

ORDINANCE NO. 646

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19.45 OF THE UNIVERSITY PLACE MUNICIPAL CODE, ZONING CODE, ADDING A PROVISION TO ALLOW THE AREAS OF EASEMENTS DEDICATED TO THE CITY FOR PUBLIC RIGHT-OF-WAY TO BE USED IN DENSITY CALCULATIONS

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000, August 4, 2003, December 6, 2004, and February 2012; and

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan; and

WHEREAS, on February 26, 2001 the City Council amended the Zoning Code to include a setback exception for easements provided to the City for public right-of-way purposes and intended to provide a similar density exception; and

WHEREAS, the University Place City Council held a study session on November 17, 2014 to discuss a proposed amendment to add a density exception for areas that are provided to the City by way of easement for right-of-way; and

WHEREAS, the City of University Place requested expedited review pursuant to RCW 36.70A and received confirmation on November 20, 2014; and

WHEREAS, the City's SEPA Official has determined that the proposed text amendment will have no substantive effect on the environment and is therefore exempt from SEPA pursuant to WAC197-11-800(19)(b); and

WHEREAS, a Notice of the Public Hearing was published in the Tacoma News Tribune; and

WHEREAS, the University Place City Council and Planning Commission held a joint public hearing on December 1, 2014 to take public testimony and discuss proposed amendments; and

WHEREAS, the University Place City Council finds the amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; the proposed amendments are in the best interest of the residents of the City; the proposed amendments enhance the public health, safety, comfort, convenience, or general welfare; and the proposed amendment will not be materially detrimental to uses on the Chambers Creek Properties or in the vicinity;

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

Section 1. Incorporation. The recitals are hereby incorporated herein as if set forth in full.

Section 2. Title 19 Zoning. University Place Municipal Code Section 19.45.040 Density is hereby amended as shown in Exhibit "A" attached.

Section 3. Copy to be Available. One copy of this Ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

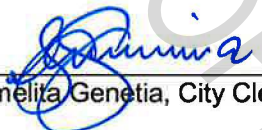
Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 1, 2014.



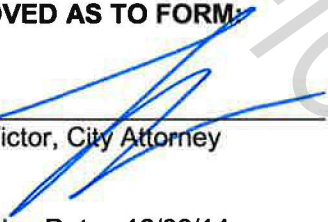
Denise McCluskey, Mayor

ATTEST:



Emelita Genetia, City Clerk

APPROVED AS TO FORM:



Steve Victor, City Attorney

Publication Date: 12/03/14
Effective Date: 12/08/14

Exhibit A

19.45.030 Density standards.

A. 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 as, but not limited to, wetlands, floodways, steep slopes, and streets (except as provided in Chapter [17.35](#) UPMC and B. below), lands below the ordinary high water mark, and lands set aside (by dedication or easement) for public or private streets (not including alleys). Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage. (See also Chapter [19.10](#) UPMC, Definitions, "Density.") When calculating density, no rounding is used.

B. Where the City has acquired easements for right-of-way purposes, the area of the easement may be used in a density calculation to determine the number of dwelling units allowed.