

ORDINANCE NO. 896

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL
CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO PERMIT
PROFESSIONAL OFFICES IN THE R-8 AND R-12 ZONING DISTRICTS.**

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, on December 9, 2019, the City Council adopted the 2019 Comprehensive Plan Docket via Ordinance 881, amending Comprehensive Plan Land Use Policy LU2 so as to allow professional offices within the Medium Density Residential land use designation; the R-8 and R-12 zoning districts implement the Medium Density Residential designation; and

WHEREAS, amendments are needed for SMC Chapters 20.20, 20.30, and 20.40 to implement Policy LU2 so as to ensure consistency between the City's Comprehensive Plan and development regulations as required by RCW 36.70A.040; and

WHEREAS, on February 6, 2020 and March 5, 2020, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on July 2, 2020, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments virtually via Zoom so as to receive public testimony; and

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

WHEREAS, on August 3, 2020, the City Council held a study session on the proposed Development Code amendments virtually via Zoom; 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 proposed Development Code amendments and the public hearing 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

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 Development Code amendments; and

WHEREAS, the environmental impacts of the proposed Development Code amendments resulted in the issuance of a Determination of Non-Significance (DNS) on March 17, 2020; and

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

NOW 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. Transmittal of Amendment to Washington State Department of Commerce. As required by RCW 36.70A.106, the Director of Planning and Community Development or designee shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

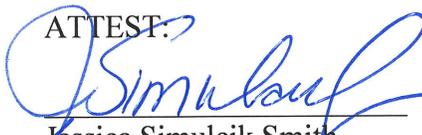
Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

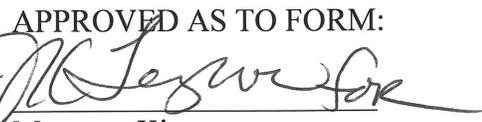
Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. 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 SEPTEMBER 21, 2020.


Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney


Julie Ann Swaen Taylor
Asst. City Attorney

Date of Publication: September 24, 2020
Effective Date: September 29, 2020

20.20. – Definitions

Outdoor Storage The storage of any products, materials, equipment, machinery, or scrap outside the confines of a fully enclosed building. Outdoor storage does not include items used for household maintenance such as hoses, ladders, wheelbarrows, and gardening equipment.

~~Professional Office~~ ~~An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodity.~~

An office used as a place of business by licensed professionals, such as attorneys, accountants, architects, and engineers, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills. Professional offices shall not involve outside storage, fabrication, or on-site transfer of commodity.

20.30 – Procedures and Administration

20.30.300 Conditional use permit-CUP (Type B action).

A. Purpose. The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

B. Decision Criteria. A conditional use permit may ~~shall~~ be granted by the City, only if the applicant demonstrates that:

1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

C. Suspension or Revocation of Permit.

1. The Director may suspend or revoke any conditional use permit whenever:
 - a. The permit holder has failed to substantially comply with any terms or conditions of the permit's approval;
 - b. The permit holder has committed a violation of any applicable state or local law in the course of performing activities subject to the permit;
 - c. The use for which the permit was granted is being exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance;
 - d. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or
 - e. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.
2. The Director shall issue a notice and order in the same manner as provided in SMC 20.30.760.
 - a. The notice and order shall clearly set forth the date that the conditional use permit shall be suspended or revoked.
 - b. The permit holder may appeal the notice and order to the Hearing Examiner as provided in SMC 20.30.790. The filing of such appeal shall stay the suspension or revocation date during the pendency of the appeal.

c. The Hearing Examiner shall issue a written decision to affirm, modify, or overrule the suspension or revocation, with or without additional conditions, such as allowing the permit holder a reasonable period to cure the violation(s).

3. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.

4. If a conditional use permit has been suspended or revoked, continuation of the use shall be considered an illegal occupancy and subject to every legal remedy available to the City, including civil penalties as provided for in SMC 20.30.770(D).

D. Transferability

Unless otherwise restricted by the terms and conditions at issuance of the conditional use permit, the conditional use permit shall be assigned to the applicant and to a specific parcel. A new CUP shall be required if a permit holder desires to relocate the use permitted under a CUP to a new parcel. If a CUP is determined to run with the land and the Director finds it in the public interest, the Director may require that it be recorded in the form of a covenant with the King County Recorder's Office. Compliance with the terms and conditions of the conditional use permit are the responsibility of the current property owner, whether the applicant or a successor.

E. Expiration

1. Any conditional use permit which is issued and not utilized within the time specified in the permit or, if no time is specified, within two (2) years from the date of the City's final decision shall expire and become null and void.

2. A conditional use permit shall be considered utilized for the purpose of this section upon submittal of:

a. a complete application for all building permits required in the case of a conditional use permit for a use which would require new construction;

b. an application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction;
or

c. in the case of an outdoor use, evidence that the subject parcel has been and is being utilized in accordance with the terms and conditions of the conditional use permit.

3. If after a conditional use has been established and maintained in accordance with the terms of the conditional use permit, the conditional use is discontinued for a period of 12 consecutive months, the permit shall expire and become null and void.

F. Extension

Upon written request by a property owner or their authorized representative prior to the date of conditional use permit expiration, the Director may grant an extension of time up to but not exceeding 180 days. Such extension of time shall be based upon findings that the proposed project is in substantial conformance, as to use, size, and site layout, to the issued permit; and there has been no material change of circumstances applicable to the property since the granting of said permit which would be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.

20.40 – Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	RETAIL/SERVICE								
	Professional Office		C-i	C	C	P	P	P	P

20.40.475 – Professional Offices

A Professional Office is allowed in the R-8 and R-12 zones with the approval of a Conditional Use Permit and subject to the following conditions:

1. Hours of operation are limited to 7 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 10 p.m. Saturday and Sunday.
2. Services provided shall be scheduled by appointment only.
3. No outdoor storage.
4. The office may use or store two vehicles for pickup of materials used by the office or the distribution of products from the site, provided such vehicles shall not exceed a gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.
5. Parking shall be on a paved surface, pervious concrete, or pavers. No customer/client parking is allowed in required side or rear setbacks.
6. No on-site transfer of merchandise.
7. Compliance with all dimensional requirements set forth in Table SMC 20.50.020(1), except density.

8. One sign complying with Table 20.50.540(G) is allowed but may not be internally illuminated.

9. Outdoor lighting shall comply with SMC 20.50.240(H).

10. Parking areas shall be screened from adjacent single-family residential uses by either a 6-foot opaque fence or Type-1 landscape buffer.