

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 722 - Development Code Amendment for Split Zones
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Steven Szafran, AICP, Senior Planner Rachael Markle, AICP, Director
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

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. The Planning Commission is the review authority for Development Code amendments and is responsible for holding an open record Public Hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment.

The Planning Commission held the required Public Hearing for the proposed Development Code amendment on August 6, 2015 and unanimously recommended that the City Council adopt the proposed amendment as detailed in this report. The purpose of tonight's discussion is for:

- Council to review the proposed Development Code amendment, which is proposed in Ordinance No. 722 (Attachment A);
- Staff to present the Planning Commission's recommendation and respond to questions regarding the proposed amendment;
- Council to gather additional public comment; and
- Council to vote on proposed Ordinance No. 722.

**RESOURCE/FINANCIAL IMPACT:**

Proposed Ordinance No. 722 does not have a direct financial impact on the City.

**RECOMMENDATION**

Staff recommends Council adopt proposed Ordinance No. 722.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to the Development Code are used to bring the City's development regulations into conformity with the City's Comprehensive Plan, State of Washington rules and regulations, or to respond to changing conditions or needs of the City. Pursuant to SMC 20.30.070, 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. The Planning Commission is the review authority for these types of decisions and is responsible for holding an open record Public Hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment.

On July 13, 2015, the City became aware of a situation regarding split zoning on a parcel of property along Aurora Avenue N. Half of this property was rezoned as the southern border of Town Center bisected the property. When the Town Center Sub-Area Plan was adopted, the boundary line of the Sub-Area was taken literally in the zoning map without regard to splitting the zoning on a single parcel, which the City typically tries to avoid. Therefore, this parcel ended up being zoned approximately 50% Town Center 2 (south side of N 170<sup>th</sup> Street going north) and 50% Mixed Business (the original zone of the entire parcel with the section south of N 170<sup>th</sup> Street remaining under the Mixed Business zone). All property owners were notified during the Sub-Area plan process of the zoning changes for Town Center, although this property owner states that her family had no knowledge of the change.

## **DISCUSSION**

The Development Code does not specifically address the allowed land uses on parcels with more than one zoning designation. Staff has interpreted this to mean that land uses are confined to the zoning designation even if there is more than one designation on a parcel. This has been particularly problematic for commercial properties that want to improve, redevelop, or lease buildings for commercial uses and do not have the parcel size to accommodate their plans.

Of the 48 parcels that have split zoning in the City, only three have a mix of commercial zones and do not include residential zoning, including the parcel that the City was made aware of on July 13. One of these three parcels abuts a residential zone, and the remaining two properties do not conflict with residential uses on the parcel or abut residentially-zoned parcels. The parcel at 18528 Midvale Avenue N is Sky Nursery's greenhouse and north parking lot (Attachment B). The other parcel at 16748 Aurora Avenue N is the parcel that the City was recently made aware of (Attachment C). This is a property that burned down in 2009 and is currently undeveloped.

Both parcels have Town Center 2 (TC2) and Mixed Business (MB) zones. Most land uses permitted in these zones are the same. However, MB allows other land uses that TC2 does not, such as construction services, tent cities, temporary lodging for RVs, collective gardens, construction services, automotive sales and leasing, warehousing, adult use facilities, interim recycling, public agency office and yards, and regional uses such as bus bases, and work release facilities. The degree of land use change is

minimal considering these additional land uses could be located on the MB portion of the same property without the amendment. As long as these commercial properties meet all other regulations such as dimensional, transition area and commercial design standards there should be no external impacts from the refinement that this amendment intends.

The remaining 45 split zoned properties, which all include residential land uses, may be more challenging to resolve involving potential impacts and compatibility. The City may want to address these parcels in the future due to the number of different scenarios and situations. In general, staff has and will continue to recommend that any future zoning changes avoid creating split zoned property by aligning the zone designation boundaries with property lines.

### **How Other Municipality's Address Split Zoning**

Staff researched cities in the region and found the following two examples of Development Code language that applies to parcels with split zoning designations:

#### **City of Stanwood Municipal Code, Subsection 17.15.030 (5)**

"Where a zoning district boundary line shown on the zoning map divides a lot of record, the *property owner shall have the option of choosing either of the two districts to apply to the entire lot area*, or may subdivide the lot to retain both districts as mapped; provided, that all of the standards and requirements of the relevant performance standards can be met." The last part of this standard would include, but not be limited to, minimum lot size in the case of a subsequent short or "long" subdivision.

#### **City of Othello Chapter 17.13, Districts, Boundaries, Section 17.13.060**

"If a district boundary line cuts a property having a single ownership as of record January 1, 1980, all such *property may take the least restricted classification provided the property is developed as one unit.*"

### **Public Notice**

Public notice of the proposal, public hearing, and SEPA determination were published July 21, 2015. Public comments were due August 6. The two property owners affected by the proposal were sent a courtesy notice July 2, 2015 of the public hearing. The State Department of Commerce is expediting their review of the proposal.

