Council Meeting Date: May 12, 2008 **Agenda Item:** 8(b)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 478, Amendments to the Development Code, Section 20.50.020; Residential Density in CB zones, affecting properties located in the Town Center Study Area and along Ballinger Way
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director

SUMMARY:
This amendment was reviewed by the City Council at its April 14, 2008 meeting. The Council did not make a decision that evening and continued its discussion to May 12.

BACKGROUND

The attached information from the April 14 packet provides the background of the Planning Commission recommendation. At the April 14 meeting, Council heard comments from 5 people. Comments included:

- Support for the proposal because it would make development in CB areas feasible, minimal impact on single-family neighborhoods, increased demand for public transit and increases density in areas that can support it.
- Support with reservations, including a request to delete the requirement for ground floor retail uses.
- Suggestion that public process was flawed and the City's Comprehensive Plan does not support density of this sort.
- Concerns about traffic and land use impacts.

The Council began to discuss the proposal including a proposed amendment to allow increased density if the development provided affordable housing or ground floor retail. No decisions were reached and further discussion was tabled to May 12.

RECOMMENDATION

The Planning Commission recommends that Council adopt Ordinance No. 478, amending the development code, Section 20.50.020; Residential Density in CB Zones; affecting properties in the Town Center Study Area and adjacent to Ballinger Way.

Approved By: City Manager City Attorney ___

ATTACHMENTS

Attachment A: Ordinance No. 478

Exhibit A to Attachment A: Proposed 20.50.020(2) Code Language

Attachment B: Map of Existing and Potential CB Parcels

Attachment C: Zoning Map

ORDINANCE NO. 478

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20.50.020(2) DENSITIES AND DIMENSIONS FOR RESIDENTIAL DEVELOPMENT IN NONRESIDENTIAL ZONES.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000; and

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code; and

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 February 16, 2007 to March 1, 2007;
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007;
- The City Council discussed these amendments on June 11, 2007 and August 20, 2007;
- The Planning Commission and City Council held a joint public hearing on October 8, 2007; and
- Additional consideration by the Planning Commission at public hearings on January 17, 2008 and February 21, 2008; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on March 8, 2007, 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 Chapter 20.50.020(2) is amended as set forth in Exhibit A, 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 APRIL 14, 2008.

_____
Mayor Cindy Ryu

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

January 17, 2008 proposal before the Planning Commission

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height ~~(1)~~ (2)	35 ft	60 ft	65 ft ~~(2)~~(3)
Maximum Impervious Surface	85%	85%	95%

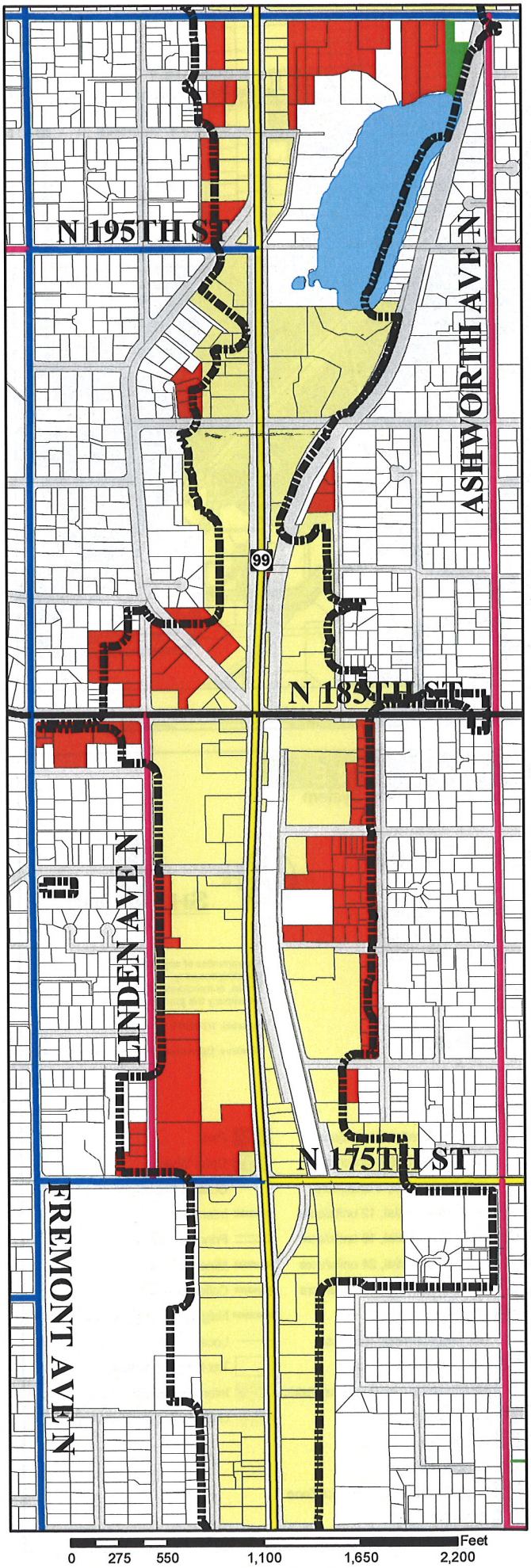
Exceptions to Table 20.50.020(2):

