

ORDINANCE NO. 406

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING CHANGES IN SIZE OF EXEMPT ACCESSORY STRUCTURES, REVISING FENCE REGULATIONS, REVISING NOTICING REQUIREMENTS, ADDING REQUIREMENTS FOR NEIGHBORHOOD MEETING, CLARIFYING GENERAL REQUIREMENTS FOR CLEARING AND GRADING PERMITS, GRAMMATICAL CHANGES AND PROCEDURAL REVISIONS TO THE LAND USE PERMITTING PROCESS.

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 workshops and 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 October 28, 2005 to November 14, 2005 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on November 17, 2005.

WHEREAS, a SEPA Determination of Nonsignificance was issued on November 22, 2005, 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:

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

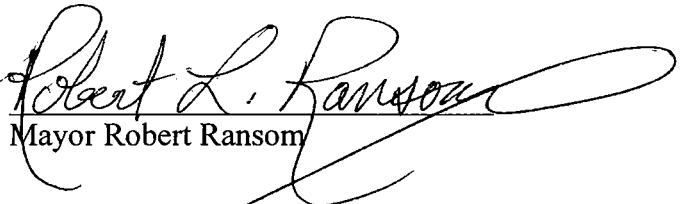
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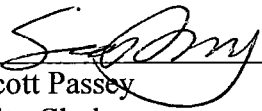
Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, 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.

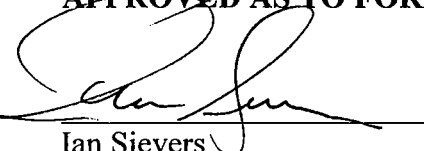
PASSED BY THE CITY COUNCIL ON JANUARY 9, 2006.


Mayor Robert Ransom

ATTEST:


Scott Passey
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of Publication: January 12, 2006
Effective Date: January 17, 2006

20.50.100 Location of accessory structures within required yard setbacks – Standards.

No accessory structure shall be located within any required setback.

Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and 120 200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.

Exception 20.50.100(2): If the accessory structure, which is less than 120 200 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.

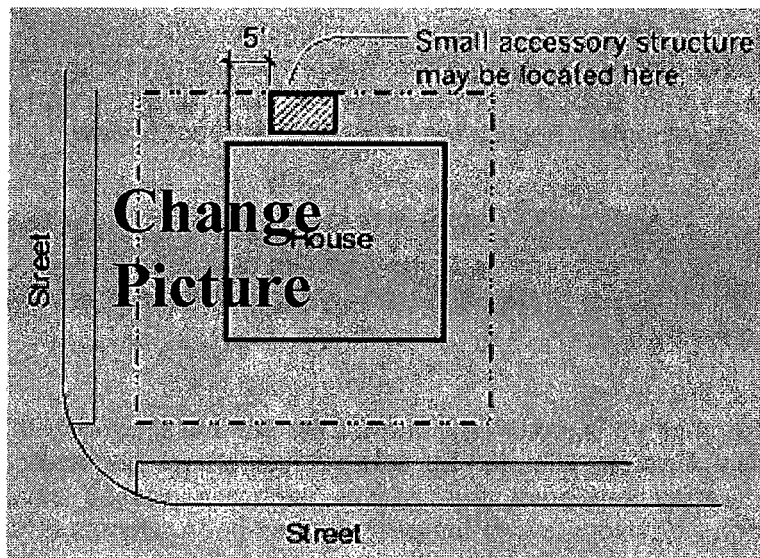


Figure Exception to 20.50.100(2): Permitted location of small accessory structure in side yard.

(Ord. 238 Ch. V § 2(B-4), 2000).

20.50.300 General requirements.

A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.

B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

C. **Permit Required.** No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC 20.50.310.

D. When clearing or grading is planned in conjunction with ~~development a new or expanded building or complex~~ that is not exempt from the provisions of this subchapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.

~~E. The Director may require the submittal of required application materials for approval of tree removal, clearing and rough grading of the site with an application for formal subdivision, short subdivision, conditional use or any other land use approval in order to meet the purpose and intent of this subchapter.~~

~~GE~~ No clearing shall be allowed on a site for the sake of preparing that site for sale or future development where no specific plan for future development has been submitted. The Director may issue a clearing and grading permit as part of a phased development plan where a conceptual plan for development of the property has been submitted to the City and the owner or developer agrees to submit an application for a building permit or other site development permit in less than 12 months.

F. A clearing and grading permit ~~shall be required~~ may be issued for developed land, if the regulated activity is not associated with another development application on the site that requires a permit.

~~HG~~ Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline shall be regulated as protected trees under SMC 20.50.330(D); ~~may not be removed without the written approval of the Department.~~

~~IH~~ Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas ~~overlay district~~ chapter of the Shoreline Development Code, Chapter 20.80 SMC, Special Districts Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 238 Ch. V § 5(B), 2000).

20.50.110 Fences and walls – Standards.

A. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a “tunnel” effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.

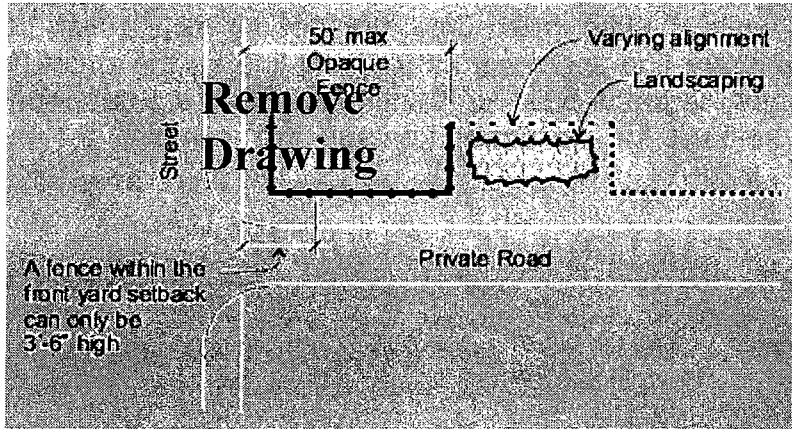
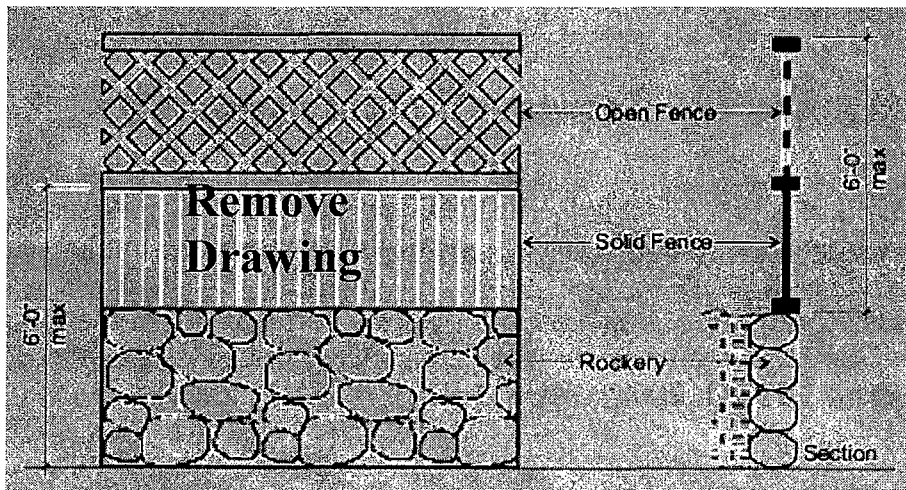


Figure 20.50.110(B): Fences along private roads.

BA. The maximum height of fences located along a property line shall be six feet, subject to the site clearance provisions of SMC 20.70.170, 20.70.180, and 20.70.190(C). (Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.

CB. All electric, razor wire, and barbed wire fences are prohibited.

DC. The height of a fence located on a retaining wall shall be measured from the bottom of that wall finished grade at the top of the wall to the top of the fence. The portion of a fence that is higher than six feet above the bottom of the retaining wall, shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be a maximum of six feet (cumulative opaque and openwork portions of the fence).



