

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 767 amending Development Code Sections 20.20, 20.30, 20.40, 20.50, 20.70, 20.100.
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager Rachael Markle, AICP, Director
ACTION:	<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:

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state rules and regulations, or to respond to changing conditions or needs of the City. Throughout the year, Planning Staff identifies various amendments to the development code and process them as "batches."

The Council studied the proposed amendments at their January 9, 2017 meeting. The Council raised three questions about proposed amendments 13, 24, and 30 which are addressed in the discussion section below.

RESOURCE/FINANCIAL IMPACT:

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

RECOMMENDATION

Staff recommends approval of Ordinance No. 767 with amended language proposed by staff.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state rules and regulations, or to respond to changing conditions or needs of the City.

Pursuant to SMC 20.30.070, 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 these types of decisions and is responsible for holding an open record Public Hearing on any proposed amendments and making a recommendation to the City Council on each amendment.

For the 2016 batch of Development Code amendments currently before the City Council, the Planning Commission held two study sessions in 2016 - on September 15 and November 17 - and a Public Hearing on the proposed amendments on December 1, 2016.

- The staff report for the September 15th discussion can be found here: <http://www.shorelinewa.gov/home/showdocument?id=27891>
- The staff report for the November 17th discussion can be found here: <http://www.shorelinewa.gov/home/showdocument?id=29497>
- The staff report for December 1st Public Hearing can be found here: <http://www.shorelinewa.gov/home/showdocument?id=29611>

The proposed Development Code amendments include administrative changes (reorganization and minor corrections) and more substantive changes all listed in order of Chapter. At the January 9 Council meeting, staff presented the amendments with more substantive changes. Those amendments are:

- Amendment #5 - 20.20.050 – U Definitions – Adding a definition for Unit Lot Development.
- Amendment #7 - 20.30.160 – Greater Expiration of Vested Status of Land Use Permits and Approvals.
- Amendment #8 - 20.30.280 – Change of Use.
- Amendment #10 - 20.30.330 – Special Use Permit –Increase the vesting period for Special Use Permits.
- Amendment #13 - 20.30.410 – Establishes a procedure for Unit Lot Developments.
- Amendment #16 - 20.40.130 – Remove fuel and service stations as a permitted use in the Town Center 2, 3, and 4 zones.
- Amendment #17 - 20.40.130 – Light manufacturing an approved use in the Mixed-Business (MB) zone.
- Amendment #20 - 20.40.240 – Beekeeping.
- Amendment#24 – 20.50.020 – Establishes a 5-foot minimum setback on each side.

- Amendment #29 – 20.50.090 – Restricts a homeowner from expanding a nonconforming home.
- Amendment #30 - 20.50.110 – Fences and walls - The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.

The remainder of the amendments are clean-up or amendments that are more procedural in nature. The following amendments correct outdated references, move code provisions from one section to another, and implement State mandates:

- Amendment#1 - 20.20.016 – D Definitions – Combine dwelling types.
- Amendment #2 - 20.20.026 – I Definitions - Add Non-Vegetated Surface to Impervious Surface Definition.
- Amendment #3 - 20.20.040 – P Definitions - Add “Private Stormwater Management Facility” to comply w/ NPDES permit requirements.
- Amendment #4 - 20.20.046 – S Definitions – Update Short Subdivisions and add Stormwater Manual to definition.
- Amendment #6 - 20.30.040 – Ministerial Decisions – Type A - Delete Home Occupation from Type A Table and add Planned Action Determination of Consistency.
- Amendment #8 (first amendment) - 20.30.280 – Nonconformance - Clarify and move MUR 45’ and Nonconformance and Change of Use.
- Amendment #9 - 20.30.290 – Deviation From The Engineering Standards (Type A Action) - Change “Director” to “Director of Public Works”.
- Amendment #11 - 20.30.357 – Planned Action Determination - Add New Section for Planned Action Determination Procedures.
- Amendment #12 - 20.30.380 – Subdivision Categories - Delete Lot Line Adjustments as a category of subdivision.
- Amendment #13 (first amendment) - 20.30.410.D – Preliminary Subdivision Review Procedures and Criteria – Add NPDES and Unit Lot Development Requirements.
- Amendment #14 - 20.30.470 – Further Division – Short Subdivisions - Update Section to Reflect 9 lot Short Plats.
- Amendment #15 - 20.40.120 – Residential Uses - Combine Dwelling Types Based on Revised Definitions.
- Amendment #18 - 20.40.160 – Station Area Uses - Combine Dwelling Types.
- Amendment #19 - 20.40.230 – Affordable Housing - Update Critical Area References.
- Amendment #21 - 20.40.340 – Duplex - Delete Entire Section.
- Amendment #22 - 20.40.510 – Single Family Attached Dwellings - Amend Design Criteria.
- Amendment #23 - 20.40.600 – Wireless Telecommunication Facilities - Delete Notice of Decision for Wireless Facilities.
- Amendment #25 - 20.50.020(2) – Dimensional Requirements in Mixed-Use Residential Zones – Delete “up to” for Front Setbacks in MUR zones.
- Amendment #26 - 20.50.021 – Transition Areas - Add Aurora Square Community Renewal Area (CRA) Standards to the Section.

