

6a. Development Code Amendment 'Split Zoning'

Planning Commission Meeting Date: August 6, 2015

Agenda Item

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Development Code Amendments #301935

DEPARTMENT: Planning & Community Development

PRESENTED BY: Steven Szafran, AICP, Senior Planner
Paul Cohen, Planning Manager

Public Hearing

Discussion

Study Session

Update

Recommendation Only

Other

Introduction

The purpose of this meeting is to conduct a public hearing on a proposed amendment to Title 20 of the Shoreline Municipal Code (The Development Code). The proposed amendment asks to seek clarity when a single parcel has more than one zoning designation.

The purpose of this public hearing is to:

- Review the proposed Development Code amendment
- Respond to questions regarding the proposed amendment
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop a recommendation to forward to Council

Amendments to Shoreline Municipal Code (SMC) Title 20 (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 legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Background

SMC 20.30.350 states, "An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City". Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders approved by the Director.

6a. Development Code Amendment 'Split Zoning'

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for the text of the land use code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

This Development Code amendment was initiated by the Director based on direction from the City Manager. The proposed Development Code amendment is considered a local policy change.

Discussion and Analysis

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 (3) have a mix of commercial zones and do not include residential zoning. However, one of those three (3) parcels abuts a residential zone (**Attachment 1**). The remaining two (2) properties (**Attachment 2**) do not conflict with residential uses on the parcel or abutting residential zoned parcels and are therefore easy to address. The parcel at 18528 Midvale Ave N. is Sky Nursery's greenhouse and north parking lot. The parcel at 16748 Aurora Avenue is the property that burned 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.

6a. Development Code Amendment 'Split Zoning'

The proposed code amendment 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.

Similar Development Codes

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.”

Shoreline’s proposal would expand flexibility only for commercially zoned property without residential zones internally or abutting the parcel.

Public Notice

Public notice of the proposal, public hearing, and SEPA determination were published July 21. Public comments are due August 6. The two property owners affected by the proposal were sent a courtesy notice July 21 of the public hearing. The State Department of Commerce is expediting their review of the proposal. The City Council is scheduled to discuss and adopt the amendment August 17.

The City published and sent the affected property owners Notice of the Public Hearing July 21, 2015 (**Attachment 3**).

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.

6a. Development Code Amendment 'Split Zoning'

- 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 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.

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:

- 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:

6a. Development Code Amendment 'Split Zoning'

- The transfer enhances the efficient use of needed infrastructure;
The transfer contributes to preservation of critical areas, or other
- natural features; and
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.

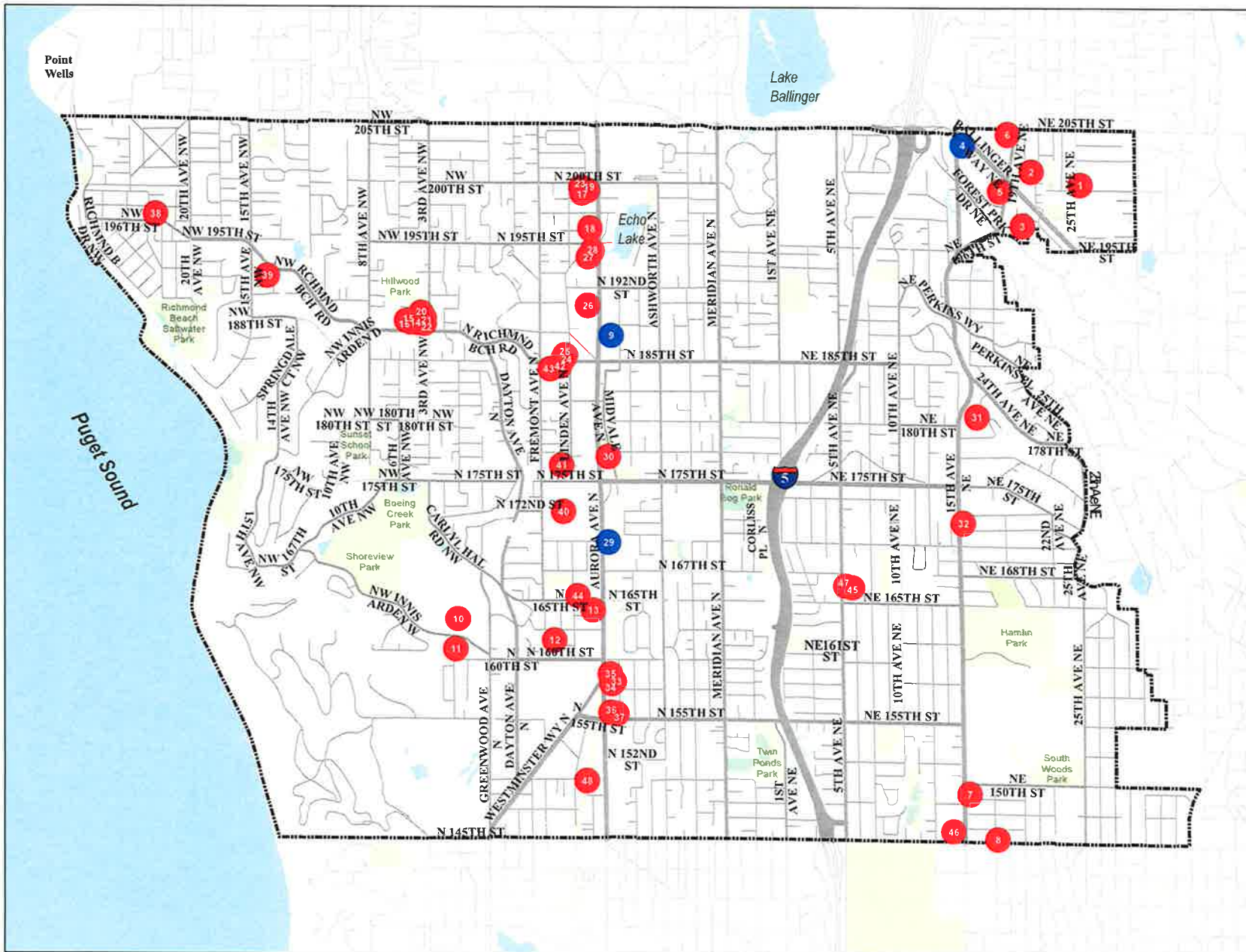
The proposed Development Code amendment will allow a property owner to develop a parcel based on the land uses allowed in the more intensive commercial zone and apply that use anywhere on the entire parcel. The dimensional standards will still apply separately for each zone.

