

Planning Commission Meeting Date: November 17, 2016

Agenda Item: 7a

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Continuation of 2016 Development Code Amendments focusing on amendments submitted since September 15, clarification of Unit Lot Development and Self-Service Storage, and repeal of SMC 16.10 and 16.20.  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Steven Szafran, AICP, Senior Planner  
Paul Cohen, Planning Manager

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**Introduction**

The purpose of this study session is to:

- Respond to questions and concerns by Commission;
- Introduce new Development Code regulations since the September 15<sup>th</sup> Planning Commission meeting;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

**Background**

There are minor amendments to 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 – General Development Standards, 20.70 – Engineering & Utilities Development Standards, and 20.100 – Special Districts.

Approved By:

Project Manager \_\_\_\_\_

Planning Director \_\_\_\_\_

## 7a. Study Item - Dev Code Amendments Staff Report

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The proposed amendments to the Development Code are included in **Attachment 1**. Each amendment includes a description of the amendment, justification for the amendment and staff recommendations for the amendment.

### Amendments Added Since September 15

At the September 15 meeting, the Planning Commission reviewed the 2016 batch of Development Code amendments. The staff report and attachment for September 15 can be found at <http://www.cityofshoreline.com/home/showdocument?id=27891>.

Staff is proposing five Development Code amendments and two Municipal Code amendments since the Commission has last reviewed the 2016 batch on September 15<sup>th</sup>. The additions are the result of continued implementation of the City's 2016 Citywide work plan and include provisions for: NPDES requirements, Sound Transit development activities, minor amendments, and City Council direction.

- New Amendment #2 – SMC 20.20.026 – I Definitions

This amendment adds Non-Vegetated Surface to the Impervious Surface Definition. This is one of four proposed Development Code amendments that are recommended by the Department of Ecology to incorporate Low Impact Development and Best Management Practices into the Development Code.

- New Amendment #7 – SMC 20.30.160 – Expiration of Vested Status for Land Use Permits and Approvals.

This amendment, along with Amendment #3, adds an exception to the vesting timelines for Special Use Permits granted to public agencies which includes Sound Transit.

- New Amendment #10 – SMC 20.30.330 – Special Use Permit – SUP (Type C Action).

This amendment, along with Amendment #2, will increase the vesting period for Special Use Permits issued to public agencies because of the long development timelines for large public projects such as light rail.

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- New Amendment #9 – SMC 20.30.290 – Deviations From the Engineering Standards (Type A Standards).

This amendment simply changes “Director” to “Director of Public Works” for the approval of a Deviation from Engineering Standards applications because Public Works is the department that processes and approves deviations from engineering standards.

- New Amendment #25 – SMC 20.50.020(2) – Dimensional Requirements in Mixed-Use Zones.

This is a minor amendment to strike “up to” in the front setback standards in the Density and Dimensions in Mixed-Use Zones Table.

- New Municipal Code Amendments #1 and #2 – SMC 16.10 and 16.20.

Amendment #1 will delete SMC 16.10 – Shoreline Management Plan. The City has adopted a new Shoreline Master Program in 2012 which is part of the Development Code (SMC 20.200) which replaces SMC 16.10.

Amendment #2 will strike SMC 16.20 – Fee Schedule. The City lists all of the fees in SMC 3.01 making SMC 16.20 redundant and unnecessary.

### Amendments Needing Further Analysis

The Commission requested more information regarding Amendment #5 for Unit Lot Development and Amendment #13 for Self-Service Storage Facilities.

Unit Lot Development is an improved process to create more housing options and home ownership opportunities by reducing unnecessary regulatory barriers. The Commission’s concerns regarding Unit Lot Development are:

- Vertical separation of walls and fire sprinkler requirements
- Construction of walls between units
- Additional cost of building structurally independent units
- Difficulty financing condominium projects versus fee simple units

The City’s Building Official, Ray Allshouse, explained at the October 6 Planning Commission meeting that the City’s current fire code requirements include a provision that any new building that is greater than 4,800 square feet (including the garage) must be sprinkled, and there are no exceptions. Most of the projects in the Mixed-Use Residential (MUR) zones are more than three units, which mean the units will actually be some of the safest in the City because they will be sprinkled.

Mr. Allshouse advised that there are provisions in the model residential building code, as amended by the State of Washington, that lay out specific requirements for separation walls and the proposed Unit-Lot Development provisions would not reduce

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these requirements in any way, shape or form. From a fire safety standpoint, the minimum requirements would always be maintained.

Regarding seismic issues, the main concern is the structure's ability to react to lateral forces. Because the units in ULD projects would be located next to each other, the lateral dimension would be greater. The longer dimensions would be more resistive to lateral forces.

As a precaution, it will be important to require a recording on the title that indicates that the individual dwelling units are considered as a portion of a single building under the applicable edition of the residential code so that people who purchase the structures understand that they cannot just modify or remove the unit without having to worry about their neighbors unit or the integrity of the structure as a whole.

In summary, the City's Building Official voiced assurance that the proposed provisions of the Unit Lot Development represent a solution that meets both the requirements of what the developers are looking for, providing opportunities for further ownership of units, and assures the City's health and safety requirements.

The Commission may refer to **Attachment 2** which generally lists the Shoreline Fire Department's residential sprinkler requirements in preparation of the discussion on October 20.

### **Self-Service Storage Facilities**

The City Council enacted a six (6) month moratorium on the acceptance, processing, and/or approving permit applications or permits for any new self-service storage facilities on August 8, 2016. The Development Code has no clear definition, zoning, building, or site design standards for self-storage. The Council directed staff and the Planning Commission to analyze and make recommendations as to where self-service storage facilities should be located and determine if any additional requirements should apply.

Staff has removed amendments regarding self-service storage facilities from this general batch of Development Code amendments. Self-service storage facilities are now included as a separate batch of amendments which the Commission held a study session on October 6 and held a public hearing on November 3, 2016.

