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ORDINANCE NO. 789

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, REPRESENTING THE 2017 DEVELOPMENT CODE BATCH AMENDMENTS WHICH CLARIFY EXISTING REGULATIONS, PROVIDE FOR BETTER ADMINISTRATION OF THE REGULATIONS, AND REFLECT POLICY MODIFICATIONS TO RESPOND TO THE CHANGING NEEDS OF THE CITY.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code (SMC) Title 20, the Unified Development Code; and

WHEREAS, Title 20 has been amended on several occasions since it original adoption; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on August 31, 2017; and

WHEREAS, on September 7, 2017, October 5, 2017, and October 19, 2017, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on November 2, 2017, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted that the proposed Development Code, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on January 22, 2018, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

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WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 26, 2018.

Rose Salomon
Deputy Mayor for Mayor Hall
Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: March 1, 2018
Effective Date: March 6, 2018

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SMC Title 20 Development Code and SMC Chapter 13.12 Flood Plain Management
2017 Batch Amendments

20.20 Amendments

Amendment #1
20.20.012 – B Definitions

Brewpub – An eating establishment that includes the brewing of beer as an accessory use. The brewery shall not produce more than 1,500 barrels of beer or ale per year.

Amendment #2
20.20.016 – D Definitions

Dwelling, Apartment – A building containing multiple dwelling units that are ~~usually~~ located above other dwelling units ~~in a multi-unit configuration and/~~or above commercial spaces. Apartments are not considered single family attached dwellings.

Driveway, Shared – A jointly owned and maintained tract or easement serving up to four dwelling ~~two or more~~ units ~~properties~~.

Amendment #3
20.20.018 – E Definitions

~~Engineer, City – City Engineer having authorities specified in State law or authorized representative.~~

Enhancements - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from ~~resource creation or restoration~~ mitigation projects.

Amendment #4
20.20.024 – H Definitions

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50% hardscape and 50% pervious value.

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Amendment #5
20.20.034 – M Definitions

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. Production is limited to no more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery – A small operation that produces distilled spirts of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for on or off premises are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Mitigation – The action taken to minimize, rectify, reduce, or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from development or use. ~~Avoiding, minimizing, or compensating for adverse impacts, including use of any or all of the following actions listed in descending order of preference:~~

~~A. Avoiding the impact by not taking a certain action or parts of an action;~~
~~B. Minimizing the impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~
~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer to the conditions existing at the time of initiation of the project;~~
~~D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through biological, engineered, or other methods;~~
~~E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal;~~
~~F. Compensating for the impact by replacing, enhancing or providing substitute critical areas and environments; and~~
~~G. Monitoring the hazard or required mitigation and taking appropriate corrective measures when necessary.~~

~~Mitigation for individual actions may include a combination of the above measures.~~

20.30 Amendments

Amendment #6
20.30.045 Neighborhood meeting for certain Type A proposals.
20.30.050 Administrative Decision – Type B

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20.30.045 Neighborhood meeting for certain Type A proposals.

A. A neighborhood meeting shall be conducted by the applicant for temporary use permits for transitional encampment proposals.

B. A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones:

~~1. Developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or~~

1. ~~2.~~ Developments requesting departures under the Deep Green Incentive Program, Chapter 20.50 SMC, Subchapter 9.

~~This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements).~~

20.30.050 Administrative decisions – Type B.

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision (1), (2), (3)	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan (4)	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision (4)	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.
(2) Notice of application requirements are specified in SMC 20.30.120.
(3) Notice of decision requirements are specified in SMC 20.30.150.
(4) These Type B Actions do not require a neighborhood meeting. A Notice of Development will be sent to adjacent properties.

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Amendment #7

20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	**20.40.502~~5~~**
8. Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

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Amendment #8
20.30.400 Lot line adjustment – Type A action.

20.30.400 Lot line adjustment and lot merger – Type A action.

A. Lot line adjustment and lot merger are ~~is~~ exempt from subdivision review. All proposals for lot line adjustment and lot merger shall be submitted to the Director for approval. The Director shall not approve the proposed lot line adjustment or lot merger if the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;

2. Would otherwise result in a lot which is in violation of any requirement of the Code.

B. Expiration. An application for a lot line adjustment and lot merger shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

Amendment #9
20.30.430 Site development permit for required subdivision improvements – Type A action.

