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ORDINANCE NO. 3488

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING PURSUANT TO RCW 35A.63.220 AN INTERIM ZONING REGULATION CLARIFYING THE APPLICATION OF ROOF HEIGHT ABOVE TWENTY-FIVE (25) FEET AS A PART OF MODULATED ROOF AND BUILDING DESIGN, VESTING CERTAIN APPLICATIONS IN PROCESS, ESTABLISHING A PUBLIC HEARING DATE WITHIN SIXTY (60) DAYS OF THE ADOPTION OF THIS ORDINANCE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the current language of the site development table contained in ECDC 16.50.020, Note 2, was originally intended to permit only modulated roof design above the existing 25-foot height limit; and

WHEREAS, certain ambiguities in the existing language, coupled with the requirement that any such ambiguity be interpreted in favor of the exercise of the property owners' common law property rights, and a consistent method of application and interpretation of the provision by the City staff, Architectural Design Board and City Council, have resulted in a proliferation of flat roofs and vertical parapet walls above the 25-foot height limitation and in contradiction of the intent of the City Council, and

WHEREAS, the City Council deems it appropriate to adopt an interim zoning ordinance in order to clarify the original intent of the provisions for modulated roof and building design, and

WHEREAS, the City Council deems it appropriate to permit continued processing of applications filed on or before the date of adoption of this interim zoning regulation to, but only to, the extent such applications clearly and unanimously request the use of vertical parapet walls or flat roofs above the 25-foot height limitation on an application for design review and would not otherwise be vested under the provisions of City ordinance and State law, NOW, THEREFORE,

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

Section 1. An interim zoning ordinance is hereby adopted amending the provisions of ECDC 16.50.020 Site Development Standards (A) Table, Note 2, to read as follows:

16.50.020 Site development standards.

A. Table.

...

2. Roof may only extend 5 feet above the stated height limit if all portions of the roof above the state height are modulated in design and are designed as a hip, gable, arch, shed or other similar roof form (see illustrations). Vertical parapet walls or flat roofs with a pitch of less than three in twelve are not allowed to protrude above the 25-foot height limit unless they are part of an approved modulated roof and building design.

Section 2. The provisions of the interim zoning ordinance shall apply to any and all applications for architectural design review finally approved by the City Council or Architectural Design Board on or before the effective date of this ordinance. Approved projects shall be considered vested to the extent which such project incorporates a vertical parapet wall or flat roof with a pitch of less than three in twelve which protrudes above the 25-foot height limitation and is clearly shown on the application and approval by either clearly and

unambiguously delineating the intrusion in a scale drawing or is clearly and unambiguously set forth within the text of the application and approval. All other aspects of the building, project or structure shall vest in accordance with ECDC 19.00.110 and RCW 19.27.095.

Section 3. Pursuant to the requirements of RCW 35A.63.220, a public hearing is hereby set on March 16, 2004, at 7:00 PM or as soon thereafter as this matter may be heard in the City Council Chambers of the City of Edmonds at 121 5th Avenue North, Edmonds, WA.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	02/20/2004
PASSED BY THE CITY COUNCIL:	02/24/2004
PUBLISHED:	02/29/2004
EFFECTIVE DATE:	03/05/2004
ORDINANCE NO. <u>3488</u>	

SUMMARY OF ORDINANCE NO. 3488

of the City of Edmonds, Washington

On the 24th day of February, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3488. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING PURSUANT TO RCW 35A.63.220 AN INTERIM ZONING REGULATION CLARIFYING THE APPLICATION OF ROOF HEIGHT ABOVE TWENTY-FIVE (25) FEET AS A PART OF MODULATED ROOF AND BUILDING DESIGN, VESTING CERTAIN APPLICATIONS IN PROCESS, ESTABLISHING A PUBLIC HEARING DATE WITHIN SIXTY (60) DAYS OF THE ADOPTION OF THIS ORDINANCE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 25th day of February, 2004.

CITY CLERK, SANDRA S. CHASE