The staff report for the self-service storage amendments can be found at <http://www.cityofshoreline.com/home/showdocument?id=29110>

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### **Next Steps**

**The 2016 batch of Development Code amendments schedule is as follows:**

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November 17	Public Hearing for 2016 Comprehensive Plan Amendments
November 28	Joint Meeting City Council and Planning Commission
December 1	Public Hearing for 2016 Development Code Batch and Deep Green Development Code Amendments

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### Attachments

Attachment 1 – Proposed 2016 Development Code Amendments

Attachment 2 – Shoreline Fire Department Residential Sprinkler Requirements

## DEVELOPMENT CODE AMENDMENT BATCH 2016

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## AMENDMENTS ADDED SINCE SEPTEMBER 15

Number	Development Code Section	Topic
	<b>20.20 - Definitions</b>	
1	20.20.016 – D Definitions	Combine Dwelling Types
2	<b>20.20.026 – I Definitions</b>	<b>Add Non-Vegetated Surface to Impervious Surface Definition</b>
3	20.20.040 – P Definitions	Add to “Private Stormwater Management Facility” to comply w/ NPDES
4	20.20.046 – S Definitions	Short Subdivisions and add Stormwater Manual
5	20.20.050 – U Definitions	Unit Lot Development
	<b>20.30 – Procedures and Administration</b>	
6	20.30.040 – Ministerial Decisions – Type A	Delete Home Occupation from Type A Table and add Planned Action Determination of Consistency
<b>7</b>	<b>20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals</b>	<b>Vesting Expiration for SUPs Issued to Public Agencies</b>
8	20.30.280 – Nonconformance	Clarify and move MUR 45’ and Nonconformance and Change of Use
<b>9</b>	<b>20.30.290 – Deviation From The Engineering Standards (Type A Action)</b>	<b>Change “Director” to “Director of Public Works”</b>
<b>10</b>	<b>20.30.330 – Special Use Permit –SUP (Type C Action)</b>	<b>Vesting Expiration for SUPs Issued to Public Agencies</b>
11	20.30.357 – Planned Action Determination	Add New Section for Planned Action Determination Procedures
12	20.30.380 – Subdivision Categories	Delete Lot Line Adjustments as a category of subdivision
13	20.30.410.D – Preliminary Subdivision Review Procedures and Criteria	Add NPDES and Unit Lot Development Requirements
14	20.30.470 – Further Division – Short Subdivisions	Update Section to Reflect 9 lot Short Plats
	<b>20.40 – Uses</b>	
15	20.40.120 – Residential Uses	Combine Dwelling Types Based on Revised Definitions
16	20.40.130 – Nonresidential Uses	Remove Fuel and Service Stations as an Approved Use in

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		the TC-1, 2 & 3 Zones
17	20.40.130 – Nonresidential Uses	Add Light Manufacturing Permitted in MB Zones
18	20.40.160 – Station Area Uses	Combine Dwelling Types
19	20.40.230 – Affordable Housing	Update Critical Area References
20	20.40.240 – Animals	Revised Rules for Beekeeping
21	20.40.340 – Duplex	Delete Entire Section
22	20.40.510 – Single Family Attached Dwellings	Amend Criteria
23	20.40.600 – Wireless Telecommunication Facilities	Delete Notice of Decision for Wireless Facilities
	<b>20.50 – General Development Standards</b>	
24	20.50.020(1) – Dimensional Requirements	Combined Sideyard Setback
25	20.50.020(2) – Dimensional Requirements in Mixed-Use Zones	Front Setbacks
26	20.50.021 – Transition Areas	Add Aurora Square Community Renewal Area (CRA) Standards to the Section
27	20.50.040.I. 4, 5, and 6 – Setbacks	Setbacks for Uncovered Porches and Decks
28	20.50.070 – Site Planning – Front Yard Setback	Move 20-foot Driveway Requirement
29	20.50.090 – Additions to Existing Single-Family Residence (SFR)	Additions to Existing, Non-Conforming SFR
30	20.50.110 – Fences and Walls	Delete 3.5 foot Fence Height Limit
31	20.50.240(C)(1)(a) – Site Frontage	Strike “On Private Property”
32	20.50.330 – Project Review and Approval	Add NPDES Language
33	20.50.390(D) – Minimum Off Street Parking Requirements	Self-Service Storage Facility Parking
34	20.50.540(G) – Sign Design	Add Reference to Aurora Square CRA Sign Code
	<b>20.70 – Engineering &amp; Utilities Development Standards</b>	
35	20.70.020 – Engineering Development Manual	Corrects Reference to EDM and Deletes Text
36	20.70.430 – Undergrounding of Electric and Communication Service Connections	Delete Section and Refer to Title 13
	<b>20.100.020 – Aurora Square Community Renewal Area</b>	
37	20.100.020 – Aurora Square Community Renewal Area (CRA)	Add a Reference to Ordinance 705

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	Municipal Code Amendments	
1	16.10 – Shoreline Management Plan	Delete Section
2	16.20 – Fee Schedule	Delete Section



## **Amendment #1**

### **20.20.016 – D Definitions**

*This proposed Development Code amendment will amend the definitions of various types of dwellings. The amendment will also combine these dwelling types into three distinct categories.*

**Justification** – *The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the dwelling definitions seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike “three or more” and replaced with more than one.*

*With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.*

*This proposed Development Code amendment is related to amendments 15, 18, 21, and 22.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Dwelling, Apartment	A building containing <del>three or more</del> <u>multiple</u> dwelling units that <u>are usually</u> <del>may</del> be located one over the other in a multi-unit configuration.
Dwelling, Duplex	A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit.
Dwelling, Live/Work	A structure or portion of a structure: (1) that combines a residential dwelling with a commercial use in a space for an activity that is allowed in the zone; and (2) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 706 § 1 (Exh. A), 2015).
Dwelling, Multifamily	<u>Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above one over another. Apartments and mixed-use buildings with apartments are considered multifamily dwellings.</u> <del>include: townhouses, apartments, mixed-use buildings, single-family attached, and more than two duplexes located on a single parcel.</del> (Ord. 631 § 1 (Exh. 1), 2012; Ord. 299 § 1, 2002).
Dwelling,	A building containing <del>three or more</del> <u>more than one</u> dwelling unit attached by

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Single-Family Attached	common vertical wall(s), such as townhouse(s), rowhouses, and <u>duplex(s)</u> . Single-family attached dwellings shall not have units located one over another (except duplexes may be one unit over the other).(Ord. 469 § 1, 2007).
Dwelling, Single-Family Detached	A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.
Dwelling, Townhouse	<del>A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.</del>

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### **Amendment #2**

#### **20.20.026 – I Definitions**

*This proposed amendment will update the definition of impervious surface by replacing “hard surface” with “non-vegetated surface”.*

**Justification** – *The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31<sup>st</sup> 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

*In 2015, the City contracted Brown and Caldwell (BC) to review the following codes, standards and documents;*

- *Shoreline Municipal Code (SMC Chapter 12-20)*
- *Engineering Development Manual (EDM)*
- *Comprehensive Land Use Plan*
- *Stormwater Management Program (SWMP) Plan*
- *Critical Area Ordinance (CAO) standards*

*There are four proposed Development Code amendments that are recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

**Impervious Surface:** A hard non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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### **Amendment #3**

#### **20.20.040 – P Definitions**

*This proposed amendment will update the definition of private stormwater management facility by adding the word "infiltrate" as a way to control surface water.*

**Justification** – *The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

**Private Stormwater Management Facility** – A surface water control structure installed by a project proponent to retain, detain, infiltrate or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

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### **Amendment #4**

#### **20.20.046 – S Definitions**

*There are two proposed amendments to the S Definitions. The first amendment is a minor amendment that updates the definition of formal and short subdivisions. The second amendment adds a definition for "Stormwater Manual".*

**Justification** – The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.

Subdivision, Formal - A subdivision of ten ~~five~~ or more lots.

