

ORDINANCE NO. 833**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, RELATING TO TREE RETENTION STANDARDS FOR THE MUR-70 ZONING DISTRICT.**

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 2015, the City adopted new mixed-use residential (MUR) zoning districts to be used within the light rail station areas; and

WHEREAS, because of the intense level of development the MUR-70 zoning district was to allow, via the adoption of Ordinance No. 706, this zoning district was exempt from the tree retention and replacement standards of Chapter 20.50, Subchapter 5 of the Shoreline Municipal Code (SMC), the City's Tree Conservation regulations; and

WHEREAS, in 2017 a privately-initiated amendment was submitted to the City seeking to delete the MUR-70 zoning district exemption and, after considering the Planning Commission's recommendation, the City Council adopted Ordinance No. 789 approving this amendment; and

WHEREAS, as part of the adoption of Ordinance No. 789, the City Council requested that the Planning and Community Development Department Staff investigate ways to encourage tree retention in the MUR-70 zoning district; and

WHEREAS, on May 17, 2018 and June 7, 2018, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments prepared by City Staff in response to the City Council's requests; and

WHEREAS, on June 21, 2018, 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 presented by City Staff, be approved by the City Council; and

WHEREAS, on July 30, 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

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; 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 July 19, 2018; 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, on May 22, 2018, the City 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 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 AUGUST 13, 2018.



Mayor Will Hall

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Margaret King
City Attorney

Date of Publication: August 16, 2018
Effective Date: August 21, 2018

SMC 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:

- 5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and MUR-70' unless within a critical area or critical area buffer.

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (<u>1746</u>)	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 22 ft if located on 145th Street (<u>1544</u>)	15 ft if located on 185th Street (<u>1544</u>) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (<u>1544</u>)	15 ft if located on 185th Street (<u>1544</u>) 22 ft if located on 145th Street (<u>1544</u>) 0 ft if located on an arterial street 10 ft on nonarterial street (<u>18</u>)
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 (45 <u>16</u>)	45 ft (45 <u>16</u>)	70 ft (11) (12)(42 <u>13</u>) (45 <u>16</u>)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

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

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) 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.

(14) 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.

(1415) 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.

(1516) 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.

(1617) 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.

(18) The minimum front yard setback in the MUR-70' zone may be reduced to five (5) feet on a nonarterial street if 20 percent of the significant trees on site are retained.

SMC 20.50.400 Reductions to minimum parking requirements.

- A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:
 - 1. On-street parking along the parcel's street frontage.
 - 2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
 - 3. Parking management plan according to criteria established by the Director.
 - 4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.

5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.

6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.

7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.

8. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.

9. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.

b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.

c. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.