Engineering plans for improvements required as a condition of preliminary approval of a subdivision shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. A separate Site Development Permit is not required if a Site Development Permit was reviewed and approved through a building permit. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165.

20.40 Amendments

Amendment #10
Subchapter 3. Index of Supplemental Use Criteria

20.40.5025 Secure community transitional facility.

Amendment #11
20.40.130 Nonresidential uses.

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Table 20.40.130

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Brewpub					**P**	**P**	**P**	**P**
	Microdistillery						**P**	**P**	**P**
	Microbrewery						**P**	**P**	**P**

Amendment #12
20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Brewpub	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A

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Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Microbrewery		**P (Adjacent to Arterial Street, cannot abut R-6 zone)**	**P**
	Microdistillery		**P (Adjacent to Arterial Street, cannot abut R-6 zone)**	**P**
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i

P = Permitted Use C = Conditional Use

S = Special Use -i = Indexed Supplemental Criteria

A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.

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Amendment #13
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. Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

Exception to SMC 20.40.210(D): An accessory dwelling unit interior to the residence may be larger than 50 percent of the primary residence where the unit is located on a separate floor and shares a common roof with 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. Dwelling units that replace existing accessory structures must meet current setback 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 principal 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.

Amendment #14
20.40.235 Affordable housing, light rail station subareas.

A. The purpose of this index criterion is to implement the goals and policies adopted in the Comprehensive Plan to provide housing opportunities for all economic groups in the City's light rail station subareas. It is also the purpose of this criterion to:

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1. Ensure a portion of the housing provided in the City is affordable housing;

2. Create an affordable housing program that may be used with other local housing incentives authorized by the City Council, such as a multifamily tax exemption program, and other public and private resources to promote affordable housing;

3. Use increased development capacity created by the mixed-use residential zones to develop voluntary and mandatory programs for affordable housing.

B. Affordable housing is voluntary in MUR-35' and mandatory in the MUR-45' and MUR-70' zones. The following provisions shall apply to all affordable housing units required by, or allowed through, any provisions of the Shoreline Municipal Code:

1. The City provides various incentives and other public resources to promote affordable housing. Specific regulations providing for affordable housing are described below:

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3)(4)	Height may be increased above 70 ft.; no density limits; and may be eligible for: 12-year property tax exemption (PTE) ~~upon designation authorization by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3~~and no density limits.~~	Entitlement of 70 ft. height; no density limits; and m~~M~~ay be eligible for 12-year property tax exemption (PTE) ~~upon authorization designation by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3 ~~and entitlement of 70 ft. height and no density limits.~~	Entitlement of 45 ft. height; no density limits; and ~~M~~may be eligible for 12-year property tax exemption (PTE) ~~and permit fee reduction upon authorization designation by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3~~entitlement of 45 ft. height and no density limits.~~	No density limits; and ~~M~~may be eligible for 12-year property tax exemption (PTE) ~~and permit fee reduction upon authorization designation by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3 ~~and no density limits.~~
Studio, 1 bedroom (3)(4)	20% of rental units shall be affordable to households making	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or		

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	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
	60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms (3)(4)	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

2. Payment in lieu of constructing any fractional portion of mandatory units is available upon City Council's establishment of a fee in lieu formula. See subsection (E)(1) of this section. Full units are not eligible for fee in lieu option and must be built on-site.

~~3. Catalyst Program. The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption (PTE) upon designation by the City Council pursuant to RCW 84.14 and SMC 3.27 with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits at a rate of one TDR credit for every four units constructed upon authorization of a TDR program by City Council.~~

3. In order to be eligible for a property tax exemption pursuant to SMC chapter 3.27, 20% of units must be built to affordability standards.

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60% or less of the King County Area Median Income.