- Amendment #27 - 20.50.040.I. 4, 5, and 6 – Setbacks - Setbacks for Uncovered Porches and Decks.
- Amendment #28 - 20.50.070 – Site Planning – Front Yard Setback - Move 20-foot Driveway Requirement.
- Amendment #30 - 20.50.240(C)(1)(a) – Site Frontage - Strike “On Private Property”.
- Amendment #32 - 20.50.330 – Project Review and Approval - Add NPDES Language Recommended by Ecology.
- Amendment #33 - 20.50.390(D) – Minimum Off Street Parking Requirements – Revise Self-Storage Facility Parking requirements.
- Amendment #34 - 20.50.540(G) – Sign Design - Add Reference to Aurora Square CRA Sign Code.
- Amendment #35 - 20.70.020 – Engineering Development Manual - Corrects Reference to EDM and Deletes Text.
- Amendment #36 - 20.70.430 – Undergrounding of Electric and Communication Service Connections – Revise/Delete Section and Refer to Title 13 - Need to amend language to be clear about the requirements of undergrounding.
- Amendment #37 - 20.100.020 – Aurora Square Community Renewal Area (CRA) - Add a Reference to Ordinance 705.

The staff report for the January 9, 2017 Council meeting is included as a reference and can be found here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport010917-9a.pdf>

LIST OF PROPOSED AMENDMENTS

As a reference, the amendments contained in the 2016 Development Code Amendment Batch are listed below in the order of Chapter and Section.

20.20 – Definitions

- 20.20.016 – D Definitions – Combine dwelling types
- 20.20.026 – I Definitions - Add Non-Vegetated Surface to Impervious Surface Definition
- 20.20.040 – P Definitions - Add “Private Stormwater Management Facility” to comply w/ NPDES permit requirements
- 20.20.046 – S Definitions – Update Short Subdivisions and add Stormwater Manual to definition
- 20.20.050 – U Definitions – Add Unit Lot Development definition

20.30 – Procedures and Administration

- 20.30.040 – Ministerial Decisions – Type A - Delete Home Occupation from Type A Table and add Planned Action Determination of Consistency
- 20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals - Vesting Expiration for SUPs Issued to Public Agencies
- 20.30.280 – Nonconformance - Clarify and move MUR 45’ and Nonconformance and Change of Use

- 20.30.290 – Deviation From The Engineering Standards (Type A Action) - Change “Director” to “Director of Public Works”
- 20.30.330 – Special Use Permit –SUP (Type C Action) - Vesting Expiration for SUPs Issued to Public Agencies
- 20.30.357 – Planned Action Determination - Add New Section for Planned Action Determination Procedures
- 20.30.380 – Subdivision Categories - Delete Lot Line Adjustments as a category of subdivision
- 20.30.410.D – Preliminary Subdivision Review Procedures and Criteria - Add NPDES and Unit Lot Development Requirements
- 20.30.470 – Further Division – Short Subdivisions - Update Section to Reflect 9 lot Short Plats