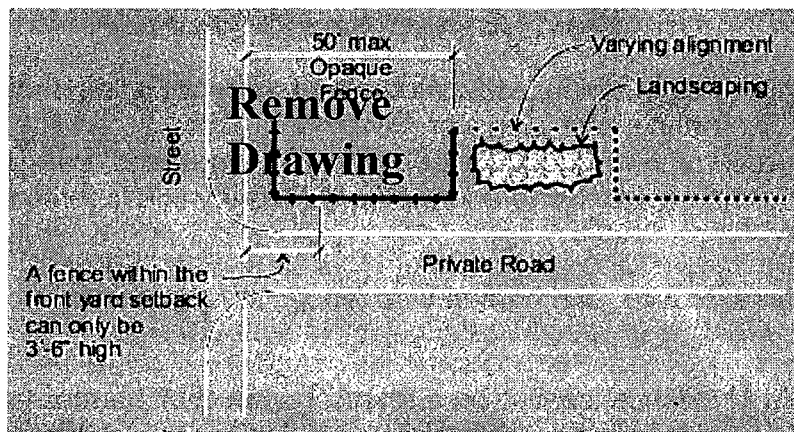
~~Figure 20.50.110(E): Example height measurement of fence located on the top of a retaining wall.~~

(Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-5), 2000).

20.50.210 Fences and walls – Standards.

A. Fences and walls shall be maximum three feet, six inches high between the minimum front yard setback line and the front property line for the street frontage that contains the main entrance to the building. Chain link fences are not permitted in the minimum front yard setback for the street frontage that contains the main entrance to the building.

~~B. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a “tunnel” effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.~~



~~Figure 20.50.110(B): Fences along private roads.~~

~~CB.~~ The maximum height of fences located along a side and/or rear yard property line shall be six feet.

~~DC.~~ All electric, razor wire, and barbed wire fences are prohibited.

~~ED.~~ The height of a fence located on a retaining wall shall be measured from the bottom of that wall finished grade at the top of the wall to the top of the fence. The portion of a fence that is higher than six feet above the bottom of the retaining wall shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be a maximum of six feet (cumulative opaque and openwork portions of the fence). (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 3(C-4), 2000).

20.30.150 Public notice of decision.

For Type B and C actions. The Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA. The notice of decision will be published in the newspaper of general circulation for the general area in which the proposal is located and posted for site-specific proposals. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(h), 2000).

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (5), (6)	Review Authority, Open Record Public Hearing (1)	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.410
2. Rezone of Property(2) and Zoning Map Change	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.336
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper (7)	PC (3)	City Council	120 days	20.40.505
<u>3. Street Vacation</u>	<u>PC(1)</u>	<u>PC(3)</u>	<u>City Council</u>	<u>120 days</u>	<u>12.17</u>

(1) Including consolidated SEPA threshold determination appeal.

(2) The rezone must be consistent with the adopted Comprehensive Plan.

(3) PC = Planning Commission

(4) HE = Hearing Examiner

(5) Notice of application requirements are specified in SMC 20.30.120.

(6) Notice of decision requirements are specified in SMC 20.30.150.

(7) Notice of application shall be mailed to residents and property owners within one-half mile of the proposed site.

(Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

20.30.070 Legislative decisions.

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC(1)	City Council	20.30.340
2. Amendments to the Development Code	PC(1)	City Council	20.30.350
3. Street Vacation	PC(1)	City Council	12-17

(1) PC = Planning Commission

20.30.160 Expiration of vested status of land use permits and approvals.

Except for long plats or where a shorter duration of approval is indicated in this Code, the vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

In such cases if a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal. (Ord. 238 Ch. III § 4(i), 2000).

20.30.740 Enforcement provisions.

D. Civil Penalties.

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter, shall be double the amount of the initial penalties.
2. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Critical Areas, or 20.50 SMC, Tree Conservation, Land Clearing and Site Grading Standards, will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under (D)(1), for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:
 - a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:
 - i. The resulting increase in market value of the property; and
 - ii. The value received by the responsible party; and
 - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and
 - b. A penalty of \$1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and
 - c. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

20.50.350 Development standards for clearing activities.

A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.

