

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

<b>AGENDA TITLE:</b>	Adopting Ordinance No. 850 - Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, 20.70, and 20.230
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager Rachael Markle, AICP, Director
<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 these 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 study sessions to discuss the proposed amendments and gave staff direction on the amendments on September 6 and September 20, 2018. The Commission then held the required public hearing on November 1, 2018. The Planning Commission recommended that the City Council adopt the proposed amendments as detailed in Exhibit A to Ordinance No. 850 (**Attachment A**).

The Council discussed the proposed amendments on December 10, 2018 and had comments and/or concerns on some of the amendments. Staff has reflected those comments/concerns in the Discussion section of this report. Tonight, Council is scheduled to discuss and adopt proposed Ordinance No. 850.

**RESOURCE/FINANCIAL IMPACT:**

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

**RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 850 as recommended by the Planning Commission with the modifications proposed by Mayor Hall for Amendment Nos. 1, 3, 9, 15, 21, 27, 28 and 32 and the modifications to Amendment Nos. 2, 15, 17, 18, 30, and 34 proposed by various Councilmembers as outlined in this staff report.

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. The City Council may approve, approve with modifications, or deny any of the amendments contained in the Planning Commission's recommendation.

The 2018 batch of Development Code amendments was originally comprised of 38 amendments. Of those, three were withdrawn (Nos. 8, 36, and 37) prior to substantive review. The proposed Development Code amendments include administrative changes (reorganization and minor corrections) and more substantive changes. **Attachment B** to this staff report provides a summary table that identifies all the proposed amendments by amendment number, SMC Section, type of amendment ((A) – Administrative, (C) – Clarification, and (P) – Policy), and the Planning Commission's recommendation.

The Planning Commission held two study sessions on September 6 and September 20, 2018, and a Public Hearing on the remaining 35 proposed amendments on November 1, 2018. Staff reports for these Planning Commission agenda items can be found at the following links:

- September 6<sup>th</sup>: <http://www.shorelinewa.gov/home/showdocument?id=40688>.
- September 20<sup>th</sup>: <http://www.shorelinewa.gov/home/showdocument?id=40786>.
- November 1<sup>st</sup>: <http://www.shorelinewa.gov/home/showdocument?id=41177>.

The Council discussed the proposed Development Code amendments on December 10, 2018. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport121018-9b.pdf>.

The Council had comments and/or concerns on some of the amendments, which staff has reflected in the Discussion section of this report below. Tonight, Council is scheduled to discuss and adopt proposed Ordinance No. 850. If Council desires to modify the Planning Commission's recommendation, Staff has provided the Council with motion language. Staff is recommending that Mayor Hall's modifications be accepted in a single motion and the modifications proposed by various Councilmembers be accepted by individual motions.

## **DISCUSSION**

Council reviewed the Planning Commission's recommendation on the 2018 Development Code amendments on December 10, 2018. During the discussion, Council identified questions and/or concerns on several of the amendments that may result in modifications by the City Council to the Planning Commission recommendation. Staff also received comments from Mayor Hall that were addressed by staff in a memo dated December 10, 2018.

To address the modifications proposed by the City Council, this discussion is divided into two sections. In Section A, staff will address modifications proposed by Mayor Hall. Staff recommends acceptance of these modifications in a single motion and has provided language for this motion at the end of Section A. In Section B, staff will address the modifications identified by various Councilmembers at the December 10 meeting. Staff recommends acceptance of these modifications by individual motions, except for the proposed modification to Amendment #24, and has provided language for these motions with each Amendment. Staff does not recommend acceptance of the modification to Amendment #24, but rather recommends that the Council support the Planning Commission's recommendation.

Thus, Section A and Section B are organized as follows:

- Amendment Number;
- Councilmember requesting modification;
- Planning Commission's recommended language
- Council modified language based on *existing* SMC provision, if current language exists;
- Justification for potential modification; and
- Amendatory motion language.

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### **SECTION A – MAYOR HALL MODIFICATIONS (Motion language at end of this Section)**

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#### **Amendment #1**

**Councilmember:** Hall

Planning Commission recommendation:

SMC 20.20.012 – B definitions

Building Coverage – The ratio percentage of the horizontal roof area measured ~~from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot~~ of all buildings on a lot to the total lot area.

Modified language to *existing* SMC language based on Mayor Hall's comments with modifications shown in underline and/or strikethrough and highlighted:

## SMC 20.20.012 – B Definitions

Building Coverage – The ratio percentage of the horizontal area as measured from the that area within the exterior surface of the exterior walls or columns of the ground floor of all principal and accessory buildings on a lot to the total lot area.

**Justification:** Roof area is measured by the horizontal land area and not the surface area. Staff understands this may limit the size and design of a building that a property owner wants to build. Staff is concerned about what area is considered building coverage, the roof area or just the building footprint. For example, it is unclear what to call a home that has a large overhang that is supported by columns and not walls. It is not staff's intent to limit the size of homes on a parcel. It is staff's intent to provide clarity when reviewing plans and what to include as building coverage and what to include as hardscape/lot coverage.

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### Amendment #3

**Councilmember:** Hall

Planning Commission recommendation:

#### SMC 20.20.032 – L definitions

Landscape Structure – A frame supporting open latticework or beams and open rafters, such as an arbor, pergola, gazebo, or trellis. Landscape structures are often used as a screen or a support for growing vines or climbing plants, an entry feature with an arch, or to better define an outdoor space. They may be freestanding or attached to another structure.

There is no existing SMC language, modified language is based on Planning Commission recommendation with Mayor Hall's modification shown in strikethrough and highlighted:

#### SMC 20.20.032 – L Definitions

Landscape Structure – A frame supporting open latticework or beams and open rafters, such as an arbor, pergola, **gazebo**, or trellis. Landscape structures are often used as a screen or a support for growing vines or climbing plants, an entry feature with an arch, or to better define an outdoor space. They may be freestanding or attached to another structure.

**Justification:** Gazebos with solid roofs should not be counted as a landscape structure. Since the definition of landscape structure mentions structures with open beams and latticework, staff suggests clarifying the list of landscape structures by deleting gazebos from the definition.

## **Amendment #9**

**Councilmember:** Hall

The Planning Commission's recommendation was to denote the "TC-4" zoning district as both a residential district and a non-residential status in SMC 20.40.020(B). The SMC currently denotes "TC-4" as a non-residential implementing the Town Center District comprehensive plan designation.

