

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Steven Szafran, AICP

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**Introduction**

The purpose of this study session is to:

- Briefly review the proposed Development Code Amendments
- Respond to questions regarding the proposed amendments
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop a recommended set of Development Code Amendments for the public hearing

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 legislative decisions and is responsible for holding an open record Public Hearing on the docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

**Background**

Amendments to the Development Code are used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, State of Washington rules and regulations, or to respond to changing conditions or needs of the City. This group of development code amendments includes five components:

- Critical Areas - Modify Chapter 20.80 regarding certain aspects of the City's critical areas ordinance, including:
  1. Landslide hazard area and steep slope classifications;
  2. When critical areas reports are required;
  3. Exemptions from critical area regulations
- Code Enforcement - Modify Chapter 20.30 including:

Approved By:

Project Manager 

Planning Director 

1. Allowing P&CD to partially waive penalties in conjunction with code enforcement actions (Note: Code already allows City to fully waive penalties).
- Home Occupations - Modify Chapter 20.30 and 20.40 regarding home occupations, including;
    1. Delete home occupation as an administrative permit type;
    2. Add additional conditions such as activities prohibited, sales by appointment, and adding advertizing sign standards.
  - Development - Modify miscellaneous development regulations in Chapters 20.20, 20.20.40, and 20.70, including;
    1. Definition of a multi-family dwelling;
    2. Attached accessory dwelling units;
    3. Wireless telecommunication facilities;
    4. Building addresses; and
    5. Frontage improvements
  - Procedure - General administrative changes throughout the development code, including;
    1. Submittal documents required at permit submittal;
    2. Master development plan standards;
    3. Changing the title "Engineering Guide" to "Engineering Development Manual" throughout the development code; and
    4. Deleting Group Homes from the indexed criteria and adding Group Homes to the use table.

Proposed amendments can be found in **Attachment A**.

## Discussion

### ❖ Critical Areas

The amendments proposed to Chapter 20.80 are a result of conflicting rules located in the definition section and descriptions in the critical areas chapter. In addition, staff is revising classification for slopes and places greater emphasis on geotech reports for determining exemptions and required buffers. These proposed amendments will aid in greater clarity and ease of use by the reader.

20.20.018, 20.20.032, and 20.20.046 - The definitions for Erosion Hazard Areas, Landslide Hazard Areas, and Steep Slope Hazard areas have been moved from 20.20 (Definitions) to 20.80(Critical Areas). These sections were moved because regulations should not be located within a definition and it is logical for geological hazard area definitions to be located within the geological hazard area regulations section of the critical area chapter since this is the only chapter that relies upon these definitions.

20.80.030 Exemptions – This section refers to when a development is exempt from critical area regulations. Section F exempts all slopes with a vertical change of up to 10 feet based on a report from a qualified geologist or geotechnical engineer. Section G exempts all activities on steep slopes created through prior permitted activity, regardless of height, based on a geotechnical report from a qualified geologist or geotechnical engineer.

20.80.110 Critical areas reports required – The intent of this amendment is to ensure that the critical area reports prepared adequately address the requirements of the Code and provide complete recommendations regarding the applicant's proposal. The proposed amendment basically recodifies the process the City used prior to 2006.

The current process instituted the creation of a Qualified Professional program. Arborists, Geotechnical Engineers, Engineering Geologists, Wetland and Stream scientist submit applications to be placed on the City's Qualified Professional list. (Note: P&CD does not have the authority to remove professionals from the list for example if their critical area reports are routinely incomplete). Applicants could then choose a Qualified Professional from the City's list to prepare critical area reports as required for permit applications involving critical areas and buffers.

Since the qualified professional is employed by the applicant, the scope of the work is controlled by the applicant. The applicant is the qualified professional's customer. Staff has found it difficult to get complete and accurate critical area reports using this process. In some cases applicants do not grant staff direct access to discuss the findings and recommendations within a critical area report with the qualified professional that prepared the report. Staff routinely has to ask applicants to have their qualified professionals revise critical area reports to adequately respond to code requirements. Finally, in some cases staff has to charge the applicant for a third party review (review of the report by a peer) of the critical area report submitted.

Under the proposed amendment, the City would develop a scope of work with one of the qualified consultants under contract with the City on behalf of an applicant that is required to submit a critical areas report. The qualified consultant would prepare an estimate to complete this scope of work. The applicant would be presented with the estimate. Should the applicant wish to proceed with the application, they would pay the estimated cost of the critical area report as part of the permit application fee. The City would pay the qualified professional using these fees when the critical area report is completed. This alleviates the need to ask for additional information from the applicant to supplement deficient reports and the need to have 3<sup>rd</sup> party reviews. This equates to savings for the applicant and more accurate information upon which the City can make decisions regarding permits in critical areas.

20.80.220 Classification – Section B is completely new language that defines what a landslide hazard area is. This section is still being studied by staff. Staff will have proposed language by the time of the Planning Commission study session.

20.80.230 Required buffer areas – Sections B and C are being modified to allow a 15-foot minimum buffer for moderate and high landslide hazard areas based on a report from a qualified geotechnical professional. Previously, the City allowed this provision to apply to very high landslide hazard areas. Staff is still studying the language in this section. Staff will present proposed language by Planning Commission's study session.

❖ **Code Enforcement**

20.30.770 Enforcement provisions – Current regulations allow the Director to waive civil penalties stemming from code enforcement actions. This amendment will allow a partial waiver of civil penalties in addition to the ability to completely waive penalties after code compliance has been achieved.

❖ **Home Occupations**

20.30.040 – Summary of Type A actions – Now that the City has a business license program, the City has the means of tracking home occupations without requiring a separate permit. The review from P&CD has become redundant to the business license process.

20.40.400 Home Occupation – This amendment will prohibit on-site metal and scrap recycling and allow on-site sales by appointment only. Since the code already allows on-site services by appointment, there will be no additional impacts if the code allows sales by appointment also. Section J will allow a small sign for a home based business without a permit.

❖ **Administrative Changes**

These changes are administrative in nature and do not change development regulations.

20.30.100 Application – Previously, the City did not specify what constituted a complete development application. This code amendment will specify necessary submittal materials through an Administrative Order prepared yearly by the Department Director.

20.30.353 Master Development Plan – This proposed amendment will fix confusing language in the code. The use of the word “existing” is confusing. The current language seems to indicate that existing uses may develop or redevelop without a master plan permit in place. A master plan permit is required if the uses exist or not.

20.40.390 and 20.40.120 Group Homes – The City repealed the definition of Community Residential Facilities I and II in 2002, and the group home definition

just references Community Residential Facilities. Group homes were never listed as a use in the residential use table. This amendment will add group homes to the table.

20.40.495, 20.50.260, 20.50.330, 20.50.420, 20.70, 20.70.020 – The Engineering Development Guide is now called the Engineering Development Manual. This amendment will change the term in the above sections of the code.

#### ❖ **Miscellaneous Development Regulations**

The following proposed amendments cover various topics will make administering the code clearer, more predictable and equitable for the residents of Shoreline.

20.20.016 Dwelling, Multifamily – This amendment is based on an Administrative Order that defines two or more duplexes (or four units or more) on a single lot as multifamily development. The intent of the multifamily development standards is to provide amenities that benefit a larger number of people-specifically common open space and tot lots. Requiring common open spaces on small projects like duplexes would limit full development potential when the duplexes often offer private open space such as patios and decks.

The Administrative Order defining multifamily dwelling is in **Attachment C**.

20.40.210 Accessory dwelling units – Currently a resident in Shoreline is allowed an attached or detached ADU that is no more than 50% of the living area of the primary dwelling unit. This amendment will allow an attached ADU to be more than 50% of the primary living space. Many of the ADU permits the City reviews are for split level homes where one level is converted to an ADU. In most of the examples, the levels are approximately the same size. In the case of attached ADU's, impacts are not increased and the homeowner benefits from not making costly modifications.

An unintended consequence may be a property owner who builds an addition for an ADU that takes full advantage of the maximum 35% building coverage and 50% hardscape requirements. For example, a property owner with a 7,200 square foot lot and a 1,500 square foot home may add 1,020 for the ADU.

Examples of Accessory Dwelling Unit permits are in **Attachment D**.

20.40.600 Wireless telecommunication facilities/satellite dish and antennas – This proposed amendment to “G” does a couple things: cleans up objective language in the code (encourages, believes, etc...), requires stealth installations or antennas that are hidden. Provision “H” better spells out regulations for in-kind replacements, modifications, and the addition of new antennas.

20.70.250 Street naming and numbering – The proposed amendment in #3 requires that building addresses comply with adopted building and fire codes.

20.70.320 Frontage Improvements – This amendment applies to properties that are being developed, redeveloped, or modified in some way that triggers frontage improvements and currently have substandard frontage improvements in the right-of-way. The proposed amendment will require a property owner to bring existing improvements up to current standards. This amendment also adds language to alert applicants to the availability of the Engineering Deviation process for those cases where keeping the existing frontage improvements is appropriate. The proposed amendment also adds a number “4” which requires a property owner to install frontage improvements when development consists of more than one dwelling on a single parcel.

### **Parking Lot Amendments**

The Planning Commission has a number of amendments in the parking lot that have developed from past discussions. The amendments are listed below. Staff has not evaluated the below amendments at this point. Staff is asking the Commission to look at the amendments and direct staff to either abandon the proposals or bring them back at some point in the future. Current development code language is included as **Attachment B**.

20.30.680 Appeals – In 2010 a code amendment was passed stating for Type C actions that do not go to the Hearing Examiner, no administrative appeal of the DNS is allowed. Recently amendments to the Development Code now require all Type C actions be heard by the Hearing Examiner so this code provision is now defunct.

20.30.350 Amendments to the Development Code – In 2010 staff proposed an amendment that would strike one of the decision criteria for modifying the Development Code. The Commission had asked staff to evaluate the decision criteria and possibly make improvements.

20.40.400(H)(2) Home Occupations – Currently, the code uses height, weight, and length for vehicles associated with a home occupation. The Commission had suggested the City use classes of vehicles instead.

20.50.310 Exemptions – In 2010, an amendment allowed clearing of invasive plants from a critical area on City owned property. The Commission thought this exemption should be looked at for privately owned property as well. This topic may be discussed as part of the Vegetation Management Plan work item to be scheduled in 2012-2013.

20.50.470 and 20.50.480 Street Frontage Landscaping and Street Trees – The Commission had questioned building setbacks in commercial zones. Since that time the City has adopted the Transportation Master Plan and revised the Engineering Development Manual that requires certain landscaping standards on a certain class of street. The City has also adopted new standards for the Town Center and MUZ zones that require a greater level of design and landscaping.

20.50.520(O) General Standards for Landscape Installation and Maintenance – An amendment in 2010 changed the last sentence in “O” to say, “Mature tree and shrub

root zones may overlap utility trenches as long as 80% of the root zone is unaffected". The Commission was uneasy about the wording of this sentence.

### **Next Steps**

Staff will gather all comments from the study session and make necessary changes. The completed code amendments will be presented at the public hearing.

*The Public Hearing is scheduled on February 2, 2012*

### **Attachments**

Attachment A – Proposed Development Code Amendments in legislative form.

Attachment B – Parking Lot Amendments

Attachment C – Administrative Order for Multifamily Design Standards

Attachment D – Examples of Attached Accessory Dwelling Units

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**20.20.018 E definitions.**

Erosion Hazard Areas      ~~Those areas in the City of Shoreline underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of River Wash (Rh) or Coastal Beaches (Cb) and the following when they occur on slopes 15 percent or steeper:~~

- ~~A. The Alderwood gravelly sandy loam (AgD);~~
- ~~B. The Alderwood and Kitsap soils (AkF);~~
- ~~C. The Beausite gravelly sandy loam (BeD and BeF);~~
- ~~D. The Kitsap silt loam (KpD);~~
- ~~E. The Ovall gravelly loam (OvD and OvF);~~
- ~~F. The Ragnar fine sandy loam (RaD); and~~
- ~~G. The Ragnar Indianola Association (RdE).~~

20.20.032 L definitions.

- Landslide Hazard Areas** ~~Those areas in the City of Shoreline subject to severe risks of landslides, including the following:~~
- ~~A.— Any area with a combination of:
    - 1.— Slopes steeper than 15 percent;
    - 2.— Impermeable soils, such as silt and clay, frequently interceded with granular soils, such as sand and gravel; and
    - 3.— Springs or ground water seepage;~~
  - ~~B.— Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;~~
  - ~~C.— Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;~~
  - ~~D.— Any area which shows evidence of or is at risk from snow avalanches; or~~
  - ~~E.— Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.~~

20.20.046 S definitions.

**Steep  
Slope  
Hazard  
Areas**

Those areas in the City of Shoreline on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

A.—The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

B.—The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

**20.80.030 Exemptions.**

The following activities shall be exempt from the provisions of this chapter:

A. Alterations in response to emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the City as soon as possible. Only the minimum intervention necessary to reduce the risk to public health, safety, or welfare and/or the imminent risk of damage to private property shall be authorized by this exemption. The City shall confirm that an emergency exists and determine what, if any, additional applications and/or measures shall be required to protect the environment consistent with the provisions of this chapter, and to repair any damage to a preexisting resource;

B. Public water, electric and natural gas distribution, public sewer collection, cable communications, telephone, utility and related activities undertaken pursuant to City-approved best management practices, and best available science with regard to protection of threatened and endangered species, as follows:

1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;
2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by the City of Shoreline, which approves the new location of the facilities;
3. Replacement, operation, repair, modification or installation or construction in an improved City road right-of-way or City-authorized private roadway of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;
4. Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by the City of Shoreline, which approves the new location of the facilities; and
5. Replacement, operation, repair, modification, relocation, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances when such facilities are located within an improved public right-of-way or City-authorized private roadway;

C. Maintenance, operation, repair, modification or replacement of publicly improved roadways and associated stormwater drainage systems as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way or portions of rights-of-way;

D. Maintenance, operation or repair of publicly improved recreation areas as long as any such activity does not involve the expansion of uses and/or facilities into a previously unimproved portion of a preexisting area. Maintenance, operation and repair of publicly improved recreation areas within designated fish and wildlife habitat areas shall be permitted if all activities are performed consistent with the development standards of this chapter, best available science or adaptive management plans as recognized by the City;

E. Activities affecting isolated Type IV wetlands which are individually smaller than 1,000 square feet.

F. Activities occurring in areas which may be considered on small steep all slopes (areas of 40 percent slope or greater with a vertical elevation change of up to, but not greater than 20 10 feet) such as a natural slope, berm, retaining walls or excavations may be exempted based upon City review of a geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110 which demonstrates that no adverse impact will result from the exemption.

G. Activities occurring on steep slopes created through prior permitted site development activity, such as berms, retaining walls, excavations and small natural slopes, and activities on steep slopes created through prior legal grading activity may be exempted regardless of height based upon City review of a soils geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110 which demonstrates that no adverse impact will result from the exemption;

HG. Minor conservation and enhancement of critical areas that does not alter the location, dimensions or size of the critical area or buffer, and results in improvement of the critical area functions;

IH. Removal of hazardous trees in accordance with SMC 20.50.310(A)(1);

J.I. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies;

K.J. When it can be demonstrated that there will be no undue adverse effect, the following activities may be allowed within critical areas and their buffers: educational

activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation-related activities, bicycling and hiking, that will not have an undue adverse effect on the critical area;

LK. Normal and routine maintenance and operation of existing landscaping and gardens, provided they comply with all other regulations in this chapter;

ML. Minor activities not mentioned above and determined by the City to have minimal impacts to a critical area;

NM. Notwithstanding the exemptions provided by this section, any otherwise exempt activities occurring in or near a critical area should meet the purpose and intent of SMC 20.80.010 and should consider on-site alternatives that avoid or minimize impacts; and

ON. Mitigation projects related to utilities construction in critical areas or their buffers. (Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(G), 2000. Formerly 20.80.070.).

