

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 669 amending the Development Code Sections Relating to: Significant Trees, Nonconforming Uses, Master Development Permits, Animals, Duplexes, Building Height, Parking Design, Water Concurrency and Permit Procedures
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Rachael Markle, AICP, Director Paul Cohen, Planner Manager
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Amendments to the Development Code (Shoreline Municipal Code Title 20) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding a public hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment. The Planning Commission held the required public hearing on May 16 and has recommended that the City Council adopt the proposed amendments as detailed in Exhibit A to Ordinance No. 669 (Attachment A).

The proposed amendments include a staff initiated rewrite of the entire animal section. The old animal code is out of date, vague and does not address most of the questions and concerns of the residents of Shoreline. The rewrite now has a purpose section, allows for chickens, restricts roosters, and allows for small livestock such as goats and llamas. The amendments also contain one citizen initiated amendment to add veterinarian clinics as a conditional use in the multifamily zones. The Council held a study session on July 15, 2013 to discuss the proposed amendments and asked clarifying questions and gave staff direction on proposed amendments.

**RESOURCE/FINANCIAL IMPACT:**

The proposed amendments have no direct financial impact to the City.

**RECOMMENDATION**

Staff recommends Council adopt Ordinance No. 669 amending Shoreline Municipal Code Title 20.

Approved By:            City Manager **JU**    City Attorney **IS**

## **BACKGROUND**

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record public hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment. The Planning Commission held a public hearing on the proposed development code amendments on May 16, 2013. The Council held a study session on the proposed amendments on July 15, 2013.

## **DISCUSSION**

At the July 15<sup>th</sup> study session, Council asked staff to expand analysis and provide options for the following amendments:

### **Chapter 20.20.048 – Significant Tree Definition**

The Planning Commission's recommendation amends the definition for a Significant Tree to read as follows: Any ~~healthy, windfirm, and nonhazardous~~ tree eight inches or greater in diameter breast height if it is a conifer and 12 inches or greater in diameter at breast height if it is non-conifer deciduous.

Since the July 15 Council meeting the City has received another letter of concern regarding the amendment to the definition of Significant Tree (Attachment D). One of the main issues articulated in this letter is a concern that by striking "healthy, windfirm and nonhazardous" from the definition of a Significant Tree that a hazardous tree could be considered a Significant Tree and subject to the same rules regarding removal, replacement and retention. The author of the letter further states that treating hazardous trees the same as significant trees represents a distinct departure from the current regulations.

This assertion is correct. All trees that are eight inches or greater in diameter at breast height if they are a conifer and 12 inches or greater in diameter at breast height if they are non-conifer would meet the proposed definition for a Significant Tree. However, the proposed definitional change is not intended to regulate hazardous trees that qualify for a full exemption, under SMC 20.50.310(A), the same as nonhazardous trees and trees that may be hazardous but do not represent an active and imminent hazard. In response to the comment letter, staff recommends that Council amend the Planning Commission recommended language to read as follows (new language highlighted): Any ~~healthy, windfirm, and nonhazardous~~ tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater in diameter at breast height if it is non-conifer deciduous excluding those trees that qualify for complete exemptions from Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards SMC 20.50.310(A).

Staff initiated the original amendment to the Significant Tree definition to correct an unintentional conflict with the new regulations for trees adopted in June 18, 2012. To effectively implement the policies established by the adoption of the new tree regulations, the definition for Significant Tree should have been changed. The new regulations no longer offer a full exemption to remove hazardous trees that do not represent an active and imminent risk. The change to the definition only clarifies that all significant trees are regulated by SMC 20.50 unless they are exempt under SMC 20.50.310.

Note: Hazardous trees as well as all trees and vegetation – significant or not - are also addressed in the Critical Areas regulations and have not been changed either under the new tree code or this definition.

### **Chapter 20.30 – Procedures and Administration**

**20.30.085** – Council directed staff to change the word “tape” to “digital audio” when referring to recording at an Early Community Input Meeting. The change has been made and is reflected in Attachment A.

**20.30.353** – This amendment allows a new use on a Campus zoned property through an approved Master Development Plan Permit (MDP). Council directed staff to look at the decision criteria for a Master Development Plan to see if the criteria adequately addressed impacts from a proposed new campus use.

As part of the major update to the Comprehensive Plan in 2012, the City Council amended Land Use Policy 18 (LU 18) to allow new uses to be considered on a Campus in conjunction with an MDP. This amendment eliminated the requirement to amend the Comprehensive Plan for each new use prior to adding the use to the Campus. LU 18 currently reads as follows:

The *Campus* land use designation applies to four institutions within the community that serve a regional clientele on a large campus. All development within the Campus land use designation shall be governed by a Master Development Plan Permit. Existing uses in these areas constitute allowed uses in the City’s Development Code. A new use or uses may be approved as part of a Master Development Plan Permit.

MDP Permits are Type C – Quasi Judicial actions that are reviewed and decided by the Hearing Examiner. The City Council conferred these duties to the Hearing Examiner in 2011. Prior to 2011 the Planning Commission served as the review authority with the City Council making the final decision on MDP Permits. The Hearing Examiner bases his or her decision on a MDP Permit on the eight (8) criteria adopted by the City Council. City Council adopted the criteria prior to the comprehensive plan amendment that allowed new uses to be considered as part of the MDP Permit. The decision criteria are included in the comparison chart as Attachment B.

Deputy Mayor Eggen encouraged the Council to ensure that the MDP criteria properly address consideration of new uses. The MDP criteria were not originally written with

new uses in mind. Staff analyzed the MDP decision criteria by comparing it to the criteria for Conditional Uses. Determining the compatibility of a conditional use is analogous to determining the compatibility of new use on a Campus. Both Conditional Uses and new uses approved as part of a MDP permit can be conditioned to achieve compatibility with other uses in the vicinity.

Staff cross-referenced the decision criteria for MDP Permits with Conditional Use Permits to illustrate the similarities and identify potential gaps. Although the criteria are not identical, there appears to be sufficient overlap to conclude that the decision criteria for a MDP takes into consideration the same factors used for approving or denying a Conditional Use with the exception of Conditional Use criterion 6. This may be a criterion the Council would like to add to the MDP decision criteria specific to new uses.

Council has the option of amending SMC 20.30.353(B) Decision Criteria (Attachment A) by adding a suggested additional decision criterion #9:

9. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

## **Chapter 20.40 – Zoning and Use Provisions**

**20.40.240** – Animal Code. Roosters were the main topic of conversation at the study session. The Council directed staff to research other jurisdictions that regulate roosters and options for sound mitigations if roosters are not banned.

### **Ban Roosters:**

Bremerton – bans roosters, and has a chicken licensing program for hens.

Burien – Burien bans roosters with the following code language:

*“Prohibited small animals. The keeping of roosters, mink, foxes and any exotic or wild animals that could pose a public threat or have an obnoxious nature which is a nuisance to the adjacent neighborhood are prohibited.”*

Edmonds – Edmonds prohibits all poultry, but allows existing poultry to remain via a registration program until that animal’s death.

