

Chapter 16.15 Clearing and Grading

16.15.050 Clearing and grading permit required – Exceptions.

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

- (1) An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;
- (2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;
- (3) Any grading within a publicly owned road right-of-way, provided this does not include clearing or grading that expands further into a critical area or buffer;
- (4) Clearing or grading by a public agency for the following routine maintenance activities:
 - (a) Roadside ditch cleaning, provided the ditch does not contain salmonids;
 - (b) Pavement maintenance;
 - (c) Normal grading of gravel shoulders;
 - (d) Maintenance of culverts;
 - (e) Maintenance of flood control or other approved surface water management facilities;
 - (f) Routine clearing within road right-of-way;
- (5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter 21A.50 SMC;
- (6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;
- (7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;
- (8) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:
 - (a) Normal and routine maintenance of existing lawns and landscaping, **including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas** subject to the limitations ~~on the use of pesticides~~ in critical areas and their buffers as set out in Chapter 21A.50 SMC;
 - (b) Emergency tree removal to prevent imminent danger or hazard to persons or property;
 - (c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;
 - (d) Normal and routine maintenance of existing public park properties and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in critical areas;

- (e) Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on such removal and the use of pesticides in critical areas as set out in Chapter 21A.50 SMC;
- (f) Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities; provided, that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in critical areas as regulated in Chapter 21A.50 SMC;
- (9) The cutting and removal of any coniferous tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH when not located within a critical area or buffer;
- (10) The pruning, limbing, and general maintenance of trees outside of environmentally critical areas and buffers, consistent with the requirements of Chapter 21A.35 SMC; and
- (11) The pruning, limbing, and general maintenance of trees in buffers or that are otherwise required to be retained pursuant to Chapter 21A.50 SMC and :
- (12) An excavation that is less than 2 feet in depth or (2) does not create a cut slope greater than 5 feet in height and steeper than 1 unit vertical in 2 units horizontal (66.7% slope), except in critical areas and their buffers, and :**
- (13) A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course, except in sensitive areas and their buffers, and:**
- (14) Normal routine maintenance of existing single family drainage systems, including but not limited to excavation to replace existing pipes, catch basins and infiltration trenches, and;**
- (15) Installation of sanitary septic systems with King County Health District approval and inspection.**

16.15.070 Permit requirements.

Except as exempted in SMC 16.15.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

- (1) Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the permit process and procedures chapter of SMC Title 20. In addition to the requirements of SMC 20.05.040 every application shall:
 - (a) Identify and describe the work to be covered by the permit for which application is made;
 - (b) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed site;
 - (c) Identify and describe those critical areas as defined in Chapter 21A.50 SMC on or adjacent to the site;

- (d) Indicate the estimated quantities of work involved;
- (e) Identify any clearing restrictions contained in SMC 16.15.120 wildlife habitat corridors pursuant to Chapter 21A.30 SMC, critical drainage areas established by administrative rule or property-specific development standards pursuant to Chapter ~~21A.85 SMC~~ **21A.50.225 SMC**;
- (f) Be accompanied by plans and specifications as required in subsections (2) and (3) of this section;
- (g) Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
 - (i) The name of the agency or public or private utility is shown on the application as the applicant;
 - (ii) The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
 - (iii) The form designating the applicant is submitted to the department prior to permit issuance; and
- (h) Give such other information as may be required by the director.

Chapter 16.20 Construction Administrative Code.

16.20.200 Work exempt from permit.

Exemptions from permit requirements of this code and Chapter 16.05 SMC shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code and Chapter 16.05 SMC or any other laws or ordinances of the City of Sammamish. Permits shall not be required for the following:

- (1) Building.
 - (a) One-story detached accessory structures accessory to residential buildings constructed under the provisions of the IRC used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) and the structure is located in accordance with all land use regulations.
 - (b) Fences not over six feet (1,829 mm) high.
 - (c) Oil derricks.
 - (d) Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids, and are not located in critical areas including steep slopes, wetland buffers, shorelines, etc.
 - (e) Rockery walls which are not over four feet (1,219 mm) in height measured from finished grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids, and are not located in critical areas including steep slopes, wetland buffers, shorelines. etc.

- (f) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
- (g) Sidewalks and driveways associated with residential buildings constructed under the provisions of the IRC.
- (h) Decks and associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
- (i) Painting, papering, tiling, carpeting, cabinets, countertops, nonstructural wood or vinyl siding ~~placed over existing siding~~, and similar finish work.
- (j) ~~In-kind~~ Reroofing of one- and two-family dwellings, provided **the new roofing material does not increase the dead load on the roof and** the roof sheathing is not removed or replaced.
- (k) Temporary motion picture, television and theater stage sets and scenery.
- (l) Prefabricated portable swimming pools and hot tubs accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 36 inches (915 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- (m) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- (n) Swings, slides and other similar playground equipment.
- (o) Window awnings supported by an exterior wall of a one- and two-family dwelling or Group R-3, and Group U occupancies, which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
- (p) Nonfixed and movable fixtures cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
- (q) Satellite earth station antennas six and one-half feet (two m) or less in diameter or diagonal in zones other than residential zones.
- (r) Satellite earth station antennas three and one-quarter feet (one m) or less in diameter in residential zones.
- (s) Video programming service antennas three and one-quarter feet (one m) or less in diameter or diagonal dimension, regardless of zone.
- (t) Work as noted in SMC 16.20.025, Exceptions.
- (2) Mechanical.
 - (a) Portable heating, cooking, or clothes-drying appliances.
 - (b) Portable ventilation equipment.
 - (c) Portable cooling unit.
 - (d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code and Chapter 16.05 SMC.
 - (e) Replacement of any part which does not alter its approval or make it unsafe.
 - (f) Portable evaporative cooler.
 - (g) Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

- (h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.
- (3) Plumbing.
 - (a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
 - (b) The clearing of stoppages.
 - (c) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.393 Temporary Erosion and Sediment Control Inspection.