B. **Minimum Retention Requirements.** All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:

1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, **or**
2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.

~~3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures. Further preservation of retained trees following construction shall be required for a period of 36 months and shall be guaranteed through an approved maintenance agreement.~~

~~3-4.~~ The Director may require the retention of additional trees to meet the stated purpose and intent of this ordinance, as required by the critical areas standards, or as site-specific conditions demand using SEPA substantive authority.

20.50.480 Street trees – Standards.

- A. Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. Street trees are required for all commercial, office, industrial, multifamily zones, and single-family subdivisions for all arterial streets.
- B. Street landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- C. Trees must be:
- Planted in a minimum four-foot wide continuous planting strip along the curb, or
 - Planted in tree pits minimally four feet by four feet where sidewalk is no less than eight feet wide. If the sidewalk is less than eight feet wide a tree grate may be used if approved by the Director; or
 - Where an existing or planned sidewalk abuts the curb, trees may be planted four feet behind that sidewalk, on the side opposite the curb.
- D. Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.
- E. Tree pits require an ADA compliant iron grate flush with the sidewalk surface.
- F. Street trees must meet requirements in the Engineering Development Guide. Trees spacing may be adjusted slightly to accommodate sight distance requirements for driveways and intersections. (Ord. 238 Ch. V § 7(B-3), 2000).

20.30.290 Variance from the engineering standards (Type A action).

A. Purpose. Variance from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.

B. Decision Criteria. The Department Director or designee shall grant an engineering standards variance only if the applicant demonstrates all of the following:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest;
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgement.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the Uniform International Fire Code, shall also require concurrence by the Fire Marshal.

20.30.100 Application.

A. Who may apply:

- The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
- The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
- Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
- Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

B. All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall **require include**:

- An application form with the authorized signature of the applicant.
- The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).

C. The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department. (Ord. 238 Ch. III § 4(c), 2000).

D. Expiration. Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial steps have been taken to meet permit approval requirements for a period of 180 days after issuance of the determination of completeness will expire and become null and void. The director may grant a 180 day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant.

20.30.110 Determination of completeness.

A. An application shall be determined complete when:

1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

- B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.
- C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. The director may grant a 90 day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. The applicant may request a refund of the application fee minus the City's cost of processing.
- D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action. (Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(d), 2000).

20.40.240 Animals.

- A. The raising, keeping, breeding or fee boarding of small animals are subject to SMC Title 6, Animal Control Regulations.
- B. Small animals which are kept exclusively indoors as household pets shall not be limited in number, except as may be provided in SMC Title 6. Other small animals, excluding cats kept indoors as household pets, shall be limited to five, of which not more than four may be unaltered cats and dogs. Cats kept indoors shall not be limited in number.
- C. Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square-feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.
- D. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.
- E. Animals considered to be household pets shall be treated as other small animals, when they are kept for commercial breeding, boarding or training.
- F. Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:
 - 1. Birds shall be kept in an aviary or loft that meets the following standards:
 - a. The aviary or loft shall provide one-half squarecubic foot for each parakeet, canary or similarly sized birds, one squarecubic foot for each pigeon, small parrot or similarly sized bird, and two squarecubic feet for each large parrot, macaw or similarly sized bird.
 - b. Aviaries or lofts shall not exceed 2,000 square feet in footprint.
 - c. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.
 - 2. Small animals other than birds shall be kept according to the following standards:

- a. All animals shall be confined within a building, pen, aviary or similar structure.
- b. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line.
- c. ~~Poultry, chicken, squab, and~~ Rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
- d. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
- e. Beekeeping is limited as follows:
 - i. Beehives are limited to four hives on sites less than 20,000 square feet;
 - ii. Hives must be at least 25 feet from any property line;
 - iii. Must register with the Washington State Department of Agriculture;
 - iv. Must be maintained to avoid overpopulation and swarming.
- f. Prohibited Animals. The keeping of mink, foxes, and/or hogs shall be prohibited. (Ord. 238 Ch. IV § 3(B), 2000).

