ORDINANCE NO. 16-0463

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
EDGECWOOD, WASHINGTON, AMENDING CHAPTER 18.20 EMC
DEFINITIONS, CHAPTER 18.70 EMC LAND USE TYPES AND LEVELS,
AND CHAPTER 18.100 DEVELOPMENT STANDARDS—USE SPECIFIC;
ADOPTING DEFINITIONS AND REGULATORY STANDARDS FOR
ELECTRIC VEHICLE INFRASTRUCTURE; UPDATING THE CITY’S
REGULATIONS GOVERNING DAYCARE FACILITIES; SETTING
FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Growth Management Act requires the City of
Edgewood to periodically review and update the City’s development regulations consistent with
changes made by the State Department of Commerce and State law; and

WHEREAS, the City of Edgewood Planning Commission discussed the amendments
contained in this ordinance at the September 21, 2015 regular Planning Commission meeting and
formally recommended approval thereof; and

WHEREAS, a 60-day Notice of Intent to Adopt was sent to the Washington State
Department of Commerce on September 16, 2015 pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of
Nonsignificance (DNS) was issued for the amendments on September 15, 2015; and

WHEREAS, the Edgewood Planning Commission conducted a public hearing regarding
the amendments on October 5, 2015 to take comments from interested parties; and

WHEREAS, the amendments do not modify any development standards or requirements
beyond updating references to reflect various requirements of the Growth Management Act and
various updates to State Law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGECWOOD,
WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Findings. The above recitals, together with the content of Agenda Bill No. 16-0463, are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A. The code amendments set forth herein bear a substantial relation to the public health, safety and welfare.

B. The code amendments set forth herein are in the best interest of City of Edgewood residents.

C. The code amendments set forth herein satisfy all relevant criteria for approval and adoption, including but not limited to the standards codified in Title 18 EMC.

D. The code amendments set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements, including but not limited to the requirements codified in Title 18 EMC and Chapter 36.70A RCW.

E. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.

Section 2. Amendment of EMC 18.20.050. Section 18.20.050 of the Edgewood Municipal Code is hereby amended by the addition of a new definition for “battery charging station” to provide in its entirety as follows:

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Section 3. Amendment of EMC 18.20.080. Section 18.20.080 of the Edgewood Municipal Code is hereby amended by the addition of a new definition for “electric vehicle infrastructure” to provide in its entirety as follows:

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
Section 4. Amendment of EMC 18.20.210. Section 18.20.210 of the Edgewood Municipal Code is hereby amended by the addition of a new definition for "rapid charging station" to provide in its entirety as follows:

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Section 5. Amendment of EMC 18.70.120. Section 18.70.120 of the Edgewood Municipal Code is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 6. Amendment of EMC 18.100.040. Section 18.100.040 of the Edgewood Municipal Code is hereby amended to provide in its entirety as contained in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full.

Section 7. Purpose; Intent. The purpose of this ordinance is to ensure that the City’s codes accurately reflect the mandated updates associated with the Growth Management Act and other legislative amendments to applicable State law.

Section 8. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the Washington State Department of Commerce, Growth Management Services.

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should 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 10. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Mayor, Daryl Dinger
ATTEST/AUTHENTICATED:

Jane Montgomery  
Acting City Clerk, Jane Montgomery, CMC

APPROVED AS TO FORM:

Zach Lell  
City Attorney, Zach Lell

Date of Publication:  April 28, 2016
Effective Date:  May 3, 2016
CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA 98371
(253) 952-3299
Fax: (253) 952-3537

LEGAL NOTICE

Date: April 27, 2016

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 26th day of April, 2016, and shall take effect and be in full force on the 3rd day of May, 2016.

ORDINANCE NO. 16-0463

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 18.20 EMC DEFINITIONS, CHAPTER 18.70 EMC LAND USE TYPES AND LEVELS, AND CHAPTER 18.100 DEVELOPMENT STANDARDS—USE SPECIFIC; ADOPTING DEFINITIONS AND REGULATORY STANDARDS FOR ELECTRIC VEHICLE INFRASTRUCTURE; UPDATING THE CITY'S REGULATIONS GOVERNING DAYCARE FACILITIES; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk’s office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

Jane Montgomery
Acting City Clerk, Jane Montgomery, CMC

Published in the News Tribune on: April 28, 2016
Exhibit A

18.70.120 Accessory use category.

The accessory use category includes those uses which are customarily and routinely found in conjunction with, and which are clearly incidental and secondary to, other listed uses, except as may be specifically limited by use levels otherwise listed herein. Accessory uses, other than fences, retaining walls and barns, are prohibited from locating on a lot prior to a legal principal use.

A. Residential Accessory.

1. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles. Detached carports or garages are allowed in conjunction with an approved access point and driveway. Other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment are allowed up to a combined maximum size of 1,000 square feet of gross floor area.

2. Outdoor storage of two recreational/sporting vehicles is allowed, subject to EMC 18.90.120, Outdoor storage.

3. Home occupations and limited home business, subject to the provisions of EMC 18.100.070, Home business, and EMC 18.100.080, Limited home businesses.

4. Minor service and repair of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of EMC 18.100.010, Accessory residential vehicle service and repair standards.

5. Hobbyist crops or flowers gardens that are noncommercial and serve one or more neighborhood homes on an informal, cooperative basis, as distinguished from open space/recreation uses.

