ORDINANCE NO. 18-0535

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DENSITY AND ROUNDED CALCULATIONS IN SINGLE FAMILY ZONES, ELIMINATING THE MINIMUM LOT SIZES IN SINGLE FAMILY ZONES WITH COMMUNITY ON-SITE SYSTEMS, AMENDING THE STANDARDS FOR RESIDENTIAL CLUSTER DEVELOPMENTS IN VARIOUS ZONING DISTRICTS, AND AMENDING EDGEWOOD MUNICIPAL CODE (EMC) SECTIONS 18.50.035, 18.80.040, AND 18.90.040; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Edgewood Municipal Code (EMC) Title 18 – Development Standards, regulates development standards in the City of Edgewood; and

WHEREAS, the City Council approved Ordinance 06-0278 and Ordinance 07-0287 to allow clustering of development in Residential Cluster Developments (RCD) to protect environmentally sensitive areas and create and preserve open space; and

WHEREAS, the RCD ordinance did not initially allow cluster developments in the Single-Family Low (SF2) and Single-Family Moderate (SF3) zoning districts; and

WHEREAS, the City desires to allow RCD developments in all single-family zones as long as the cluster development meets the same density requirements as all other development in that zone; and

WHEREAS, the City desires to eliminate the minimum developable lot sizes with community on-site septic system in single family zones and to require that the net buildable area for RCD or any other development shall conform to the standard minimum lot size requirements for all new residential construction in Edgewood; and

WHEREAS, the City of Edgewood established minimum and maximum density requirements for each zoning district established in EMC Title 18; and

WHEREAS, the Council wishes to clarify that no administrative approval, rounding interpretation, or other manipulative calculation is permissible to circumvent the established minimum and maximum density requirements established in EMC Title 18; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a determination of Non-Significance ("DNS") was issued on the 29th day of October, 2018; and
WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent on October 23, 2018 to the State of Washington Department of Commerce and other state agencies to allow for a 60-day review and comment period, which ended prior to adoption of this ordinance; and

WHEREAS, the Planning Commission held a Public Hearing to receive public testimony regarding the proposed code amendment at their October 8, 2018 meeting; and

WHEREAS, after the public hearing, the Planning Commission considered the evaluation criteria in EMC 18.60.220 for text amendments and voted 5-0 to recommend approval of the proposed code amendments; and

WHEREAS, the City Council considered this ordinance and the Planning Commission’s recommendation during its regular City Council meeting of November 27, 2018; and

WHEREAS, the City Council finds that the proposed regulations satisfy the criteria in EMC 18.60.220 for text amendments;

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

Section 1. Edgewood Municipal Code (EMC) Section 18.50.035 is hereby amended to read as follows:

18.50.035 - Residential Cluster Development.

* * *

B. General Provisions.

1. A RCD may be approved for development containing residential uses located within the Single-Family Low (SF2); Single-Family Moderate (SF3); Single-Family High Five (SF5), Mixed Residential (MR1 and MR2), Mixed Use Residential (MUR), Commercial (C), and Town Center (TC) zoning districts.

2. The city or the owner of the subject land, or their authorized agent may initiate an application for a RCD.

3. The appropriate fee prescribed in Chapter 3.35 EMC shall accompany an application for a RCD.

4. A RCD application shall be submitted and reviewed pursuant to the requirements and procedures set forth in Chapter 18.40 EMC for a Process III hearing examiner action.
5. All principal and accessory uses authorized by the applicable zoning district shall be allowed within a RCD, subject to the following:

   a. Use/uses included in the RCD approval shall be exempt from requirements to obtain an administrative use permit or conditional use permit; and

   b. The exemption from the requirement for an administrative use permit or conditional use permit shall not prevent the hearing examiner from imposing conditions on specific uses within the RCD as a condition for approving the RCD; and

   c. Approval of a RCD shall not be construed as authorizing any primary or accessory use not allowed by the underlying zoning district.

6. If two or more zoning districts are located within the boundaries of the RCD, the following shall apply in determining the development that may be allowed:

   a. The portion of land in each zoning district shall be subject to the uses, density and development standards applicable to the underlying zoning district in which that portion of land is located; and

   b. The total development allowed within the RCD shall be the sum of development allowed for each portion of land located within each zoning district; and

   c. Use/uses included in the RCD approval may be located anywhere within the boundaries of the RCD and shall not be dependent on the boundaries of the underlying zoning district, unless the location of the use would adversely affect adjacent properties.