**20.80.110 Critical areas reports required.**

If uses, activities or developments are proposed within critical areas or their buffers, an applicant shall ~~provide~~ pay the City for environmental reviews, including site-specific information and ~~analysis determined by the City that must be obtained by expert investigation and analysis.~~ Expert investigations and analysis shall be presented in a report that conforms with the specific critical areas report guidelines approved by the Director. ~~The site-specific information must be obtained by expert investigation and analysis.~~ This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~approved by the employees of the City or under contract to the City and who shall be directed by and report to the Director or his/her designee.~~ (Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

**20.80.220 Classification.**

Geologic hazard areas shall be classified according to the criteria in this section as follows:

A. **Landslide Hazard Areas.** Landslide hazard areas are classified as follows:

Areas of slopes of 15 percent or more with more than 10 feet of rise, which also display any of the following characteristics:

- a) Areas of historic failures, including those areas designated as Quaternary slumps, earth flows, mudflows, or landslides.
- b) Areas that have shown movement during the Holocene Epoch (past 13,500 years) or that are underlain by landslide deposits.
- c) Slopes that are parallel or subparallel to plains of weakness in subsurface materials.
- d) Slopes exhibiting geomorphological features indicative of past failures, such as hummocky ground and back-rotated benches on slopes.
- e) Areas with seeps indicating a shallow ground water table on or adjacent to the slope face.
- f) Areas of potential instability because of rapid stream incision, stream bank erosion, and undercutting by wave action.

1. **Moderate Hazard:** Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till.

2. **High Hazard:** Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay.

3. **Very High Hazard:** Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage), areas of landslide deposits regardless of slope, and all steep slopes 40 hazard area-sloping percent or steeper.

B. Steep Slopes. Steep slopes are classified as followed:

Slopes of 40% or more that have a rise of at least 10 feet and exceed 1000 square feet in area.

B. Landslide Hazard Areas are those areas in the City of Shoreline regulated as a Landslide Hazard Area in SMC 20.80.220(A) with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.



1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 15 percent from slopes that are 15 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10% ... Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

2. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 15 percent from slopes 15 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10%. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

C.B. Seismic Hazard Areas. Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) and have a shallow ground water table.

D.C. Erosion and Sedimentation Hazards. Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) as having "severe" to or "very severe" erosion hazards. ~~This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).~~ (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(B), 2000).

The text in red comes from the City of Bellevue. They have two categories, landslide hazards and steep slopes.

20.80.230 Required buffer areas.

A. Required buffer widths for geologic hazard areas shall reflect the sensitivity of the hazard area and 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 area.

B. In determining the appropriate buffer width, the City shall consider the recommendations contained in a geotechnical report required by these regulations and prepared by a qualified consultant.

C. For very high landslide hazard areas, the standard buffer shall be 50 feet from all edges of the landslide hazard area. Larger buffers may be required as needed to eliminate or minimize the risk to people and property based on a geotechnical report prepared by a qualified professional. The standard buffer may be reduced to a minimum of 15 feet when technical studies demonstrate that the reduction will not increase the risk of the hazard to people or property on-or-off-site.

~~D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies demonstrate that the reduction will not increase the risk of the hazard to people or property on-or-off-site. In conformance with SMC 20.80.100, a qualified geotechnical professional shall determine whether buffers are required for moderate and high landslide hazard areas, and, if required, the width of the buffers.~~

E. Landslide hazard areas and their associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical landslide hazard and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records and Elections. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(C), 2000).

**20.30.770 Enforcement provisions.**

D. Civil Penalties.

7. Civil penalties may be waived or partially waived ~~or reimbursed to the payer~~ by the Director, ~~with the concurrence of the Finance Director, under the following circumstances:~~ or civil penalties may be or reimbursed to the payer by the Director, with the concurrence of the Administrative Services Finance Director, under the following circumstances:
  - a. The notice and order was issued in error; or
  - b. The civil penalties were assessed in error; or
  - c. Notice failed to reach the property owner due to unusual circumstances; or
  - d. Compelling new information warranting waiver or partial waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision. Waivers and partial waivers will not be considered until the property has been brought into compliance as described in SMC 20.30.770.D.6.

**20.40.400 Home occupation.**

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

- A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.
- B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).
- C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).
- D. The following activities shall be prohibited in residential zones:
  - 1. Automobile, truck and heavy equipment repair;
  - 2. Auto body work or painting; and
  - 3. Parking and storage of heavy equipment.
  - 4. On-site metals and scrap recycling
- E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
  - 1. One stall for each nonresident FTE employed by the home occupation(s); and
  - 2. One stall for patrons when services are rendered on site.
- F. Sales shall be by appointment or limited to:
  - 1. Mail order sales; and
  - 2. Telephone or electronic sales with off-site delivery.
- G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;
2. Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or
2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
3. Fluctuations in line voltage off premises; or
4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

~~J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign; and meet all other requirements as outlined in this section may not require a home occupation permit. One sign not exceeding four square feet may be installed without a sign permit per 20.50.610(O). It may be mounted on the house, fence or freestanding on the property (monument style). Any additional signage is subject to permit under SMC 20.50.~~

H. All home occupations must comply with business license requirements, subject to Shoreline Municipal Code Title 5.

Note: Daycares, community residential facilities such as group homes, animal keeping, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

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

Action Type	Target Time Limits for Decision	Section
<b>Type A:</b>		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupations, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

20.30.100 Application.

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

B. All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall include:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).
3. The documents specified in the Administrative Order prepared pursuant to 20.30.100C.

C. The Director shall specify the submittal requirements, including type, detail, and number of copies for an application to be complete annually by Administrative Order. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department.

D. **Expiration.** Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial steps have been taken to meet permit approval requirements for a period of 180 days after issuance of the determination of completeness will expire and become null and void. The Director may grant a 180-day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 4(c), 2000).

