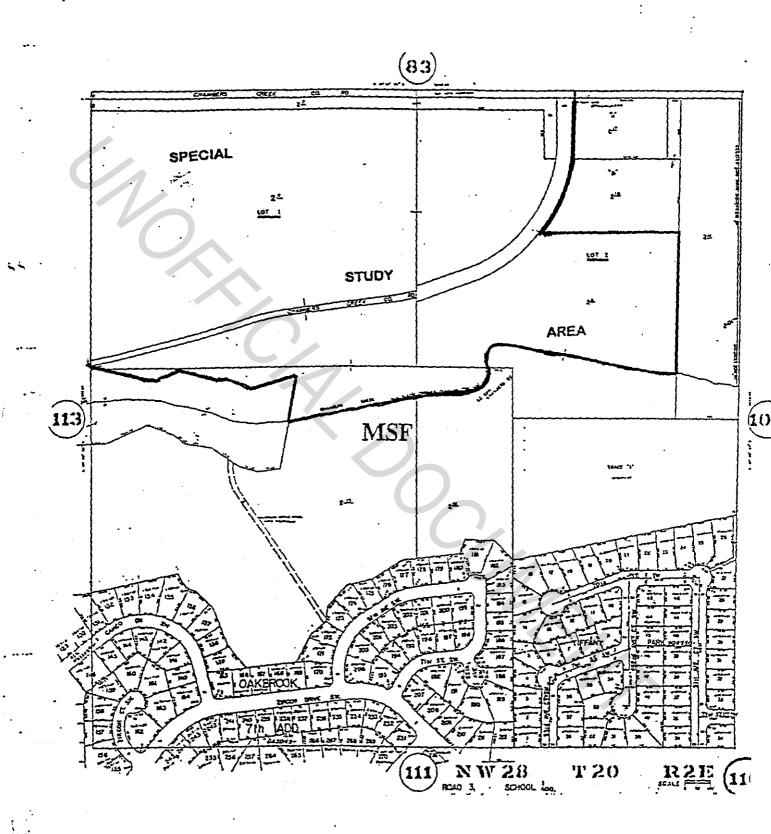


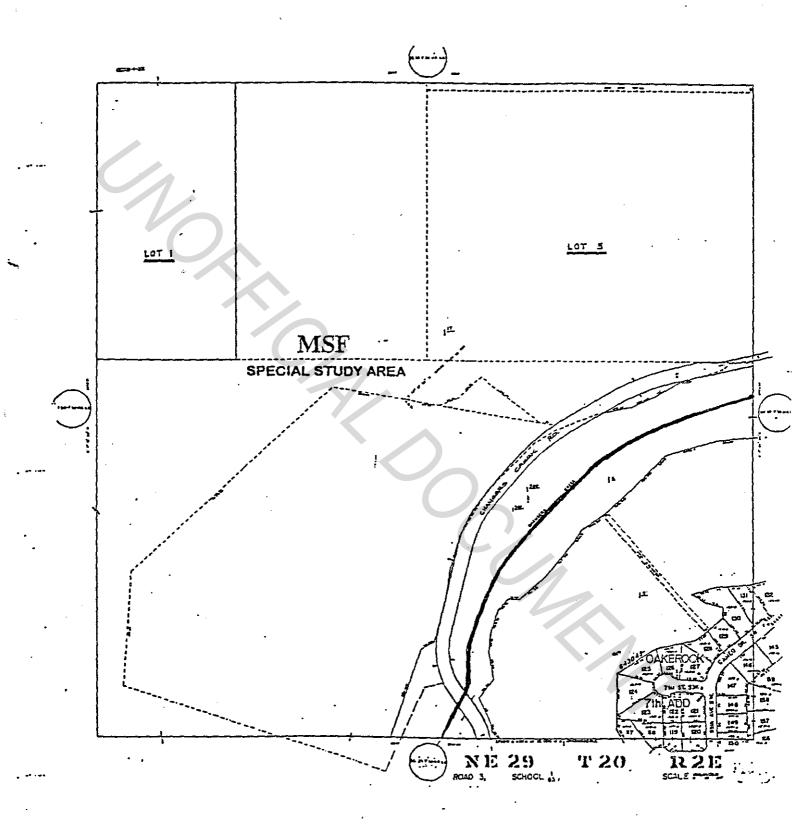


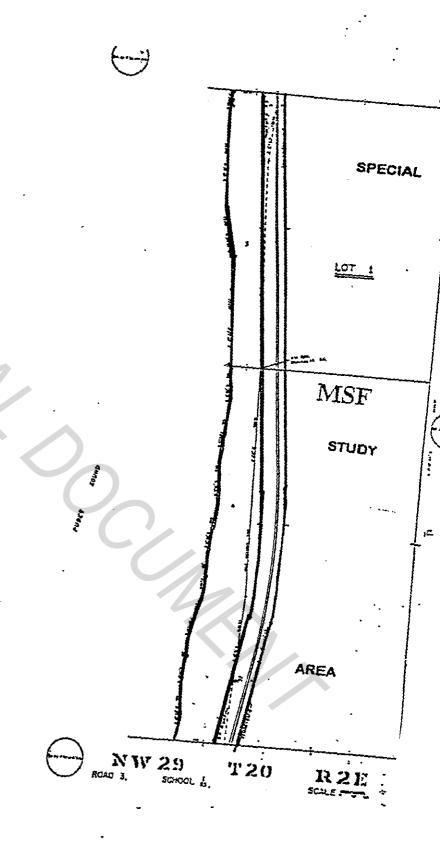


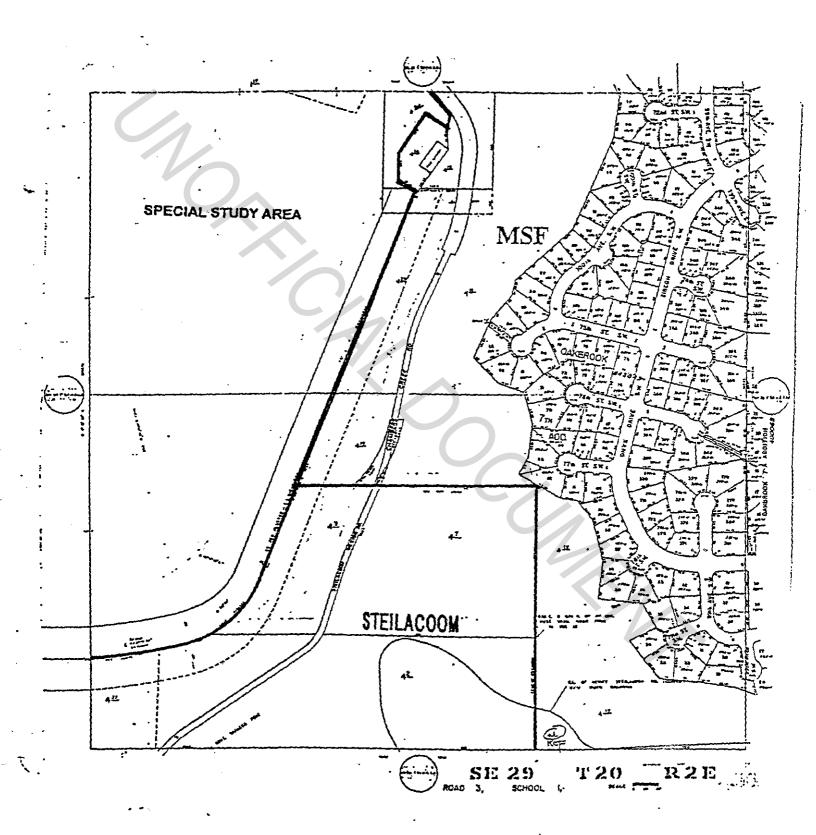