20.40 – Uses

- 20.40.120 – Residential Uses - Combine Dwelling Types Based on Revised Definitions
- 20.40.130 – Nonresidential Uses - Remove Fuel and Service Stations as an Approved Use in the TC-1, 2 & 3 Zones
- 20.40.130 – Nonresidential Uses - Add Light Manufacturing Permitted in MB Zones
- 20.40.160 – Station Area Uses - Combine Dwelling Types
- 20.40.230 – Affordable Housing - Update Critical Area References
- 20.40.240 – Animals - Revised Rules for Beekeeping
- 20.40.340 – Duplex - Delete Entire Section
- 20.40.510 – Single Family Attached Dwellings - Amend Design Criteria
- 20.40.600 – Wireless Telecommunication Facilities - Delete Notice of Decision for Wireless Facilities

20.50 – General Development Standards

- 20.50.020(1) – Dimensional Requirements – Replace Combined Sideyard Setback with 5-foot side yard setback
- 20.50.020(2) – Dimensional Requirements in Mixed-Use Residential Zones – Delete “up to” for Front Setbacks in MUR zones
- 20.50.021 – Transition Areas - Add Aurora Square Community Renewal Area (CRA) Standards to the Section
- 20.50.040.I. 4, 5, and 6 – Setbacks - Setbacks for Uncovered Porches and Decks
- 20.50.070 – Site Planning – Front Yard Setback - Move 20-foot Driveway Requirement
- 20.50.090 – Additions to Existing Single-Family Residence (SFR) - Additions to Existing, Non-Conforming Single Family Residential Structures
- 20.50.110 – Fences and Walls - Delete 3.5 foot Fence Height Limit
- 20.50.240(C)(1)(a) – Site Frontage - Strike “On Private Property”
- 20.50.330 – Project Review and Approval - Add NPDES Language Recommended by Ecology
- 20.50.390(D) – Minimum Off Street Parking Requirements – Revise Self-Storage Facility Parking requirements

- 20.50.540(G) – Sign Design - Add Reference to Aurora Square CRA Sign Code

20.70 – Engineering & Utilities Development Standards

- 20.70.020 – Engineering Development Manual - Corrects Reference to EDM and Deletes Text
- 20.70.430 –Undergrounding of Electric and Communication Service Connections – Revise/Delete Section and Refer to Title 13 - Need to amend language to be clear about the requirements of undergrounding

20.100.020 – Aurora Square Community Renewal Area

- 20.100.020 – Aurora Square Community Renewal Area (CRA) - Add a Reference to Ordinance 705

DISCUSSION

The proposed Development Code amendments in legislative format are included in **Exhibit A to Attachment A**. Exhibit A reflects the Planning Commission recommendation as approved on December 1, 2016.

As previously stated in this staff report, the City Council had questions regarding three of the amendments. The following highlights those amendments and staff's recommendation in response to Council's questions and discussion on January 9, 2017.

Amendment #13

20.30.410 – Preliminary subdivision review procedures and criteria.

There are two proposed amendments to this section. The first amendment establishes a procedure for Unit Lot Developments. This amendment allows a developer to create fee simple lots (each unit located on its own lot) without having to construct the units to Building Code standards for standalone units. The building is considered one unit even though the units are sold individually as smaller lot created from a larger "parent lot". This eliminates the need to construct each unit as if it may someday need to be structurally independent of the other units. Constructing the building as one structure is more cost effective. This process also creates a home ownership opportunity for people to buy a unit and the property on which the unit is located.

Justification – The proposed amendment will allow single family attached-developments to be subdivided for fee simple ownership and to allow application of International Building Code (IBC), National Electrical Code (NEC), and International Fire Code (IFC) to consider the units together as constituting one building, notwithstanding the property lines separating the units.

The second amendment to this section is part of a group of amendments recommended by the Department of Ecology to comply with the City's NPDES Permit. Amendment A.4 below is related to NPDES requirements in Amendments #3 and #4.

