ORDINANCE NO. 16-0469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
EDGEOOOD, WASHINGTON, AMENDING EDGEOOOD MUNICIPAL
CODE TITLE 18; ADDING A NEW SECTION 18.90.190 - ACCESSORY
DWELLING UNITS; ADOPTING STANDARDS AND PROCEDURES
FOR THE APPROVAL OF ACCESSORY DWELLING UNITS; SETTING
FORTH SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Edgewood Municipal Code Title 18 - Development Standards, regulates
development standards in the City of Edgewood; and

WHEREAS, the City desires to establish development standards regulating Accessory
 Dwelling Units (ADU) code within Edgewood Municipal Code Title 18 and directed Planning
 staff and the Planning Commission to review code options; and

WHEREAS, on June 23, 2015 a 60-day Notice of Intent to Adopt was sent to the
Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of
Nonsignificance (DNS) was issued for the proposed code amendment on September 4, 2015; and

WHEREAS, the Planning Commission conducted a Public Hearing regarding the draft
accessory dwelling unit ordinance at the July 20, 2015 regular planning commission meeting to
take comments from interested parties; and

WHEREAS, the Planning Commission made a formal recommendation to the City
Council at the August 17, 2015 Planning Commission meeting; and

WHEREAS, subsequently the City Council and Planning Commission met in joint
session on September 29, 2015 to review and discuss the proposed ADU recommendations; and

WHEREAS, subsequently the City Council directed staff to provide minor revisions to
the draft ADU ordinance; and

WHEREAS, the City Council met in study sessions on May 17, 2016 and June 21, 2016
to review the revised draft ADU ordinance, and held a first reading and public hearing on May
24, 2016;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEOOOD,
WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A. The accessory dwelling unit code amendment set forth herein bear a substantial relation to the public health, safety and welfare.

B. The accessory dwelling unit code amendment to Title 18 as set forth herein is in the best interest of City of Edgewood.

C. The accessory dwelling unit code amendment set forth herein satisfies all relevant criteria for approval and adoption, including but not limited to the standards codified in Title 18 EMC.

D. The accessory dwelling unit code amendment set forth herein has 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 Title 18 EMC. Title 18 of the Edgewood Municipal Code is hereby amended by the addition of a new Section 18.90.190 Accessory Dwelling Units as set forth in Exhibit A.

Section 3. 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 4. 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.

Presented to Council for a Public Hearing and First Reading on May 24, 2016

Presented to Council for a Continued Public Hearing and Second Reading on June 28, 2016

PASSED BY THE CITY COUNCIL ON THE 28TH DAY OF JUNE, 2016

Mayor, Daryl Eldinger

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel
APPROVED AS TO FORM:

[Signature]

City Attorney, Zach Lell

Date of Publication: June 30, 2016
Effective Date: July 5, 2016
Exhibit A: Accessory Dwelling Unit Code

EMC 18.90.190 - Accessory Dwelling Units

A. **Purpose.** Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, and provide flexible options for property owners and their families. This should occur by utilizing the existing infrastructure and community resources throughout the City while protecting the existing character of single-family neighborhoods.

B. **Procedures.** Any landowner seeking to establish an ADU shall apply for and obtain approval in accordance with the following procedures:

1. **Application.** The landowner shall apply for a Building Permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. **Septic System Approval.** A site with or proposing an on-site sanitary sewer (OSS) for the proposed ADU shall have an approved sanitary sewer inspection or separate septic system review by Tacoma Pierce County Health Department (TPCHD) and must provide the TPCHD-approved site plan at the time of ADU application.

3. **Application Review.** Accessory Dwelling Unit determination of completeness, department review and approval shall be subject to the procedures for a Process I administrative approval as prescribed in EMC 18.40.080.

4. **Business License.** If the ADU shall be made available for rental occupancy, the landowner shall obtain a business license for such rental pursuant to EMC 5.05. The state application for a business license or City of Edgewood business license shall be included in the landowner's ADU permit application.