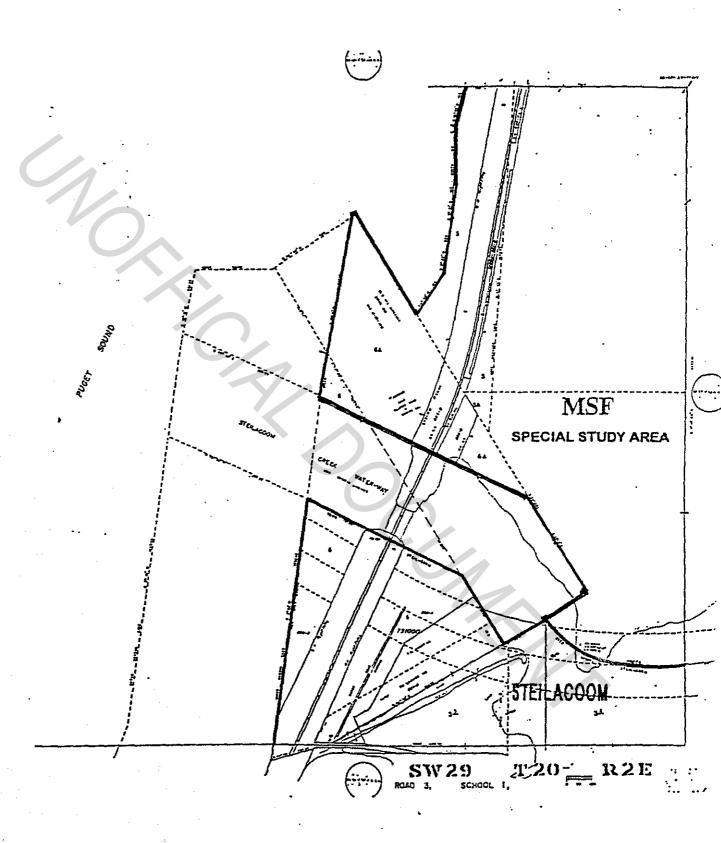


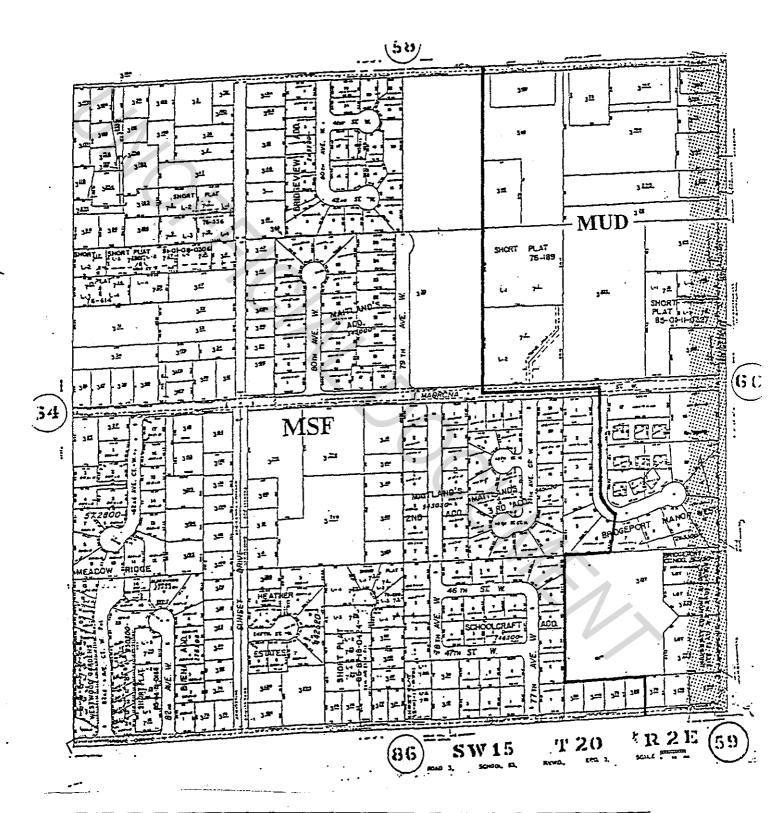






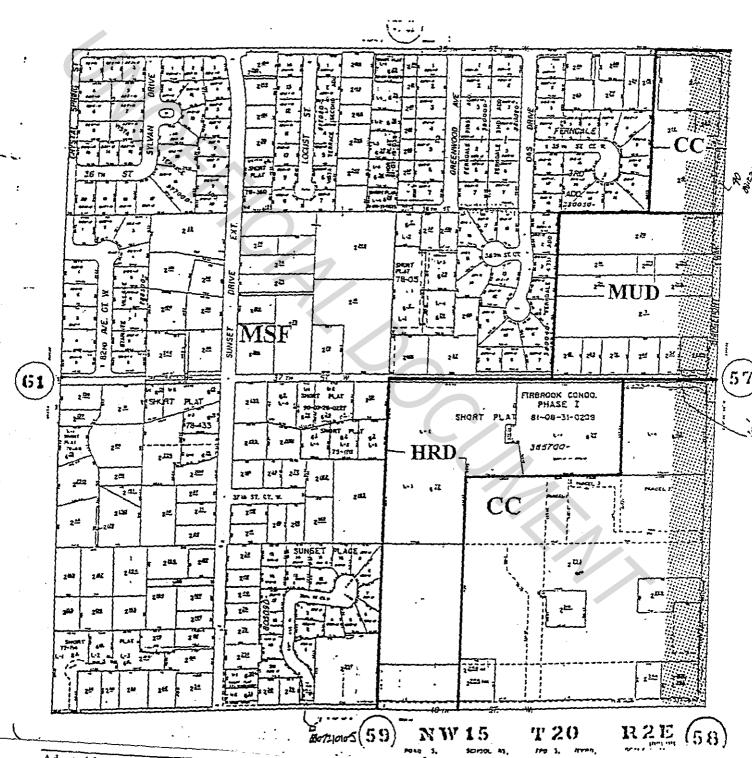






Adopted 8-28-95, Ord No. 58 Amended 1-3-96, Ord No. 79

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Adopted 8-28-95, Ord No. 58 Amended 1-3-96, Ord No. 79

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Zoning - Maps

