

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussing Ordinance No. 907 - Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, and 20.80 for Administrative and Clarifying Amendments
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Nora Gierloff, Planning Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" 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 give staff direction on the amendments on July 2 and August 20, 2020. The Commission then held the required public hearing on October 1, 2020. The Planning Commission recommended that the City Council adopt the proposed amendments as detailed in proposed Ordinance No. 907 (**Attachment A**).

Although most of the proposed Development Code amendments in this group of amendments are aimed at “cleaning up” the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City. The amendments included in this staff report address the administrative and clarifying amendments in Exhibit A and B to proposed Ordinance No. 907. The Council is scheduled to discuss the policy amendments (forthcoming Exhibit C) on November 9, 2020. Adoption of proposed Ordinance No. 907 is currently scheduled for November 23, 2020.

RESOURCE/FINANCIAL IMPACT:

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

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Ordinance No. 907. Staff recommends adoption of Ordinance No. 907 as recommended by the Planning

Commission, with the exception of the proposed amendment to clarifying amendment #8, when this ordinance is brought back for potential adoption on November 23, 2020.

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 2020 'batch' of Development Code amendments is comprised of 53 amendments. The proposed Development Code amendments include administrative changes (reorganization and minor corrections), clarifying amendments, and policy amendments.

The Planning Commission held two study sessions on July 2 and August 20, 2020, and a Public Hearing on October 1, 2020, on the batch Development Code Amendments. Staff reports for these Planning Commission agenda items can be found at the following links:

- July 2nd: <https://www.shorelinewa.gov/home/showdocument?id=47576>.
- August 20th: <https://www.shorelinewa.gov/home/showdocument?id=49118>.
- October 1st: <https://www.shorelinewa.gov/home/showdocument?id=49401>.

At the conclusion of the Public Hearing, the Planning Commission recommended approval of 53 amendments (one amendment is recommended for inclusion into the Housing Action Plan for additional study). A memo to the City Council from the Planning Commission regarding their recommendation is included as **Attachment B**.

The Planning Commission recommended Development Code amendments are included in proposed Ordinance No. 907. Although most of the proposed Development Code amendments in this group of amendments are aimed at "cleaning up" the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City. The amendments included in this staff report address the administrative and clarifying amendments in Exhibit A and B to proposed Ordinance No. 907. The Council is scheduled to discuss the policy amendments (forthcoming Exhibit C) on November 9, 2020. Adoption of proposed Ordinance No. 907 is currently scheduled for November 23, 2020.

DISCUSSION

All the proposed administrative (Exhibit A) and clarifying (Exhibit B) Development Code amendments are listed below. There are nine (9) administrative amendments and 23 clarifying amendments. Each amendment includes a description of the amendment, justification for the amendment and staff/Planning Commission recommendations.

Administrative Amendments

Amendment #1

20.20.010 – A definitions

Affordable Housing Housing reserved for occupancy to households whose annual income does not exceed a given percent of the King County median income, adjusted for household size, and has housing expenses no greater than 30 percent of the same percentage of median income. ~~For the purposes of this title, the percent of King County median income that is affordable is specified in SMC 20.40.235~~

Justification – This amendment updates the definition of Affordable Housing by removing an unnecessary reference to another code section.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #2

20.30.315 – Site Development Permit

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by the Engineering Development Manual.

Justification – The amendment to this section codifies stormwater requirements laid out in the Engineering Development Manual. In order to follow the City's NPDES permit, the City must do stormwater review for all projects triggering Minimum Retention requirements 1-5. Some of these projects do not currently require permits so these reviews are not always being done. This amendment will cover that missing gap.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #3

20.40.160 – Station Area Uses

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
Tent City		P-i	P-i	P-i

Justification – Tent City is an outdated term, used before the city enacted development regulations for Transitional Encampments. Currently, Transitional Encampments are allowed in all zones through the approval of a Temporary Use Permit and additional criteria for transitional encampments is in SMC 20.30.295 Temporary Use. This use is being deleted from the use table because the use of “P” denotes a permitted use so a Temporary Use Permit would not be required in the MUR zones, while such a permit is required in all other zones.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #4

20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Min. Lot Area (2) (13) (14)	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) (15)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft 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) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
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.

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street	15 ft if located on 185th Street (15) 0 ft if located on an arterial street	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
	22 ft if located on 145th Street (15)	10 ft on nonarterial street 22 ft if located on 145th Street (15)	0 ft if located on an arterial street 10 ft on nonarterial street (18)
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) (16)	35 ft	45 ft	70 ft (11) (12) (13)
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 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

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

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

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

Justification – This amendment is an administrative correction of two footnotes in Table 20.50.020(1). Two of the numbers in the table do not match the footnotes of the table.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #5

20.50.080(B) and Figure 20.50.080(B)

B. The side yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except that on irregular lots with more than two side yards, the sum of the two longest side yards must be minimum 15 feet, but none of the remaining side yard setbacks shall be less than five feet. If an irregular lot, such as a triangle lot, which contains only one designated side yard, it shall be a minimum of five feet.

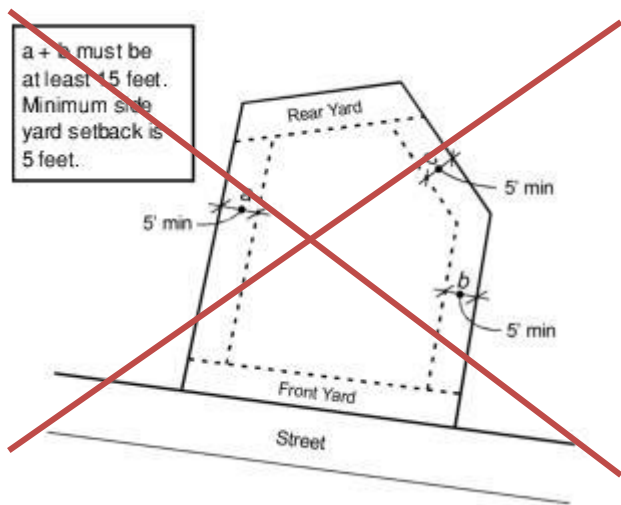


Figure 20.50.080(B): Side yard requirements for irregular lots.

