



City Council
AGENDA BILL

MEETING DATE: 11/27/2017

SUBJECT: Ordinance No. 2626 Amending the Municipal Code

CATEGORY: ORDINANCE

2626

BUDGET IMPACT: Reduction in Plan review fees

Expenditure Budget: \$

Revenue Budget: \$

Proposed Budget Amendment: \$

RELATED ORDINANCE OR RESOLUTION NO. 2626

ATTACHMENTS: Staff report, DRAFT Ordinance with Exhibits

STAFF CONTACT: Chris Pasinetti, Community Development Director

SUMMARY/BACKGROUND:

The DRAFT Ordinance No. 2626 would adopt amendments to the city municipal code. These items were included as part of the Planning Commission work plan. The amendments are for the following items and are included within DRAFT Ordinance No. 2626:

- 1. Permit Farm Stand, retail sales of produce and crops (Farmers' Market) as a permitted use in the Public Use (P) Zoning District; and
2. Amendments to include Design Standards for new Single Family Residential Homes; and
3. Amendment to EMC section 12.18.010 for Frontage improvements.

On October 26, 2017 the Planning Commission held a public hearing, after the public hearing the Planning Commission adopted the findings made within the staff report and made a recommendation to the City Council to adopt the 2017 Comprehensive Plan/Planning Commission work plan.

On November 13, 2017, the Economic Development Committee reviewed the proposed amendments and recommended approval.

On November 20, 2017, the Community Services and Development Committee review the proposed amendments and recommended approval.

RECOMMENDATIONS:

DATE SENT TO COMMITTEE: 11/20/2017

DATE RETURNED: 11/20/2017

COUNCIL COMMITTEE: 3-0

STAFF: Recommends opening the public hearing and give first reading of Ordinance No. 2626.

(BELOW TO BE COMPLETED BY CITY CLERKS OFFICE)

COUNCIL ACTION:

- APPROVED
DENIED
TABLED/DEFERRED/NO ACTION
MOVED TO SECOND READING (ordinances only)

1ST reading 11/27/17
Enactment reading
ORDINANCE # 2626
RESOLUTION #

ORDINANCE NO. 2626

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING DEVELOPMENT REGULATIONS ENUMCLAW MUNICIPAL CODE, EMC CHAPTERS 18.05, 19.12, 15.18 AND 12.18 PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, the City of Enumclaw has adopted a comprehensive plan for the purpose of guiding and informing future growth, development, and infrastructure planning pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A which covers the incorporated city limits as well as adjacent unincorporated lands within the Urban Growth Area; and

Whereas, the City Council adopted the City's Comprehensive Plan in July 2016 via Ordinance No. 2589; and

Whereas, the Planning Commission and the City Council has received staff reports, took testimony from public hearing; and

Whereas, the GMA requires that the comprehensive plan and development regulations be subject to continuing review and evaluation by the city; and

Whereas, an environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), and a SEPA threshold determination of nonsignificance (DNS) was issued on October 19, 2017 and sent to state agencies and interested parties; and

Whereas, an early and continuous public participation in compliance with the Growth Management Act was provided; and

Whereas, after holding public hearings and considering public testimony on

Ordinance No. 2626

Draft No: 2

Draft Date: November 17, 2017

Ordinance Requested By: Planning and Community Development

Page 1

October 26, 2017, the Planning Commission issued a recommendation to the City Council to adopt the revisions to the Comprehensive; and

Whereas, the City Council held its own public hearing on November 27, 2017, 2016 and has considered all recommendations and reports submitted to it and all comments made at the public hearing; and

Whereas, to promote the health, safety and welfare of the citizens, a revised comprehensive plan is necessary and would promote the desires of the citizenry; and

Whereas, the City Council has carefully considered, and the amendments set forth in this ordinance satisfy, all applicable state laws and the City's review criteria as set forth in EMC 15.32.038.

Now, therefore, the City Council of the City of Enumclaw, King County, Washington do ordain as follows:

Section 1: Adopts the Findings as set forth above.