In response to Mayor Hall's comments dated December 10, the Planning Commission's recommendation would be rejected in its entirety so as to maintain the current language of SMC 20.40.020(B); the TC-4 zoning district would be shown only as a non-residential district.

**Justification:** Staff agrees with Mayor Hall as TC-4 is represented in this table as "Town Center District" zoning and should not be listed in both nonresidential and residential categories.

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## **Amendment #15**

**Councilmember:** Hall

Planning Commission recommendation:

### SMC20.40.405 – Homeless Shelter

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.

B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.

C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.

D. The homeless shelter shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents

do not have identification, the operator of the shelter will assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

There is no existing SMC language, modified language is based on Planning Commission recommendation with Mayor Hall's modification shown in strikethrough and/or underlined, and highlighted:

#### SMC 20.40.405 – Homeless Shelter

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.

B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection ~~will be conducted~~ by the Shoreline Fire Department ~~is required~~ prior to occupancy.

C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.

D. The homeless shelter shall check that adult residents have government-issued identification such as a ~~s~~State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. ~~Prospective residents will not be allowed entry until identification can be presented.~~ If adult residents do not have identification, the operator of the shelter ~~will~~ ~~shall~~ assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

**Justification:** Staff agrees that an inspection by the Shoreline Fire Department is required prior to occupancy, prohibitions against alcohol, drugs, violence, and sex offenders shall be enforced, and only residents with identification shall be allowed to enter.

## Amendment #21

Councilmember: Hall

Planning Commission Recommendation:

### SMC 20.50.122 – Administrative Design Review

Administrative Design Review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter.

There is no existing SMC language, modified language is based on Planning Commission recommendation with Mayor Hall's modification shown in strikethrough and/or underlined and highlighted:

### SMC 20.50.122 – Administrative Design Review

Administrative Design Review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter contained in SMC 20.50.140, 20.50.170 and SMC 20.50.180.

**Justification:** Subchapter 3. Multifamily and Single-Family Attached Residential Design is outdated and originally adopted in 2000 based on regulations from King County. The workplan for 2019 will include updating the entire code section by the end of 2019. Subchapter 3 was written primarily to address multifamily (apartment) development, not single family attached, despite the title of the subchapter. Therefore, until the Subchapter can be updated in 2019, the staff and Planning Commission recommend amending the code to allow for the use of the Administrative Design Review (ADR) process. This will provide a more flexible tool for administering Subchapter 3 specifically as it relates to single family attached developments.

Staff is having problems logically applying most sections of Subchapter 3 to single family attached development, most notably the following sections: SMC 20.50.140 – Parking access and circulation; SMC 20.50.170 Pedestrian circulation and safety-Standards; and SMC 20.50.180 – Building design (which includes elements of building materials and façade elements. The Planning Commission recommended amendment would allow the Director to depart from all design standards in SMC Subchapter 3 or sign standards in SMC Subchapter 8.

Mayor Hall expressed concern about the breadth of authority this amendment would provide the Director and suggested that the authority be limited to the minimum necessary to administer the Code until the 2019 project to revise this Subchapter can be completed. In response, staff recommends that the ADR process as described in SMC 20.30.297 could be limited in Subchapter 3 to Sections 20.50.140, 20.50.170 and 20.50.180. This would provide applicants and staff with a process to convert the provisions intended for multi-family development (apartments) into designs for single family attached developments until a comprehensive design guideline overhaul can be completed.

## **Amendment #27**

**Councilmember:** Hall

**NOTE:** The Planning Commission's recommendation and Mayor Hall's proposed modification relates only to the addition of Section 5 to Exception 20.50.350(B). Thus, only this language is shown below.

Planning Commission Recommendation:

Exception 20.50.350(B):

5. No tree retention is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.

Modified language to *existing* SMC language based on Mayor Hall's comments with change shown in underline and highlighted:

Exception 20.50.350(B):

5. The Director may not require the retention of a significant tree that must be removed to accommodate the installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320 when the applicant and the City demonstrate that a reasonable effort has been made to retain the significant tree. If approved for removal, this tree shall not be included in calculation of the minimum retention percentage for the site.

**Justification:** The Council was concerned that the proposed language implies that significant tree retention is not required anywhere on site if a city project, required by the developer or city built when trees are around the improvement. Also, the Planning Commission recommended language implies that removal of significant trees is the only option when a project is being built.

Staff agrees the language can be modified to express the city's willingness to evaluate a site on a case-by-case basis to save significant trees by deviating from strict frontage improvement standards. For example, Public Works may allow a narrower sidewalk, narrower amenity zone, meandering sidewalks or other measures to save a significant tree that may have otherwise been removed.

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## **Amendment #28**

**Councilmember:** Hall

**NOTE:** The Planning Commission's recommendation and Mayor Hall's proposed modification relates only to the addition of Section d to Exception 20.50.360(C). Thus, only this language is shown below.



Planning Commission recommendation:

Exception 20.50.360(C):

d. No tree replacement is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.

Modified language to *existing* SMC language based on Mayor Hall's comments with change shown in underline and highlighted:

Exception 20.50.360(C):

d. The Director may not require the replacement of significant tree(s) approved for removal pursuant to SMC 20.50.350(B)(5).

**Justification:** The Council was concerned that the proposed language implies that significant tree replacement is not required anywhere on site if a city project, required by the developer or city built when trees are around the improvement.

Staff agrees the language can be modified to express the city's willingness to evaluate a site on a case-by-case basis to replace significant trees when deviating from strict frontage improvement standards.

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## **Amendment #32**

**Councilmember:** Hall

Planning Commission recommendation:

SMC 20.50.410(K)

K. Off-street parking and access for physically disabled ~~handicapped~~ persons shall be provided in accordance with ~~WAC 51-40-1100 Chapter 11 — Accessibility~~ current version of ICC A117.1, Section 1106, Table 1106.1, Chapter 502 and ~~subsequent addendum.~~

Modified language to *existing* SMC language based on Mayor Hall's comments with change shown in strikethrough and/or underline and highlighted:

SMC 20.50.410(K)

Off-street parking and access for physically ~~handicapped~~ disabled persons shall be provided in accordance with WAC 51-40-1100 Chapter 11 — Accessibility and ~~subsequent addendum~~ with the current version of ICC A117.1, Section 1106, Table 1106.1, Chapter 502.

**Justification:** The word “the” should be added before “current”.

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**Motion Language to Accept Mayor Hall’s Proposed Modifications**

A motion is needed to modify the Planning Commission’s recommendation of approval for the Amendments discussed in Section A of this staff report. Staff recommends that these modifications be accepted through a single motion by rejecting the recommendation of Planning Commission as to these amendments in its entirety and accepting Mayor Hall’s modified language. Therefore, a Councilmember would need to make the following motion:

→ Amendatory Motion:

*I move that the Planning Commission’s recommendation to approve Amendment Nos. 1, 3, 9, 10, 15, 21, 27, 28, and 32 be rejected in its entirety and the language proposed by Mayor Hall for these Amendments be approved as set forth by Planning Staff in the January 7 Staff Report.*

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**SECTION B**  
**INDIVIDUAL AMENDMENTS PROPOSED BY COUNCIL ON DECEMBER 10**  
**(Motion language at end of each amendment)**

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**Amendment #2**

**Councilmember:** McGlashan

Planning Commission recommendation:

SMC 20.20.024 – H definitions

Homeless Shelter – A facility operated within a building to provide short-term, temporary or transitional housing for individuals or families who are otherwise homeless and have no immediate living options available to them. Such facilities may provide support services, food, sanitation, and other services as an accessory use.

There is no existing SMC language, modified language is based on Planning Commission recommendation with Councilmember McGlashan’s modification shown in strikethrough and highlighted:

20.20.024 – H Definitions

Homeless Shelter – A facility operated within a building to provide short-term, temporary or transitional housing for individuals or families who are otherwise homeless and have no immediate living options available to them. Such facilities may provide support services, food, **sanitation**, and other services as an accessory use.

**Justification:** Council was concerned that the inclusion of sanitation services implies that restroom facilities are an option and not a requirement. Including the word sanitation is not necessary as building and fire codes require restroom facilities.

→ Amendatory Motion:

*I move that the Planning Commission's recommendation to approve Amendment 2 be modified to strike the word "sanitation."*

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## **Amendment #15**

**Councilmember:** Roberts

**NOTE:** Mayor Hall also proposed modifications to Amendment #15 as denoted above. While Councilmember Robert's proposed modification does not impact Mayor Halls, if Mayor Hall's modification has been adopted by the City Council, then Councilmember Robert's modification would need to be considered in relationship to that adopted language.

Planning Commission recommendation:

### SMC20.40.405 – Homeless Shelter

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.

B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.

C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.

D. The homeless shelter shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents do not have identification, the operator of the shelter will assist them in obtaining

such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

There is no existing SMC language; modified language is based on Planning Commission recommendation with Councilmember Robert's modification to the recommendation shown in strikethrough and highlighted:

#### SMC 20.40.405 – Homeless Shelter

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

- A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.
- B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.
- C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.
- D. The homeless shelter shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents do not have identification, the operator of the shelter will assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.
- E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

**Justification:** Staff agrees that the Director should have the flexibility to approve parking on a site-by-site basis and a minimum parking requirement is not needed.

→ Amendatory Motion – If Mayor Hall’s modification to Amendment No. 15 has been adopted:

*I move that Amendment 15, as previously adopted tonight by motion accepting Mayor Hall’s modifications, be modified to strike the phrase “and at a minimum shall provide 1 parking space per staff or volunteer” from Section E.*

→ Amendatory Motion – If Mayor Hall’s modification to Amendment No. 15 has NOT been adopted:

*I move that the Planning Commission’s recommendation to approve Amendment 15 be modified to strike the phrase “and at a minimum shall provide 1 parking space per staff or volunteer” from Section E.*

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## **Amendment #17 and Amendment #18**

**Councilmember:** Roberts

**NOTE:** Councilmember Robert’s proposed modifications related only to the Planning Commission’s recommendation as to Exception (15) to Table 20.50.020(1) and Table 20.50.020(2) and Exception 3 to Table 20.50.020(3). Thus, only this language is shown below.

Planning Commission’s recommendation:

Amendment 17: Exception (15) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.

Amendment 18: Exception (3) The following structures may be erected above the height limits in all commercial zones:

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

Modified language to *existing* SMC language based on Councilmember Robert’s proposed modification with change shown in underline and Robert’s modifications highlighted:

Amendment 17: Exception (15) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access. Any rooftop amenity shall have a 10-foot step-back from the building edge.

Amendment 18: Exception (3) The following structures may be erected above the height limits in all commercial zones:

a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding **except as provided (3)(f) below.** WTF provisions (SMC 20.40.600) are not included in this exception.

f. Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access. Any roof-top amenity shall have a 10-foot step-back from the building edge.

**Justification:** The Council discussed the Planning Commission recommendation to add “f” which states, “Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access”. Some Councilmembers were concerned that unlimited structures on the roof may start to resemble an additional story and that may have a negative impact to adjacent neighbors.

Staff agrees that structures on the roof, especially those that are near the edge of the building, may look like additional stories and may pose an impact to adjacent neighbors. Staff also recommends encouraging rooftop amenities for those buildings where the developer is locating the common open space on the roof.

Staff recommends amending the language in 20.50.020(1) and (2) Exception 15 and 20.50.020(3) Exception 3(f) to mirror the transition area setbacks and step-backs in SMC 20.50.021(A) which requires a 10-foot step-back for every ten feet in addition height. In this case, any rooftop amenity must be step-back at least 10 feet from the building edge. This proposed step-back will protect adjacent neighbors from the structures on the roof and allow the residents of the building to enjoy rooftop amenities throughout the year. SMC 20.20.010 A definitions defines amenity as “a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.”

→ Amendatory Motion:

*I move that the Planning Commission’s recommendation to approve Amendment Nos. 17 and 18 be modified to add the statement, “Any roof-top amenity shall have a ten-foot step-back from the building edge” to Exception (15) for Table 20.50.020(1) and Table 20.50.020(2) and to Exception (3) for Table 20.50.020(3) as shown in the January 7 Staff Report.*

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## Amendment #24

**Councilmember:** Salomon

The Planning Commission's recommendation would permit three (3) significant trees on lots up to 7200 square feet and one (1) additional significant tree for every additional 7200 square feet of lot area to be removed without a permit.

Councilmember Salomon desires to reject this amendment in its entirety.

**Justification:** Deputy Mayor Salomon disagreed with the Planning Commission's recommendation on this amendment and requested that this amendment be removed from consideration from the 2018 batch of Development Code amendments.