Subdivision, Short - A subdivision of nine ~~four~~ or fewer lots.

**Justification** - The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development. The City does not have a definition of Stormwater Manual.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Stormwater Manual: The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology (“Stormwater Manual”).

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### **Amendment #5**

#### **20.20.050 – U Definitions**

The City is open to consider improved processes and standards in order to create more housing options, reduce unnecessary barriers, and redefine other types of ownership. A Unit Lot Development (ULD) is an alternative approach to the division of property. Other jurisdictions such as Seattle and Mountlake Terrace, have adopted ULD code amendments. This proposed amendment will add a definition of Unit Lot Development. Amendment #13 contains the regulations for ULD.

**Justification** – A ULD is a subdivision of ownership into fee simple units and does not require the same Building and Fire Code requirements for traditional, attached housing with a property line between the units. Traditional attached housing requires that each unit must be structurally independent and have fire separation as if they were not attached structures. This amendment allows the Building and Fire codes to treat a ULD as one building, such as an apartment building, for fire separation and structural requirements rather than as stand-alone units because of a property line internal to the development.

Also, a ULD allows separate ownership of housing units within a “parent lot” without requiring condominium ownership and the State restrictions that accompany it. The ULD is permitted in zones where density supports multiple units on one lot. Currently, multiple units on one lot are allowed in all zones in Shoreline with different unit density limits per acre.

Under Amendment #13 these units will be considered individual units but part of one structure that cannot be segregated from one another. A ULD is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code.

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Amendment #24 is a related amendment that will add ULD into Exception 2 in Tables 20.50.020(1) and 20.50.020(2).

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Unit Lot Development (ULD) – A Unit Lot Development (also known as a “Fee Simple lot”) is the subdivision of land for single-family attached dwelling units, such as townhouses, rowhouses, or other single-family attached dwellings, or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

### **Amendment #6**

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

This amendment will strike “home occupations” from the Type A permit table and add “planned action determination” to the table.

**Justification** – The City no longer requires or processes Home Occupation permits. A home occupation is applied for through the City Clerk’s office through the business licensing program. When the City instituted the business licensing program, the home occupation permit process became redundant.

The second amendment adds the Planned Action Determination of Consistency to the Type A action table. The determination of consistency is required for projects that require SEPA review within Planned Action areas such as the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subareas.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Action Type	Target Time Limits for Decision (Calendar Days)	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. <del>Home Occupation</del> , Bed and Breakfast,	120 days	20.40.120, 20.40.250, 20.40.260,

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Boarding House		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. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
<b>17. Planned Action Determination</b>	<b>14 days</b>	<b>20.30.360</b>

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### **Amendment #7**

#### **20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals**

*This proposed amendment adds an exception to the vesting timelines for Special Use Permits granted to public agencies.*

**Justification** – *Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

*This amendment is related to amendment #10 which defines the vesting timelines for Special Use Permits for public agencies.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Except for subdivisions, ~~and~~ master development plans and Special Use Permits for Public Agency uses or where a different duration of approval is indicated in this Code, 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.

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.

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### **Amendment #8**

#### **20.30.280 – Nonconformance.**

*This Development Code provision speaks to the additions of single-family homes which are a nonconforming use in the MUR-45' and MUR-70' zones. The structures may be conforming in terms of setbacks, lot coverage, and height but the use is not. This is why staff is recommending that this provision move from expansions of nonconforming structures to expansions of the nonconforming use section.*

**Justification** – *This proposed amendment is moving a section of the Development Code. The provision of “single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones” should not be in expansions of a nonconforming structure section but in the expansion of a nonconforming use section.*

*The second amendment to this section is adding when a change of use occurs. The amendment allows the Director, or designee, to require upgrades to a building if a change of use occurs. These upgrades may include fire sprinklers, electrical, mechanical, or other provisions of the building code. The provision also allows the Director to require additional parking spaces if the new use necessitates an increase in parking demand.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
2. The use or structure does not comply with the development standards or other requirements of this code;
3. A change in the required permit review process shall not create a nonconformance.

B. Abatement of Illegal Use, Structure or Development. Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development

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standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this code.

1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

2. Discontinuation of Nonconforming Use. A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.

3. Repair or Reconstruction of Nonconforming Structure. Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

- a. The extent of the previously existing nonconformance is not increased;
- b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and
- c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. Modifications to Nonconforming Structures. Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. ~~Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.~~ Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit unless the indexed supplemental criteria (SMC 20.40.200) require a special use permit for expansion of the use under the code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

E. Nonconforming Lots. Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this code; provided, that:

1. All other applicable standards of the code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a "special tract" to protect critical area, provide open space, or as a public or private access tract.

F. Nonconformance Created by Government Action.

1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a County, State, or Federal agency creates noncompliance of the use or structure regarding any



requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback nonconformity to the extent feasible. To be consistent with SMC 20.50.590(A), the signs shall not be altered in size, shape, or height.

3. A nonconforming lot created under this subsection shall qualify as a building site pursuant to RCW 58.17.210, provided the lot cannot be combined with a contiguous lot(s) to create a conforming parcel.

### G. Change of Use – Single Tenant.

If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

### H. Change of Use – Multi-Tenant.

If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

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### **Amendment #9**

#### **20.30.290 – Deviation from the engineering standards (Type A action).**

*This proposed amendment will change who will approve a deviation from engineering standards from the Director to the Director of Public Works.*

***Justification*** – *The Deviation from Engineering Standards is a request to deviate from certain engineering standards such as driveway widths, number of driveways, street frontage standards, or right-of-way improvements. These applications are submitted in the Planning & Community Development Department, usually accompanied by a building permit, and then routed to the Public Works Department for approval. This Development Code Amendment will make it clear the Director of Public Works makes the final decision this application.*

***Staff recommendation*** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. Deviation 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.