Federal Way – prohibited roosters in January 2011 and gave owners a 6-month grace period as follows:

*“Roosters are not permitted within the city except for those lots zoned suburban estate. Roosters kept prior to the adoption of this section shall be removed from the property no later than June 30, 2011.”*

Kirkland - Roosters are prohibited except for those in RSA (Residential) zones existing prior to August 15, 2012.

Lynnwood – Lynnwood banned roosters in 2012 with no grace period provided to residents.

Seattle – Seattle bans roosters but considers those existing prior to the ordinance (2010) as legal non-conforming. However, they did not put this language into their code, so it relies on enforcement to figure out when the rooster arrived at the property. (Seattle’s code enforcement inspector indicated that enforcement is difficult).

### **Bans Roosters in Conjunction with Noise Ordinance**

City of Snohomish – bans roosters and enforces on a complaint basis. They also have in their animal ordinance a noise provision as follows:

***“7.04.070 Prohibited Conduct:***

*“...Be in possession of property and knowingly permit frequent, continuous, or repetitive barking or noise made by any animal, which originates from the property, and which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors...”*

### **Regulated Through Noise Ordinance**

Snohomish County code contains the following in the noise ordinance:

*“Public disturbance noise” means any sound which, because of its random or infrequent occurrence, is not conducive to measurement under the quantitative standards established in SCC [10.01.030](#); and endangers or injures the safety or health of humans or animals, or endangers or damages personal or real property, or annoys, disturbs or perturbs any reasonable person of normal sensitivities,...*”

The code goes on to further describe public disturbance noises as follows:

*“...Sounds resulting from the following activities, occurring at any hour of the day or night, are determined to be public disturbance noises.*

*(a) Keeping or harboring any animal or animals whose frequent, repetitive or continuous noisemaking unreasonably interferes with the peace and comfort of persons in rural or residential districts, except farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors which are in compliance with noise impact mitigation measures designed to meet the standards of SCC [10.01.030](#)(2) and SCC [10.01.040](#)(1) required as a part of a conditional use permit or SEPA determination issued by the Hearing Examiner or Department of Planning and Development Services.”*

### **Sound Mitigations in the Zoning Code**

Staff was unable to find any jurisdictions that regulated the sound of roosters through zoning code requirements such as sound-proof structures or boxes.

## **Council Options**

The Council has three options:

1. Ban roosters as proposed in Ordinance No. 669 with a three month grace period. (Staff recommendation)
2. Ban roosters with an extended grace period or grandfathering provision.
3. Regulate roosters through the City's noise ordinance. Although staff does not recommend that the noise ordinance should be used to regulate roosters, staff has provided language (Attachment C) that Council could consider if this is the policy direction Council desires.

### **RESOURCE/FINANCIAL IMPACT**

The proposed development code amendments do not have a direct financial impact on the City.

### **RECOMMENDATION**

Staff recommends Council adopt Ordinance No. 669 amending Shoreline Municipal Code Title 20.

### **ATTACHMENTS**

Attachment A – Ordinance No. 669

Exhibit A – Proposed Development Code Amendments

Attachment B – Comparison Chart for Master Development Plan Decision Criteria

Attachment C – Potential Noise Ordinance Language

Attachment D – July 19, 2013 Letter from EKW Law

**ORDINANCE NO. 669**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING THE DEVELOPMENT CODE REGULATIONS RELATING TO SIGNFICAN TREES, NONCONFORMING USES; MASTER DEVELOPMENT PERMITS; ANIMALS; DUPLEXES, BUILDING HEIGHT, PARKING DESIGN; WATER CONCURRENCY AND PERMIT PROCEDURES; AND AMENDING SHORELINE MUNICIPAL CODE CHAPTERS 20.20, 20.30, 2.40, 20.50. AND 20.60**

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000; and

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states “Any person may request that the City Council, Planning Commission or Director initiate amendments to the text of the Development Code”; and

WHEREAS, City staff drafted amendments to the Development Code a citizen initiated an amendment regarding use districts for veterinarian clinics; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code; now therefore

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

**Section 1. Amendment.** Shoreline Municipal Code chapters 20.20, 20.30, 20.40, 20.50 and 20.60 are amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Publication and Effective Date.** This ordinance shall take effect five days after publication of the title of this ordinance as an approved summary of the ordinance in the official newspaper of the City.

**PASSED BY THE CITY COUNCIL ON JULY 29, 2013.**

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Keith A. McGlashan, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of publication: , 2013  
Effective date: , 2013



**20.20.048 T definitions.**

Tree, Significant Any ~~healthy, windfirm, and nonhazardous~~ tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater in diameter at breast height if it is non-conifer deciduous excluding those trees that qualify for complete exemptions from Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards SMC under 20.50.310(A).

**20.30.085 Early community input meeting.**

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1000 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 1000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal.

**20.30.090 Neighborhood meeting.**

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

- A. The purpose of the neighborhood meeting is to:
1. Ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
  2. Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process.
- B. The neighborhood meeting shall meet the following requirements:
1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
  2. The notice shall be provided at a minimum to property owners located within 500 feet (1000 feet for Master Development Plan Permits) of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
  3. The notice shall be postmarked 10 to 14 days prior to the neighborhood meeting.
  4. The neighborhood meeting shall be held within the City limits of Shoreline.
  5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
  6. The neighborhood meeting agenda shall cover the following items:
    - a. Introduction of neighborhood meeting organizer (i.e., developer, property owner, etc.);

- b. Description of proposed project;
- c. Listing of permits that are anticipated for the project;
- d. Description of how comments made at the neighborhood meeting are used;
- e. Provide meeting attendees with the City's contact information;
- f. Provide a sign-up sheet for attendees.

**20.30.180 Public notice of public hearing.**

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 15 days prior to the hearing, through use of these methods:

- **Mail.** Mailing to owners of real property located within 500 feet (1000 feet for Master Development Plan Permit) of the subject property;

- **Newspaper.** The Department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located;

- **Post Site.** Posting the property (for site-specific proposals).

Information regarding Master Development Plan public hearings will be posted on the City's website and cable access channel. (Ord. 591\* § 1 (Exh. A), 2010; Ord. 581 § 1

- (Exh. 1), 2010; Ord. 317 § 1, 2003; Ord. 238 Ch. III § 5(b), 2000).

**20.30.280 Nonconformance.**

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
2. The use or structure does not comply with the development standards or other requirements of this Code;
3. A change in the required permit review process shall not create a nonconformance.

B. **Abatement of Illegal Use, Structure or Development.** Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

C. **Continuation and Maintenance of Nonconformance.** A nonconformance may be continued or physically maintained as provided by this Code.

1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.
2. **Discontinuation of Nonconforming Use.** A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.
3. **Repair or Reconstruction of Nonconforming Structure.** Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:
  - a. The extent of the previously existing nonconformance is not increased; and
  - b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction.
  - c. The provisions of Chapter 13.12 Floodplain Management are met when applicable.

4. **Modifications to Nonconforming Structures.** Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity.

D. **Expansion of Nonconforming Use.** A nonconforming use may be expanded subject to approval of a conditional use permit unless the Indexed Supplemental Criteria (SMC 20.40.200) requires a special use permit for expansion of the use under the Code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area.

E. **Nonconforming Lots.** Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this Code; provided, that:

1. All other applicable standards of the Code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a "special tract" to protect critical area, provide open space, or as a public or private access tract. (Ord. 515 § 1, 2008; Ord. 352 § 1, 2004; Ord. 238 Ch. III § 6, 2000).

**F. Nonconformance created by government action.**

1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a county, state, or federal agency creates noncompliance of the use or structure regarding any requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback

nonconformity to the extent feasible. To be consistent with 20.50.590(A) the signs shall not be altered in size, shape, or height.

3. A nonconforming lot created under this subsection shall qualify as a building site pursuant to RCW 58.17.210 provided the lot cannot be combined with a contiguous lot(s) to create a conforming parcel.



**20.30.353 Master Development Plan.**

**A. Purpose.** The purpose of the master development plan is to define the development of property zoned campus or essential public facilities in order to serve its users, promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes for all uses that are permitted outright or through conditional or special use processes in the underlying zones.

**B. Decision Criteria.** A master development plan shall be granted by the City only if the applicant demonstrates that:

1. The project is designated as either campus or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and polices of the Comprehensive Plan.
2. The master development plan includes a general phasing timeline of development and associated mitigation.
3. The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.
4. The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.
5. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.
6. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

7. The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

8. The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

**C. Amendments.** Minor amendments to an approved master development plan may be approved by the Director if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

1. An increase in the square footage of any proposed building or structure by 10 percent or less; or
2. A change of 15 percent or less in the number of new parking spaces, parking spaces created by re-striping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or
3. A change in the original phasing timeline for mitigation of the master development plan; or
4. Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or
5. A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or
6. Other specific changes as noted in the master development plan.

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master development plan.

**D. Development Standards.**

1. Density is limited to a maximum of 48 units per acre;
2. Height is limited to a maximum of 65 feet;
3. Buildings must be set back at least 20 feet from property lines at 35 feet building height abutting all R-4 and R-6 zones. Above 35 feet buildings shall be set back at a ratio of two to one;
4. New building bulk shall be massed to have the least impact on neighboring single-family neighborhood(s) and development on campus;
5. At a minimum, landscaping along interior lot lines shall conform with the standards set forth in SMC 20.50.490;
6. Construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. Landscaping of parking areas shall at a minimum conform with the standards set forth in SMC 20.50.500;
7. Development permits for parking shall include a lighting plan for review and approval by the Planning Director. The lighting shall be hooded and directed such that it does not negatively impact adjacent residential areas;
8. The location, material, and design of any walkway within the campus shall be subject to the review and approval of the Planning Director; and
9. Where adjacent to existing single-family residences, campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen. The amount and type of plant materials shall be subject to the review and approval of the Planning Director.

These standards may be modified to mitigate significant off-site impacts of implementing the master development plan in a manner equal to or greater than the code standards.

**E. New Uses or New Development Standards.** ~~In order to allow a Any new use or new uses on a campus zoned site must be processed as part of a Master Development Plan Permit. New uses requested through a Master Development Permit shall be considered concurrently with an amendment to SMC 20.40.150 Campus uses an amendment to the Comprehensive Plan and Development Code is required.~~

**F. Early Community Input.** Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1000 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 1000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department. Digital audio Tape recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal.

**G. Master Plan Vesting Expiration.** A master development plan's determination of consistency under RCW 36.70B.040 shall vest for 10 years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After 10 years, the Planning Commission may review the master development plan permit for consistency with current City's vision, goals, strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy) Comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 507 § 4, 2008).

**20.30.410 Preliminary subdivision review procedures and criteria.**

**C. Dedications and Improvements.**

1. The City Council may require dedication of land in the proposed subdivision for public use.
2. Only the City Council may approve a dedication of park land. ~~The council may request a review and written recommendation from the Planning Commission~~<sup>3</sup>. In addition, the City Council may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

**20.30.730 General provisions.**

A. For the purposes of this subchapter, any person who causes or maintains a Code Violation and the owner, lessor, tenant or other person entitled to control, use, or occupancy of property where a Code Violation occurs shall be identified as the responsible party and shall be subject to enforcement action as provided in this subchapter.

However, if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances, as determined by the Director. Should the responsible party not correct the violation, after service of the notice and order, civil penalties and abatement costs may be assessed.

B. It shall be the responsibility of any person identified as a responsible party to bring the property into a safe and reasonable condition to achieve compliance. Payment of fines, applications for permits, acknowledgment of stop work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances. The date set for compliance in the notice and order takes precedence over any date established for the expiration of any required permit(s) and will be subordinate only to written extension of the notice and order.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance. A violation shall be considered ongoing until the responsible party has come into compliance and has notified the Director of this compliance, and an official inspection has verified compliance and all assessed penalties and costs have been paid to the City.

D. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code Violations in any other manner authorized by law. (Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 238 Ch. III § 10(b), 2000).

**20.30.770 Enforcement provisions.**

A. **Infraction.** Whenever the Director has determined that a Code Violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.

B. **Misdemeanor.** Any person who willfully or knowingly causes, aids or abets a Code Violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to, any other judicial or administrative remedy provided in this subchapter or by law or other regulation.

C. **Suspension, Revocation or Limitation of Permit.**

1. The Director may suspend, revoke or limit any permit issued whenever:

- a. The permit holder has committed a Code Violation in the course of performing activities subject to that permit;
- b. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
- c. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or
- d. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.

2. Such suspension, revocation or modification shall be carried out through the notice and order provisions of this subchapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this subchapter. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.

D. **Civil Penalties.**

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed

for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter shall be double the amount of the initial penalties.

2. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Critical Areas, or Chapter 20.50 SMC, General Development Standards (tree conservation, land clearing and site grading standards), will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:

- i. The resulting increase in market value of the property; and
- ii. The value received by the responsible party; and
- iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and

b. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

3. An additional penalty of \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate.

4. A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.

5. Under RCW 59.18.085, if, after 60 days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does



not repay the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of \$50.00 per day for each tenant to whom the City has advanced a relocation assistance payment.

6. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. Civil penalties shall accrue through the date of compliance. For purposes of assessing civil penalties However, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance. Civil penalties shall remain an obligation of the responsible parties until paid regardless of compliance unless waived or adjusted under this section.

7. a. Civil penalties will be waived by the Director or will be reimbursed to the payer by the Director, with the concurrence of the Administrative Services Director, under the following documented circumstances:

- i. The notice and order was issued in error; or
- ii. The civil penalties were assessed in error; or
- iii. Notice failed to reach the property owner due to unusual circumstances;

b. Civil penalties accrued under 20.30.770. D.1 will be reduced by the Director to 20 percent of accrued penalties if voluntary compliance is achieved and the City is reimbursed its reasonable staff and professional costs ~~attorney's fees~~ incurred in enforcing the notice and order.

#### E. Abatement.

1. All public nuisances are subject to abatement under this subchapter.
2. **Imminent Nuisance and Summary Abatement.** If a condition, substance, act or nuisance exists which causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the person responsible for the property and the violation as soon as reasonably possible after the abatement. The Director shall make the determination of a condition, substance, act or other occurrence constituting an imminent nuisance requiring summary abatement. Costs, both direct and indirect, of the abatement may be assessed as provided in this chapter.

3. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions by demolition, repair, removal, or securing the site and have abatement costs collected as taxes by the King County Treasury pursuant to SMC 20.30.775. If an occupied rental dwelling or its premises are declared unfit and required to be vacated by a notice and order, and the landlord fails to pay relocation assistance as set forth in RCW 59.18.085, the City shall advance relocation assistance funds to eligible tenants in accordance with RCW 59.18.085.

**F. Additional Enforcement Provisions.** The enforcement provisions of this section are not exclusive, and may be used in addition to other enforcement provisions authorized by the Shoreline Municipal Code or by state law, including filing for injunctive relief or filing of a civil action. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 466 § 2, 2007; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(D), 2000; Ord. 238 Ch. III § 10(c), 2000. Formerly 20.30.740).

Table 20.40.120 Residential uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>RESIDENTIAL GENERAL</b>									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
<b>GROUP RESIDENCES</b>									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>TEMPORARY LODGING</b>									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
<b>MISCELLANEOUS</b>									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>P = Permitted Use   S = Special Use</b> <b>C = Conditional Use   -i = Indexed Supplemental Criteria</b>									

Table 20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	<b>RETAIL/SERVICE</b>								
532	Automotive Rental and Leasing						P	P	P only in TC- 1
81111	Automotive Repair and Service					P	P	P	P only in TC- 1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities		C	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC- 1

812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing							S	P
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>P = Permitted Use S = Special Use</b> <b>C = Conditional Use -i = Indexed Supplemental Criteria</b>									

## 20.40.240 Animals – Keeping of

1. Purpose. Establish regulations for the keeping of animals that will minimize nuisances and disturbances caused by animals, minimize the impact of livestock on the environment and prevent cruelty to animals.

2. Permitted accessory use. The keeping of pets, and the raising, keeping and breeding of small animals, bees and livestock are allowed as an accessory use to residential uses in any zone, subject to the regulations of this section and SMC Title 6, Animals. Keeping of animals related to commercial uses is not subject to this section and is covered in SMC Title 6.

3. Small animals. The maximum numbers of small animals are as follows, small animals on the premises less than 2 months in age are excluded from the density limitations:

a. Small animals which are kept exclusively in a dwelling as household pets including those kept in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in SMC 20.30.740.

b. Regardless of the total numbers of animals allowed in this section, the total number of unaltered adult cats and dogs per household shall not exceed three, provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area.

c. The total maximum of a combination of small animals allowed outside, including dogs and cats, shall be limited to three per household on lots of less than 20,000 square feet. One additional small animal is allowed with each additional 5,000 square feet of site area over 20,000 square feet, up to a maximum of 20.

d. Chickens (hens), rabbits and similarly sized animals: Any combination of six (6) chickens (excluding roosters), rabbits and similarly sized animals may be kept on any lot in addition to the small animals permitted in the preceding subsections. On lots of at least one-half acre, such animals may be kept at the rate of twelve (12) for each one-half acre.

e. Birds (other than domestic fowl) shall be kept in an aviary or loft that meets the following standards:

1. The aviary or loft shall provide one-half cubic foot for each parakeet, canary or similarly sized birds, one cubic foot for each pigeon, small parrot or similarly sized bird, and two cubic feet for each large parrot, macaw or similarly sized bird.

2. Aviaries or lofts shall not exceed 2,000 square feet in footprint.

3. The aviary is set back at least 10 feet from any property line, and 20 feet from any neighboring dwelling unit.

4. Beekeeping is limited as follows:

- a. Beehives are limited to four hives on sites less than 20,000 square feet;
- b. Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25' per side then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.
- c. Must register with the Washington State Department of Agriculture;
- d. Must be maintained to avoid overpopulation and swarming.

5. Livestock (Farm Animals):

The maximum number of livestock shall be as follows:

- a. The minimum lot area for large livestock shall be two acres. Each animal is required one-half acre for the animal's occupancy.
- b. Small livestock such as sheep, goats: Subject to the provisions of (3) above. Male goats must be de-horned and neutered.
- c. Livestock under six months of age are excluded from the density limitations.

6. Categorization of animals. In the event that animals are proposed that do not clearly fall within the size categories established by this code, the Director shall determine an appropriate category based on that which is most similar to the animal in question and its impact on neighboring properties and the environment.

7. Prohibited Animals. In addition to the exotic animals prohibited in SMC Title 6, the keeping of swine over 120 lbs and 20 inches tall, roosters, peacocks and peahens, mink, nutria and foxes shall be prohibited.

8. Exemptions. The following animals are exempt from the provisions of this chapter:

- a. Service Animals as defined by SMC Title 6.
- b. Temporary uses of animals such as goats for the purpose of vegetation management.

9. Maintenance and operational standards. All animal keeping shall comply with all of the following maintenance and operational standards.

- a. Odor and vector control. All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. They shall provide adequate ventilation and protection from the elements, pests and predators. There must be adequate space within the enclosures so that each animal has room to fully extend themselves and turn around.
- b. Enclosures. Enclosures for large livestock must be set back at least 20 feet from any property line.
- c. Animal Waste. Manure shall not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.
- d. Containment. All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
- e. Waterway protection. All animal keeping shall adhere to the Best Management Practices as required by the City's adopted Stormwater Manual.

~~A. The raising, keeping, breeding or fee boarding of small animals are subject to SMC Title 6, Animal Control Regulations.~~

~~B. Small animals which are kept exclusively indoors as household pets shall not be limited in number, except as may be provided in SMC Title 6. Other small animals, excluding cats kept indoors as household pets, shall be limited to five, of which not more than four may be unaltered cats and dogs. Cats kept indoors shall not be limited in number.~~

~~C. Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.~~



D. ~~Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.~~

E. ~~Animals considered to be household pets shall be treated as other small animals, when they are kept for commercial breeding, boarding or training.~~

F. ~~Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:~~

1. ~~Birds shall be kept in an aviary or loft that meets the following standards:~~

a. ~~The aviary or loft shall provide one half cubic foot for each parakeet, canary or similarly sized birds, one cubic foot for each pigeon, small parrot or similarly sized bird, and two cubic feet for each large parrot, macaw or similarly sized bird.~~

b. ~~Aviaries or lofts shall not exceed 2,000 square feet in footprint.~~

c. ~~The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.~~

2. ~~Small animals other than birds shall be kept according to the following standards:~~

a. ~~All animals shall be confined within a building, pen, aviary or similar structure.~~

b. ~~Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line.~~

c. ~~Rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.~~

d. ~~Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.~~

e. ~~Beekeeping is limited as follows:~~

i. ~~Beehives are limited to four hives on sites less than 20,000 square feet;~~

ii. ~~Hives must be at least 25 feet from any property line;~~

iii. ~~Must register with the Washington State Department of Agriculture;~~

iv. ~~Must be maintained to avoid overpopulation and swarming.~~

~~f. Prohibited Animals. The keeping of mink, foxes, and/or hogs shall be prohibited. (Ord. 406 § 1, 2006; Ord. 238 Ch. IV § 3(B), 2000).~~

**20.40.340 Duplex.**

Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards.

