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ORDINANCE NO. 824

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO ADDRESS CARE FACILITIES AND APPLICABLE REGULATIONS.

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 36.70C RCW; and

WHEREAS, on December 28, 2017, the City received an amendment proposal from the Ashley House, a non-resident property owner, in regards to Shoreline Municipal Code (SMC) 20.40.120 Community Residential Facilities; and

WHEREAS, based on this amendment proposal, City Staff determined it appropriate to review the City's care facility regulations beyond the one requested by the Ashley House; and

WHEREAS, City Staff presented amendments in regards to a variety of care facilities to allow for regulations of this types of land use; and

WHEREAS, the environmental impacts of the proposed amendments to the Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on March 15, 2018; and

WHEREAS, on March 1, 2018, April 5, 2018, and April 19, 2018, the City of Shoreline Planning Commission reviewed the proposed amendments and the various reiteration of the amendments that occurred over this time period; and

WHEREAS, on May 3, 2018, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendment so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted to approve the proposed Development Code amendments as presented by City Staff for the public hearing; and

WHEREAS, on June 11, 2018, the City Council held a study session on the Planning Commission's recommendation of 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

WHEREAS, the City provided public notice of the amendment and the public hearings as provided in SMC 20.30.070; 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

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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 proposed amendments to the Development Code; 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, WASHINGTON 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 JUNE 25, 2018.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: June 28, 2018
Effective Date: July 3, 2018

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20.20.010 A definitions

Adult Family Home	A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128 RCW, as amended.

20.20.014 C definitions

~~Community Residential Facility (CRF)~~	~~Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:~~
-	~~A. CRF-I – Nine to 10 residents and staff;~~
-	~~B. CRCF – Eleven or more residents and staff.~~
-	~~If staffed by nonresident staff, each 24 staff hours per day equals one full-time staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).~~

20.20.036 N definitions

Nursing Facility	Any place that operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for any number of patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed to people who are sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a licensed practitioner of the healing arts. It may also include care of mentally challenged persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held

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forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution such as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this Code; provided, that any nursing facility providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

20.20.044 R definitions

Residential Care Facility (RCF)	A state licensed facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for not more than fifteen (15) functionally disabled persons. A residential care facility shall not provide the degree of care and treatment that a hospital provides. The following are not considered a RCF: a Residential Treatment Facility, as licensed pursuant to RCW 71.12; an Adult Family Home, as licensed pursuant RCW 70.128, and an Enhanced Service Facility, as licensed pursuant to RCW 70.97.

20.20.044 R definitions

Residential Treatment Facility	A facility licensed by the state pursuant to Chapter 71.12 RCW and WAC 246-337 that provides 24 hour on-site care for the evaluation, stabilization, or treatment of residents for substance abuse, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing.

20.20.046 S definitions

Secure Community Transitional Facility (SCTF)	A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered Residential Care Facilities ~~community residential facilities~~.

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TABLE 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
GROUP RESIDENCES									
	Adult Family Home	P	P	P	P				
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility ~~Community Residential Facility-I~~	C-i	C-i ~~P-i~~	P-i	P-i	~~P~~	~~P~~	~~P~~	~~P~~
	~~Community Residential Facility-II~~		~~C~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing ~~and Personal Care~~ Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i

20.40.150 Campus uses.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
623	Nursing Facility ~~and Personal Care Facilities~~	P-m	P-m		P-m
P-m = Permitted Use with approved Master Development Plan					

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20.40.160 Station Area Uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Adult Family Home	P		
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Residential Care Facility	C-i		
	Single-Family Attached	P-i	P-i	
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i

HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C

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	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing ~~and Personal Care~~ Facilities		P-i (Adjacent to Arterial Street)	P

20.40.280 Residential Care Facilities (RCF) ~~Community residential facilities I and II Repealed by Ord. 352.~~

Residential Care Facilities are permitted in the R-4, R-6, R-8, R-12, and MUR-35' zones with the approval of a Conditional Use Permit and permitted in the R-18, R-24, R-48 and TC-4 zones provided:

1. The number of residents shall be based on bedroom size. Patient bedroom size requirements must comply with WAC 388-97-2440, as amended. In any case, the total number of residents shall not exceed fifteen (15).
2. A RCF must be 1,000 feet from an existing RCF (measured in a straight line from property line to property line).
3. Parking must be located onsite, screened from adjacent residential uses through a solid six-foot high fence or wall, and one parking space for every three patients, plus one space for each staff on duty shall be provided.
4. No more than six parking spaces may be located outside. If more than six parking spaces are required or provided, those spaces above six must be located in an enclosed structure.
5. Signs are limited to Residential sign standards in Table 20.50.540(G).

20.40.400 Home Occupation

Note: Daycares, Residential Care Facilities ~~community residential facilities~~, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential Care Facilities ~~Community residential facilities:~~	1 per 3 ~~2~~ patients ~~units,~~ plus 1 per FTE employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit

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Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Senior citizen assisted:	1 per 3 dwelling or sleeping units

Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below. Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2
MONUMENT Signs:			
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, residential care facilities, bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks))	50 sq. ft.	100 sq. ft.
Maximum Height	42 inches	6 feet	12 feet
Maximum Number Permitted	1 per street frontage	1 per street frontage	1 per street frontage
		Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.	
Illumination	Permitted	Permitted	
BUILDING-MOUNTED SIGNS:			
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.
Maximum Height	Not to extend above the building parapet, soffit, or eave line of the roof. If perpendicular to building then 9-foot clearance above walkway.		

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	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2
Number Permitted	1 per street frontage	1 per business per facade facing street frontage or parking lot.	
Illumination	Permitted	Permitted	Permitted