



# CITY OF SEATAC

## PLANNING COMMISSION MEETING

Riverton Room, SeaTac City Hall, 4800 S. 188<sup>th</sup> Street  
October 20, 2015, 5:30 p.m.

### MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Approve Minutes of September 15, 2015 Planning Commission meeting (Exhibit A)
- 3) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 4) Briefing on update to S. 154<sup>th</sup> St. Station Area Regulations (SMC 15.38) (Exhibit B)
- 5) Briefing on Zoning Code Reformatting project (Exhibit C)
- 6) Discussion of Smart Growth America event
- 7) CED Director's Report
- 8) Planning Commission Comments (including suggestions for next meeting agenda)
- 9) Adjournment

*The Planning Commission consists of five members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.*

*All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.*

**CITY OF SEATAC  
PLANNING COMMISSION  
Minutes of September 15, 2015  
Regular Meeting**

**Members present:** Joe Adamack, Roxie Chapin, Tom Dantzler, Robert Scully Jim Todd  
**Members absent:** None  
**Staff present:** Joe Scorcio, CED Director; Steve Pilcher, Planning Manager; Kate Kaehny Senior Planner

**1. Call to Order**

Chair Adamack called the meeting to order at 6:44 p.m.

**2. Approval of minutes**

Moved and seconded to approve the minutes of the September 1, 2015 meeting as presented.  
**Passed 4-0.**

**3. Briefing on Zoning Code reformatting project**

Senior Planner Kate Kaehny presented an overview of this project, which has received the endorsement of both the Commission and the City Council. She reminded the Commission that the goal is to restructure and streamline the Code to create a more user-friendly document for both staff and the community. It will also allow other code amendments to move forward in the upcoming years in a more efficient manner. The project will not result in any substantive changes to existing code standards; the only changes to occur will be those necessary to resolve conflicts.

Ms. Kaehny reviewed some of the issues experienced with the current code, reasons why this project is important. She drew the Commission's attention to a comparison the current table of contents of the Zoning Code versus the proposed organizational structure of "divisions." This allows for a more logical organization, even though the new proposal will result in more chapters than currently found. She also reviewed examples of the newly-formatted land use charts and the tracking mechanism that is being used to detail where clarifying changes are being proposed and the reason for those changes.

Another briefing will be held at the Commission's October 20<sup>th</sup> meeting. The goal is to have a public hearing on the newly formatted Code in November, with Council action to occur at their last meeting of the year (December 8<sup>th</sup>).

**4. CED Director's Report**

CED Director Joe Scorcio asked those Commissioners who attended the 5:00 Healthy Communities Forum on Affordable Housing to share any thoughts/comments.

Mr. Scorcio advised the Commission that the City Council is scheduled to take action on the short plat code amendments and also the code compliance-related amendments.

He provided a brief report on the International Festival, noting that attendance was down from previous years. Organizers are considering whether to move the date to sometime before Labor Day.

Mr. Scorcio reminded the Commission of the October 6 Smart Growth America community forum, which will essentially be the Commission's next meeting. He also handed out information regarding a new, dedicated code compliance phone line.

Finally, he discussed the number of hotel projects that are under consideration and some of the issues these projects face in complying with maximum front yard setback requirements.

## **5. Adjournment**

Moved and seconded to adjourn. Motion passed 5-0. The meeting adjourned at 7:48 p.m.

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# MEMORANDUM

To: City of SeaTac Planning Commission  
From: Albert Torrico, Jr., Senior Planner  
Date: October 16, 2015  
Re: Special Standards For The South 154<sup>TH</sup> Street Station Area Amendments  
Discussion

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In late 2007, the City adopted the Special Standards for the South 154<sup>th</sup> Street Station Area. Since that time, light rail was completed at S. 154<sup>th</sup> Street in Tukwila, at the airport at S. 176<sup>th</sup> Street and in the later part of 2016 at South 200<sup>th</sup> Street. In 2009, the City purchased SeaTac Center located on the opposite corner from the light rail station at S. 154<sup>th</sup> Street. The site was purchased for future transit oriented development opportunities given its proximity to light rail. The City has seen very little development within the station area due in part to the complexity of the development regulations, economic factors and market conditions.

In 2015, the City held an Urban Land Institute Technical Assistance Panel review of the South 154<sup>th</sup> Station Area. Their recommendations included near term uses that are least capital intensive and least disruptive to existing businesses and long term uses that are most compatible with long-range economic development including transit oriented development.

Near term uses are similar to current conditions, the committee had three recommendations:

- “Locally grown retail service-based businesses with an international base can be accommodated and supported with existing buildings.;
- Existing parking space, surface and structured, can accommodate station overflow and generate some income for the City.;
- The housing in the station area is affordable, and some additional construction is possible to meet slowly rising demand.”

Optimum long term uses were identified as:

- “Market-rate housing;
- Public sector offices and services;
- Hotels;
- Small-scale, specialty office space (medical, professional services)
- Structurally integrated, mixed-use parking;
- Service-oriented retail”

They identified large-scale office development, industrial uses and destination retail as use not viable or consistent with the vision for the station area.

The purpose in revising and amending the S. 154<sup>th</sup> Station area standards is to better position the City for redevelopment within the station area in the next upswing in the real estate cycle. Some things to consider are flexibility of future development standards, stream lining permitting for projects within the station area and making the development standards more user friendly.



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**Date:** October 16, 2015  
**To:** Planning Commission  
**From:** Kate Kaehny, Senior Planner  
**Re:** Guide to Today's Packet Materials for this Tuesday's Presentation on the Zoning Code Reformat Project

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The purpose of this memo is to provide information regarding how to utilize the extensive project review materials provided within this packet as part of this Tuesday's (10/20/15) presentation on the Zoning Code Reformat Project.

List of Zoning Code Reformat Project Packet Materials:

- Exhibit C-1: Memo: Guide to Today's Packet
- **Exhibit C-2: Project Presentation Slides**
- **Exhibit C-3: Overview of All Changes**
- **Exhibit C-4: Record of Changes by Division**
- Exhibit C-5: Draft versions of four of seven new code divisions provided as examples only including:
  - *Division I: General Provisions and Procedures*
  - *Division II: Zone Classifications and Land Use Charts*
  - *Division VI: Sign Code*
  - *Division VII: Environmentally Sensitive Areas*

Notes on Materials:

Please note that the three exhibits highlighted in bold text, **Exhibits C-2, C-3 and C-4**, will be the main focus of Tuesday's presentation.

Please also note that Exhibit C-5, which includes draft versions of the reformatted code, has been provided to demonstrate what the new format of the code will look like. These documents will not be used in Tuesday's presentation, but are provided as resources. As noted on the documents, these are preliminary draft versions of the code. Staff is still working to finalize these documents to ensure their accuracy.

# Zoning Code Reformatting Project



Planning Commission  
October 20, 2015

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## *PRESENTATION OUTLINE*

- 1) **Recap Project Goals**
- 2) **Updated PC & Council Review Schedule**
- 3) **Overview of All Changes in Document – *High Level***
- 4) **Overview of Changes in 4 of 7 “Divisions” in Reformatted Code – *Focused Review***

1) RECAP PROJECT GOALS

- Reorganize and streamline the Code
- Prepare the Code for substantive code amendments that are needed in the next several months/years

2) UPDATED PROJECT REVIEW SCHEDULE

**Planning Commission:**

- ✓ 9/15: Project Kick-Off
- 10/20: Project Review #1
  - *High level overview of changes to entire reformatted code*
  - *Focused review of Divisions I, II, VI & VII*
- 11/3: Public Hearing  
Project Review #2
  - *Focused review of Divisions III, IV & V*
- 11/17 : Continued Public Hearing  
Planning Commission Recommendation



## 2) UPDATED PROJECT REVIEW SCHEDULE (cont.)

### City Council:

- **11/24: Council Study Session**
  - *High level overview of changes to entire reformatted code*
- **12/8: Anticipated Council Action**

## 3) OVERVIEW OF ALL CHANGES IN DOCUMENT

--- HIGH LEVEL---

### **“Global” Changes Throughout Entire Document**

- Re-organized entire code
- Clarifications: *Language added as needed*
- Deletions: *Removed redundant, inaccurate & out of date information*

### **Highlights of Key Changes by Division**

- See handout “Exhibit C-3: Overview of All Changes in Code Document,” pp. 2-4

#### 4) OVERVIEW OF CHANGES IN 4 OF 7 “DIVISIONS”

--- FOCUSED REVIEW--

See Exhibit C-4 handout

##### PROPOSED NEW ZONING CODE FORMAT:

**Division I: General Provisions & Procedures**

**Division II: Zone Classifications & Land Use Charts**

Division III: Overlay Districts & Zones

Division IV: Development Standards, Regulations & Incentives

Division V: Design Standards

**Division VI: Sign Code**

**Division VII: Environmentally Sensitive Areas**

#### **Division I: General Provisions & Procedures**

(See Exhibit C-4 handout, p. 1)

##### Chapters with most changes highlighted in **bold**:

Ch.15.100 Authority, Purpose, Interpretation and Administration

##### **Ch.15.105 Definitions**

Ch. 15.110 Calculation and Measurement Methods

Ch. 15.115 Land Use Actions

Ch. 15.120 Nonconforming Uses, Properties, and Structures

Ch. 15.125 Code Enforcement

Ch. 15.130 Annexations

## Division II: Zone Classifications & Land Use Charts

(See Exhibit C-4 handout, p. 8)

### Chapters with most changes highlighted in **bold**:

Ch. 15.200 Establishment of Zones

#### **Ch. 15.205 Land Use Charts**

Ch. 15.210 Airport Use Chart and Regulations-AVO and AVC Zones

Ch. 15.215 Planned Unit Development (PUD)

## Divisions VI & VII

(Exhibit C-4 handout p. 13)

#### **Ch. 15.600 Sign Code**

- Formatting changes only

#### **Ch. 15.700: Environmentally Sensitive Areas**

- Technical definitions moved from Definitions chapter to environmentally sensitive areas chapter

# ZONING CODE REFORMATTING PROJECT: OVERVIEW OF ALL CHANGES IN CODE DOCUMENT

The purpose of this document is to provide a general overview of all of the changes to the existing zoning code that are proposed as part of the Zoning Code Reformatting Project.

## **"GLOBAL" CHANGES THROUGHOUT ENTIRE DOCUMENT**

*Note: These modifications do not change code provisions.*

### **RE-ORGANIZATION OF ENTIRE CODE**

- Created new structure of entire code
- Relocated and/or combined sections and chapters to fit into new structure

### **CLARIFICATIONS**

- Added clarifying language as needed
- Added "Purpose" and "Authority and Application" sections to chapters throughout code to clarify purpose and authority in existing and new chapters and to make consistent with rest of code.