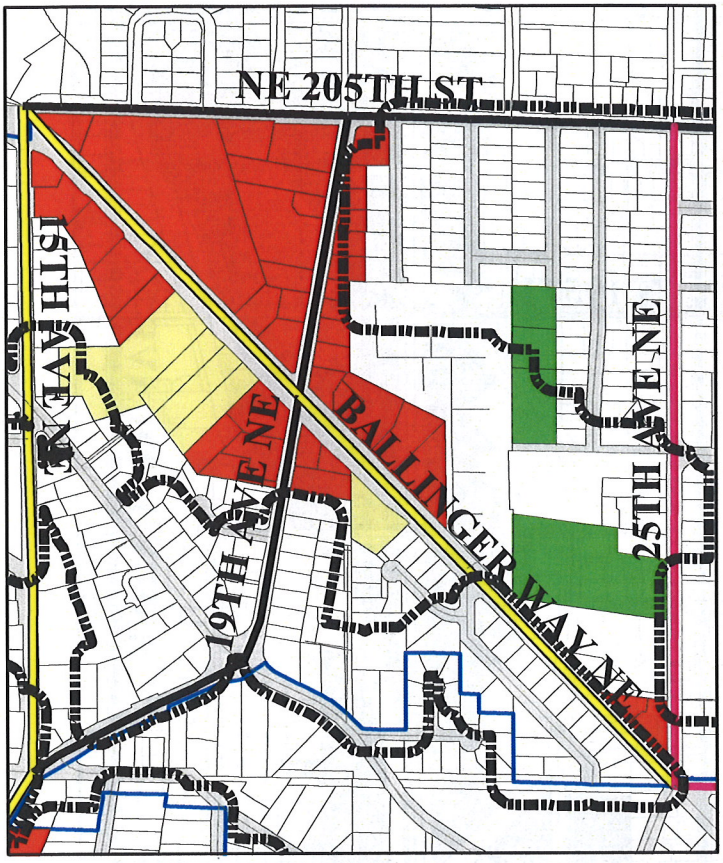
(1) No density maximum will apply in CB zones if the following criteria are met:

- *Properties are located in the Town Center subarea study area or adjacent to Ballinger Way.*
- *Properties are located more than 90 feet from single-family zoned properties (R-4,R-6, and R-8).*
- *Properties are within 1,200 feet of Auroara Ave N or directly adjacent to Ballinger Way.*
- *Properties shall include ground floor commercial uses.*

~~(1)~~ (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

~~(2)~~(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.





SHORELINE
Geographic Information System

Potential Community Business

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

Shows amendments through April 3, 2007.

Map Features

- Parcels Zoned CB or the Potential for CB Zoning
- Parcels Zoned RB or I and Not Affected by Ord. 478
- Within 90' of LDR
- Park
- Tax Parcel Boundary
- Unclassified Right of Way

