

ORIGINAL

ORDINANCE NO. 560

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A NEW MIXED-USE ZONING DISTRICT TO REPLACE THE REGIONAL BUSINESS ZONING DISTRICT, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REFLECT THE ZONING NAME CHANGE FROM REGIONAL BUSINESS (RB) TO MIXED USE ZONE (MUZ); AND AMENDING SECTION 13.20.050 SMC AND CHAPTERS 20.40 AND 20.50 SMC

WHEREAS, Ordinance No. 505, as amended and extended, adopted a moratorium on the filing of any application for residential development within the Regional Business (RB) zoning district of the City which exceeded 110 dwelling units per acre, unless the application met specific criteria; and

WHEREAS, the moratorium will expire on November 12, 2009; and

WHEREAS, on October 1, 2009, the Planning Commission recommended permanent regulations to replace the current interim RB regulations;

WHEREAS, a Determination of Non Significance was issued for this proposed ordinance on September 21, 2009; now therefore,

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

Section 1. New Section. A new section, Shoreline Municipal Code 20.50.021, *Development in Mixed-Use Zone (MUZ)*, is adopted as set forth in Exhibit A attached hereto and incorporated herein.

Section 2. Amendment. SMC 13.20.050, *Undergrounding of existing facilities in commercial and industrial areas – When required*, is amended as set forth in Exhibit A.

Section 3. Amendment. Chapter 20.40 SMC, *Zoning and Use Provisions*. Sections 20.40.020, 20.40.040, 20.40.120, 20.40.130, 20.40.140, 20.40.350, 20.40.505, 20.40.600 and Table 20.40.600(2) are amended as set forth in Exhibit A.

Section 4. Amendment. Chapter 20.50 SMC, *General Development Standards*. Sections 20.50.020(1) Table – Exceptions, Table 20.50.020(2), 20.50.230, 20.50.310, 20.50.410, 20.50.470, 20.50.540, 20.50.550, and 20.50.570 are amended as set forth in Exhibit A.

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Section 5. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change all Regional Business (RB) zoning district designations to Mixed-Use Zone (MUZ).

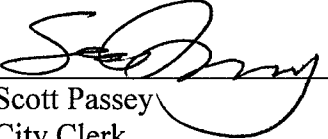
Section 6. Publication; Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 26, 2009.



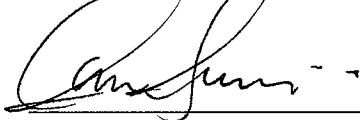
Mayor Cindy Rya

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of publication: October 29, 2009
Effective date: November 3, 2009

EXHIBIT A

13.20.050 Undergrounding of existing facilities in commercial and industrial areas – When required.

The following requirements apply to all areas which are zoned in SMC KCC-Title 20 as MUZ (Mixed Use Zone) ~~RB (Regional Business)~~, CB (Community Business), Neighborhood Business (NB), Office (O) and Special Overlay (SO), North City Business District (NCBD) and I (Industrial):

20.40.020 Zones and map designations.

The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48 (Numerical designator relating to base density in dwelling units per acre)
NONRESIDENTIAL	
Neighborhood Business	NB
Office	O
Community Business	CB
Regional Business <u>Mixed-Use Zone</u>	RB - <u>MUZ</u>
Industrial	I
Campus	CCZ, FCZ, PHZ, SCZ1
Special Overlay Districts	SO
North City Business District	NCBD

Planned Area	PLA
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20.40.040 Nonresidential zones.

A. The purpose of the neighborhood business (NB) and the office (O) zones is to allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition these zones serve to accommodate medium and higher density residential, townhouses, mixed use types of development, while serving as a buffer between higher intensity uses and residential zones.

B. The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience and comparison retail, personal services for local service, and to allow for apartments and higher intensity mixed use developments.

C. The purpose of the mixed-use zone (MUZ) is to encourage the development of vertical and/or horizontal mixed-use buildings or developments primarily along the Aurora and Ballinger corridors. The MUZ uses unique standards to encourage amenities such as public gathering spaces, sustainable buildings, electric vehicle recharging stations, affordable housing, and parking management plans as a trade-off for increased building height and residential density.

D. ~~C.~~ The purpose of the ~~regional business (RB)~~ and Industrial (I) zone is to provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities. Such zones require accessibility to regional transportation corridors. Development of higher buildings and mixed-uses, that are supportive of transit are encouraged in these zones. (Ord. 238 Ch. IV § 1(D), 2000).