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Amendment #15
20.40.438 Light rail transit system/facility.[1]

F. Project and Permitting Processes Light Rail System/Facility.

1. Accelerated Project and Permitting Process.

a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed accelerated project and permitting staffing agreement between the City and the project proponent.

b. The fees for permit processing will be determined as part of the accelerated project permitting staffing agreement.

c. An accelerated project and permitting staffing agreement shall be executed prior to the applicant's submittal of the special use permit application; or the applicant may choose to utilize the City's standard project and permitting processes set forth in subsection (F)(2) of this section.

2. Standard Project and Permit Process.

a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.

b. Cost. Permit fees will be charged in accordance with Chapter 3.01 SMC ~~SMC 3.01.010~~. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.

c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an accelerated project permitting staffing agreement, the target time limits for decisions denoted in Chapter 20.30 SMC may be extended by the Director if adequate staffing is not available to meet demand.

Amendment #16
20.40.505 Secure community transitional facility.

20.40.50~~5~~2 Secure community transitional facility.

Amendment #17
20.40.504 Self-storage facility.

A. Location of Self-Storage Facilities.

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1. Self-storage facilities shall not be permitted on property located on a corner on an arterial street. For the purposes of this criterion, corners are defined as all private property adjacent to two or more intersecting arterial streets for a minimum distance of 200 feet in length by a width of 200 feet as measured from the property lines that face the arterials.

2. Self-storage facilities shall not be permitted in the Aurora Square Community Renewal Area.

3. In the Community Business zone, self-storage facilities are allowed adjacent to Ballinger Way NE, 19th Ave NE and Bothell Way NE only.

B. Restrictions on Use of Self-Storage Facilities.

1. The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in storage. Storage units shall not be used for activities such as: residences, offices, workshops, studios, hobby or rehearsal areas.
Self-storage units shall not be used for:

a. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity is prohibited.

b. Conducting garage or estate sales is prohibited. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.

c. Storage of flammable, perishable or hazardous materials or the keeping of animals is prohibited.

2. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.

C. Additional Design Requirements.

1. Self-storage facilities are permitted only within multistory structures.

2. Self-storage facilities shall not exceed 130,000 square feet.

3. All storage units shall gain access from the interior of the building(s) or site – no unit doors may face the street or be visible from off the property.

4. Loading docks, entrances or bays shall be screened with screens, fences, walls, or evergreen landscaping from adjacent right-of-ways.

5. If a ~~F~~fence~~s~~ or ~~and~~ walls around an~~d~~ ~~including~~ entry is proposed then they shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are preferred. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks are prohibited. Fences or walls are not allowed between the main or front building on the site and the street. Landscape areas required by the design guidelines or elsewhere in this code shall not be fenced.

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6. Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 20 percent glass. All other building elevations shall include windows (or translucent cladding materials that closely resemble windows) such that not less than seven and one-half percent of said elevations provide either transparency or the illusion of transparency when viewed from the abutting street or property.

7. Unfaced concrete block, painted masonry, tilt-up and precast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

8. Exterior colors, including any internal corridors or doors visible through windows, shall be muted tones.

9. Prohibited cladding materials include: ~~(a)~~ unbacked, noncomposite sheet metal products that can easily dent; ~~(b)~~ smooth face CMUs that are painted or unfinished; ~~(c)~~ plastic or vinyl siding; and ~~(d)~~ unfinished wood.

10. Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping the fixtures for other purposes.

11. Self-storage facilities are required to be Leadership in Energy and Environmental Design (LEED) certified.

20.50 Amendments

Amendment #18
20.50.020(1) and (2) – Densities and Dimensions in MUR Zones

Table 20.50.020(1)

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk

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Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
								limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

(14) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

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Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street ~~20~~ 22 ft if located on 145th Street (14)	15 ft if located on 185th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street ~~20~~ 22 ft if located on 145th Street (14)	15 ft if located on 185th Street (14) ~~20~~ 22 ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12) (15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):

(1) Repealed by Ord. 462.

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(2) These standards may be modified to allow zero lot line and unit lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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(13) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.

(14) (14) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

Amendment #19
20.50.020(3) – Dimensional requirements.