Justification – The City updated the side-yard setback requirement for R-4 and R-6 from 15-foot cumulative to 5-foot minimum in 2017 and the following section was never deleted to reflect that change.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #6

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 significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.

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.

Justification – Ordinance No. 850 deleted Table 20.50.310(B)(1) from the code, leaving just the text for (B)(1). However, Section (B)(2) still references what is now the non-existent table that was deleted by Ordinance No. 850. This reference has been deleted in the Planning Commission recommendation.

In addition, the amendment in (B)(3) strikes the reference to “special drainage area” (also in SMC 20.50.320) because the updated 2020 Engineering Development Manual (EDM) has deleted the section on Special Drainage Areas. The City has never actually designated any areas as special drainage areas going back to at least the 2014 EDM. In the 2014 EDM, there were a couple mentions that activities in Special Drainage Areas shall meet additional drainage requirements as designated by the Director. Those references were removed in the 2016 EDM, and then the Special Drainage Area section was removed all together in the 2019 EDM.

The EDM never had specific requirements for special drainage areas but did include a definition:

An area which has been formally determined by the City to require more restrictive regulation than Citywide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development.

Based on the EDM definition, designating something as a special drainage area would not give the City any more authority than we already have if we are aware of the issues noted in the definition such as areas of severe flooding. The special drainage area designation is an outdated tool that Public Works/the Surface Water Utility does not utilize, and it may warrant a conversation about removing the term in SMC 13.10.230 with a future batch amendment.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #7

20.50.390(D) – Special Nonresidential Standards

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Nursing and personal care facilities:	1 per 4 beds

Justification – Personal Care was deleted as a use as part of Ordinance No. 824 and the below reference in Table 20.50.390D was not concurrently deleted.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #8

20.50.450 - Purpose

The purposes of this subchapter are:

1. To enhance the visual continuity within and between neighborhoods;
2. To establish at least an urban tree canopy through landscaping and street trees;
3. To screen areas of low visual interests and buffer potentially incompatible developments;
and
4. To complement the site and building design with landscaping.

Justification – This amendment corrects a wrong word choice. The correct word is “complement” not “compliment.”

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #9

20.70.240(F) – Private streets

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met, then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and

- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
 - 1. The street would ultimately serve ~~four~~ five or ~~fewer~~ more single-family detached dwelling units or lots; or
 - 2. ~~The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or~~
 - 3. The private street would serve developments where no circulation continuity is necessary.

Justification – 20.70.240(F)(1) specifies four (4) or fewer single-family lots as a condition for allowing a private street, while the recently created table in 20.70.450 specifies that an access is only considered a private street when 5 or more single-family detached units are developed. These two provisions are in conflict so this is a clarification so 20.70.240 will match the language in the recently amended 20.70.450 (Ordinance No. 850, 2019).

Recommendation – Planning Commission recommends that this amendment be approved.

Clarifying Amendments

Amendment #1

20.20.010 – A definitions

<u>Assisted Living Facilities</u>	<u>Any home or other institution that provides housing, housekeeping services, meals, laundry, activities, and assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 18.20 RCW, chapter 74.39A, RCW, and chapter 388-78A WAC, as amended, to seven or more residents. "Assisted living facility" does not include facilities certified as group training homes under RCW 71A.22.040, nor any home, institution, or section that is otherwise licensed and regulated under state law that provides specifically for the licensing and regulation of that home, institution, or section. "Assisted living facility" also does not include senior independent housing, independent living units in continuing care retirement</u>
--	--

communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

Justification – This amendment adds a definition for Assisted Living Facilities, replacing the definition for Senior Citizen Assisted Housing. This use is distinct from an adult family home which can accommodate up to six (6) residents and must be regulated as a single-family home under local zoning and building codes. Licensing and regulations are given in Chapter 388-76 WAC.

An assisted living facility is different and can accommodate seven or more residents with extensive licensing, operational and building requirements under Chapter 388-78A WAC/18/20 RCW.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #2

20.20.028 – J definitions

- Junk Vehicle A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
- A. Is three years old or older;
 - B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;
 - C. Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
 - D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Justification – The proposed amendment to the definition of junk vehicle will allow the City's Code Enforcement and Customer Response Team and the Police Department to determine when a vehicle qualifies as a junk vehicle. Junk vehicles are regulated in SMC 20.30.750 and the section outlines the process of abating the nuisance.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #3

20.20.034 – Manufactured and Mobile homes

Definition from SMC 20.20.034:

Manufactured Home A factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.

13.12.105 Definitions.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

New Manufactured Home definition –

Manufactured Home A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
~~factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.~~

Justification – While researching the two different Recreational Vehicle definitions in – SMC 13.12 Floodplain Management and Title 20 – Development Code, staff noticed that Manufactured Homes are defined in both Titles and the definitions are different. This amendment to SMC 20.20.034 makes both definitions consistent.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #4

20.20.040 – P definitions

- Party of Record
- A. A person who testifies at a hearing;
 - B. The applicant;
 - C. For Type B and C actions, pPersons submitting written testimony about a matter pending before the decision-making authority; or
 - D. The appellant(s) and respondent(s) in an administrative appeal.

Justification – The definition of Party of Record is proposed to be amended to match language in SMC 20.30.150, Notice of decision which states, “For Type B and C actions, the Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #5

20.20.046 – S definitions

~~Senior Citizen Assisted Housing~~ Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:

- ~~A. Common dining facilities or food preparation service;~~
- ~~B. Group activity areas separate from dining facilities;~~
- ~~C. A vehicle exclusively dedicated to providing transportation services to housing occupants;~~
- ~~D. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.~~

Justification – Staff proposes to replace this definition with a new and more accurate definition of Assisted Living Facility in Amendment #1.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #6

20.30.60 – Quasi-judicial decisions – Type C

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.502
78. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353
89. Plat Alteration with Public Hearing ⁽⁵⁾	Mail	HE ^{(1), (2)}		120 days	20.30.425

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁵⁾ A plat alteration does not require a neighborhood meeting.