→ Amendatory Motion:

*I move that the Planning Commission's recommendation to approve Amendment 24 be rejected in its entirety.*

**Staff Recommendation:** Staff is not supportive of this proposed modification and recommends that the Council support the Planning Commission's recommendation of approval of Amendment #24 for reasons stated in the December 10 staff report.

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## Amendment #30

**Councilmember:** Roberts

Planning Commission recommendation:

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
<u>Professional office uses:</u>	<u>1 per 400 square feet</u>
<del>Government/business services uses:</del>	<del>1 per 500 square feet</del>
Manufacturing uses:	0.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Modified language to *existing* SMC Table 20.50.390C based on Councilmember Robert's proposed modification with change shown in underline with Robert's modification highlighted:

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
Professional office uses:	1 per 400 500 square feet
<del>Government/business services uses:</del>	<del>1 per 500 square feet</del>
Manufacturing uses:	0.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

**Justification:** Table 20.40.130 lists “Professional Office” as an allowable use in several zoning districts, and it is defined in 20.20.040, but the City does not have a parking standard for it. This creates confusion for both the public and staff when applying the Development Code. To remedy this, staff proposes that it be added to the parking table. Of the local comparable jurisdictions researched, the off-street parking requirement for professional office ranged from 1 per 300 sf to 1 per 500 sf, so an average of 1 per 400 sf is recommended because Professional Offices uses (such as an attorney’s office) do not have the same amount of walk-in customer traffic as General Services uses (such as a hair salon). The use “Government/business services uses” is proposed to be deleted because it is not a listed use in Table 20.40.130, is not defined in 20.20, and can be administered under “Professional office uses” or possibly as “General Services uses”.

Councilmember Roberts stated at the December 10, 2018 meeting that he thought a ratio of 1 per 500 square feet was more appropriate for Professional office uses. The current SMC provision lists Government/business services uses as requiring 1 space per 500 square feet which seems applicable to Professional office uses.

→ Amendatory Motion:

*I move that the Planning Commission’s recommendation to approve Amendment No. 30 be modified, increasing the parking ratio for “Professional office” uses from 1 per 400 square feet to 1 per 500 square feet in SMC Table 20.50.390C – General Nonresidential Parking Standards.*

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**Amendment #34**

**Councilmember:** Roberts

**NOTE:** Councilmember Robert’s proposed modifications related only to the Planning Commission’s recommendation for the addition of a new section, Section E to SMC 20.70.320 Frontage Improvements. Thus, only this language is shown below.



Planning Commission recommendation:

E. Waivers may be approved by the Director of Public Works to not require frontage improvements under the following circumstances if the Director determines:

1. The installation of the improvements will cause a safety hazard; or
2. Construction of improvements will adversely impact critical areas that cannot be mitigated; or
3. The current level of improvements in the rights-of-way will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future.

The applicant shall utilize the Deviation from the engineering standards process specified in Section 20.30.290. The applicant shall address how the waiver satisfies the criteria for a deviation as well as the applicable conditions of this subsection. Supporting documentation and application fees shall be submitted with the waiver request.

Modified language to *existing* SMC language based on Councilmember Robert's proposed modification with change shown in underline with Robert's modifications highlighted:

E. Waivers may be approved by the Director of Public Works to not require frontage improvements under the following circumstances if the Director determines:

1. The installation of the improvements will cause a safety hazard; or
2. Construction of improvements will adversely impact critical areas that cannot be mitigated; or
3. The current level of improvements in the rights-of-way **of a local street adjacent to the R-4 or R-6 zones** will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future.

The applicant shall utilize the Deviation from the engineering standards process specified in Section 20.30.290. The applicant shall address how the waiver satisfies the criteria for a deviation as well as the applicable conditions of this subsection. Supporting documentation and application fees shall be submitted with the waiver request.

**Justification:** Council was concerned that the option of the Director of Public Works to waive frontage improvements may be too broad and should be narrowed in scope. After discussion with the Public Works Department, staff suggests narrowing the scope of the amendment to property zoned R-4 or R-6 and apply only to non-arterial streets. Staff agrees with Council that areas such as the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subareas are in transition and streets that are currently dead-ends or cul-de-sacs may redevelop and extend in the future.

→ Amendatory Motion:

*I move that the Planning Commission's recommendation to approve Amendment No. 34 be modified to add the phrase "of a local street adjacent to the R-4 or R-6 zones" to SMC 20.70.320(E)(3) so that it would read: "The current level of improvements in the rights-of-way of a local street adjacent to the R-4 or R-6 zones will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future."*

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**Acknowledgement of Other Changes Discussed**

The Council also expressed interest in some aspects of two publicly-initiated amendments: Amendment Nos. 26 and 29, which were not recommended for approval by staff and the Planning Commission. Specifically, Council was interested in increased monitoring and increasing civil penalties for illegal tree cutting. Some of the issues and solutions discussed at the December 10, 2018 meeting exceeded the scope of what was studied by the Planning Commission.

Amendment Nos. 26 and 29 were proposed to SMC 20.50 whereas the content of the modifications Council discussed on December 10 were related to SMC 20.30.760 and 20.30.770. In addition, at the December 10 meeting, staff explained that these changes were complex and would require additional analysis and time to draft the language accurately. Therefore, staff proposes that Amendment Nos. 26 and 29 be further analyzed and more exact language be proposed as part of the 2019 Batch Amendments.

**RESOURCE/FINANCIAL IMPACT**

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

**RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 850 as recommended by the Planning Commission with the modifications proposed by Mayor Hall for Amendment Nos. 1, 3, 9, 15, 21, 27, 28 and 32 and the modifications to Amendment Nos. 2, 15, 17, 18, 30, and 34 proposed by various Councilmembers as outlined in this staff report.

