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RESOLUTION NO. 1081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, SETTING A PUBLIC HEARING REGARDING INTERIM ZONING ORDINANCES TO CLARIFY MODULATED DESIGN AND THE CALCULATION OF HEIGHT, ADOPT A DEFINITION OF VIEW, AND CLARIFY THAT COMPREHENSIVE PLAN CONSISTENCY DOES NOT LIMIT AN APPLICANT'S UTILIZATION OF FULL USE OF BULK RIGHTS GRANTED UNDER THE ZONING CODE.

WHEREAS, the City has received a ruling in *Bauer v. City of Edmonds* from the Snohomish County Superior Court which determines certain interpretations of City ordinance in a manner which is at odds with a consistent history of administration by City staff and Architectural Design Board, and,

WHEREAS, Architectural Design Board approval has been given to a series of projects in the downtown central business core which permit applicants to fully utilize bulk standards and which interprets view to exclude "shadowing" or the blockage of light and air, and

WHEREAS, an interim zoning ordinance regarding height limits has expired, and

WHEREAS, the City Council deems it appropriate to hear from the public prior to enacting any interim zoning ordinance, and

WHEREAS, by contemporaneous action, the City Council has enacted a moratorium on applications pending resolution of these issues and desires to hold the public hearing on the moratorium ordinance in conjunction with public hearings on interim zoning ordinances prior to considering continuing or enacting any or all of said ordinances, now, therefore,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:

Section 1. A public hearing is hereby set for January 18, 2005 at the Edmonds
City Council Chambers in order to consider:

1.1 An interim zoning ordinance defining view for the purposes of ECDC
20.10.070;

1.2 An interim zoning ordinance clarifying under ECDC 20.10.060 an
applicant's right to fully utilize bulk standards which have been adopted pursuant to the City's
Comprehensive Plan;

1.3 Reenactment of an interim zoning ordinance regarding the right of an
applicant to utilize modulated building design in order to have a roof above the 25-foot height
limit; and

1.4 A public hearing on a zoning moratorium on Architectural Design Board
and building permit application, not vested pursuant to state law and City ordinance, to utilize
modulated building design as the basis for a building height in excess of 25 feet.

RESOLVED this 4th day of January, 2005.

APPROVED:

MAYOR, GARY HAAKENSON

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 01/04/2005
PASSED BY THE CITY COUNCIL: 01/04/2005
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