**20.30.353 Master Development Plan.**

**D. Development Standards.** Existing uses shall be subject to the following development standards:

1. Density is limited to a maximum of 48 units per acre;
2. Height is limited to a maximum of 65 feet;
3. Buildings must be set back at least 20 feet from property lines at 35 feet building height abutting all R-4 and R-6 zones. Above 35 feet buildings shall be set back at a ratio of two to one;
4. New building bulk shall be massed to have the least impact on neighboring single-family neighborhood(s) and development on campus;
5. At a minimum, landscaping along interior lot lines shall conform with the standards set forth in SMC 20.50.490;
6. ~~New~~ Construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. Landscaping of parking areas shall at a minimum conform with the standards set forth in SMC 20.50.500;
7. Development permits for parking shall include a lighting plan for review and approval by the Planning Director. The lighting shall be hooded and directed such that it does not negatively impact adjacent residential areas;
8. The location, material, and design of any walkway within the campus shall be subject to the review and approval of the Planning Director; and
9. Where adjacent to existing single-family residences, ~~existing and new~~ campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen. The amount and type of plant materials shall be subject to the review and approval of the Planning Director.

These standards may be modified to mitigate significant off-site impacts of implementing the master development plan in a manner equal to or greater than the code standards.



**Chapter 20.40  
Zoning and Use Provisions**

Sections:

Subchapter 1. Zones and Zoning Maps

- 20.40.010 Purpose.
- 20.40.020 Zones and map designations.
- 20.40.030 Residential zones.
- 20.40.040 Nonresidential zones.
- 20.40.045 Campus zones.
- 20.40.050 Special districts.
- 20.40.060 Zoning map and zone boundaries.

Subchapter 2. Permitted Uses

- 20.40.100 Purpose.
- 20.40.110 Use tables.
- 20.40.120 Residential type uses.
- 20.40.130 Nonresidential uses.
- 20.40.140 Other uses.
- 20.40.150 Campus uses.

Subchapter 3. Index of Supplemental Use Criteria

- 20.40.200 Purpose.
- 20.40.210 Accessory dwelling units.
- 20.40.220 Adult use facilities.
- 20.40.230 Affordable housing.
- 20.40.240 Animals.
- 20.40.250 Bed and breakfasts.
- 20.40.260 Boarding houses.
- 20.40.270 Cemeteries and columbariums.
- 20.40.280 *Repealed.*
- 20.40.290 Conference center.
- 20.40.300 *Repealed.*
- 20.40.310 Court.
- 20.40.320 Daycare facilities.
- 20.40.330 Dormitory.
- 20.40.340 Duplex.
- 20.40.350 Eating and drinking establishments.
- 20.40.360 Fire facility.

<u>20.40.370</u>	Funeral home/crematory.
<u>20.40.372</u>	Gambling.
<u>20.40.380</u>	Golf facility.
<del><u>20.40.390</u></del>	<del>Group homes.</del>
<u>20.40.400</u>	Home occupation.
<u>20.40.410</u>	Hospital.
<u>20.40.420</u>	Interim recycling facility.
<u>20.40.430</u>	Kennels and catteries.
<u>20.40.435</u>	Library adaptive reuse.
<u>20.40.440</u>	Manufactured homes.
<u>20.40.450</u>	Medical office/outpatient clinic.
<u>20.40.460</u>	Mobile home parks.
<u>20.40.470</u>	Performing arts companies/theaters.
<u>20.40.480</u>	Public agency or utility office.
<u>20.40.490</u>	Public agency or utility yard.
<u>20.40.495</u>	Recreational vehicle.
<u>20.40.500</u>	School bus base.
<u>20.40.505</u>	Secure community transitional facility.
<u>20.40.510</u>	Single-family attached dwellings.
<u>20.40.520</u>	Specialized instruction school.
<u>20.40.530</u>	<i>Repealed.</i>
<u>20.40.535</u>	Tent city.
<u>20.40.540</u>	<i>Repealed.</i>
<u>20.40.550</u>	Transit park and ride lot.
<u>20.40.560</u>	Trucking and courier service.
<u>20.40.570</u>	Unlisted use.
<u>20.40.580</u>	<i>Repealed.</i>
<u>20.40.590</u>	Veterinary clinics and hospitals.
<u>20.40.600</u>	Wireless telecommunication facilities/satellite dish and antennas.
<u>20.40.610</u>	Work release facility.

**20.40.390 Group homes.**

~~See Community Residential Facilities I and II. (Ord. 238 Ch. IV § 3(B), 2000).~~

**20.40.120 Residential type uses.**

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	MUZ & I
<b>RESIDENTIAL GENERAL</b>							
	Accessory Dwelling Unit	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
	Apartment		C	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
<b>GROUP RESIDENCES</b>							
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P
	Community Residential Facility-II			P-i	P-i	P-i	P-i
	Group Homes	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
<b>TEMPORARY LODGING</b>							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i
<b>MISCELLANEOUS</b>							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i
<b>P = Permitted Use   S = Special Use</b> <b>C = Conditional Use   -i = Indexed Supplemental Criteria</b>							

(Ord. 560 § 3 (Exh. A), 2009; Ord. 408 § 2, 2006; Ord. 368 § 1, 2005; Ord. 352 § 1, 2004; Ord. 301 § 1, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 238 Ch. IV § 2(B, Table 1), 2000).

