
Council Meeting Date: March 26, 2007

Agenda Item: 7(d)

CITY COUNCIL AGENDA ITEM
(a) CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance 462 Proposed Amendments to the Development Code
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Joe Tovar, Director Steven Szafran, Planner II

PROBLEM/ISSUE STATEMENT:

The proposed amendments are to the following chapters of the Development Code: 20.20, 20.40, and 20.50. This group of code amendments deletes all references to cottage housing that were not included in the original ordinance. A companion Comprehensive Plan Amendment to delete the cottage housing references in the Comprehensive Plan will be sent to the Planning Commission later this year.

Recommended changes include, but are not limited to, the following: Delete the definition of "Cottage Housing", Delete the words "Cottage Housing" in section 20.40.030 A and B, Delete the words "provisions for cottage housing" under the affordable housing section of the code and Delete exception #1 from Table #1 which is the densities and dimensions table in residential zones.

FINANCIAL IMPACT:

Staff does not anticipate that any of the amendments recommended for approval would have a financial impact on the City.

RECOMMENDATION

Planning Commission and staff recommend approval of Ordinance 462, amending the Shoreline Development Code.

In the event that the Council wishes to modify provisions of the recommended amendments, or to add additional provisions to the cited code sections, the public participation requirements of the GMA would require that such changes be supported by the record below and notice already given. The staff will be able to assist in determining if those facts exist. If such were not the case, and the Council wished to consider such changes, it would be necessary to refer those matters back to the Planning Commission for further review.

Approved By: City Manager  City Attorney 

INTRODUCTION

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

During this Development Code review cycle, the City Planning Department has initiated this round of code amendments to delete all references to cottage housing that were not deleted when the Council repealed the cottage housing ordinance.

BACKGROUND

The Shoreline City Council approved Ordinance 408 on February 13, 2006 which repealed cottage housing from the Shoreline Development Code. This group of code amendments deletes all references to cottage housing that were not included in the original ordinance. A companion Comprehensive Plan Amendment to delete the cottage housing references in the Comprehensive Plan will be sent to the Planning Commission later this year.

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations and subject to the goals and requirements of the Growth Management act (RCW 36.70A). Staff conducts State Environmental Policy Act (SEPA) review of the amendments and prepares a list of proposed amendments for the Planning Commission Public Hearing. The Public Hearing is noticed, and the amendment list is sent to the State Department of Community, Trade and Economic Development (CTED). This notice to CTED must be sent at least 60 days prior to Council action. The Planning Commission is the review authority for legislative decisions and is responsible for making a recommendation to the City Council on each amendment.

CTED was notified of the proposed changes in November 2006. A Public Hearing was held February 1, 2007, wherein the Planning Commission formulated a recommendation on each of the amendments for Council review. A SEPA Determination of Nonsignificance was issued in December 2006, and no appeals were filed. Ordinance 462 (**Attachment A**) will enact the Planning Commission recommended amendments. **Attachment B** contains a summary of the amendment proposals.

The Planning Commission first looked at the official list of Development Code Amendment and had the opportunity to ask questions. A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was

published December 2006. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held February 1, 2007. There was no public comment, nor were there any citizens in attendance.

The list of amendments was discussed and a recommendation on each of the proposed amendments was made. The following analysis contains the issues and Planning Commission recommendation for the proposed amendments.

ALTERNATIVES ANALYSIS - AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis.

- **Amendment #1:** 20.20.014 (C Definitions). Delete the definition of "Cottage Housing".
- **Amendment #2:** 20.40.030(A) (Residential Zones). Delete the words "Cottage Housing".
- **Amendment #3:** 20.40.030(B) (Residential Zones). Delete the words "Cottage Housing".
- **Amendment #4:** 20.40.230(A) (Affordable Housing). Delete the words "provisions for cottage housing".
- **Amendment #5:** 20.50.020(1) (6) (Densities and Dimensions in Residential Zones). Delete exception #1 from Table #1.

DECISION CRITERIA

According to Section 20.50.350 of the Shoreline Municipal Code (SMC), an amendment to the development code may be approved if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and;
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff has concluded that the proposed amendments do not conflict with any of the decision criteria.

OPTIONS

1. Approve Ordinance 462 as recommended by the Planning Commission.
2. Modify Ordinance 462 or remand to the Planning Commission for further study
3. Deny Ordinance 462

RECOMMENDATION

Planning Commission and staff recommend approval of Ordinance 462, amending the Shoreline Development Code.

ATTACHMENTS

Attachment A: Ordinance 462.
Attachment B: Table of Proposed Development Code Amendments and associated language changes in legislative format.

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, DELETING ALL REFERENCES TO COTTAGE HOUSING AND AMENDING SHORELINE MUNICIPAL CODE SECTIONS 20.20.014, 20.40.030, 20.40.230, AND 20.50.020

WHEREAS, the City Council repealed Cottage Housing Bonus Densities in Ordinance No. 408;

WHEREAS, the Shoreline Municipal Code includes other references to cottage housing which are no longer relevant;

City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on February 1, 2007.

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

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

Section 1. Amendment. Shoreline Municipal Code Sections 20.20.014, 20.40.030, 20.40.230, and 20.50.020 are amended to delete all references to cottage housing as set forth in Exhibit 1, which is attached hereto and incorporated herein.

Section 2. 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 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 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON March 26, 2007.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

20.20.014. C definitions

Cottage

A small, detached dwelling unit.

20.40.030 Residential zones.

- A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units, ~~cottage housing~~ and community facilities that are compatible with existing development and neighborhood character.

20.40.030 Residential zones.

- B. The purpose of medium density residential R-8 and R-12 zones, is to provide for a mix of single-family homes, duplexes, triplexes, townhouses, ~~cottage housing~~ and community facilities, in a manner that provides for additional density at a modest scale.

20.40.230 Affordable housing.

- A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) provisions for accessory dwelling units, (c) ~~provisions for cottage housing~~, and (d) projects which are limited by the critical areas requirements.

Table 20.50.020(1) – Densities and Dimensions in Residential Zones

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (+)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4	6	8 du/ac	10 du/ac	12 du/ac

			du/ac	du/ac			
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. Impervious Surface (6)	45%	50%	65%	75%	85%	85%	90%

Exceptions to Table 20.50.020(1):

~~(1) In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base density may be increased for cottage housing in R-6 (low density) zone subject to approval of a conditional use permit.~~