

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

AGENDA TITLE:	Ordinance #439 Proposed Amendments to the Development Code
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Joe Tovar, Director Steven Szafran, Planner II

PROBLEM/ISSUE STATEMENT:

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 and subject to the goals and requirements of the Growth Management act (RCW 36.70A). The Planning Commission is the review authority for legislative decisions and is responsible for making a recommendation to the City Council on each amendment.

The Planning Commission conducted a workshop on July 6th, 2006. CTED was notified of the proposed changes on June 8th, 2006. A SEPA Determination of Non-significance was issued July 13th, 2006, and no appeals were filed. A Public Hearing was held August 3rd, 2006, wherein the Planning Commission formulated a recommendation on each of the amendments for Council review. Ordinance 439 (Attachment A) will enact the Planning Commission recommended amendments. The Planning Commission Minutes (Attachment B) contains a summary of the amendment proposals.

The proposed amendments are to the following chapters of the Development Code: 20.20, 20.30, 20.50, and 20.70. Recommended changes include, but are not limited to, the following: Clarifying the definition of a Site Development Permit; adding language to the procedural requirements of a preapplication meeting; a new section pertaining to the purpose, general requirements and review criteria for a site development permit; deleting condominiums from the binding site plan section of the development code; altering requirements for maximum building coverage and impervious surfaces for zero lot line developments; modifying setback requirements for driveways; clarifying and reordering section 20.70.010 (Engineering Regulations) and; allowing private streets to be located within an easement.

FINANCIAL IMPACT:

Staff does not anticipate that any of the amendments recommended for approval would have a financial impact on the City.

RECOMMENDATION

Planning Commission and staff recommend approval of Ordinance 439, amending the Shoreline Development Code.

In the event that the Council wishes to modify provisions of the recommended amendments, or to add additional provisions to the cited code sections, the public participation requirements of the GMA would require that such changes be supported by the record below and notice already given. The staff will be able to assist in determining if those facts exist. If such were not the case, and the Council wished to consider such changes, it would be necessary to refer those matters to a future list of Development Code Amendments.

Approved By: City Manager  City Attorney ____

INTRODUCTION

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

During this Development Code review cycle, only the City Staff have made requests to amend the Development Code.

BACKGROUND

Throughout the first part of 2006, staff collected and organized a large group of amendments. Staff organized the proposed amendments based on urgency and importance. The items most in need of revision mostly come from the Engineering and Utilities portion of the Development Code. At the July 6th, 2006 meeting, the Planning Commission first looked at the list of Development Code Amendment and had the opportunity to ask questions. A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published July 13th, 2006. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held August 3rd, 2006. There was no public comment, nor were there any citizens in attendance.

The list of amendments was discussed and a recommendation on whether or not to approve the proposed amendment was made. The following analysis contains the issues and Planning Commission and recommendation for each proposed amendment.

ALTERNATIVES ANALYSIS - AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis. Note that the proposals that are classified as technical amendments serve only to clarify code language or to properly reference code, they do not change the meaning or intent of the ordinance.

Amendment #1: 20.20.046 (Site Development Permit Definition). This amendment clarifies when a Site Development Permit is needed. City Staff has added the word "redevelop" to clarify that a Site Development Permit may be needed when an applicant redevelops a site.

Amendment #2: 20.30.080 (Preapplication Meeting). This amendment adds language referring to the procedural requirements for a preapplication meeting. The reason for the added language is to inform an applicant that additional permits may be needed and the

time and procedure for obtaining those permits. In the past applicants have discovered mid-process that additional approvals were necessary and their timelines could not be met.

Amendment #3: 20.30.315 (New Code Section). This is a new code section explaining the purpose, general requirements and review criteria of a Site Development Permit. The Site Development Permit process has not been well defined as to its applicability. Section 20.30.295 explains the purpose of a SDP, when a SDP is required and the review criteria for a SDP.

Amendment #4: 20.30.480 (Binding Site Plans). This amendment deletes the condominium section from the binding site plan requirements. Binding Site Plans are a division of land for commercial and industrial lands and should only apply to commercial and industrial divisions of land. A condominium is not a division of land, it is a form of ownership, and should not be considered as such.