5. **Pre-existing Accessory Dwelling Units.** Pre-existing Accessory Dwelling Units, established prior to the enactment of this code section, may obtain legal status using the same standards and procedures for a new ADU. After approval, the landowner must provide title notification establishing that the ADU was legally constructed.

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. ADU's 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% 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.

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 Section 18.90.130 Parking.

D. **Prohibition.** ADUs that have not been approved pursuant to this section are prohibited.

4.10.090 Fee calculations. (School Impact Fees)

A. The fee set forth in this chapter is based on the formula contained in Puyallup, Fife and Sumner school districts’ adopted capital facility plan “impact fee calculation” table.

B. Separate fees shall be calculated for single-family and multifamily types of dwelling units, and separate student generation rates must be determined by each district for each type of dwelling unit. For the purpose of this chapter, mobile homes shall be treated as single-family dwellings and accessory dwelling units and duplexes shall be treated as multifamily dwellings.

C. The fee shall be calculated on a district-wide basis using the appropriate factors and data to be supplied by each district, as required by interlocal agreements. The fee calculations shall
also be made on a district-wide basis to assure maximum utilization of all school facilities in each district used currently or within the last two years for instructional purposes. (Ord. 13-403 § 2; Ord. 02-187 § 10).

4.20.030 Fee imposed – Applicability. (Park Impact Fees)
There is imposed, and shall be collected from every person who receives a development permit, a park impact fee for each dwelling unit based on the average occupancy for each housing type. The amount shall be calculated based on a unit cost of $1,089 per person; and, the total fee based on persons per unit (PPU), consistent with the provisions of this chapter and in accordance with the following schedule of fees:

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>PPU X $1,089</th>
<th>Total PIF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>2.7 X $1,089</td>
<td>$2,940</td>
</tr>
<tr>
<td>Multifamily or Accessory Dwelling Unit:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 – 4 units</td>
<td>2.0 X $1,089</td>
<td>$2,178</td>
</tr>
<tr>
<td>Multifamily: 5+ units</td>
<td>1.6 X $1,089</td>
<td>$1,742</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>2.0 X $1,089</td>
<td>$2,178</td>
</tr>
</tbody>
</table>

4.30.150 Impact fee calculations.
The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type of development, as supported by and consistent with the City of Edgewood Transportation Impact Fee Program Report dated December 2012, attached hereto and incorporated herein by this reference as if set forth in full. Accessory Dwelling Units shall be calculated using ITE number 220, Apartment customer type (Ord. 13-391 § 3; Ord. 07-282 § 1).

5.05.010 Definitions
For the purpose of this chapter and unless otherwise declared or clearly apparent from the context, the following definitions shall be applied:

A. "Business" shall include:

1. All activities, occupations, pursuits, sales, services or professions, engaged in or on premises located within the city with the object of gain, benefit, advantage or profit to the business enterprise or person or to another person or class, directly or indirectly, regardless where their permanent location of business is located;
2. The rental and/or leasing of commercial or industrial properties, the rental and/or leasing of multifamily residential dwelling units, and the rental of residential dwelling units.

3. Business activities of nonresident businesses and specifically:

   a. Sales or services that are solicited or performed by the physical presence of business representatives within the city;

   b. General and specialty contractors who perform work in or on premises located within the city.

18.20.040 A definitions

“Accessory Dwelling Unit” means a small, self-contained residential unit that includes bathroom, kitchen, and sleeping facilities needed for day-to-day living independent of the main home and located on the same lot as an existing single-family dwelling.

