

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Ordinance No. 293: Amending the Development Code to change the Density Calculation in the R-6 Zone to prevent the construction of more than one single family detached dwelling unit on a lot less than 14,400 sq. ft.

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT: On November 1st, the Planning Commission recommended that Council consider an amendment to the Development Code that would change the way density is calculated for single family detached dwellings on parcels in the R-6 zone that are less than 14,400 sq. ft. This amendment would prohibit the placement of more than one single family detached dwelling unit on a single lot of less than 14,400 sq. ft. in the R-6 zone by removing the ability to round up the density calculation for these lots.

There have been numerous concerns raised by Shoreline's citizens regarding the impact of this type of development on neighborhood character and the intent to maintain 7,200 sq. ft. minimum lot sizes in the R-6 zone. The Planning Commission and staff have listened to testimony from these residents and recommend that the Council consider amending the Development Code to prohibit the placement of more than one single family detached dwelling on a single lot that is less than 14,400 sq. ft. The Planning Commission recommended by an affirmative vote of 6-2 to move this amendment forward to the Council for immediate consideration and adoption. (Note: the two Commissioners voting in opposition preferred alternative methods of regulation.)

ALTERNATIVES ANALYZED: The Planning Commission also considered the following alternatives:

- Adoption a moratorium on allowing more than one single family detached dwelling on a single lot of less than 14,400 sq. ft. in the R-6 zone.
- Changing the base density of all parcels to prohibit the placement of more than one dwelling unit on a single parcel that is less than 14,000 sq. ft.
- Allowing more than one single family detached dwelling on a parcel in the R-4 and R-6 zones with the issuance of a Conditional Use permit.
- Allowing more than one single family detached dwelling on a parcel in the R-4 and R-6 zones with the issuance of a Special Use permit.

FINANCIAL IMPACT: There are no obvious financial impacts to the City.

RECOMMENDATION

The Planning Commission recommends that Council adopt Ordinance No. 293 amending the Development Code by changing the method of calculating base density for single family detached dwellings on a single lot that is less than 14,400 sq. ft. in the R-6 zone by using a whole number, without rounding up.

Approved By:

City Manager *HTB* City Attorney *[Signature]*

INTRODUCTION

On November 1st, the Planning Commission by a vote of 6 to 2, recommended that Council consider, at its earliest convenience, an amendment to the Development Code that would change the way density is calculated for single family detached dwellings on parcels in the R-6 zone that are less than 14,400 sq. ft. (Note: the two Commissioners voting in opposition preferred alternative methods of regulation.) This amendment would prohibit the placement of more than one single family detached dwelling unit on a single lot of less than 14,400 sq. ft. in the R-6 zone by removing the ability to round up the density calculation for these lots.

BACKGROUND

The Council has received verbal and written public comments regarding the desirability of permitting more than one single family detached dwelling unit on a single lot in the R-6 zone. The most recent letter, dated October 15th from Sarah and Allen Balmforth, states concerns regarding the placement of two manufactured homes on a lot at 1855 NE 171st Street. Council asked staff to research these concerns and return to Council to explain how this type of development is permitted. Staff submitted a memo to Council dated August 10, 2001. In this memo, staff explained how this type of development is permitted based on the current method for calculating density.

The Code currently permits more than one single family detached dwelling unit on a single lot in the R-6 zone. The current method for calculating allowable dwelling units is as follows:

- A. The maximum allowed number of dwelling units shall be computed by multiplying the site area (in acres) by the applicable residential density;
- B. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
 - 1. Fractions of 50 or above shall be rounded up; and
 - 2. Fractions below 50 shall be rounded down.

In the R-6 zone, on lots that are 10,890 square feet or .250 acres, when multiplied by 6 units per acre, 1.5 dwelling units are calculated. The 1.5 dwelling units are then rounded up, allowing for two dwelling units. Although two dwelling units are allowed, the site cannot be subdivided under the current code with less than 14,400 sq. ft. in the R-6 zone due to the 7,200 sq. ft. lot size minimum, so the lot would remain under one ownership.

Citizens that contacted Council, the Planning Commission, and staff with concerns regarding recent developments with more than one single family dwelling on a single parcel in the R-6 zone were advised that these developments are permitted in the Development Code. Citizens were also informed of the Development Code amendment process underway at the Planning Commission. Based on calls and letters received from citizens, staff proposed an amendment to change the way density is calculated in the R-6 zone for consideration at the public hearing. The Planning Commission held the public hearing on October 18, 2001. The Commission received testimony during the public hearing in support of the proposed amendment. The Commission received

additional public comment at the November 1, 2001 meeting regarding the need to amend the Code to prohibit the placement of two single family detached dwelling units on a single parcel in the R-6 zone such as that which is occurring at 1855 NE 171st Street.

