ORIGINAL

ORDINANCE NO. 515

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING 20.20.014 C DEFINITIONS; 20.20.046 S DEFINITIONS; 20.30.450 FINAL PLAT REVIEW PROCEDURES; 20.30.280 NONCONFORMANCE; 20.30.730 GENERAL PROVISIONS; 20.30.750 JUNK VEHICLES AS PUBLIC NUISANCES; 20.30.760 NOTICE AND ORDERS; 20.40.250 BED AND BREAKFASTS; 20.50.040 SETBACKS – DESIGNATION AND MEASUREMENT; 20.50.070 SITE PLANNING – FRONT YARD SETBACK – STANDARDS; 20.50.125, 20.50.225, 20.50.385, 20.50.455 AND 20.50.535 THRESHOLDS – REQUIRED SITE IMPROVEMENTS; 20.50.240 SITE PLANNING – STREET FRONTAGE – STANDARDS; 20.70.030 REQUIRED IMPROVEMENTS; AND 20.80.110 CRITICAL AREAS REPORT REQUIRED;

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

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 amendments to the Development Code; 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 June 26, 2008 to July 10, 2008; and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on July 17, 2008;

WHEREAS, a SEPA Determination of Nonsignificance was issued on July 2, 2008 in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development on May 30, 2008 for comment pursuant WAC 365-195-820; and

WHEREAS, no comments were received from the State Department of Community Development; 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 and 20.80 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 SEPTEMBER 8, 2008.

Terry Scott, Deputy Mayor

ATTEST:

Scott Passey
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: September 11, 2008
Effective Date: September 16, 2008

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. CRF-II – Eleven or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

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 Community Residential Facilities.

20.30.450 Final plat review procedures.

A. Submission. The applicant may not file the final plat for review until the required site development permit has been submitted and approved by the City.

B. ~~Staff Review~~ – Final Short Plat. The Director shall conduct an administrative review of a proposed final short plat ~~subdivision~~. Only when the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of 58.17 RCW, other applicable state laws, and SMC Title 20 ~~chapter~~ which were in effect at the time when the preliminary short plat application was deemed complete ~~approval, either~~ the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat. ~~and either sign the statements that all requirements of the Code have been met, or disapprove such action, stating their reasons in writing. Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the City Council for approval~~.

C. ~~City Council~~ – Final Formal Plat. After an administrative review by the Director, the final formal plat shall be presented to the City Council. ~~If~~ Only when the City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of 58.17 RCW, other applicable state laws,

and SMC Title 20 ~~chapter~~ which were in effect at the time when the preliminary plat application was deemed complete ~~approval, public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the Code have been met, the final formal plat shall be approved and~~ the ~~mayor~~ City Manager shall sign on the face of the plat signifying ~~the statement of~~ the City Council's approval ~~on~~ of the final plat.

D. Acceptance of Dedication. City Council's approval of a ~~long~~ final formal plat or the Director's approval of ~~the~~ a final short plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for Record. The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

20.50.240 Site planning – Street frontage – Standards

Exception 20.50.240(A)(2): In case of a building that is exclusively either drive-through service, gas station, vehicle repair, vehicle dealership, warehouse or storage, ~~with vehicle oriented uses or other uses that have little relationship to pedestrians, or where the ground floor area has a need to limit the "pedestrian" facade,~~ pedestrian ~~frontage~~ access may be created by connecting design elements to the street. Such alternative shall provide pedestrian access through parking areas to building entrances and to adjoining pedestrian ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

1. Vertical plantings, such as trees or shrubs;
2. Texture, pattern, or color to differentiate and maximize the visibility of the pedestrian path;
3. Emphasis on the building entrance by landscaping and/or lighting, and avoiding location of parking spaces directly in front of the entrance.
4. The pedestrian walkway or path shall be raised three to six inches above grade in a tapered manner similar to a speed table.

20.30.280 Nonconformance.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit ~~or~~ unless the Indexed Supplemental Criteria (20.40.200) requires a special use permit~~, whichever permit is required~~ for expansion of the use under the Code.~~, or if neither permit is required, then through a conditional use permit; provided, a~~ A nonconformance with the development ~~Code~~ standards shall not be created or increased and the total expansion shall not exceed 10% of the use area.

20.30.730 General provisions.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance. A violation shall be considered ongoing until the responsible

party has come into compliance, has notified the Director of this compliance, and an official inspection has verified compliance.

~~C.~~ D. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code Violations in any other manner authorized by law.