### **DELETIONS**

- Removed redundant sections
- Deleted figures that are not clear or appropriate for reformatted code sections
- Removed language regarding administrative procedures
- Deleted department name "Community and Economic Development," to references to "director" and "department" to avoid need to update code if name of department changes in the future
- Replaced references to "City Manager or designee" with "Director" to clarify existing procedure and practice

**HIGHLIGHTS OF CHANGES BY DIVISION**

*Note: These modifications do not change code provisions.*

DIVISION	KEY HIGHLIGHTS
<b>Division I. General Provisions and Procedures</b>	
Ch.15.100 Authority, Purpose, Interpretation and Administration Ch.15.105 Definitions Ch. 15.110 Calculation and Measurement Methods Ch. 15.115 Land Use Actions Ch. 15.120 Nonconforming Uses, Properties, and Structures Ch. 15.125 Code Enforcement Ch. 15.130 Annexations	<p><b><u>CH. 15.100 DEFINITIONS</u></b></p> <ul style="list-style-type: none"> <li>• <b>Changed definition names to:</b> <ul style="list-style-type: none"> <li>- Match names in Use Chart</li> <li>- Clarify definition</li> <li>- Create multiple definitions out of one definition</li> <li>- Combine definitions</li> </ul> </li> <li>• <b>Deleted definitions because:</b> <ul style="list-style-type: none"> <li>- Redundant/covered elsewhere in code</li> </ul> </li> <li>• <b>Changed content of definitions to:</b> <ul style="list-style-type: none"> <li>- Clarify meaning of definitions</li> <li>- Remove standards from definition chapter and relocate to appropriate sections of code</li> <li>- Remove inaccurate information</li> </ul> </li> <li>• <b>Added two definitions (“Department” &amp; “Director”) to:</b> <ul style="list-style-type: none"> <li>- Clarify meaning of references throughout code</li> </ul> </li> </ul>
<b>Division II. Zone Classifications and Land Use Charts</b>	
Ch. 15.200 Establishment of Zones Ch. 15.205 Land Use Charts Ch. 15.210 Airport Use Chart and Regulations-AVO and AVC Zones Ch. 15.215 Planned Unit Development (PUD)	<p><b><u>CH. 15.200 ESTABLISHMENT OF ZONES</u></b></p> <ul style="list-style-type: none"> <li>• <b>Added clarifying language re:</b> <ul style="list-style-type: none"> <li>--Location of and procedures regarding official zoning map</li> </ul> </li> <li>• <b>Official zoning map graphics:</b> <ul style="list-style-type: none"> <li>- To be updated to make consistent with reformatted code</li> </ul> </li> </ul> <p><b><u>Ch. 15.205 LAND USE CHARTS</u></b></p> <ul style="list-style-type: none"> <li>• <b>Added:</b> <ul style="list-style-type: none"> <li>- UH-UCR &amp; CB-C zones added to make allowed uses easier to find and to make consistent with rest of code (they are currently regulated through Use Chart notes and standards in other sections)</li> <li>- Some uses added to chart to make existing requirements easier to find like “tent structure”</li> </ul> </li> <li>• <b>Changed names in use chart to:</b> <ul style="list-style-type: none"> <li>- Make consistent with definitions chapter</li> <li>- Clarify type of use</li> </ul> </li> <li>• <b>Deleted:</b> <ul style="list-style-type: none"> <li>- Redundant, inaccurate and out of date information</li> </ul> </li> </ul>

**HIGHLIGHTS OF CHANGES BY DIVISION**

*Note: These modifications do not change code provisions.*

DIVISION	KEY HIGHLIGHTS
<p><b>Division III. Overlay Districts and Zones</b></p>	
<p>Ch. 15.300 City Center Overlay District            Ch. 15.305 South 154<sup>th</sup> Street Station Area Overlay District            Ch. 15.310 Interim Angle Lake Station Area Overlay District            Ch. 15.315 Overlay Zones</p>	<p><b>CITY CENTER &amp; S. 154<sup>TH</sup> ST. STATION AREA OVERLAY DISTRICT</b>  <b>CHAPTERS</b></p> <ul style="list-style-type: none"> <li>• <b>Restructured chapters to:</b> <ul style="list-style-type: none"> <li>- Clarify location of standards</li> <li>- Enhance consistency of chapters</li> </ul> </li> <li>• <b>Added wayfinding language to:</b> <ul style="list-style-type: none"> <li>- Clarify when standards from other chapters apply</li> </ul> </li> <li>• <b>Changed use charts to match revised citywide use chart:</b> <ul style="list-style-type: none"> <li>- Changed use names and notes to make consistent with citywide use chart to the extent possible</li> </ul> </li> </ul>
<p><b>Division IV. Development Standards, Regulations and Incentives</b></p>	
<p>Ch. 15.400 Dimensional Standards            Ch. 15.405 Landscaping and Tree Retention            Ch. 15.410 Parking and Circulation            Ch. 15.415 Residential Standards and Regulations            Ch. 15.420 Commercial Standards and Regulations            Ch. 15.425 Accessory Structures            Ch. 15.430 Cargo Containers            Ch. 15.435 Electrical Vehicle Infrastructure            Ch. 15.440 Fences and Walls            Ch. 15.445 Keeping of Animals            Ch. 15.450 Mobile Refueling Operations            Ch. 15.455 Performance Standards            Ch. 15.460 Subsidiary Use Regulations            Ch. 15.465 Temporary Uses            Ch. 15.470 Wireless Communications Facilities            Ch. 15.475 Development Incentives</p>	<p><b>MULTIPLE NEW CHAPTERS</b></p> <ul style="list-style-type: none"> <li>• <b>Created new chapters to:</b> <ul style="list-style-type: none"> <li>• To make heavily used provisions easier to find</li> <li>• Combine provisions from multiple places in code into one chapter</li> </ul> </li> </ul> <p><b>LANDSCAPING AND PARKING CHAPTERS</b></p> <ul style="list-style-type: none"> <li>• <b>Landscaping and Parking Charts changed to:</b> <ul style="list-style-type: none"> <li>• To make names of uses consistent with citywide and overlay district use charts to the extent possible</li> </ul> </li> </ul> <p><b>RV DEFINITION CONSOLIDATED WITHIN MOBILE HOME SECTION</b></p> <ul style="list-style-type: none"> <li>• The definition of “Recreational Vehicle” was removed from the Definitions chapter and the information was combined and consolidated with the RV definition in the Mobile Home section, which is now located within Ch. 15.415 Residential Standards and Regulations</li> </ul>