Justification – This amendment removes Final Formal Plats from the Type C actions Table. This amendment streamlines the process for approving Final Formal Plats from a quasi-judicial Type C action to an administrative approval by the Director in accordance with RCW 58.17.100 because the preliminary formal plat was reviewed by Hearing Examiner and approved by the City Council.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #7

20.30.315 – Site Development Permit

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by Division 3 the Engineering Development Manual.

Justification – The amendment to this section codifies stormwater requirements laid out in the Engineering Development Manual. In order to follow the City’s NPDES permit, the City must do stormwater review for all projects triggering Minimum Retention requirements 1-5. Some of these projects do not currently require permits so these reviews are not always being done. This amendment will cover that missing gap.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #8

20.30.355(D) – Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.

Each development agreement approved by the City Council for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:

1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council's establishment of a fee in lieu formula. Full units are not eligible for fee in lieu option and must be built on site. ~~constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on site.~~ The fee will be specified in SMC Title 3.

3.01.025 Affordable housing fee in lieu.

2019 Fee Schedule		
A. Rate Table		
Zoning district	Fee per unit if providing 10% of total units as affordable	Fee per unit if providing 20% of total units as affordable
MUR-45	\$206,152	\$158,448
MUR-70	\$206,152	\$158,448
MUR-70 with development agreement	\$253,855	\$206,152

Note: The fee in lieu is calculated by multiplying the fee shown in the table by the fractional mandated unit. For example, a 0.40 fractional unit multiplied by \$206,152 would result in a fee in lieu of \$82,460.80.

Justification – This amendment seeks to strike the last sentence under #1 which refers to a fee in lieu for constructing affordable housing units. This was not the intention of the fee in lieu program. The fee in lieu was authorized for partial units, or the units that are fractional when performing affordable unit calculations. The fee in lieu program is not intended to replace full affordable units for a fee.

Staff-Recommended Amendment to Clarifying Amendment #8 - The Planning Commission proposed language includes a statement that a fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council’s establishment of a fee in lieu formula. When this Development Code amendment was submitted, the City did not have a fee-in-lieu formula for affordable housing units. Staff recommends amending the Planning Commission’s recommended language to strike this part of the code and replace it with a reference to the adopted fee schedule in Chapter 3.01 of the SMC.

Staff-Recommended Amendatory Motion – If Council would like to amend the Clarifying amendment #8, a Council member would need to move to modify the Planning Commission’s recommendation as follows:

I move to modify the Planning Commission’s recommendation by amending SMC 20.30.355 (D)(1) to read, “A fee in lieu of constructing any fractional portion of mandatory units is based on the adopted fee schedule (Chapter 3.01 SMC). Full units are not eligible for fee in lieu option and must be built on site”.

Recommendation – Staff recommends Council amend the Planning Commission recommendation with language provided in the amendatory motion.

Amendment #9

20.30.425 – Alteration of recorded plats.

E. Recording of Alteration. No later than 30 calendar days after approval of the alteration, the applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW and processed for signature in the same manner as set forth for final plats in this chapter. ~~No later than 60 calendar days after the City has signed the altered plat, the applicant shall file, at their sole cost and expense, the revision approved by the alteration to the altered plat with the King County Recorder to become the lawful plat of the property. The Director may approve a 30-day extension of the recording deadline if requested by the applicant for prior to expiration of the approval.~~

Justification – This amendment sets a deadline for recording the alteration of 60 days after approval.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #10

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
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
-	Apartment	-	C	P	P	P	P	P	P
	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				
	Multifamily		C	P	P	P	P-i	P	P
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Adult Family Home	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
	<u>Assisted Living Facility</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility	C-i	C-i	P-i	P-i				
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Homeless Shelter						P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Justification – This amendment deletes Apartment (it is considered Multifamily) as a use listed on the Table and adds the new defined Assisted Living Facility to the residential use table.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #11

20.40.140 – Other Uses

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
P = Permitted Use					S = Special Use				
C = Conditional Use					-i = Indexed Supplemental Criteria				

Justification – This amendment will delete the “i” in the table since Residential Treatment Facilities (RTFs) do not have indexed criteria associated with the use. SMC 20.20.044 currently has a definition of RTFs and refers to the RCW and WAC that regulated such uses. The definition of RTFs is, “A facility licensed by the State pursuant to Chapter 71.12 RCW and Chapter 246-337 WAC that provides 24-hour on-site care for the evaluation, stabilization, or treatment of residents for substance abuse, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing. Because the RCW and WAC have specific regulations for RTFs, the City does not have to rely on additional indexed criteria for this use.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #12

20.40.150 – Campus Uses

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
	<u>Dormitory</u>	<u>P-m</u>	<u>P-m</u>		<u>P-m</u>
6111	Elementary School, Middle/Junior, High School	P-m			

Justification – Shoreline Community College has recently completed a student housing building and more dormitories may be necessary in the future. Other campuses such as CRISTA and Fircrest may also need this use in the future. The only way new uses can be added to the Campus zones is through the Master Development Plan Permit (MDP). The Shoreline Community College Master Development Plan Permit was adopted in 2013 and included Dormitories as a permitted use. This amendment is adding dormitories based on the approved Shoreline Community College MDP.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #13

20.40.320 – Daycare facilities

20.40.320 Daycare facilities.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and
2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved conditional use permit. Daycare II facilities are permitted or as a reuse of an existing house of worship or school facility without expansion in the R-4 and R-6 zones, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development.

