

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

<p><b>AGENDA TITLE:</b> Public Hearing for Proposed Amendments to the Development Code <b>DEPARTMENT:</b> Planning and Development Services <b>PREPARED BY:</b> Steven Szafran, Planner II, 206-546-0786 <b>PRESENTED BY:</b> Joe Tovar, Director, Planning and Development Services</p>
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**SUMMARY**

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 official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in **Attachment 1**.

The purpose of this public hearing is to:

- Briefly review the proposed Second Batch Development Code Amendments of 2007
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary
- Forward a recommendation to the City Council

**BACKGROUND / ANALYSIS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

The second batch of development code amendments of 2007 pertain to many sections of the Shoreline Development Code. Proposed changes to the development code came from city planning staff, the city's attorney's office, code enforcement and one request from a private citizen.

All the proposed amendments for the second batching schedule of 2007 are included in **Attachment 1**, and are considered for this Planning Commission public hearing.

## **TIMING & SCHEDULE**

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

<b>DATE</b>	<b>DESCRIPTION</b>
February, 2007	<ul style="list-style-type: none"><li>• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li></ul>
February, 2007	<ul style="list-style-type: none"><li>• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.</li><li>• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li></ul>
February 15, 2007	<ul style="list-style-type: none"><li>• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li></ul>
March 15, 2007	<ul style="list-style-type: none"><li>• Planning Commission Public Hearing on proposed amendments.</li><li>• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).</li></ul>
April-May, 2007	<ul style="list-style-type: none"><li>• City Council consideration and decision on proposed amendments.</li></ul>

## **AMENDMENTS AND ISSUES**

Attachment 1 includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. There are only deletions in this batch of code amendments. The following is a summary of the proposed second batch code amendments.

### **Docketed Amendments:**

These proposed amendments were reviewed and supported by a staff panel and are being supported and forwarded by the Director:

**Amendment #1:** 20.20.016 D Definitions. This amendment changes the definition of single-family attached. The new definition of single-family attached is three or more units attached by common vertical walls. The new language makes it easier to distinguish between duplexes, apartments and single-family attached units.

**Amendment #2:** 20.40.054 W Definitions. This amendment adds the definitions of different types of Wireless Telecommunication Facilities (WTF's). The definitions were previously embedded in the Zoning and Use Provisions. Adding the definitions of WTF's into the Definition section makes more sense and will be easier for the public to find.

**Amendment #3:** 20.30.040 Table. City Council adopted the 2006 first batch of development amendments on November 6, 2006. In that batch of code amendments was a new section for site development permits (20.30.315). This amendment will add that permit to Table 20.30.040-Summary of Type A Actions.

**Amendment #4:** 20.30.220 Filing Administrative Appeals. This amendment comes from the City's Attorney Office. Language is added to clarify when appeals can be filed and when decisions shall be deemed received.

**Amendment #5:** 20.30.560 Categorical Exemptions- Minor New Construction. This amendment will raise thresholds for when a SEPA review is required. New residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles. This amendment will reduce the amount SEPA applications for minor construction throughout the City.

**Amendment #6:** 20.30.760 Junk Vehicles as Public Nuisance. This amendment is from our Code Enforcement staff. Time limits have been extended if a request for hearing is received from a customer who has received a damage assessment.

**Amendment #7:** 20.30.770 Notice and Orders. This is Code Enforcement request. New language has been added that directs the reader to other code sections for reference.

**Amendment #8:** 20.40.320 Daycare Facilities. This code amendment changes the regulations of where a Daycare facility II may be located. A Daycare Facility II is a facility that cares for more than 12 children at one time. Daycare II Facilities will not be permitted in the R-4 and R-6 zones and will be a Conditional Use Permit within the R-8 and R-12 zones.

**Amendment #9:** 20.50.020(2) Density and Dimensions. This amendment looks at density along Aurora Avenue in the commercial zones zoned CB. The proposal would allow greater residential densities by removing the current 48 dwelling units per acre density limit. Development would still have to meet setback, parking and landscaping regulations. No density maximums are proposed in the CB zones from Fremont Ave N to the west to Ashworth Ave N to the east. This is an attempt to focus higher densities along the Aurora Corridor without impacting the residential neighborhoods.

**Amendment #10:** 20.50.040 Setbacks- Designations and Measurements. This amendment clarifies when porches and decks may extend into required side yard setbacks. Language has been proposed that it is easier to understand and administer.

**Amendment #11:** 20.50.260 Lighting Standards. A new section has been added to lighting standards. Outdoor lighting shall be shielded and downlit from residential land uses. This amendment will protect residential uses from direct lighting from adjacent land uses.