**HIGHLIGHTS OF CHANGES BY DIVISION**

*Note: These modifications do not change code provisions.*

DIVISION	KEY HIGHLIGHTS
<b>Division V. Design Standards</b>	
Ch. 15.500 Small Lot Single-Family Design Standards Ch. 15.505 Townhouse and Duplex Development Design Standards Ch. 15.510 Multi-Family Housing Design Standards Ch. 15.515 Special Design Standards for the CB-C, ABC, UH-UCR and O/CM Zones Ch. 15.520 Mixed Use Development Design Standards Ch. 15.525 Business Park Design Standards Ch. 15.535 High Capacity Transit Facilities Design Standards	<b><u>MULTIPLE NEW CHAPTERS</u></b> <ul style="list-style-type: none"> <li>• <b>Created new chapters to:</b> <ul style="list-style-type: none"> <li>- Make it easier to locate requirements</li> <li>- Consolidate provisions from multiple places in code into one chapter</li> </ul> </li> </ul>
<b>Division VI. Sign Code</b>	
Ch. 15.600 Sign Code	<b><u>FORMATTING CHANGES ONLY</u></b>
<b>Division VII. Environmentally Sensitive Areas</b>	
Ch. 15.700 Environmentally Sensitive Areas	<b><u>DEFINITIONS ADDED</u></b> <ul style="list-style-type: none"> <li>• <b>Technical and specialized definitions:</b> <ul style="list-style-type: none"> <li>- Environmentally sensitive areas definitions moved from Definitions Chapter to this chapter</li> <li>-</li> </ul> </li> </ul>

## RECORD OF CODE REFORMATTING CHANGES: DIVISION I: GENERAL PROVISIONS AND PROCEDURES

*This document records revisions made to the existing zoning code as part of the Zoning Code Reformatting Project.*

<b>Chapter 15.100 Authority, Purpose, Interpretation and Administration</b>		
Summary	Proposed Change	Why Change Needed
No changes	---	---

<b>Chapter 15.105 Definitions</b>		
Summary	Proposed Change	Why Change Needed
<b>Deleted index of definitions</b>	Deleted index listing definitions (7 pages)	<i>List is redundant and not necessary with new online "search" technology.</i>
<b>Names of definitions changed to match names in Use Chart</b>	<ul style="list-style-type: none"> <li>• <del>Equipment Repair, Small General</del> <b>Repair</b></li> <li>• <del>Dwelling Unit</del>, Manufactured Home</li> <li>• <del>Dwelling Unit</del>, Modular Home</li> <li>• <del>Dwelling Unit</del>, Mobile Home</li> <li>• Towing Operation <del>Automobile Towing/Storage Operation</del></li> <li>• <del>Recycling</del> <b>Processing</b></li> <li>• <del>Storage, Self Service</del> <b>Self-Service Storage</b></li> <li>• <del>Sexually Oriented Business Adult Entertainment</del> and associated definitions</li> </ul>	<i>Names inconsistent in current code.</i>
<b>Names of definitions revised to clarify types of uses defined</b>	<ul style="list-style-type: none"> <li>• <b>Coffee Shop/Retail Food Shop</b> Small, resident-oriented food shops selling goods, such as baked goods, coffee, and assorted sundries. Baked goods for sale on-premises, but not for wider distribution, can be prepared on-site.</li> <li>• <del>Medical/Dental Clinic</del> <b>Medical Office/Outpatient Clinic</b> An establishment for treatment of outpatients, and providing no overnight care for patients.</li> </ul>	<i>Revisions needed to better match existing definitions for these uses. Names also changed in Use Chart to clarify type of use and maintain consistency with definitions.</i>



Summary	Proposed Change	Why Change Needed
Names of definitions changed and definitions combined under broader category	<b>New Names:</b> <u>Sexually-Oriented Business</u> <ul style="list-style-type: none"> <li>• <u>Sexually-Oriented Entertainment</u><del>Adult Entertainment</del></li> <li>• <u>Sexually-Oriented Theater</u><del>Adult Theater</del></li> <li>• <u>Sexually-Oriented Use Establishment</u><del>Adult Use Establishment</del></li> </ul>	Name changes and combining into one definition helps to clarify uses.
Definitions relocated to Environmentally Sensitive Areas chapter	Environmental definitions relocated to Environmentally Sensitive Areas chapter.	<p>Definitions relocated to improve wayfinding and consistency with existing code.</p> <p>Current code includes specialized definitions needed within certain chapters including Sign, Wireless Communications Facilities and other chapters.</p>
Definitions deleted because covered elsewhere	<p><b>Deleted definition and consolidated with RV definition in Mobile Home chapter:</b></p> <p><del>15.10.530 Recreational Vehicle (RV)</del>  A vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is towed by another vehicle, including, but not limited to:</p> <ul style="list-style-type: none"> <li>A.— Travel trailer;</li> <li>B.— Park trailer;</li> <li>C.— Folding camper trailer;</li> <li>D.— Motor home;</li> <li>E.— Multi-use vehicles;</li> <li>F.— Truck camper.</li> </ul>	RV definition redundant and covered in the Mobile Home Chapter.
	<p><b>Deleted:</b></p> <p><del>15.10.310 Hazardous Waste</del>  All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (as defined in RCW 70.105.010(15)).</p>	Definition redundant with existing definition in Hazardous Waste Use Requirements section.