Justification – SMC 20.40.130 lists Daycare II as a permitted use in the R-4 and R-6 zones with indexed criteria. The indexed criteria are unclear when a Daycare II is permitted. This amendment makes it clear that Daycare II facilities are only allowed in the R-4 and R-6 zones when they are a reuse of an existing house of worship or school without expansion.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #14

Exceptions to Table 20.50.020(3) – Transition Areas

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.

Justification – As currently written, Exception #2 says that front yard setbacks across rights of way shall be a minimum of 15 feet. The intent of Exception #2 is to require the 15-foot minimum in transition areas, not all areas across right of way.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #15

20.50.040(F) Setbacks – Designation and measurement

F. Allowance for Optional Aggregate Setback. For lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as critical areas, an existing cluster of significant trees, or other unique natural or historic features that should be preserved without disturbance, the City may reduce the individual required setbacks; however, the total of setbacks shall be no less than the sum of the minimum front yard, rear yard, and side yards setbacks. In order to exercise this option, the City must determine that a public benefit is gained by relaxing any setback standard. The following criteria shall apply:

1. No rear or side yard setback shall be less than five feet.
2. The front yard setback adjacent to the street shall be no less than 15 feet in R-4 and R-6 ~~and 10 feet in all other zones.~~ (See Exception 20.50.070(1).)

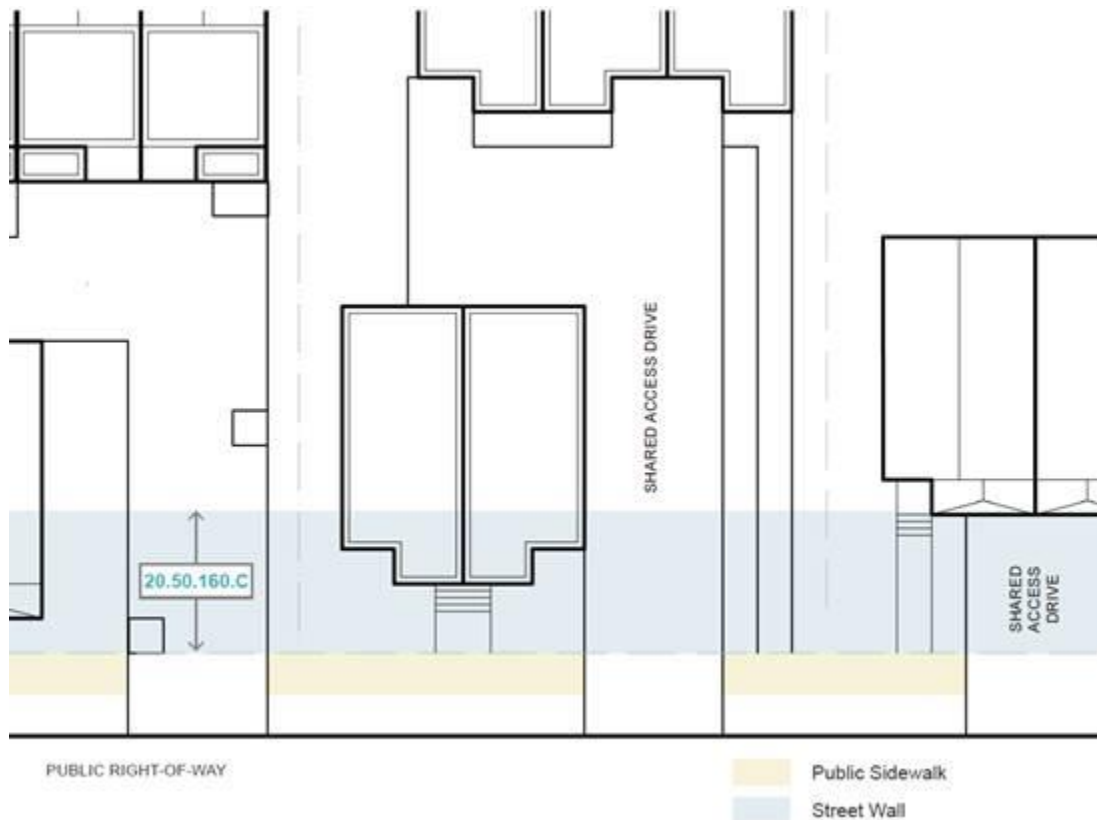
Justification – This amendment is a minor correction. The City has adopted alternative setback standards for zones such as MUR-35' and MUR-45' where setbacks can be 0-feet if the necessary frontage improvements are in place. The existing language states that the setback must 10-feet in all other zones. This proposed amendment seeks to allow this.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #16

20.50.160(C) – Site Configuration

C. **Site Configuration.** At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line, with the front façade of the unit(s) oriented towards the public right-of-way, to create a “street wall” which enhances the streetscape and overall pedestrian experience.



Justification – The language contained in this section needs to be amended to clarify the intent of the townhome design standards and match the illustration included with this code requirement. The intent of the section is for the units within 25-feet of the front property line to be oriented, or facing, the street.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #17

20.50.240(E) – Internal site walkways

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent public sidewalks and the Interurban Trail, where adjacent, (except in the MUR-35' zone).

a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicle traffic or raised six inches and be at least eight feet wide. Separated from motor vehicle traffic means (1) there is at least three (3) linear feet of landscaping between the closest edge of the vehicular circulation area and closest edge of the pedestrian access or (2) separation by a building;

Justification – This section does not currently clarify what “separated” means. The proposed language creates a minimum standard to be considered separated.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #18

20.50.370 – Tree protection standards

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

- A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.
- B. Tree dripline areas or critical root zones (tree protection zone) as defined by the International Society of Arboriculture shall be protected. No development, fill, excavation, construction materials, equipment staging, or traffic shall be allowed in the dripline areas of trees that are to be retained.
- C. Prior to any land disturbance, temporary construction fences must be placed around the ~~dripline of trees~~ tree protection zone to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.
- D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. “Tree Protection Area” signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
- E. Where tree protection ~~areas~~zones are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Leave Area – Keep Out” signs.
- F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.
- G. Retain small trees, bushes, and understory plants within the tree protection zone, unless the plant is identified as a regulated noxious weed, a non-regulated noxious weed, or a weed of concern by the King County Noxious Weed Control Board ~~to the maximum extent practicable.~~