B. Decision Criteria. The Director of Public Works shall grant an engineering standards deviation only if the applicant demonstrates all of the following:

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### **Amendment #10**

#### **20.30.330 – Special Use Permit – SUP (Type C Action)**

*This proposed amendment will increase the vesting period for Special Use Permits issued to public agencies.*

**Justification** – *Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use including essential public facilities on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The special use permit shall not be used to preclude the siting of an essential public facility.

B. Decision Criteria (Applies to All Special Uses). A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district, City or region;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;

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5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the basic purposes of this title; and
9. The special use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Plan, SMC Title 20, Division II.

C. Decision Criteria (Light Rail Transit Facility/System Only). In addition to the criteria in subsection B of this section, a special use permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

1. The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's guiding principles for light rail system/facilities and Sound Transit's design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities;
2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes (as confirmed by the performance of an access assessment report or similar assessment) to ensure that the City's transportation system (motorized and nonmotorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the decision criteria set forth in this subsection C, then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and
3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City's guiding principles for light rail system/facilities.

D. Vesting of Special Use Permits requested by Public Agencies. A public agency may, at the time of application or at any time prior to submittal of the SUP application to the City Hearing Examiner, request a modification in the vesting expiration provisions of SMC 20.30.160, allowing for vesting of the SUP for a period of up to five years from the date of hearing examiner approval or, if the SUP provides for phased development, for a period of up to ten years from date of hearing examiner approval. If permitted, the expiration date for vesting shall be set forth as a condition in the SUP.

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## **Amendment #11**

### **20.30.357 – Planned Action Determination**

*The Planned Action Determination is a new addition to the Development Code.*

**Justification** – *This determination is required for applications that want to be considered a planned action and rely on the environmental documentation that was prepared for the planned action area. The new Development Code language proposed establishes a purpose and decision criteria section. Staff has also developed a planned Action form that an applicant must use when submitting for a Planned Action Determination.*

**Staff recommendation**– *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Purpose. The purpose of a planned action determination is decide if a project qualifies as a planned action project thereby not requiring additional substantive and procedural review under SEPA .

Decision criteria. For a site-specific project to qualify as a planned action, the applicant shall submit a Planned Action Determination Checklist on a form prescribed and provided by the Department and demonstrate that:

1. The project is located within one of the City's designated Planned Action Areas;
2. The uses and activities of the project are consistent with qualifying land use categories described in the relevant Planned Action EIS;
3. The project is within and does not exceed the planned action thresholds established for the relevant Planned Action Area;
4. The project is consistent with the Shoreline Municipal Code and the Shoreline Comprehensive Plan, including any goals and policies applicable to the Planned Action Area;
5. If applicable, the project's significant adverse environmental impacts have been identified in the relevant Planned Action EIS;
6. If applicable, the project's significant adverse environmental impacts have been mitigated by application of mitigation measures identified for the Planned Action Area and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
7. The project complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation;  
and
8. The project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a planned action project.

## **Amendment #12**

### **20.30.380 – Subdivision Categories**

*This amendment seeks to strike lot line adjustments as a subdivision category.*

**Justification** – *Lot line adjustments are not a subdivision of land. Also, lot line adjustments provisions are found in 20.30.400 and do not need to be included in 20.30.380.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.~~

~~A.-B. Short Subdivision: A subdivision of nine or fewer lots.~~

~~B.-C. Formal Subdivision: A subdivision of 10 or more lots.~~

~~C.-D. Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.~~

Note: When reference to “subdivision” is made in this Code, it is intended to refer to both “formal subdivision” and “short subdivision” unless one or the other is specified.

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## **Amendment #13**

### **20.30.410 – Preliminary subdivision review procedures and criteria.**

*There are two proposed amendments to this section. The first amendment establishes a procedure for Unit Lot Developments. This amendment allows a developer to create fee simple lots (each unit located on its own lot) without having to construct the units to Building Code standards for standalone units. The building is considered one unit even though the units are sold individually with a generally a small lot created from a larger “parent lot”. This eliminates the need to construct each unit as if it may someday need to be structurally independent of the other units. Constructing the building as one structure is more cost effective. This process also creates a home ownership opportunity for people to buy a unit and the property on which the unit is located.*

**Justification** – *The proposed amendment will allow single family attached-developments to be subdivided for fee simple ownership and to allow application of International Building Code (IBC), National Electrical Code (NEC), and International Fire Code (IFC) to consider the units together as constituting one building, notwithstanding the property lines separating the units Please also see the justification for Amendment #5 – Definition of Unit Lot Development (ULD).*

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*The second amendment to this section is part of a group of amendments recommended by the Department of Ecology to comply with the City's NPDES Permit. Amendment A.4 below is related to NPDES requirements in Amendments #3 and #4.*

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

Review criteria: The following criteria shall be used to review proposed subdivisions:

### A. **Environmental.**

1. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.
2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.
3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC Critical Areas, and Chapter 13.12 SMC, Floodplain Management.

4. Low Impact Development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, preserve on-site natural features, native vegetation, open space and critical areas.

### B. **Lot and Street Layout.**

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.
2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.
3. Each lot shall meet the applicable dimensional requirements of the Code.

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

### C. Dedications and Improvements.

1. The City may require dedication of land in the proposed subdivision for public use.

2. Only the City may approve a dedication of park land.

3. In addition, the City may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

a. Required improvements may include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

### D. Unit Lot Development.

1. The provisions of this subsection apply exclusively to Unit Lot Developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.
2. Unit Lot Developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.
3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020 Exception 2.
4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common open space, and other similar features, to be recorded with King County Records and Licensing Services Division.
5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.
6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.
7. The applicant shall record a covenant on the plat that states, "These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code".

## **Amendment #14**

### **20.30.470 – Further division – Short subdivisions.**

*The proposed Development Code amendment changes the number of lots in a short plat from four to nine.*

**Justification** – *The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this subchapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than nine ~~four~~ parcels, nothing in this subchapter shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of nine ~~four~~ lots within the original short subdivision boundaries.