**Amendment #12:** 20.50.410(A) Parking Design Standards. The City's current rules do not require multi-family, commercial and/or industrial uses to have parking on paved surfaces. This amendment will require paved parking for those uses as well as allowing single-family homes to have pervious concrete or pavers as an approved surface to park on.

**Amendment #13:** 20.50.420 Vehicle Access and Circulation Standards. This amendment was considered during the first batch of code amendments in November of 2006 and remanded to the Planning Commission. This amendment deletes the requirement for driveway setbacks from the property line.

**Amendment #14:** 20.70.030(C)(3)(1) Required Improvements. Required improvements (sidewalks, curb, gutter, street improvements, etc...) will not be required for subdivisions, short plats, and binding site plans where all of the lots are fully developed. This amendment will affect property owners rebuilding or remodeling homes on lots that are fully developed.

**Amendment #15:** 20.80.230 Required Buffer Areas. Two words will be added. "Very high" will be added to landslide hazard for required buffer areas.

**Amendment #16:** 20.80.330(A) Required Buffer Areas. This amendment correctly names the document used for determining wetland buffers. The document is named The 1997 Washington State Department of Ecology Wetland Delineation Manual.

**Amendment #17:** 20.90.110 Lighting. This is the only citizen initiated code amendment. The request is to allow neon signage to outline a building in the North City Business District. Neon signage is allowed in all other areas of the City of Shoreline. Staff supports the amendment as long as the neon tubes are an integral part of the building design.

### **OPTIONS**

1. Recommended approval of Proposed Development Code Amendments Second Batch of 2007; or
2. Add or delete selected Proposed Development Code Amendments Second Batch.

### **ATTACHMENTS**

**Attachment 1:** List of proposed amendments.

Table 1

Timeline	Third Bundle Log #	Category	Requested Change	Requested By	Chapter, Section and Title	Proposed Change	PC Recommendation
PC Public Hearing, March 15, 2007	1	New Regulation	Change definition of Single-family attached	City Planning Staff	20.20.016 D definitions	Single-family attached= <u>three or more units</u> attached by common wall.	
PC Public Hearing, March 15, 2007	2	New Regulation	Add the definition of building, ground and structure mounted WTF's	City Planning Staff	20.20.054 W definitions	Add building, ground and structure mounted WTF's to the definition section.	
PC Public Hearing, March 15, 2007	3	New Regulation	Add a reference to site development permits in Type A permit table	City Planning Staff	20.30.040 Table	Add: 20.30.315 to the table.	
PC Public Hearing, March 15, 2007	4	New Regulation	Changing effective date of administrative appeals	City Legal Staff	20.30.220 Filing Administrative Appeals	Add: <u>A decision shall be deemed received three days from the date of mailing.</u>	
PC Public Hearing, March 15, 2007	5	New Regulation	Raise the thresholds for SEPA review	City Planning Staff	20.30.560 Categorical Exemptions-Minor New Construction	Add: <u>up to 20 dwelling units, the addition of 12,000 square feet of gross floor area and up to 40 autos, and the construction of a parking lot for up to 40 autos.</u>	
PC Public Hearing, March 15, 2007	6	New Regulation	Revise code enforcement procedures for Junk vehicles	Code Enforcement	20.30.760 Junk vehicles as public nuisance	Add and revise language pertaining to notices and fines.	
PC Public Hearing, March 15, 2007	7	Clarification	Clarify the Notice and Orders section	City Legal Staff	20.30.770 Notice and orders	Referring language to section 20.30.790, replacing the word issuance with service and referring to sections 20.30.220 and 20.30.790.	
PC Public Hearing, March 15, 2007	8	New Regulation	Allow daycare II facilities in R-8 and R-12 zones with a conditional use permit	City Planning Staff	20.40.320 Daycare facilities	Delete R-4 through R-12 and replace with R-8 and R-12.	