Justification – These amendments strengthen tree protection measures for sites under construction. It seeks to avoid the situation where a permit is approved based on retention of existing trees but during construction occurring within the dripline, a tree is so damaged that it will not survive after construction or becomes hazardous.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #19

20.50.390(A) – General residential parking standards

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
<u>Single-Family detached/townhouse:</u>	2.0 per dwelling unit. 4.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.
<u>Single-Family attached:</u>	<u>2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones.</u>
<u>Multifamily Dwelling Apartment:</u>	Ten percent of required spaces in multifamily and residential portions of mixed use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided.⁴
Studio units:	0.75 per dwelling unit
One-bedroom units:	0.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

⁴~~Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.~~

~~If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.~~

Justification – There are two changes to the section:

1. Changing the term “Apartment” to “Multifamily” to be consistent with the rest of the Development Code.
2. Delete the provisions for EV parking facilities. Staff has proposed a new table with EV parking standards below.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #20

20.50.390(B) – Special residential parking standards

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential care facilities:	1 per 3 patients, plus 1 per FTE employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen <u>Assisted living facilities:</u>	1 per 3 dwelling or sleeping units

Justification – Amendment for consistency with new definition for Assisted Living facilities.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #21

20.50.400 – Reductions to minimum parking requirements

20.50.400 Reductions to minimum parking requirements.

A. ~~Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:~~

1. ~~On-street parking along the parcel’s street frontage. A high-capacity transit service stop is within one-quarter mile of the development’s property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings.~~

2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. ~~The number of on-site parking stalls requested to be reduced must match the number provided in the agreement.~~ A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City-approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development's property line. The management cost for the RPZ must be paid by the applicant and/or developer property owner on an annual basis.
- ~~5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.~~
- ~~65. A pedestrian public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between minimally at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as walkways and plazas and bike facilities.~~
- ~~76. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.~~
- ~~87. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.~~
- ~~98. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

 - a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
 - b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
 - c. Minimum Size Requirements for Replacement Trees under This Provision this subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.~~
- ~~9. A On-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s) is available and parking spaces are dedicated to that service.~~
- ~~B. A project applying for Parking reductions for under the Deep Green Incentive Program projects are set forth in SMC 20.50.630. may be eligible based on the intended certification. Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:

 - ~~1. Tier 1 — Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;~~
 - ~~2. Tier 2 — Living Building Petal or Emerald Star Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;~~~~

~~3. Tier 3 — LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ILFI and/or Salmon Safe program criteria.~~

~~4. Tier 4 — PHIUS+ or 4-Star: up to five percent reduction in parking required under SMC 20.50.390 for projects meeting the PHIUS or Built Green program criteria.~~

~~C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing. A request for a parking reduction shall be processed as an Interpretation of the Development Code.~~

D. When granting a parking reduction, The Director may impose performance standards and conditions of approval on a project, including a financial guarantee.

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may not be combined with parking reductions identified in subsection A of this section.

F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail stations. ~~These~~ This parking reductions may not be combined with parking reductions identified in subsections A and E of this section.

G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

Justification – Staff recommends updating this section of the Development Code containing the criteria for parking reductions to clarify the requirements and how the different incentives interact. Providing a dedicated car-sharing space is an example of an action that reduces demand for parking spaces:

<https://urbanland.uli.org/development-business/developers-reduce-parking-via-car-sharing/>.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #22

20.50.410 – Parking design standards

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve.

C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.

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

Justification – This amendment clarifies that all parking shall be located outside of required setbacks, not just required parking. This also clarifies that driveways with parking within the setback are allowed, whether it is required or additional onsite parking. This better accommodates ADUs and other small single-family additions and garage conversions by clarifying that required *parking can be located within the driveway that is within a required setback*.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #23

20.80.280(C) – Required Buffer Areas

C. **Standard Required Stream Buffer Widths.** Buffer widths shall reflect the sensitivity of the stream type, the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the stream area. Stream buffers shall be located on both sides of the stream and measured from the ordinary high-water mark (OHWM) or the top of the bank, if the OHWM cannot be determined. Buffers shall be measured with rounded ends where streams enter or exit piped segments.

1. The following buffers are established for streams based upon the Washington State Department of Natural Resources water typing system and further classification based on anadromous or nonanadromous fish presence for the Type F streams:

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft) <u>Required on both sides of the stream</u>
Type S	150
Type F-anadromous	115
Type F-nonanadromous	75

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft) <u>Required on both sides of the stream</u>
Type Np	65
Type Ns	45
Piped Stream Segments	10

Justification –This amendment would add clarity to the regulation that the standard buffer applies to both sides of a stream.

Recommendation – Planning Commission recommends that this amendment be approved.

RESOURCE/FINANCIAL IMPACT

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

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Ordinance No. 907. Staff recommends adoption of Ordinance No. 907 as recommended by the Planning Commission, with the exception of the proposed amendment to clarifying amendment #8, when this ordinance is brought back for potential adoption on November 23, 2020.