20.30.140 Permit processing Time limits.

- A. Decisions under Type A, B or C actions shall be made within 120 days from the date of a determination that the application is complete. Exceptions to this 120-day time limit are:
1. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
 2. The time required to prepare and issue a draft and final Environmental Impact Statement (EIS) in accordance with the State Environmental Policy Act.
 3. Any period for administrative appeals of project permits.
 4. An extension of time mutually agreed upon in writing by the Department and the applicant.
 5. Amendments to the Comprehensive Plan or Code.
- B. The time limits set for Type A, B, and C actions do not include:
1. Any period of time during which the applicant has been requested by the Department to correct plans, perform studies or provide additional information. This period of time shall be calculated from the date the Department notifies the applicant of the need for additional information, until the date the Department determines that the additional information satisfies the request for such information or 14 days after the date the information has been provided to the Department, whichever is earlier.
 2. If the Department determines that the additional information submitted to the Department by the applicant under subsection (B)(1) of this section is insufficient, the Department shall notify the applicant of the deficiencies, and the procedures provided in subsection (B)(1) of this section shall apply as if a new request for studies has been made.
- C. If the Department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limit has not been met and an estimated date for issuance of the notice of decision. (Ord. 238 Ch. III § 4(g), 2000).

20.50.360 Tree replacement and site restoration.

K. Performance Assurance. A performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree retention, replacement, and protection measures may be required in an amount determined by the Director.

K. Performance Assurance.

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a Certificate of Occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of installation and 25% of the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.

20.30.165 Permit expiration timelines for Clearing and Grading and Site Development Permits

A. Purpose: A clearing and grading permit may be issued approving land clearing and site grading activities in conjunction with the development of a site. The expiration limitations of this permit are as follows:

1. Clearing and Grading Permit: Permit Expiration. Clearing and Grading permits shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

2. Clearing and Grading Permit: Permit Extension. The Director is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days each, the extension shall be requested in writing and justifiable cause demonstrated.

B. Purpose: A site development permit may be issued approving engineering plans for infrastructure and grading improvements required in conjunction with the development of a site. The expiration limitations of this permit are as follows:

1. Site Development Permit: Permit Expiration. Site development permits shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Site development permits associated with subdivision applications shall expire when the preliminary subdivision approval has expired as set forth by RCW 58.17.140.

2. Site Development Permit: Permit Extension. The Director is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days each, the extension shall be requested in writing and justifiable cause demonstrated. Extensions may be granted for those permits issued in conjunction with a preliminary subdivision approval that has been extended as provided in RCW 58.17.140.

20.30.430 Site development permit for required subdivision improvements – Type A action.

Engineering plans for improvements required as a condition of preliminary approval of a subdivision, shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165. (Ord. 238 Ch. III § 8(h), 2000).

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

A. The purpose of the neighborhood meeting is to:

1. Ensure that potential applicants pursue early and effective citizen participation in conjunction with their application proposal, giving the applicant project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
2. Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants project proponents to resolve concerns at an early stage of the application process.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
2. The notice shall be provided at a minimum to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
3. The notice shall be postmarked at least 10 to 14 days prior to the neighborhood meeting.
4. The neighborhood meeting shall be held within the City limits of Shoreline.
5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
6. The neighborhood meeting agenda shall cover the following items:
 - a. Introduction of neighborhood meeting organizer (i.e. developer, property owner, etc.).
 - b. Description of proposed project.
 - c. Listing of permits that are anticipated for the project.
 - d. Description of how comments made at the neighborhood meeting are used, and
 - e. Provide meeting attendees with the City's contact information.
 - f. Provide a sign-up sheet for attendees.

C. The applicant shall provide to the City a written summary or checklist of the neighborhood meeting. The summary shall include the following:

1. A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
2. Who attended the meeting (list of persons and their addresses).
3. A summary of concerns, issues, and problems expressed during the meeting.
4. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
5. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(b), 2000).