Table 1

PC Public Hearing, March 15, 2007	9	New Regulation	Densities in commercial zones	City Planning Staff	20.50.020(2) Density and dimension	For all parcels zoned CB between Fremont and Ashworth, no max densities are required.	
PC Public Hearing, March 15, 2007	10	Clarification	Clarifying when uncovered porches and decks may project into a setback	City Planning Staff	20.50.040 Setbacks- designation and measurements	Uncovered porches and decks, which exceed 18 inches above the finished grade, may project eighteen inches into a required side yard setback and five feet into the required front and rear yard setback.	
PC Public Hearing, March 15, 2007	11	New Regulation	Residential area shielded from outdoor lighting	City Planning Staff	20.50.260 Lighting standards	Add: E. Outdoor lighting shall be shielded and down lit from residential land uses.	
PC Public Hearing, March 15, 2007	12	New Regulation	Do permeable concrete and pavers qualify as an approved impervious surface?	City Planning Staff	20.50.410(A) Parking design standards	Permeable pavement and pavers may be used to park or store vehicles on. Multi-family and commercial uses must be on a paved surface, pervious concrete or pavers.	
PC Public Hearing, March 15, 2007	13	New Regulation	Eliminate requirements for driveway setbacks	City Planning Staff	20.50.420 Vehicle access and circulation- standards	Delete all references to driveway setbacks.	
PC Public Hearing, March 15, 2007	14	New Regulation	Fully developed short plats should be exempt from required improvement standards	City Planning Staff	20.70.030(c)(3)(1) Required improvements	Add an exception: Subdivisions, short plats, and binding site plans where all of the lots are fully developed.	
PC Public Hearing, March 15, 2007	15	New Regulation	Buffer areas for landslide hazard areas	City Planning Staff	20.80.230 Required buffer areas	Add the words <u>very high</u> for the standard buffer from a landslide hazard area.	
PC Public Hearing, March 15, 2007	16	Clarification	Clarify the name of the Wetland Delineation Manual	City Planning Staff	20.80.330(A) Required buffer areas	1997 Washington State Department of Ecology Wetland Delineation Manual.	
PC Public Hearing, March 15, 2007	17	New Regulation	Allow neon signs in North City	Shoreline Citizen	20.90.110 Lighting	Delete: Neon tubes used to outline the building are prohibited. Add: Neon lighting may be used as a lighting element; provided, that the tubes are an integral part of the building design.	

20.20.016 D definitions

**Dwelling,  
Single-Family  
Attached** A building containing three or more ~~than one~~ dwelling units  
attached to ~~two or more~~ dwelling units by common vertical  
wall(s), such as townhouse(s). Single-family attached dwellings  
shall not have units' located one over another.

20.20.054 W definitions

**Wireless  
Telecommunication  
Facility (WTF)**

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WTF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WTF's are composed of two or more of the following components:

- A. Antenna;
- B. Mount;
- C. Equipment enclosure;
- D. Security barrier.

<u>WTF, building mounted</u>	<u>Wireless telecommunication facilities mounted to the roof or the wall of a building.</u>
<u>WTF, ground mounted</u>	<u>Wireless telecommunication facility not attached to a structure or building and not exempted from regulation under SMC 20.40.600A. Does not include colocation of a facility on an existing monopole, utility pole, light pole, or flag pole.</u>
<u>WTF, structure mounted</u>	<u>Wireless telecommunication facilities located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, existing monopoles, towers and/or tanks.</u>



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

<b>Action Type</b>	<b>Target Time Limits for Decision</b>	<b>Section</b>
<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 Occupation, 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. Variances 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

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21 RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

**20.30.220 Filing administrative appeals.**

- A. Appeals shall be filed within 14 calendar days from the date of the receipt of the mailing issuance of the written decision. A decision shall be deemed received three days from date of mailing. Appeals shall be filed in writing with the City Clerk. The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this chapter.
  
- B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.
  
- C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record. (Ord. 238 Ch. III § 5(f), 2000).

**20.30.560 Categorical exemptions – Minor new construction.**

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) the proposal would alter the existing conditions within a critical area or buffer; or 3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of ~~four~~ up to 20 dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ up to 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ up to 40 automobiles.
- C. The construction of a parking lot designed for ~~20~~ up to 40 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

**20.30.760 Junk vehicles as public nuisances.**

- A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:
1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or
  2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a ~~public~~ hearing may be requested before the Hearing Examiner. If no hearing is requested within ~~10~~ 14 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.
- C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.
- D. If a request for hearing is received within ~~10~~ 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in

its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

- F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.
- G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid, as set forth in SMC 20.30.775. filed as a garbage collection and disposal lien on the property. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).

**20.30.770 Notice and orders.**

Whenever the Director has reason to believe that a Code Violation exists or has occurred, the Director is authorized to issue a notice and order to correct the violation to any responsible party. A stop work order shall be considered a notice and order to correct. Issuance of a citation or stop work order is not a condition precedent to the issuance of any other notice and order.

- A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code Violation has occurred and that the cited person is a responsible party.
  
- B. Failure to correct the Code Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:
  - 1. Civil penalties and costs;
  - 2. Continued responsibility for abatement, remediation and/or mitigation;
  - 3. Permit suspension, revocation, modification and/or denial; and/or
  - 4. Costs of abatement by the City, according to the procedures described in this subchapter.
  