~~Two or~~ More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

**20.50.020 Standards – Dimensional requirements.****A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones**

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (67)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (89)	30 ft (35 ft with pitched)	30 ft (35 ft with pitched)	35 ft	35 ft	35 ft (40 ft with pitched)	35 ft (40 ft with pitched)	35 ft (40 ft with pitched)	35 ft

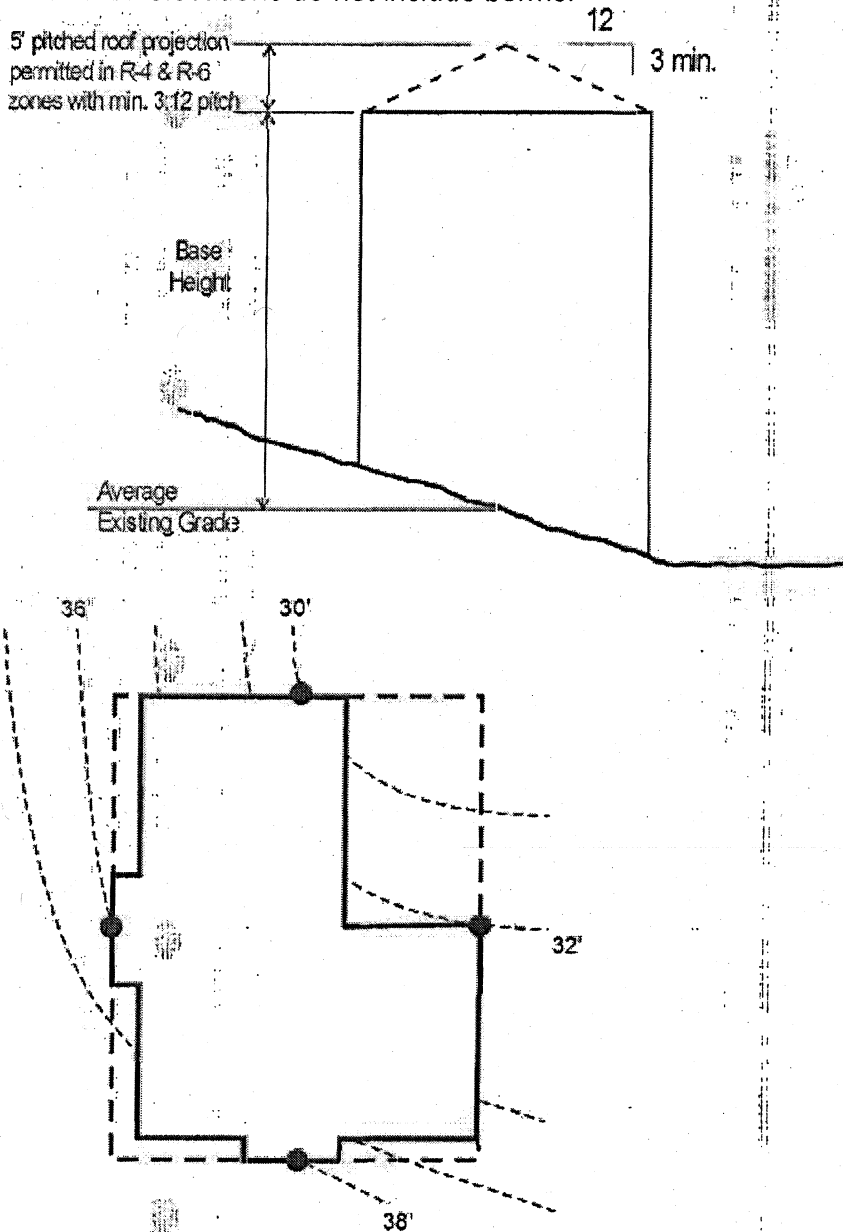
	roof)	roof)			roof)	roof)	roof) (78)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

*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 hardscape limitations; limitations for individual lots may be modified.
- (3) For single family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single family detached development 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.~~
- ~~(6) (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.~~
- ~~(7) (8) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, MB, TC, NGBD, MUZ, 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.~~
- ~~(8) (9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.~~

**20.50.050 Building height – Standards.**

The base height for all structures shall be measured from the average existing grade to the highest point of the roof. The average existing grade shall be determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle; provided, that the measured elevations do not include berms.



$$\text{Average Existing Grade} = \frac{30' + 32' + 36' + 38'}{4} = 34'$$

**Figure 20.50.050(A): Building height measurement.**

Exception 20.50.050(1): The ridge of a pitched roof on the principal house in R-4 and R-6 zones may extend up to 35 feet; provided, that all parts of the roof above 30 feet must be pitched at a rate of not less than three to 12.

Exception 20.50.050(2): The ridge of a pitched roof on the building in the R-18 through R-48 zones may extend up to 40 feet; provided, that all parts of the roof above 35 feet must be pitched at a rate of not less than four to 12. (For further exceptions to height limits in the R-48 zone, see Exceptions 20.50.020(8) and (9).)

Exception 20.50.050(3): The following structures may be erected above the height limits in residential zones:

- 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, renewable energy systems such as solar collectors and small scale wind generators are allowed an additional 15 feet above the height limit of the zone when camouflaged to the greatest extent possible, and utility line towers and poles; and
- Steeples, crosses, and spires when integrated as an architectural element of a building. (Ord. 352 § 1, 2004; Ord. 238 Ch. V § 1(B-4), 2000).

**Table 20.50.390A – General Residential Parking Standards**

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Single detached/townhouse:	2.0 per dwelling unit
Apartment:	
Studio units:	.75 per dwelling unit
One-bedroom units:	.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

**Table 20.50.390B – Special Residential Parking Standards**

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Community residential facilities:	1 per 2 units
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units



**Table 20.50.390C – General Nonresidential Parking Standards**

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
General services uses:	1 per 300 square feet
Government/business services uses:	1 per 500 square feet
Manufacturing uses:	.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

**Table 20.50.390D – Special Nonresidential Standards**

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Bowling center:	2 per lane
Houses of Worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area

Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store bays:
Fuelservice stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area

**Table 20.50.390D – Special Nonresidential Standards (Continued)**

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on-site.
Hospital:	1 per bed

Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
Retail and mixed trade:	1 per 400 square feet
Self-service storage:	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

Exception 20.50.390(A)(1): If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Exception 20.50.390(A)(2): When the City of Shoreline has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

Exception 20.50.390(A)(3): Where other provisions of this Code stipulate higher maximum parking or reduced minimum parking requirements, those provisions shall apply.

Exception 20.50.390(A)(4): Minimum parking requirements may be reduced through provisions in SMC 20.50.400.

B. Off-street parking ratios expressed as number of spaces per square feet shall be based on the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include, but are not limited to, building maintenance areas, storage areas, closets, or restrooms.

C. For all nonresidential uses, the maximum amount of allowed parking shall not exceed 50 percent over the minimum required number of stalls. Any proposal for parking that exceeds 10 percent over the minimum required number of stalls must be approved by the Director.

D. Any amount of surface parking lot that is over the minimum required number of stalls shall be paved with permeable pavement. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(B-1), 2000).