7. Scope of Approval.

   a. Approval of a RCD constitutes an overlay to the zoning district. Modifications to any provisions for minimum lot size, setbacks, number of stories, maximum square footage of the floor space and/or building footprints for residential uses, lot coverage and impervious surface coverage may be granted at the discretion of the approving authority.

   b. Approval of a RCD shall govern the design of the site to only those designs and standards that are specifically included as set forth in the approved site plan, and the underlying zoning district standards shall apply to all present and future uses not specifically addressed in the approved site plan.
C. Density and Dimensional Standards.

1. The maximum density of the underlying zoning district shall apply. Density is based on the net buildable area as prescribed in EMC 18.90.040.

2. The modifications to development standards allowed pursuant to subsection (B)(7)(a) of this section shall be subject to the following limitations:

a. The maximum building height shall be the same as that set forth in the underlying zoning district where the building is located and the provision in subsection (B)(6)(c) of this section shall not apply.

b. Each lot shall have a minimum net buildable area in accordance with EMC Section 18.80.040.E.2 or the following Table 1.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Land Use Type</th>
<th>Net Buildable Area (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF-5/MR-1</td>
<td>Single-Family Detached</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>All Other Allowed Uses</td>
<td>3,000</td>
</tr>
<tr>
<td>MR-2</td>
<td>All Allowed Uses</td>
<td>3,000</td>
</tr>
<tr>
<td>MUR</td>
<td>Single-Family Detached</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>All Other Allowed Uses</td>
<td>2,000</td>
</tr>
<tr>
<td>TC</td>
<td>All Allowed Uses</td>
<td>None</td>
</tr>
<tr>
<td>C</td>
<td>All Allowed Uses</td>
<td>None</td>
</tr>
</tbody>
</table>

c. The following development standards shall be applied to the entire RCD rather than to individual lots:

i. Maximum impervious surface (not to include surface areas for roads, sidewalks, bicycle and pedestrian pathways, utilities such as stormwater and sewers, and similar infrastructure); and

ii. Maximum lot coverage (not to include structures that house utilities and similar infrastructure); and

iii. The minimum number of required off-street parking spaces.

d. The setbacks of the underlying zoning district shall apply to the perimeter of the RCD, except when adjacent to single-family
zoned property where the minimum setback shall be 25 feet from all property lines abutting the single-family zoning district.

e. Buildings containing residential uses shall maintain a minimum 10-foot distance separation between the buildings as measured from the outdoor side of the exterior walls.

Section 2. Edgewood Municipal Code Section 18.80.040.E.2 is hereby amended to read as follows:

18.80.040 - Single-Family Residential zoning districts.

* * *

E. In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Single-Family zoning districts:

1. The density for the Single-Family zoning districts is the number of dwelling units allowed per net buildable acre (dua) and shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. SF-2</td>
<td>2 dua</td>
<td>1 dua</td>
</tr>
<tr>
<td>b. SF-3</td>
<td>3 dua</td>
<td>1 dua</td>
</tr>
<tr>
<td>c. SF-5</td>
<td>5 dua</td>
<td>2.5 dua</td>
</tr>
</tbody>
</table>

2. Lot Size. The minimum net developable lot sizes for the Single-Family zoning districts shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum</th>
<th>Minimum-with Community-On-Site System</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. SF-2</td>
<td>18,500 square feet</td>
<td>12,950 square-feet</td>
</tr>
<tr>
<td>b. SF-3</td>
<td>12,500 square feet</td>
<td>8,750 square-feet</td>
</tr>
<tr>
<td>c. SF-5</td>
<td>6,500 square feet</td>
<td>4,450 square-feet</td>
</tr>
</tbody>
</table>

* * *

Section 3. Edgewood Municipal Code Section 18.90.040 is hereby revised to read as follows:

18.90.040 - Density standards.

A. Gross area is the total area of the lot (see Figure 1 below).

B. The developable area is the area of a lot remaining after public and/or private rights-of-way and critical area/buffers are subtracted from the gross area (see Figure 2 below).
C. The maximum density for Single-Family zoning districts (SF-2, SF-3 and SF-5) is the maximum number of dwelling units allowed per net developable area of an acre, and is expressed as a ratio, i.e., one dwelling unit per net developable acre. Accessory dwelling units shall be excluded from the maximum number of allowable dwelling units. The minimum lot size does not determine maximum density.

D. The maximum density for all other zoning districts shall be based on the gross area minus any critical areas and associated buffers.

E. Density standards for the Single-Family Residential zoning districts shall fall within the ranges stated in EMC 18.80.040.E.1.
Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

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

ADOPTED BY THE CITY COUNCIL ON THE 27TH DAY OF NOVEMBER, 2018.

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, CITY ATTORNEY

Date of Publication: November 29, 2018
Effective Date: December 4, 2018