- C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 days of service issuance, according to the procedures described in SMC 20.30.220 and 20.30.790. Failure to appeal the notice and order within 14 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code Violation, and that the named party is liable as a responsible party.

**20.40.320 Daycare facilities.**

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations only as an accessory to residential use, provided:

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

B. Daycare II facilities are permitted in residential zones ~~R4~~ R-8 and through R12 zoning designations through an approved ~~only by~~ Conditional Use Permit, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 238 Ch. IV § 3(B), 2000).

**20.40.130 Nonresidential uses.**

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
<b>RETAIL/SERVICE TYPE</b>							
532	Automotive Rental and Leasing					P	P
81111	Automotive Repair and Service				P	P	P
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	P	P	P
513	Broadcasting and Telecommunications						P
812220	Cemetery, Columbarium	C-i	C-i	C-i	P-i	P-i	P-i
	Churches, Synagogue, Temple	C	C	P	P	P	P
	Construction Retail, Freight, Cargo Service						P
	Daycare I Facilities	P-i	P-i	P	P	P	P
	Daycare II Facilities		C	P	P	P	P



**Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones**

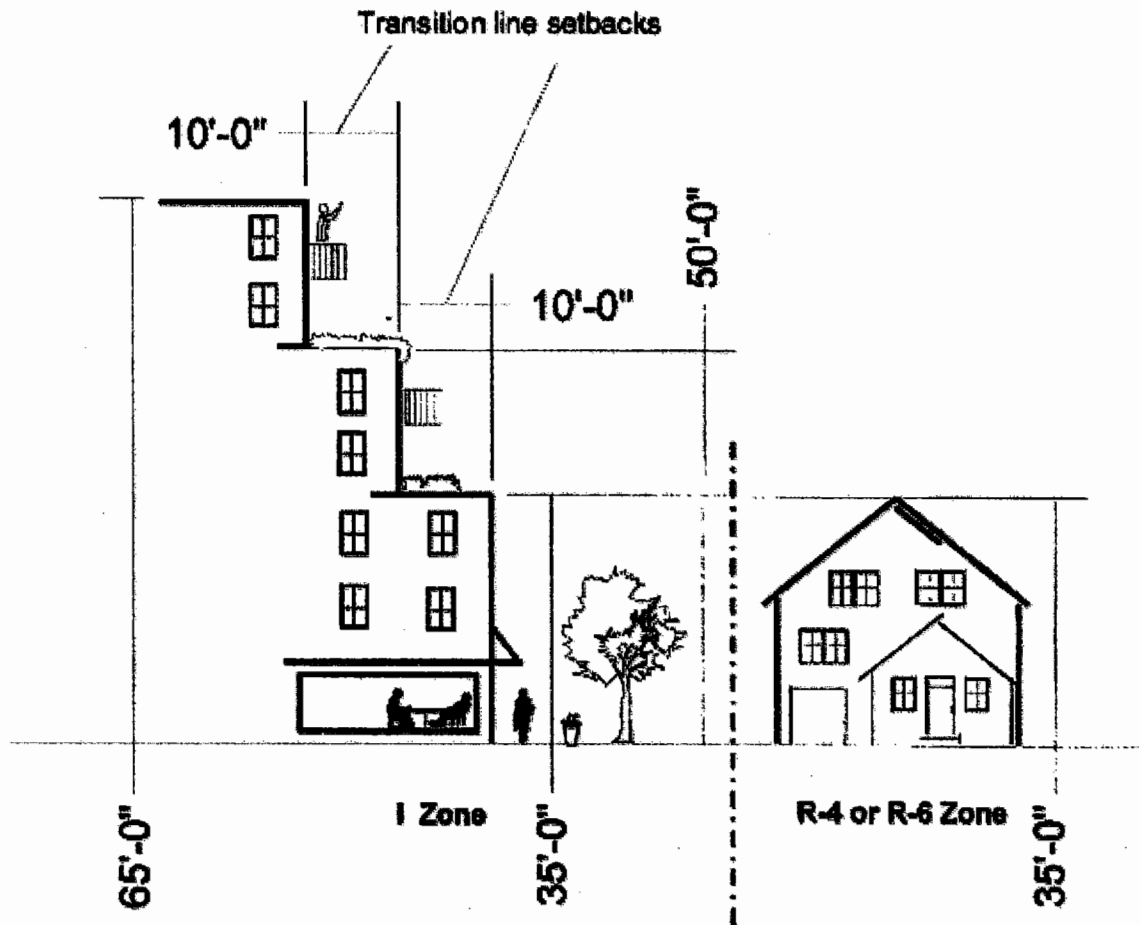
STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)-(2)	35 ft	60 ft	65 ft (2)(3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB between Fremont Avenue N to the west and Ashworth Avenue N to the east, no maximum residential densities are required subject to all other requirements of the Shoreline Development Code.