Section 2: Chapters 18.05, 19.12, 15.18 and 12.18 Enumclaw Municipal Code (EMC) are amended as follows:

18.05.070 Agriculture, mining and forestry land use matrix.

KEY	COMMERCIAL/INDUSTRIAL ZONES								
P – Permitted Use C – Conditional Use S – Special Use	General Office	General Office- Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital
SPECIFIC LAND USE	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H
Farm stand, retail sales of produce and crops			P	P				<u>P</u>	

19.12.020 Exemptions.

These design regulations apply to all property improvements except the following, which will not materially affect implementation of the comprehensive plan’s design goals, or are addressed in the context of other permit approvals, and are therefore exempt:

A. Development permits not immediately associated with any physical improvements, such as short plats or rezones unaccompanied by any building permit application;

B. Single-family residences and accessory uses constructed in accordance with an approved Planned Unit Development (PUD);

C. Construction activities which do not require a building permit (example: the repainting of buildings), sign permit (example: change in copy of existing signs), or any other permit from the building official;

D. Modifications to existing structures which will not be visible from outside the structure;

E. Additions or remodels to existing single-family residential units;

F. Modifications or additions to existing multifamily, commercial, industrial, office, and public properties when the modification or addition:

1. Constitutes less than 10 percent of the existing horizontal square footage of the use or structure, and
2. Constitutes less than 10 percent of the existing building's exterior facade, and
3. Is estimated to cost under \$5,000;

G. New signs under 10 square feet in size, for which the administrator deems design review unnecessary;

H. Signs to which Chapter [19.10](#) EMC does not apply, per EMC [19.10.040](#);

I. Multifamily residences and accessory uses. Both new construction and modifications/additions of multifamily developments are subject to Chapter [19.40](#) EMC;

J. Mixed use developments. Both new construction and modifications/additions of mixed use developments are subject to Chapter [19.38](#) EMC.

K. "Designated manufactured homes" (as defined in EMC 15.04) and any other structures in approved mobile home parks.

New Section EMC 19.12.075: Single Family Residential Design Standards

Ordinance No. 2626

Draft No: 2

Draft Date: November 17, 2017

Ordinance Requested By: Planning and Community Development

Page 4

A. Implementation.

1. The provisions of this section shall be implemented administratively as a Type I permit process (EMC Chapter 15.18) in conjunction with building permit review by the Community Development Department. Relevant provisions of EMC Title 15 shall apply. A building permit shall not be issued until the Community Development Director has found that the project complies with this chapter. The Community Development Director may, at his/her sole discretion, refer any proposal to the Design Review Board (DRB). Fees may be assessed for this referral.

2. Use of *shall* vs. *should*. The design guidelines are intended to be administered with flexibility to achieve the goals and objectives of this section. The use of the term "shall" is intended to be mandatory, and the use of the term "should" is intended to be advisory, provided that, the administrator and/or design review board may waive or modify mandatory requirements of this section where they are not appropriate, and may deny project approval where the applicant does not comply with an advisory provision where that provision is found to be important to meet the goals and objectives of this section.

3. Denials by DRB. The Development Administrator or the Design Review Board (DRB) may deny the issuance of a building permit for projects that do not comply with these guidelines. Any decision by the administrator or DRB to deny a project based on these guidelines may be appealed to the City's hearing examiner. Appeals to the hearing examiner shall be processed pursuant to EMC 15.06.070.

B. Design Objectives.

1. The design of single-family residential development projects in the city should:

- a. Avoid construction that has negative impacts on the image and/or function of the neighborhood or community;
- b. Respect the scale, proportion and character of the surrounding area;
- c. Maintain a sense of proportion along street frontages and other portions of the project exposed to public view;
- d. Preserve and incorporate natural amenities unique to the site such as specific views and vistas, topography, and mature foliage and trees (excluding hazardous trees).

C. Applicability

1. The provisions of this section shall apply to new single-family home construction. These guidelines shall be implemented through the design review process outlined in EMC Chapter 19.12. All new construction is also subject to

the development standards contained in the zoning ordinance regarding setbacks, lot coverage, building height, etc.

D. Site and Structure Design.

1. Building Siting and Compatibility. New homes should be built in scale with the existing neighborhood. Square footage of living space should be no more than 50% greater or less than the average of three homes to the left and right of the new home.
2. Garages. Garages fronting the street, detached or attached, and less than 100 feet from the street shall constitute nor more than sixty percent (60%) of the overall façade of the structure(s) fronting the street. The face of the garage shall be a minimum of three feet behind the plane of the front of the residential portion of the house.
3. Front Setbacks. The residential structure should be set back from the front property line either: (a) the distance required by the zoning code, or (b) within 20% of the average of three existing setbacks to the left and right of the new home, whichever of (a) & (b) is greater.