**20.50.400 Reductions to minimum parking requirements.**

- A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:
1. On-street parking along the parcel's street frontage.
  2. Shared parking agreement with adjoining parcels and land uses that do not have conflicting parking demands.
  3. High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.
  4. Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.
  5. High-capacity transit service available within a one-half mile walk shed.
  6. A pedestrian public access easement that is 8 feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
  7. Concurrence with King County Right-sized Parking data, census tract data, and other parking demand study results.
  8. The applicant uses permeable pavement on at least 20% of the area of the parking lot.
- B. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.
- C. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.
- D. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low-income housing units that are 60% of AMI or less as defined by the U.S. Department of Housing and Urban Development.

**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.

C. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.750.

D. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

Exception 20.50.410(D)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

E. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410E below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. Regardless of the parking angle, one-way aisles shall be at

least 10 feet wide, and two-way aisles shall be at least 20 feet wide. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

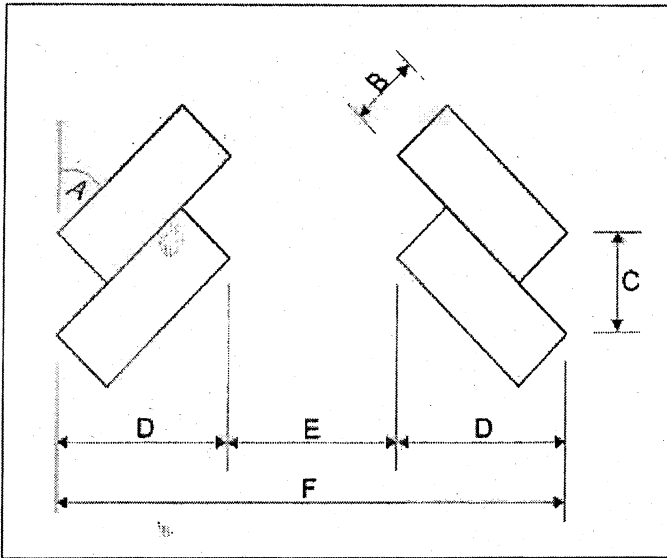
**Table 20.50.410E – Minimum Parking Stall and Aisle Dimensions**

A	B	C	D	E	F
Parking Angle	Stall Width (feet)	Curb Length (feet)	Stall Depth (feet)	Aisle Width (feet)	Unit Depth (feet)
				1-Way 2-Way	1-Way 2-Way
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min. 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0 23.0 23.0 23.0	** ** 63.0 63.0 63.0 63.0

Notes:

\* For compact stalls only

\*\* Variable, with compact and standard combinations



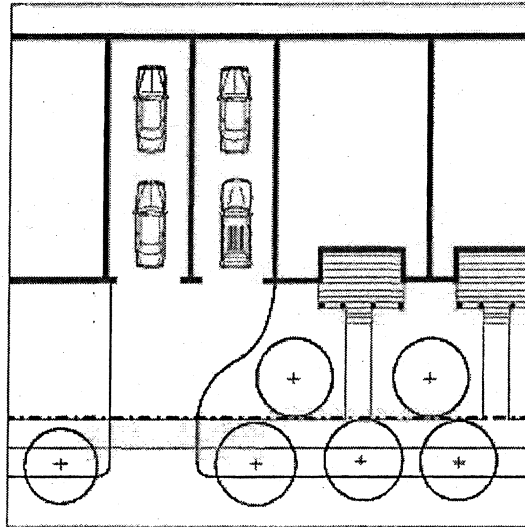
**Figure 20.50.410(E)(1): Diagram of corresponding parking dimensions A through F from Table 20.50.410.**

Exception 20.50.410(E)(1): The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway under the following conditions:

1. Wheel stops or curbs are installed that provide a maximum 18-inch overhang; and
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

Exception 20.50.410(E)(2): Tandem or end-to-end parking is allowed in residential developments. Single-family, duplex and townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.



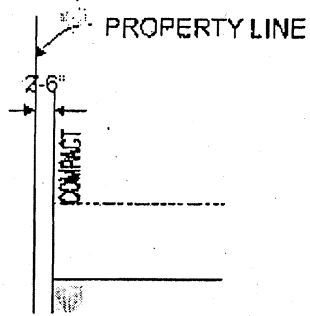


**Figure Exception to 20.50.410(E)(2): Illustration of tandem parking.**

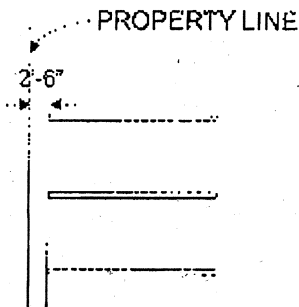
Exception 20.50.410(E)(3): Vanpool/carpool parking areas shall meet the following minimum design standards;

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter (curb to curb) of 52 feet, five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.

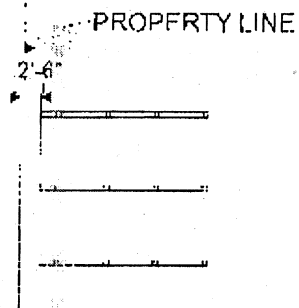
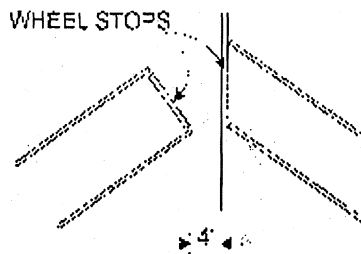
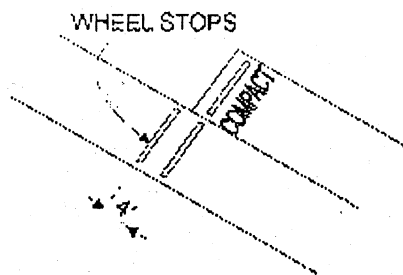
F. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with Washington State Department of Transportation standards. Wheel stops are required where a parked vehicle encroaches on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typical approved markings and wheel stop locations are illustrated in Figure 20.50.410(F).



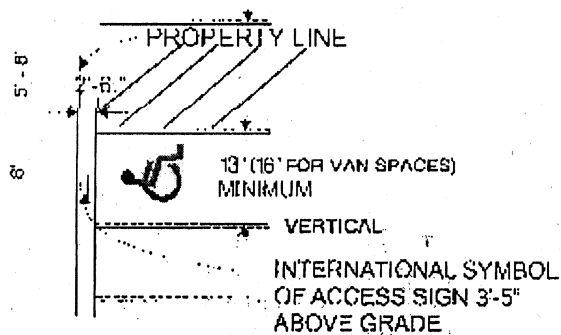
COMPACT MARKING



PAINTED HORSESHOE MARKING

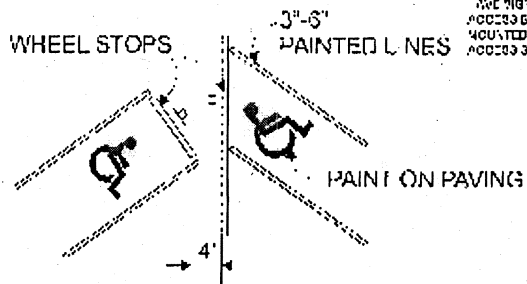
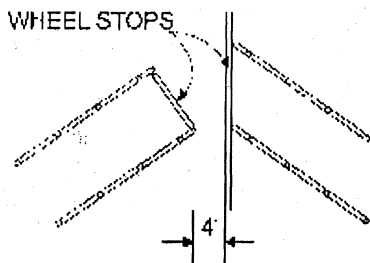


