

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Update to 301727 Development Code Amendments
DEPARTMENT: Planning & Community Development
PRESENTED BY: Steven Szafran, AICP

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Addendum

INTRODUCTION

This staff report is an addendum to the packet the Commission received on December 23rd. Staff is removing and revising some of the amendments for content and clarity.

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.

PROPOSAL & ANALYSIS

The following amendments dealing with critical areas are being pulled from this study session:

20.20.018
20.20.032
20.20.046
20.30.100
20.80.030
20.80.110
20.80.220
20.80.230

Upon further consideration and comments received to date, staff needs additional time to work on these amendments.

Approved By:

Project Manager 

Planning Director 

These are the development code amendments that have changed from the original Commission packet:

20.30.770 Enforcement provisions.

Planning and Community Development and the City Attorney's Office had additional discussions on this amendment. The changes in 20.30.770(D)(7)(a) more clearly reflect how the City would handle this situation should it arise. The City has never needed to waive or reimburse civil penalties due to issuance of a notice and order in error; or the assessment of civil penalties in error; or for the failure of notice to reach a property owner. If this were to occur, the City would waive the civil penalties.

The addition of 20.30.770(D)(7)(b) adds a statement that the City will reduce civil penalties if compliance is achieved and sets a standard limit for the reduction at 20% of the civil penalties accrued.

20.40.400(H) Home Occupations.

No substantive changes were made to this section. The "crossed out sections" are replaced with better wording. "Group homes" is removed below due to the proposed changes in other sections regarding the term group home.

H. All home occupations must ~~comply with~~ obtain a business license requirements subject to, consistent with Chapter 5.05 of the 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).

20.40.600 (H) Wireless Telecommunication Systems.

Our apologies for the typographical errors. This section should read as follows:

(H) Modification. ~~From time to time, the applicant and/or co-applicant may want to alter the terms of the CUP or SUP by modifying specific features of the WTF. If any of the following changes are proposed or occur, such modifications must be submitted to the City of Shoreline as a renewal of the CUP or SUP. This provision shall not apply to routine maintenance of WTF, including "in-kind" replacement.~~

- ~~1. Addition to, or replacement of, any equipment specified in the original design submittals.~~
- ~~2. Change of the WTF design as specified in the original permit submittals.~~

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

1. Wherever feasible, additions to existing facilities shall incorporate stealth installation to limit visual impacts.
2. Antennas shall be mounted as close to the pole as possible.
3. The diameter of pole extensions shall match the diameter of the existing pole where attached.
4. Additions to existing structure and building mounted facilities shall meet all requirements of this chapter.

TIMING AND SCHEDULE

Timing of the proposed development code amendments have not changed.

ATTACHMENTS

Attachment A - Updated Amendments.

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20.30.770 Enforcement provisions.

D. Civil Penalties.

...

7. a. Civil penalties will be waived ~~or reimbursed to the payer~~ by the Director or will be reimbursed to the payer by the Director, with the concurrence of the Finance Administrative Services Director, under the following documented circumstances:
 1. The notice and order was issued in error; or
 2. The civil penalties were assessed in error; or
 3. Notice failed to reach the property owner due to unusual circumstances;
- b. Civil penalties will be reduced by the Director to 20% of accrued penalties if compliance is achieved and the city is reimbursed its reasonable attorney fees incurred in enforcing the notice and order.

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~~ obtain a ~~with~~ business license requirements, subject to consistent with Chapter 5.05 of the 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).

20.40.600

(G) General Siting Criteria.

~~1. The City of Shoreline encourages wireless telecommunication providers to plan more frequent, less conspicuous sites instead of attempting to stretch desirable range through use of taller than necessary towers.~~

~~2. The City of Shoreline believes that specific types of wireless telecommunication facilities are better placed in some locations of the City than in others. The City of Shoreline is committed to preserving those locations for existing and future carriers, and to avoid over development (saturation) of any prime location with WTFs. The City may request feasibility studies associated with applications for ground-mounted WTF which demonstrate that locations on existing structures have been explored as the preferred alternative.~~

~~3. The development of single-user WTFs tends to use up those few prime locations more quickly than if all these facilities were co-located. Generally, co-location on existing towers and attachment of antenna to existing structures and buildings are encouraged by less complex permit procedures.~~

~~4. Co-location shall be encouraged for all personal wireless service facility applications.~~
~~a. To the greatest extent that is technically feasible, new applicants shall be required to build mounts capable of accommodating at least one other carrier.~~
~~b. Co-locations shall be reviewed by the City on the basis of the site being built out (all available mounting capacity in use).~~
~~c. Any WTF that requires an SUP under the provisions of this chapter shall be separated by a minimum of 1,000 feet from any other facility requiring an SUP, unless located within an area designated as a prime wireless location by the City of Shoreline.~~

~~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. Wherever possible stealth installations such as antennas either hidden within existing structures (e.g. church steeples or cupolas) or mounted in new structures designed to look like non-purpose-built towers (e.g. flag poles, fire towers, light standards) are required..

3. If not using stealth installation, 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.

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