

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 425 moving the criteria for a temporary use permit from the index of supplemental use criteria to the review and decision criteria
DEPARTMENT: Planning & Development Services
PRESENTED BY: Kim Lehmberg, Planner II

PROBLEM/ISSUE STATEMENT:

On January 9, 2006, the Council passed Ordinance 406, amending sections of the Development Code. Within the proposed amendments was a technical amendment that was inadvertently left out of the ordinance. This amendment moves the criteria for a temporary use permit (TUP) from the index of supplemental use criteria (section 20.40.540) to the review and decision criteria (section 20.30.295). No changes have been made to the criteria. SMC 20.40.110 is also amended to reflect this change.

This amendment was discussed in the January 9, 2006 staff report to Council and also the October 20, 2005 staff report to the Planning Commission for the public hearing (see excerpts from the reports, Attachments A and B).

FINANCIAL IMPACT:

None

RECOMMENDATION

Staff recommends adoption of Ordinance No. 425 moving the criteria for a temporary use permit from the index of supplemental use criteria to the review and decision criteria.

Approved By: City Manager  City Attorney 

Attachment A: Excerpt, Council Staff Report dated January 9, 2006

Attachment B: Excerpt, Planning Commission Staff Report dated October 20, 2005

Attachment C: Proposed Ordinance No. 425

ATTACHMENT A –
EXCERPT FROM JANUARY 9, 2006 STAFF REPORT TO CITY COUNCIL

Amendment #13: 20.30.290 This proposed amendment was initiated by City staff and is necessary for consistency with the current adopted building codes. Currently, this section of the Development Code cites the "Uniform Fire Code", and needs to be corrected to properly cite the "International Fire Code" that has been adopted by the City. Planning Commission and staff recommend approval of this technical change.

Amendment #14: 20.30.100 This proposed amendment was initiated by City staff and is necessary to address a lack of expiration timelines for clearing and grading permit applications. Upon adoption of the International Building Code (IBC) the City lost requirements that were in place under the Uniform Building Code (UBC) for clearing and grading/site development permit application expiration. This proposed change would add clearing and grading permit application expiration regulations that are consistent with building permit application regulations.

Amendment #15: 20.40.240 This proposed amendment was initiated by City staff and is meant to change the description of cage sizes from square feet to cubic feet, and to make other minor technical corrections in the Code. Currently, the Development Code regulates cage/aviary sizes for birds in square feet. Aviary sizes should be regulated in cubic feet so as to provide for the best living environment for birds. The other changes are necessary to add clarity and consistency to the Development Code.

Amendment #16: 20.30.295 & 20.40.110 This proposed amendment was initiated by City staff. A temporary use permit was not listed in the use tables but was found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Planning Commission and staff recommend approval of this technical change.

Amendment #17: 20.30.140 This proposed amendment was initiated by City staff and is intended to clarify the content of this section, as this section regulates the internal processing of permit applications, not the expiration of application or permit. Planning Commission and staff recommend approval of this technical change.

Amendment #18 20.50.360 This proposed amendment was initiated by City staff. This proposed change amends the performance assurance section of the Code to specifically address both the performance bonds and maintenance bonds in different subsections. The intent of this change is to make it easier for the reader to identify the specific requirements of a performance guarantee from those of a maintenance agreement. Planning Commission and staff recommend approval.

Amendment #19: 20.30.165 This proposed amendment was initiated by City staff. Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. This amendment adds a section to regulate the expiration of clearing and grading and site development permits. Planning Commission and staff recommend approval.

Amendment #20: 20.30.430 This proposed amendment was initiated by City staff and is intended to clarify that section 20.30.430 governs the submittal and approval of site development permits for required subdivision improvements. This amendment also adds a reference to proposed section 20.30.165 to properly identify site development permit expiration limitations. Planning Commission and staff recommend approval.

Amendment #21: 20.30.80-180 This proposal intends to improve the neighborhood meeting process to better notify and inform interested persons about potential projects. Staff proposes to require the future applicant to provide more information in the meeting notice such as the

**ATTACHMENT B –
EXCERPT FROM OCTOBER 20, 2005 STAFF REPORT TO PLANNING COMMISSION**

sizes for birds in square feet. Aviary sizes should be regulated in cubic feet so as to provide for the best living environment for birds. The other changes are necessary to add clarity and consistency to the Development Code.

Amendment #D-16: 20.30.295 & 20.40.110 This proposed amendment was initiated by City staff. A temporary use permit was not listed in the use tables but was found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user.

Amendment #D-17: 20.30.140 This proposed amendment was initiated by City staff and is intended to clarify the content of this section, as this section regulates the internal processing of permit applications, not the expiration of application or permit.