Table 20.50.020(3) – Dimensions for Development in Commercial Zones
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Commercial Zones				
STANDARDS	**Neighborhood Business (NB)**	**Community Business (CB)**	**Mixed Business (MB)**	**Town Center (TC-1, 2 & 3)**
Min. Front Yard Setback (Street) (1) (2) (5); (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' Zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35', and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ~~65~~ ft	70 ft
Hardscape (4)	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):
(1) Front yards may be used for outdoor display of vehicles to be sold or leased.
(2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal

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arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.
(3) The following structures may be erected above the height limits in all commercial zones:
a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC 20.40.600) are not included in this exception.
b. Parapets, firewalls, and railings shall be limited to four feet in height.
c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.
e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.
(4) Site hardscape shall not include the following:
a. Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.
b. Intensive vegetative roofing systems.
(5) The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

Amendment #20
20.50.021 – Transition Areas

Development in commercial zones NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

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C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

Amendment #21
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.

d. Where allowed by the International Building Code and International Fire Code minimum fire separation distance requirements, required yard setback distance from adjacent property lines may be decreased by a maximum of four inches for the sole purpose of adding insulation to the exterior of the existing building structural frame. Existing buildings not conforming to development standards shall not extend into required yard setback more than what would be allowed for a conforming structure under this exception.

e. Rain barrels, cisterns and other rainwater catchment systems may extend into a required yard setback according to the following:

i. Cisterns, rain barrels or other rainwater catchment systems no greater than 600 gallons shall be allowed to encroach into a required yard setback if each cistern is less than four feet wide and less than four and one-half feet tall excluding piping.

ii. Cisterns or rainwater catchment systems larger than 600 gallons may be permitted in required yard setbacks provided that they do not exceed 10 percent coverage in any required yard setback, and they are not located closer than two and one-half feet from a side or rear lot line, or 15 feet from the front lot line. If located in a front yard setback, materials and design must be compatible with the architectural style of the building which it serves, or otherwise adequately screened, as determined by the Director.

iii. Cisterns may not impede requirements for lighting, open space, fire protection or egress.

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2. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into required setbacks, except into any five-foot yard required setback ~~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.

1. Eaves shall not project ~~more than~~:

a. ~~Eighteen inches~~ Into a required five-foot setback, ~~and shall not project at all into a five-foot setback;~~

b. More than thirty-six inches into front and rear yard required setbacks.

Exception SMC 20.50.040(I)(3): When adjoining a legal, non-conforming eave, a new eave may project up to 20% into the required setback or may match the extent of the legal, non-conforming eave, whichever is lesser.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project five feet into the required front, rear and side yard setbacks but not within five feet of a property line.

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback, but shall not be allowed into any five-foot yard setback.

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

8. Arbors are allowed in required yard setbacks if they meet the following provisions:

a. No more than a 40-square-foot footprint, including eaves;

b. 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.

9. No projections are allowed into a regional utility corridor.

10. No projections are allowed into an access easement.

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Amendment #22
20.50.100 Location of accessory structures within required yard setbacks – Standards.

A. No accessory structure shall be located within any required setback.

B. Prohibited Structures. Shipping Containers are prohibited within any parcel.

Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and 200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.

Exception 20.50.100(2): If the accessory structure, which is less than 200 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.

Amendment #23
20.50.150 Storage space for the collection of trash, recyclables, and compost – Standards.

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.

D. Shipping Containers are not allowed.

Amendment #24
20.50.240 (C) Site Frontage

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45' and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:

a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;

c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code.

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These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;

h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;

i. New development in MUR zones on 185th Street, ~~and NE~~ 145th Street, and 5th Avenue NE between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide ~~alternative~~ access from the adjacent right-of-way ~~through the administrative design review process~~; and

j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

Amendment #25
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

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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 and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. 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.

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 critical 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 NB, CB, MB and TC-1, 2 and 3, ~~and MUR-70'~~ unless within a critical area <u>or</u> ~~of~~ critical area buffer.

6. Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC 20.80.030(E) or removal of trees consistent with SMC 20.80.030(G) unless a permit is specifically noted under SMC 20.80.030(E).

B. **Partial Exemptions**. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

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1. The removal of up to a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).