METAL OR PLASTIC TRAFFIC MARKING



DISABLED PERSONS PARKING

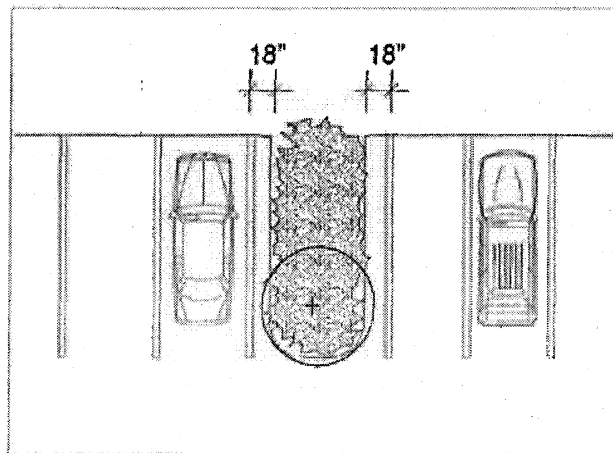
HW PER APPLICABLE  
SECTION NO. 7 C  
ABOVE SPACES WITH  
T END OF STATE  
DISABLED PARKING  
PERMITS REQUIRED  
WAY BEHIND SIGN  
THE SIGN SHALL  
BE 3'-5" HIGH  
ACC 233.5.1  
MOUNTED BELOW  
ACC 233.5.1.1



**Figure 20.50.410(F): Pavement marking and wheel stop standards.**

***Note that parking spaces must meet setbacks from property lines where required by the zone.***

G. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. In a parking garage, any space abutting a wall shall provide an additional 18 inches. The additional width shall be separated from the adjacent parking space by a parking space division stripe. This requirement does not apply to single-family and duplex developments.



**Figure 20.50.410(G): Illustration of buffer between parking and landscaping.**

H. Required parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

Exception 20.50.410(H)(1): If parking is located below grade, parking may be located within the required setback; provided, that the portion of the parking structure located within setback is landscaped or serves as pedestrian access.

160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

L. Every building engaged in retail, hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the standards listed in Table 20.50.410L.

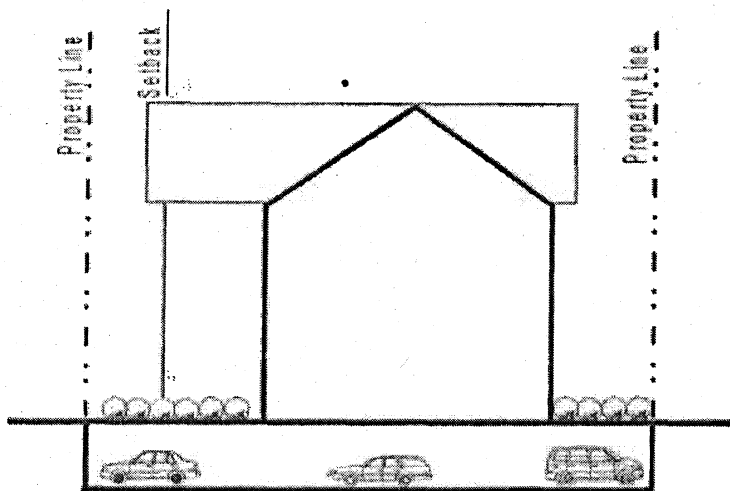
**Table 20.50.410L**

<b>GROSS FLOOR AREA</b>	<b>REQUIRED NUMBER OF LOADING SPACES</b>
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

M. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

N. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

O. Multi-story self-service storage facilities shall provide two loading spaces, single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet inches, and



**Figure Exception to 20.50.410(H)(1): Illustration of underground parking.**

- I. Any parking stalls located in enclosed buildings must be totally within the enclosed building.
- J. Off-street parking and access for physically handicapped persons shall be provided in accordance with WAC 51-40-1100 Chapter 11 – Accessibility and subsequent addendum.
- K. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below in Table 20.50.410K.

**Table 20.50.410K**

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6

shall be surfaced, improved and maintained as required by the Engineering Development Guide.

P. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this section.

Q. All parking lot lighting should be nonglare and shielded to minimize direct illumination of abutting properties and adjacent streets. (Ord. 560 § 4 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 391 § 4, 2005; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-3), 2000).

**20.50.500 Internal landscaping for parking area.**

Required parking area landscaping shall include landscape areas that are located in areas within or adjacent to parking areas. However, landscaping designed to meet perimeter landscaping requirements cannot also be used to meet parking lot landscaping requirements.

- A. Multifamily developments with common parking areas shall provide planting areas in parking lots at a rate of 20 square feet per parking stall.
- B. Commercial, office, industrial or institutional developments shall provide landscaping at a rate of:
  - 1. Twenty square feet per parking stall when 10 to 30 parking stalls are provided or;
  - 2. Twenty-five square feet per parking stall when 31 or more parking stalls are provided.
- C. Trees shall be provided and distributed throughout the parking area at a rate of one tree for every 10 parking stalls.
- D. Permanent curbs or structural barriers shall be provided to protect shrub and trees from vehicle bumpers. Landscaping under vehicle overhang shall not be included in required landscape area calculations.
- E. Parking area landscaping shall require:
  - 1. At least 60 square feet with a lineal dimension of no less than four feet;
  - 2. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center;
  - 3. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart; and
  - 4. Trees planted at least 1.5 inches caliper in size.
  - 5. Gaps in curbs are allowed for stormwater runoff.
  - 6. Natural drainage landscapes (such as rain gardens, bio-filtration swales and bioretention planters) when designed in compliance with the stormwater design manual.

**20.60.040 Adequate water supply.**

All development proposals shall be served by an adequate public water supply system as follows:

- A. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant can demonstrate that:
1. The existing water supply system available to serve the site complies with the requirements of adopted rules and regulations of the applicable government, agency, or district; ~~and~~
  - ~~2. The existing water supply system available to serve the site complies with any limitation or condition imposed by the City approved comprehensive plan of the water purveyor; and~~
  2. The proposed improvements to an existing water system or a proposed new water supply system have been reviewed by the Department and determined to comply with the design standards and conditions specified above.
- B. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved water system and any system improvements are installed to serve each building or lot respectively;
- C. For recording a final plat, final short plat or binding site plan, either the approved water supply system or system improvements shall be installed or bonded to serve each lot, within two years of recording; and
- D. For a zone reclassification the timing of installation of required water system improvements is included in the approving ordinance. (Ord. 238 Ch. VI § 2(B), 2000).