18.40.070 Process types.

Permit applications for review pursuant to this section shall be classified as a Process I, Process II, Process III, or Process IV action, all of which are administrative in nature. Process V actions are legislative in nature. All land use permit applications and decisions are categorized by process type as set forth in this chapter. The differences between the processes are generally associated with the different nature of the decisions and the decision-making body, as described in Table 1 below.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Administrative interpretations;</td>
<td>Administrative uses;</td>
<td>Binding site plan per</td>
<td>Rezone;</td>
<td>Ordinance</td>
</tr>
<tr>
<td>Boundary line adjustments;</td>
<td>Administrative variance;</td>
<td>EMC16.05.050(A);</td>
<td>Comprehensive plan map and text</td>
<td>text or area-wide map change;</td>
</tr>
<tr>
<td>Building permit;</td>
<td>Binding site plan per</td>
<td>Conditional uses;</td>
<td>amendments;</td>
<td>Annexation;</td>
</tr>
<tr>
<td>Design standards review;</td>
<td>EMC16.05.050(B);</td>
<td>Plat amendment;</td>
<td>**Final plat</td>
<td>Adoption of adoption</td>
</tr>
<tr>
<td>Final binding site plan;</td>
<td>Home business;</td>
<td>Preliminary plat;</td>
<td>**No hearing or</td>
<td>planning-related</td>
</tr>
<tr>
<td></td>
<td>Master plan;</td>
<td>Public facilities permits;</td>
<td>recommendation required from</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Reasonable use</td>
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</tbody>
</table>

- 7 -
## Table 1: Application Processing Procedures

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Final short plat; Limited home business; Manufactured or mobile home permit; ADU approval; Site development permit; Sign permit; Temporary sign permit; Temporary use; Tree removal permit; Zoning decisions</td>
<td>Environmental review; Short plat; Short plat amendment</td>
<td>permit variances; Residential cluster development</td>
<td>planning commission</td>
<td>ordinances</td>
</tr>
<tr>
<td>Minimal or no effect on others, so issuance of permit is not dependent on others</td>
<td>Application of the standards may require some knowledge of impacts and effect upon others</td>
<td>Potential significant effect on some persons or broad impact on a number of persons</td>
<td>Potential significant effect on some persons or broad impact on a number of persons</td>
<td>Potential significant effect on some persons or broad impact on a number of persons</td>
</tr>
<tr>
<td>NA</td>
<td>NA</td>
<td>Staff</td>
<td>Planning commission **except as noted above</td>
<td>Planning commission</td>
</tr>
<tr>
<td>Designee</td>
<td>Designee</td>
<td>Hearing examiner</td>
<td>City council</td>
<td>City council</td>
</tr>
<tr>
<td>Mayor</td>
<td>Hearing examiner</td>
<td>City council</td>
<td>State agencies, Pierce County</td>
<td>State agencies,</td>
</tr>
</tbody>
</table>
### Table 1: Application Processing Procedures

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Participation of applicant only</td>
<td>Nearby property owners invited to comment on an application</td>
<td>In addition to applicant, others affected invited to present initial information</td>
<td>In addition to applicant, others affected invited to present initial information</td>
<td>Anyone invited to present information</td>
</tr>
<tr>
<td>superior courts</td>
<td>Pierce County superior courts</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 18.70.050 Residential Use Category

The residential use category includes permanent living accommodations for individuals or families of varying economic means, including those having special needs. The residential use category has been separated into the following types based upon distinguishing features such as the type of structure; number, age and special needs of individuals who reside in the structure; and any applicable state or local licensing requirements.

A. A single-family detached dwelling is a residential dwelling unit that is not attached to another residential dwelling unit by any means and provides living accommodations for a single individual or family. Dwelling units may be separately located on an individual lot or parcel and shall have an attached or detached carport or garage; an Accessory Dwelling Unit may be located on an individual lot in addition to the primary single-family detached dwelling as authorized in EMC 18.90.190.

Pursuant to Washington State law, individual manufactured homes and modular homes, when sited on a permanent foundation in accordance with Edgewood’s building code, are considered detached dwellings.

1. "Manufactured home" means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the 1976 or later [HUD]
Federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and that is constructed in a way suitable for movement along public highways. The appropriate HUD or Department of Labor and Industries label must be displayed on the unit.

2. "Modular home" shall mean a detached dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150E WAC. Modular homes are also commonly referred to as factory-built or prefab housing. The appropriate HUD or Department of Labor and Industries label must be displayed on the unit.

3. See EMC 18.100.090. Manufactured homes on individual lots, for minimum standards for siting manufactured homes on an individual lot.