6. Civic use types (“pea patch” or community gardens). May include private, on-site composting facility with less than 10 cubic yards capacity.

7. On-site underground heating oil storage tanks to serve a residential use.

8. Antennas and satellite dishes for private telecommunications services, subject to specific standards, including siting criteria, set forth in EMC 18.100.110, Personal wireless communications facilities.

9. Decks and patios.

10. Noncommercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
11. Retaining walls, freestanding walls, and fences.

B. Civic Accessory.

1. Administrative and professional offices (Level 1).

2. Eating and drinking establishment (Level 1/2).

3. Storage buildings and outdoor storage, subject to the provisions of EMC 18.90.120, Outdoor storage, for maintenance equipment and goods utilized in the primary use.

4. Antennas and satellite dishes for private telecommunications services, subject to specific standards, including siting criteria, set forth in EMC 18.100.110, Personal wireless communications facilities.

5. Facilities used in on-site grounds maintenance.

6. Retaining walls, freestanding walls, and fences.

7. Community and cultural services (Level 1/2), in conjunction with a recreation use type.

8. Amusement and recreation (Level 1), in conjunction with a recreation use type.

9. Lodging (Level 2), in conjunction with an open space/recreation use type.

10. Electric vehicle infrastructure including battery charging stations, rapid charging stations, and battery exchange stations.

C. Commercial Accessory.

1. Administrative and professional offices (Level 1).

2. Eating and drinking establishment (Level 1/2).

3. Outdoor storage, subject to the provisions of EMC 18.90.120, Outdoor storage.

4. Antennas and satellite dishes for private telecommunications services, subject to specific standards, including siting criteria, set forth in EMC 18.100.110, Personal wireless communications facilities.

5. Facilities used in on-site grounds maintenance.

6. Retaining walls, freestanding walls, and fences.

7. Electric vehicle infrastructure including battery charging stations, rapid charging stations, and battery exchange stations.

D. Industrial Accessory.
1. Administrative and professional offices (Level 1).

2. Eating and drinking establishment (Level 1/2).

3. Outdoor storage, subject to the provisions of EMC 18.90.120, Outdoor storage.

4. Antennas and satellite dishes for private telecommunications services, subject to specific standards, including siting criteria, set forth in EMC 18.100.110, Personal wireless communications facilities.

5. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.

6. Facilities used in on-site grounds maintenance.

7. Retaining walls, freestanding walls, and fences.

8. **Electric vehicle infrastructure including battery charging stations, rapid charging stations, and battery exchange stations.**

**E. Agricultural Accessory.**

1. Outdoor storage, subject to the provisions of EMC 18.90.120, Outdoor storage.

2. Incidental hazardous materials storage or use, limited to agricultural chemicals, subject to applicable federal and state regulations.

3. Retaining walls, freestanding walls, and fences. 4. Barns. (Ord. 08-305 § 3; Ord. 03-203 § 1).
18.100.040 Daycare facilities.

A. Affordable, good quality, licensed daycare within Edgewood is a needed service critical to the well-being of parents, children, elders, and disabled persons in the community. It is the purpose of this section to facilitate the location of licensed facilities in the city in a manner that both simplifies the review and approval process and ensures that the facilities are compatible with the surrounding land uses.

B. This section shall apply to family daycare homes and daycare centers, as defined in this title, operating within the city of Edgewood. It shall not apply to foster care, group homes, and other residential programs providing round-the-clock care; nor shall it apply to care services of a casual, nonrecurring nature or provided in the home of the person being cared for (i.e., babysitting) or cooperative, reciprocal care by a group of individuals in their respective homes (i.e., childcare co-operative).

C. The community development director or designee, or hearing examiner, as appropriate, shall approve applications for family daycare homes and daycare centers subject to the following general requirements and the requirements of RCW 36.70A.450(2)(a)-(e):

1. Washington State daycare licensure and all applicable state and local licensure and land use permits shall be obtained prior to operation and shall be maintained.

2. The facility shall comply with all building, fire safety, health code, and business licensing requirements.

3. A safe passenger loading area shall be provided and certified by the department of early learning licensor.

4. Signage, if any, shall conform to the requirements of EMC 18.90.160, Signs.

5. Parking shall conform to the requirements of EMC 18.90.130, Parking.

6. No structural or decorative alteration shall be made to the dwelling, which will alter the single-family character of an existing or proposed residential structure, or which is incompatible with surrounding residences.

7. In addition to the general requirements above, daycare facilities, Level 2 are subject to the following requirements:

   a. The outdoor recreation areas shall be enclosed by at least six-feet-high fence.

   b. The outdoor play equipment for child daycare facilities shall not be located in any required front or side yard setback area.
8. In addition to the general requirements above, daycare facilities, Level 3 are subject to the following requirements:

   a. The daycare center shall not be located within 300 feet of another daycare facility; and shall not be located in the residence of the care provider.

   b. Outdoor recreation areas shall be enclosed by a six-foot-high fence.

   c. Outdoor play equipment for child daycare facilities shall not be located in any required front or side yard setback area.

   d. The permit may be conditioned in order to reduce potential conflicts between the daycare center and surrounding neighborhood, including, but not limited to, noise attenuation, special parking needs, and hours of operation.

   e. There shall be a clearly marked, off-street area for loading and unloading clients. Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street. (Ord. 15-448 § 2 (Exh. A); Ord. 03-203 § 1).