Planning Commission Recommendation at Issue (SMC 20.30.410(D)(4)): The Planning Commission recommended language is:

4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common opens space, and other similar features, to be recorded with King County Records and Licensing Services Division.

Council Discussion – The Council was generally supportive of the addition of Unit Lot Developments as a housing option in the City of Shoreline. Some Councilmembers expressed concern about provisions to regulate the maintenance and appearance. The draft code presented to Council on January 9 did not include any provisions for maintenance of individual units. Staff has developed proposed language that speaks to the regulation of use, maintenance, and restrictions on the use of shared spaces.

Recommendation – To address the concerns raised by the Council, staff recommends replacing the Planning Commission’s recommendation for SMC 20.30.410(D)(4) with the following language:

4. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs of individual units, and other similar features, and shall be recorded with the King County Recorder’s office.

Amendment #24

20.50.020 – Dimensional requirements.

Amendment #24 deletes the requirement for a combined side setback of 15 feet in the R-6 zone and adds Unit Lot Development to exception #2 of the Tables.

Justification – The City currently requires 15-foot setbacks for two side yards combined with a minimum 5-foot setback in R-4 and R-6 zones. Setbacks are used to create separation between residences. However, since either neighbor on each side of residence can experience a 5-foot setback how does the combined setback benefit each neighbor? The indirect benefit of a greater sideyard setback may be the overall size of the house on the property. Lot coverage maximums are a better regulation to affect the density and open space to surrounding neighbors. This amendment will not increase the allowable building coverage or hardscape maximums in the R-4 or R-6 zones. This amendment complements Amendment #29.

Council Discussion – Some Councilmembers were concerned that this amendment would change the character of Shoreline’s single-family residential neighborhoods. The

amendment will decrease the setback on one side of a single-family home by 5-feet. The proposed setbacks will be a minimum of 5-feet on each side. Currently, the setback is a 5-foot minimum setback with a total of 15-feet on both sides.

Staff does not anticipate a greater impact to an adjacent neighbor by adoption this amendment. For example, a new home may be located 5 feet away from property owner #1. This is true under the current code and the proposed amendment. The setback on the other side of the new home, adjacent to property owner #2, would be 10-feet under the current code. Property owner #1 is not concerned about the setback adjacent to property owner #2 since property owner #1 does not experience that setback. So the cumulative setback standard is irrelevant to one of the adjacent neighbors.

However, the impact to the overall aesthetic of the neighborhood may change slightly. The total side setback is decreasing from 15-feet to 10-feet, potentially making a new home seem closer to the side property lines. Building coverage and hardscape standards are not changing so the open space requirements on a lot zoned R-6 will not change.

Staff wants to be clear that amendment #24 works together with amendment #29. By implementing a 5-foot side setback, and repealing the allowance for additions to nonconforming structures, more homes in Shoreline will be considered conforming to the Shoreline Development Code. Applicants seeking permits to remodel, add-on, or reconstruct portions of their homes will find the Development Code more accommodating and the City will decrease nonconformity throughout the City.

Recommendation – Staff recommends that the Council adopt the Planning Commission recommendation. If Council does not want to adopt the Planning Commission recommendation, then Council should move to remove the Planning Commission recommendation to strike “and 15 ft total sum of two” from Table 20.50.202(1) Min. Side Yard Setback (2)(4)(5) for R-4 and R-6 residential zones.

Amendment #30

20.50.110 – Fences and walls - Standards

The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.

Justification – This provision is a design standard for appearance or defensible space. It is inconsistent with the allowance for 6-foot fences in all other yards of a residential property. It is also written as a recommendation and not as a requirement. The intent of the existing code can be met with the requirement for sight clearance standards and the preference of the property owner. Staff believes that the fence lower height limit is more a design standard for the purpose of street appeal. It also contradicts the code allowance for arbors in any setback up to 6 feet in height.

Council Discussion – Some Councilmembers expressed concern about the height of fences in the front yard. The current code allows a solid, 6-foot high fence on all property lines. The subject code contains a note about fences in the front yard – the recommended maximum height of fences and walls in the front yard is three feet, six inches high. The Council discussed the merits of limiting the height of front yard fences and the desire to not overly regulate someone’s property.

