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Planning & Development Services Dept.

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ADMINISTRATIVE ORDER #000001/101106

CODE INTERPRETATION

CODE SECTION: SMC 20.40.120

I. ISSUE: Under SMC 20.20.016 the definition for Single-Family Attached also meets the definition of Apartment use (that is, Single-Family Attached is a subset of Apartment). However, the residential use matrix in SMC 20.40.120 differentiates between "Apartments" and "Single-Family Attached." In fact, for some commercial zoning districts Apartments are a permitted use while Single-Family Attached is not. Therefore, an argument can be made that a single-family attached project is allowed in those zones despite not being designated a permitted use because they meet the definition of apartment which is a permitted use.

II. FINDINGS:

A. "Apartment" is a permitted use in the CB & NCBD and RB & I zoning districts under SMC 20.40.120.

B. "Single-Family Attached" is not a permitted use in the CB & NCBD and RB & I zoning districts under SMC 20.40.120.

C. The definition of "Dwelling, Apartment" under SMC 20.20.016 – D definitions is a building containing three or more dwelling units that may be located one over the other in a multi-unit configuration.

D. The definition of "Dwelling, Single-Family Attached" is a building containing more than one dwelling unit attached to two or more dwelling units by common vertical wall(s), such as townhouse(s). Single-family attached dwellings shall not have units located one over another.

E. A "Dwelling, Single-Family Attached" is also an "Apartment" as it is a building with three or more dwelling units.

F. LU17 of the Comprehensive Plan states appropriate zoning designations for mixed use include Community Business (CB) and Regional Business(RB).

G. LU18 of the Comprehensive Plan states the CB designation provides for retail, office and service uses and high density residential uses.

H. LU19 of the Comprehensive Plan states the RB designation provides for retail, office and service uses, high density residential uses and some industrial uses.

II. CONCLUSIONS: SMC 20.40.120 allows apartments in the CB & NCBD and RB & I zoning districts as a way to provide for mixed use development. However, in the Comp Plan the only residential uses envisioned for those zones are high density residential uses. Therefore, attached single-family uses, which typically are not a high density use, are not appropriate for the CB and RB zoning districts.

III. DECISION: Attached single-family and townhouses are not a permitted use in the CB & NCBD and RB & I zoning districts even though they meet the definition of apartment.

Director's Signature

10/16/06
Date