

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE TO ASSIST IN THE IMPLEMENTATION OF THE FORM-BASED CODE

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter "GMA") the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state;" and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, on December 7, 2020, the City Council adopted Ordinance 741 integrating the Form-Based Code into the existing Zoning Code. At the time the Form-Based Code was adopted the City recognized there may be a need to amend the Form-Based Code based on lessons learned during the first year of implementation; and

WHEREAS, on; December 6, 2021, the City Council adopted Resolution No. 965 establishing the 2022 Planning Commission Workplan including a review of the Municipal Code with recommendations following the adoption of the Form-Based Code in 2020 and its subsequent implementation; and

WHEREAS the Planning Commission held two virtual public meetings to study the Code and proposed amendments before holding a public hearing on March 2, 2022; and

WHEREAS, on March 2, 2022, the Planning Commission adopted Commission Resolution 2022-01 forwarding recommendations for zoning code amendments with supporting findings in accordance with UPMC 22.25.030(E); and

WHEREAS, on March 14, 2022, the City issued a *SEPA Determination of Non-significance* with a 14-day comment period ending on March 28 with no comments received; and

WHEREAS, on April 19, 2022, the City submitted a set of draft amendments to the Department of Commerce to initiate an expedited 14-day state agency review period and received no comments; and

WHEREAS, the City Council conducted two study sessions on the recommended amendments at meetings held on April 18, 2022 and June 21, 2022; and

WHEREAS, the City Council adopts the findings in Planning Commission Resolution and finds the proposed amendments are in the best interest of the citizens and property owners of the City;

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

Section 1. University Place Municipal Code Section 19.25.090 Amended. Section 19.25.090 of the University Place Municipal Code entitled “Commercial use category – Descriptions” is hereby amended as set forth in Exhibit “A” attached hereto.

Section 2. University Place Municipal Code Section 19.25.100 Amended. Section 19.25.100 of the University Place Municipal Code entitled “Industrial use category – Descriptions” is hereby amended as set forth in Exhibit “B” attached hereto and incorporated herein.

Section 3. University Place Municipal Code Section 19.25.110 Amended. Section 19.25.110 of the University Place Municipal Code entitled “Use Tables” is hereby amended as set forth in Exhibit “C” attached hereto and incorporated herein.

Section 4. University Place Municipal Code Section 19.54.050 Amended. Section 19.54.050 of the University Place Municipal Code entitled “Land use standards” is hereby amended as set forth in Exhibit “D” attached hereto and incorporated herein.

Section 5. University Place Municipal Code Section 19.45.110 Amended. Section 19.45.110 of the University Place Municipal Code entitled “Density and Dimension Table Notes” is hereby amended to read as follows:

19.45.110 Density and dimension table notes

(1) Base Density. These densities may be achieved outright by following the applicable development and design standards.

(2) Review Chapters 19.50 and 19.54 UPMC for additional information regarding setbacks, height, and design standards for the Mixed Use – Neighborhood, Mixed Use – Urban, Mixed Use – Urban/Industrial and Mixed Use – Center zones. Existing single-family homes and duplexes in mixed use zones are exempt from Chapters 19.50 and 19.54. Density and Dimension standards applicable in the R1 Zone shall apply to existing single-family homes and duplexes in mixed use zones.

(3) Maximum density in R1, R2 or specified overlay districts may only be achieved through approval of a small lot development designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC. Maximum density in MF-L, MF-H, MU-M, NC or MU districts may only be achieved for a multifamily project that receives Washington State Housing Finance Commission approval for a low income housing tax credit (LIHTC) and is designed in accordance with the “Design Standards and Guidelines for Small Lot and Multifamily Development” adopted pursuant to Chapter 19.53 UPMC.

(4) Side and Rear Yard Setbacks. A side or rear yard setback is not required in MU, NC, MF-L, MF-H, MU-M, MU-O, MU-N45, MU-U75, MU-U/175 or MU-C110 zones if the parcel does not abut an R1 or R2 zone. If abutting an R1 or R2 zone, a 30-foot setback is required along the abutting lot line(s), unless the subject parcel is in a transition overlay, in which case a 20-foot setback is required along the abutting lot line(s). No setback is required in the MU-M zone where the parcel abuts a railroad right-of-way.

(5) See design standards (Chapter 19.50 UPMC).

(6) Refer to underlying zone.

(7) Single-Family Attached. For two attached units the minimum lot size is the same as that of a duplex in R1 and R2 zones. In multifamily zones the minimum lot size is the same as the underlying zone.

(8) Single-family attached units shall meet all R1 setback requirements except for the common lot line where the side yard setback may be zero feet. The remaining side yard, if not attached, shall be set back eight feet.

(9) Reserved.

(10) *Repealed by Ord. 636.*

(11) Detached one-story garages may be set back a minimum of five feet providing sight distance is maintained.

(12) The front yard setback shall be the distance between the existing house and the railroad right-of-way or 20 feet, whichever is less.

(13) Reserved.

(14) Maximum height shall be limited to 45 feet on those portions of a property abutting an R1 or R2 zone.

(15) Newly created lots shall be of such shape that a circle with a diameter equal to the minimum specified lot width can fit within the boundary of the lot. Minimum lot widths for small lot developments shall be determined through the design standard review process.

(16) Minimum lot sizes for detached single-family dwelling/duplex dwelling or new lots created through a short plat or conventional preliminary plat/final plat process. Minimum lot size for small lot or multifamily developments shall be determined through the design standard review process. A legally nonconforming duplex lot existing prior to the effective date of the ordinance codified in this section may be subdivided into two attached single-family lots, one or both of which may contain less than the required lot area.

(17) Lot coverage refers to the percentage of a lot covered by buildings. For small lot developments, the lot coverage standard applies to buildings, private streets, parking lots, driveways and other impervious surfaces combined.

(18) Reserved.

(19) Setbacks for small lot developments shall be in accordance with the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC.

(20) See the "Design Standards and Guidelines for Small Lot and Multifamily Development" adopted pursuant to Chapter 19.53 UPMC for additional information regarding height limits for small lot developments.

(21) Floor area ratios for small lot development are based on the average for the entire project; FARs for individual lots may vary. See UPMC 19.45.080 for additional information concerning FAR standards.

(22) Impervious area located within 100 feet of the ordinary high water mark; may be increased from 50 to 65 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC 18.25.100.

(23) Impervious area located more than 100 feet from the ordinary high water mark; may be increased from 75 to 90 percent by restoring or enhancing the vegetation conservation area in accordance with the provisions of UPMC 18.25.100.

(24) Maximum height of a building or structure is 35 feet when located within 100 feet of the ordinary high water mark (OHWM). Height may be increased for buildings or structures located more than 100 feet from the OHWM or when located on the upland (easterly) side of 91st Avenue West, up to a range of 45 to 65 feet, when a visual impact assessment is submitted in accordance with UPMC 18.25.110(E) and the decision-maker determines that a proposal will comply with the purpose and intent of UPMC 18.25.110 regarding view protection. The 35-foot, 45-foot and 65-foot limit areas located east of 91st Avenue West are shown in Figure 11.