Table 20.50.310(B)(1) – Exempt Trees

Lot size in square feet	Number of trees
Up to 7,200	3
7,201 to 14,400	4
14,401 to 21,780	5
21,781 and above	6

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).

3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.

Amendment #26
Exception 20.50.350(B)

Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist ~~and approved by the City~~ that retention of the minimum percentage of trees is not advisable on an individual site; or

2. The Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

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3. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC 20.50.360 for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC 20.50.350(B).

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

Amendment #28
20.50.410(F) Parking Design Standards

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director's determinations for parking angles not shown in Table 20.50.410F, parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design. Structural columns or permanent structures can only encroach into a parking stall 6-inches the first four feet and the last four feet of the parking stall.

Amendment #29
20.50.470 Street frontage landscaping

SMC 20.50.470 Street frontage landscaping for parking lots.

A. Provide a five-foot-wide, Type II landscaping that incorporates a continuous masonry wall between three and four feet in height. The landscape shall be located between the public sidewalk or residential units and the wall; or

B. Provide at least 10-foot-wide, Type II landscaping.

C. All parking lots shall be separated from ground-level, residential development by the required setback and planted with Type I landscaping.

D. Vehicle Display Areas Landscaping. Shall be determined by the Director through administrative design review under SMC 20.30.297. Subject to the Director's discretion to reduce or vary the depth, landscaped areas shall be at least 10 feet deep relative to the front property line. Vehicle display areas shall be framed by appropriate landscape materials along the front property line. While allowing the vehicles on display to remain plainly visible from the public rights-of-way, these materials shall be configured to create a clear visual break between the hardscape in the public rights-of-way and the hardscape of the vehicle display area. Appropriate landscape construction materials shall include any

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combination of low (three feet or less in height) walls or earthen berms with ground cover, shrubs, trees, trellises, or arbors.

Amendment #30
20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development ~~of more than four units~~ shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback.

C. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

D. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

20.70 Amendment

Amendment #31
20.70.440 – Access (New Subchapter)

Subchapter 6. Access Standards

20.70.440 Purpose.
20.70.450 Access Widths.

20.70.440 Purpose.
The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. Access widths are described and defined in the Engineering Development Manual.

20.70.450 Access widths

A. Table 20.70.450 – Access Widths

Dwelling Type and Number	Engineering Development Manual Access Types and Width
1 unit	Residential

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2-4 units	Shared
5 or more units	Multifamily
Commercial, Public Facility	Commercial
Circular	Per Criteria in EDM
5 or more units without adjacent development potential	Private Street

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20.80 Amendments

Amendment #32
20.80.025(A) and (B) Critical area maps

A. The approximate location and extent of identified critical areas within the City's planning area are shown on the critical areas maps adopted as part of this chapter, including but not limited to the maps identified in SMC 20.80.222, 20.80.272 and 20.80.322. These maps shall be used for informational purposes as a general guide only for the assistance of ~~only to assist~~ property owners and other interested parties. Boundaries and locations indicated on the maps are generalized. Critical areas and their buffers may occur within the City, which have not previously been mapped. A site inspection by staff or an applicant's Critical Area Worksheet may also indicate the presence of a critical area.

B. Based on an indicated critical area in subsection A., the actual presence or absence, ~~a type, extent, boundaries~~, delineation and classification of critical areas shall be identified in the field by a qualified professional, and confirmed ~~determined~~ by the City, according to the procedures, definitions and criteria established by SMC 20.80.080(D)(1 and 2). In the event of any conflict between the critical area location and designation shown on the City's maps and the criteria or standards of this chapter, the criteria and standards shall prevail.

Amendment #34
20.80.040 (C) Allowed activities.