Staff wants to point out that if it is Council’s desire to **require** fences in the front yard to be limited to three-feet six inches, be aware that this amendment will generate additional work for the City’s Code Enforcement Team. Fences up to 6-feet in height do not need a building permit to construct thus the City will not be involved with the review of said fences. If Code Enforcement sees a new fence in the front yard over 3.5-feet, code enforcement has no choice but to stop the property owner and start enforcement actions.

Options – The Council may choose three options:

1. Adopt the Planning Commission’s recommendation
2. Leave the Development Code unchanged.
3. Amend the proposal. If Council wants to require fences in the front yard limited to 3.5-feet, staff suggests the following language:
 - A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. (Note: The ~~recommended~~ required maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.)

Recommendation – Staff recommends that Council adopt the Planning Commission recommendation (strike the whole provision related to fences in the front yard).

RESOURCE/FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends approval of Ordinance No. 767 with amended language proposed by staff.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 767

Attachment A, Exhibit A – Proposed Development Code Amendments

ORDINANCE NO. 767

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, REPRESENTING THE 2016 DEVELOPMENT CODE BATCH AMENDMENTS WHICH CLARIFY EXISTING REGULATIONS, REDUCE CONFUSION, CODIFY ADMINISTRATIVE ORDERS, ADDRESS SOUND TRANSIT DEVELOPMENT ACTIVITIES, RESPOND TO CHANGES IN STATE LAW, AND REFLECT THE CHANGING NEEDS OF THE CITY.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code Title 20, the Unified Development Code; and

WHEREAS, Title 20 has been amended on several occasions since its original adoption; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on October 13, 2016; and

WHEREAS, on September 15, 2016 and on November 3, 2016, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on December 1, 2016, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted to recommend approval of the Development Code amendments as presented by Staff to the City Council; and

WHEREAS, on January 9, 2017, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON THE 6TH DAY OF FEBRUARY, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

**ORDINANCE NO. 767
DEVELOPMENT CODE AMENDMENTS**

Amendment #1

20.20.016 – D Definitions

Dwelling, Apartment	A building containing three or more <u>multiple</u> dwelling units that <u>are usually</u> may be are located above other units in a multi-unit configuration.
Dwelling, Duplex	A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit.
Dwelling, Live/Work	A structure or portion of a structure: (1) that combines a residential dwelling with a commercial use in a space for an activity that is allowed in the zone; and (2) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 706 § 1 (Exh. A), 2015).
Dwelling, Multifamily	<u>Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above other units. Apartments and mixed-use buildings with apartments are considered multifamily dwellings.</u> include: townhouses, apartments, mixed use buildings, single-family attached, and more than two duplexes located on a single parcel. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 299 § 1, 2002).
Dwelling, Single-Family Attached	A building containing three or more <u>more than one</u> dwelling unit attached by common vertical wall(s), such as townhouse(s), rowhouses, and <u>duplex(s)</u> . Single-family attached dwellings shall not have units located one over another (except duplexes may be one unit over the other). (Ord. 469 § 1, 2007).
Dwelling, Single-Family Detached	A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.
Dwelling, Townhouse	A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.

Amendment #2

20.20.026 – I Definitions

Impervious Surface: A ~~hard~~ non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Amendment #3

20.20.040 – P Definitions

Private Stormwater Management Facility – A surface water control structure installed by a project proponent to retain, detain, infiltrate or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

Amendment #4

20.20.046 – S Definitions

Stormwater Manual: The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology (“Stormwater Manual”).

Amendment #5

20.20.050 – U Definitions

Unit Lot Development (ULD) – A Unit Lot Development (also known as a “Fee Simple lot”) is the subdivision of land for single-family attached dwelling units, such as townhouses, rowhouses, or other single-family attached dwellings, or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

Amendment #6

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation , Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
<u>17. Planned Action Determination</u>	<u>14 days</u>	<u>20.30.360</u>

Amendment #7

20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals

Except for subdivisions, ~~and master development plans~~ and Special Use Permits for Public Agency uses or where a different duration of approval is indicated in this Code, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the

end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

If a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

Amendment #8

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;
- b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and

c. The provisions of Chapter 13.12 SMC, 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. ~~Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.~~ Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040.