N W E S

CITY OF SHORELINE

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Updated: 1/17/2008

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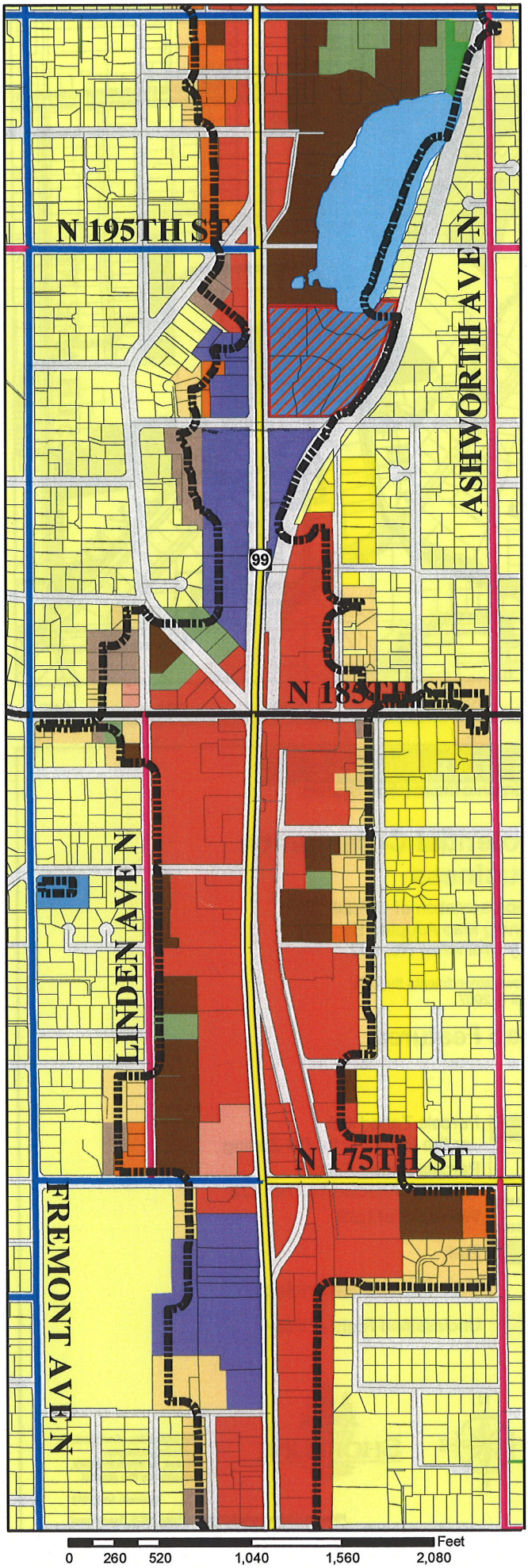

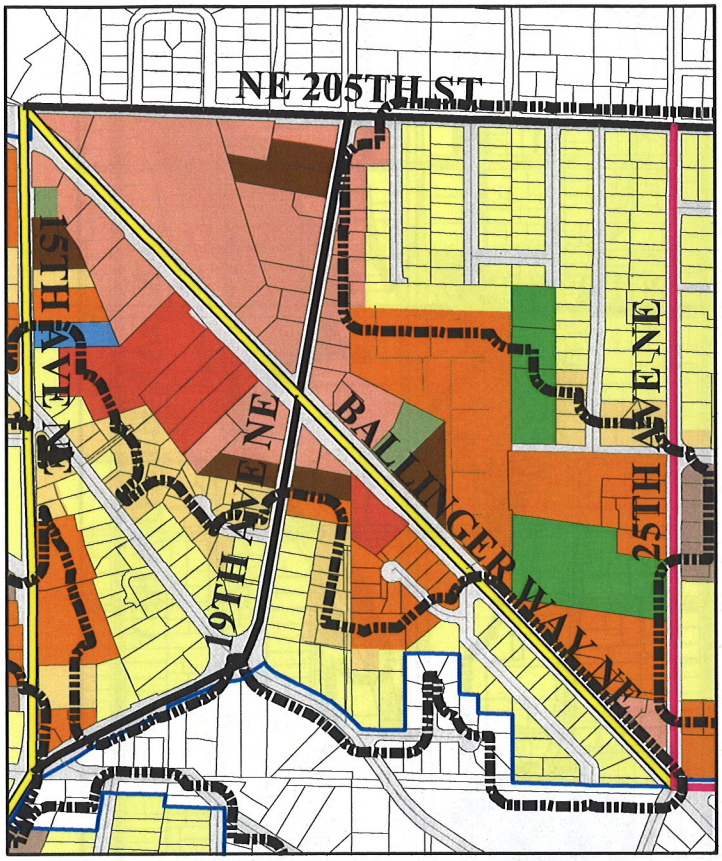

SHORELINE
Geographic Information System

Current Zoning

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

Shows amendments through April 3, 2007.

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CITY OF SHORELINE

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Updated: 1/17/2008

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Map Features

Legend

- R-4; Residential, 4 units/acre
- R-6; Residential, 6 units/acre
- R-8; Residential, 8 units/acre
- R-12; Residential, 12 units/acre
- R-18; Residential, 18 units/acre
- R-24; Residential, 24 units/acre
- R-48; Residential, 48 units/acre
- O; Office
- NB; Neighborhood Business
- CB; Community Business
- NCBD: North City Business District
- RB; Regional Business
- I; Industrial
- CZ; Contract Zone
- Regional Business-Contract Zone
- Within 90' of LDR
- Park
- Open Water
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street
- Tax Parcel Boundary
- Interurban Right of Way
- Unclassified Right of Way