

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2021-1082**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO UNCOVERED PORCHES
AND DECKS; AMENDING ORTING MUNICIPAL CODE
SECTIONS 13-5-1-C; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the City desires to revise its project exceptions related to decks and uncovered porches to respond to citizen needs; and

WHEREAS, the current development code only allows uncovered porches and decks to project eighteen inches into a side yard setback; and

WHEREAS, in accordance with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance on July 9, 2021 for its review and comment period; and

WHEREAS, the City's Planning Commission held a public hearing on the proposed amendments on September 9, 2021 and proposed a recommendation which was forwarded to the City Council to adopt the proposed OMC amendments; and

WHEREAS, the City Council held a public hearing on the proposed OMC amendments on September 29, 2021, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission; and

WHEREAS, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

Section 2. OMC Section 13-5-1, Amended. Orting Municipal Code Section 13-5-1-C is hereby amended as follows:

13-5-1: DENSITY AND DIMENSION:

C. 10. Projection Exception:

b. Uncovered porches and decks which do not exceed thirty inches (30") from finished lot grade may project into any setback, provided such projections do not extend more than six feet (6') into a front yard setback or no closer than five feet (5') to the side lot line eighteen inches (18") into a side yard setback.

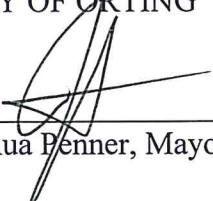
Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 29th DAY OF SEPTEMBER, 2021.

CITY OF ORTING



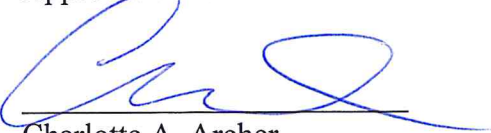
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kim Agfalvi, City Clerk

Approved-as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: