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ORDINANCE NO. 3627

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 16.30 RM-MULTIPLE RESIDENTIAL AND CHAPTER 16.50 BC-COMMUNITY BUSINESS IN ORDER TO INCORPORATE CERTAIN CHANGES REGARDING ZONING REQUIREMENTS ALONG EDMONDS WAY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, on January 9, 2007, the Edmonds City Council reviewed the an application to amend the Edmonds Community Development Code in order to adjust the zoning districts for community business and multi-family residential to better recognize and accommodate the unique nature and physical constraints of the Edmonds Way entryway to the City of Edmonds; and

WHEREAS, the City Council received the recommendation of its Planning Board in this regard, following a public hearing held before the Planning Board; and

WHEREAS, following its own public hearing, the City Council deems it to be in the public interest to amend these chapters to accommodate additional and more flexible development requirements for the Edmonds Way corridor; NOW, THEREFORE,

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

Section 1. The Edmonds Community Development Code is hereby amended by the repeal of Chapter 16.30 RM-Multiple Residential in order to incorporate provisions relating to a new zone to read as follows:

Chapter 16.30
RM – MULTIPLE RESIDENTIAL

Sections:

- 16.30.000 Purposes.**
- 16.30.010 Uses.**
- 16.30.020 Subdistricts.**
- 16.30.030 Site development standards.**
- 16.30.040 Site development exceptions.**

16.30.000 Purposes.

The RM zone has the following specific purposes in addition to the general purposes for residential zones of ECDC 16.00.010 and 16.10.000:

- A. To reserve and regulate areas for a variety of housing types, and a range of greater densities than are available in the single-family residential zone, while still maintaining a residential environment;
- B. To provide for those additional uses which complement and are compatible with multiple residential uses.

16.30.010 Uses.

- A. Permitted Primary Uses.
 - 1. Multiple dwellings;
 - 2. Single-family dwellings;
 - 3. Retirement homes;
 - 4. Group homes for the disabled, foster family homes and state licensed group homes for foster care of minors; provided, however, that halfway houses and group homes licensed for juvenile offenders are not permitted uses in a residential zone of the city;
 - 5. Boarding houses and rooming houses;
 - 6. Housing for low income elderly in accordance with the requirements of Chapter 20.25 ECDC;
 - 7. Churches, subject to the requirements of ECDC 17.100.020;

8. Primary schools subject to the requirements of ECDC 17.100.050(G) through (R);

9. Local public facilities that are planned, designated, and sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;

10. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070.

B. Permitted Secondary Uses.

1. All permitted secondary uses in the RS zone, if in conjunction with a single-family dwelling;

2. Home occupations, subject to the requirements of Chapter 20.20 ECDC;

3. The keeping of one domestic animal per dwelling unit in multiple family buildings;

4. The following accessory uses:

a. Private parking,

b. Private swimming pools and other private recreational facilities,

c. Private greenhouses covering no more than five percent of the site in total;

5. Commuter parking lots containing less than 10 designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone. Any additionally designated parking spaces that increase the total number of spaces in a commuter parking lot to 10 or more shall subject the entire commuter parking lot to a conditional use permit as specified in subsection (D)(2) of this section, including commuter parking lots that are located upon more than one lot as specified in ECDC 21.15.075.

C. Primary Uses Requiring a Conditional Use Permit.

1. Offices, other than local public facilities;

2. Local public facilities not planned, designated, or sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;
3. Day-care centers;
4. Hospitals, convalescent homes, rest homes, sanitariums;
5. Museums, art galleries, zoos, and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033;
6. Counseling centers and residential treatment facilities for current alcoholics and drug abusers;
7. High schools, subject to the requirements of ECDC 17.100.050(G) through (R);
8. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Day-care facilities of any size to be operated in a separate, nonresidential portion of a multifamily residential dwelling structure operated primarily for the benefit of the residents thereof;
2. Commuter parking lots with 10 or more designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone.

16.30.020 Subdistricts.

There are established four subdistricts of the RM zone, in order to provide site development standards for areas which differ in topography, location, existing development and other factors. These subdistricts shall be known as the RM-1.5, RM - Edmonds Way (RM - EW), RM-2.4, and RM-3 zones.

16.30.030 Site development standards.

A. Table.

Sub District	Minimum Lot Area Per Dwelling Unit ⁴ (Sq. Ft.)	Minimum Street Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height	Maximum Coverage (%)	Minimum ³ Parking (Spaces Per Unit)
RM-1.5	1,500	15'	10'	15'	25' ^{1,5}	45%	2
RM-EW	1,500	15'	10'	15'	25' ^{5,6,7}	45%	2
RM-2.4	2,400	15'	10'	15'	25' ^{1,5}	45%	2
RM-3	3,000	15' ²	15' ²	15'	25' ^{1,5}	45%	2

¹ Roof only may extend five feet above the stated height limit if all portions of the roof above the stated height limit have a slope of four inches in 12 inches or greater.

² RS setbacks may be used for single-family homes on lots of 10,000 square feet or less in all RM zones.

³ See Chapter 17.50 ECDC for specific parking requirements.

