

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS 19.70.010 AND 19.45.040 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO ACCESSORY DWELLING UNITS

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter GMA) the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state"; and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, during the 2019 State Legislative Session, the Washington State Legislature passed House Bill (HB) 1923 and provided grant funds to local government for activities to increase residential building capacity, streamline development, or develop a Housing Action Plan (HAP); and

WHEREAS, upon receiving the State grant, the City developed a Housing Action Toolkit (HAT) in accordance with HB 1923; and

WHEREAS, on June 21, 2021, the City Council adopted Resolution No. 955 adopting the University Place Housing Action Toolkit to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market; and

WHEREAS, on; December 6, 2021, the City Council adopted Resolution No. 965 establishing the 2022 Planning Commission Workplan to review and recommend development regulations amendments, including studying the implementation of the Housing Action Toolkit; and

WHEREAS the Planning Commission held five hybrid public meetings to study the HAT and proposed amendments before holding a public hearing on November 2, 2022; and

WHEREAS, on November 2, 2022, the Planning Commission adopted Commission Resolution 2022-02 forwarding recommendations for implementing the HAT with supporting findings in accordance with UPMC 22.25.030(E); and

WHEREAS, on December 16, 2022, the city issued a *SEPA Determination of Non-significance* with a 14-day comment period ending on December 30 with no comments received; and

WHEREAS on December 29, 2022, the city submitted a set of draft amendments to the Department of Commerce to initiate an expedited 14-day state agency review period and received no comments; and

WHEREAS, On April 19, 2023, the Washington State Governor signed Engrossed House Bill 1337 (HB 1337), an ACT relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units throughout the State, which is required to be implemented by June 30, 2025; and

WHEREAS, the Planning Commission's recommendation to the City Council and HB 1337 both seek to amend the ADU regulations that would ease barriers to ADU construction, but HB 1337 requires the City to make additional amendments beyond what the Planning Commission recommended; and

WHEREAS, the City Council considered the Planning Commission's recommended amendments during their regular meeting held on June 14, 2023; and

WHEREAS, the City Council considered the State Legislature's requirements of HB 1337 and the differences between the Planning Commission's recommendations during their regular meeting held on August 7, 2023; and

WHEREAS, the City Council further considered the State Legislature's requirements of HB 1337 and the flexibility within the law to mitigate the impacts on University Place's community; and

WHEREAS, the City Council adopts the findings in Planning Commission Resolution and finds the proposed amendments are in the best interest of the citizens and property owners of the City, and complies with the requirements of Engrossed House Bill 1337;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. University Place Municipal Code Chapter 19.70 Amended. The University Place Municipal Code subsection 19.70.010 entitled "Accessory dwelling units" is hereby amended as set forth in Exhibit "A" attached hereto.

Section 2. University Place Municipal Code Chapter 19.45 Amended. University Place Municipal Code subsection 19.45.040 entitled "Detached Accessory Structures – Exception" is hereby amended as set forth in Exhibit "B" attached hereto.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON DECEMBER 4, 2023.

Steve Worthington, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 12/06/23

Effective Date: 12/11/23

UNOFFICIAL DOCUMENT

Exhibit A
Ordinance No. 775

Chapter 19.70 GENERAL DEVELOPMENT STANDARDS

Section .010 are amended to read as follows:

19.70.010 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, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the City while protecting the existing character of single-family neighborhoods.

B. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. Up to two~~One~~ ADUs shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure-, provided, only one detached ADU shall be allowed on a lot that does not meet the minimum lot size for the zone in which the property is located.

2. Type of Unit. An ADU may be attached to the principal unit, a separate detached accessory structure (e.g., cottage), or part of a detached accessory structure (e.g., carriage unit above garage).

3. Size. An ~~attached~~ ADU shall not exceed 800-1,000 square feet; provided, if the ADU is to be established within an existing multistory structure and located entirely on a single floor, the Director may allow increased size in order to efficiently use all area of this single floor.

4. Location. An attached ADU shall be physically connected to the principal unit by a shared wall or attached covered structure. Attached ADUs shall meet the same setbacks, height requirements, and other dimensional standards as the principal unit.

A detached ADU not to exceed 1,000 square feet may be placed in a side and/or rear yard in accordance with UPMC 19.45.040(H) and shall comply with the following building standards:

a. The total area of a detached ADU and other detached accessory structures placed in a side or rear yard shall not exceed the size limitations set forth in accordance with UPMC 19.45.040(H)(1)(a) shall be no larger than 600 square feet in gross floor area;

i. The total ground floor footprint of a structure with an ADU located above (e.g., carriage unit) shall not exceed 600 square feet in gross floor area;

ii. For ground floor ADUs that exceed 600 square feet in gross floor area, no additional accessory structure floor area (e.g., garages, carports, and sheds) shall be permitted in the side or rear yard setback;

- b. Maintain five-foot minimum side and rear yard setbacks;
- c. Have no portion of the structure, such as eaves, closer than three feet from any property line;
- d. Be no greater than ~~18-24~~ feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall, if located within a required side or rear yard; ~~and~~
- e. Be no closer than five feet to the primary structure;

f. No more than one detached ADU may be placed within the reduced setbacks. Any second detached ADUs must comply with the setbacks applicable to the principal unit; and

g. A detached ADU may be located at a property line abutting a public alley, as defined in Chapter 13.20 UPMC, provided the City does not routinely plow the public alley for snow. No portion of the structure shall encroach into the public alley.

~~4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.~~

~~a. Modifications to the exterior of an existing building intended to accommodate an ADU shall be architecturally consistent with the existing facade, roof pitch, siding, windows, and other exterior design elements and finish materials to the extent practicable. A detached ADU shall be designed to be architecturally compatible with the principal residence.~~

~~b. Only one entrance is permitted to be located on the front facade of the principal unit. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway~~

~~5. Parking. No additional off-street parking is required for an ADU. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.~~

4. Parking. No off-street parking shall be required for an ADU when the property is within one-half mile walking distance of a major transit stop as defined in RCW 36.70A.696. Property not subject to this exemption shall provide off-street parking for accessory dwelling units as follows:

- a. One off-street parking space shall be required per ADU on lots 6,000 square feet or smaller.

b. Two off-street parking spaces shall be required per ADU on lots greater than 6,000 square feet.

c. Any additional off-street parking provided in conjunction with an ADU shall, to the extent possible, be located to the side or rear of the principal unit to minimize visual impacts on the streetscape. Such parking must be provided in the rear of the lot when alley access is available. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing.

~~65.~~ In order to encourage the development of housing units for people with disabilities, the Director may allow reasonable deviation from the requirements of this section when necessary to install features that facilitate accessibility. These facilities shall conform to Washington State regulations for barrier-free facilities.

C. Procedures. Any owner ~~occupant~~ seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. Application. The owner ~~occupant~~ shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and parking design standards are met.

~~2. Property Owner. The property owner, which shall include title holders and contract purchasers, or an on-site property manager, must occupy either the principal unit or the ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner-occupied.~~

~~3. Affidavit. An affidavit affirming that the owner or an on-site property manager will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.~~

4. Notice of Title. Prior to issuance of building permits, the owner ~~occupant~~ shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice shall be in a form as specified by the Department.

5. Reports. The Department shall report annually to the City Council on ADU applications, the number of units established and their distribution throughout the City, the average size of the units, and the number and types of complaints and enforcement-related actions.

Exhibit B
Ordinance No. 775

Chapter 19.45 DENSITY AND DIMENSION

Sections .040 are amended to read as follows:

19.45.040(H) Detached Accessory Structures - Exception.

H. Detached Accessory Structures – Exceptions.

1. Detached accessory structures including, but not limited to, garages, carports, garden sheds, accessory dwelling units, and other accessory buildings may be placed in the required side and/or rear yard setback or a front yard which abuts an alley or serves as a rear yard where no access is provided (except accessory RV storage gates) from the yard to the street subject to the following requirements. See Figure 6.

a. The combined total area of all structures shall ~~be no larger than~~ not exceed 600 square feet in gross floor area, provided, if a structure includes an accessory dwelling unit not to exceed 1,000 square feet in accordance with UPMC 19.70.010, then the following requirements apply:

i. The total ground floor footprint of a structure with an ADU located above (e.g., carriage unit) shall not exceed 600 square feet in gross floor area;

ii. For ground floor ADUs that exceed 600 square feet in gross floor area, no additional accessory structure floor area (e.g., garages, carports, and sheds) shall be permitted in the side or rear yard setback;

b. Maintain five-foot minimum side and rear yard setbacks;

c. Have no portion of the structure, such as eaves, closer than three feet from any property line;

d. Be no greater than 18 feet in height at top of ridge and 10 feet at the top wall plate where the roof structure connects to the wall; provided, a detached accessory structure containing a carriage unit (ADU located above the accessory structure) shall not exceed 24 feet in height at top of ridge; and

e. Be no closer than five feet to the primary structure.