In response, the Planning Commission recommended a Development Code amendment that would not allow the number of dwelling units to be rounded up for single family detached dwellings in the R-6 zone for lots less than 14,400 sq. ft.. Adoption of this amendment will prohibit the placement of more than one single family detached dwelling on a single parcel in the R-6 zone on parcels that are less than 14,400 sq. ft. (*Note: this amendment does not prohibit the construction of Accessory Dwelling Units on lots that are greater than 10,000 sq. ft. as permitted by Supplemental Use Criteria in the Development Code.*)

ALTERNATIVES ANALYSIS

The Planning Commission considered the following alternatives:

- Adoption of a moratorium on building permits for constructing more than one single family detached dwelling on a single parcel of less than 14,400 sq. ft. in the R-6 zone.
 - This option did not address the emerging needs any faster than forwarding a recommendation to amend the Development Code to the Council for consideration.
- Changing the base density of all parcels to prohibit the placement of more than one dwelling unit on a single parcel that is less than 14,000 sq. ft.
 - Staff received comments from a few of the Planning Commissioners regarding this amendment following the public hearing. The wording of this amendment would not only prohibit the placement of more than one single family detached dwelling unit on a single lot meeting the density requirements, but would also prohibit the construction of a duplex.
 - The public comments received were in reference to single family detached dwelling units, not duplexes. Duplexes are viewed as an important tool in Shoreline's strategy to accommodate growth targeted for the City as a result of the Growth Management Act. Any proposals to limit the City's growth strategies must be analyzed and carefully considered. Therefore, this amendment language was not recommended.
- Allowing more than one single family detached dwelling on a parcel in the R-4 and R-6 zones with the issuance of a conditional use permit.
 - A Neighborhood meeting, public notice and a written public comment period are required to issue a Conditional Use permit, but a public hearing is not required. The Planning Commission was uncomfortable with allowing this use in the R-4 and R-6 zones without a public hearing.
- Allowing more than one single family detached dwelling on a parcel in the R-4 and R-6 zones with the issuance of a Special Use permit.
 - Although the Special Use permit requires a public hearing in addition to a neighborhood meeting, public notice, and a written comment period, the

Commission had concerns regarding their ability to protect neighborhood character non arbitrarily through the application of the Special Use Criteria. The Special Use criteria is designed to be used "...to locate a regional land use, not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed".

RECOMMENDATION

The Planning Commission recommends that Council adopt Ordinance No. 293 amending the Development Code by changing the method of calculating base density for single family detached dwellings on a single lot that is less than 14,400 sq. ft. in the R-6 zone by using a whole number, without rounding up.

ATTACHMENTS

Attachment A: Ordinance No. 293, Amending the Development Code to change the Density Calculation in the R-6 Zone to prevent the construction of more than one single family detached dwelling unit on a lot less than 14,400 sq. ft.

ORDINANCE NO. 293

AN ORDINANCE AMENDING THE DEVELOPMENT CODE TO CHANGE THE DENSITY CALCULATION IN THE R-6 ZONE TO PREVENT THE CONSTRUCTION OF MORE THAN ONE SINGLE FAMILY DETACHED DWELLING UNIT ON A LOT LESS THAN 14,400 SQ. FT. AND AMENDING SECTION 20.50.020 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS, The City adopted a new Title 20 in the Shoreline Municipal Code on June 12, 2000; and

WHEREAS, the Planning Commission conducted a public hearing on October 18, 2001 to consider public comments on all amendments proposed in 2000-2001 to Title 20 of the Shoreline Municipal Code; and

WHEREAS, the Planning Commission forwarded a recommendation to City Council to amend Title 20 of the Shoreline Municipal Code to change the density calculation in the R-6 zone to prevent the construction of more than one primary single family detached dwelling unit on a lot that is less than 14,400 sq. ft; and

WHEREAS, The Council finds that the amendment adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies with the adoption requirements of the Growth Management Act, Chapter 36.70A, RCW;

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

Section 1. Amendment. *Shoreline Municipal Code 20.50.020 Standards – Dimensional requirements (A) Table 20.50.020 (1) – Densities and Dimensions in Residential zones*, Base Density : Dwelling Units/Acre is amended as follows:

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

STANDARDS	Low Density		Medium Density		High Density		
	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 (1) (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac

...

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.
- (2) These standards may be modified to allow zero lot line developments.
- (3) For exceptions to rear and side yard setback requirements, please see SMC 20.50.070.
- (4) For exceptions to rear and side yard setbacks, please see SMC 20.50.080.

- (5) For developments consisting of three or more dwellings located on a single parcel, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130
- (6) The maximum building coverage shall be 35% and the maximum impervious surface shall be 50% for single family detached development located in the R-12 zone, excluding cottage housing.
- (7) The base density for single family detached dwellings on a single lot that is less than 14,400 sq. ft. shall be calculated using a whole number, without rounding up.

Example #3: R-6 zone, 13,999 square foot site: $(13,999/43,560 = .3214 \text{ acres})$ so $.3214 \times 6 = 1.92$. The base density for single family detached dwellings on this site would be one unit.

Example #4: R-6 zone, 14,400 square foot site $(14,400/43,560 = .331 \text{ acres})$ so $.331 \times 6 = 1.986$. The base density for this site would be two units.

Section 2. Amendment. Shoreline Municipal Code 20.50.020 *Standards – Dimensional requirements (B) Base Density Calculation* is amended as follows:

1. Fractions of 0.50 and above shall be rounded up except for lot less than 14,400 sq. ft. in R-6 zones. See Exceptions to Table 20.50.020 (1)(7).

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this regulation, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this regulation be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance or a summary consisting of its title 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.

PASSED BY THE CITY COUNCIL ON NOVEMBER 13, 2001.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date: