

ORDINANCE NO. 4810

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.540 "HOUSING TYPE STANDARDS AND SECTION 15.540.040 "ACCESSORY DWELLING UNIT DESIGN STANDARDS (ADU); AND CHAPTER 15.550 "OFF-STREET PARKING" AND SECTION 15.550.040 "COMPUTATION OF REQUIRED OFF-STREET PARKING SPACES."

WHEREAS, the proposed amendments to Sections 15.540.040 and 15.550.040 of Ellensburg City Code (ECC) are consistent with the goals, policies, and programs of the 2017 Ellensburg Comprehensive Plan; and

WHEREAS, the 2017 Ellensburg Comprehensive Plan identifies an action item to review and revise the land development code as necessary to allow for a wider variety of housing types and specifically identifies reviewing potential barriers to development of accessory dwelling units; and

WHEREAS, the proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on October 8, 2018; and

WHEREAS, the City issued a Revised Determination of Non-Significance (DNS) on October 30, 2018 to address the revision to the original proposal to eliminate the off-street parking requirements for Accessory Dwelling Units, and no public comments were received following publication of the Revised DNS; and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on September 27, 2018, and based on public testimony and other evidence received at said hearing, the Planning Commission developed recommendations to be forwarded to City Council for consideration during a public hearing; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend the Land Development Code was sent to the Washington State Department of Commerce; and

WHEREAS, on September 10, 2018, the Growth Management Services Review Team for the Department of Commerce granted expedited review of the proposed amendments; and

WHEREAS, the City Council conducted a public hearing on October 15, 2018, where it received and considered public comments on the proposed changes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 15.540.040 Accessory Dwelling Unit Standards of the Ellensburg City Code as last amended by Section 58 of Ordinance 4807 is hereby amended as follows

15.540.040 Accessory dwelling unit design standards (ADU).

A. Purpose.

1. To provide infill housing opportunities throughout residential zones in Ellensburg;
2. To provide affordable housing options; and
3. To provide an opportunity for rental income for property owners.

B. Standards for All ADUs. An ADU is designed and established to be a separate dwelling unit that is accessory to a primary single family dwelling. ADUs can be attached to the primary dwelling or detached. ADUs differ from duplexes in the zoning districts where they are allowed and ADUs are subject to specific size and design criteria relative to the primary dwelling unit.

ADUs are prohibited on any lot of record that is currently developed with a single-family dwelling unit that has been converted to a multifamily use. For example, this would include a single-family dwelling unit that has a defined “Unit A” and a “Unit B.”

Subject to the prohibition above, one accessory dwelling unit is permitted on any lot of record that is currently developed with a single-family dwelling unit provided all of the following conditions are met:

1. No more than two bedrooms shall be provided in an accessory dwelling unit;
2. ADUs shall contain a minimum of 300 square feet in floor area, exclusive of stairways or garage area;
3. ADUs shall not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less, except as follows:
 - a. An ADU up to 500 square feet in floor area shall be allowed when the size of the primary dwelling unit would restrict the size of the ADU to less than 500 square feet in floor area. For example: a primary dwelling unit that has a floor area of 1,000 square feet would be allowed an ADU up to 500 square feet rather than an ADU of 400 square feet in floor area (40 percent of 1,000 square feet);
 - b. For attached ADUs only, the city may allow for an increased size up to 1,000 square feet maximum in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met.
3. One additional off street parking space shall be required for an ADU;
4. ADUs must be screened from neighboring properties with a six to eight foot height solid visual barrier where necessary to protect abutting property owners' privacy; and

4.5. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering.

C. Standards for an Attached ADU.

1. ~~ADUs may not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less. Exception: the city may allow increased size for an attached ADU in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met; and~~
2. ~~Additions to Existing Dwellings. The ADU shall be architecturally consistent with the principal unit. Specific standards:~~
 - a. ~~Exterior Materials. The exterior finish material must be the same or visually match in type, size and placement the exterior finish material of the primary dwelling;~~
 - b. ~~Roof Pitch. The roof pitch must be similar to the predominant roof pitch of the primary dwelling;~~
 - c. ~~Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling;~~
 - d. ~~Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations; and~~
 - e. ~~Front Facade. The front facade of the principal dwelling shall not be significantly altered to accommodate an ADU, except where the whole structure is being remodeled.~~

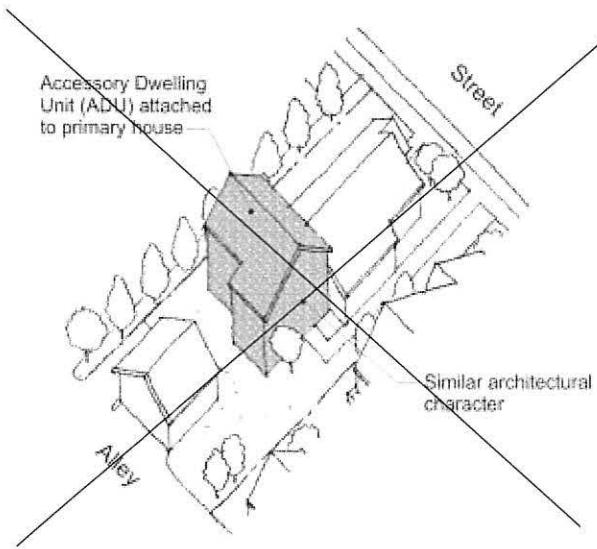


Figure 15.540.040(C). Attached ADU example.

C.D. Additional Standards for a Detached ADU (DADU).