The City published and sent the affected property owners Notice of the Public Hearing July 21, 2015 (Attachment D).

The City did not receive any comments by mail nor did anyone testify at the public hearing.

### **Current Code Language**

As background, SMC 20.40 is the zoning and use provisions of the City. SMC 20.40.060 explains how zoning affects parcels:

#### ***20.40.060 Zoning map and zone boundaries.***

*A. The location and boundaries of zones defined by this chapter shall be shown and delineated on the official zoning map(s) of the City, which shall be*

*maintained as such and which are is hereby incorporated by reference as a part of this Code.*

- B. Changes in the boundaries of the zones shall be made by ordinance adopting or amending a zoning map.*
- C. Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:*
  - 1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' lots;*
  - 2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;*
  - 3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and*
  - 4. If none of the rules of interpretation described in subsections (C)(1) through (3) apply, then the zoning boundary shall be determined by map scaling.*

However, this section does not specifically state how a parcel is treated if more than one zoning designation is present on a single piece of property. A zone boundary is addressed when it applies to dimensional standards such as density, building height, setbacks, and lot coverage. SMC 20.50.020(D) goes on to say:

**SMC 20.50.020(D)**

- D. When a lot is divided by a zone boundary, the following rules shall apply:*
  - 1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.*
  - 2. When a lot contains residential zones of varying density, the following shall apply:*
    - a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density.*
    - b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:*
      - o The transfer enhances the efficient use of needed infrastructure;*
      - o The transfer contributes to preservation of critical areas, or other natural features; and*
      - o The transfer does not result in significant adverse impacts to adjoining lower- density properties.*

As stated above in D.1 and D.2, the City allows a transfer of residential density between two zoning designations on a single parcel as long as the building dimensions comply with the requirement of each zone.

Proposed Ordinance No. 722 will allow a property owner to develop a parcel based on the land uses allowed in the more intensive commercial zone and apply that use anywhere on the entire parcel. The dimensional standards will still apply separately for each zone.

**Proposed Code Amendment**

The proposed code amendment to address commercially-zoned parcels with split zones is as follows:

**20.40.110 Use tables.**

I. Where a zoning designation line divides a parcel which was in single ownership at the time of passage of the ordinance codified in this chapter and it contains more than one commercial zoning designation with no internal or abutting residential zoning designations, then the combination of the commercial zones allowed land uses shall be permitted throughout the entire parcel. All other development standards apply to each zone separately. See SMC 20.50.020.D for more exceptions to lots with split zoning.

The Planning Commission held the required Public Hearing for the proposed Development Code amendment on August 6, 2015 and unanimously recommended that the City Council adopt the proposed amendment.

**RESOURCE/FINANCIAL IMPACT**

Proposed Ordinance No. 722 does not have a direct financial impact on the City.

**RECOMMENDATION**

Staff recommends Council adopt proposed Ordinance No. 722.

**ATTACHMENTS**

Attachment A – Proposed Ordinance No. 722

Attachment B – Zoning Map of Split-Zoned Commercial Parcel – 18528 Aurora Ave. N

Attachment C – Zoning Map of Split-Zoned Commercial Parcel – 16748 Aurora Ave. N

Attachment D – Planning Commission Public Hearing Notice

**ORDINANCE NO. 722**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SECTION 20.40.110 OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE IN ORDER TO ADDRESS SPLIT ZONED PARCELS IN NON-RESIDENTIAL ZONES.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code Title 20, the Unified Development Code; and

WHEREAS, Title 20 has been amended on several occasions since its original adoption; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on July 21, 2015; and

WHEREAS, on August 6, 2015, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted seven to zero to recommend approval of the proposed amendment; and

WHEREAS, on August 17, 2015, the City Council discussed the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendment and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

**Section 1. Amendment.** Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended to include a new section as follows:

20.40.110 Use tables.

I. Where a zoning designation line divides a parcel which was in single ownership on August 17, 2015, and it contains more than one non-residential zoning designation with no internal or abutting residential zoning designations, then any combination of the non-residential zones' allowed land uses shall be permitted throughout the entire parcel. All other development standards apply to each zone separately. See SMC 20.50.020.D for more exceptions to lots with split zoning.