Chart Comparing MDP Decision Criteria to Conditional Use Decision Criteria

Master Development Plan Decision Criteria	Conditional Use Decision Criteria
<p>1. The project is designated as either campus or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and polices of the Comprehensive Plan.</p>	<p>1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property.</p>
<p>2. The master development plan includes a general phasing timeline of development and associated mitigation.</p>	<p>No corresponding criterion.</p>
<p>3. The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.</p>	<p>4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.</p>
<p>4. The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.</p>	<p>4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;</p>
<p>5. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.</p>	<p>7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and</p> <p>5. The conditional use is not in conflict with the health and safety of the community.</p>

Master Development Plan Decision Criteria	Conditional Use Decision Criteria
<p>6. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.</p>	<p>8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.</p> <p>5. The conditional use is not in conflict with the health and safety of the community.</p>
<p>7. The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.</p>	<p>2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;</p> <p>3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;</p> <p>5. The conditional use is not in conflict with the health and safety of the community.</p>
<p>8. The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.</p>	<p>5. The conditional use is not in conflict with the health and safety of the community;</p>
<p>No corresponding Criteria.</p>	<p>6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.</p>

**Legend**

**Overlap**

**Gap**

## Chapter 9.05 PUBLIC DISTURBANCE NOISE

### Sections:

[9.05.010](#) Noise.

[9.05.020](#) Violation – Penalty.

### 9.05.010 Noise.

A. General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. Definition. For purposes of this chapter, a “public disturbance noise” is any noise which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property.

C. Illustrative Enumeration. The following sounds may, depending upon location, be public disturbance noises in violation of this chapter:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

~~2. Keeping or harboring any animal or animals whose frequent, repetitive or continuous noisemaking unreasonably interferes with the peace and comfort of persons in the city; Knowingly permit frequent, -continuous, or repetitive barking or noise made by any animal;~~

~~3.2.~~ The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district;

~~4 3.~~ Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m.;

~~5 4.~~ The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

~~6 5.~~ Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself;

~~7 6.~~ Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator;

8 7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;

9 8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends;

10 9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, power hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

D. Exclusion. This chapter shall not apply to the following:

1. Regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.;
2. Construction or maintenance activities in the city's right-of-way that have been conditioned by the city manager or designee to minimize the impact on adjacent property owners;
3. Construction noise under subsection (C)(8) of this section or other noise generated in response to emergency situations; that is times when unexpected and uncontrollable events result in an imminent risk of physical harm or property damage. [Ord. 250 § 1, 2000; Ord. 121 § 1, 1997]

**9.05.020 Violation – Penalty.**

Any person who violates the provisions of this chapter shall be subject to a civil fine not to exceed \$250.00 for the first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.010(2). [Ord. 121 § 2, 1997]





Peter J. Eglick  
eglick@ekwlaw.com

July 19, 2013

*Via Fax and E-mail*

([junderwood@shorelinewa.gov](mailto:junderwood@shorelinewa.gov); [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov))

Julie Underwood  
Steve Szafran  
City of Shoreline  
17500 Midvale Avenue N  
Shoreline, WA 98133-4905

Greetings Manager Underwood and Mr. Szafran:

I am sending you this e mail at the direction of Michael Jacobs, President of The Innis Arden Club Inc. to follow up on the July 12, 2013 letter (copy enclosed) submitted to the City on the Club's behalf concerning a particular amendment proposed by staff for the Development Code. The gist of the amendment, as the Club understands it, is to require that removal of hazard trees count against the partial exemption limit for tree removal. The letter suggested that this was inadvisable because it would create a disincentive to pro-active hazard abatement, which is already costly.

However, when reviewing the video of Mr. Szafran's presentation this week to the Council ([http://shoreline.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=484](http://shoreline.granicus.com/MediaPlayer.php?view_id=4&clip_id=484) agenda item 9(a) at 1:05:20 to 1:06:09), it appeared that his reference to the Club's letter focused on an earlier amendment concerning hazard trees, but did not directly address the issue raised by the Club concerning the amendment currently on the table.

Innis Arden consists of over 500 lots, most with more than one resident, and is therefore home to a significant population of Shoreline citizens. Yet, it appears that the concern raised by the Innis Arden community has either been misunderstood or, although we hope not, simply given short shrift. If there are compelling, verified bases for the current proposed amendment they have yet to be disclosed so that they can be addressed.

Therefore, the Club requests that, well prior to the amendment coming before the Council for adoption, the City provide a substantive response for the Club, the public, and the Council that reflects acknowledgement and thoughtful consideration of the points made in the July 12 letter. Of course, the best response would be an acknowledgement that it is not good public

EGCLICK KIKER WHITED PLLC  
July 19, 2013  
Page 2

policy to further burden pro-active attention to hazards, as any insurance carrier or underwriter will advise.

Please place this letter on the review record of the Development Code amendments and ensure that it is provided to Council well before any action is taken.

Sincerely,

EGCLICK KIKER WHITED PLLC



Peter J. Eglick  
Attorney for the Innis Arden Club Inc.

Attachment (Letter to Council dated 7/12/13)

cc: Client



Peter J. Eglick  
eglick@ekwlaw.com

July 12, 2013

*Via E-mail*  
[council@shorelinewa.gov](mailto:council@shorelinewa.gov)

City Council  
City of Shoreline  
17500 Midvale Avenue N  
Shoreline, WA 98133-4905

Dear City Council:

This letter is submitted on behalf of the Innis Arden Club, Inc. It concerns the proposed amendment to Shoreline Municipal Code section 20.20.048 that is before you for discussion at your business meeting on July 15. This proposed amendment to the Code definition of significant tree is described in the explanatory staff memorandum as follows:

Definitions  
20.20.048

Modify the definition for "Tree, Significant".

The amendment proposes to strike the words healthy, windfirm and nonhazardous from the definition. Even though a tree may be unhealthy or hazardous, any significant tree must be accounted for in terms of removal, replacement and retention.

The effect of this amendment would be to change the current situation in which hazardous trees removed per Code authorization are not counted against the Code section 20.50.310B.1 six tree every 36 month partial exemption. No explanation for the change has been given other than that "any significant tree must be accounted for ..." This is a bare declaration -- not an explanation for why a hazard tree removed because it is failing as a result of natural causes should figure into the replacement and mitigation requirements imposed by the Code. Will the City next declare that hazard trees which fall of their own accord (rather than being safely removed before harm is done) must also be included in the six significant tree count?

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The current definition wording, which staff proposes to replace, is no accident. The current definition encourages prompt attendance to hazardous trees. It discourages neglecting hazardous trees because their removal would count against the exemption. In eliminating the current definition, the City is adding yet another disincentive to hazard tree removal. This will not be welcomed by the public at large, their insurers, or, for that matter, by the City's insurer.

The current Code recognizes that an unhealthy, infirm, hazardous tree is not the epitome of "significance". The current Code maintains some semblance of practicality in a set of regulations that have become progressively more inflexible. While the proposed definition change has been presented as just another "administrative" housekeeping-type amendment, it is not. The amendment has policy implications and impacts that should be carefully considered and disclosed to the public at large.

Therefore, the Innis Arden Club, Inc. strongly requests that the Council not adopt the proposed amendment to Code section 20.20.048.

Respectfully,

EGLICK KIKER WHITED PLLC



Peter J. Eglick

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