**ATTACHMENTS**

Attachment A – Proposed Ordinance No. 850  
Attachment A, Exhibit A – Proposed Development Code Amendments  
Attachment B – 2018 Batch Development Code Amendments Summary Table

**ORDINANCE NO. 850**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO PROVIDE CLARITY FOR EXISTING REGULATIONS, BETTER ADMINISTRATION OF THE REGULATIONS, AND TO REFLECT POLICY MODIFICATIONS IN RESPONSE TO 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, Shoreline Municipal Code (SMC) Title 20 is the Unified Development Code setting forth the zoning and development regulations for the City; and

WHEREAS, on September 6, 2018 and September 20, 2018, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on November 1, 2018, 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 the public hearing, the City of Shoreline Planning Commission voted that thirty-three (33) of the proposed amendments, as amended by the Planning Commission, be approved by the City Council and two (2) of the proposed amendments be denied; and

WHEREAS, on December 10, 2018, the City Council held a study session on the proposed Development Code amendments as recommended by the Planning Commission; 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, 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 11, 2018; 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; and

WHEREAS, the City Council concurs in the Shoreline Planning Commission's recommendation;

NOW 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 JANUARY 7, 2019.**

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Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: , 2019  
Effective Date: , 2019

**Attachment A - Exhibit A**  
**DEVELOPMENT CODE AMENDMENTS**

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**20.20 Amendments**

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**Amendment #1**

**20.20.012 – B definitions**

Building Coverage – ~~The ratio~~ percentage of the horizontal roof area ~~measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot of all buildings on a lot~~ to the total lot area.

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**Amendment #2**

**20.20.024 – H definitions**

Homeless Shelter – A facility operated within a building to provide short-term, temporary or transitional housing for individuals or families who are otherwise homeless and have no immediate living options available to them. Such facilities may provide support services, food, sanitation, and other services as an accessory use.

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**Amendment #3**

**20.20.032 – L definitions**

Landscape Structure – A frame supporting open latticework or beams and open rafters, such as an arbor, pergola, gazebo, or trellis. Landscape structures are often used as a screen or a support for growing vines or climbing plants, an entry feature with an arch, or to better define an outdoor space. They may be freestanding or attached to another structure.

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**Amendment #4**

**20.20.044 – R Definitions**

Refuse – Includes, but is not limited to, all abandoned and disabled vehicles, all appliances or parts thereof, vehicle parts, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, garbage (as defined by SMC 13.14.010(45 19)) or discarded material.

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**Amendment #5****20.20.046 – S definitions**

Sign – Any material, structure, device, fixture, placard, or part thereof, that is visible from a public right-of-way or surrounding properties, that incorporates graphics, letters, figures, symbols, trademarks, or written copy for the purposes of conveying a particular message to public observers, such as promoting or identifying any establishment, product, goods, service, or event. Painted wall designs or patterns which do not represent a product, service, or registered trademark, and which do not identify the user or establishment, are not considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.

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**Amendment #6****20.20.048 – T definitions**

~~Trellis – A frame supporting open latticework used as a screen or a support for growing vines or plants.~~

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**20.30 Amendments**

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**Amendment #7****20.30.040 – Summary of Type A Actions**

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. Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260
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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
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
17. Planned Action Determination	14 days	20.30.357
<u>18. Noise Variance</u>	<u>30 days</u>	<u>9.05</u>

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## **20.40 Amendments**

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### **Amendment #9**

#### **20.40.020 – Zones and map designations.**

A. The locations and boundaries of the zoning districts shall be shown on the map accompanying the ordinance codified in this section and entitled, “Official Zoning Map, Shoreline, Washington”. The Official Zoning Map and all notations, references, and amendments thereto are hereby adopted by this section.

B. The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48 <u>and TC-4</u>  (Numerical designator relating to base density in dwelling units per acre)  Mixed-Use Residential 35', 45', and 70'



ZONING	MAP SYMBOL
	(Numerical designator relating to height in feet)
NONRESIDENTIAL	
Neighborhood Business	NB
Community Business	CB
Mixed Business	MB
Campus	CCZ, FCZ, PHZ, SCZ <sup>1</sup>
Town Center District	TC-1, TC-2, TC-3, TC-4
Planned Area	PA

<sup>1</sup> CCZ refers to the CRISTA Campus; FCZ refers to the Fircrest Campus; PHZ refers to the Public Health Laboratory Campus; and SCZ refers to the Shoreline Community College Campus.

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## **Amendment #10**

### **20.40.030(C) Residential zones.**

A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character.

B. The purpose of medium density residential, R-8 and R-12 zones, is to provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities in a manner that provides for additional density at a modest scale.

C. The purpose of high density residential, R-18, R-24, ~~R-36 and R-48~~, and TC-4 zones, is to provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses.

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**Amendment #11****20.40.046 – Mixed-use residential (MUR) zones.**

A. The purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45', and MUR-70') is to provide for a mix of predominantly multifamily development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary.

B. Specific mixed-use residential zones have been established to provide for attached single-family residential, low-rise, mid-rise and high-rise multifamily residential. The mixed-use residential zones also provide for commercial uses, retail, and other compatible uses within the light rail station subareas.

C. Affordable housing is required in the MUR-45' and MUR-70' zone and voluntary in the MUR-35' Zone. Refer to SMC 20.40.235 for affordable housing light rail station subarea requirements.

D. Four-Star Built Green construction is required in all MUR zones.

E. All development within the MUR-70' zone that seeks additional height and alternative development standards shall be governed by a development agreement as provided in SMC 20.30.355.

**Amendment #12****20.40.120 – Residential Uses****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
	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			

**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
	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	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
	<u>Homeless Shelter</u>						<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	

**Amendment #13**  
**20.40.160 – Station Area Uses**

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>OTHER</b>				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P
	<u>Unlisted Uses</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>

#### **Amendment #14**

#### **20.40.235(C)(5) – Affordable housing, light rail station subareas**

C. Mixed-Use Residential Zone Affordable Housing Requirements. The following provisions shall apply to all affordable housing units required by or created through any incentive established in the Shoreline Municipal Code unless otherwise specifically exempted or addressed by the applicable code section for specific affordable housing programs or by the provisions of an approved development agreement:

5. Depending on the level of affordability, units provided by a not for profit entity may be eligible for an exemption from impact fees as provided in the impact fee chapters of SMC Title 3 ~~transportation impact fee waivers as provided in SMC 3.80.070(G).~~

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#### **Amendment #15**

#### **20.40.405 – Homeless Shelter**

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

- A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.
- B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.
- C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.
- D. The homeless shelter shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents do not have identification, the operator of the shelter will assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.
- E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

**Amendment #16****20.40.504 Self-storage facility.****C. Additional Design Requirements.**

1. Self-storage facilities are permitted only within multistory structures.
2. Self-storage facilities shall not exceed 130,000 gross square feet.

**20.50 Amendments****Amendment #17****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.

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
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) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
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 min.	5 ft min.	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) (15)	35 ft (40 ft with pitched roof) (15) (8)	35 ft (15)
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.