Temporary Erosion and Sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks) entrance rocking, other required elements are in place and prior to commencement of construction and/or clearing the site.

16.20.395 Footing and foundation inspection.

Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment, ~~and~~ **special requirements for wood foundations, and for any setbacks required from property lines; building setback lines; critical area buffers; and/or the ordinary high water mark on lake properties.** For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job; except where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.415 Roof sheathing inspection.

The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved **and, confirmation that the height of the structure is in conformance with the requirements of the Development Code Title 21A and/or Shoreline Master Program**(Ord. O2004-148 § 3)

Chapter 20

20.05.020 Classifications of land use decision processes.

- (1) Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are

distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

(a) Type 1 decisions are made by the director (director) of the department of community development (department). Type 1 decisions are non-appealable administrative decisions that require the exercise of little or no administrative discretion. For Type 1 decisions for which the department has issued a SEPA threshold determination, the issuance of any subsequent permits shall not occur until any allowed administrative appeal of the SEPA threshold determination is decided.

(b) Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions that are subject to administrative appeal in accordance with applicable provisions of law or ordinance.

(c) Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to superior court.

(d) Type 4 decisions are quasi-judicial decisions made by the hearing examiner. Type 4 decisions may be appealed to the State Shoreline Hearings Board.

(2) Except as provided in SMC 20.15.130(1)(f) and 25.35.060 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.

(3) Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

(4) Land use permits that are categorically exempt from review under the State Environmental Policy Act (SEPA) will not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures codified in Chapter 20.15 SMC are supplemental to the procedures set forth in this chapter.

Exhibit A
LAND USE DECISION TYPE

Type 1	Decision by director, no administrative appeal	Building; clearing and grading; boundary line adjustment; temporary use ; right-of-way; road variance except those rendered in conjunction with a subdivision or short plat decision ; variance from the requirements of Chapter 9.04 KCC as adopted by Chapter 15.05 SMC; shoreline exemption; approval of a conversion harvest plan
Type 2	Decision by director appealable to hearing examiner, no further administrative appeal, except for Shoreline Substantial	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit;

	<u>Development Permits which are appealable to the Shoreline Hearing Board.</u>	temporary use; <u>Shoreline substantial development permits</u> (SSDP); procedural and substantive SEPA decision; site development permit; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary determinations under SMC 20.05.030(2); critical areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan
Type 3	Recommendation by director, hearing and decision by hearing examiner appealable to superior court	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; zone reclassifications ² ; urban planned development; special use
Type 4	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline substantial development permits ; shoreline variances; shoreline conditional use permits

1 The road variance process is administered by the City engineer pursuant to the City's street standards as set forth in the public works standards.

2 Approvals that are consistent with the interim comprehensive plan may be considered by the examiner at any time. Zone reclassifications that are not consistent with the interim comprehensive plan require a site-specific land use map amendment and the City council's hearing and consideration will be scheduled with the amendment to the interim comprehensive plan pursuant to SMC 24.25.040 and 24.25.050.

(Ord. O2004-150 §§ 1 – 4; Ord. O2000-63 §§ 1, 2, 3; Ord. O99-29 § 1)

20.05.070 Vesting.

(1) Applications for Type 1, 2, **3** and ~~3-4~~ land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

(2) Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. (Ord. O99-29 § 1)

20.05.100 Permit issuance.

(1) Final decisions by the City on all permits and approvals subject to the procedures of this chapter shall be issued ~~within 120 days~~ within the number of days listed below from the date the applicant is notified by the department pursuant to this chapter that the application is complete; provided, that the following shorter time periods should apply for the type of land use permit indicated:

New residential building permits	90 working days
Residential remodels	40 working days
Residential appurtenances, such as decks and garages	15 working days
Residential appurtenances that require substantial site review	40 working days
SEPA exempt clearing and grading	45 working days
SEPA clearing and grading	90 working days
Health department review (for projects pending a final department review and/or permit)	40 days

The following periods shall be excluded from ~~this 120 day~~ **these** periods:

(a) Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under Chapter 9.04 KCC as adopted by Chapter 15.05 SMC. The period shall be calculated from the date of notice to the applicant of the need for additional information until either the City advises the applicant that the additional information satisfies the City’s request or 14 days after the date the information has been provided, whichever is the earlier date. If the City determines that the correction, study, or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

(i) The department shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.

(ii) Failure by the applicant to meet such deadline shall be cause for the department to cancel/deny the application.

(iii) When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department’s decision regarding that request.

(b) The period of time, as set forth in SMC 20.15.060, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(c) A period of no more than 90 days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than 60 days for a closed

record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.

(d) Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant.

(e) Any time extension mutually agreed upon by the applicant and the department.

(2) The time limits established in this section shall not apply if a proposed development:

(a) Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided for RCW 36.70A.200; or

(c) Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

(3) If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. (Ord. O99-29 § 1)

20.10.240 Written recommendation or decision.

(1) Within 10 days of the conclusion of a hearing or rehearing, the examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record. The examiner's decision shall identify the applicant and/or the owner by name and address.

~~(2) The City clerk shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available City council meeting for adoption; provided, that no final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance that amends or reverses the examiner's recommendation; provided further, the City council by motion may remand to the examiner for the purpose of further hearing, receipt of additional information, or further consideration when determined necessary prior to the City council's taking final action thereon.~~

~~(3)~~**(2)** Decisions of the examiner in cases identified in SMC 20.10.070 shall be final and reviewable pursuant to SMC 20.10.250(1). (Ord. O99-29 § 1)

21A.15.020 Accessory use, residential.

