

ORDINANCE NO. 739

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING THE TITLE 20 UNIFIED DEVELOPMENT CODE OF THE
SHORELINE MUNICIPAL CODE TO PROVIDE FOR A SPECIAL USE
PERMIT PROCESS AND APPLICABLE CRITERIA FOR REVIEW AND
PERMITTING OF A LIGHT RAIL SYSTEM AND FACILITIES.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, in conformance with the Growth Management Act, the City has adopted Shoreline Municipal Code (SMC) Title 20, which contains development regulations to implement the City's Comprehensive Plan; and

WHEREAS, Sound Transit's light rail system corridor will pass through the City and Sound Transit intends to locate various facilities within the City, including two (2) light rails stations and two (2) parking garages; and

WHEREAS, SMC Title 20 currently does not properly address the permitting process, including applicable criteria, to adequately consider the needs of Sound Transit light rail systems and facilities; and

WHEREAS, on September 3, 2015, December 17, 2015, and January 7, 2016, the City of Shoreline Planning Commission held study sessions on the proposed amendments; and

WHEREAS, on October 1, 2015 and again on January 21, 2016, the Shoreline Planning Commission held properly noticed public hearings on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the second public hearing, the City of Shoreline Planning Commission voted to recommend approval of the proposed amendments as presented by staff; and

WHEREAS, on February 29, 2016, the City Council held a study session on the proposed amendments as recommended by the Planning Commission including a few staff recommended changes to this recommendation; and

WHEREAS, on February 29, 2016 the City Council directed staff to prepare this Ordinance to incorporate the staff recommended amendments to the Planning Commission recommendation; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation, amending that recommendation as the City Council deemed appropriate; and

WHEREAS, the City Council has determined that the proposed amendments are consistent with the Growth Management Act and in accordance with the Comprehensive Plan, and meets the criteria set forth in SMC 20.30.350; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments to SMC Title 20; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on September 16, 2015 and

WHEREAS, the City provided public notice of the amendments and the public meetings and hearing as provided in SMC 20.30.070 and have provided adequate opportunities for public review and comment;

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

Section 1. Amendment – SMC Title 20. SMC 20.30.330 Special use permit – SUP (Type C Action), SMC Table 20.40.140 Other uses, SMC Table 20.40.160 Station Area Uses, SMC 20.40.438 Light rail transit system/facility, and SMC 20.50.480 Street trees and landscaping within the right-of-way – Standards are amended as set forth on Exhibit A.

Section 2. Severability. If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

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

PASSED BY THE CITY COUNCIL ON MARCH 21, 2016

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: March 24, 2016
Effective Date: March 29, 2016

20.30.330 Special use permit-SUP (Type C action).

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use 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 is may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

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 ~~or~~ 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;
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 policies of the Comprehensive Plan or 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 Program, SMC Title 20, Division II.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
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REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	<u>Light rail transit system/facility</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	<u>P-i S-i</u>	<u>P-i S-i</u>	<u>P-i S-i</u>
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

Supplemental Index Criteria

20.40.438 Light rail transit system/facility.¹

A. A light rail transit system/facility shall be approved through a development agreement Special Use Permit as specified in SMC 20.30.33055. (Ord. 706 § 1 (Exh. A), 2015).

B. A light rail transit system/facility, stations and parking garages shall conform to the required standards below:

1. SMC 20.50.020(2) - Dimensional standards of the MUR-70' zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, land clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 - Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' zone;
7. SMC 20.60 Adequacy of Public Facilities;
8. SMC 20.70 Engineering and Utilities Development Standards; and
9. SMC 20.80 Critical Areas.

C. The light rail transit system/facility improvements located between the stations shall comply with the applicable subchapters and sections below:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. SMC 20.60 Adequacy of Public Facilities;
4. SMC 20.70 Engineering and Utilities Development Standards; and
5. SMC 20.80 Critical Areas.

D. Modification of 20.40.438 (B) and (C) Requirements. Due to the unique nature of a regional light rail transit system and its facilities, strict application of the Code's development standards will not always be possible. If the applicant demonstrates that compliance with one or more of the development standards or requirements set forth in this Section 20.40.438(B) and (C) would make siting, development or operation of the facilities impossible or impracticable (as that term is defined by WAC 365-196-550 and/or other law), would result in reduced public benefits, or alternative actions could meet or exceed the intended goals of such requirements, then the City may waive or modify such requirements as part of the Special Use Permit process in accordance with this Section.

20.50.480 Street trees and landscaping within the right-of-way – Standards.

- A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required ~~in~~for all commercial, office, public facilities, industrial, multifamily ~~zones~~ developments, and for single-family subdivisions on all arterial streets.
- B. Frontage landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).