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**USE TABLES:** Amendments 15-18

## **Amendment #15**

### **20.40.120 – Residential uses.**

**Justification** – *This amendment is related to amendments 1, 18, 21 and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *Apartments are a housing type within the multifamily dwelling category.*
- *Duplexes and townhomes are a housing type within the single-family attached dwelling category.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike “three or more” and replaced with more than one.*



*With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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### **Amendment #16**

#### **20.40.130 – Nonresidential uses**

*This proposed amendment will remove fuel and service stations as a permitted use in the Town Center 2, 3, and 4 zones.*

**Justification** – *Automotive Fueling and Service Stations are exclusively automotive uses. These uses detract from the goal of enhancing the pedestrian experience in TC-2, TC-3, and TC-4 zones. Prohibiting Automotive Fueling and Service Stations in TC-2, TC-3, and TC-4 zones, removes the conflict between the needs of a purely automotive use and those uses that encourage pedestrian and gathering zones is removed.*

*Ample alternative locations are available to Fuel and Service Station operators. Automotive Fueling and Service Stations are allowed to be located in Neighborhood Business (NB), Community Business (CB), Mixed Business (MB), zones of the City, notably in the Town Center (TC)-1 and MB zones along Aurora Ave N immediately to the north and south of Town Center. Most commercial uses generate revenue for the city. However, because Shoreline obtains tax revenue from fueling stations regardless of where the fuel is sold in the state, no incremental increase in City revenues will be experienced from increasing fuel sales in TC-2, TC-3, and TC-4 zones.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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### **Amendment #17**

#### **20.40.130 – Nonresidential uses**

*This proposed amendment will make light manufacturing an approved use in the Mixed-Business (MB) zone. Currently, light manufacturing requires a Special Use Permit in the MB zone.*

**Justification** – *The City permits outright light manufacturing land uses in TC zones and in MB zones with a Special Use Permit. Town Center is small area and to require a Special Use Permit in MB seems unnecessary considering these zones all border Aurora Avenue. Based on the intent of these two zones, if a Special Use permit is needed it would be better served in the TC zones and to be permitted outright in the MB zones. A recent example is a small t-shirt print shop and wholesaler was deterred because the Special Use Permit was too expensive and the decision and conditions unpredictable to apply. The t-shirt shop is not a big proposal but it*

raises the question: does Shoreline provide enough opportunity for light manufacturing locate here? Is the MB zone the appropriate place to allow light manufacturing since it already allows wholesale and warehouse uses, car repair, etc.?

The proposed definition from the manual of A Glossary of Zoning and, Development and Planning Terms for “Light Manufacturing” is: “The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assemble, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.”

**Staff recommendation** –Permit Light Manufacturing outright in MB zones rather than through a Special Use Permit and add a Light Manufacturing definition to SMC 20.20.016 that clearly defines the type of uses allowed.

Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

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### **Amendment #18**

#### **Table 20.40.160 – Station Area Uses**

**Justification** – This proposed amendment is related to amendments 1, 15, 21, and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to combine housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions and use tables.

- The definition of apartments will be retained but will be updated to read more clearly.
- Duplexes and townhomes will be defined in the single-family attached definition.
- The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.
- The single-family attached definition will be amended to strike “three or more” and replaced with more than one.

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Table 20.40.120 Residential Uses





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Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC- 4	NB	CB	MB	TC-1, 2 & 3
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use		S = Special Use							
C = Conditional Use		-i = Indexed Supplemental Criteria							

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## 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>RESIDENTIAL</b>				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse <b>Amendment #18</b>	P-i	P-i	P-i

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NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		

### **Amendment #19**

#### **20.40.230 – Affordable housing**

*The proposed amendment updates critical area language contained in this section that was missed when the City updated the Critical Areas Ordinance as part of Ordinance 724 which is the City's Critical Areas.*

**Justification** – *Ordinance 724 updated many sections of the Development Code for consistency of terms and references. Section 20.40.230(A) was revised by this ordinance, however the reference to the critical area regulations in Section 20.40.230(A)(5) was missed.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

- A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) and provisions for accessory dwelling units, and (c) ~~projects which are limited by the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.~~
5. All land use applications for which the applicant is seeking to include the area designated as a critical area ~~overlay district~~ in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified ~~consultant~~ professional and the City to address the requirements of the critical area ~~overlay district chapter~~ regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

## **Amendment #20**

### **20.40.240 – Animals – Keeping of**

*The proposed amendment will amend the rules related to beekeeping.*

**Justification** – *The City has a business, Rainy Day Bees, which tends to bees in hives that belong to them but are on other people's private property on a voluntary basis. It is used on underutilized yards. Shoreline recently adopted an ordinance about beekeeping that is stricter than Seattle's regulations. Briefly, Seattle and other municipalities allow for hives to be closer to the property line if there is a fence or hedge or if the hives are elevated. Shoreline has no exemptions; the hives must be 25 feet from the nearest property line. Rainy Day Bees are being forced to locate most of their hives in Seattle.*

*This amendment will make Shoreline's rules for beekeeping aligns with that of Seattle's and promote Shoreline as a beekeeping friendly city.*

- *Pros to this proposal include: Health benefits from the end product: honey;*
- *Financial boost: supports small businesses like Rainy Day Bees;*
- *Health of bees: Urban bees tend to be more resilient;*

*Cons to this proposal include:*

- *Overcrowding: More urban bees competing for potentially limited pollen sources;*
- *Increased threat of stings: Can be eliminated with proper placement and management of hives.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

F. Beekeeping is limited as follows:

1. Beehives are limited to no more than four hives, each with only one swarm, on sites less than 20,000 square feet.
  2. ~~Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25 feet per side, then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.~~
  2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.
  3. Must register with the Washington State Department of Agriculture.
  4. Must be maintained to avoid overpopulation and swarming.
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## **Amendment #21**

### **20.40.340 – Duplex.**

**Justification** - The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. This proposed amendment is related to amendments 1, 15, 18, and 22. The proposed amendment will strike the indexed criteria for duplexes and move the entire section into the indexed criteria for single-family attached dwellings. This proposed amendment matches the other changes in this batch that includes duplexes with single-family attached dwellings. The criteria for duplexes in the R-4 and R-6 will not be completely deleted from the Development Code. The conditions for duplexes in the R-4 and R-6 zones will be moved to the conditions for single-family attached dwellings in SMC 20.40.510.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

~~Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards.~~

~~More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards.~~

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## **Amendment #22**

### **20.40.510 – Single-family attached dwellings.**

**Justification** – Proposed amendments 1, 15, 18, and 21 amend dwelling types in the definition section and the use tables. This proposed amendment strikes letter “A” since single-family attached dwellings include more than just triplexes and townhomes. Letter “C” is an outdated set of guidelines that may or may not apply to a development project. There are specific sections of the Development Code that regulate the items in the below list and therefore do not need to be included in this section. These include:

1. SMC 20.50.350 is the section that regulates minimum tree retention requirements.
2. The Development Code is silent on view restrictions so this item is not enforceable.
3. SMC 20.80.280 regulates fish and wildlife habitat conservation areas.
4. SMC Table 20.50.020 lists required setbacks along property lines while SMC 20.50.460 requires landscaping within those required setbacks.
5. The Critical Areas Ordinance has been recently updated to regulate development in geologic hazard areas.
6. The Development Code is largely silent on the protection of historic features and therefore not enforceable.



