ORDINANCE NO. 18-0536

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW REQUIREMENTS FOR ATTACHED ACCESSORY DWELLING UNITS AMENDING EDGEWOOD MUNICIPAL CODE (EMC) SECTION 18.90.190; 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 16-0469 to add EMC Section 18.90.190 – Accessory Dwelling Units to establish development standards regulating Accessory Dwelling Units (ADU); and

WHEREAS, Ordinance 16-0469 did not contain specific criteria that must be present to identify an attached ADU regulated under EMC Section 18.90.190 versus an edition or expansion of a single-family dwelling that does not trigger compliance with EMC Section 18.90.190; and

WHEREAS, without specific criteria for an attached ADU of this type, the City of Edgewood may limit development potential on property such as by classifying home improvements as accessory dwellings and impacting pervious lot coverage calculations that require additional parking; and

WHEREAS, the City’s SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC Section 197-11-800(19) because it is a “text amendment resulting in no substantive changes respecting use and modification of the environment”; 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 for text amendments in EMC 18.60.220 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;

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

Section 1. EMC Section 18.90.190.C shall be amended to read as follows:

18.90.190 - Accessory dwelling units.

* * *

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. ADUs shall not be counted in site net density calculations pursuant to EMC 18.90.040.

2. Type of Unit. An ADU shall be permitted as a second dwelling unit either attached to, or detached from, the primary residence.

3. Size. An ADU shall be no greater than 1,200 square feet (net square feet including only livable space) or 80 percent of primary residence size, whichever is less.

4. Design. Each ADU shall be architecturally consistent with the primary dwelling unit on site in the following ways:

   a. Exterior finish materials shall visually match in color, texture, type, size and placement, the exterior finish materials of the primary dwelling.

   b. The roof style shall match the predominant roof style of the primary dwelling.

   c. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side, or rear yard setback. An exception to the required rear and side yard setback shall be allowed if the rear yard abuts an alley.

   d. For detached ADUs, the building height of the ADU shall not be greater than the principal dwelling’s building height.

   e. An ADU shall have a permanent foundation.
f. An attached ADU must utilize a private entrance; contain a bath, kitchen and sleeping quarters; and provide fire separation from the main unit.

5. Utilities. The landowner shall be responsible for obtaining all necessary utility service for an ADU, including without limitation, water, sewer, electric, and phone service, in accordance with applicable rules, regulations, and policies.

6. Parking. One off-street parking space shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to EMC 18.90.130, Parking.

***

Section 2. 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 3. 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