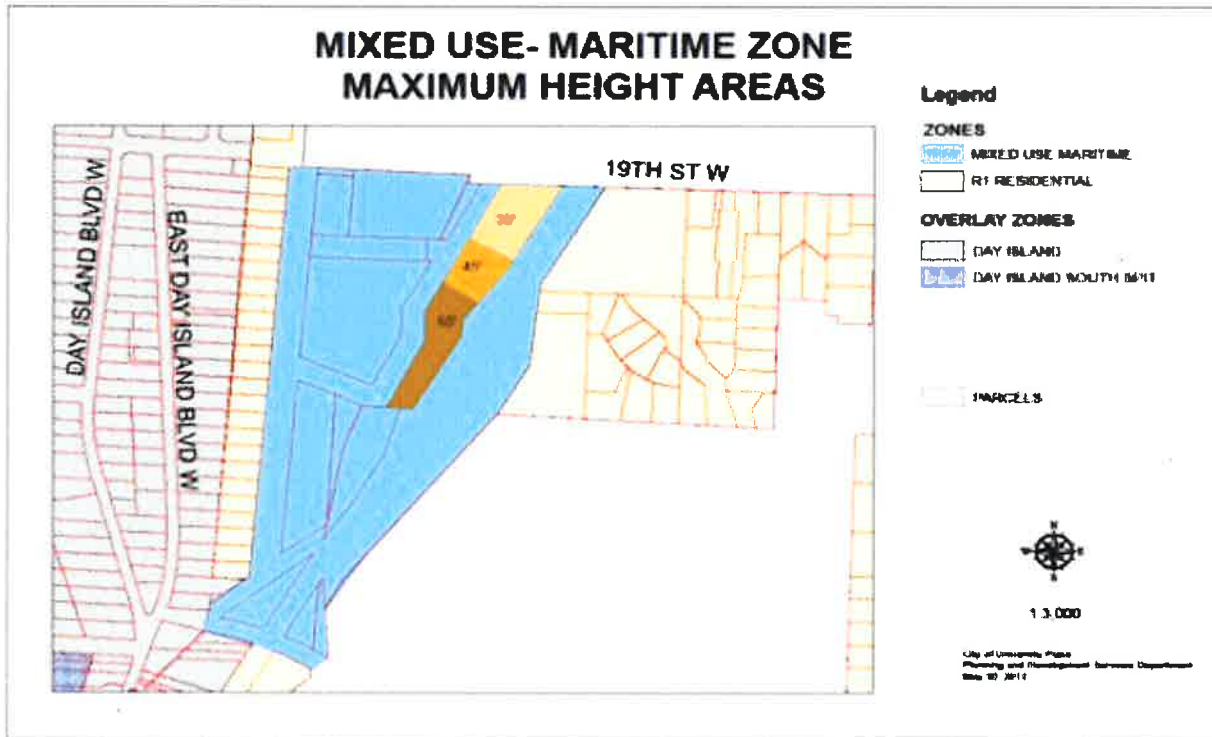


Figure 11

(25) A 35-foot rear setback measured from the ordinary high water mark is required for properties located within shoreline jurisdiction.

(26) Rear setback is measured from the ordinary high water mark.

(27) Only uses included in the Chambers Creek Properties master site plan are allowed in the Chambers Creek overlay. A maximum of 130 extended stay lodging residential units are allowed in conjunction with the resort and hotel.

Section 6. University Place Municipal Code Section 19.50.020 Amended. Section 19.50.020 of the University Place Municipal Code entitled "Authority and applications" is hereby amended to read as follows:

19.50.020 Authority and applications

A. The provisions of this chapter shall augment and/or supersede existing regulations in the University Place zoning code in all Mixed-Use zones defined in the official zoning map. The chapter provisions shall apply to and are subject to the following:

1. All new construction on vacant land requiring building or development permits.
2. Major redevelopment (as defined in Chapter 19.10 UPMC).
3. Major improvement (as defined in Chapter 19.10 UPMC).
4. When the provisions of this chapter apply, they apply to the entire property where the use is situated.
5. Renovation of an existing single-family structure for residential or commercial use is exempt from this chapter, provided no expansion of the structure occurs.
6. Standards are mandatory while guidelines are discretionary.
7. A minimum of 50 percent of a project site's building floor area at the ground floor level at storefront locations shown on the regulating plan (UPMC 19.54.040) shall be designed to accommodate commercial or other nonresidential or non-parking use(s). On Bridgeport Way between 35th Street West and 40th Street West this space shall be occupied by an allowed Commercial Use Type. Elsewhere, Residential or residential accessory uses other than parking may occupy this space, provided the space is not rendered unusable for future commercial use.
8. Any exterior alterations shall comply with these standards. When expanding the footprint of an existing building that is nonconforming with regard to its distance from the edge of a sidewalk, the building footprint shall be expanded in the direction of the sidewalk to decrease the nonconforming setback, unless it can be demonstrated this is not structurally possible.
9. When reference is made to required or recommended use, streetscape amenity landscaping or parking in the zone, refer to specific standards and/or guidelines regarding those items. For example, if landscaping is required in parking areas, refer to the landscaping section in streetscapes for specific plant and irrigation standards and guidelines.

