

ORDINANCE NO. 6820

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 18.06.080, TABLE 6.02, BUILDING HEIGHT AND ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS FOR THE HIGH DENSITY CORRIDOR ZONING DISTRICTS AND DIRECTING THE SETTING OF A PUBLIC HEARING.

WHEREAS, the City of Olympia established High Density Corridor Commercial zoning districts (the HDC zones); and

WHEREAS, certain properties within the HDC zones adjoin single family zoning districts and properties developed for single family uses; and

WHEREAS, the Olympia Comprehensive Plan promotes higher densities and intensities within the HDC zones subject to higher levels of development regulations and design review; and

WHEREAS, the development regulations in place do not require additional setback from single family dwellings located in the Residential Multiple Family 18 and 24 Zoning Districts; and

WHEREAS, the development regulations in place only require a single step back for buildings greater than 35 feet in height; and

WHEREAS, the City, through its development review process, has analyzed the impacts of the existing regulations and have found that they do not fully protect adjoining single family development; and

WHEREAS, the City Council has heard testimony and public comments from numerous City residents about the impacts that tall buildings with small setbacks and limited step backs can have on adjoining properties and neighborhoods; and

WHEREAS, the City Council has determined that there is a need for interim regulations until the Council has the opportunity to determine appropriate permanent regulations to ensure appropriate future development; and

WHEREAS, a final decision on new development regulations cannot be reached by the Council in a time frame that would ensure that no new development applications are submitted under the present zoning regulations; and

WHEREAS, interim regulations providing for enhanced setbacks and building step backs within the HDC zones would ensure sufficient regulation during the period of time required to conduct adequate review and analysis and to ensure public and Planning Commission participation in review of potential long-term plans and regulations; and

WHEREAS, it is therefore necessary that OMC Section 18.06.080, Table 6.02, which currently provides for a 100-foot setback in the HDC zones for buildings greater than 35 feet in height where the project adjoins the R4, R4-8, R6-12 Zoning Districts, be amended to also require the 100-foot set back where a project adjoins property with a single family home and to provide for an 8-foot building step back between the second and third stories and for each additional two stories thereafter for properties in the HDC zones; and

WHEREAS, this Ordinance is supported by the staff report, attachments, documents and prior public comment and testimony on file with the City of Olympia; and

WHEREAS, this interim zoning control is authorized by RCW 35A.63.220, RCW 36.70A.390 and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, as required by RCW 35A.63.220 and RCW 36.70A.390, the Olympia City Council will hold a public hearing within sixty (60) days of the passage of this Ordinance;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Recitals. The recitals above are adopted as findings of fact in support of this Ordinance.

Section 2. Amendment of the OMC 18.06. Olympia Municipal Code Section 18.06.080, Table 6.02, is hereby amended to read as follows:

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse	No minimum, except 1,600=cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse	No minimum, except 1,600 sq.ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq.ft minimum 2,400 sq.ft. average = townhouse.	See also 18.06.100(D) for regulations on existing undersized lots of record.
FRONT YARD SETBACK	See City- Wide Design Guideline: "Building Design - Orientation & Form of Commercial & Public Buildings," 18.20.090.	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Must comply with site design standards, Chapter 18.06A.180.
REAR YARD SETBACK	15' minimum.	10' minimum; Except: 1. Next to an	10' minimum; Except: 1. Next to	10' minimum; Except: 1. Next to an R4, R4-8,	10' minimum; Except: 1. Next to An	10' minimum; Except: 1. Next to	10' minimum; Except: 1. Next to	1. 50' minimum from property line for agriculture buildings (or

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STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mail	ADDITIONAL REGULATIONS
	<p>R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories.</p> <p>2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories.</p> <p>2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district.</p> <p>2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district.</p> <p>2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories.</p> <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories.</p> <p>2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.</p>	<p>structures) which house animals other than pets.</p> <p>2. Must comply with site design standards, Chapter 18.06A.180.</p>	
SIDE YARD SETBACK	15' minimum.	<p>No minimum on interior, 10' minimum on flanking street;</p> <p>Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>No minimum; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>No minimum on interior, 10' minimum on flanking street;</p> <p>Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>No minimum on interior, 10' minimum on flanking street;</p> <p>Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories.</p>	<p>1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section</p>

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COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	= 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	18.40.060(C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5). 4. Must comply with site design standards, Chapter 18.06A.180.