20.30.750 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 permanent 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, if the identity of the owner can be determined, and the land owner of record where the vehicle is located shall each be given legal notice ~~by certified mail~~ in accordance with SMC 20.30.770.F, that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 14 days from the ~~certified~~ date of ~~receipt of the notice~~ service, the vehicle, or part thereof, shall be removed by the City. The towing company, vehicle wrecker, hulk hauler or scrap processor will notify ~~with notice to~~ the Washington State Patrol and the Department of Licensing ~~that the vehicle has been wrecked~~ of the disposition of the vehicle.

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 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 landowner 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 landowner 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~~ the 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~~ the landowner 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 towing company, vehicle wrecker, hulk hauler or scrap processor with the disposing company giving 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~~ of the disposition of the vehicle.

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, or the costs may be assessed against the owner of the property ~~. 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~~ prevailed in a hearing ~~that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence~~ as specified in SMC 20.30.760.E. Costs shall be paid to the Finance Director within 30 days of the ~~hearing~~ removal of the vehicle or remnant part and if delinquent, shall be ~~filed as a garbage collection and disposal lien on the property~~ assessed against the real property upon which such cost was incurred as set forth in SMC 20.30.775. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).

20.30.760 Notice and orders.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall ~~file~~ issue a certificate of compliance to the parties listed on the Notice and Order. The responsible party is responsible for filing the certificate of compliancewith the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

20.40.250 Bed and breakfasts.

Bed and breakfasts are permitted only as an accessory to the permanent residence of the operator, provided:

A. Serving meals to paying guests shall be limited to breakfast; and

B. The number of persons accommodated per night shall not exceed ten. ~~five, except that a structure which satisfies the standards of the Uniform Building Code. as adopted by the City of Shoreline for R occupancies may accommodate up to 10 persons per night.~~

C. One parking space per guest room, plus two per facility.

D. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.

E. Bed and breakfasts require a bed and breakfast permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

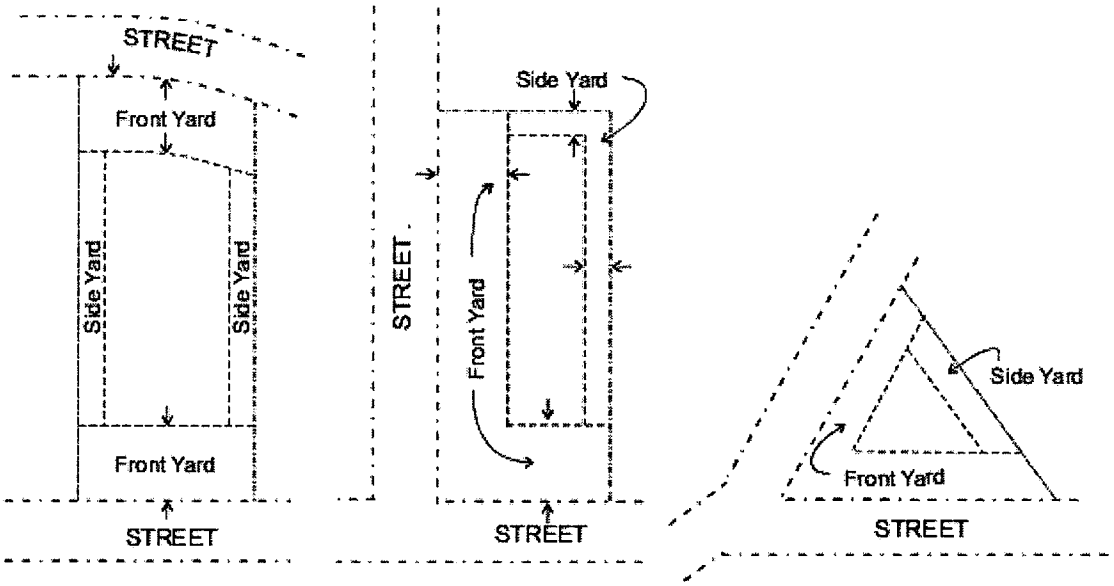
20.50.040 Setbacks – Designation and measurement.