C. Allowed Activities. The following activities are allowed:

1. Structural modification of, additions to, maintenance, repair, or replacement of legally nonconforming structures consistent with SMC 20.30.280, which do not meet the building setback or buffer requirements for wetlands, fish and wildlife habitat conservation areas, or geologic hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure or area of hardscape lying within the critical area or buffer. Within landslide hazard areas additions that add height to a nonconforming structure may only be allowed with review of a critical area report demonstrating that no increased risk of the hazard will occur. If such modification, alteration, repair, or replacement requires encroachment into a critical area or a critical area buffer to perform the work, then encroachment may be allowed subject to restoration of the

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area of encroachment to a same or better condition ~~Where nonconforming structures are partially located within critical areas or their buffers, additions are allowed with a critical area report delineating the critical area(s) and required buffers showing that the addition is located entirely outside the critical area or buffer~~;

Amendment #35
20.80.045 Critical areas preapplication meeting.

A. A preapplication meeting, pursuant to SMC 20.30.080, is required prior to submitting an application for development or use of land or prior to starting a development activity or use of the land that may be regulated by the provisions of this chapter unless specifically exempted in SMC 20.80.030.

B. A determination may be provided through the preapplication meeting regarding whether critical area reports are required, and if so what level of detail and what elements may be necessary for the proposed project. An applicant may submit a critical area delineation and classification study prior to the City determining that a full critical area report is required.

This determination does not preclude the Director from requiring additional critical area report information during the review of the project. After a site visit and review of available information for the preapplication meeting, the Director may determine:

Amendment #36
20.80.050 Alteration of Critical Areas

In general, critical areas and their buffers shall be maintained in their existing~~, natural~~ state including undisturbed, native vegetation to maintain the functions, values, resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns ~~including developed areas such as grading, structures, pavement, gardens, and lawns~~. Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria and standards in this chapter, and compliance with any Federal and/or State permits required. Unless otherwise provided in this chapter, if alteration of the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved critical areas report, so as to result in no overall net loss of critical area functions and values and no increased risk of hazards.

Amendment #37
20.80.080 Critical Area Reports – Requirements

A. Report Required. If uses, activities, or developments are proposed within, adjacent to, or are likely to impact critical areas or their buffers, an applicant shall provide site-specific information and analysis in the form of critical area report(s) as required in this chapter. Critical

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area reports are required in order to identify the presence, extent, and classification/rating of potential critical areas, as well as to analyze, assess, and mitigate the potential adverse impact to or risk from critical areas for a development project. Critical area reports shall use standards for best available science in SMC 20.80.060. Critical area reports for two or more types of critical areas must meet the report requirements for each type of critical area. The expense of preparing the critical area report(s) shall be borne by the applicant. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100.

D. Critical Area Report Types or Sections. Critical area reports may be met in stages through multiple reports or combined in one report. A critical area report shall include one or more of the following sections or report types unless exempted by the Director based on the extent of the potential critical area impacts. The scope and location of the proposed project will determine which report(s) alone or combined are sufficient to meet the critical area report requirements for the impacted critical area type(s). The typical sequence of required sections or reports that will fulfill the requirements of this section include:

1. Reconnaissance. The existence, general location, and type of critical areas in the vicinity of a project site (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas) of a project site (if allowed by the adjoining property owners). Determination of whether the project will adversely impact or be at risk from the potential critical areas based on maximum potential buffers and possible application of SMC 20.80.220(A)3), .280(D)(7) or SMC .330(G)(10) should be addressed;

Amendment #38
20.80.090 Buffer Areas

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands and consists of ~~Buffers shall consist of~~ an undisturbed area of native vegetation ~~established to achieve the purpose of the buffer. If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved mitigation or restoration plan~~. Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas.

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Amendment #39
20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.

E. **Wetland Mitigation Ratios[1].**

Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.

Category and Type of Wetland[2]	Creation or Reestablishment (Area – in square feet)	Rehabilitation (Area – in square feet)	Enhancement (Area – in square feet)	Preservation (Area – in square feet)
Category I: Based on total score for functions	4:1	8:1	16:1	20:1
Category I: Mature forested	6:1	12:1	24:1	24:1
Category I: Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
Category II: Based on total score for functions	3:1	6:1	12:1	20:1
Category III (all)	2:1	4:1	8:1	15:1
Category IV (all)	1.5:1	3:1	6:1	10:1

[1] Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a or 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-011a, March 2006, or as revised).

[2] Category and rating of wetland as determined consistent with SMC 20.80.320(B).