"Accessory use, residential" means:

(1) A use, structure, or activity that is subordinate and incidental to a residence on the same parcel including, but not limited to, the following uses:

(a) Accessory living quarters and dwellings;

(b) Fallout/bomb shelters;

- (c) Keeping household pets;
- (d) On-site rental office;
- (e) Pools, private docks, piers;
- (f) Antennas for private telecommunication services;
- (g) Storage of yard maintenance equipment;
- (h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
- (i) Greenhouses.

(j) Garages

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. O2003-132 § 10)

21A.15.078 Barn. “Barn” means: A large agricultural building for storage of agricultural products and sheltering livestock.

21A.15.220 Community residential facility (CRF).

"Community residential facility (CRF)" means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation, and medical supervision; excluding drug and alcohol detoxification which is classified in SMC 21A.20.050 as health services. CRFs are further classified as follows:

- (1) CRF-I – ~~Nine~~ 7 to 10 residents and staff; *(Note: Single family is defined as 6 or fewer residents—it left a gap of 2)*
- (2) CRF-II – 11 or more residents and staff.

21A.15.520 Forest practice.

"Forest practice" means any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter ~~79.06~~ 79.09 RCW for which a forest practice permit is required, together with:

- (1) Fire prevention, detection and suppression; and
- (2) Slash burning or removal. (Ord. O2003-132 § 10)

21A.15.725 Lot.

"Lot" means a physically separate and distinct parcel of property **and on lake front properties above Ordinary High Water Mark**, which has been created pursuant to SMC Title 19, Subdivisions **or state law**. (Ord. O2003-132 § 10)

21A.20.030 Residential land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential	COMMERCIAL	
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	Urban Residential	Neighborhood Business	Community Business	Office
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SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	DWELLING UNIT< TYPES:					
*	Single Detached	P C11 <u>C9</u>	P C11 <u>C9</u>			
*	Townhouse	P10-P9 C	P	P2	P2	P2
*	Apartment	P3, P4	P	P2	P2	P2
*	Mobile Home Park	C7 C6	P			
	GROUP RESIDENCES					
*	Community Residential Facility-I	C	P	P2	P2	P2
*	Community Residential Facility II	P	P	P2	P2	P2
*	Dormitory	C5 C4	P			
	Senior citizen assisted housing		P	P2	P2	P2
	ACCESSORY USES:					
*	Residential Accessory uses	P6 P5	P6 P5	P6 P5	P6 P5	P6 P5
*	Home Occupation	P	P	P	P	P
*	Home Industry	C				
	TEMPORARY LODGING:					
7011	Hotel/Motel (1)				P	P
*	Bed and Breakfast guesthouse	P8 P7	P8 P7	P8 P7	P9 <u>P8</u>	
7041	Organization hotel/lodging houses					

B. Development Conditions.

1. Except bed and breakfast guesthouses.
2. Only as part of a mixed use development subject to the conditions of Chapter 21A.30 SMC, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to the provisions of SMC 21A.25.040, 21A.30.020, 21A.30.040 and 21A.30.140.
3. Only in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21A.70 SMC.

~~4. Only subject to the residential density incentive provisions of Chapter 21A.75 SMC.~~

~~5. 4.~~ Only as an accessory to a school, college/university, or church.

~~6. 5.~~ a. Accessory dwelling units:

- (1) Only one accessory dwelling per primary single detached dwelling unit;
 - (2) Only in the same building as the primary dwelling unit when the lot is less than 10,000 square feet in area or when there is more than one primary dwelling on a lot;
 - (3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;
 - (a) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;
 - (b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
 - (c) The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in SMC 21A.15.450;
 - (d) Additions to an existing structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit;
 - (4) One additional off-street parking space shall be provided;
 - (5) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and
 - (6) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.
- b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a City right-of-way, to a waterbody or landing field, provided:
- (1) No aircraft sales, service, repair, charter, or rental; and
 - (2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

~~7. 6.~~ Mobile home parks shall not be permitted in the R-1 zones.

~~8. 7.~~ Only as an accessory to the permanent residence of the operator, provided:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adopted by the City of Sammamish for R-1 occupancies may accommodate up to 10 persons per night.

~~9. 8.~~ Only when part of a mixed use development, and subject to the conditions of subsection (B) (10) of this section.

~~10. — A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units.~~

~~11. 9.~~ Required prior to approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(6) of this section. (Ord. O2003-132 § 11)

21A.20.050 General services land uses.

A. Table of General Services Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential		COMMERCIAL		
	Urban Residential		Neighborhood Business	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	Personal Services					
72	General Personal Service	C21	C21	P	P	P3

(NO OTHER CHANGES IN THIS SECTION of the TABLE)

*	Theater production services				P25 P24	
*	Artist Studios	P23 P22	P23 P22	P	P	P24 P23
*	Interim recycling facility	P17	P17	P18	P18	
	HEALTH SERVICES:					
	No changes in this section					
	EDUCATION SERVICES:					
*	Elementary school	P	P	P8 P7	P P78	P8 P7
*	Middle/junior high school	P	P			
	Secondary or high school	P22	P22 P 21			
	No other changes in this section					

B. Development Conditions.

1. Except SIC Industry No. 7534, Tire retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:

a. 835 – Daycare services; and

b. 836 – Residential care, which is otherwise provided for on the residential permitted land use table.