ATTACHMENTS

- Attachment A – Proposed Ordinance No. 907
- Attachment A, Exhibit A – Proposed Administrative Amendments
- Attachment A, Exhibit B – Proposed Clarifying Amendments
- Attachment B – October 2, 2020 Memorandum to the City Council from the Shoreline Planning Commission

ORDINANCE NO. 907

**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 AND FOR BETTER
ADMINISTRATION OF THE REGULATIONS.**

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 July 2, 2020 and August 20, 2020, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 1, 2020, 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 the proposed amendments recommended by Planning Staff, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on October 26, 2020 and November 9, 2020, the City Council held study sessions 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 September 3, 2020, and

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

WHEREAS, the City Council concurs with 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, Exhibit B, and Exhibit C 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 NOVEMBER 23, 2020.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk
Date of Publication: , 2020
Effective Date: , 2020

Margaret King
City Attorney

DEVELOPMENT CODE AMENDMENTS BATCH 2020 – Administrative Amendments

20.20 Amendments

Amendment #1

20.20.010 – A definitions

Affordable Housing Housing reserved for occupancy to households whose annual income does not exceed a given percent of the King County median income, adjusted for household size, and has housing expenses no greater than 30 percent of the same percentage of median income. ~~For the purposes of this title, the percent of King County median income that is affordable is specified in SMC 20.40.235~~

20.30 Amendments

Amendment #2

20.30.315 – Site Development Permit

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by the Engineering Development Manual.

20.40 Amendments

Amendment #3
20.40.160 – Station Area Uses

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
Tent City		P-i	P-i	P-i

20.50 Amendments

Amendment #4
20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Min. Lot Area (2) (13) (14)	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) (15)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft 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) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
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.

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	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 (15)	15 ft if located on 185th Street (15)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
	10 ft on nonarterial street 22 ft if located on 145th Street (15)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
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) (16)	35 ft	45 ft	70 ft (11) (12) (13)
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 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.
- (10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

Amendment #5
20.50.080(B) and Figure 20.50.080(B)

B. The side yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except that on irregular lots with more than two side yards, the sum of the two longest side yards must be minimum 15 feet, but none of the remaining side yard setbacks shall be less than five feet. If an irregular lot, such as a triangle lot, which contains only one designated side yard, it shall be a minimum of five feet.

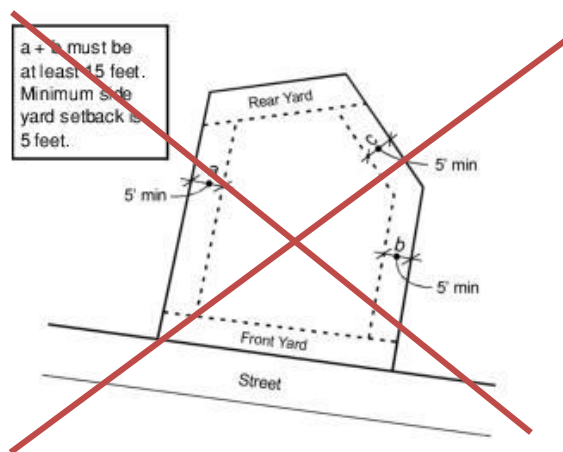


Figure 20.50.080(B): Side yard requirements for irregular lots.

Amendment #6
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 significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.
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.

Amendment #7
20.50.390(D) – Special Nonresidential Standards

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Nursing and personal care facilities:	1 per 4 beds

Amendment #8
20.50.450 - Purpose

The purposes of this subchapter are:

1. To enhance the visual continuity within and between neighborhoods;
2. To establish at least an urban tree canopy through landscaping and street trees;
3. To screen areas of low visual interests and buffer potentially incompatible developments; and
4. **To complement the site and building design with landscaping.**

20.70 Amendments

Amendment #9
20.70.240(F) – Private streets

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met, then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and

- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
 - 1. The street would ultimately serve ~~four~~ five or ~~fewer~~ more single-family detached dwelling units or lots; or
 - ~~2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or~~
 - ~~3.~~ 2. The private street would serve developments where no circulation continuity is necessary.

DEVELOPMENT CODE AMENDMENT BATCH 2020 – Clarifying Amendments

20.20 Amendments

Amendment #1

20.20.010 – A definitions

Assisted Living Facilities Any home or other institution that provides housing, housekeeping services, meals, laundry, activities, and assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 18.20 RCW, chapter 74.39A, RCW, and chapter 388-78A WAC, as amended, to seven or more residents. "Assisted living facility" does not include facilities certified as group training homes under RCW 71A.22.040, nor any home, institution, or section that is otherwise licensed and regulated under state law that provides specifically for the licensing and regulation of that home, institution, or section. "Assisted living facility" also does not include senior independent housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

Amendment #2

20.20.028 – J definitions

Junk Vehicle A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;
- C. Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
- D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Amendment #3

20.20.034 – Manufactured and Mobile homes

Manufactured Home *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”*
~~factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.~~

Amendment #4

20.20.040 – P definitions

Party of Record A. A person who testifies at a hearing;
 B. The applicant;
 C. For Type B and C actions, pPersons submitting written testimony about a matter pending before the decision-making authority; or
 D. The appellant(s) and respondent(s) in an administrative appeal.

Amendment #5

20.20.046 – S definitions

Senior Citizen Assisted Housing ~~Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:~~
 A. ~~Common dining facilities or food preparation service;~~
 B. ~~Group activity areas separate from dining facilities;~~
 C. ~~A vehicle exclusively dedicated to providing transportation services to housing occupants;~~
 D. ~~Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.~~

20.30 Amendments

Amendment #6**20.30.60 – Quasi-judicial decisions – Type C**

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
67. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.502
78. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
§9. Plat Alteration with Public Hearing ⁽⁵⁾	Mail	HE ^{(1), (2)}		120 days	20.30.425

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁵⁾ A plat alteration does not require a neighborhood meeting.

Amendment #7

20.30.315 – Site Development Permit

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by Division 3 the Engineering Development Manual.

Amendment #8

20.30.355(D) – Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.

Each development agreement approved by the City Council for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:

1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council's establishment of a fee in lieu formula. Full units are not eligible for fee in lieu option and must be built on site. ~~constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on site.~~ The fee will be specified in SMC Title 3.