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

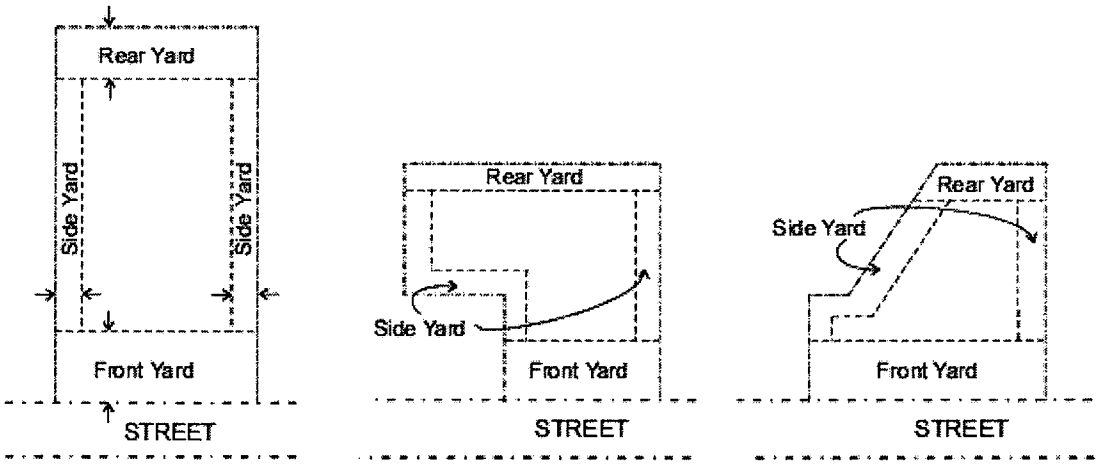
Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. ~~Except a lot abutting the intersection of two streets (corner lot), each lot must contain only one front yard setback and one rear yard setback. All other setbacks shall be considered side yard setbacks.~~ Each lot must contain only one front yard setback and one rear yard setback except lots abutting 2 or more streets, as illustrated in the Shoreline Development Code Fig. 20.50.040C.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.



THROUGH LOT **CORNER LOTS**



INTERIOR LOTS

20.50.070 Site planning – Front yard setback – Standards.
Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.

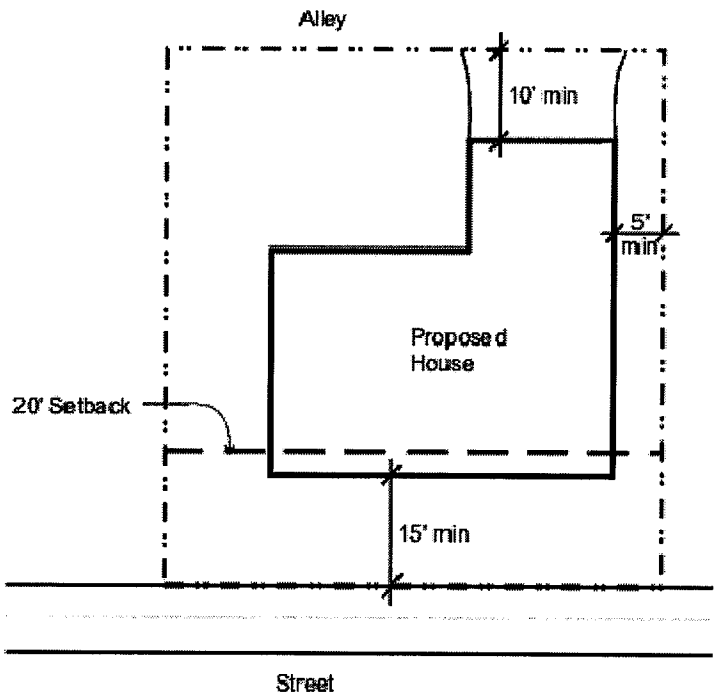


Figure Exception to 20.50.070(2~~): Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.~~

20.50.125 Thresholds – Required site improvements.
20.50.225 Thresholds – Required site improvements.
20.50.385 Thresholds – Required site improvements.
20.50.455 Thresholds – Required site improvements.
20.50.535 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvement cited in the General Development Standards apply to development proposals. These provisions apply to all multifamily, nonresidential, and mixed-use construction and uses.

Full site improvements are required for parking, lighting, landscaping, walkways, storage space and service areas, and freestanding signs if a development proposal is:

• Completely new development;
•Expanding the square footage of an existing structure by 20 percent, as long as the

original building footprint is a minimum size of 4,000 sq. ft.; or
•The construction valuation is 50 percent of the existing site and building valuation.

Note: For thresholds related to off-site improvements, see MMC 20.70.030 (Ord. 299, section 1, 2002)

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 ensure 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, as long as the original building footprint is a minimum of 4,000 sq. ft., or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

20.80.110 Critical areas reports required.

If uses, activities or developments are proposed within designated critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. ~~pay the City for environmental review, including~~ The site-specific information ~~that~~ must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~in the employ of~~ approved by the City or under contract to the City ~~and who shall be directed by and report to the Director~~