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ORDINANCE NO. 488

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING A MORATORIUM ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE COMMUNITY BUSINESS, INDUSTRIAL OR REGIONAL BUSINESS LAND USE DISTRICTS IN PROXIMITY TO RESIDENTIAL NEIGHBORHOODS.

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the City's adopted land use regulations pursuant to Land Use Policies for the Community Business and Regional Business land use designations include Community Business, Regional Business and Industrial zoning districts in both of these Comprehensive Plan land use designations; and

WHEREAS, these three business zones include development standards for residential development which may be incompatible when located adjacent to existing residential zones; and

WHEREAS, the continued acceptance of development applications proposing new residential development utilizing existing community business, regional business and industrial zone development standards and density may allow development that is incompatible with existing neighborhoods, leading to erosion of community character and harmony, and a decline in property values; and

WHEREAS, a six-month moratorium on the filing of applications for residential development in these three business zones will allow the City to preserve planning options and prevent substantial change until the existing land areas so designated and the text of development standards applicable to residential development in these zones is reviewed and any needed revisions are made to these regulations; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the integrity of existing land uses may suffer irreparable harm unless a moratorium is adopted; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through

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continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium; and

WHEREAS, a public hearing was held on Ordinance No. 484 adopting a moratorium on residential development in the CB, RB and I zones in close proximity to low density residential neighborhoods; and

WHEREAS, Council finds that some exceptions to the moratorium should be adopted to allow certain residential development covered by the moratorium which does not created an impact to adjacent residential neighborhoods; now therefore

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

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium Amended. Section 2 of Ordinance 484 is hereby amended as follows:

> A moratorium is adopted upon the filing of any application for development within the Community Business, Regional Business or Industrial zoning districts of the City which includes proposed residential use of any parcel located within ~~100~~ 90 feet of an R-4, R-6 or R-8 zoning district. No land use development proposal or application may be filed or accepted which proposes a development described in this section. Development otherwise prohibited by this moratorium shall be allowed if the following criteria are met:
>
> 1. The maximum height of a residential building proposed in the RB, CB, and I zones shall not exceed 40 feet above the average elevation of the shared property line with R-4, R-6, or R-8 zones.

Section 3. Effective Dates. This ordinance shall take effect and be in full force five days after publication of a summary consisting of the title in the official newspaper of the City, and shall expire April 29, 2008 unless extended or repealed according to law.

PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2007

Robert L. Ransom

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

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Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: ~~December 20, 2007~~ January 14, 2008
Effective date: December 25, 2007 January 19, 2008

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.