Recommendation

Staff recommends approval of the proposed Development Code amendment.

Attachments

Attachment 1 – Map of all parcels in the City with split zoning
Attachment 2 – Maps of two (2) parcels affected by amendment
Attachment 3 – Notice of Public Hearing



City of Shoreline
Geographic Information System

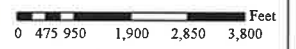
2015 Shoreline Parcels with Multiple Zonings

Attachment 1

Map Feature

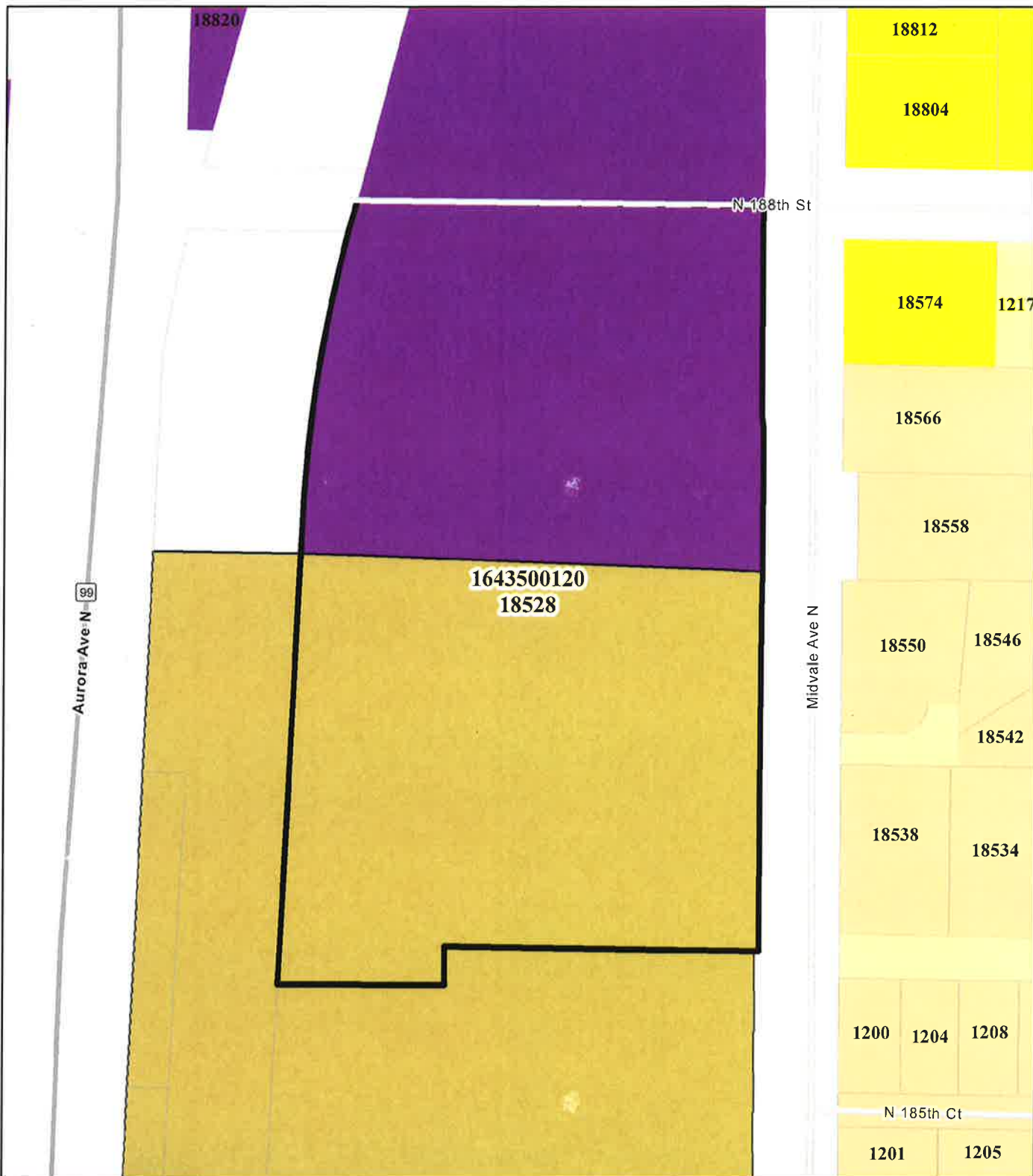
- With All Commercial Zones (3)
- With Residential Zones (45)
- Park
- Water

Each number corresponds to the page number in the map book.



User: JRitzman
Date: 7/22/2015

Attachment 2

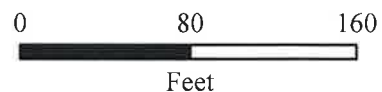


City of Shoreline
Geographic Information System

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

99

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
Created by: JRitzman



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.

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.