3.01.025 Affordable housing fee in lieu.

2019 Fee Schedule		
A. Rate Table		
Zoning district	Fee per unit if providing 10% of total units as affordable	Fee per unit if providing 20% of total units as affordable
MUR-45	\$206,152	\$158,448
MUR-70	\$206,152	\$158,448
MUR-70 with development agreement	\$253,855	\$206,152

Note: The fee in lieu is calculated by multiplying the fee shown in the table by the fractional mandated unit. For example, a 0.40 fractional unit multiplied by \$206,152 would result in a fee in lieu of \$82,460.80.

Amendment #9

20.30.425 – Alteration of recorded plats.

E. Recording of Alteration. No later than 30 calendar days after approval of the alteration, the applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW and processed for signature in the same manner as set forth for final plats in this chapter. No later than 60 calendar days after the City has signed the altered plat, ~~the applicant shall file, at their sole cost and expense, the revision approved by the alteration to the altered plat with the King County Recorder to become the lawful plat of the property. The Director may approve a 30-day extension of the recording deadline if requested by the applicant for prior to expiration of the approval.~~

20.40 Amendments

Amendment #10 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
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
-	Apartment	-	C	P	P	P	P	P	P
	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				
	Multifamily		C	P	P	P	P-i	P	P
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Adult Family Home	P	P	P	P				
	<u>Assisted Living Facility</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility	C-i	C-i	P-i	P-i				
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Homeless Shelter						P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Amendment #11
20.40.140 – Other Uses

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
P = Permitted Use					S = Special Use				
C = Conditional Use					-i = Indexed Supplemental Criteria				

Amendment #12**20.40.150 – Campus Uses**

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
	<u>Dormitory</u>	<u>P-m</u>	<u>P-m</u>		<u>P-m</u>
6111	Elementary School, Middle/Junior, High School	P-m			

Amendment #13**20.40.320 Daycare facilities.**

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and
2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved conditional use permit. Daycare II facilities are permitted ~~or~~ as a reuse of an existing house of worship or school facility without expansion in the R-4 and R-6 zones, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development.

20.50 Amendments

Amendment #14**Exceptions to Table 20.50.020(3) – Transition Areas****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.

Amendment #15

20.50.040(F) Setbacks – Designation and measurement

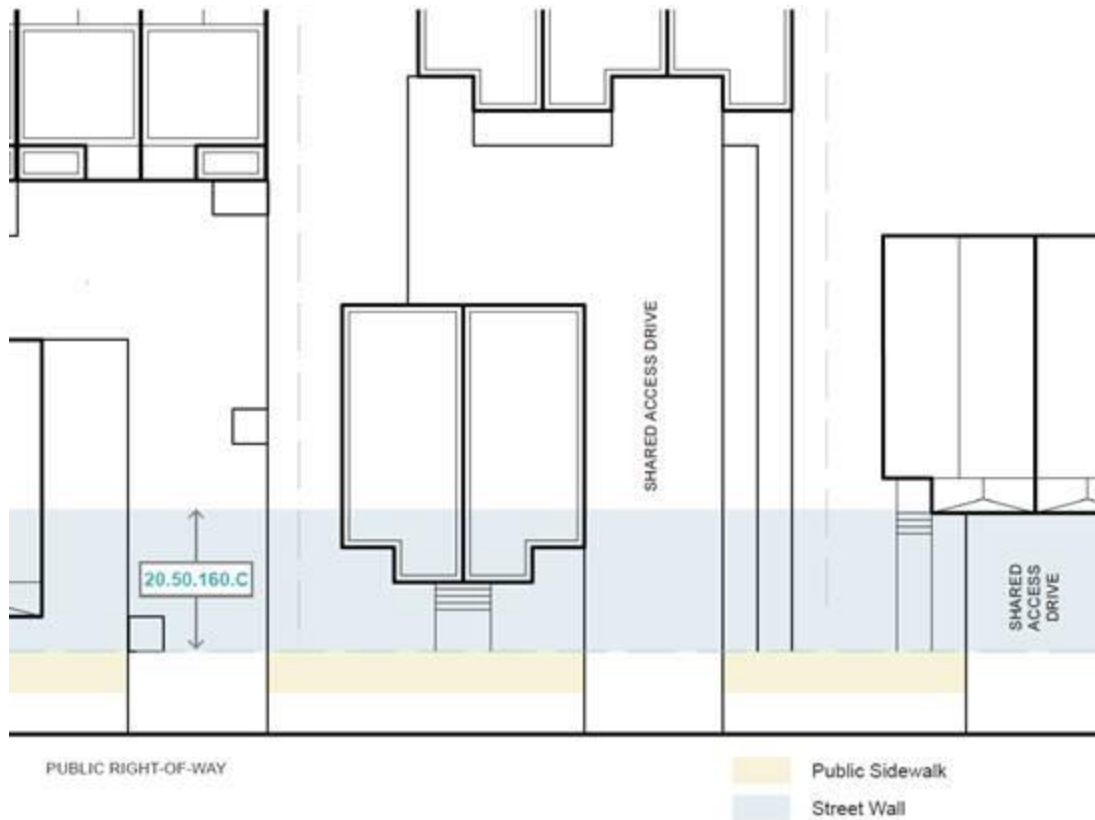
F. Allowance for Optional Aggregate Setback. For lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as critical areas, an existing cluster of significant trees, or other unique natural or historic features that should be preserved without disturbance, the City may reduce the individual required setbacks; however, the total of setbacks shall be no less than the sum of the minimum front yard, rear yard, and side yards setbacks. In order to exercise this option, the City must determine that a public benefit is gained by relaxing any setback standard. The following criteria shall apply:

1. No rear or side yard setback shall be less than five feet.
 2. The front yard setback adjacent to the street shall be no less than 15 feet in R-4 and R-6 ~~and 10 feet in all other zones.~~ (See Exception 20.50.070(1).)
-

Amendment #16

20.50.160(C) – Site Configuration

C. **Site Configuration.** At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line, with the front façade of the unit(s) oriented towards the public right-of-way, to create a “street wall” which enhances the streetscape and overall pedestrian experience.