*This amendment also adds the indexed criteria for duplexes since the definition of single-family attached dwellings now include duplexes.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

### **20.40.510 – Single-family attached dwellings.**

~~A. Single family attached dwellings include triplexes and townhouses.~~

B. Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and ~~multifamily~~ single-family residential design standards.

~~C. Single family attached dwellings shall comply with one or more of the following:~~

- ~~1. The development of the attached dwelling units enable protection and retention of windfirm trees; or~~
- ~~2. The development of the attached dwelling units enable preservation of scenic vistas; or~~
- ~~3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or~~
- ~~4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or~~
- ~~5. The development of the attached dwelling units protects slopes steeper than 15 percent; or~~
- ~~6. The development of the attached dwelling units would allow for retention of natural or historic features.~~

~~B. D. The single family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).~~

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### **Amendment #23**

#### **20.40.600 – Wireless Telecommunications Facilities/ Satellite Dish and Antennas**

*This proposed amendment will delete the requirement that a Notice of Decision be issued for a wireless communication permit when attached to a right-of-way permit.*

**Justification** – *This is a Type A process which does not require a public notice of application nor decision.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:

- a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC 12.25.030 shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
  - b. All supporting ground equipment located within a public right-of-way shall be placed underground or, if located on private property, shall comply with all development standards of the applicable zone.
  - c. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.
  - d. ~~A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.~~
- 

### **Amendment #24 and #25**

#### **20.50.020 – Dimensional requirements.**

*Amendment #24 deletes the requirement for a combined side setback of 15 feet in the R-6 zone and adds Unit Lot Development to exception #2 of the Tables.*

**Justification** – *The City currently requires 15-foot setbacks for two side yards combined with a minimum 5-foot setback in R-4 and R-6 zones. Setbacks are used to create separation between residences. However, since either neighbor on each side of residence can experience a 5-foot setback how does the combined setback benefit each neighbor? The indirect benefit of a greater sideyard setback may be the overall size of the house on the property. Lot coverage maximums are a better regulation to affect the density and open space to surrounding neighbors. This amendment complements Amendment #29.*

*Amendment #25 makes a minor change to the setbacks in the MUR zones. Staff is proposing to strike “up to” in the table to clear up confusion and will provide the explanation of the front setback in the exceptions section immediately following the table.*

*Please refer to Amendment #5 for the justification for adding Unit Lot Development to Exception #2.*

**Staff recommendation** – *Staff recommends that these amendments be included in the 2016 Development Code amendment batch.*

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

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

## 7a- Attachment 1 - Dev Code Amendments

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

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

**Table 20.50.020(2) Dimensional Standards for MUR Zones**

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density:	N/A	N/A	N/A

## 7a- Attachment 1 - Dev Code Amendments

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Dwelling Units/Acre			
Min. Density	12 du/ac(16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street  10 ft on nonarterial street  Up to 20 ft if located on 145 <sup>th</sup> Street (14)	15 ft if located on 185th Street (14)  0 ft if located on an arterial street  10 ft on nonarterial street  Up to 20 ft if located on 145 <sup>th</sup> Street (14)	<del>Up to</del> 15 ft if located on 185th Street (14)  <del>Up to</del> 20 ft if located on 145 <sup>th</sup> Street (14)  0 ft if located on an arterial street  10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12)(15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) *Repealed by Ord. 462.*

(2) *These standards may be modified to allow zero lot line and Unit Lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.*

(3) *For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.*

(4) *For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.*

(5) *For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.*

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- (6) *The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.*
- (7) *The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.*
- (8) *For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.*
- (9) *Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.*
- (10) *Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.*
- (11) *The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.*
- (12) *All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.*
- (13) *The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.*
- (14) *The exact setback along 145<sup>th</sup> Street and 185<sup>th</sup> Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*
- (15) *Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.*
- (16) *Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.*

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### **Amendment #26**

#### **20.50.021 – Transition Areas**

*This proposed amendment will move the transition standards from SMC 20.100.020, the Aurora Square Community Renewal Area (CRA), to SMC 20.50.021.*

**Justification** – *This amendment is related to amendment #36. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision*

*should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Development in commercial zones: NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

D. For development within the Aurora Square Community Renewal Area; maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.

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### **Amendment #27**

#### **20.50.040.I 4, 5, and 6 – Setbacks – Designation and measurements**

*This amendment proposes clarity to existing confusing and contradictory language for decks, porches and stairs and ramps in required yard setbacks.*

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**Justification** - The amendment to section #4 will allow the projection of decks, under 18 inches in height, into the front yard in addition to side and rear yards. A patio is permitted in front yard setbacks as well as side and rear yards then the impacts or uses of these amenities are mostly the same.

The amendment to section, #5, cleans-up confusing language about how far an uncovered porch or deck more than 18 inches above the finished grade may project into the front, side, and rear setbacks. Currently, the language allows decks above 18 inches in height to extend 18 inches into the sideyard which is greater than 6 feet 6 inches. This language is obtuse and it is more direct to say that these cannot be built within 5 feet of the property line. The amendment also clarifies the contradiction of why a deck above 18 inches is allowed in the front yard but not a deck under 18 inches in height in section #4.

The amendment to section #6 clears up confusion about the size of porches in setbacks. Currently, #6 allows covered entries to extend 5 feet into the setback if they are 60 square feet or greater. Staff thinks the intention is not to allow decks without a maximum size but to allow covered entries less than 60 feet to extend 5 feet into the setback.