**20.40.495 Recreational vehicle.**

Recreational vehicles (RVs) may be occupied for temporary lodging for up to two weeks (two weeks equals one occupancy) on a lot with the permission of the property owner subject to the following conditions:

- A. Limited to one recreational vehicle per lot plus additional recreational vehicles for every additional 10,000 square feet of lot, above the minimum lot size for a particular zone;
- B. No more than two occupancies per calendar year per lot;
- C. Such occupancy does not create a public health hazard or nuisance;
- D. RV must be parked on approved surface that meets the off-street parking construction standards in the Engineering guide Development Manual;
- E. RV may not be parked in yard setbacks;
- F. RV may be occupied for temporary lodging for up to 30 days if connected to approved utilities including water and wastewater disposal;
- G. No business occupation shall be conducted in said recreational vehicle;
- H. Recreational vehicles shall not use generators;
- I. Any deviation from time limits, number of occupancies per year, and number of recreational vehicles allowed may be proposed through a temporary use permit, SMC 20.40.540. (Ord. 301 § 1, 2002).

**20.50.260 Lighting – Standards.**

- A. Accent structures and provide security and visibility through placement and design of lighting.
- B. Parking area light post height shall not exceed 25 feet.

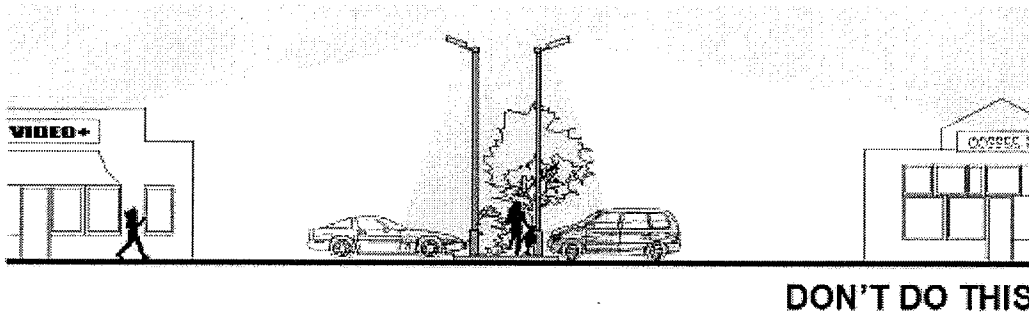
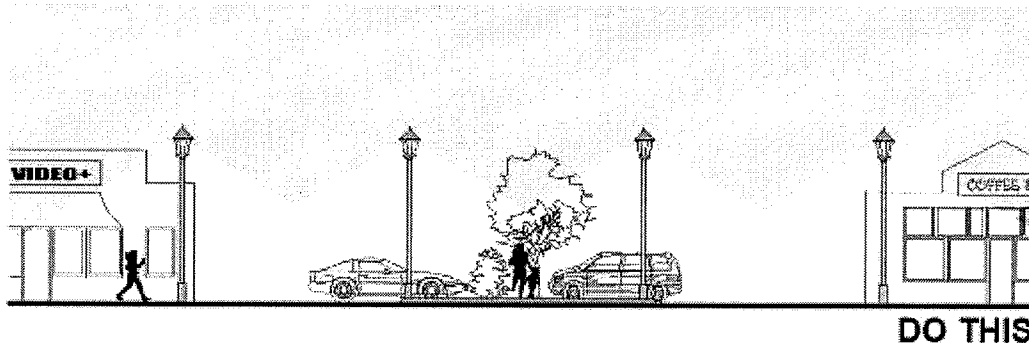


Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

- C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.
- D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by The Engineering Development Manual provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting.
- E. Outdoor lighting shall be shielded and downlit from residential land uses. (Ord. 469 § 1, 2007; Ord. 238, Ch. V § 4(B-2), 2000).

**20.50.330 Project review and approval.**

A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided, that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual standards.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the Engineering Development Manual standards and SMC 13.10.200, Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

B. Professional Evaluation. In determining whether a tree removal and/or clearing is to be approved or conditioned, the Director may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist at the applicant's expense, where the Director deems such services necessary to demonstrate compliance with the standards and guidelines of this subchapter. Third party review of plans, if required, shall also be at the applicant's expense. The Director shall have the sole authority to determine whether the professional evaluation submitted by the applicant is adequate, the evaluator is qualified and acceptable to the City, and whether third party review of plans is necessary. Required professional evaluation(s) and services may include:

1. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;
2. Providing a hazardous tree assessment;
3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
4. Conducting a post-construction site inspection and evaluation.

C. Conditions of Approval. The Director may specify conditions for work at any stage of the application or project as he/she deems necessary to ensure the proposal's



compliance with requirements of this subchapter, critical area standards, The Engineering Development Manual standards, the adopted stormwater management regulations, and any other section of the Shoreline Development Code, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

**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 Development Manual.
- B. Driveways for nonresidential 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.
- C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequacy of Public Facilities.
- D. No dead-end alley may provide access to more than eight required off-street parking spaces.
- E. 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.
- F. 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.
- G. 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.
- H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 469 § 1, 2007; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

**Chapter 20.70  
Engineering and Utilities Development Standards**

Sections:

Subchapter 1. General Engineering Provisions

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Manual Guide.

Subchapter 2. Dedications

- 20.70.110 Purpose.
- 20.70.120 General.
- 20.70.130 Dedication of right-of-way.
- 20.70.140 Dedication of stormwater facilities.
- 20.70.150 Dedication of open space.
- 20.70.160 Easements and tracts.

Subchapter 3. Streets

- 20.70.210 Purpose.
- 20.70.220 Street classification.
- 20.70.230 Street plan.
- 20.70.240 Private streets.
- 20.70.250 Street naming and numbering.

Subchapter 4. Required Improvements

- 20.70.310 Purpose.
- 20.70.320 Frontage improvements.
- 20.70.330 Surface water facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

Subchapter 5. Utility Standards

- 20.70.410 Purpose.
- 20.70.420 Utility installation.
- 20.70.430 Undergrounding of electric and communication service connections.