Staff will mail the summary of the neighborhood meeting to all persons who attended the neighborhood meeting, signed in and provided a legible address.

20.30.100 Application.

Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall require:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department. (Ord. 238 Ch. III § 4(c), 2000).

Technical Amendment: Change every occurrence of "Code violation" to use a capital "V". Change every reference to "Director or Designee" to just "Director".

20.20.010 A Definitions.

Abate To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a Code **violation** by such means, in such a manner, and to such an extent as the Director determines is necessary in the interest of the general health, safety and welfare of the community and the environment.

20.30.720 Purpose.

This subchapter is an exercise of the City's power to protect the public health, safety and welfare; and its purpose is to provide enforcement of Code **Violations**, abatement of nuisances, and collection of abatement expenses by the City. This Code shall be enforced for the benefit of the general public, not for the benefit of any particular person or class of persons.

It is the intent of this subchapter to place the obligation for Code compliance upon the responsible party, within the scope of this subchapter, and not to impose any duty upon the City or any of its officers, officials or employees which would subject them to damages in a civil action. (Ord. 238 Ch. III § 10(a), 2000).

20.30.730 General provisions.

A. For the purposes of this subchapter, any person who causes or maintains a Code **violation** and the owner, lessor, tenant or other person entitled to control, use, or occupancy of property where a Code **violation** occurs shall be identified as the responsible party and shall be subject to penalties as provided in this subchapter.

However, if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances, as determined by the Director. Should the owner not correct the violation, after service of the notice and order, civil fines and penalties may be assessed against the owner.

B. It shall be the responsibility of any person identified as a responsible party to bring the property into a safe and reasonable condition to achieve compliance. Payment of fines, applications for permits, acknowledgment of stop work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances.

- C. 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 ~~v~~Violations in any other manner authorized by law. (Ord. 238 Ch. III § 10(b), 2000).

20.30.740 Enforcement provisions.

- A. Whenever the Director has determined that a Code ~~v~~Violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.
- B. Any person who willfully or knowingly causes, aids or abets a Code ~~v~~Violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to any other judicial or administrative remedy provided in this subchapter or by law or other regulation.
- C. The Director may suspend, revoke or limit any permit issued whenever:
1. The permit holder has committed a Code ~~v~~Violation in the course of performing activities subject to that permit;
 2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
 3. The permit was issued in error or on the bases of materially incorrect information supplied to the City; or
 4. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.

Such suspension, revocation or modification shall be carried out through the notice and order provisions of this subchapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this subchapter. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order. (Ord. 251 § 2(D), 2000; Ord. 238 Ch. III § 10(c), 2000).

20.30.750 Declaration of public nuisance, enforcement.

Code ~~W~~ violations detrimental to the public health, safety and environment are hereby declared public nuisances. All conditions determined to be public nuisances shall be subject to and enforced pursuant to the provisions of this subchapter except where specifically excluded.

- A. A public nuisance is any violation of any City land use and development ordinance, public health ordinance, or violations of this subchapter including, but not limited to:
1. Any accumulation of refuse; except for such yard debris that is properly contained for the purpose of composting. This does not apply to material kept in garbage receptacles maintained for regular collection;
 2. Nuisance vegetation;
 3. The discarding or dumping of any material onto the public right-of-way, waterway, or other public property;
- B. All conditions defined as public nuisances shall be subject to abatement under this subchapter. (Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

20.30.760 Junk vehicles as public nuisances.

- A. Storing junk vehicles 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 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 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 filed as a garbage collection and disposal lien on the property. (Ord. 238 Ch. III § 10(e), 2000).

20.30.770 Notice and orders.

Whenever the Director has reason to believe that a Code ~~V~~iolation 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 **v**iolation has occurred and that the cited person is a responsible party.

- B. Failure to correct the Code **v**iolation 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 issuance, according to the procedures described in SMC 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 **v**iolation, and that the named party is liable as a responsible party.

- D. Issuance of a notice and order in no way limits the Director's authority to issue a criminal citation or notice of infraction.