1. DADUs may not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less;
- 1.2. Detached-DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage;
- 2.3. DADUs are subject to the building placement standards set forth for garages for the applicable land use district in Chapter 15.320 ECC;
- 3.4. The site coverage of the DADU and accessory buildings shall not exceed 40 percent of the rear yard area;
- 4.5. There shall be a minimum separation of 15 feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing garage; and

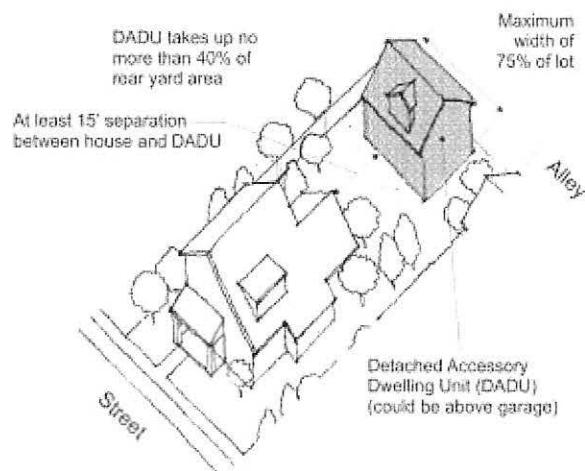
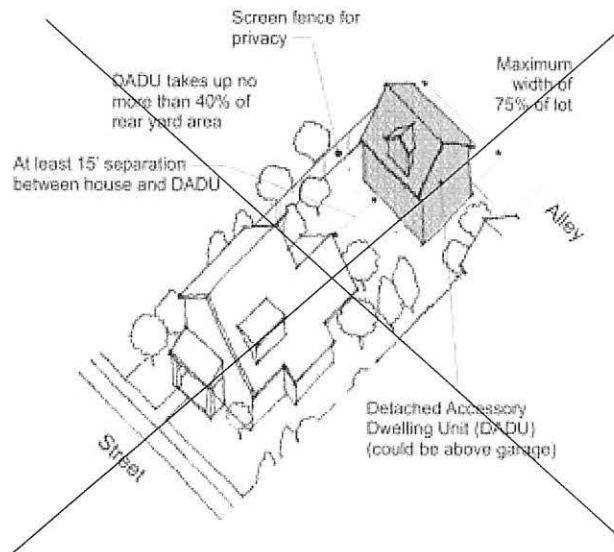


Figure 15.540.040(D). DADU example/standards.

56. The maximum width of the DADU shall be 75 percent of the width of the lot, including all projecting building elements such as bay windows and balconies. [Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 2. Section 15.550.040 Computation of required off-street parking spaces of the Ellensburg City Code as last amended by Section 59 of Ordinance 4807 is hereby amended to read as follows:

15.550.040 Computation of required off-street parking spaces.

A. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 15.550.040(A). Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
Accessory dwelling unit	1.0 per unit <u>None required</u>
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided.
Studio units	1.2 per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 per dwelling unit

Category of Land Use¹	Minimum Parking Spaces Required
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses, sororities, fraternities	1.0 per bedroom
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	

Category of Land Use ¹	Minimum Parking Spaces Required
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
PUBLIC AND QUASI-PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

Notes:

1. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.

B. Uses in the C-C Zone. There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one-bedroom apartment).

C. Shell Building Permit Applications. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the “worst case scenario” in terms of possible use types, he or she will typically choose a requirement that falls between the possible use

scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.

D. Other Provisions of Code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.

E. Bicycle Parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:

1. Amount of Bicycle Parking.

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
Single-family dwelling	None
Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

2. Parking Location and Design – Nonresidential Uses. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

3. Parking Location and Design – Residential Uses. Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

4. Bicycle parking hardware shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.

5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in Table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will

be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.

F. Primary Use. The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.

G. Accessory Use. When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.

Examples:

1. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.
2. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).

H. On-Street Parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

I. Off-Site Parking. Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:

1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided;
2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in Chapter 15.510 ECC, site planning and design elements in Chapter 15.520 ECC, and landscaping standards in Chapter 15.570 ECC;
3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided;
4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided;

5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:

- a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant;
- b. Specify the terms and conditions of such encumbrance; and
- c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.
- d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.

J. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for single-family residential structures and duplex dwelling units as per ECC Table 15.550.040(A).

K. Setback Areas.

1. Required off-street parking spaces are not allowed to extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.
2. At locations where single-family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required parking for single family residential development is sited on the required building setback(s) or open space.

L. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in Table 15.550.040(K).

M. Handicapped Parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.

N. Fire Lane Standards. Fire lanes may be required by the fire codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.

O. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

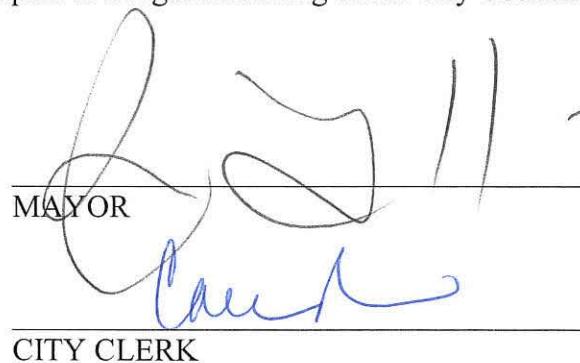
Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 4 Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 17th day of December, 2018.

ATTEST:



MAYOR
Coreen M. Reno

CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 12-20-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4810 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4810 was published as required by law.



COREEN M. RENO