ORDINANCE NO. 2013-924

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SECTION 18.08.020 OF THE DEER PARK MUNICIPAL CODE TO AMEND THE DEFINITION OF ACCESSORY BUILDINGS TO ESTABLISH THE MAXIMUM ACCESSORY BUILDING SIZES AUTHORIZED TO BE CONSTRUCTED; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the current definition of "accessory building" set forth in Section 18.08.020 of the Deer Park Municipal Code ("DPMC") does not provide the City Planning Commission with sufficient guidance to make objective decisions regarding the maximum size of an unattached accessory building that may be constructed by an applicant in the City; and

WHEREAS, City Staff have proposed amending the definition of "accessory building" in Section 18.08.020 DPMC to clarify and specify maximum size requirements for both attached and unattached accessory buildings that may be approved by the City Planning Commission for construction by an applicant; and

WHEREAS, on March 25, 2013, following a Public Hearing concerning this matter, the City of Deer Park Planning Commission adopted Findings of Fact, Conclusions of Law, and Determination on City of Deer Park Zoning Code Amendment (hereinafter "Findings of Fact, Conclusions and Determination"), which determination consisted of a recommendation of approval of the action (amendment) set forth in this Ordinance; and

WHEREAS, the Findings of Fact, Conclusions, and Determination of the Planning Commission on City of Deer Park Zoning Code Amendment, are hereby adopted and

incorporated into this Ordinance by reference, and a copy is attached hereto and marked as Exhibit "A" to this Ordinance and made a part herein as if set forth in full; and

WHEREAS, the City Council finds that passage of this Ordinance is beneficial to the general welfare of the City, constitutes good zoning practice, and the actions taken as set forth in this Ordinance are otherwise in compliance with City Ordinances, the City Comprehensive Plan, and state law; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 18.08.020 of the Deer Park Municipal Code is hereby amended to read as follows:

18.08.020 Accessory Building.

"Accessory building" means a subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Each accessory building may be either attached to and made a part of the main building or detached, but shall be constructed such that: (i) if it is attached to or a part of the main building, the size of the accessory use portion of the building does not exceed the lesser of 100 percent of the total square footage of the main floor of the building or 1,600 square feet; or, (ii) if the accessory building is detached from the main building, it shall be constructed such that the size of the accessory building does not exceed 1,600 square feet. Each residential lot shall be limited to two accessory buildings, inclusive of any attached or detached private garage. For purposes of this section, a residential lot shall include any lot within a residential use zoning district of the city upon which the primary building is developed for use as a single family residence. When an accessory building is constructed pursuant to the standards and requirements set forth herein, such building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided. A detached accessory building shall be no closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted.

Section 2. If any section, sentence, clause, or phrase of this Ordinance shall 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 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

_____
MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

_____
DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	3/26/13
PASSED BY THE CITY COUNCIL	:	
PUBLISHED	:	
EFFECTIVE DATE	:	
ORDINANCE NO.	:	2013-924

SUMMARY OF ORDINANCE NO. 2013-924

of the City of Deer Park, Washington

On the _____ day of _____, 2013, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2013-924 A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SECTION 18.08.020 OF THE DEER PARK MUNICIPAL CODE TO AMEND THE DEFINITION OF ACCESSORY BUILDINGS TO ESTABLISH THE MAXIMUM ACCESSORY BUILDING SIZES AUTHORIZED TO BE CONSTRUCTED; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2013.

_____

CITY CLERK-TREASURER, DEBY CRAGUN

CITY OF DEER PARK
PLANNING COMMISSION

IN THE MATTER OF ADDITIONS TO THE ZONING TITLE OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY BUILDINGS (DPMC SECTION 18.08.020) INCLUDING A SEPA CHECKLIST AND DETERMINATION OF NONSIGNIFICANCE	}	FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

THIS MATTER, being amendments to the Zoning Title of the Deer Park Municipal Code pertaining to "Accessory Building" provisions, including the companion State Environmental Policy Act (SEPA) Checklist and Determination of Nonsignificance (DNS), have been received, a public hearing has been conducted, and a recommendation has been made, pursuant to the laws of the State of Washington and the City of Deer Park, on the 25th day of March, 2013.

Members in attendance were: Dan Berg, Kathy DeRosier, Scott Lawson Bill O'Dea and Eleanor Knapp.

PROPOSAL

The proposed regulations, and their associated State Environmental Policy Act (SEPA) Checklist and proposed Determination of Nonsignificance, pertain to "Accessory Buildings" and their use on lands within the City (DPMC Section 18.08.020). Said proposed development regulations conditions and exclusions where accessory buildings may be situated on platted lots. Said materials constitute integral components of Parts Three and Four of the "City of Deer Park Growth Management Act Implementation Program" which consists of four (4) parts: Part One, the Existing Conditions Assessment; Part Two, the Comprehensive Plan, including additions and amendments thereto; Part Three, Implementation Regulations, including additions and amendments thereto; and Part Four, Appendices, being support materials in furtherance of the Growth Management Act Implementation Program. Relevant State Environmental Policy Act (SEPA) materials are contained in Parts Two through Four.

FINDINGS OF FACT AND CONCLUSIONS

1. The proposed "Accessory Building" amendments to the Zoning Title of the Municipal Code are intended to regulate the construction of accessory buildings on residentially zoned and residentially used properties within the City.

2. The Planning Commission conducted workshops, during the course of its regularly scheduled meetings, to consider "Accessory Building" criteria utilized by other Washington jurisdictions and to review preliminary draft regulatory suggestions for Deer Park's usage.

3. The proposed "Accessory Building" regulations, together with the companion SEPA Checklist and Final DNS, contain all of the finalized draft materials presented to the Planning Commission.

4. The Planning Commission conducted and closed a duly noticed public hearing on said regulatory additions on November 12, 2012, and then continued its deliberations on the regulations and the companion SEPA documentation, without further public notice, until its next regularly scheduled meeting, in order for the finalized draft materials to be circulated for public agency/interested party review.

5. Said finalized draft materials were distributed to public agencies and made available to interested parties on November 13, 2012, with a comment period of at least fifteen (15) days made available.

6. All relevant testimony from such hearing and distributions have been discussed, evaluated, analyzed, reviewed and considered by the Planning Commission in its deliberations.

7. The members of the Planning Commission have read, reviewed, and considered the information contained in the proposed DPMC additions (Section 18.08.020) and the associated SEPA documentation, including all printed matter and exhibits of record.

8. The Planning Commission considers the regulations for accessory buildings to be beneficial to the general welfare of the public and, in conjunction with all the Municipal Code's existing Titles and Chapters, essential to protect the health, safety, welfare, and quality of life of the citizens of the City of Deer Park.

9. The Planning Commission finds that the regulatory additions, in conjunction with all previously adopted and amended facets of the Municipal Code, combine to represent the most practical and reasonable means of balancing community asset value and land use compatibility against future urban growth needs.

RECOMMENDATION

The proposed regulatory additions represent appropriate means for the regulation of accessory buildings for residentially developed parcels within the City as well as locating said facilities in non-residential developed parcels. Therefore, the Planning Commission of the City of Deer Park hereby recommends to the City Council that the proposed

amendments to the Deer Park Municipal Code pertaining to "Accessory Buildings" provisions, being DPMC Section 18.08.020, and the companion SEPA documentation, BE ADOPTED by the City Council.

Dan Berg, Planning Commission Chair Person

ATTEST;

Roger Krieger, Director of Community Services