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
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	15 ft if located on 185th Street (14)	15 ft if located on 185th Street (14)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
	10 ft on nonarterial street 22 ft if located on 145th Street (14)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (14)	22 ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
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) <u>(15)</u>	35 ft <del>(45)</del>	45 ft <del>(45)</del>	70 ft (11) (12) <del>(45)</del>
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 public and private K through 12 ~~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.

0' 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 (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), 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 elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.

(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 #18****20.50.020(3) – Dimensions for Development in Commercial Zones****Table 20.50.020(3) – Dimensions for Development in Commercial Zones**

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

*Exceptions to Table 20.50.020(3):*

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.*
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.*
- (3) The following structures may be erected above the height limits in all commercial zones:*

- a. *Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding except as provided (3)(f) below . WTF provisions (SMC 20.40.600) are not included in this exception.*
- b. *Parapets, firewalls, and railings shall be limited to four feet in height.*
- c. *Steeple, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.*
- d. *Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.*
- e. *Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.*
- f. *Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.*

(4) *Site hardscape shall not include the following:*

- a. *Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.*
- b. *Intensive vegetative roofing systems.*

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

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## **Amendment #19**

### **20.50.040(l) – Projections Into Setback**

I. **Projections into Setback.**

- 1. *Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:*

- a. Gutters;
- b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
- c. On-site drainage systems.
- d. Where allowed by the International Building Code and International Fire Code minimum fire separation distance requirements, required yard setback distance from adjacent property lines may be decreased by a maximum of four inches for the sole purpose of adding insulation to the exterior of the existing building structural frame. Existing buildings not conforming to development standards shall not extend into required yard setback more than what would be allowed for a conforming structure under this exception.
- e. Rain barrels, cisterns and other rainwater catchment systems may extend into a required yard setback according to the following:
  - i. Cisterns, rain barrels or other rainwater catchment systems no greater than 600 gallons shall be allowed to encroach into a required yard setback if each cistern is less than four feet wide and less than four and one-half feet tall excluding piping.
  - ii. Cisterns or rainwater catchment systems larger than 600 gallons may be permitted in required yard setbacks provided that they do not exceed 10 percent coverage in any required yard setback, and they are not located closer than two and one-half feet from a side or rear lot line, or 15 feet from the front lot line. If located in a front yard setback, materials and design must be compatible with the architectural style of the building which it serves, or otherwise adequately screened, as determined by the Director.
  - iii. Cisterns may not impede requirements for lighting, open space, fire protection or egress.

8. Landscape structures ~~Arbors~~ are allowed in required yard setbacks if they meet the following provisions:
- a. No more than a 40-square-foot footprint, including eaves;
  - b. A maximum height of eight feet;
  - c. ~~All~~ Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces;
  - d. Vegetation supported by a landscape structure may grow over the maximum height, subject to the sight clearance provisions in the Engineering Development Manual.
- 

#### **Amendment #20**

##### **20.50.120 Purpose.**

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development in: TC-4, PA 3, and R-8 through R-48 zones; the MUR-35' zone when located on a nonarterial street; and the MUR-45' zone when developing single-family attached dwellings as follows:

- A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.
  - B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
  - C. To meet the recreation needs of project residents by providing open spaces within the project site.
  - D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.
  - E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.
  - F. To promote pedestrian accessibility within and to the buildings.
- 

#### **Amendment #21**

##### **20.50.122 – Administrative Design Review**

##### 20.50.122 – Administrative Design Review

Administrative Design Review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter.

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## **Amendment #22**

### **20.50.150 – Storage space for collection of garbage ~~trash~~, recyclables, and compostables standards**

Developments shall provide storage space for the collection of garbage, recyclables, and compostables consistent with the City's current authorized collection company as follows:

A. Garbage, recyclables, and compostables receptacles shall be completely stored inside or screened outside unit garages without obstructing parking or vehicle movements. Alternatively, receptacles can be placed in common containers that are completely screened and covered from weather and that meet the collection service requirements for access. Receptacle enclosures shall not be located between buildings that front on streets and rights-of-ways.

~~A. The storage space shall be provided at the rate of:~~

~~1. One 16-foot by 10-foot (10 feet by 10 feet for garbage containers and six feet by 10 feet for recycle and food waste containers) collection area for every 30 dwelling units in a multifamily building except where the development is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;~~

~~2. The storage space for residential developments shall be apportioned and located in collection points as follows:~~

~~a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.~~

~~b. There shall be one collection point for every 30 dwelling units.~~

~~c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.~~

~~d. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.~~

~~e. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on site, or project into any public right-of-way.~~

~~B. The collection points shall be designed as follows:~~

~~1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.~~

~~2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.~~

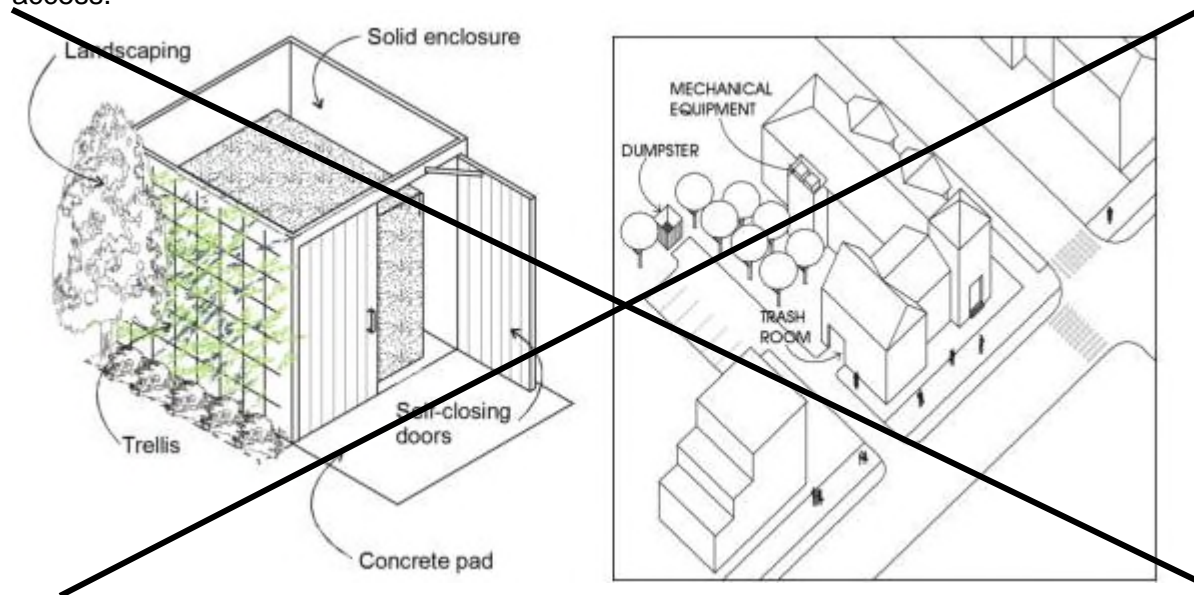
~~3. Collection points shall be identified by signs not exceeding two square feet.~~

~~4. A six-foot wall or fence shall enclose any outdoor collection point.~~

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 10 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of garbage, recyclables, and compost shall be ensured by using weatherproof containers or by providing a roof over the storage area.

C. Site service areas, such as garbage enclosures away from street fronts and pedestrian access:



**Figures 20.50.150(B) and (C): Examples of location and screening of service areas, which is intended to reduce their impact.**

B. D. Shipping containers are not allowed.

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### **Amendment #23**

### **20.50.240(C)(2) – Rights-of-Way Lighting**

C. Site Frontage.

#### **2. Rights-of-Way Lighting.**

a. Pedestrian lighting standards shall meet the standards for Aurora Avenue pedestrian lighting standards and must be positioned 15 feet above sidewalks.

b. Street light standards shall be a maximum 25-foot height and spaced to meet City illumination requirements.

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#### **Amendment #24**

#### **SMC 20.50.310(B) – Exemptions from permit.**

B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of three (3) significant trees on lots up to 7200 square feet and one (1) additional significant tree for every additional 7200 square feet of lot area up to a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with ~~Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).~~

~~Table 20.50.310(B)(1) – Exempt Trees~~

~~Lot size in square feet~~ ~~Number of trees~~

~~Up to 7,200 — 3~~

~~7,201 to 14,400 — 4~~

~~14,401 to 21,780 — 5~~

~~21,781 and above — 6~~

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).
3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.

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#### **Amendment #25**

#### **20.50.340 – Basic Operating Conditions and Standards of Performance**

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in SMC 13.10.200, Surface Water Management Code and adopted standards.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the Director:

1. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the Director.

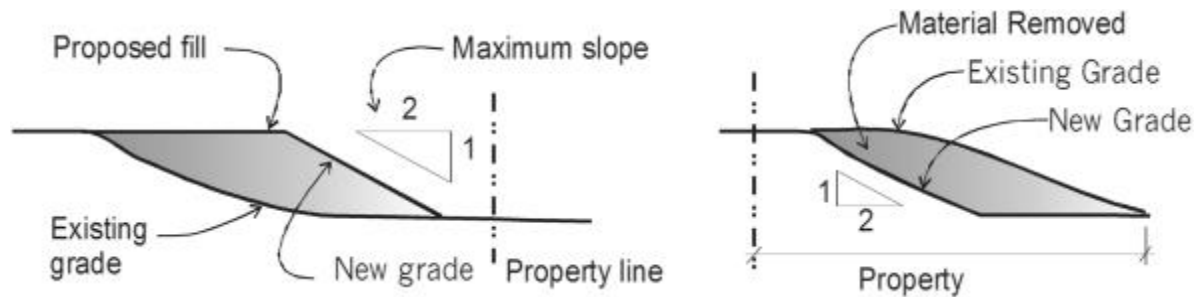


Figure 20.50.340(B): Illustration of fill and cut with maximum slope 2:1.

2. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with the Surface Water Design Manual.
3. Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, construction materials, brush and other debris.

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#### **Amendment #27**

#### **Exception 20.50.350(B)**

Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist that retention of the minimum percentage of trees is not advisable on an individual site; or
2. In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:
  - *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
  - *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
  - *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
  - *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*



3. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC 20.50.360 for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC 20.50.350(B).

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

5. No tree retention is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.

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#### **Amendment #28**

#### **Exception 20.50.360(C)**

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:

i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.

ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.

d. No tree replacement is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.

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### **Amendment #30**

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

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

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
General services uses:	1 per 300 square feet
<u>Professional office uses:</u>	<u>1 per 400 square feet</u>
<del>Government/business services uses:</del>	<del>1 per 500 square feet</del>
Manufacturing uses:	0.9 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.

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**Amendment #31****20.50.390(D) Special Nonresidential Standards****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 <del>that residential area</del> <u>the underlying zone</u>
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	<u>1.2</u> <del>4-5</del> per <del>classroom</del> <u>staff member</u>
High schools with stadium:	1 per <del>classroom</del> <u>staff member</u> plus 1 per 10 students, <del>or</del> <u>and</u> 1 per 3 fixed seats in stadium
High schools without stadium:	1 per <del>classroom</del> <u>staff member</u> , plus 1 per 10 students
Middle/junior high schools:	4 <u>1.2</u> per <del>classroom</del> <u>staff member</u> , <del>plus 1 per 50 students</del>
Vocational schools:	1 per <del>classroom</del> <u>staff member</u> , plus 1 per <del>5</del> <u>2</u> students

**Amendment #32****20.50.410 – Parking Design Standards**

K. Off-street parking and access for physically disabled ~~handicapped~~ persons shall be provided in accordance with ~~WAC 51-40-1100 Chapter 11 – Accessibility~~ current version of ICC A117.1, Section 1106, Table 1106.1, Chapter 502 and subsequent addendum.

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## **20.70 Amendments**

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### **Amendment #33**

#### **20.70.320 – Frontage improvements**

20.70.320

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels;
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;
3. For subdivisions;
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt); or
5. One detached single-family dwelling in the MUR zones; ~~or~~
6. ~~When a single family land use is being converted to a commercial land use, then full frontage improvements will be required.~~

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### **Amendment #34**

#### **20.70.320 Frontage improvements**

A. Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

B. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels;
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;
3. For subdivisions;
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt);
5. One detached single-family dwelling in the MUR zones; or
6. When a single-family land use is being converted to a commercial land use, then full frontage improvements will be required.

D. Exemptions to frontage improvements are limited to:

1. Subdivision, short plats, and binding site plans where all of the lots are fully developed.
2. Instances where the street will be improved as a whole through a capital improvement project or local improvement district within five years of permit issuance. In such cases, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

E. Waivers may be approved by the Director of Public Works to not require frontage improvements under the following circumstances if the Director determines:

1. The installation of the improvements will cause a safety hazard; or
2. Construction of improvements will adversely impact critical areas that cannot be mitigated; or

3. The current level of improvements in the rights-of-way will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future.

The applicant shall utilize the Deviation from the engineering standards process specified in Section 20.30.290. The applicant shall address how the waiver satisfies the criteria for a deviation as well as the applicable conditions of this subsection. Supporting documentation and application fees shall be submitted with the waiver request.

F. E. All improvements required under this chapter shall be designed and constructed in accordance with the Engineering Development Manual. Deviation from the Engineering Development Manual may be considered through a deviation process as set forth in SMC 20.30.290.

G. F. Required improvements shall be installed by the applicant prior to final approval or occupancy.

H. G. Subdivisions improvements shall be completed prior to the final plat approval. A bond or other surety may be allowed as provided for in SMC 20.30.440 in lieu of completion of all improvements.

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### **Amendment #35**

#### **20.70.440 and .450 – Access widths**

##### **20.70.440 Purpose.**

The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. These access widths are specified in the Engineering Development Manual.

##### **20.70.450 Access Types and Widths.**

A. Table 20.70.450 – Access Types and Widths.

Dwelling Type and Number	Engineering Development Manual Access Types and Width
<u>Single-family Detached</u> - 1 unit	Residential
<u>Single-family Detached</u> - 2 – 4 units	Shared
<u>Single-family Detached</u> - 5 or more units	<u>Multifamily Private or Public Street</u>
Commercial, p <u>u</u> bl <u>ic</u> f <u>a</u> ci <u>l</u> ity	Commercial
Circular	Per Criteria in EDM
<del>5 or more Single-family Attached or Multifamily units without adjacent development potential</del>	<del>Multifamily Private Street</del>

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## 20.230 Amendments

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### **Amendment #38**

**20.230.200 – Land disturbing activity policies**

20.230.200 – Land disturbing activity regulations policies

**2018 BATCH OF DEVELOPMENT CODE AMENDMENTS - SUMMARY TABLE**

Amendment Number	SMC Section	Topic	Type	Planning Commission Recommendation
<b>20.20 - Definitions</b>				
<b>1</b>	20.20.012	Clarify Building Coverage Definition	C	Approve
<b>2</b>	20.20.024	Add Homeless Shelter Definition	P	Approve
<b>3</b>	20.20.032	Add Landscape Structures Definition	P	Approve
<b>4</b>	20.20.044	Add Refuse Reference	A	Approve
<b>5</b>	20.20.046	Add Sign Definition	C	Approve
<b>6</b>	20.20.048	Delete Definition of Trellis	C	Approve
<b>20.30 – Procedures and Administration</b>				
<b>7</b>	20.30.040	Add Noise Variance to the Type A Permit Table	A	Approve
<b>20.40 – Zoning and Use Provisions</b>				
<b>8 (Withdrawn)</b>				
<b>9</b>	20.40.020	Add TC-4 to Residential Table	A	Approve
<b>10</b>	20.40.030(C)	Add TC-4 to Residential Zones Section and Delete R-36	A	Approve

Type Category:

A = Administrative

C = Clarification

P = Policy



Amendment Number	SMC Section	Topic	Type	Planning Commission Recommendation
11	20.40.046(D)	Add a Missing Word, "in"	A	Approve
12	20.40.120	Adds Homeless Shelters to use table	A	Approve
13	20.40.160	Delete Unlisted Uses From Table	A	Approve
14	20.40.235(C)(5)	Replace "Waiver" with "Exemption"	A	Approve
15	20.40.405	Homeless Shelter Indexed Criteria	P	Approve
16	20.40.504	Add Gross Square Feet for Self-Storage Facilities	C	Approve
<b>20.50 – General Development Standards</b>				
17	20.50.020(1)(2)	School Gymnasium Height and Height Exceptions	C	Approve
18	20.50.020(3)	Height Exceptions in Commercial Zones	P	Approve
19	20.50.040(I)(8)	Landscape Structures in Setbacks (also renaming trellis and arbors to Landscape Structures)	C	Approve

**Type Category:**

**A = Administrative**

**C = Clarification**

**P = Policy**

Amendment Number	SMC Section	Topic	Type	Planning Commission Recommendation
20	20.50.120	Add Semicolon to Clarify Purpose Section	A	Approve
21	20.50.122	Adds Administrative Design Review to the Single-Family Attached and Multifamily Design Section	P	Approve
22	20.50.150	Modify standards for service areas	A	Approve
23	20.50.240(C)(2)	Delete Rights-of-Way Lighting	A	Approve
24	20.50.310(B)(1)	Exempt Tree Removal Based on Lot Size	P	Approve
25	20.50.340(B)(3)	Change lower case “p” to upper case “P”	A	Approve
26	20.50.350(B)(6-8)	Tree retention and replacement for trees in setbacks and unlawfully damaged or removed trees	P	<i>Deny</i>
27	Exception 20.50.350(B)	Trees Retention for Public Improvements	P	Approve
28	Exception 20.50.360(C)	Tree Replacement for Public Improvements	P	Approve

**Type Category:**

**A = Administrative    C = Clarification    P = Policy**

Amendment Number	SMC Section	Topic	Type	Planning Commission Recommendation
29	20.50.360(K)	Increase bonding and penalties related to tree protection and replacement trees	P	<i>Deny</i>
30	20.50.390(C)	Parking, Government, Business Uses and Office	C	Approve
31	20.50.390(D)	Modify parking requirements for schools	A	Approve
32	20.50.410(K)	Replace handicapped with disabled and update reference to WAC	A	Approve
<b>20.70 – Engineering and Utilities Development Standards</b>				
33	20.70.320(C)(6)	Delete frontage improvements requirements for SFR conversion to Commercial	P	Approve
34	20.70.320(E)	Waivers for Frontage Improvements	P	Approve
35	20.70.440 and 20.70.450	Expand title to include Access types as well as widths and align access types with the Engineering Development Manual; Remove Circular Driveways	C	Approve

**Type Category:**

**A = Administrative    C = Clarification    P = Policy**

Number	SMC Section	Topic	Type	Planning Commission Recommendation
<b>20.80 – Critical Areas</b>				
<b>36 (Withdrawn)</b>				
<b>37 (Withdrawn)</b>				
<b>20.230 – SMP Shoreline Policies and Regulations</b>				
<b>38</b>	20.230.200	Update Title of Section	A	Approve

**Type Category:**

**A = Administrative    C = Clarification    P = Policy**