- E. The notice and order shall contain the following information:
 - 1. The address, when available, or location of the Code **v**iolation;

 - 2. A legal description of the real property where the violation occurred or is located;

 - 3. A statement that the Director has found the named person to have committed a Code **v**iolation and a brief description of the violation or violations found;

 - 4. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

5. The civil penalty assessed for failure to comply with the order;
 6. A statement advising that the notice and order may be recorded against the property in the King County Office of Records and Elections subsequent to service;
 7. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;
 8. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, the Director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of all responsible parties;
 9. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount as a lien against the property where the Code ~~V~~iolation occurred and as a joint and several personal obligation of all responsible parties;
 10. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the Hearing Examiner within 14 days of the date of issuance of the notice and order;
 11. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent City permit applications on the subject property;
 12. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code ~~V~~iolation, and that the named party is liable as a responsible party; and
 13. A statement advising the responsible party of his or her duty to notify the Director of any actions taken to achieve compliance with the notice and order.
- F. Service of a notice and order shall be made on any responsible party by one or more of the following methods:

1. Personal service may be made on the person identified as being a responsible party.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.
3. Service by mail may be made for a notice and order by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day the notice and order was mailed.

The failure of the Director to make or attempt service on any person named in the notice and order shall not invalidate any proceedings as to any other person duly served.

- 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 a certificate of compliance with 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.
- H. The Director may revoke or modify a notice and order issued under this section if the original notice and order was issued in error or if a party to an order was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this section.
- I. Failure to correct a Code ~~v~~violation in the manner and within the time frame specified by the notice and order subjects the responsible party to civil penalties as set forth in SMC 20.30.780.

1. Civil penalties assessed create a joint and several personal obligation in all responsible parties. The City attorney may collect the civil penalties assessed by any appropriate legal means.
2. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the responsible party.
3. The payment of penalties does not relieve a responsible party of any obligation to cure, abate or stop a violation.

J. Abatement of Unfit Premises and Collection of Costs.

1. The Shoreline City Council finds that there exist within the City of Shoreline premises that are unfit for human habitation or other uses due to conditions that are inimical to the health and welfare of City residents.
2. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions and have abatement costs collected as taxes by the King County treasury pursuant to RCW 35.80.030.
3. The Uniform Code for the Abatement of Dangerous Buildings (UCADB), 1997 Edition, as published by the International Conference of Building Officials is adopted for abatement procedures under this section, subject to the following amendments:
 - a. Whenever used in the UCADB, "building official" shall mean the Director.
 - b. UCADB Sec. 302 is amended to read as follows:

SECTION 302 UNFIT BUILDINGS AND PREMISES.

For the purpose of this Code, any building, structure or premises which has any or all of the conditions or defects hereinafter described shall be deemed to be an unfit building or premises, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

...

15. Whenever any building, structure or premises, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, accumulation

of garbage or refuse, or otherwise, is determined by the Director to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease to the occupants, occupants of neighboring dwellings or other residents of the City. When a structure or premises is declared unfit under this subsection, repair as used in the UCADB shall include removal of the condition.

- c. UCADB Sec. 205, Board of Appeals, is hereby repealed.
- d. UCADB Chapter 5, Appeal, is hereby repealed, and substituted with the appeal provisions specified in this subchapter.
- e. UCADB Chapter 6, Procedures for Conduct of Hearing Appeals, is hereby repealed and substituted with the procedures for appeal as specified in this subchapter.
- f. UCADB Chapter 9, Recovery of Cost of Repair or Demolition, is hereby repealed and the following provision is substituted:

The amount of cost of repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Director shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the City Finance Director of the assessment amount being due and owing, the County treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City. If the dwelling, building structure, or premises is removed or demolished by the Director, the Director shall, if possible, sell the materials from such dwelling, building, structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Director, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property, which shall be of equal rank with State, county and municipal taxes.

- K. All monies collected from the assessment of civil penalties and for abatement costs and work shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the Department issuing the notice and order under which the abatement occurred. (Ord. 238 Ch. III § 10(f), 2000).