Summary	Proposed Change	Why Change Needed
Definitions deleted because covered elsewhere	<p>Deleted:</p> <p><del>15.10.243 Equipment Shelter</del>  See “Equipment Enclosure,” SMC 15.31.022.</p> <p><del>15.10.635 Support Structure</del>  See “Antenna Supporting Structure,” SMC 15.31A.022.</p> <p><del>15.10.639 Temporary Wireless Telecommunications Facility (Temporary WTF)</del> See SMC 15.31A.022.</p> <p><del>15.10.713 Wireless Telecommunications Facility (WTF)</del>  See SMC 15.31.A.022.</p>	<p>Definitions deleted because redundant with definitions within Wireless Communications Facilities chapter.</p>
	<p>Deleted:</p> <p><del>15.10.075 Average Building Elevation Height</del>  The vertical distance from established ground elevation (finished foundation) measured to the highest average part point of the coping of a flat roof, or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof (See Figure 15.10.075a). For sloped property the average of the lowest and highest ground elevation shall be considered the point of measurement.</p>	<p>This measurement covered in Calculations &amp; Measurements chapter.</p>
Definitions split and standards moved to stand-alone chapters	<p>“Day Care” definition now:</p> <ul style="list-style-type: none"> <li>• Day Care Facility</li> <li>• Day Care I</li> <li>• Day Care II</li> </ul>	<p>Definitions split to clarify types of day care and to match separate Day Care I and II uses in Use Chart.</p> <p>Day Care Facility standards relocated to new Day Care chapter.</p>
	<p>“Tent Structure, Residential” definition now:</p> <ul style="list-style-type: none"> <li>• Tent Structure</li> <li>• Tent Structure, Canopy</li> </ul>	<p>Definition split to differentiate between tent and canopy uses in Use Chart.</p> <p>Standards relocated to new “Accessory Structures” chapter.</p>

Summary	Proposed Change	Why Change Needed
<p><b>Content of definitions moved or clarified</b></p>	<p><b>Deleted information from</b> “Specialized Instruction School” moved to “Vocational-Technical Schools”:</p> <p><b>Specialized Instruction School</b>            A school providing specialized instruction in areas including, but not limited to, art, music, cooking, and related disciplines. <del>Truck driving instructional schools and heavy equipment operational schools shall not fall within this definition.</del> A specialized instruction school is also to be distinguished from vocational-technical schools, as defined in this code.</p> <p><b>Vocational-Technical School</b>            Schools and institutions providing longer-term (at least one (1) year) programs leading to proficiency, certification and associate degrees in vocational programs including computers, mechanical, food and hospitality service, automotive and aircraft services, surveying, welding, photography, carpentry, agriculture, horticulture, electrical, plumbing and construction trades. <u>Truck driving instructional schools and heavy equipment operational schools also fall within this definition.</u></p>	<p><i>Existing definition of “Specialized Instruction School” not clear regarding where truck driving and heavy equipment schools are allowed, so information moved to “Vocational-Technical School” definition for clarification.</i></p>
	<p><b>Average Building Height</b>            The vertical distance from established ground elevation (finished foundation) <del>measured to the highest average part point of the coping of a flat roof, or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof (See Figure 15.10.075a). For sloped property the average of the lowest and highest ground elevation shall be considered the point of measurement.</del><u>The City’s standard method for calculating Average Building Height can be found in SMC Chapter 15.110 Calculation Methods.</u></p>	<p>Standards relocated to “Calculations and Measurement Methods” chapter and name changed for consistency with other sections of code.</p>
	<p><b>Community Center</b>            A facility used for and providing recreational and/or social programs, but not including overnight shelters <del>as defined in SMC 15.10.440.</del></p>	<p>Reference to definition of “overnight shelters” unnecessary.</p>

Summary	Proposed Change	Why Change Needed
	<p><b>Combined Definitions:</b> Combined “Major” and “Minor” Conditional Uses into one definition:</p> <p><del>15.10.140 Conditional Use, Major</del></p> <p>A use which is not permitted outright in a zone classification due to the nature of impacts created by the use, but which may be authorized <del>after review and approval by the Hearing Examiner</del> under specific conditions based upon decision criteria of SMC <del>15.22.030</del><u>15.115.100, Conditional Use Permit (CUP)</u><del>22.030.</del></p> <p><u>A. Major Conditional Use: Requires review and approval by the Hearing Examiner.</u></p> <p><u>B. Minor Conditional Use: Requires review and approval by the Director.</u></p> <p><del>15.10.142 Conditional Use, Minor</del></p> <p>The administrative review and approval of a Conditional Use Permit for any of the following:</p> <p><del>A.—Expansion of an existing and authorized major conditional use within a zone classification, after review and approval by the City Manager or designee. Minor conditional uses for the purposes of this subsection are those which are compatible with the pre-existing major conditional use and satisfy the requirements of SMC 15.22.030(E);</del></p> <p><del>B.A. _____ Construction of certain categories of wireless communication facilities, per SMC 15.31A.031.</del></p>	<p>Definitions combined to clarify and streamline code.</p>
	<p><b>Lot Coverage</b></p> <p>That percentage of the lot area covered by all buildings including accessory buildings, <del>and</del> uses and <del>residential</del>—tent structures, <del>as defined under SMC 15.10.639.05, excluding driveway and outside parking areas. Coverage is determined by measuring from a horizontal plane from the building footprint as set forth in the Building Code.</del></p>	<p><i>Existing definition includes measurement method that has been relocated to Calculations &amp; Measurement methods chapter. Language clarified so meaning of definition maintained.</i></p>

Summary	Proposed Change	Why Change Needed
	<p><b>Lot Width</b> The distance between the two (2) established side lot lines of the lot; for irregularly shaped lots, the width shall be determined by a lot width circle which is of a diameter that fits within the individual lot. <del>(see Figure below 15.10.395a), including any access easements. The circle shall not have an average slope exceeding twenty-five percent (25%) nor contain unbuildable, sensitive areas.</del></p>	<p><i>Existing definition includes measurement method that is redundant with language in Calculations &amp; Measurement Methods chapter.</i></p>
	<p><b>Produce Stand</b> A permanent structure up to five hundred (500) square feet in area used for the retail sale of fresh fruits and vegetables and may include, as an incidental or accessory use, the sale of sealed or prepackaged food products or nonfood items. <del>No more than twenty-five percent (25%) of the gross floor area of the produce stand shall be used for the sale of incidental or accessory uses.</del></p>	<p><i>Standards relocated to Use Chart to clarify and maintain consistency within code.</i></p>
<p><b>Deleted inaccurate information from “SEPA” definition</b></p>	<p><del><b>15.10.565 SEPA</b> The State Environmental Policy Act (Chapter 43.21C RCW). and the adopted City environmental policies.</del></p>	<p><i>Deletion needed to correct and clarify definition.</i></p>
<p><b>Added definitions for “Department” and “Director” to clarify meaning of references throughout code</b></p>	<p><u><b>Department</b></u> <u>Means the Department of Community and Economic Development.</u></p> <p><u><b>Director</b></u> <u>Means the Director of Community and Economic Development or designee.</u></p>	<p><i>Existing code refers to “Director” and “Department” of “Community and Economic Development.”</i></p> <p><i>“Department” and “Director” references generalized throughout code to eliminated need for revisions if department name changes in the future.</i></p>

### Chapter 15.110 Calculation and Measurement Methods

Summary	Proposed Change	Why Change Needed
Added "Purpose" and "Authority and Application" sections to new chapter.	<p><b>Purpose</b>  <u>The purpose of this chapter is to explain how the standards of this code are determined, calculated, or measured.</u></p> <p><b>Authority and Application</b>  <u>This chapter applies to all properties and developments.</u></p>	<i>This is new chapter and "Purpose" and "Authority and Application" sections needed for clarification and consistency with rest of code. New sections do not change existing code.</i>
Language edits made throughout to enhance clarity of chapter	Sections restructured and text edited throughout.	<i>Edits made to clarify code language.</i>
Added "Lot Coverage" measurement	Relocated Lot Coverage measurement from Definitions chapter.	<i>Relocating measurements to one location enhances wayfinding within document.</i>
Deleted Lot Setback Figure	Deleted Figure 15.13.020a.	<i>Figure misleading because it only describes single family example in section that describes setbacks for all uses.</i>

### Chapter 15.115 Land Use Actions and Permits

Summary	Proposed Change	Why Change Needed
Minor Conditional Use Permit language revised.	Deleted redundant subsidiary use information from 15.22.030E and added wayfinding reference to Subsidiary Use chapter.	<i>Information redundant and wayfinding to subsidiary use chapter needed.</i>
Re-located language from Use Chart to section on Essential Public Facilities	<p><b>Re-located following language:</b>  <u>These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.</u></p>	<i>Currently, this information is in the Use Chart but should also be in the Essential Public Facilities code section.</i>

### Chapter 15.120 Nonconforming Uses, Properties, and Structures

Summary	Proposed Change	Why Change Needed
No changes	---	---

### Chapter 15.125 Annexations

Summary	Proposed Change	Why Change Needed
No changes	---	---

**RECORD OF CODE REFORMATTING CHANGES:  
DIVISION II: ZONE CLASSIFICATIONS & LAND USE CHARTS**

*This document records revisions made to the existing zoning code as part of the Zoning Code Reformatting Project.*

<b>Chapter 15.200 Establishment of Zones</b>		
<b>Summary</b>	<b>Proposed Change</b>	<b>Why Change Needed</b>
<b>Added language to clarify where Official Zoning Map is located</b>	New language clarifies location of official zoning map, procedures regarding zoning map changes and the use of separate zoning display map.	<i>Existing code not clear regarding official zoning map and display map locations or procedures.</i>
<b>Updated Official Zoning Map document to ensure consistency with the reformatted code</b>	Removed extraneous information from official map that is more appropriate for display map, and updated graphics for better clarity.	<i>Graphical updates to map needed to clean up and clarify information on Official Zoning map.</i>
<b>Re-organized information on UH-UCR and CB-C zones to make easier to find and consistent with rest of code</b>	Reformatted zone chart and purpose statement sections to clarify that UH-UCR (Urban High-Urban Center Residential) and CB-C (Community Business in the Urban Center) are separate zones.	<i>Existing code confusing because information on UH-UCR and CB-C zones is difficult to find.</i>

<b>Chapter 15.210 Land Use Charts</b>		
<b>Summary</b>	<b>Proposed Change</b>	<b>Why Change Needed</b>
<b>Added new section called "Use Chart Guide"</b>	Section added to provide instructions for how to use chart.	<i>Guide included to help users understand organization and symbology in use chart.</i>
<b>Reorganized multiple use charts into one citywide Use Chart</b>	Re-organized existing six use charts into one chart and: <ul style="list-style-type: none"> <li>- Created new categories of uses and alphabetized uses within each category</li> <li>- Revised names of some uses to make clearer or more consistent with existing definitions</li> <li>- Added column for notes for each use to make special conditions or standards clearer</li> </ul>	<i>Existing use charts difficult to use because they are not alphabetized and notes identifying additional requirements are sometimes difficult to find and understand.</i>
<b>Added UH-UCR and CB-C zones to citywide Use Chart</b>	UH-UCR and CB-C now included as separate zones in citywide use charts.  (Note: This does not change how they are regulated.)	<i>The current code lists these zones in the City Center and S 154<sup>th</sup> St Station Area use charts but not in the citywide Use Chart, making their requirements difficult to find.</i>
<b>Clarified notes on mixed use requirements</b>	Clarified location of applicable standards for mixed use projects.	<i>Current code is inconsistent about location of mixed use requirements.</i>
<i>Updates to Use Category:</i> <b>Animals</b>	<b><u>Kennel/Cattery</u></b>	<i>Name changed to match existing definition.</i>
	<b><u>Stables, <del>Private</del>/Public</u></b>	<i>Name revised to increase clarity.</i>
<i>Updates to Use Category:</i> <b>Business Services</b>	<b><u>Cargo Containers</u></b>	<i>Use added to Chart to make requirements easier to find</i>
	<b><u>Heavy</u>Equipment Rental, <u>Large</u></b>	<i>Name revised to better clarify and differentiate.</i>
	<b><u>Misc.</u>Equipment Rental-<u>Facility</u>, <u>Small</u></b>	<i>Name revised to better clarify and differentiate.</i>
	<b><u>Equipment</u> <del>General</del>Repair, <u>S mall</u></b>	<i>Name revised to clarify and better represent existing definition.</i>
	<b><u>Self-Service</u>Storage, <u>Self-Service</u></b>	<i>Name revised to make use easier to find.</i>
	<b><u>Distribution Center</u>/<u>Warehouse</u>/<u>Storage</u></b>	<i>Name revised to clarify use.</i>



Summary	Proposed Change	Why Change Needed
<p>Updates to Use Category: <b>Civic &amp; Institutional</b></p>	<p><b>Public Agency Yard</b> Deleted “Public Agency Yard” as permitted use in UL zone and Conditional use in P zone and following notes because information is not accurate. <del>1)Applies only to City of SeaTac Public Works Maintenance Facility located at the Glacier High School site, on an interim basis. The City of SeaTac shall be allowed to expand the maintenance facility at that site to the extent authorized by the City Council; until such time as a replacement facility at another site is operations.</del>  <del>(2) May be used as a combined maintenance facility for park and nonpark purposes; provided that the facility shall be no more expansive than that which is reasonably expected to be needed for park maintenance when park facilities are fully developed.</del></p>	<p><i>Deleted uses and notes per Parks Director because information is out of date and incorrect.</i></p>
<p>Updates to Use Category: <b>Educational</b></p>	<p><b>Elementary/<del>Jr. High</del>Middle School</b></p>	<p><i>Name revised to update and clarify.</i></p>
	<p><b>Vocational/<u>Technical</u> School</b></p>	<p><i>Name revised to match existing definition.</i></p>
<p>Updates to Use Category: <b>Health &amp; Human Services</b></p>	<p><b><u>Medical</u> Office/Outpatient Clinic</b></p>	<p><i>Name revised to match existing definition (Please note that definition “Medical/Dental Clinic” also changed to “Medical Office/Outpatient Clinic.” Meaning of use and definitions have not changed.</i></p>
	<p><b>Day Care II</b> - Removed procedural requirements from notes regarding State licensing and SEPA which are covered in other City codes and procedures.</p>	<p><i>Deleted procedural requirements because redundant and not appropriate within Zoning code.</i></p>
<p>Updates to Use Category: <b>Manufacturing</b></p>	<p><del>R and D/Testing</del><b>Laboratories, Research, Development &amp; Testing</b></p>	<p><i>Name revised to clarify and better represent use.</i></p>
	<p><del>Misc. Light</del><b>Manufacturing, Light Misc.</b></p>	<p><i>Name revised to make use easier to find.</i></p>
	<p><b>Micro-Winery/Brewery</b></p>	<p><i>Name revised to clarify use.</i></p>
	<p><b>Recycling <del>Products</del>Processing</b></p>	<p><i>Name revised to better match existing definition.</i></p>