⁴ See definition of townhouse.

⁵ Maximum height for accessory structures of 15 feet.

⁶ The maximum base height of any building fronting on Edmonds Way may be increased to 30 feet if the following apply to the site and proposed development:

(a) At least 50% of the parking for the subject building shall be enclosed inside a building or buildings;

(b) The subject property is at least 5 feet lower at its lowest elevation than any adjacent residentially (R) zoned property measured at its lowest elevation; and

(c) The proposed development integrates low impact development techniques where reasonably feasible. For the purposes of this section, low impact development techniques shall include, but shall not be limited to, the following: the use of bioswales, green roofs, and grasscrete. “Reasonably feasible” shall be determined based upon the physical characteristics of the property and its suitability for the technique; cost alone shall not make the use of the impact development unreasonable or unfeasible.

⁷ In addition to any height bonus under note 6, the building may extend up to an additional five feet if all portions of the roof above the height limit, (after adding the height bonus under Note 6), provide a minimum 15% slope or pitch.

B. Signs and Design Review. See Chapters 20.10 and 20.60 ECDC for regulations.

C. Location of Parking. No parking spaces may be located within the street setback.

D. Landscaping. In addition to the landscaping requirements set forth in Chapter 20.12 ECDC, any development in the RM - Edmonds Way zone shall retain at least 35% of the existing healthy significant trees within the side and rear setbacks of the development site. The applicant shall retain an arborist to determine the health of all significant trees within the side and rear setbacks. For the purposes of this section, significant trees shall be defined as any tree with a caliper greater than 6" measured at 4' above grade. Where it is not reasonably feasible for the applicant to retain 35% of the existing healthy significant trees within the side and rear setbacks, the applicant may replace any significant trees below the 35% threshold as follows: Each significant tree removed that reduces the percentage of retained significant healthy trees below 35% shall be replaced with three new trees, each of no less than 3" caliper measured at 4' above grade.

16.30.040 Site development exceptions.

A. Housing for the Elderly. Housing projects for the elderly are eligible for special parking and density provisions. See Chapter 20.25 ECDC.

B. Setback Adjustments. Chapter 20.50 ECDC contains a procedure for adjusting setback distances and locations in special situations.

C. Satellite Television Antenna. Satellite television antennas shall be regulated as set forth in ECDC 16.20.050 and reviewed by the architectural design board.

D. Setback Encroachments.

(1) Eaves and chimneys may project into a required setback not more than 30 inches.

(2) Except as authorized by subsection (3) below, uncovered and unenclosed porches, steps, patios, and decks may project into a required setback not more than one-third of the required setback, or four feet, whichever is less; provided that they are no more than 30 inches above the ground level at any point.

(3) In the RM-Edmonds Way zone, uncovered and unenclosed porches, steps, patios, and decks may occupy up to one-half of the required street setback area along Edmonds Way; provided that

these structures or uses are located no more than 20 feet above the ground level at any point.

E. Corner Lots. Corner lots shall have no rear setback; all setbacks other than street setbacks shall be side setbacks.

Section 2. The Edmonds Community Development Code Chapter 16.50 BC-Community Business is hereby amended to incorporate changes relating to zoning requirements along the Edmonds Way corridor to read as follows:

Chapter 16.50
BC – COMMUNITY BUSINESS

Sections:

16.50.000 Purposes.

16.50.010 Uses.

16.50.020 Site development standards.

16.50.030 Operating restrictions.

16.50.000 BC and BC - Edmonds Way

This chapter establishes two distinct zoning categories, BC and BC - Edmonds Way.

16.50.005 Purposes.

The BC and the BC - Edmonds Way zones have the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC.

- A. To reserve areas for those retail stores, offices, service establishments and amusement establishments which offer goods and services to the entire community;
- B. To ensure compact, convenient development patterns by allowing uses that are operated chiefly within buildings;
- C. To allow for mixed-use development which includes multiple dwelling unit(s) that support business uses.
- D. To implement the policies of the Edmonds' Comprehensive Plan for the Edmonds Way Corridor.

E. To meet the goals of the Growth Management Act and the City of Edmonds' Comprehensive Plan for housing diversity and economical vitality.

16.50.010 Uses.

A. Permitted Primary Uses.

1. Single-family dwelling, as regulated in RS-6 zone;
2. Retail stores, offices and service uses, excluding intense uses, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment sales and services;
3. New automobile sales and service;
4. Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents;
5. Printing, publishing and binding establishments;
6. Bus stop shelters;
7. Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code;
8. Multiple Dwelling Unit(s). This use may not be located on the ground floor of a structure;
9. Churches, subject to the requirements of ECDC 17.100.020;
10. Primary and high schools subject to the requirements of ECDC 17.100.050(G) through (R);
11. Local public facilities subject to the requirements of ECDC 17.100.050;
12. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070.

B. Permitted Secondary Uses.

1. Limited assembly, repair or fabrication of goods incidental to a permitted or conditional use;

2. Off-street parking and loading areas to serve a permitted or conditional use;

3. Commuter parking lots in conjunction with a facility meeting the criteria listed under subsections (C)(11) through (14) of this section, except that the facility may also be located along a designated transit route in addition to an arterial or collector street.

C. Primary Uses Requiring a Conditional Use Permit.

1. Commercial parking lots;

2. Wholesale uses;

3. Hotels and motels;

4. Amusement establishments;

5. Auction businesses, excluding vehicle or livestock auctions;

6. Drive-in businesses;

7. Laboratories;

8. Fabrication of light industrial products;

9. Convenience stores;

10. Day-care centers;

11. Hospitals, convalescent homes, rest homes, sanitariums;

12. Museums, art galleries, zoos, and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033;

13. Counseling centers and residential treatment facilities for current alcoholics and drug abusers;

14. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Outdoor storage, incidental to a permitted or conditional use;

2. Aircraft landings as regulated by Chapter 4.80 ECC.

16.50.020 Site development standards.

A. Table.

	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height	Maximum Floor Area
BC	None	None	None	None ¹	None ¹	25 ²	3 sq. ft. per sq. ft. of lot area
BC - Edmonds Way	None	None	None	None ¹	None ¹	35 ^{3,4}	3 sq. ft. per sq.ft. of lot area

¹ The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

² Roof only may extend five feet above the stated height limit if all portions of the roof above the stated 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 3-in-12 are not allowed to protrude above the 25-foot height limit unless they are part of an approved modulated design.

3 The stated height limit may be increased to 40 feet provided that:

(a) The street setback of any proposed building shall be increased to 4 feet in depth. Type III landscaping shall be located within this setback. This landscaping may be located immediately adjacent to the building, or may be combined with other landscaping within or adjoining the right of way. In addition, the third and fourth stories of any proposed building shall be further stepped back an additional 6 feet from the street frontage along all street fronts;

(b) Where the proposed development abuts a single-family residential (RS) zoned property, in addition to complying with subsection (a), the proposed development shall modulate the design of any building facades facing the single-family residentially (RS) zoned property;

(c) The proposed development integrates low impact development techniques where reasonably feasible. For the purposes of this section, low impact development techniques shall include, but shall not be limited to, the following: the use of bioswales, green roofs, and grasscrete. “Reasonably feasible” shall be determined based upon the physical characteristics of the property and its suitability for the technique; cost alone shall not render the use of low impact techniques unreasonable or unfeasible.

(d) The required setback from R zoned property shall be permanently landscaped with Type I landscaping permanently maintained by the owner of the BC lot; and

(e) For any buildings fronting on Edmonds Way, the maximum height of the wall or façade along Edmonds Way shall not exceed 45 feet as measured at the Edmonds Way property line.

4 In addition to any height bonus under note 3, the building may extend up to an additional five feet if all portions of the building above the height limit (after adding the height bonus under note 3) integrate distinctive architectural features that enhance and are integrated into the overall design of the building. For purposes of this section, distinctive architectural features may include articulation, changes of materials, offsets, angles or curves of facades, or by the use of distinctive roof forms.

Examples of Modulated Roof Designs



B. Ground Floor. Development on the ground floor shall consist of only commercial uses to a minimum depth of 30 feet as measured from the street front of the building, with the following exceptions or clarifications:

1. That in all areas the provision of pedestrian access to permitted residential uses is allowed.
2. This provision shall not apply when a single-family use is the primary use on the property.

3. With respect to, but only to, property located on the Fifth Avenue entrance corridor, south of Walnut Street, in which the first 60 feet of the building as measured from Fifth Avenue consists only of commercial uses; and with respect to which the subject property shares a property line with a single-family or multifamily zoned properties, then multifamily units may be located on the ground floor in such a manner that they face the adjacent residentially zoned property.

4. In the BC - Edmonds Way zone, where the street frontage of the total site proposed for development exceeds 150 feet in length, this requirement shall apply to only 60% of the ground floor street frontage of any proposed building. The remaining 40% may include any other uses permitted in the BC - Edmonds Way zone, including, but not limited to, off-street parking or live/work space.

C. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC.

D. Density. There is no maximum density for permitted multiple dwelling units.

E. Screening. The required setback from R zoned property shall be permanently landscaped with trees and ground cover and permanently maintained by the owner of the BC lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback.

F. Satellite Television Antennas. Satellite television antennas shall be regulated as set forth in ECDC 16.20.050 and reviewed by the architectural design board.

16.50.030 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;

6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

Section 3. 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: 02/16/2007
PASSED BY THE CITY COUNCIL: 02/20/2007
PUBLISHED: 02/25/2007
EFFECTIVE DATE: 03/02/2007
ORDINANCE NO. 3627

SUMMARY OF ORDINANCE NO. 3627

of the City of Edmonds, Washington

On the 20th day of February, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3627. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 16.30 RM-MULTIPLE RESIDENTIAL AND CHAPTER 16.50 BC-COMMUNITY BUSINESS IN ORDER TO INCORPORATE CERTAIN CHANGES REGARDING ZONING REQUIREMENTS ALONG EDMONDS WAY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 21st day of February, 2007.

CITY CLERK, SANDRA S. CHASE