The amendment to section #7 will allow building stairs or ramps to project to the property line, subject to conditions, for the purpose of retrofitting an existing residence. Some houses have a short, steep grade to the front sidewalk. If the intent is to allow residents to retrofit their access then limiting the height of stairs or ramps for the purpose of entry limiting their height seems prohibitive. This becomes especially relevant if residents have limited mobility.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.
5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project 5 feet into the required front, rear and side yard setbacks but not within 5 feet of a property line:
  - a. ~~Eighteen inches into a side yard setback which is greater than six feet, six inches; and~~
  - b. ~~Five feet into the required front and rear yard setback.~~
6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback. ~~that are at least 60 square feet in footprint area may project up to five feet into the front yard setback.~~
7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than 30 inches from grade to stair tread and 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

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### **Amendment #28**

**20.50.070 – Site planning – Front yard setback – Standards.**

*The proposed amendment will move the requirement for a 20-foot driveway from the exceptions section and move it into the regulation.*

**Justification** – *The requirement for a 20-foot driveway should not be in the exception section but should be a stand-alone requirement.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

### **20.50.070 – Site planning – Front yard setback – Standards.**

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.

*Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)*

~~For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.~~

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### **Amendment #29**

#### **20.50.090 – Additions to existing single-family house - Standards**

*The proposed amendment is related to amendment #24 and deletes the provisions that allow a homeowner to add on and expand a home that is nonconforming to setbacks.*

**Justification** – *Additions to existing single-family house are allowed, within limits, to expand a non-conforming structure within a yard setback. The allowance is based on an existing, nonconforming façade that is more than 60% of the entire façade to be able to expand the nonconformance. The intent is to allow flexibility when retrofitting an existing structure but its standards are not logical or statistically based and are confusing to administer.*

- 1) *Why would we allow a nonconformance to expand?*
- 2) *Why is nonconformance greater than 60% needed to allow the expansion?*



- 3) Therefore, why would a percentage less than 60% not be more qualified to expand since it would be less of a nonconformance, and
- 4) Why is there no limit to how much the nonconforming façade can expand?

*There is no other nonconformance allowance for decks, hardscape, height, or lot coverage in the Development Code. SMC 20.30.280 – Nonconformance addresses this issue which limits structure expansion to the “degree of an existing nonconformity” and “limited to 50% of the use area (building coverage)”. The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks. By approving amendment #24, Table 20.50.020(1) regarding setbacks, property owners will have greater flexibility with other alternatives to expand their homes without expanding a nonconformance that is difficult to administer and is not logical.*

**Staff Recommendation** – Repeal the entire code section. The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks.

### ~~SMC 20.50.090 Additions to existing single-family house—Standards.~~

~~A.— Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:~~

- ~~1.— Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;~~
- ~~2.— Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;~~
- ~~3.— Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;~~
- ~~4.— Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and~~
- ~~5.— This provision applies only to additions, not to rebuilds. When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.~~

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### **Amendment #30**

#### **20.50.110 – Fences and walls - Standards**

*The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.*

**Justification** – *This provision is a design standard for appearance or defensible space. It is inconsistent with the allowance for 6-foot fences in all other yards of a residential property. It is also written as a recommendation and not as a requirement. The intent of the existing code can be met with the requirement for sight clearance standards and the preference of the property owner. Staff believes that the fence lower height limit is more a design standard for the purpose of street appeal. It also contradicts the code allowance for arbors in any setback up to 6 feet in height.*

**Staff recommendation** – *Staff recommends that this amendment be approved in the 2016 Development Code amendment batch.*

### 20.50.110 Fences and walls – Standards.

- A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. ~~(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.)~~
- B. All electric, razor wire, and barbed wire fences are prohibited.
- C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet.

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### **Amendment #31**

#### **20.50.240 – Site Design**

**Justification** – *The phrase “on private property” is redundant and confusing. Buildings and parking structures are only developed on private property.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

#### C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
  - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks ~~if on private property~~. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

### **Amendment #32**

#### **20.50.330 – Project review and approval**

*This proposed Development Code amendment is recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.*

**Justification** – *The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development.*

**Staff recommendation** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the City's Stormwater Management Manual as set for the in SMC 13.10.200 and applicable provisions of SMC 13.10, Engineering Development Manual and SMC 13.10, Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

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### **Amendment #33**

#### **20.50.390 – Minimum off-street parking requirements - Standards**

*This proposed amendment will match up the parking requirement for self-service storage facilities with the ITE trip generation calculator for mini-warehouse uses, which do not generate as much parking as the City has been requiring.*

## 7a- Attachment 1 - Dev Code Amendments

**Justification** – The City uses the trip generation calculator to assess Transportation Impact Fees. This figure also matches more closely traffic impact analyses that have been prepared for such uses. The proposed minimum spaces required may look strange but that is the number cited by multiple parking demand studies submitted by various self-service storage providers. For example, an 80,000 square foot self-service storage facility would be required to provide 11 parking spaces.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store

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<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area

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NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
<u>Self-service storage facility:</u>	<u>1 per .000130 square feet of storage area, plus 2 for any resident director's unit</u>
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

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### **Amendment #34**

#### **20.50.540(G) – Sign design**

***Justification*** – *The Aurora Square Community Renewal Area is a special district and has a unique set of signage requirement. Staff recommends inserting a reference into this section to point the reader to the specific sign regulations of the CRA because the sign code uses zones and the CRA is in the MB zone.*

***Staff recommendation*** – *Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

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### **Amendment #35**

#### **20.70.020 – Engineering Development Manual.**

**Justification** – The proposed Development Code amendment will strike the reference to SMC 12.10.100, which does not exist, and replace the reference with 12.10.015 which is the chapter that includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. The remainder of the section will be deleted since the requirements for development are located in the Engineering Development Manual.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

The Engineering Development Manual adopted pursuant to SMC 12.10.400.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. The specifications shall include, but are not limited to:

- A. ~~Street widths, curve radii, alignments, street layout, street grades;~~
- B. ~~Intersection design, sight distance and clearance, driveway location;~~
- C. ~~Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;~~
- D. ~~Streetscape specifications (trees, landscaping, benches, other amenities);~~
- E. ~~Surface water and stormwater specifications;~~
- F. ~~Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and~~
- G. ~~Other improvements within rights-of-way.~~

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### **Amendment #36**

#### **20.70.430 – Undergrounding of electric and communication service connections.**

**Justification** – The proposed Development Code amendment to Section 20.70.430 will delete the language regarding the undergrounding of utilities from the Development Code. SMC 20.70.430 is in conflict with the Shoreline Municipal Code Title 13 when undergrounding is required for certain development activities. The proposed amendment will direct the reader to Title 13 for specific undergrounding requirements.

**Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

## 7a- Attachment 1 - Dev Code Amendments

A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way, excluding existing or relocated street crossings.