E. Walls and Fences.

1. Fences and walls should be built with materials such as wood, wrought iron, textured concrete block, or formed concrete with reveals. All metal fences shall be designed with corrosion resistant materials.
2. Construction or installation of fences composed of chain link or corrugated metal are prohibited.
3. Fences shall provide opening(s) to connect walkways to the sidewalk or street.

F. Architectural and Site Design Guidelines.

1. Porch or Stoop. Homes shall be designed with either a covered porch or stoop no less than 50 sq.ft. of floor area and incorporating doorway access to the home.
2. Walkways. Homes shall be designed with convenient entrance/egress for pedestrians. This shall be accomplished by design of a hard surface walkway, from porch or stoop, to the sidewalk or street. For narrow frontage lots (in this case, less than 60 feet of frontage) a driveway may constitute a portion of the hard surface walkway.

3. Roof Pitch. Roof pitch should be a minimum of 3:12 and maximum of 12:12.
4. Windows. Street or sidewalk facing windows shall be balanced left-to-right across the façade and with the entryway or other façade fixtures. Windows shall constitute a minimum of 20 percent of front facade wall planes, excluding garages and doorways.
5. Architectural Trim. All windows, doors and garage doors visible from a street or sidewalk shall be distinctly emphasized, by exterior trim or designs such as recess or bay style. Trim shall be a minimum of average width of three inches. Painting is not an acceptable substitute for window trim.

G. Optional Design Review Process.

1. Deviations from the Single Family Residential Design Standards shall be processed through the Design Review Board. In order to approve, the Design Review Board must find that the proposed deviations from the standards meet the Design Objectives outlined in EMC section 19.12.075(B).

15.18.050 Decision.

A. The administrator (or building official if the action is a building or sign permit) shall determine whether the application is consistent with these development regulations, act on the application accordingly, and notify the applicant within 120 days of determination of completeness. The rules embodied in RCW [36.70B.090](#) shall constitute exceptions to this 120-day deadline.

B. The administrator or building official shall not approve any nonexempt Type I permit (see EMC [19.12.020](#)) unless the development administrator or design review board has issued a finding of conformance (with or without conditions) with the design regulations of Chapter 19.12. Nor shall the administrator or building official approve said permit without attaching to it any condition stipulated by the design review board decision.

C. No notice of decision need be published. Denials from the Design Review Board shall be forwarded in writing to the applicant and shall be subject to a 14-day appeal period. The decision to withhold design review approval may be appealed to the City's hearing examiner pursuant to EMC 15.06.070.

D. If a development proposal requires both a Type I permit and a Type II, III, or IV permit, the 120 days within which an action must be taken upon the Type I permit shall not begin until the Type II, III, or IV permit has been issued. (Ord. 2367 § 4, 2007; Ord. 2316 § 2 (Exh. A), 2006).

12.18.010 requirement

No building or structure shall be erected, relocated, expanded or altered in an amount exceeding \$50,000 and no building permit shall be issued therefor on any lot unless one-half of the street abutting thereon has been dedicated and improved with curb, gutter, sidewalk, drainage structure and street paveout for the full width of the lot in accordance with city standards, or such dedication and improvements have been assured to the satisfaction of the city engineer, subject to the following limitations:

B. The City Engineer and the Community Development Director may permit modification of streetscape improvement standards where the required streetscape is not, in the opinion of the City Engineer and the Community Development Director, roughly proportionate to the impact, type, scale, and cost of the proposed development action.

C. The streetscape design alternatives shall be documented as an administrative determination.

D. The maximum area of land required to be so dedicated shall not exceed 25 percent of the area of any such lot nor shall such dedication reduce the lot between the required minimum lot sizes, widths and areas required, unless a variance for the same has been granted, and in no case shall such dedication be required if the remaining lot area has a width less than 50 feet or an area less than 5,000 square feet.

E. No such dedication may be required with respect to the portion of a lot occupied by a main building.

F. EMC 12.18.056(D) and (E) shall apply to the construction of a single-family dwelling or customary accessory building in the R-1, R-2 and R-3 zones.

G. The requirements of this section shall not apply to alterations that do not change the use of a building to a use with a higher average trip generation rate as defined in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

Section 3: The amendments set forth above have no adverse environmental affect.

Section 4: Severability. If any section, sentence, clause or phrase of this ordinance should be held 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: Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as required by law.

Mayor Liz Reynolds
INTRODUCED _____
PASSED _____
APPROVED _____
PUBLISHED _____

Attested:

Maureen Burwell
City Clerk

Approved as to form:

Michael J. Reynolds
City Attorney