Amendment #5: 20.50.020(1) (Densities and Dimensions in Residential Zones). The purpose of this Development Code Amendment is to modify building coverage and impervious area for zero lot line developments. Maximum building coverage and maximum impervious area requirements will still apply over the entire site, not on individual zero lot line lots. The Development Code currently allows modified standards for lot width, lot area, and front, side and rear yard setbacks. By allowing modified standards for maximum building coverage and impervious surfaces, more flexibility is given to applicants while the impact of overall impacts is not increased.

Amendment #6: 20.50.040 (Setbacks). The amendment deletes the requirement for residential driveways having to comply with setback standard. Residential driveways will be allowed to go up to the property line with no setbacks required. When a property owner wants to subdivide an existing parcel, many times they do not have the room to place a new driveway and still meet the required side yard setback requirement. This amendment will allow the property to have more flexibility to subdivide an existing parcel while helping meet the City's growth targets.

Amendment #7: 20.70.010 (Easements and Tracts). The amendment revises and clarifies language regarding easements and tracts. No content has been added to this section; however, the amendment reorders and clarifies the section making it easier to follow and understand.

Amendment #8: 20.70.160 (A) (1). This amendment is the result of a situation that arose during a short plat application. Under SMC 20.70.160 private streets are allowed, subject to City approval, when specified conditions are present. One of those conditions is the street to be located within a tract. Since the acreage within a tract is subtracted from the buildable lot area, the current process can result in a reduction in the number of lots permitted on a site. The City can improve customer service and code administration by simplifying and clarifying the process for determining density and how many lots can be realized on a piece of property.

DECISION CRITERIA

According to Section 20.50.350 of the Shoreline Municipal Code (SMC), an amendment to the development code may be approved if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and;
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff has concluded that the proposed amendments do not conflict with any of the decision criteria.

OPTIONS

1. Approve Ordinance 439 as recommended by Planning Commission.
2. Modify Ordinance 439
3. Deny Ordinance 439

RECOMMENDATION

Planning Commission and staff recommend approval of Ordinance 439, amending the Shoreline Development Code.

ATTACHMENTS

- Attachment A: Ordinance 439, containing proposed amendment language in legislative format as Exhibit 1.
- Attachment B: Draft Planning Commission Minutes from August 3, 2006

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING CLARIFYING THE DEFINITION OF A SITE DEVELOPMENT PERMIT; ADDING LANGUAGE TO THE PROCEDURAL REQUIREMENTS OF A PREAPPLICATION MEETING; A NEW SECTION PERTAINING TO THE PURPOSE, GENERAL REQUIREMENTS AND REVIEW CRITERIA FOR A SITE DEVELOPMENT PERMIT; DELETING CONDOMINIUMS FROM THE BINDING SITE PLAN SECTION OF THE DEVELOPMENT CODE; ALTERING REQUIREMENTS FOR MAXIMUM BUILDING COVERAGE AND IMPERVIOUS SURFACES FOR ZERO LOT LINE DEVELOPMENTS; MODIFYING SETBACK REQUIREMENTS FOR DRIVEWAYS; CLARIFYING AND REORDERING SECTION 20.70.010 (ENGINEERING REGULATIONS); AND ALLOWING PRIVATE STREETS TO BE LOCATED WITHIN AN EASEMENT.

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

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

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held workshops and a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from July 13th, 2006 to July 27th, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on August 3rd, 2006.

WHEREAS, a SEPA Determination of Nonsignificance was issued on July 27th, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

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

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

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

Section 1. Amendment. Shoreline Municipal Code Chapters 20.20, 20.30, 20.50, and 20.70 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

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

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON October 23rd, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

20.20.046 S definition

Site Development Permit

A permit, issued by the City, to develop, redevelop or partially develop a site exclusive of any required building or land use permit. A site development permit may include one or more of the following activities: paving, grading, clearing, tree removal, on-site utility installation, stormwater facilities, walkways, striping, wheelstops or curbing for parking and circulation, landscaping, or restoration.

20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project located within a critical area or its buffer.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas checklist. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application. (Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

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 Development Services:

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.

C. Review Criteria. A site development permit that complies with all applicable development regulations and requirements for construction shall be approved.

20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. The site that is subject to the binding site plan shall consist of one or more contiguous lots legally created.
2. The site that is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial development permit application for undeveloped land; or in conjunction with a valid commercial development permit.
3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

B. Condominium. ~~This process may be used to divide land by the owner of any legal lot to be developed for condominiums pursuant to State law. A binding site plan for a condominium project shall be based on a building permit issued for the entire project.~~

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

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

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 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
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (2), (6)	35%	35%	45%	55%	60%	70%	70%
Max. Impervious Surface (2), (6)	45%	50%	65%	75%	85%	85%	90%

Exceptions to Table 20.50.020(1):

- (1) *In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base density may be increased for cottage housing in R-6 (low density) zone subject to approval of a conditional use permit.*
- (2) *These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and impervious surface limitations; limitations for individual lots may be modified.*

20.50.040 Setbacks – Designation and measurement.

I. Projections into Setback.

[1-9 unchanged]

~~10. Driveways for single-detached dwellings may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).~~

20.50.420 Vehicle access and circulation – Standards.

A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.

~~B. Access for single-family detached, single-family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~

G. B. Driveways for single-detached dwellings, single-family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.

~~D.~~ C. Driveways for non-single-family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.

~~E.~~ D. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.

~~F.~~ E. No dead-end alley may provide access to more than eight required off-street parking spaces.

G. F. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

~~H.G.~~ A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

~~H.~~ Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

~~J.I~~ Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

20.70.010 Purpose.

The purpose of this chapter is to establish requirements for engineering regulations and standards to implement the Comprehensive Plan. ~~This chapter will ensure that public facilities and services necessary to support development are provided in a timely manner consistent with the goals of the Washington State Growth Management Act of 1990 and provide a general framework for relating development standards and other requirements of this Code to:~~

- A. Adopted service level standards for public facilities and services,
- B. Procedural requirements for phasing development projects to ensure that services are provided as development occurs, and
- C. The reviews of development permit applications.

The requirements of this chapter shall apply to all development in the City processed under the provisions of the Shoreline Development Code. No permit shall be issued nor approval granted without compliance with this chapter. (Ord. 238 Ch. VII § 1(A), 2000).

20.70.020 Engineering Development Guide.

The Department shall prepare an "Engineering Development Guide" to include construction specifications, standardized details, and design standards referred to in this chapter. The Engineering Development Guide and any amendments shall be made available to the public. The specifications shall include, but are not limited to, the following:

- A. Street widths, curve radii, alignments, street layout, street grades;
- B. Intersection design, sight distance and clearance, driveway location;
- C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;
- D. Streetscape specifications (trees, landscaping, benches, other amenities);
- E. Surface water and stormwater specifications;

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

G. Other improvements within rights-of-way. (Ord. 238 Ch. VII § 1(B), 2000).

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to apply the which the provisions of the engineering this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy. ~~as follows: The provisions of the engineering chapter shall apply to:~~

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction; ~~and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;~~

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

32. Subdivisions;

43. Single-family, new constructions, additions and remodels.

Exception 20.70.030(C)(3)(1):

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter. ~~at the request of the applicant, if approved by the Director.~~
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities. ~~at the request of the applicant, if approved by the Director.~~

Exception 20.70.030(1): Exemptions to some or all of these requirements may be allowed if:

E. Exemptions to some or all of these requirements may be allowed if:

- 1a. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall still be required.
- 2b. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, providedand:
 - ai. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;
 - bii. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. ~~The Director shall give~~Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

civ. Adequate drainage control is maintained:

diii. At least one of the following conditions exists. The required improvements:

i.(A) Would not be of sufficient length for reasonable use;

ii.(B) Would conflict with existing public facilities or a planned public capital project; or

iii.(C) Would negatively impact critical areas. and

~~iv. Adequate drainage control is maintained.~~

ev. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment in-lieu-of construction shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

20.70.160 Private streets.

A. Local access streets may be private, subject to the approval of the City. Private streets will be allowed when all of the following conditions are present:

1. The private street is located within a tract or easement;
2. 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 the County; and
3. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
4. The private street would not hinder public street circulation; and
5. At least one of the following conditions exists:
 - a. The street would ultimately serve four or fewer single-family lots; or
 - b. A Director's Decision is required for approval and must demonstrate that the private street would ultimately serve more than four lots, and the Director determines that no other access is available. In addition, the proposed private street would be adequate for transportation and fire access needs (to be reviewed by the Fire Department and Traffic Engineer), and the private street would be compatible with the surrounding neighborhood character; or
 - c. The private street would serve developments where no circulation continuity is necessary. (Ord. 238 Ch. VII § 3(D), 2000).
6. If the conditions for approval of a private street can not be meet or is otherwise denied by the Director, then a public street will be required.

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