3. Limited to SIC Industry Group and Industry Nos.:

a. 723 – Beauty shops;

- b. 724 – Barber shops;
- c. 725 – Shoe repair shops and shoeshine parlors;
- d. 7212 – Garment pressing and agents for laundries and drycleaners;
- e. 217 – Carpet and upholstery cleaning.
- 4. Only as an accessory to a cemetery.
- 5. Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- 6. Only as an accessory to residential use, provided:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
- 7. Permitted as an accessory use, see commercial/industrial accessory, SMC 21A.20.060 (A).
- 8. Only as a re-use of a public school facility subject to the provisions of Chapter 21A.70 SMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial street shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding development.
- 9.
 - a. No burning of refuse or dead animals is allowed;
 - b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
 - c. The provisions of Chapter 21A.65 SMC relative to animal keeping are met.
- 10. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532, Top, body, and upholstery repair shops and paint shops, is not allowed.
- 11. Only as a re-use of a public school facility subject to the provisions of Chapter 21A.70 SMC.
- 12. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC.
- 13. Covered riding arenas are subject to the provisions of Chapter 21A.65 SMC and shall not exceed 20,000 square feet; provided, that stabling areas, whether attached or detached, shall not be counted in this calculation.
- 14. All instruction must be within an enclosed structure.
- 15. Only as an accessory to residential use, provided:
 - a. Students are limited to 12 per one-hour session;
 - b. All instruction must be within an enclosed structure; and

- c. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
16. Subject to the following:
- a. Structures used for the school and accessory uses shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
 - b. On lots over two and one-half acres:
 - (1) Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted, provided total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school; and
 - (3) Other incidental student-supporting uses are allowed, provided such uses are found to be both compatible with and incidental to the principal use; and
 - c. On sites over 10 acres, and zoned R-1, and/or R-4:
 - (1) Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;
 - (2) Sales of food prepared in the instructional courses is permitted, provided total floor area for food sales is limited to 1,750 square feet and is located in the same structure as the school;
 - (3) Other incidental student-supporting uses are allowed, provided such uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;
 - (4) The use is integrated with allowable agricultural uses on the site;
 - (5) Advertised special events shall comply with the temporary use requirements of this chapter; and
 - (6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the standards set forth in development condition (B)(16)(c) of this section and the requirements of this title.
17. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
18. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.
19. Only when adjacent to an existing or proposed school.
20. Limited to columbariums accessory to a church; provided, that required landscaping and parking are not reduced.
- ~~21. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in SMC 21A.25.230.~~
- ~~22.~~ **21.** a. New high schools shall be permitted in urban residential zones subject to the review process set forth in Chapter 21A.100 SMC; and
- b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

~~23.22.~~ Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC or as a joint use of an existing public school facility.

~~24.23.~~ All studio use must be within an enclosed structure.

~~25.24~~ Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
(Ord. O2003-132 § 11)

21A.20.070 Retail land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential	COMMERCIAL		
	Urban Residential	Neighborhood Businesses	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
*	Building hardware and garden materials			P1	P	
*	Department and variety stores	C8	C8	P	P	C
54	Food Stores	P9	P9	P	P	C
*	Agricultural product sales	P2				
553	Auto Supply Stores				P4	
554	Gasoline Service Stations			P	P	
56	Apparel and accessory stores				P	
*	Furniture and Home Furnishing stores				P	
58	Eating and Drinking places	C10	C10	P5	P	P
*	Drug Stores	C9	C9	P	P	C
592	Liquor				P	
593	Used goods:antiques/secondhand shops				P	
*	Sporting goods and related stores:				P	
*	Book, Stationary, video and art supply stores	C9,6	C9,6	P	P	C
*	Jewelry Stores				P	
*	Hobby, toy, game shops			P	P	
*	Photographic and electronic shops			P	P	
*	Fabric shops:				P	
598	Fuel dealers				C7	P
*	Florist shops	C9	C9	P	P	P
*	Personal medical supply stores				P	
*	Pet Shops			P	P	
*	Bulk Retail				P	
*	Livestock Sales	P 11, P				

		12 P-8, P-9				
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B. Development Conditions.

1. Only hardware and garden materials stores shall be permitted.
2. a. Except for hay sales, limited to products produced on-site; and
- b. Covered sales areas shall not exceed a total area of 500 square feet.
3. Limited to SIC Industry No. 5331, Variety stores, and further limited to a maximum of 2,000 square feet of gross floor area.
4. Only the sale of new or reconditioned automobile supplies is permitted.
5. Excluding SIC Industry No. 5813, Drinking places.
6. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries, or churches which conduct religious or educational classes for minors.
7. No outside storage of fuel trucks and equipment.
8. ~~Not in R-1 and limited to SIC Industry No. 5331, Variety stores, limited to a maximum of 5,000 square feet of gross floor area, and subject to the requirements in SMC 21A.25.230.~~
9. ~~Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to the requirements in SMC 21A.25.230.~~
10. ~~Not permitted in R-1 and excluding SIC Industry No. 5813, Drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to the requirements in SMC 21A.25.230.~~
- 11 **8.** Retail sale of livestock is permitted only as accessory to raising livestock.
- 12 **9** Limited to the R-1 zone. (Ord. O2003-132 § 11)

21A.20.090. Resource land uses.

A. The table remains unchanged.

B. Development Conditions.

1. Only forest research conducted within an enclosed building.
2. Large livestock allowed only in the ~~R-1~~ **R1-8 zones. On parcels less than 2.00 acres the property must have an approved Farm Plan from the King County Conservation District on file with the City.**

21A.25.030 Densities and Dimensions-Residential Zones.

A. Residential Zones.

Zones		Residential	Urban Residential			
Standards	R-1 (15)	R-4	R-6	R-8	R-12	R-18

	(14)					
Maximum Density DU/Acre (13)	1 du/ac	4 du/ac (6) (5)	6 du/ac	8 du/ac	12 du/ac	18 du/ac
Minimum Density ²				85% (11) (16)	80% (16)	75% (16)
Minimum Lot Width	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback	20 ft (7) (6)	10 ft (8) (7)	10 ft (8) (7)	10 ft (8) (8) (7)	10 ft (8) (7)	10 ft (8) (7)
Minimum Interior Setback (3) & (14) (2 and 13)	5 ft (7)	7 (1) 5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (4) (3)	35 ft	35 ft	35 ft 45 ft (12) (11)	35 ft 45 ft (12) (11)	60 ft	60 ft 80 ft (12) (11)
Maximum Impervious Surface: Percentage (5) (4)	30% (10) (9)	55%	70%	75%	85%	85%

1. Interior setbacks may be reduced to five feet pursuant to SMC 21A.25.155.

2. **1.** Also see SMC 21A.25.060.