B. ~~Undergrounding of service connections and new electrical and telecommunication facilities shall be required as defined in Chapter 13.20.050 SMC, shall be required with new development as follows:~~

~~1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.~~

~~2. All new residential construction and new accessory structures or the creation of new residential lots.~~

~~3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.~~

~~C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:~~

~~1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and~~

~~2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.~~

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### **Amendment #37**

#### **20.100.020 – Aurora Square Community Renewal Area (CRA).**

***Justification** – Council adopted the Aurora Square Community Renewal Area Planned Action in August 2015. The planned action contains development regulations, design standards, signage standards, residential unit thresholds, commercial building thresholds and other goals and policies to shape future development in that area. The proposed Development Code amendment will alert the reader to the planned action so specific development standards can be met.*

*The second amendment to this section will move “A” to SMC 20.50.021. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*



All development proposed within the Aurora Square Community Renewal Area shall comply with provisions of Ordinance 705 – Aurora Square Community Renewal Area Planned Action.

~~A. This chapter establishes the development regulations specific to the CRA.~~

~~1. Transition Standards. Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.~~

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## Municipal Code Amendments

### Amendment #1

#### SMC 16.10 – Shoreline Management Plan

This proposed amendment will repeal SMC Chapter 16.10 in its entirety.

***Justification** – SMC 16.10 was the chapter that regulated the City’s Shoreline Master Program which referred to King County’s regulations as Shoreline did not have its own program. The Council adopted the City’s own Shoreline Master Program in 2013, making Chapter 16.10 unnecessary.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Sections:

~~16.10.010 Authority to adopt.~~

~~16.10.020 Adoption of administrative rules.~~

~~16.10.030 Adoption of certain other laws.~~

~~16.10.040 Reference to hearing bodies.~~

~~16.10.010 Authority to adopt.~~

Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160 and 90.58.280, the city adopts by reference Title 25 of the King County Code (Exhibit A, attached to the ordinance codified in this chapter) as presently constituted, as the interim shoreline management code. Exhibit A is hereby incorporated by reference as if fully set forth herein. [Ord. 93 § 1, 1996; Ord. 23 § 1, 1995]

~~16.10.020 Adoption of administrative rules.~~

~~Pursuant to Chapter 25.32 KCC of the shoreline management plan, there are hereby adopted by reference any and all implementing administrative rules now in effect regarding shoreline management that have been adopted either pursuant to King County Code Chapter 2.98, Rules of county agencies, or Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the “county” or to “King County” shall~~

refer to the city of Shoreline, and any reference to county staff shall refer to the city manager or designee. [Ord. 23 § 2, 1995]

## **~~16.10.030 Adoption of certain other laws.~~**

~~To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the shoreline management code is necessary or convenient to establish the validity, enforceability or interpretation of the shoreline management code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference. [Ord. 23 § 3, 1995]~~

## **~~16.10.040 Reference to hearing bodies.~~**

~~To the extent that the shoreline management code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the city council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. [Ord. 23 § 4, 1995]~~

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## **Amendment #2 SMC 16.20 – Fee Schedule**

This proposed amendment will delete SMC Chapter 16.20 in its entirety.

***Justification** - On August 12, 1996, the Shoreline City Council adopted Ordinance No. 101, revising fees for land use and building permit development applications which were codified as Shoreline Municipal Code Chapter 16.20. On February 28, 2000, the Shoreline City Council adopted Ordinance No. 230 establishing Title 20 Unified Development Code of the Shoreline Municipal Code. Given the enactment of Title 20, the provisions of Shoreline Municipal Code Chapter 16.20 Fee Schedule are no longer necessary as all of the City's fees are codified in SMC Chapter 3.01.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Sections:

**~~16.20.010 Land use and development fee schedule.~~**

**~~16.20.020 Fee collection – King County authority.~~**

**~~16.20.030 Administration.~~**

**~~16.20.040 Refund of application fees.~~**

**~~16.20.010 Land use and development fee schedule.~~**

~~A. The city manager or designee is authorized to charge applicants for development and land use permits received by the city's permit center, in the amounts set forth in the development services fee schedule.~~

## 7a- Attachment 1 - Dev Code Amendments

B. Fee Schedule. See SMC ~~3.01.010~~, 3.01.015 and 3.01.020. [Ord. 256 § 1, 2000; Ord. 101 § 1, 1996]

### **~~16.20.020 Fee collection – King County authority.~~**

~~Pursuant to the August 1995 “Interlocal Agreement Relating to the Use of City-Owned Real Property”, King County is authorized to collect fees pursuant to the county’s adopted fee schedule, as presently constituted or hereafter amended, for those applications to be processed by the county pursuant to the interlocal agreement. [Ord. 101 § 2, 1996]~~

### **~~16.20.030 Administration.~~**

~~The director of development services is authorized to interpret the provisions of this chapter and may issue rules for its administration. [Ord. 101 § 3, 1996]~~

### **~~16.20.040 Refund of application fees.~~**

~~Any fee established in this chapter which was erroneously paid or collected will be refunded. Refunds for applications, permits, or approvals which are withdrawn or canceled shall be determined by the director of development services. [Ord. 101 § 4, 1996]~~

## 7a. Attachment 2 - Fire Dept Requirements



### **Shoreline Fire Dept Residential Sprinkler Requirements:**

#### **Size:**

- **All homes over 4800** sq ft need NFPA 13D Sprinkler System. Square footage includes garage space and covered decks, porches and patios.
- **Homes under 4800** sq ft. may require sprinkler system based on the following:

#### **Fire Flow: (per IFC Appendix B)**

- Fire flow less than 1000 gpm: all homes need sprinklers
- Fire Flow between 1000 and 1750gpm: all homes over 3600 sq ft. need sprinklers.

#### **Hydrant Distance:**

- If Nearest Hydrant is more than 500 ft (measured as a logical hose lay) from farthest corner of proposed home, home will need sprinklers. **Note:** Cannot use hydrants on opposite side of street where car volume is over 20,000 per day.

#### **Access:**

##### **Width**

- If home is accessed by a shared access road, minimum width is 20 feet wide or homes need sprinklers.
- If road serves more than 2 homes, road can reduce to 14' wide after 2nd home.

##### **Length**

- If Access Road is over 150 ft. long, a fire engine turnaround or fire sprinklers in homes are required.

#### **Additions:**

- Any addition over 500 sq ft will trigger the above requirements.

***For additional information or questions please call the Shoreline Fire Marshall Office at:  
206-533-6565***