

## ORDINANCE NO. 2022-1

### AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE TITLE 18 ZONING AND CERTAIN PROVISIONS REGARDING ACCESSORY DWELLING UNITS

**WHEREAS**, the Eatonville Town Council has asked the Planning Commission to consider updates to the land use and development provisions in the Eatonville Municipal Code (EMC); and

**WHEREAS**, at its May, June, and July 2021 meetings, the Planning Commission considered revisions to certain provisions in EMC Title 18 Zoning relating to accessory dwelling units and on August 2, 2021 voted unanimously to send the proposed changes to the Town Council for approval; and

**WHEREAS**, the Town Council finds that the proposed revisions to EMC Title 18 Zoning relating to accessory dwelling units, as set forth below, will provide needed clarity and flexibility, and will promote the general welfare of the Town's citizens; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1.** EMC 18.02.003 "Accessory dwelling unit" is amended to read as follows:

18.02.003 Accessory dwelling unit.

"Accessory dwelling unit" means a subordinate dwelling unit that is either incorporated within a single-family structure or located within a separate freestanding structure.

**Section 2.** EMC 18.08.045 "Accessory dwelling units" is amended to read as follows:

18.08.045 Accessory dwelling unit (ADU) design standards.

A. Purpose.

1. To provide infill housing opportunities throughout residential zones in Eatonville;
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 (principal use). ADUs can be attached to the primary dwelling (principal use) 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 duplex or multifamily use.

Subject to the prohibition above, one ADU 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 ADU;
2. ADUs shall contain a minimum of 300 square feet in floor area (all floors), exclusive of stairways or garage area;
3. ADUs shall comply with all applicable development, environmental, zoning and Title 19 Design Standards for Detached Single-Family Uses.
4. 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 town may allow for an increased size up beyond 40% to 1,000 square feet maximum in order to efficiently use all floor area on one floor or a portion of an existing house, as long as all other standards herein are met; and
5. The presence of an ADU must be clearly identified on each entrance facing the street (front) by proper numbering.
6. When the construction of an ADU will result in exceeding the maximum lot coverage allowance for the applicable zoning district, an additional 5% site coverage may be added for the building footprint.

C. Additional Standards for a Detached ADU (DADU). In addition to the ADU standards above, DADUs must meet the following additional requirements:

1. 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. DADUs are subject to the development standards set for principally permitted uses within the applicable zoning district regulations;
3. In addition to the driveway standards of Title 19 Design Standards for Detached Single-Family Uses, a DADU may be allowed a second driveway access to an improved alley.

4. 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

5. The maximum width of the DADU (including adjacent buildings when applicable) shall be 75 percent of the width of the lot, including all projecting building elements such as bay windows and balconies.

~~A. One accessory dwelling unit is permitted as subordinate to a single-family dwelling provided the following criteria are met:~~

~~1. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property;~~

~~2. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure;~~

~~3. Accessory dwelling units may not be provided with separate municipal utility services or utility accounts;~~

~~4. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in EMC 18.02.135;~~

~~5. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;~~

~~6. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;~~

~~7. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence;~~

~~8. The construction of a second entry door facing on a street front for entrance into an accessory unit is prohibited; new entrances not facing on a street front are permitted on the sides and rear of a house, or on a front side facing on a street where no other door exists; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of those doors to access the accessory unit; and~~

~~9. The accessory dwelling unit shall meet all technical code standards, EMC Title 16, including building, electrical, fire, and plumbing code requirements.~~

~~B. Accessory dwelling units must be attached to the primary dwelling and shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

~~C. A site may not contain both an accessory dwelling unit and a business subject to the regulations in EMC 18.08.040 for a home occupation.~~

D. Permit Required. A zoning permit is required as provided in EMC 18.09.020, and shall not be issued if there are private covenants requiring the lot to have a single-family residence.

E. Administration.

1. Accessory dwelling unit permits shall be administered by the planning director.

2. The property owner shall file a completed registration application form affirming that at least one owner will occupy the primary residence or the accessory unit and agreeing to the limits on total number of residents and other standards as provided above. The registration application shall include a requirement for mailing labels for all owners of property lying within 200 feet of the site.

3. After receipt of a complete application form and prior to approval of any accessory dwelling unit, the director shall inspect the property to confirm that minimum and maximum size limits are met, required parking is provided, design limitations regarding front entrances are met, and technical code standards are met.

4. The registration form or other form as required by the director shall be filed as a deed restriction with the Pierce County auditor's office to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above.

5. The director shall report annually to the council on accessory dwelling unit registration, number of units and distribution throughout the town, average size of units, and number and type of complaint and enforcement related actions.

6. After approval, the director shall provide notice of the registration of the accessory unit to owners of property within 200 feet of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to request inspections.

7. Cancellation of the accessory unit's registration may be accomplished by the owner filing a certificate with the director for recording at the Pierce County auditor's office, or may

occur as a result of enforcement action, based on a valuation of the requirements herein. The cancellation certificate will confirm that the residence has reverted to use as a single dwelling.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/10/2022

2ND READING: 01/24/2022

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_ day of January 2022.

\_\_\_\_\_  
David Baublits  
Mayor

ATTEST:

\_\_\_\_\_  
Miranda Doll  
Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney