

ORDINANCE NO. 1459

AN ORDINANCE OF RUSTON, WASHINGTON, RELATING TO AMENDING SECTION 25.01.040 REGARDING THE RESIDENTIAL ZONE, TO ADD ILLUSTRATIONS, TO CHANGE THE MINIMUM RESIDENTIAL LOT SIZE FROM 4,800 TO 4,400 SQUARE FEET AND WIDTH FROM 50 FEET TO 45 FEET TO REFLECT EXISTING AVERAGES WITHIN THE CITY, CREATING OR MODIFYING STANDARDS FOR FRONT PORCHES, BUILDING HEIGHT, ACCESSORY DWELLING UNITS, GARAGES, AND VEHICULAR ACCESS, REDUCING FRONT YARD SETBACKS FOR PORCHES TO 12 FEET, INCREASING FRONT YARD SETBACKS FOR GARAGES TO 26 FEET, REDUCING REAR YARD SETBACKS FOR GARAGES AND ACCESSORY STRUCTURES TO 3 FEET, REDUCING SIDE YARD SETBACKS TO 5 FEET (15 FEET COMBINED), ESTABLISHING NEW STANDARDS FOR REQUIRING A LOT HAVE FIFTY-PERCENT "OPEN SPACE," REQUIRING VEHICLE ACCESS TO BE FROM ALLEY IF FEASIBLE, WITH SIDE YARD BEING SECONDARILY ALLOWED AND FRONT YARD ACCESS BEING LIMITED TO WHEN NO OTHER ACCESS IS AVAILABLE, AND CREATING STANDARDS FOR SUCH VEHICULAR ACCESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston has been engaged for the past two years in a major Comprehensive Plan Update; and

WHEREAS, as part of this Update Process, the Planning Staff and Planning Commission have created a vision for how the City should look; and

WHEREAS, this City Vision includes making the Residential areas of Ruston be of higher quality of design and architectural standards; and

WHEREAS, there are several re-developments or new homes which are in the planning process that could be built under the updated standards if these standards are put into place promptly; and

WHEREAS, these standards have arisen out of the Comprehensive Plan Update Process which is not yet complete, however, these standards are consistent with both the current and the proposed updated Comprehensive Plan; and

WHEREAS, the Planning Commission was eager to move forward with these standards now, including inserting illustrations into the Code so that people using the Code will have a greater level of clarity for how the Code works; and

WHEREAS, the City's SEPA Responsible Official has performed SEPA and issued the SEPA Determination of Non-significance on June 3, 2015 and the comment period expired on June 17, 2015; and

WHEREAS, the SEPA Appeal period has passed with no appeals filed; and

WHEREAS, the City sent a copy of this Ordinance to the Washington State Department of Commerce for expedited review on June 1, 2015 as per WAC 365-195-620(1) and RCW 36.70A.106 which was granted on June 22, 2015, and the required time has passed and this Ordinance is ready for passage on or before the date set for Second Reading by the Council; and

WHEREAS, on June 17, 2015 a public hearing was held by the Planning Commission on this Ordinance to elicit community input; and

WHEREAS, the Planning Commission found that this Ordinance is consistent with the goals and policies of the City's Comprehensive Plan; and

WHEREAS, the Planning Commission voted unanimously to recommend Council approval of this Ordinance; and

WHEREAS, on August 18, 2015, the City Council held the first reading of this Ordinance;
and

WHEREAS, after first reading, the Council remanded this Ordinance to the Planning Commission for further work, with particular emphasis on how height is measured and on preserving the existing side yard setbacks; and

WHEREAS, on September 23, 2015, the Planning Commission considered this Ordinance and recommended revisions as directed by Council; and

WHEREAS, the Council adopted this ordinance on December 1, 2015 during its Regular Meeting; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS
FOLLOWS:**

Section 1. Section 25.01.040 of the Ruston Municipal Code is hereby amended to read
as follows:

25.01.040 - Residential (RES) zone.

- (a) ~~Illustrations and Intent. Purpose. The residential (RES) zone serves to preserve and enhance the character of the original Ruston residential neighborhood. Redevelopment of existing homes is encouraged, as well as new housing compatible in scale and design.~~

The Residential District is represented by Ruston's traditional residential style buildings with small front, side and rear yards along tree lined streets. Structures are one to two stories in height with front porches and pitched roof forms. Neighborhoods predominantly include single family homes, with limited instances of two-family and multi-family homes. Home occupations and accessory dwellings are encouraged where impacts to nearby residential uses are minimized. Pedestrian oriented street side facades with clear entries and front porches are a high priority. Vehicle access is limited to on-street parallel parking and alleys where available.

[**New Illustration**]

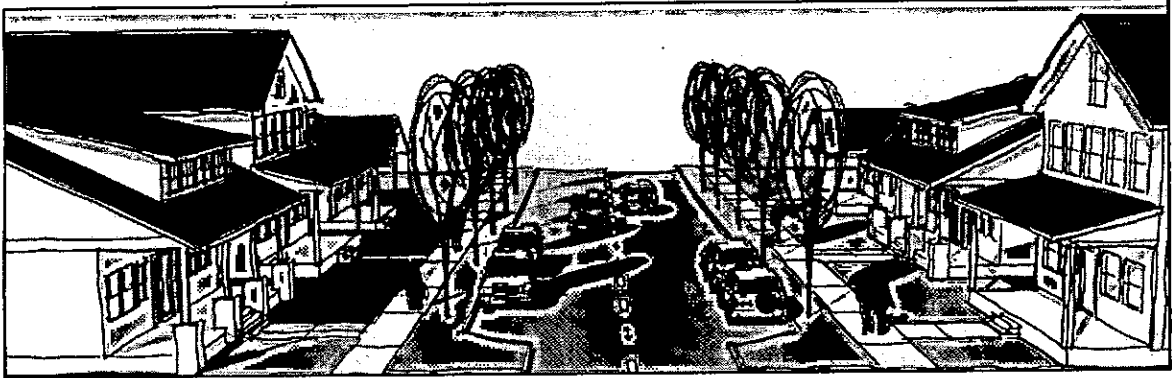


Figure 1 - Typical Residential District Form

Note: The illustrations in this section are advisory only. Refer to the standards in the following sections for the specific requirements of the Residential District.

- (b) Permitted Uses. Refer to RMC 25.07 for uses permitted in the RES zone.
- (c) Conditional Uses. Refer to RMC 25.07 for uses conditionally permitted in the RES zone.
- (d) Minimum Lot Area and Width. Every lot building erected or structurally altered in the RES zone shall provide a lot area of at least 4,480 square feet with a minimum width of 450 feet for single-family dwellings. No lot which is less than the area and width specified herein may be developed unless meeting the requirements for a nonconforming lot as set forth in RMC 25.01.120.
- (e) Setback Requirements and Build to Zone (BTZ).

[**New Illustration**]