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) require 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. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

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.

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 SMC 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.

G. Change of Use – Single Tenant.

If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the Director to be reasonably

related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

H. Change of Use – Multi-Tenant.

If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

Amendment #9

20.30.290 – Deviation from the engineering standards (Type A action).

A. Purpose. Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

B. Decision Criteria. The Director of Public Works shall grant an engineering standards deviation only if the applicant demonstrates all of the following:

Amendment #10

20.30.330 – Special Use Permit – SUP (Type C Action)

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use including essential public facilities on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The special use permit shall not be used to preclude the siting of an essential public facility.

B. Decision Criteria (Applies to All Special Uses). A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district, City or region;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;

3. The special use will not materially endanger the health, safety and welfare of the community;
4. 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;
5. The special 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;
6. The special 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;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the basic purposes of this title; and
9. The special use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Plan, SMC Title 20, Division II.

C. Decision Criteria (Light Rail Transit Facility/System Only). In addition to the criteria in subsection B of this section, a special use permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

1. The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's guiding principles for light rail system/facilities and Sound Transit's design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities;
2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes (as confirmed by the performance of an access assessment report or similar assessment) to ensure that the City's transportation system (motorized and nonmotorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the decision criteria set forth in this subsection C, then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and
3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City's guiding principles for light rail system/facilities.

D. Vesting of Special Use Permits requested by Public Agencies. A public agency may, at the time of application or at any time prior to submittal of the SUP application to the City Hearing Examiner, request a modification in the vesting expiration provisions of SMC 20.30.160, allowing for vesting of the SUP for a period of up to five years from the date of hearing examiner

approval or, if the SUP provides for phased development, for a period of up to ten years from date of hearing examiner approval. If permitted, the expiration date for vesting shall be set forth as a condition in the SUP.

Amendment #11

20.30.357 – Planned Action Determination

Purpose. The purpose of a planned action determination is decide if a project qualifies as a planned action project thereby not requiring additional substantive and procedural review under SEPA .

Decision criteria. For a site-specific project to qualify as a planned action, the applicant shall submit a Planned Action Determination Checklist on a form prescribed and provided by the Department and demonstrate that:

1. The project is located within one of the City's designated Planned Action Areas;
 2. The uses and activities of the project are consistent with qualifying land use categories described in the relevant Planned Action EIS;
 3. The project is within and does not exceed the planned action thresholds established for the relevant Planned Action Area;
 4. The project is consistent with the Shoreline Municipal Code and the Shoreline Comprehensive Plan, including any goals and policies applicable to the Planned Action Area;
 5. If applicable, the project's significant adverse environmental impacts have been identified in the relevant Planned Action EIS;
 6. If applicable, the project's significant adverse environmental impacts have been mitigated by application of mitigation measures identified for the Planned Action Area and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
 7. The project complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
 8. The project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a planned action project.
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Amendment #12

20.30.380 – Subdivision Categories

~~A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.~~

~~A.-B.~~ Short Subdivision: A subdivision of nine or fewer lots.

~~B.-C.~~ Formal Subdivision: A subdivision of 10 or more lots.

~~C.-D.~~ Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.

Note: When reference to “subdivision” is made in this Code, it is intended to refer to both “formal subdivision” and “short subdivision” unless one or the other is specified.

Amendment #13

20.30.410 – Preliminary subdivision review procedures and criteria.

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. Environmental.

1. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.
2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.
3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC Critical Areas, and Chapter 13.12 SMC, Floodplain Management.

4. Low Impact Development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, preserve on-site natural features, native vegetation, open space and critical areas.

B. Lot and Street Layout.

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.
2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.
3. Each lot shall meet the applicable dimensional requirements of the Code.
4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. Dedications and Improvements.

1. The City may require dedication of land in the proposed subdivision for public use.
2. Only the City may approve a dedication of park land.
3. In addition, the City 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.
 - a. Required improvements may include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

D. Unit Lot Development.

1. The provisions of this subsection apply exclusively to Unit Lot Developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.
2. Unit Lot Developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.
3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020 Exception 2.

4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common open space, and other similar features, to be recorded with King County Records and Licensing Services Division.
5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.
6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.
7. The applicant shall record a covenant on the plat that states, "These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code".

Amendment #14

20.30.470 – Further division – Short subdivisions.

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this subchapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than nine ~~four~~ parcels, nothing in this subchapter shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of nine ~~four~~ lots within the original short subdivision boundaries.

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
RESIDENTIAL GENERAL									
	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 <u>Amendment #15</u>	P-i	P-i	P-i	P-i	P-i	-	-	-

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
	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				

P = Permitted Use
C = Conditional Use

S = Special Use
-i = Indexed Supplemental Criteria

20.40.130 Nonresidential uses.

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
RETAIL/SERVICE									
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
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P

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
	Daycare II Facilities	P-i	P-i	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 <u>Amendment #16</u>					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 <u>Amendment #17</u>							P S	P
	Marijuana Operations – Medical Cooperative	P	P	P	P	P	P	P	P
	Marijuana Operations – Retail					P	P	P	P
	Marijuana Operations – Processor							S	P
	Marijuana Operations – Producer							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

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
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
<div> <div>P = Permitted Use</div> <div>C = Conditional Use</div> <div>S = Special Use</div> <div>-i = Indexed Supplemental Criteria</div> </div>									

20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse <u>Amendment #18</u>	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		

Amendment #19

20.40.230 – Affordable housing

- A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) and provisions for accessory dwelling units, and (c) ~~projects which are limited by the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.~~
5. All land use applications for which the applicant is seeking to include the area designated as a critical area ~~overlay district~~ in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified ~~consultant professional~~ and the City to address the requirements of the critical area ~~overlay district chapter regulations~~, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.
-

Amendment #20

20.40.240 – Animals – Keeping of

- F. Beekeeping is limited as follows:
1. Beehives are limited to no more than four hives, each with only one swarm, on sites less than 20,000 square feet.
 2. ~~Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25 feet 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.~~
 2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.
 3. Must register with the Washington State Department of Agriculture.
 4. Must be maintained to avoid overpopulation and swarming.
-

Amendment #21

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.~~

~~More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards.~~

Amendment #22

20.40.510 – Single-family attached dwellings.

~~A. Single-family attached dwellings include triplexes and townhouses.~~

~~B. Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and multifamily single-family residential design standards.~~

~~C. Single-family attached dwellings shall comply with one or more of the following:~~

- ~~1. The development of the attached dwelling units enable protection and retention of windfirm trees; or~~
- ~~2. The development of the attached dwelling units enable preservation of scenic vistas; or~~
- ~~3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or~~
- ~~4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or~~
- ~~5. The development of the attached dwelling units protects slopes steeper than 15 percent; or~~
- ~~6. The development of the attached dwelling units would allow for retention of natural or historic features.~~

~~B. D. The single-family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #23

20.40.600 – Wireless Telecommunications Facilities/ Satellite Dish and Antennas

4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:

- a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC 12.25.030 shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
- b. All supporting ground equipment located within a public right-of-way shall be placed underground or, if located on private property, shall comply with all development standards of the applicable zone.
- c. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.
- d. ~~A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.~~

Amendment #24 and #25

20.50.020 – 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 (7)	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) (13)	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)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
(5)								
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
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%

Table 20.50.020(2) – Densities and Dimensions in Mixed-Use Residential Zones.

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

Table 20.50.020(2) Dimensional Standards for MUR Zones

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac(16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street Up to 20 ft if located on 145 th Street (14)	15 ft if located on 185 th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street Up to 20 ft if located on 145 th Street (14)	Up to 15 ft if located on 185 th Street (14) Up to 20 ft if located on 145 th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street

Attachment A - Exhibit A

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12)(15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):

(1) *Repealed by Ord. 462.*

(2) *These standards may be modified to allow zero lot line and Unit Lot 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.*

(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.*

(8) *For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 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.*

(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.*

(10) *Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.*

(11) *The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.*

(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

(13) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.

(14) The exact setback along 145th Street and 185th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

Amendment #26

20.50.021 – Transition Areas

Development in commercial zones: NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict

with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

D. For development within the Aurora Square Community Renewal Area; maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.

Amendment #27

20.50.040.I 4, 5, and 6 – Setbacks – Designation and measurements

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.
 5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project 5 feet into the required front, rear and side yard setbacks but not within 5 feet of a property line:
 - a. ~~Eighteen inches into a side yard setback which is greater than six feet, six inches; and~~
 - b. ~~Five feet into the required front and rear yard setback.~~
 6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback. ~~that are at least 60 square feet in footprint area may project up to five feet into the front yard setback.~~
 7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than 30 inches from grade to stair tread and 44 inches wide may project to the property line subject to right-of-way sight distance requirements.
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Amendment #28

20.50.070 – Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback

of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)

~~For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.~~

Amendment #29

20.50.090 – Additions to existing single-family house - Standards

~~SMC 20.50.090 Additions to existing single-family house — Standards.~~

~~A. — Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:~~

- ~~1. — Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;~~
- ~~2. — Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;~~
- ~~3. — Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;~~
- ~~4. — Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and~~
- ~~5. — This provision applies only to additions, not to rebuilds. When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.~~

Amendment #30

20.50.110 – Fences and walls - Standards

- A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. ~~(Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.)~~
- B. All electric, razor wire, and barbed wire fences are prohibited.
- C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet.
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Amendment #31

20.50.240 – Site Design

- C. Site Frontage.
1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
 - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks ~~if on private property~~. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
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Amendment #32

20.50.330 – Project review and approval

- A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.
1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.
 2. The proposal complies with all standards and requirements for the underlying permit.
 3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
 4. The project complies with all requirements of the City's Stormwater Management Manual as set for the in SMC 13.10.200 and applicable provisions of SMC 13.10, Engineering Development Manual and SMC 13.10, Surface Water Management Code and adopted standards.

5. All required financial guarantees or other assurance devices are posted with the City.

Amendment #33**20.50.390 – Minimum off-street parking requirements – Standards**

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
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

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Fuel service 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
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

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
<u>Self-storage facilities:</u>	<u>1 per .000130 square feet of storage area, plus 2 for any resident director's unit</u>
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

Amendment #34

20.50.540(G) – Sign design

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

Amendment #35

20.70.020 – Engineering Development Manual.

The Engineering Development Manual adopted pursuant to SMC 12.10.400.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. ~~The specifications shall include, but are not limited to:~~

~~A. Street widths, curve radii, alignments, street layout, street grades;~~

~~B. Intersection design, sight distance and clearance, driveway location;~~

~~C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;~~

~~D. Streetscape specifications (trees, landscaping, benches, other amenities);~~

~~E. Surface water and stormwater specifications;~~

~~F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices to be installed or funded; and~~

~~G. Other improvements within rights-of-way.~~

Amendment #36

20.70.430 – Undergrounding of electric and communication service connections.

A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located ~~within and directly serving the development from on private property~~ the public right-of-way, excluding existing or relocated street crossings. Undergrounding of service connections and new electrical and telecommunication facilities on private property shall be required with new development as follows:

~~B. Undergrounding of service connections and new electrical and telecommunication facilities defined in Chapter 13.20. SMC shall be required with new development as follows:~~

1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.

2. All new residential construction and new accessory structures or the creation of new residential lots.

3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.

~~B. C.~~ Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:

1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and

2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.

~~C. B. — Undergrounding of service connections and new electrical and telecommunication facilities in the public right-of-way shall be required as defined in SMC Chapter 13.20 SMC, shall be required with new development as follows:~~

Amendment #37

20.100.020 – Aurora Square Community Renewal Area (CRA).

~~All development proposed within the Aurora Square Community Renewal Area shall comply with provisions of Ordinance 705 – Aurora Square Community Renewal Area Planned Action.~~

~~A. — This chapter establishes the development regulations specific to the CRA.~~

~~1. — Transition Standards. Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.~~