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB MUZ & I
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20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB MUZ
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		R6						& I
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20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB <u>MUZ</u> & I
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20.40.350 Eating and drinking establishments.

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by conditional use permit and permitted in NB, O, CB, and MUZ ~~RB~~ zones, provided gambling uses as defined in this Code are not permitted. (Ord. 258 § 6, 2000; Ord. 238 Ch. IV § 3(B), 2000).

20.40.505 Secure community transitional facility.

A. Permitted as an SCTF Special Use-Type C action, granted by the city council in the mixed-use zone ~~regional-business~~ and industrial zones provided:

20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

A. Exemptions. The following are exemptions from the provisions of this chapter and shall be permitted in all zones:

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).
2. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys.
3. The storage, shipment or display for sale of antenna(s) and related equipment.
4. Radar systems for military and civilian communication and navigation.
5. Handheld, mobile, marine and portable radio transmitters and/or receivers.
6. Wireless radio utilized for temporary emergency communications in the event of a disaster.

7. Licensed amateur (ham) radio stations and citizen band stations.
8. Earth station antenna(s) one meter or less in diameter and located in any zone.
9. Earth station antenna(s) two meters or less in diameter and located in the NB, CB, MUZ RB, O, or I zones.

Table 20.40.600(2) – Height and Setback Standards for Ground-Mounted Wireless Telecommunication Facilities

Zone	Maximum Height	Setbacks
All Residential Zones: R-4 – R-48	Maximum height specified for each zone.	Minimum 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.
All Commercial Zones: (NB, CB, <u>MUZ RB</u> and O)	Maximum height specified for each zone.	Minimum 30 feet from all adjacent commercially zoned properties and 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.

Exceptions to Table 20.50.020(1):

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and impervious surface limitations; limitations for individual lots may be modified.
- (3) For exceptions to front 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 building 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 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCBD, MUZ, RB, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

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 (2)	Mixed Use Zone (MUZ), Regional Business (RB) and Industrial (I) Zones (2)
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	See <u>20.50.021</u> 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)	35 ft	60 ft	See <u>20.50.021</u> 65 ft (2)

Maximum Hardscape Area	85%	85%	95%
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Exceptions to Table 20.50.020(2):

(1) Please see Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

(2) Development in CB ~~RB~~ or I zones abutting or across street rights-of-way from R-4, R-6, or R-8 zones shall meet the following transition area requirements:

(a) A 35-foot maximum building height at the required setback and a building envelope within a two horizontal to one vertical slope. However, safety railings with thin or transparent components and whip antennas are allowed above this building envelope. Structures allowed above the maximum height of the zone under Exception 20.50.230(5) may not exceed the building envelope slope, or exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(b) Property abutting R-4, R-6, or R-8 zones must have a 20-foot setback. No more than 50 feet of building facade abutting this 20-foot setback shall occur without an abutting open space of 800 square feet with a minimum 20-foot dimension. However, the additional open space may be adjusted or combined to preserve significant trees.

(c) Type I landscaping, significant tree preservation, and a solid, eight-foot property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Type II landscaping shall be required for transition area setbacks abutting rights-of-way across from R-4, R-6 or R-8 zones. Patio or outdoor recreation areas may replace up to 20 percent of the landscape area that is required in the transition area setback so long as Type I landscaping can be effectively grown. No patio or outdoor recreation areas in the transition area setback may be situated closer than 10 feet from abutting property lines. Required tree species shall be selected to grow a minimum height of 50 feet. A developer shall provide a Type I landscaping plan for distribution with the notice of application. Based on comments at a public meeting held by staff, the City may approve an alternative landscaping buffer with substitute tree species, spacing and size; provided, that the alternative will provide equal value and achieve equal tree canopy. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping. Utility easements parallel to the required landscape area shall not encroach into the landscape area.

(d) All vehicular access to proposed development in MUZ, ~~RB~~, CB, or I zones shall be from arterial classified streets unless determined by the Director to be technically not feasible. If determined to be technically not feasible, the developer shall implement traffic mitigation measures, approved by the City Traffic Engineer, which mitigate potential cut-through traffic impacts to single-family neighborhoods.

20.50.021 Development in Mixed-Use Zone (MUZ).

Development in the MUZ zone shall meet the following requirements:

A. All developments in the MUZ zone are subject to Administrative Design Review as approved by the Director. The Director is authorized to adopt and amend design guidelines by administrative order.

B. All developments in the MUZ zone are subject to providing public gathering spaces. Public gathering spaces shall be provided at a rate of 1000 square feet per one acre of site. 80% of the public space shall be contiguous, with a maximum contiguous requirement of 1,600 square feet.

C. A maximum 35-foot building height and 48 dwellings per acre for residential only buildings and 45-foot building height for buildings designed to accommodate commercial uses, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, except:

1. A maximum building height of 55 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permissible if the development meets the following conditions:
 - a. The development includes infrastructure for electric vehicle recharging. The Director is authorized to adopt guidelines for this requirement; and The building is designed to accommodate ground floor commercial uses; and
 - b. "4-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
 - c. 800 square feet of common recreational space for residents of the development is provided for developments of 5-20 units; 40 square feet of recreational space per unit is provided for developments over 20 units.

2. A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under (C)(1) of this subsection are met and the following conditions are met:
 - a. 15% of the units are affordable to households in the 75% King County median income category for a minimum of 30 years. The average number of bedrooms for affordable units shall be similar to the number of bedrooms for market rate units. The affordable housing units shall be distributed throughout the building or development; and
 - b. "5-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
 - c. After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

D. The maximum building height for developments within 100 feet of the property line from R-4, R-6, R-8, and R-12 is limited to 45 feet and the maximum building height for developments between 100 and 200 feet from R-4, R-6, R-8, and R-12 the property line is 55 feet.

E. Structures allowed above the maximum height of the district under Exception 20.50.230(6) may not exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

F. All conditions under Exception 2(b), (c), and (d) of Table 20.50.020(2) must be met, for development in the MUZ zone abutting or across street ROW from R-4, R-6, R-8, and R-12 zones.

20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) Mixed Use Zone (MUZ) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, <u>MUZ</u> , RB , and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (6) (5)	35 ft (3)	60 ft	65 ft (4)(<u>5</u>)
Max. Hardscape Area	85%	85%	90%

Exceptions to Table 20.50.230:

- (1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.
- (2) Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.
- (3) Bonus for mixed-use development in NB and O zones: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed-use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:

Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building.

- (4) See SMC Table 20.50.020(2), Exception (2), for transition area requirements for ~~CB, RB,~~ or I development abutting R-4, R-6, or R-8 zones or across the street rights-of-way from R-4, R-6, or R-8 zones.

- (5) See SMC 20.50.021 for transition area requirements for MUZ development.

- (6) ~~(5)~~ Except as further restricted by SMC Table 20.50.020(2), Exception (2), the following structures may be erected above the height limits in all zones:

- a. Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;
- b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 4(B-1), 2000).

20.50.310 Exemptions from permit.

A. Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:

5. Removal of trees from property zoned MUZ ~~RB~~ and I, CB and NCBD, and NB and O, unless within a critical area or critical area buffer.

20.50.410 Parking design standards.

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking in the MUZ zone shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.

20.50.470 Street frontage landscaping – Standards.

A. A 10-foot width of Type II landscaping for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces. See 20.50.470(E) for street frontage landscaping standards in the MUZ Zone.

B. A 20-foot width of Type II for institutional and public facilities in residential zone areas.

C. Frontage landscaping can be substituted in multifamily, commercial, office, and industrial zones, except in MUZ Zones, with two-inch caliper street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.

D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC 20.50.520(O) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).

E. Any new development in the MUZ zone shall require all surface parking areas, outdoor storage areas, and equipment storage to be to be screened from the public right-of-way and adjacent residential land uses. Street frontage screening shall consist of locating the above areas behind buildings, in underground or structured parking, or behind a 4-foot masonry wall with a 10-foot width of Type II landscaping between the wall and back of sidewalk. When adjacent to single-family residential, a 20-foot width of Type I landscaping is required.

20.50.540 Sign standards.

A. No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles, and vehicles.

B. Table.

Table 20.50.540B – Standards for Signs

A property may use a combination of the four types of signs listed below.

	All Residential (R) Zones	NB and O	CB, <u>MUZ</u> RB , and I
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20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; pennants.

Exception 20.50.550(A)(1): Traditional barber signs allowed only in NB, O, CB, MUZ ~~RB~~ and I zones.

B. Portable signs.

Exception 20.50.550(B)(1): One sidewalk sandwich board sign per business allowed only in NB, O, CB, MUZ ~~RB~~ and I zones and must be located next to the curb edge of a sidewalk in such manner so not to interfere with the opening of parking car doors. An unobstructed passage of 48 inches shall be maintained for wheelchair travel on a sidewalk.

20.50.570 Site-specific sign standards – Shopping center/mall type signs in CB, MUZ ~~RB~~, and I Zones.