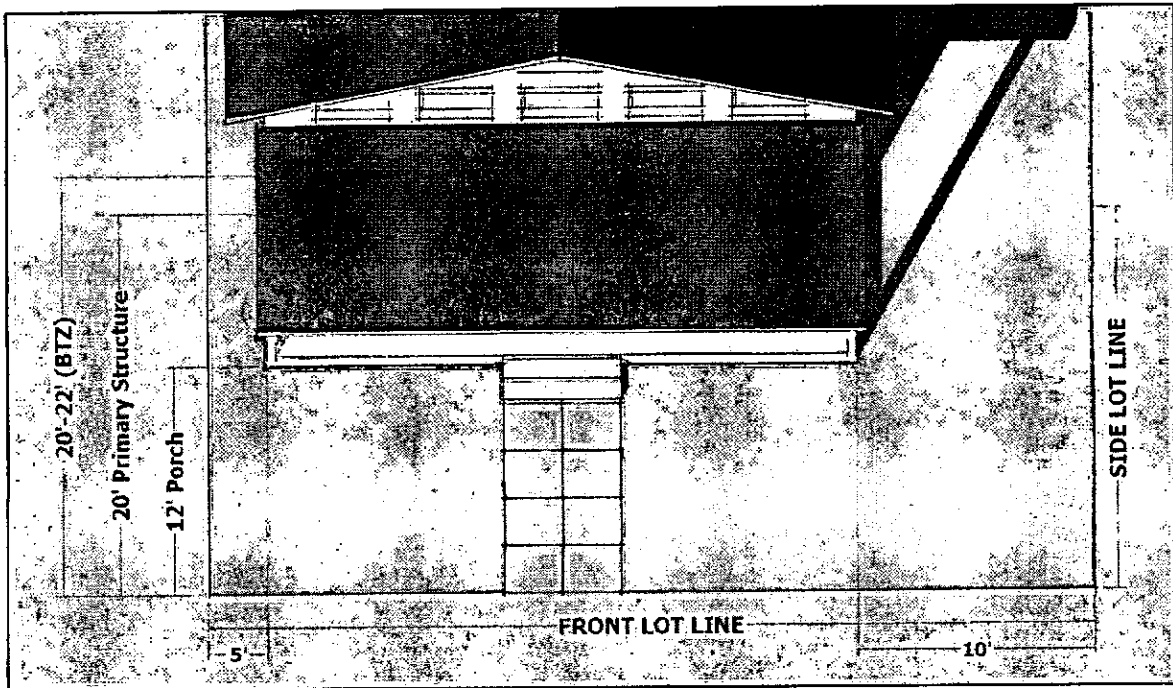


Figure 2 - Primary Structure Setbacks

(1) ~~Lots developed after enactment of this code shall maintain at least these setbacks:~~

~~(1A) Front yard, 20 feet to property line.~~

(A) The Primary Structure minimum setback is 20 feet from the front lot line. The Primary Structure (BTZ) is located between 20 and 22 feet from the front lot line. At least 50% of the ground floor front façade of the primary structure must be located within the BTZ.

(B) Porches may be located as close as 12 feet from the front lot line, provided that the finished floor elevation of the primary structure is at least 18 inches above the average elevation of the front lot line, as described in subsection (f) below.

(C) Garages and accessory structures must be set back at least 26 feet from the front lot line, subject to subsection (k) of this section.

~~(2B) Rear yard, 25 feet.~~

(A) Primary Structure minimum setback is 25 feet from the rear lot line.

(B) Garages and Accessory Structures must be setback a minimum of 3 feet from the rear lot line, subject to subsection (k) of this section, and 25.01.090.

~~(3C) Side yards,~~

(A) Primary Structures, attached Garages and Porches, seven and one-half must be setback a minimum of five feet from the side yard, with a combined total of fifteen feet of setback space for both side yards. Existing lots of record which do not comply

with the minimum lot width may reduce the combined total side yard width to no less than ten feet.

(B) Detached Garages and Accessory Structures, 3 feet from the side yard lot line, subject to subsection (k) of this section, and 25.01.090.

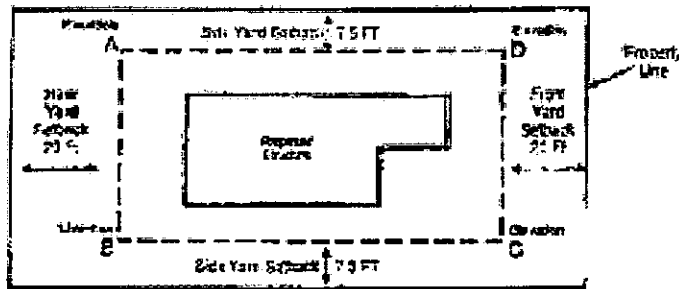
~~(2) Accessory buildings shall meet setback requirements contained in subsection (k) of this section.~~

(f) Permitted Height.

- (1) No structure shall exceed 25 feet in height as measured from the lot grade as defined in Section 25.01.020 (lot grade definition); provided, that the ridge of the roof runs parallel to the view corridor and a minimum eight-foot (rise)/12-foot (run) roof pitch, with no dormers is proposed, permitted height shall be allowed to be no more than 30 feet from the lot grade.
- (2) Grade elevations by a licensed surveyor showing the lot grade must be provided on a site plan with building permit application (refer to Illustration A).
- (3) A roof elevation must be provided by a licensed surveyor to the City's Building Official or designated person within five working days after rafters are installed on a new or remodeled structure. This requirement may be waived by written permission of the City's Building Official for structures that are clearly more than 24 inches below maximum permitted height.
- (4) No accessory building, including detached garages, shall exceed 18 feet in height as measured from the lot grade. For the accessory buildings, lot grade will be determined by the corners of the rear yard building envelope defined in subsection (k) of this section. The following diagram illustrates subsection (f) of this section:

Illustration—A

DETERMINATION OF LOT GRADE (FOUR)



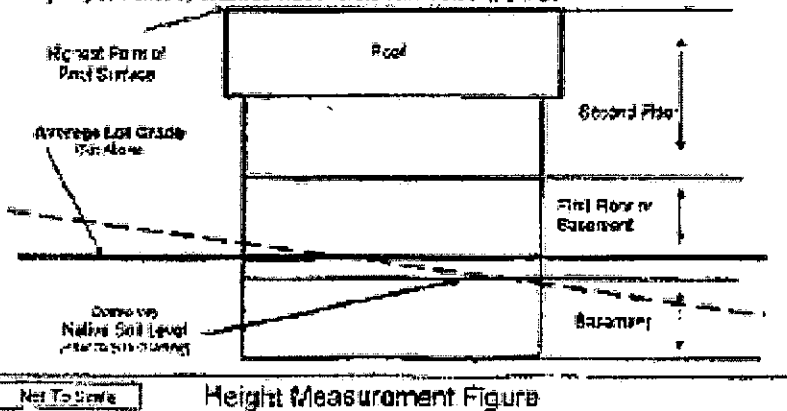
Lot Grade Calculations = $\frac{Elevation\ of\ (A+B+C+D)}{4}$
(Elevations are measured from a common datum or existing grade).

25.01.042 (f) (2) Grade elevations by a Licensed Surveyor showing the lot grade shall be provided on a site plan with building plan submission.

Illustration—B

MEASUREMENT OF HEIGHT FOR PROPOSED STRUCTURES

25.01.042 (f) (3) A finished elevation, by a Licensed Surveyor, must be provided to the Town's Building Official or other authorized person with the building plans. The elevation shall be measured on a new or existing structure. Note: this step may be waived by written permission of the Town's Building Official.



- (g) Lot Coverage/Minimum Open Space. The house and garage and accessory buildings shall not cover more than 38 percent of a lot. A minimum amount of open space equal to at least fifty percent (50%) of the total lot area shall be required. For the purposes of this section, open space shall include areas such as landscaping, patios and decks. Additionally, up to 25% of the required minimum open space may include private porches, balconies and roof top gardens. Impervious driveway and vehicle parking areas shall not be included as open space.
- (h) Site Plan Requirements. Site plan approval is required under Section 25.01.140 of more than four residential units.
- (i) Yard Variation on Corner Properties. The City Council may issue special permits under the variance procedures contained in RMC 25.01.110 allowing variations of positions of side, front and rear entrances of houses to be built on corner properties formed by the intersection of two or more streets. Such permits approvals may result in substitution of front and/or rear yard depths for side yard depths and vice versa, but shall not otherwise result in placing any house in a position which would be illegal. No such permit approval shall be granted if the resulting setback does not harmonize with other residential

buildings in the same block. Every application for a ~~special permit variance~~ under this subsection shall be accompanied by complete plans showing all entrances to the house, and a sketch map showing accurately the location of the house on the property and locations of other residential buildings in the same block, and any other requirements under the variance procedures contained in RMC 25.01.110.

- (j) ~~Accessory Dwellings, Special Permit. New a-Accessory dwellings may be conditionally allowed in the residential zone following review and approval by the City Hearing Examiner the Planning Commission and City Council if the home is owner occupied and the unit is found to conform with the requirements of this chapter as established by an inspection by the City Building Inspector. Such inspection shall be made by the City upon application to the City Clerk and payment of the applicable fee as provided in the City's fee schedule. If the report of the City Building Inspector finds that the unit meets the requirements of this chapter, a special use permit will be issued by the City Clerk following review and approval by the Planning Commission and City Council. The accessory dwelling shall be considered a legal use only as long as the home is owner occupied, subject to the following Cconditions which must be met to allow new accessory dwellings:~~
- ~~(1) A single family dwelling or lot may have no more than one accessory dwelling.~~
 - ~~(2) The principal structure must be occupied by one or more owners of the property or a family member as a permanent and principal residence; Tthe owner must occupy may live in either the principal structure; or the accessory dwelling.~~
 - ~~(3) Parking must The principal structure must provide at least three off street parking spaces which meet the requirements of Section 25.01.090~~
 - ~~(4) The minimum ceiling height must be six feet, eight inches for accessory dwellings located within structures constructed before October 17, 1979, and seven feet, six inches for units within structures constructed after that date. Projections below the ceiling, including but not limited to beams, pipes and ducts, shall not reduce the headroom to less than six feet, six inches.~~
 - ~~(5) In sleeping rooms located in buildings constructed after August 10, 1972, or in rooms lawfully converted or established for sleeping purposes after August 10, 1972, there shall be at least one operable window or exterior door approved for emergency escape or rescue. The window or door must be operable from the inside. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet, a minimum net clear openable height dimension of 24 inches, and a minimum net clear openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a constructed step with a riser of not more than seven inches.~~
 - ~~(6) The accessory dwelling unit must provide adequate light and ventilation, sanitation, structural characteristics, heating, electrical service, fire safety and security in accordance with the International Building Code.~~
- ~~(A) Parking Requirement Waiver. A waiver from the parking requirement may be granted by the City Council if topography of the site or structure location makes it unduly burdensome to provide the required parking and there is adequate on-~~

~~street parking. A plot plan must be submitted which illustrates what factors make it impractical to provide the required parking such as topography, walls or existing structures. The existence of adequate on-street parking must also be shown by a written survey report which includes the date and time of survey, map of the survey area, total number of legal parking spaces and number of parking spaces occupied.~~

(4B) Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design or it shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.

(5C) Enforcement. If a unit cannot be legalized because it fails to meet the standards herein and the unit cannot or will not be brought into conformance with these standards, the use will have to be discontinued. The City may cite owners of illegally occupied units who do not apply for legalization. Owners who do not apply for a permit will be subject to civil penalties and other enforcement penalties under Chapter 25.03 of this code.

(k) Garages, Surface Parking, Driveways and Accessory Structures,

Garages, surface parking, driveways and accessory structures are permitted within the rear yard setback Allowed Only in Rear Yards. Accessory buildings or dwellings may be built only within a rear yard, subject to the following provisions:

- (1) Accessory structures may be built within three feet of the rear lot line, provided the required total open space area for the lot is not exceeded. In addition, accessory buildings shall cover no more than 50 percent of the rear yard; computed on the full width of the lot times the depth of the rear yard. Accessory buildings shall not be closer than seven and one-half feet to a side lot line. When alley access is available, garages, surface parking and driveways are prohibited from accessing the site through front or side yards. If alley access is not available, then side yard access shall be utilized. If neither alley nor side yard access is available, then the following standards will apply to all garages, surface parking and driveways;

If a garage is proposed in the rear yard and access is planned from an alley, such access must conform to the alley access requirements in Section 25.01.090.

- A. Side loaded garages are preferred over front loaded garages when access is provided through front yards.
- B. Front loaded garages with vehicle doors facing the front lot line that are attached to the primary structure shall include habitable space above the garage with windows facing the street, (habitable space must also meet International Building and Fire Code egress standards for bedrooms). The area of habitable space shall be at least 50% of the area of the garage.
- C. Driveways and surface parking areas located within 10 feet of the front lot line shall have a maximum width of 10 feet and shall either contain a 3-foot wide

grass strip along its center (perpendicular to the right of way or access street) or be paved with grass pavers.

- ~~(2) Accessory buildings without a dwelling that are 120 square feet or under may be built only within a rear yard and will not be subject to setback requirements.~~
- (l) Fences—Height Restrictions. See Section 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries.
 - (1) Fence in required front yard: 60 inches maximum height.
 - (2) Fence in required side yard: 72 inches, 60 inches within 15 feet of the front property line.
 - (3) Fence in required rear yard: 72 inches.
 - (4) On corner lots, fences shall be limited to 42 inches in height for a distance of 15 feet from the intersection of the property lines abutting the street and to 60 inches in height for the remainder of the required front yard facing on both streets; except that fences may be permitted to a maximum height of 72 inches from the ground in the front and/or side yard on a flanking street.
- (m) Projections into Yard Setbacks. Steps and patios are permitted within setbacks. Steps providing access to a second story or higher may not be located within 3 feet of any side lot line. Also See Section 25.01.110(d)(3) for other allowable projections into yard setbacks.
- (n) ~~Design Architectural Standards.~~ All development within the RES zone is subject to the design architectural standards contained within Chapter 25.06 RMC.
- (o) Alley access and parking. Lots with existing alley access shall not be modified to eliminate such access. Any newly created lot shall provide alley access, except where provision of such access is not physically feasible due to extreme topography, as determined by the City Engineer. In cases where newly created or modified lots cannot feasibly provide alley access, then access shall be provided by easement or lot configuration to the nearest side street as illustrated in Figure 5 below. If access to a side street is not available, then provision of shared side yard access shall be required as illustrated in Figure 6 below.