3. ~~2.~~ These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4. ~~3.~~ Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.

5. ~~4.~~ Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;

c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;

d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. ~~5.~~ Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. ~~6.~~ The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.

8. ~~7.~~ At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be

measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

~~9.~~ **8.a.** For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

~~10.~~ **9.** Lots smaller than 0.5 acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are 0.5 acre in area or larger, the ~~maximum~~ impervious surface area allowed shall be ~~at least~~ 10,000 square feet **or 30 percent of the property which ever is greater**. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than 0.5 acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SMC 21A.70.170 (1)(b).

~~11.~~ ~~For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area(s) of the site pursuant to SMC 21A.25.100.~~

~~12.~~ **11.** The base height to be used only for projects as follows:

a. In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and

b. In the R-18 zone using residential density incentives and transfer of density credits pursuant to this title.

~~13.~~ **12.** Density applies only to dwelling units and not to sleeping units.

14. **13.** Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

~~15.~~ **14.** All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet the provisions of SMC 21A.30.030.

~~16.~~ See SMC 21A.25.090. (Ord. O2004-143 § 1; Ord. O2003-132 § 12)

21A.25.040 Densities and dimensions – Commercial zones. (Numbering is incorrect)

Zones	Commercial		
	Neighborhood Business	Community Business	Office
Standards	NB	CB	O

Maximum Density DU/Acre	8 du/ac (1)	18 du/ac (1)	18 du/ac (1)
Minimum lot area			
Maximum Lot Depth/Width Ration		10 ft. (8)	10 ft. (8)
Minimum Street Setback	10 ft. (3) <u>(2)</u>	10 ft. (3) <u>(2)</u>	10 ft.
Minimum Interior Setback (4)	20 ft <u>(5)</u>	20 ft. <u>(5)</u>	20 ft <u>(5)</u>
Base Height (7)	35 ft 45 ft (4) <u>(3)</u>	35 ft 60 ft (4) <u>(3)</u>	45 ft 60 ft (4) <u>(3)</u>
Maximum Floor/Lot Ration: Square feet	1/1 (7) <u>(6)</u>	1.5/1 (7) <u>(6)</u>	2.5/1 (7) <u>(6)</u>
Maximum Impervious Surface Percentage (9) (8)	85%	85%	75%

B. Development Conditions.

1. These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
2. Gas station pump islands shall be placed no closer than 25 feet to street front lines.
3. This base height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
4. Required on property lines adjoining residential zones.
5. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.
6. The floor/lot ratio for mixed use developments shall conform to Chapter 21A.30 SMC.
7. Height limits may be increased when portions of the structure building which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement; provided, that the maximum height shall not exceed 75 feet.
8. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit. (Ord. O2003-132 § 12)

21A.25.080 Calculations – Site area used for base density and maximum density floor area calculations.

- (1) All site areas may be used in the calculation of base ~~and maximum~~ allowed residential density or project floor area except as outlined under the provisions of subsection (2) of this section.

(2) **Existing** submerged lands, steep slopes and buffers, **Class Categories 1 – 3 wetlands** and buffers, **Class 1 – 3 Type S, F, Np and Ns streams** and buffers, and property to be used as a street(s), shall not be credited toward base and maximum density or floor area calculations; provided, that subdivisions or short plats that meet the tree retention standards of SMC 21A.35.210(2), Tree retention requirements, shall be credited 10 percent of the environmentally critical areas and associated buffers identified above. (Ord. O2005-174 § 1; Ord. O2003-132 § 12)

21A.25.090 Calculations – Site area used for minimum density calculations.

Minimum density shall be determined by:

- (1) Multiplying the base density (dwelling units/acre) as set forth in SMC 21A.20.030(A) by the net buildable area of the project site; ~~and then~~
- (2) ~~Multiplying the resulting product by the minimum density percentage set forth in SMC 21A.25.030(A) or as adjusted pursuant to the provisions of SMC 21A.25.100. (Ord. O2003-132 § 12)~~

21A.25.100 – Minimum density adjustments for moderate slopes.

(1) For purposes of calculating minimum density of sloped sites, the following adjustment is permitted:

Weighted Average Slope of Net Buildable Area(s) of Site	Minimum Density Factor
0% — less than 5%	85% —
5% — less than 15%	83%, less 1.5% for each 1% of average slope in excess of 5%
15% — less than 40%	66%, less 2.0% for each 1% of average slope in excess of 15%

- (2) — Weighted average slope shall be calculated as follows:
 - (a) — ~~The applicant shall submit a topographic survey of the net buildable area(s) of the site which identifies distinct areas within the following slope increments: zero to five percent, five to 10 percent, 10 to 15 percent, etc., up to 35 to 40 percent.~~
 - (b) — Each slope increment will have a corresponding median slope value. This value is the midpoint of each slope increment. For instance, slope increments of zero to five percent and five to 10 percent shall have median values of 2.5 percent and 7.5 percent, respectively.
 - (c) — ~~The weighted average slope shall be determined by multiplying the number of square feet in each area by the median slope value in that area. For example, if the net buildable area portion of a site is 30,000 square feet of which there are 10,000 square feet of five to 10 percent slope and 20,000 square feet of 10 to 15 percent slope, the weighted average slope would be 10.8 percent. See the following calculation ((10,000 square feet times 7.5 percent plus 20,000 square feet times 12.5 percent) divided by 30,000 square feet equals 10.8 percent). (Ord. O2003-132 § 12)~~

21A.25.190 Setbacks – Projections and structures allowed.

Provided that the required setbacks from regional utility corridors of SMC 21A.25.160, **as allowed in the Environmentally Critical Areas SMC 21A.50.200**, the adjoining half-street or designated arterial setbacks of SMC 21A.25.180 and the sight distance requirements of SMC 21A.25.220 are maintained, structures may extend into or be located in required setbacks, as follows:

- (1) Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a ~~street~~-setback, provided such projections are:
 - (a) Limited to two per facade; and
 - (b) Not wider than 10 feet;
- (2) Uncovered porches and decks that exceed 18 inches above the finished grade may project five feet into the ~~street~~-setback;
- (3) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the ~~street~~ property line;
- (4) Eaves may not project more than:
 - (a) Twenty-four inches into a street setback; or
 - (b) Eighteen inches across a lot line in a zero lot line development provided that any neighboring building and its associated eaves, are 10 feet from the lot line;
- (c) Eighteen inches into an interior setback:**
- (5) Fences with a height of six feet or less may project into or be located in any setback;
- (6) Rockeries, retaining walls and curbs may project into or be located in any setback provided these structures:
 - (a) Do not exceed a height of six feet in the R-1 through R-18 zones; and
 - (b) Do not exceed the building height for the zone in commercial zones, measured in accordance with the standards established in the ~~Uniform Building Code~~ **International Building Code**, SMC Title 16;
- c) Are in accordance with the requirements in Environmentally Critical Areas 21A.50;**
- (7) Fences located on top of rockeries, retaining walls or berms are subject to the requirements of SMC 21A.30.190;
- (8) Telephone poles and lines; power poles and lines; cable TV and Internet lines; light and flagpoles; trellises not exceeding eight feet in height, not wider than 10 feet; culverts; underground water facilities; underground sewer facilities; and accessory facilities for the provision of utilities, such as drains, but excluding electrical and cellular equipment cabinets, and similar utility boxes and vaults.
- (9) The following may project into or be located within a setback, but may only project into or be located within an interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County Department of Records and Elections prior to the installment or construction of the structure:
 - (a) Sprinkler systems, **air conditioning units**, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
 - (b) Security system access controls;

- (c) Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in SMC 21A.30.140 and 21A.30.160 such as benches, picnic tables and drinking fountains; and
- (d) Surface water management facilities as required by Chapter 9.04 KCC as adopted by Chapter 15.05 SMC;
- (10) Mailboxes and newspaper boxes may project into or be located within street setbacks;
- (11) Fire hydrants and associated appendages;
- (12) Metro bus shelters may be located within street setbacks;
- (13) Unless otherwise allowed in SMC 21A.45.080, freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet may project into or be located within street setbacks; and
- (14) Stormwater conveyance and control facilities, both above and below ground, provided such projections are:
 - (a) Consistent with setback, easement and access requirements specified in the surface water design manual; or
 - (b) In the absence of said specifications, not within five feet of the property line.

(Ord. O2005-171 §§ 3, 4; Ord. O2004-143 § 1; Ord. O2003-132 § 12)

21A.25.230 — Personal services and retail uses in R-4 through R-18 zones.

~~The general personal service use (SIC No. 72 except 7216, 7218 and 7261) listed in SMC 21A.20.050 and the retail uses listed in SMC 21A.20.070 which are located in the R-4 through R-18 zones shall be subject to the following requirements:~~

- ~~(1) — Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;~~
- ~~(2) — Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (1) of this section;~~
- ~~(3) — Establishment sites shall abut an intersection of two public streets, each of which is designated as a neighborhood collector or arterial and that has improved pedestrian facilities for at least one-quarter mile from the site;~~
- ~~(4) — The maximum on-site parking ratios for establishments and sites shall be two per 1,000 square feet and required parking shall not be located between the building(s) and the street;~~
- ~~(5) — Buildings shall comply with the building facade modulation and roofline variation requirements in SMC 21A.30.060 and 21A.30.070 and at least one facade of the building shall be located within five feet of the sidewalk;~~
- ~~(6) — If the personal service or retail use is located in a building with multifamily uses, then the commercial use shall be on the ground floor and shall not exceed 25 percent of the total floor area of the building;~~
- ~~(7) — Sign and landscaping standards for the use apply. (Ord. O2003-132 § 12)~~

21A.30.160 On-site recreation – Play areas required.

(1) All single detached subdivisions, apartment, townhouse and mixed use development, excluding age restricted senior citizen housing, shall provide to children play areas within the recreation space on-site, except when facilities are available to the public within one-quarter mile that are developed as parks or playgrounds and are accessible without crossing of arterial streets.

(2) ~~If any~~ Play apparatus is provided in the play area shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

- (a) At least 400 square feet in size with no dimension less than 20 feet; and
- (b) Adjacent to main pedestrian paths or near building entrances. (Ord. O99-29 § 1)

21A.35.040 Landscaping – Street frontages.

The required width of perimeter landscaping along street frontages shall be provided as follows:

- (1) Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- (2) Ten feet of Type II landscaping shall be provided for an industrial development;
- (3) Ten feet of Type II landscaping shall be provided for an above-ground utility facility development, excluding distribution and transmission corridors, located outside a public right-of-way;
- (4) Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and
- (5) For single-family subdivisions:
 - (a) ~~Street trees shall be planted per the Public Works Standards at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street;~~
 - (b) ~~The trees shall be:~~
 - (i) ~~Located within the street right of way if permitted by the custodial state or local agency;~~
 - (ii) ~~No more than 20 feet from the street right of way line when located within a lot;~~
 - (iii) ~~Maintained by the adjacent landowner unless part of a City maintenance program;~~
~~and~~
 - (iv) ~~A species approved by the City if located within the street right of way and compatible with overhead utility lines;~~
 - (e) ~~The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections. (Ord. O2005-175 § 1; Ord. O99-29 § 1)~~

21A.35.070 Landscaping – General standards for all landscape areas.

All new landscape areas proposed for a development shall be subject to the following provisions:

- (1) Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- (2) All new turf areas, except all-weather, sand-based athletic fields shall:
 - (a) Be augmented with a two-inch layer of stabilized compost material or a four-inch layer of organic material with a minimum of eight percent organic material cultivated a minimum of six inches deep; or

- (b) Have an existing organic content of eight percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:
 - (i) Determination of soil texture, indicating percentage of organic matter;
 - (ii) An approximated soil infiltration rate (either measured or derived from soil/texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate; and
 - (iii) Measure pH value.
- (3) Landscape areas, except turf or areas of established groundcover, shall be covered with at least two inches of ~~stabilized~~ **city approved mulch** ~~compost~~ to minimize evaporation.
- (4) Plants having similar water use characteristics shall be grouped together in distinct hydrozones.
- (5) Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged. (Ord. O99-29 § 1)

21A.45.080 Residential zone signs.

Signs in the R zone are limited as follows:

- (1) Nonresidential Use.
 - (a) One sign identifying nonresidential uses **on the same residential parcel**, not otherwise regulated by this section, not exceeding 25 square feet and not exceeding six feet in height is permitted;
 - (b) Schools are permitted one sign per school or school facility entrance, **not exceeding 25 square feet and not exceeding six feet in height is permitted**, which may be located in the setback. Two additional wall signs **not exceeding 25 square feet** attached directly to the school or school facility are permitted;
 - (c) Public agency facilities, including but not limited to civic centers, community centers, public agency offices, and public utility yards, are permitted two signs for each facility. Each sign shall be limited to a sign area of not more than 30 square feet and not exceeding a height of more than six feet for freestanding signs;
 - (d) Home occupation and home industry signs are limited to wall signs not exceeding six square feet.

21A.45.120 Signs or displays of limited duration.

The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require building permits:

- (1) Grand Opening Displays.
 - (a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and
 - (b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;
- (2) Construction Signs.

- (a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;
 - (b) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;
 - (c) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and
 - (d) Construction signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;
- (3) Political Signs. Political signs are allowed, subject to the following requirements:
- (a) Location.
 - (i) Political signs may be displayed on private property with the consent of the property owner;
 - (ii) Political signs may be displayed within public easements or streets; provided, that signs shall not be located within the center median of principal, minor, and collector arterials (as defined) or within roundabouts, traffic circles, or islands;
 - (iii) Political signs located pursuant to subsections (3)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements.
 - (b) Specifications.
 - (i) Political signs located on private property may have a maximum sign area of up to 32 square feet;
 - (ii) Freestanding political signs on private property may be up to eight feet tall;
 - (iii) Political signs located on or within public easements or streets may have a maximum sign area of up to four square feet and may be up to three feet tall above grade;
 - (iv) Political signs located within 15 feet of a street corner or driveway, as further identified in Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations;
 - (c) Removal.
 - (i) Political signs shall be removed within seven days following the election;
 - (ii) Property owners shall be responsible for the removal of political signs located on private property;
 - (iii) The campaign officer or responsible official shall be responsible for the removal of political signs located on or within public easements or streets;
- (4) Real Estate Signs. All temporary real estate signs may be single or double-faced signs:
- (a) Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.

(b) Portable off-premises residential directional signs announcing directions to an open house at a specified residence that is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

(c) On-site commercial (**non-residential**) or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within ~~30~~ **five** days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one-year period. The permit is renewable for one year increments up to a maximum of three years.

(d) On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one-year period. The permit is renewable annually for up to a maximum of three years.

(e) Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years, provided that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.

(f) Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;

21A.65.020 Animal regulations – Small animals.

The raising, keeping, breeding, or fee boarding of small animals are subject to Chapter 11.04 KCC as adopted by Chapter 11.05 SMC, Animal Control, and the following requirements:

(1) Small animals that are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in KCC Title 11 as adopted by Chapter 11.05 SMC. Other small animals excluding cats kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats kept indoors shall not be limited in numbers.

(2) Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots

of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (5) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 11.04 KCC as adopted by Chapter 11.05 SMC.

(3) Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

(4) Animals considered to be household pets shall be treated as other small animals pursuant to subsection (5) of this section when they are kept for commercial breeding, boarding or training.

(5) Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:

(a) Birds shall be kept in an aviary or loft that meets the following standards:

(i) The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

(ii) Aviaries or lofts shall not exceed 2,000 square feet.

(iii) The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

(b) Small animals other than birds shall be kept according to the following standards:

(i) The minimum site area shall be one-half acre if more than three small animals are being kept.

(ii) All animals shall be confined within a building, pen, aviary or similar structure.

(iii) Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.

(iv) Poultry, chicken, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

(v) Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

(vi) Mink and fox are permitted only on sites having a minimum area of five acres.

(vii) Beekeeping is limited as follows:

(A) Beehives are limited to 50 on sites less than five acres;

(B) The number of beehives shall not be limited on sites of five acres or greater;

(C) Colonies shall be maintained in movable-frame hives at all times;

(D) Adequate space shall be provided in each hive to prevent overcrowding and swarming;

(E) Colonies shall be requeened following any swarming or aggressive behavior;

(F) All colonies shall be registered with the King County extension agent prior to April 1st of each year on a state registration form acceptable to the county; and

(G) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 21A.115 SMC, Enforcement.

(c) Kennels and catteries are subject to the following requirements:

~~(i) For kennels located on residential zoned sites:~~

~~(A) The minimum site area shall be five acres; and~~

~~(B) Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;~~

(ii)(i) For kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight-foot solid wall or fence, and be subject to the requirements in KCC 11.04.060 as adopted by Chapter 11.05 SMC; and

(iii)(ii) Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of 50 feet from property lines abutting residential zones. (Ord. O99-29 § 1) *(These are not currently allowed in residential zones)*

21A.65.040 Animal regulations – Livestock – Building requirements.

(1) In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property (**See 21A.25.140 for setbacks related to manure storage**); and

(2) A barn or stable may contain a caretaker's accessory living quarters. (Ord. O99-29 § 1)

21A.65.050 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

(1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;

(2) In residential zones, all the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s) **or Daycare 1**;

(3) No more than one nonresident shall be employed by the home occupation(s);

(4) The following activities shall be prohibited in residential zones only:

- (a) Automobile, truck and heavy equipment repair;
 - (b) Autobody work or painting;
 - (c) Parking and storage of heavy equipment; and
 - (d) Storage of building materials for use on other properties;
 - (e) Real Estate Offices.**
- (5) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
- (a) One stall for a nonresident employed by the home occupation(s); and
 - (b) One stall for patrons when services are rendered on-site;
- (6) Sales shall be limited to:
- (a) Mail order sales;
 - (b) Telephone sales with off-site delivery; and
 - (c) Internet sales;
- (7) Services to patrons shall be arranged by appointment or provided off-site;
- (8) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
- (a) No more than one such vehicle shall be allowed;
 - (b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 - (c) Such vehicle shall not exceed a weight capacity of one ton; and
- (9) The home occupation(s) shall not use electrical or mechanical equipment that results in:
- (a) A change to the occupancy type of the structure(s) used for the home occupation(s);
 - (b) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 - (c) Fluctuations in line voltage off-premises;
- (10) Uses not allowed as home occupations may be allowed as a home industry pursuant to this chapter. (Ord. O99-29 § 1)

21.100 Review Procedures-Notice Requirements

21A.100.060 Director review – Decision final unless appealed.

- (1) The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to Chapter 20.10.**080** SMC.
- (2) The hearing examiner shall review and make decisions based upon information contained in the written appeal and the record.
- (3) The hearing examiner’s decision may affirm, modify, or reverse the decision of the director.
- (4) As provided by SMC 20.10.240(1) and (2):

- (a) The hearing examiner shall render a decision within 10 days of the closing of hearing; and
- (b) The decision shall be final unless appealed under the provisions of SMC 20.10.250(1).
- (5) Establishment of any use or activity authorized pursuant to a conditional use permit, **reasonable use exception**, or variance shall occur within four years of the effective date of the decision for such permit or variance; provided, that for schools this period shall be five years. This period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.
- (6) For the purpose of this section, “establishment” shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized use or activity; provided, that the conditions or improvements required by such permits are completed within the timeframes of said permits.
- (7) Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met. (Ord. O99-29 § 1)

23.25. Notice and Orders

23.25.020 Effect.

- (1) Subject to the appeal provisions of Chapter 23.35 SMC, a notice and order represents a determination that a civil code violation has occurred, that the cited party is a person responsible for the code violation, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies specified in the notice and order.
- (2) Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:
 - (a) Additional civil penalties and costs;
 - (b) A requirement that abatement, remediation and/or mitigation be performed;
 - (c) An agreement to perform community service as prescribed by this chapter;
 - (d) Permit suspension, revocation, modification and/or denial as prescribed by this chapter; and/or
 - (e) Abatement by the director and recovery of the costs of abatement according to the procedures described in this title.
- (3) Any person identified in the notice and order as responsible for the code violation may appeal the notice and order within ~~14~~ **21** days according to the procedures described in Chapter 23.35 SMC. *(to match 23.25.030 (11))*.
- (4) Failure to appeal the notice and order within the applicable time limits shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.
- (5) Issuance of a notice and order in no way limits a director’s authority to issue a notice of infraction or stop work order to a person previously cited through the notice and

order process pursuant to this title. Payment of the civil penalties assessed under the notice and order does not relieve a person found to be responsible for the code violation of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under notices of infractions or stop work orders issued pursuant to this title. (Ord. O99-42 § 1; Ord. O99-29 § 1)

Chapter 23.40 Civil Fines and Penalties

23.40.010 Assessment schedule.

(1) Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a notice of infraction, notice and order or stop work order pursuant to the following schedule:

Notice of Infraction	\$500.00
Notice and Orders and Stop Work Orders:	Basic initial penalty \$2,500
<u>Unauthorized removal of a Stop Work placard</u>	<u>\$200.00</u>
Additional initial penalties may be added in the following amounts for violations where there is:	
Public health risk	Plus \$500.00 – \$2,500 depending on severity
Environmental damage	Plus \$500.00 – \$2,500 depending on severity
Damage to property	Plus \$500.00 – \$2,500 depending on severity
History of similar violations (less than three)	Plus \$1,000
History of similar violations (three or more)	Plus \$2,500
Economic benefit to person responsible for violation	Plus \$1,000
The above penalties may be offset by the following credits for efforts to comply	
Entering into a voluntary compliance agreement	Minus \$500.00
Full compliance with voluntary compliance agreement and no history of prior violations	Minus \$1,500
Full compliance with voluntary compliance agreement and a history of prior violations	Minus \$1,000

(2) The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 30-day period following the issuance of the order, unless another time period is specified in the voluntary compliance agreement. If a voluntary compliance agreement is not entered into within that time period, and no appeal is filed, the penalties for the next 15-day period shall be 150 percent of the initial penalties, and the penalties for the next 15-day period shall be double the amount of the initial penalties.

(3) A notice of infraction may be subject to a separate penalty for each day or portion of a day during which a violation occurs or exists.

(4) The director may suspend civil penalties if the person responsible for the code violation has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied, canceled, or not pursued or if corrective action identified in the voluntary compliance agreement is not completed as specified. (Ord. O99-42 § 1; Ord. O99-29 § 1)