Amendment #D-18 20.50.360 This proposed amendment was initiated by City staff. This proposed change amends the performance assurance section of the Code to specifically address both the performance bonds and maintenance bonds in different subsections. The intent of this change is to make it easier for the reader to identify the specific requirements of a performance guarantee from those of a maintenance agreement.

Amendment #D-19: 20.30.165 This proposed amendment was initiated by City staff. Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. This amendment adds a section to regulate the expiration of clearing and grading and site development permits.

Amendment #D-20: 20.30.430 This proposed amendment was initiated by City staff and is intended to clarify that section 20.30.430 governs the submittal and approval of site development permits for required subdivision improvements. This amendment also adds a reference to proposed section 20.30.265 to properly identify site development permit expiration limitations.

Amendment #D-21: 20.30.80-180 This proposal was initiated by a Planning Commissioner. No specific language was submitted, however based on the basic idea that improvements should be made to the neighborhood meeting process to better notify and inform interested persons about potential projects, staff proposed a few changes. Staff proposes to require the future applicant to provide more information in the meeting notice such as the description of the project, zoning of the property, site and vicinity maps and identification of the land use decision under consideration. Staff is also proposing to require the future applicant to cover basic information such as an introduction of the meeting organizer, description of the project proposal, list of anticipated permits the project may require, a description of how comments made at the meeting are used, and provide meeting attendees with the City's contact information should questions arise regarding future permitting of this project. This is proposed to address comments received by staff that the level of information provided at these meetings varies depending on the meeting organizer. Staff also proposes that the meeting summary submitted as part of the permit application be mailed out to meeting attendees (those persons that have signed up with a legible name and address) by staff. The purpose of this step would be to give meeting attendees the opportunity to correct or supplement the neighborhood meeting summaries. We have received a few comments that the summaries are not accurately reflecting the comments made at the meeting.

ORDINANCE NO. 425

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, MOVING THE TEMPORARY USE PERMIT CRITERIA FROM THE INDEX OF SUPPLEMENTAL USE CRITERIA TO THE REVIEW AND DECISION CRITERIA OF THE SHORELINE MUNICIPAL CODE

WHEREAS, the City Council passed Ordinance 406 amending sections of the Development Code on January 9, 2006;

WHEREAS, one of the technical amendments to the Development Code, moving the criteria for a temporary use permit from the index of supplemental use criteria to the review and decision criteria, was inadvertently omitted from Ordinance 406;

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

Section 1. Repeal; Amendment. Shoreline Municipal Code section 20.40.540, *Temporary use*, is hereby repealed, and a new section, 20.30.295, *Temporary Use*, is hereby adopted to read as follows:

20.30.295 Temporary use.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use; and
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use; and
3. Adequate parking is provided for the temporary use, and if applicable the temporary use does not create a parking shortage for the existing uses on the site; and
4. Hours of operation of the temporary use are specified; and
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.

C. A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year.

Section 2. Amendment. Shoreline Municipal Code section 20.40.110 is hereby amended to read as follows:

20.40.110 Use tables.

A. The land use tables in this subchapter determine whether a specific use is allowed in a zone. The zone designation is located on the top of each column and the specific use is located on the horizontal rows.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that zone.

C. If the letter “P” appears in the box at the intersection of the column and the row, the use is **permitted** in that zone.

D. If the letter “C” appears in the box at the intersection of the column and row, the use is allowed subject to a **conditional use** permit.

E. If the letter “S” appears in the box at the intersection of the column and the row, the use is allowed subject to a **special use** permit.

F. If an “-i” appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above (P, C or S), the requirements of this Code, and the specific conditions indicated in the **Index** of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610) for that type of use.

G. For the purposes of this Code, in most instances only broad use classifications, that share similar characteristics are listed in the use tables. Where separate regulations or permit process are necessary, uses are classified further. Some uses are identified with a detailed description provided in a referenced North American Industrial Classification System (NAICS) number. (This system classifies land uses by categories and provides sub-classification for more detailed associated uses.) In case of a question as to the inclusion or exclusion of a particular proposed use, which is not identified in these tables, the use shall not be permitted unless allowed through a Code interpretation applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610). Temporary uses are allowed under criteria listed in SMC 20.30.295, ~~in the Index~~.

H. The Director is authorized to make reasonable accommodations to provisions of the Code that apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments, when such reasonable accommodations may be necessary in order to comply with such acts. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site.

Section 3. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

Approved by the City Council this _____ day of May, 2006.

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: May ___, 2006
Effective Date: May ___, 2006