18.80.040 Single-Family Residential Zoning Districts

A. Purpose.

1. The Single-Family Low (SF-2) zoning district provides for a continuation of large residential lots in specific areas where a pattern of large lots and extensive tree coverage exists. These zoning districts seek to preserve the identity of these residential areas, preserve significant tree stands, and reduce traffic volumes in the east-west arterial corridors.

2. The Single-Family Moderate (SF-3) and Single-Family High (SF-5) zoning districts are the city's primary residential zones, which provide for single-family dwellings in established residential neighborhoods.

B. The following uses are permitted within the Single-Family zoning districts, subject to planning approval and all applicable development permits:

1. SF-2, SF-3 and SF-5 Zoning Districts.
   a. Agricultural Use.
      i. Agricultural sales (Level 1).
      ii. Animal production, boarding, and slaughtering (Level 1/2).
      iii. Crop production (Level 1/2).
   b. Residential Use.
      i. Single-family detached dwelling.
ii. Modular home.

iii. Group home Type I.

iv. Manufactured home.

v. Single-family detached dwelling unit with Accessory Dwelling Unit

c. Civic Use.

i. Daycare facilities (Level 1).

ii. Open space/recreation (Level 1/2).

iii. Religious assembly (Level 1/2/3).

d. Utilities Use.

i. Communications facilities (Level 1).

ii. Electrical facilities (Level 1).

iii. Natural gas facilities.

iv. Stormwater facilities (Level 1).

e. Commercial Use.

i. Sale of secondhand property (Level 1).

f. Residential Accessory Uses.

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.
### 18.90.130 Parking (Table)

<table>
<thead>
<tr>
<th>A. Residential Use Category</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family Detached Dwelling</td>
<td>Two per dwelling unit.</td>
</tr>
<tr>
<td>2. Single-Family Attached Dwelling Levels 1, 2</td>
<td>Two per dwelling unit.</td>
</tr>
<tr>
<td>3. Multifamily Dwelling Level 1</td>
<td>Two per dwelling unit.</td>
</tr>
<tr>
<td>4. Group Homes</td>
<td>One per three beds plus one per employee.</td>
</tr>
<tr>
<td>5. Assisted Living Facilities</td>
<td>One per three beds, plus one per employee.</td>
</tr>
<tr>
<td>6. Nursing Home</td>
<td>One per four beds plus one per employee.</td>
</tr>
<tr>
<td>7. Hospice Care Center</td>
<td>One per four beds plus one per employee.</td>
</tr>
<tr>
<td>8. Senior Housing</td>
<td>One per dwelling unit.</td>
</tr>
<tr>
<td>9. Accessory Dwelling Unit</td>
<td>One per dwelling unit</td>
</tr>
</tbody>
</table>

### 18.95.020 Applicability

A. Design standards shall only apply to commercial, mixed use, multifamily, and accessory dwelling unit projects in the city.

### 18.95.050 Special residential design standards applicable to all zones

A. Applicability. This section identifies special design standards for specific residential building types located in all zones. When development of the residential building types identified in this section occurs in the Town Center, Commercial or Mixed Use Residential zones, these design standards are in addition to those contained in EMC 18.95.010 through 18.95.040. If the standards contained in this section conflict with those contained elsewhere in the Edgewood Municipal Code, the standards contained in this section shall apply. Accessory Dwelling Units are allowed as accessory units to the 1) Small lot single-family or 2) Cluster arrangement building types and follow these design standards when part of such developments. The following building types are addressed:

1. Small lot single-family.
2. Cluster arrangement.


4. Duplex, townhouse and triplex building units.
LEGAL NOTICE

Date: June 28, 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 28th day of June, 2016, and shall take effect and be in full force on the 5th day of July, 2016.

ORDINANCE NO.16-0469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEMOOWD, WASHINGTON, AMENDING VARIOUS PROVISIONS OF TITLE 18 EDGEMOOWD MUNICIPAL CODE; ADDING AN ACCESSORY DWELLING UNIT PROVISION; 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.

City Clerk, Rachel Pitzel

Published in the News Tribune on: June 30, 2016