**20.70.020 Engineering Development Manual Guide.**

Pursuant to ~~SMC 20.10.050~~, the Director is authorized to prepare and administer an "Engineering Development Guide." The Engineering Development Manual adopted in SMC 12.10.100 Guide includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development. The specifications shall include, but are not limited to:

- A. Street widths, curve radii, alignments, street layout, street grades;
- B. Intersection design, sight distance and clearance, driveway location;
- C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;
- D. Streetscape specifications (trees, landscaping, benches, other amenities);
- E. Surface water and stormwater specifications;
- F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and
- G. Other improvements within rights-of-way. (Ord. 591 § 2 (Exh. B), 2010).

20.20.016

Dwelling, Multifamily

Multifamily dwellings include: townhouses, apartments, mixed use buildings, single-family attached, and two or more than two duplexes located on a single parcel.

**20.40.210 Accessory dwelling units.**

- A. Only one accessory dwelling unit per lot, not subject to base density calculations.
- B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.
- C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.

Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.

- D. Detached accessory dwelling units shall not be larger than 50 percent of the living area of the primary residence.
- E. One additional off-street parking space shall be provided for the accessory dwelling unit.
- F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.
- G. Accessory dwelling unit shall comply with all applicable codes and standards.
- H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principle dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. IV § 3(B), 2000).

20.40.600

(G) General Siting Criteria.

- ~~1. The City of Shoreline encourages...~~
- ~~2. The City of Shoreline believes...~~
- ~~3. The development of single-user...~~
- ~~4. Co-location shall be encouraged for all...~~
- ~~5.~~ 1. The following shall be considered by the applicants as preferred locations for WTF:
  - a. Existing site or tower where a legal WTF is currently located.
  - b. Publicly used structures such as water towers; utility poles, and other structure and/or buildings.
2. Stealth installations – i.e. antennas either hidden within existing structures (e.g. church steeples, cupolas) or mounted in new structures designed to look like non-purpose-built towers (e.g. flag poles, fire towers, light standards) – are preferred.
3. If not concealed within a stealth structure, structure-mounted antennas shall be camouflaged, either boxed or painted, to blend in with the surrounding structure.
4. Pole or tower-mounted antennas shall be low profile and flush-mounted.

(H) Modification. ~~From time to time, the applicant and/or co-applicant...~~

- ~~1. Addition to, or replacement...~~
- ~~2. Change of the WTF design...~~

Excluding “in-kind” replacements, modifications to existing sites, including the addition of new antennas, shall meet all requirements of this section.

1. Additions to existing facilities shall incorporate stealth techniques to limit visual impacts.
2. the resultant diameter to that of the existing at same elevation level.
2. The antennas shall be mounted as close to the pole as possible.
2. Additions to existing structure mounted and building mounted facilities shall meet all requirements of this chapter.

SMC 20.70.150.D. All buildings must display addresses as follows:

1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.
2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.
3. The address numbers figures shall comply with currently adopted building and fire codes. ~~be easily legible figures, not less than three four inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night. (Ord. 238 Ch. VII § 3(C), 2000).~~



**SMC 20.70.320 Frontage improvements**

Frontage improvements shall be provided and upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map (Fig. A), the Master Street Plan contained in Appendix D of the Transportation Master Plan and the Engineering Development Guide Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7 and to mitigate direct impacts of land use approvals. Deviations from the Engineering Development Manual may be considered through a Deviation from the Engineering Standards as set forth in SMC 20.30.290.

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

B. Frontage improvements are required for:

1. All new multifamily, nonresidential, and mixed-use construction;
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, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
3. Subdivisions.
4. Development consisting of more than one dwelling unit on a single parcel.

Exception:

i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.

C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or Capital Improvement Project scheduled to be completed within five years of permit issuance. 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 an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

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

E. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440. (Ord. 591 § 2 (Exh. B), 2010).

**20.30.350 Amendment to the Development Code (legislative action).**

**A. Purpose.** An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

**B. Decision Criteria.** The City Council may approve or approve with modifications a proposal for the text of the Land Use Code 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. (Ord. 238 Ch. III § 7(g), 2000).

**20.30.680 Appeals.**

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.
2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.
3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.
4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.
5. **For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.**
6. The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

B. Notwithstanding the provisions of subsection (A) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a

court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action. (Ord. 591 § 1 (Exh. A), 2010; Ord. 352 § 1, 2004; Ord. 238 Ch. III § 9(t), 2000).

**20.40.400 Home occupation.**

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).

C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;
2. Auto body work or painting; and
3. Parking and storage of heavy equipment.

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for each nonresident FTE employed by the home occupation(s);  
and
2. One stall for patrons when services are rendered on site.

F. Sales shall be limited to:

1. Mail order sales; and
2. Telephone or electronic sales with off-site delivery.

G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;
2. **Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.**

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or
2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
3. Fluctuations in line voltage off premises; or
4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign; and meet all other requirements as outlined in this section may not require a home occupation permit.

Note: Daycares, community residential facilities such as group homes, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

**20.50.310 Exemptions from permit.**

**A. Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.

c. In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290 through 20.50.370, a permit exemption request for the cutting of any tree that is an active and imminent hazard (i.e., an immediate threat to public health and safety) shall be granted if it is evaluated and authorized by the Director under the procedures and criteria set forth in this section.

d. For trees that pose an active and imminent hazard to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines, or are uprooted by flooding, heavy winds or storm events, the Director may verbally authorize immediate abatement by any means necessary.

e. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director.



f. The permit exemption request form shall include a grant of permission for the Director and/or his qualified professionals to enter the subject property to evaluate the circumstances. Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester.

g. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.

h. Approval to cut or clear trees may only be given upon recommendation of the City- approved arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, improved utility corridors, or access for emergency vehicles and any trail as proposed by the property owner and approved by the Director for purposes of this section.

i. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replacement of any significant trees. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing hand-held implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on-site.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned MUZ and I, CB and NCBD, and NB and O, unless within a critical area or critical area buffer.
6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:
  - a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and
  - b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County Best Management Practices for Noxious Weed and Invasive Vegetation; and
  - c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and
  - d. All work is performed above the ordinary high water mark and above the top of a stream bank; and
  - e. No more than a 3,000 square feet of soil may be exposed at any one time.

**20.50.470 Street frontage landscaping – Standards.**

A. A 10-foot width of Type II landscaping located on site along the front property line is required for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces. See SMC 20.50.470(D) for street frontage screening standards in the MUZ zone.

B. A 20-foot width of Type II landscaping located on site along the property line is required for nonresidential development including institutional and public facilities in residential zones.

C. **For buildings located consistent with the provisions of SMC 20.50.230, Exceptions to Table 20.50.230(1), the width of frontage landscaping between the building and the property line may be reduced in commercial zones if two-inch caliper street trees are provided. The maximum spacing shall be 40 feet on center. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.**

D. All parking, outdoor storage, and equipment storage areas serving new development in the MUZ shall be screened from the public right-of-way. These uses shall be located behind buildings, within underground or structured parking, or behind a four-foot masonry wall with a 10-foot Type II landscape buffer between the wall and the property line. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 238 Ch. V § 7(B-2), 2000).

**20.50.480 Street trees and landscaping within the right-of-way – Standards.**

A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required in all commercial, office, industrial, multifamily zones, and for single-family subdivisions on all arterial streets.

B. Frontage landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

C. **Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).**

**20.50.520 General standards for landscape installation and maintenance.**

- A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- B. All new turf areas, except all-weather or sand-based athletic fields, shall be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep or have an organic content of five percent or more to a depth of six inches.
- C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
- D. Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.
- E. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged.
- F. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
- G. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are at least 10 feet in height and not allowed within street rights-of-way.
- H. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered to avoid the appearance of a single row of trees.
- I. All fences shall be placed on the inward side of any required perimeter landscaping when adjacent to a public right-of-way and on the outward side of the required landscaping or on the property line when adjacent to private property.
- J. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.
- K. New landscape material shall be indigenous plant species within areas of undisturbed vegetation, within critical areas or their buffers or within the protected area of significant trees; provided, that pesticide and chemical fertilizer may be restricted within these landscaped areas.
- L. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All landscaping shall either be installed or the installation shall be secured with a letter of

credit, escrow, or performance bond for 125 percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

M. Trees and vegetation, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition.

N. Applicants shall provide a landscape maintenance and replacement agreement to the City prior to issuance of a certificate of occupancy.

O. **Landscape plans and utility plans shall be coordinated. The placement of trees and large shrubs shall accommodate the location of required utilities both above and below ground. Location of plants and trees shall be based on the mature canopy and root zone. Root zone shall be determined using the International Society of Arboriculture's recommended calculation for identifying tree protection area. Mature tree and shrub canopies may not reach an aboveground utility such as street lights and power lines. Mature tree and shrub root zones may overlap utility trenches as long as 80 percent of the root zone is unaffected.**

P. Adjustment of plant location does not reduce the number of plants required for landscaping.

Q. Sight distance triangle for visual clearances shall be established and maintained. The criteria for sight distance and visual clearances are contained in and consistent with the Engineering Development Guide for all driveway exits and entrances and street corners. (Ord. 591 § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 7(B-7), 2000).

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**ADMINISTRATIVE ORDER #000089 090106**  
**INTERPRETATION OF DEVELOPMENT CODE**

**CODE SECTION: 20.20.016 Definitions; 20.50.120-.210 Multifamily Design Standards**

Interpretation of “Dwelling, Multifamily” definition as it refers to duplexes. Do duplex projects of two or more structures where the dwelling units are on individual lots meet the definition of “Dwelling, Multifamily” and would the project be subject to the multifamily development standards?

**FINDINGS:**

- An application for a Preliminary Short Plat has been submitted to divide a 7,200 Sq. Ft. parcel zoned R-24 into four (4) zero-lot-line lots.
- The proposal involves construction of two (2) duplexes – with each dwelling unit situated on individual lots.
- The definition of “Dwelling, Multifamily” includes “two or more duplexes.” No reference is made to number of parcels or how many dwelling units are on a lot.
- “Multifamily” development standards starting at SMC 20.50.120 require common recreational open space and a tot/children play area.

**DECISION:**

Multifamily design standards do not apply to projects of two or more duplexes unless a single parcel ends up having four or more dwelling units on it. In the above case, the applicant could have avoided multifamily design standards by applying for a 2-lot short plat, building a duplex on each lot, then applying again for two more short plats to divide those two lots resulting in each dwelling unit on its own lot. It appears the intent of the multifamily design standards, especially those regarding common recreational areas and tot play areas was meant for multiple dwelling units on a single parcel. Further, requiring common/play areas on small projects of this scale would limit the full development potential and contradict the high density designation of the property as identified in the City of Shoreline’s Comprehensive Plan.

*original signed by Joe Tovar 9/6/06*

\_\_\_\_\_  
**Director’s Signature**

\_\_\_\_\_  
**Date**

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