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STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		otherwise.	to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	family home; Up to 60' otherwise. Provided that one additional story may be built for residential development only.	family home; Up to 60' otherwise. Provided that one additional story may be built for residential development only.	family home; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	family home; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. See 18.06A.251(4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall). Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in	Chapter 18.06A.180. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.

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STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009. 70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking form. 85% for HDC-4 zoned properties where the proposed	Must comply with site design standards, Chapter 18.06A.180.

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STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM DEVELOPMENT COVERAGE	60%	85%, except 75% for residential only structures	85%	85% for all structures	85% for all structures	85% for all structures	85% for all structures	project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009. Must comply with site design standards, Chapter 18.06A.180.
ADDITIONAL DISTRICT- WIDE DEVELOPMENT STANDARDS	Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D))	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	Buildings-floors above 3 stories which abut a street or residential district must be stepped-back-a minimum-of-8 feet (see 18.06.100(D))	Buildings-floors above 3 stories which abut a street or residential district must be stepped-back-a minimum-of-8 feet (see 18.06.100(D))	Buildings- floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D))	Buildings-floors above 3 stories which abut a street or residential district must be stepped-back-a minimum-of-8 feet (see 18.06.100(D))	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100(G)

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STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		18.06.100(D) and Figure 6-3).		that <u>about a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter.</u>	that <u>about a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter.</u>	18.06.100(D) that <u>about a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter.</u>	that <u>about a street or residential district or a lot that has a built single family home shall provide an 8 foot building step back between the second and third stories and for each additional 2 stories thereafter.</u>	Large Scale Retail Uses. EXCEPTION: Section 18.06.100 18.06.100(G) shall not apply to motor vehicle sales.

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if bldg. height is over 35'.	No minimum.	

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STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum.	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.
SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2	5' minimum 30' minimum for buildings and 15' minimum for other structures from flanking streets.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight

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STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c).	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks.	75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District.	75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.	40' accessory building limited to 20'.	triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100. Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus.
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street. 100% for properties not between the shoreline and the nearest upland	100%	No requirement.	No requirement.	85%	

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STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
		street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors.					
MAXIMUM DEVELOPMENT COVERAGE	65%	100% development coverage.	100%	100%	100%	85%	
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all other development standards are the same as for	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section 12.16.050(D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section 12.16.050(D).		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots.	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100 (G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales.

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COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
	commercial uses.	also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors.					

LEGEND

- MS = Medical Services
- DB = Downtown Business
- CS-H = Commercial Services - High Density
- UW = Urban Waterfront
- UW-H = Urban Waterfront-Housing
- AS=Auto Services

Section 3. Duration. The interim zoning regulations set forth in this Ordinance shall be in effect for one (1) year, unless extended by the City Council pursuant to state law.


Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing will be held by February 8, 2013.

Section 5. Work Plan. The City Council adopts the following Work Plan. City staff shall identify and study various options to address the issues that led to this ordinance. Staff shall then forward this Ordinance along with the staff's analysis to the Olympia Planning Commission for their consideration and recommendation. The Planning Commission currently has an unusually busy work load in conducting a comprehensive review and update to the City's Comprehensive Plan. The Planning Commission shall examine and further study whether the approach taken in this Ordinance appropriately addresses the concerns raised or whether the Planning Commission would recommend a different approach to address the issues. The Planning Commission shall then forward its recommendation for a permanent ordinance to the City Council.

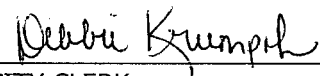
Section 6. Codification. This Ordinance shall not be codified. *Interim Ordinance - no codification required*

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed. *Dh 12/31/12*

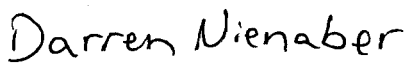
Section 8. Effective Date. This Ordinance is designated as a public emergency ordinance necessary for the protection of public health, safety, property and peace and therefore shall take effect immediately upon adoption by the City Council.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


DEPUTY CITY ATTORNEY

PASSED: *December 11, 2012*

APPROVED: *December 11, 2012*

PUBLISHED: *December 14, 2012*