B. All University Place Municipal Code provisions apply unless preempted by a specific standard in this title. The following UPMC provisions do not apply:

- 19.65.100, Street frontage landscaping.
- 19.65.120, Perimeter landscape buffering.*
- 19.65.270 – 19.65.320, tree preservation.
- 19.75.090(G), signs on marquees, canopies and awnings.

* Except adjacent to R1 and R2 zones.

C. The following zoning classifications are exempt from the provisions of this chapter:

1. Neighborhood Commercial;
2. Multifamily – Low;
3. Multifamily – High;
4. Residential 1;
5. Residential 2; and
6. Parks and Open Space.

D. When provisions included in these design standards conflict with the definitions in Chapter 19.10 UPMC and requirements of the University Place zoning code, these design standards shall apply unless otherwise provided. These design standards shall not supersede provisions of the zoning code regarding uses and density.

E. When provisions included in these design standards conflict with Shoreline Master Program requirements in UPMC Title 18, the Shoreline Master Program requirements shall apply.

F. The following mixed use design standards adopted by reference in this chapter shall apply to the Mixed Use – Maritime zone:

1. Pedestrian circulation.
2. Site Planning and Building Placement. Provisions relating to exterior lighting and abutting development.
3. Open space and amenities.
4. Building Design. Provisions relating to pedestrian building entries, treatment of blank walls, roof lines, rooftop equipment, and character and massing.
5. Surface Parking. Provisions relating to encouraging joint-use parking areas, parking lot landscaping and treatment of perimeter, and pedestrian circulation through parking lots.

Section 7. University Place Municipal Code Section 19.50.210 Amended. Section 19.50.210 of the University Place Municipal Code entitled “Windows” is hereby amended to read as follows:

19.50.210 Windows

Ground floor window displays add interest for shoppers and pedestrians. Upper story windows help put “eyes on the street,” creating a safer and more welcoming atmosphere.

A. Standards.

1. Upper story windows shall be designed to create shadow lines or to break up flat surfaces by recessing, projecting or trimming windows.
2. Fake and masked-off windows are prohibited.
3. A minimum of 60 percent of the ground floor facade ~~located in the storefront designated areas~~ shall be in nonreflective transparent glazing.
4. Windows shall comprise at least 40 percent of the primary upper floor facades visible from streets and at least 20 percent of other upper floor facades and should reflect a rhythm, scale, and proportion compatible with the overall building design.

Section 8. University Place Municipal Code Section 19.54.060 Amended. Section 19.54.060 of the University Place Municipal Code entitled “Building type and standards” is hereby amended to read as set forth in Exhibit “E” attached hereto.

Section 9. University Place Municipal Code Section 19.54.080 Amended. Section 19.54.080 of the University Place Municipal Code entitled “Street grid and standards” is hereby amended to read as set forth in Exhibit “F” attached hereto.

Section 10 University Place Municipal Code Section 19.60.050 Amended. Section 19.60.050 of the University Place Municipal Code entitled “Off-street parking spaces required for particular uses” is hereby amended to read as set forth in Exhibit “G” attached hereto.

Section 11. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 12. Effective Date. Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON AUGUST 1, 2022.


Steve Worthington, Mayor

ATTEST:


Debora Nicholes, Deputy City Clerk

APPROVED AS TO FORM:


Matthew S. Kaser, City Attorney

Date of Publication: 08/04/22

Effective Date: 08/09/22