ORIGINAL

ORDINANCE NO. 469

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING 20.20.016 D DEFINITIONS; 20.20.054 W DEFINITIONS; TABLE 20.30.040; 20.30.220 FILING ADMINISTRATIVE APPEALS; 20.30.760 JUNK VEHICLES AS PUBLIC NUISANCE; 20.30.770 NOTICE AND ORDERS; 20.40.320 DAYCARE FACILITIES; 20.50.040 SETBACKS; 20.50.260 LIGHTING STANDARDS; 20.50.410(A) PARKING DESIGN STANDARDS; 20.50.420 VEHICLE ACCESS AND CIRCULATION STANDARDS; 20.70.030(C)(3)(A) REQUIRED IMPROVEMENTS; 20.80.330 REQUIRED BUFFER AREAS; AND 20.90.110 LIGHTING.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007.

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

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

ORIGINAL

Section 1. Amendment. Shoreline Municipal Code Chapters 20.20, 20.30, 20.40, 20.50, 20.70, 20.80 and 20.90 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 11, 2007.

Robert L. Ransom

Mayor Robert Ransom

ATTEST:

Scott Passey
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: June 14, 2007
Effective Date: June 19, 2007

20.20.016 D definitions

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

20.20.054 W definitions

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

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

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

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

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

20.30.220 Filing administrative appeals.

A. Appeals shall be filed within 14 calendar days from the date of the receipt of the mailing ~~issuance of the written decision~~. A decision shall be deemed received three days from date of mailing. Appeals shall be filed in writing with the City Clerk. The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this chapter.

B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.

C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record. (Ord. 238 Ch. III § 5(f), 2000).

20.30.760 Junk vehicles as public nuisances.

A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:

1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or

2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a ~~public~~ hearing may be requested before the Hearing Examiner. If no hearing is requested within ~~10~~ 14 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.

D. If a request for hearing is received within ~~10~~ 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land,

with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.

G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid, as set forth in SMC 20.30.775. ~~filed as a garbage collection and disposal lien on the property. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).~~

20.30.770 Notice and orders.

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

A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code Violation has occurred and that the cited person is a responsible party.

B. Failure to correct the Code Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:

1. Civil penalties and costs;

2. Continued responsibility for abatement, remediation and/or mitigation;

3. Permit suspension, revocation, modification and/or denial; and/or

4. Costs of abatement by the City, according to the procedures described in this subchapter.

C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 days of service ~~issuance~~, according to the procedures described in SMC 20.30.220 and 20.30.790. Failure to appeal the notice and order within 14 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code Violation, and that the named party is liable as a responsible party.

20.40.320 Daycare facilities.

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

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

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

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.130 Nonresidential uses.

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

20.50.040 Setbacks – Designation and measurement.

I. **Projections into Setback.**

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:

   a. Gutters;

   b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or

   c. On-site drainage systems.

2. Fire place structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into setbacks, except into a side yard setback that is less than seven feet, provided such projections are:

   a. Limited to two per facade;

   b. Not wider than 10 feet;

   c. Not more than 24 inches into a side yard setback (which is greater than seven feet); or

   d. Not more than 30 inches into a front and rear yard setback.

3. Eaves shall not project more than:

   a. Eighteen inches into a required side yard setback and shall not project at all into a five-foot setback;

   b. Thirty-six inches into a front yard and/or rear yard setback.

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

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project:

   a. Eighteen inches into a required side yard setback, which is greater than six feet, six inches ~~but not into a five foot setback~~ and

   b. Five feet into the required the front and rear yard setback.

6. Building stairs less than three feet and six inches in height, entrances, and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.

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

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

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

   b. To a maximum height of eight feet;

   c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.

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

9. No projections are allowed into an access easement.

~~10. Driveways for single-detached dwellings may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).~~

20.50.260 Lighting – Standards.

A. Accent structures and provide security and visibility through placement and design of lighting.

B. Parking area light post height shall not exceed 25 feet.

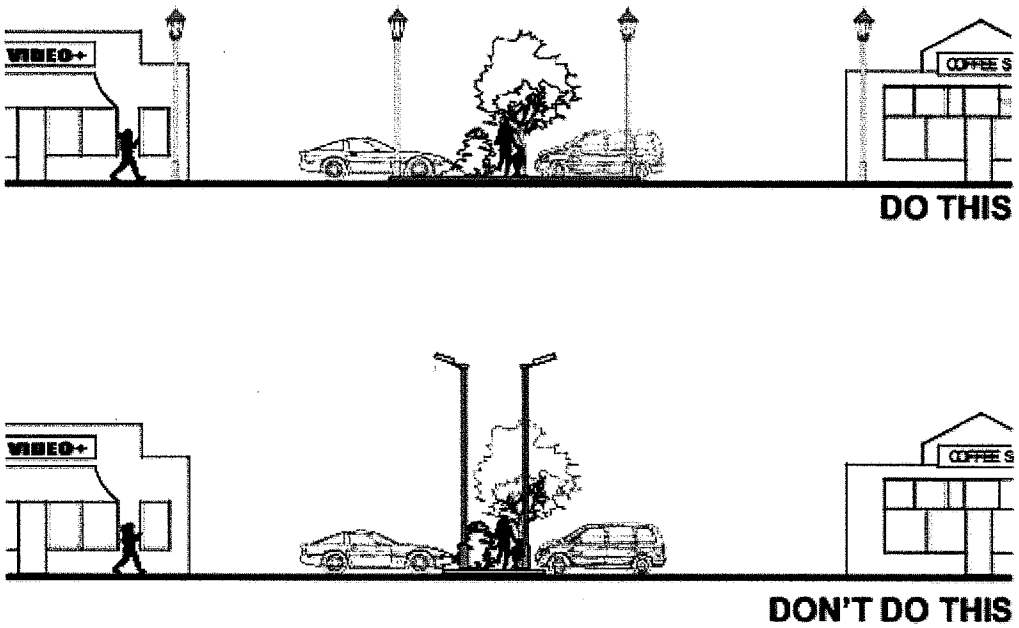

Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.

D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by the engineering provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting. (Ord. 238 Ch. V § 4(B-2), 2000).

<u>E. Outdoor lighting shall be sheilded and downlit from residential land uses.</u>

20.50.410 Parking design standards.

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

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

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

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

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

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

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

20.50.420 Vehicle access and circulation – Standards.

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

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

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

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

~~E.~~C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.

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

~~G.~~ E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

~~H.~~F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

~~I.~~G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.

2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

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

20.70.030 Required improvements.

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

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

3. Subdivisions;

<u>Exception:</u>

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

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

<u>Exception:</u>

i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.

ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

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

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:

a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;

b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

c. Adequate drainage control is maintained;

d.At least one of the following conditions exists. The required improvements:

i.Would not be of sufficient length for reasonable use;

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

iii. Would negatively impact critical areas. and

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

20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 19~~8~~97 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.

20.90.110 Lighting.

A. Lighting should use minimum wattage metal halide or color corrected sodium light sources which give more "natural" light. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited.

B. All building entrances should be well lit to provide inviting access and safety.

C. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.

D. Parking area light fixtures should be designed to confine emitted light to the parking area. Post height should not exceed 16 feet.

E. Back-lit or internally lit vinyl awnings are prohibited.

F. Neon lighting may be used as a lighting element; provided, that the tubes are ~~concealed and are~~ an integral part of the building design. ~~Neon tubes used to outline the building are prohibited. (Ord. 281 § 7, 2001).~~