Amendment #17
20.50.240(E) – Internal site walkways

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent public sidewalks and the Interurban Trail, where adjacent, (except in the MUR-35' zone).

- a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicle traffic or raised six inches and be at least eight feet wide. Separated from motor vehicle traffic means (1) there is at least three (3) linear feet of landscaping between the closest edge of the vehicular circulation area and closest edge of the pedestrian access or (2) separation by a building;

Amendment #18
20.50.370 – Tree protection standards

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.

B. Tree dripline areas or critical root zones (tree protection zone) as defined by the International Society of Arboriculture shall be protected. No development, fill, excavation, construction materials, ~~or~~equipment staging, or traffic shall be allowed in the dripline areas of trees that are to be retained.

C. Prior to any land disturbance, temporary construction fences must be placed around the ~~dripline of trees~~ tree protection zone to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.

D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. “Tree Protection Area” signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

E. Where tree protection ~~areas~~zones are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Leave Area – Keep Out” signs.

F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.

G. Retain small trees, bushes, and understory plants within the tree protection zone, unless the plant is identified as a regulated noxious weed, a non-regulated noxious weed, or a weed of concern by the King County Noxious Weed Control Board ~~to the maximum extent practicable.~~

Amendment #19

20.50.390(A) – General residential parking standards

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Single-Family detached/townhouse:	2.0 per dwelling unit. 4.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.
Single-Family attached:	<u>2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones.</u>

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
<u>Multifamily Dwelling</u> Apartment:	Ten percent of required spaces in multifamily and residential portions of mixed use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided. ⁴
Studio units:	0.75 per dwelling unit
One-bedroom units:	0.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

⁴~~Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.~~

~~If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.~~

Amendment #20
20.50.390(B) – Special residential parking standards

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential care facilities:	1 per 3 patients, plus 1 per FTE employee on duty

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen <u>Assisted living facilities:</u>	1 per 3 dwelling or sleeping units

Amendment #21

20.50.400 – Reductions to minimum parking requirements

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:

1. ~~On-street parking along the parcel's street frontage.~~ A high-capacity transit service stop is within one-quarter mile of the development's property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings.

2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. ~~The number of on-site parking stalls requested to be reduced must match the number provided in the agreement.~~ A record on title with King County is required.

3. Parking management plan according to criteria established by the Director.

4. A City-approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the ~~subject~~ development's property line. The management cost for the RPZ must be paid by the applicant and/or developer property owner on an annual basis.

~~5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.~~

~~65.~~ A ~~pedestrian~~ public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between minimally at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as walkways and plazas and bike facilities.

~~76.~~ City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.

~~87.~~ Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.

98. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

- a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
- b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
- c. Minimum Size Requirements for Replacement Trees under This Provision this subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.

9. AOn-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s) is available and parking spaces are dedicated to that service.

~~B. A project applying for Pparking reductions for under the Deep Green Incentive Program projects are set forth in SMC 20.50.630. may be eligible based on the intended certification. Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:~~

~~1. Tier 1 — Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;~~

~~2. Tier 2 — Living Building Petal or Emerald Star Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;~~

~~3. Tier 3 — LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ILFI and/or Salmon Safe program criteria.~~

~~4. Tier 4 — PHIUS+ or 4-Star: up to five percent reduction in parking required under SMC 20.50.390 for projects meeting the PHIUS or Built Green program criteria.~~

~~C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing. A request for a parking reduction shall be processed as an Interpretation of the Development Code.~~

~~D. When granting a parking reduction, tThe Director may impose performance standards and conditions of approval on a project, including a financial guarantee.~~

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may not be combined with parking reductions identified in subsection A of this section.

- F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail stations. ~~These~~This parking reductions may not be combined with parking reductions identified in subsections A and E of this section.
- G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

Amendment #22

20.50.410 – Parking design standards

- A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.
- B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve.
- C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.
- I. ~~Required p~~Required parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

20.80 Amendments

Amendment #23

20.80.280(C) – Required Buffer Areas

- C. **Standard Required Stream Buffer Widths.** Buffer widths shall reflect the sensitivity of the stream type, the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the stream area. Stream buffers shall be located on both sides of the stream and measured from the ordinary high-water mark (OHWM) or the top of the bank, if the OHWM cannot be determined. Buffers shall be measured with rounded ends where streams enter or exit piped segments.

1. The following buffers are established for streams based upon the Washington State Department of Natural Resources water typing system and further classification based on anadromous or nonanadromous fish presence for the Type F streams:

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft) <u>Required on both sides of the stream</u>
Type S	150
Type F-anadromous	115
Type F-nonanadromous	75
Type Np	65
Type Ns	45
Piped Stream Segments	10



TO: Honorable Members of the Shoreline City Council

FROM: Jack Malek, Vice Chair
Shoreline Planning Commission

DATE: October 2, 2020

RE: 2020 Development Code “Batch” Amendments

The Shoreline Planning Commission has completed its review of the proposed “Batch” amendments to the City’s development regulations set forth in SMC Title 20. The Planning Commission held two (2) study sessions on the proposed amendments and a public hearing on October 1, 2020.

The proposed amendments include administrative housekeeping modifications, clarifications to existing regulations, and policy amendments that have the potential to substantially change development patterns throughout the City. For ease of analysis, Planning Staff divided these proposed amendments into three separate exhibits. Amendments that raised some questions and concerns for the Planning Commission, which have been addressed in the recommendation, included the addition of a provision to assist in the resolution of code enforcement actions by prohibiting permit application when there is an outstanding code violation on the property; establishing emergency temporary shelters as a temporary use; setting a maximum hardscape for school properties; and addressing tree replacement standards when non-significant trees were to be retained but subsequently removed.

In consideration of the Planning Staff’s recommendations and written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed amendments, as recommended by the Planning Staff and amended by the Planning Commission, as set forth in the attachments to this recommendation.