Lots which include both (1) the provision of vehicle access via an alley; and (2) are adjacent to on-street public parking, may decrease the total number of required parking stalls for the lot by one stall for every 20 lineal feet of street frontage providing on-street parking.

[**New Illustrations**]

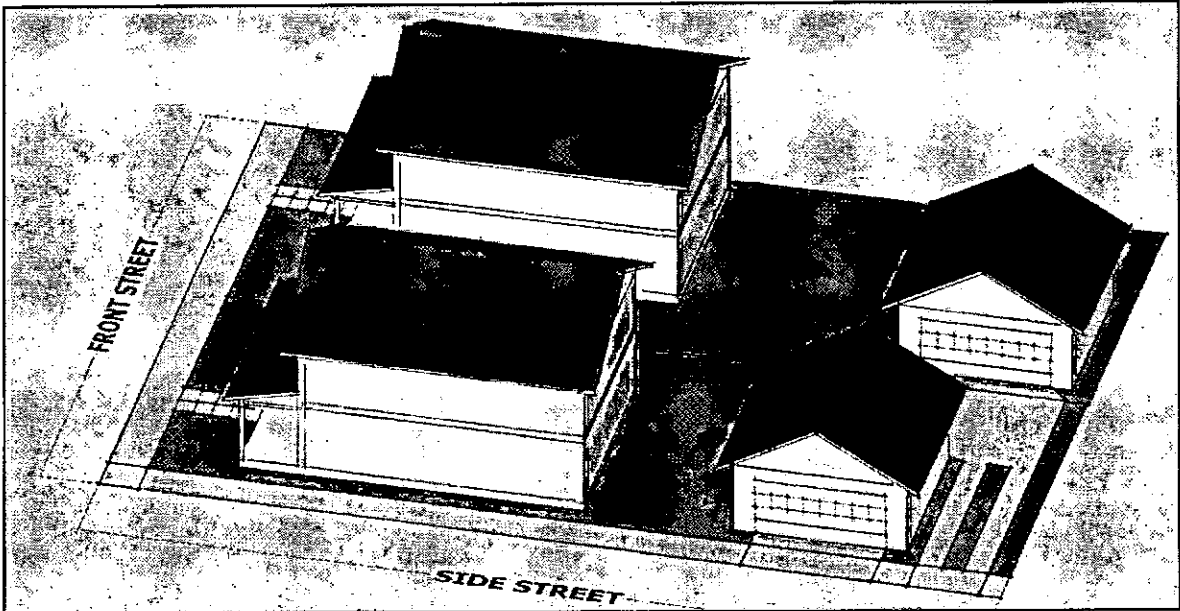


Figure 3 – Example Providing Access to Side Street via Easement/Lot Configuration



Figure 4 – Example Providing Access to Front via Shared Driveway

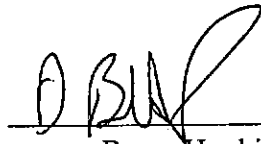
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

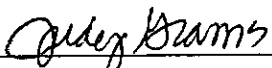
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 1st day of December, 2015.

APPROVED by the Mayor this 1st day of December, 2015.



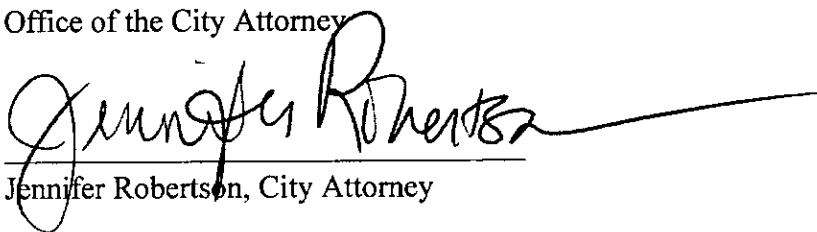
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Jennifer Robertson, City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1459