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

**PASSED BY THE CITY COUNCIL ON AUGUST 17, 2015**

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

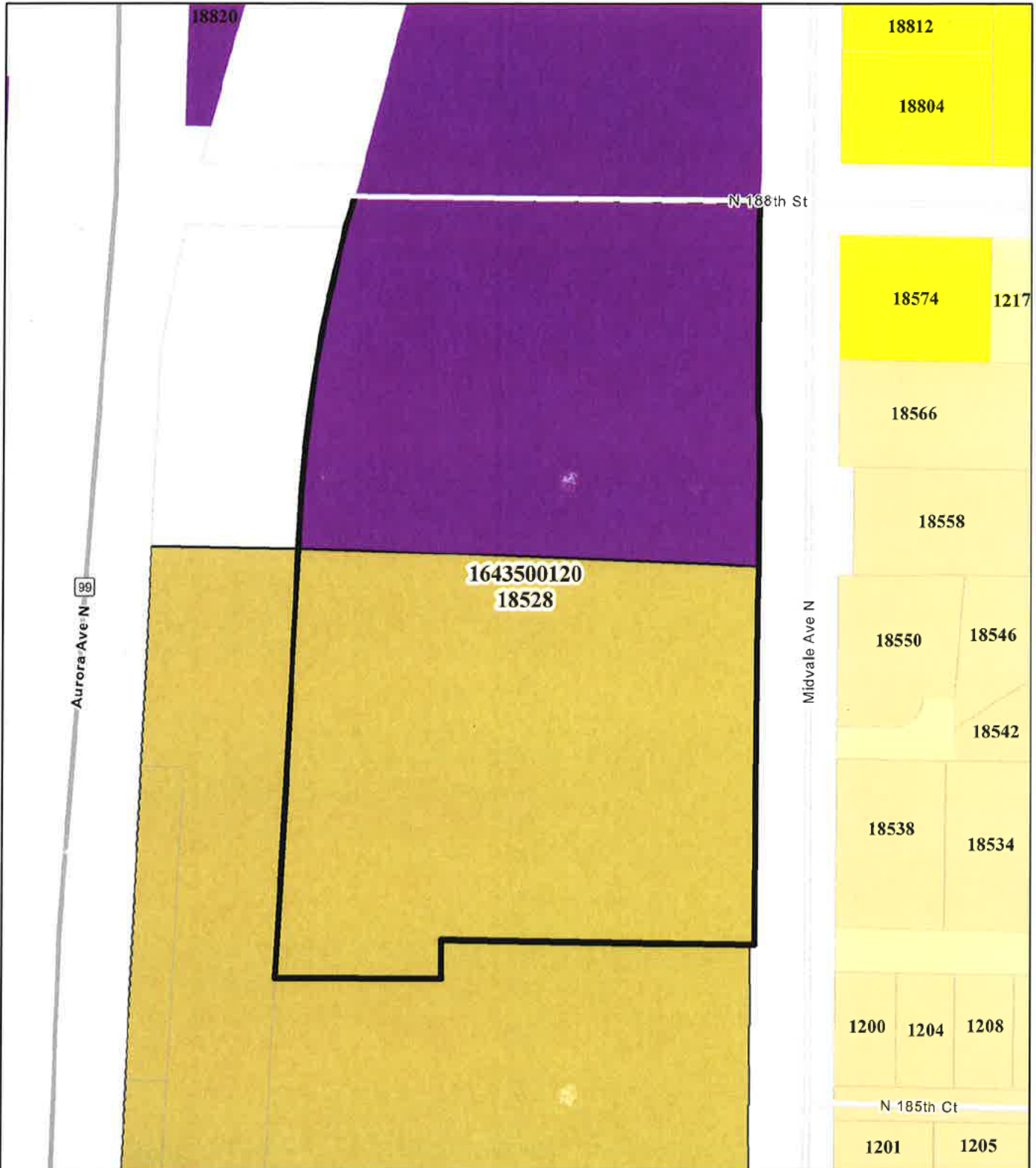
APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: , 2015

Effective Date: , 2015

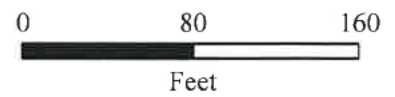


City of Shoreline  
Geographic Information System

Multi-Zoned Parcels in  
**Echo Lake**  
Parcel #1643500120  
18528 AURORA AVE N

**Zoning**

- TC-1 to TC-4; Town Center
- MB; Mixed Business



Date: 7/20/2015  
Created by: JRitzman



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17012

17010

0726049043  
16748



16716

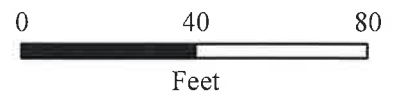
Aurora Ave N

City of Shoreline  
Geographic Information System

Multi-Zoned Parcels in  
**Meridian Park**  
Parcel #0726049043  
16748 Aurora Ave N

**Zoning**

-  TC-1 to TC-4; Town Center
-  MB; Mixed Business



Date: 7/20/2015  
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# Attachment 3



## *Planning & Community Development*

17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

### The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing changes to the Shoreline Development Code that apply citywide. The non-project action to amend the code includes a change to 20.40.110-Use Tables.

The proposed amendment will clarify what uses are allowed on a single parcel when that parcel contains multiple commercial zoning designations. This affects only parcels located at 18528 Midvale Ave N and 16748 Aurora Ave N.

This may be your only opportunity to submit written comments. Written comments must be received at the address listed below before 5:00 p.m. August 6, 2015. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov).

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, August 6, 2015 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Steven Szafran, AICP, Senior Planner at (206) 801-2512.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.