(1) (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

(2)(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.



***Figure Exception 20.50.020(2):*** For all portions of a building in the I zone abutting to R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. Sixty-five feet allowed with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building that are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

**20.50.040 Setbacks – Designation and measurement.**

**I. Projections into Setback.**

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:
  - a. Gutters;
  - b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
  - c. On-site drainage systems.
2. Fire place structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into setbacks, except into a side yard setback that is less than seven feet, provided such projections are:
  - a. Limited to two per facade;
  - b. Not wider than 10 feet;
  - c. Not more than 24 inches into a side yard setback (which is greater than seven feet); or
  - d. Not more than 30 inches into a front and rear yard setback.
3. Eaves shall not project more than:
  - a. Eighteen inches into a required side yard setback and shall not project at all into a five-foot setback;
  - b. Thirty-six inches into a front yard and/or rear yard setback.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the rear and side property lines.
5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project:
  - a. Eighteen inches into a required side yard setback, which is greater than six feet, six inches but not into a five-foot setback and
  - b. Five feet into the required the front and rear yard setback.
6. Building stairs less than three feet and six inches in height, entrances, and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.
7. Arbors are allowed in required yard setbacks if they meet the following provisions:

In any required yard setback, an arbor may be erected:

- a. With no more than a 40-square-foot footprint, including eaves;
  - b. To a maximum height of eight feet;
  - c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.
8. No projections are allowed into a regional utility corridor.
  9. No projections are allowed into an access easement.
  10. ~~Driveways for single detached dwellings may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).~~

**20.50.260 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.

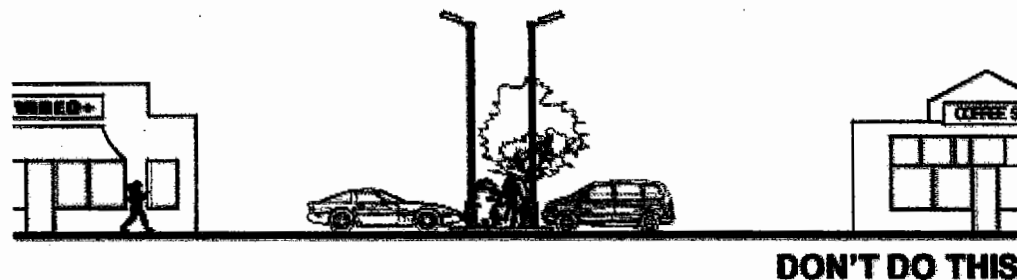


Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

- 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 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. (Ord. 238 Ch. V § 4(B-2), 2000).
- E. Outdoor lighting shall be shielded and downlit from residential land uses.

**20.50.410 Parking design standards.**

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

B. All vehicle parking and storage for multi-family and commercial uses must be on a paved surface, pervious concrete or pavers.

~~B.~~(C) On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.760.

~~C.~~(D) Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.
4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

Exception 20.50.410(C)(1): *In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate*

*pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.*

**20.50.420 Vehicle access and circulation – Standards.**

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

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

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

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

~~E. 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, Adequate Public Facilities.~~

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

~~G. 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.~~

~~H. 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.~~

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

**20.70.030 Required improvements.**

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

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. The provisions of the engineering chapter shall apply to:
  - 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, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
  - 3. Subdivisions;

Exception:

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

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

Exception:

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

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

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

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

iii. Would negatively impact critical areas. and

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

**20.80.230 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.
- 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.
- 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).

**20.80.330 Required buffer areas.**

- A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or 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 critical area. Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 19897 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.

**20.90.110 Lighting.**

- A. Lighting should use minimum wattage metal halide or color corrected sodium light sources which give more "natural" light. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited.
- B. All building entrances should be well lit to provide inviting access and safety.
- C. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.
- D. Parking area light fixtures should be designed to confine emitted light to the parking area. Post height should not exceed 16 feet.
- E. Back-lit or internally lit vinyl awnings are prohibited.
- F. Neon lighting may be used as a lighting element; provided, that the tubes are concealed and are an integral part of the building design. ~~Neon tubes used to outline the building are prohibited. (Ord. 281 § 7, 2001).~~