Summary	Proposed Change	Why Change Needed
Updates to Use Category: <b>Motor Vehicles</b>	<del>Gasoline</del> Fueling/Service Station	Name revised to better match existing definition.
	<del>Auto</del> -Vehicle Rental/Sales	Name revised to make easier to find and differentiate from other "vehicle" uses.
	<del>Large</del> -Vehicle Repair, <u>Large</u>	Name revised to make easier to find and differentiate from "Vehicle Repair, Small."
	<del>Auto</del> - <u>Vehicle</u> Repair, <u>Small</u>	Name revised to better match existing definition and make easier to find and differentiate from "Vehicle Repair, Large."
Updates to Use Category: <b>Residential</b>	<b>College Dormitory</b> Deleted incorrect note requiring College Dormitory developments in the O/C/MU zone to: - "See Home Occupation Chapter" Replaced with: - "Permitted only as part of a mixed use development..."	Corrects existing code and makes note consistent with requirements for other residential uses in O/C/MU zone
	<del>Dwelling Unit, Caretaker/Manager</del> <del>Single Attached Dwelling Unit</del>	Name revised to match existing definition.
	<del>Dwelling Unit, Detached</del> <del>Single Detached Dwelling Unit</del>	Name revised to match existing definition.
	<del>Townhouses</del>	Name revised to remove plural form to make consistent with other uses.
Updates to Use Category: <b>Residential Accessory</b>	<u>Tent Structure</u>	Use added to Chart to make requirements easier to find
	<u>Tent Structure, Canopy</u>	Use added to Chart to make requirements easier to find
Updates to Use Category: <b>Retail &amp; Commercial</b>	<del>Beauty Salon</del> / <u>Personal Grooming Service</u>	Name revised to better match existing definition.
	<del>Coffee Shop</del> / <u>Retail Food Shop</u>	Name revised to clarify and better match existing definition.
	<del>Restaurant</del> <del>Fast Food/Restaurant</del>	Split existing "Fast Food/Restaurant" use into two uses to match the existing definitions.
	<del>Restaurant, Fast Food</del> <del>Fast Food/Restaurant</del>	
<del>Adult Entertainment</del> <u>Sexually-Oriented Business</u>	Revised name to clarify use.	
Revised name of "Hazardous Materials" section	Revised Section Name: - "Hazardous <del>Materials</del> <u>Waste Use Requirements</u> "	Revised name of section to clarify contents.

### Chapter 15.220 Uses and Standards for the AVO and AVC Airport Zones

Summary	Proposed Change	Why Change Needed
No changes	---	This chapter will be revised after the ILA negotiation process is completed.

### Chapter 15.230 Planned Unit Development (PUD)

Summary	Proposed Change	Why Change Needed
No changes	---	---

### Other Updates

Summary	Proposed Change	Why Change Needed
Deleted redundant Essential Public Facilities use section	<del>15.12.019 Essential Public Facilities</del> Uses listed in the land use tables (SMC <del>15.12.020 through 15.12.070</del> ) may also be classified as essential public facilities and be subject to the CUP-EPF siting process	Information in this section covered in Use Charts and other sections of code.
Deleted Free Trade Zones section because not applicable	15.12.090 Free Trade Zones map deleted	This section not applicable. FTZs are federally designated land on Port of Seattle property and land use issues are part of ILA.

**RECORD OF CODE REFORMATTING CHANGES:**

*This document records revisions made to the existing zoning code as part of the Zoning Code Reformatting Project.*

**DIVISION VII: ENVIRONMENTALLY SENSITIVE AREAS**

<b>Chapter 15.700 Environmentally Sensitive Areas</b>		
<b>Summary</b>	<b>Proposed Change</b>	<b>Why Change Needed</b>
<b>Re-located environmental definitions from Definitions chapter</b>	Added technical and specialized environmentally sensitive area definitions to chapter.	Definitions are only used in this chapter and enhance its usability.

**S:**

**DIVISION VI: SIGN CODE**

<b>Chapter 15.600 Sign Code</b>		
<b>Summary</b>	<b>Proposed Change</b>	<b>Why Change Needed</b>
<b>Formatting changes only</b>	---	---

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## **Division I. General Provisions and Procedures**

### **CHAPTERS:**

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- 15.100 Authority, Purpose, Interpretation and Administration**
  - 15.105 Definitions**
  - 15.110 Calculation and Measurement Methods**
  - 15.115 Land Use Actions and Permits**
  - 15.120 Nonconforming Uses, Properties, and Structures**
  - 15.125 Code Enforcement**
  - 15.130 Annexations**
- 

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## **Chapter 15.100**

### **Authority, Purpose, Interpretation and Administration**

#### **SECTIONS:**

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<b>15.100.005</b>	<b>Title</b>
<b>15.100.010</b>	<b>Authority to Adopt Code</b>
<b>15.100.015</b>	<b>Purpose</b>
<b>15.100.020</b>	<b>Requirement of Code Conformity</b>
<b>15.100.030</b>	<b>Minimum Requirements</b>
<b>15.100.040</b>	<b>Development Agreements</b>
<b>15.100.050</b>	<b>Interpretation – General</b>
<b>15.100.060</b>	<b>Interpretation – Boundaries</b>
<b>15.100.070</b>	<b>Administration and Review Authority</b>
<b>15.100.080</b>	<b>Severability</b>

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#### **15.100.005 Title**

This title shall be known as the City of SeaTac Zoning Code, hereinafter referred to as “the code.”

#### **15.100.010 Authority to Adopt Code**

The code is adopted by City of SeaTac ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution.

#### **15.100.015 Purpose**

- A. To implement the SeaTac Comprehensive Plan’s policies and objectives and the goals of the State Growth Management Act (GMA);
- B. To protect health, safety and general welfare;
- C. To provide for the economic, social, and aesthetic advantages of orderly development and redevelopment through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- D. To provide for adequate public facilities and services in conjunction with development;

- E. To ensure public safety by restricting development of lands containing physical hazards and to minimize the adverse environmental impacts of development; and
- F. To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington, including the Growth Management Act and subsequent amendments.

### **15.100.020 Requirement of Code Conformity**

- A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with the code.
  - 1. **Permits Required.** To ensure that code requirements are met, any action that establishes or changes a use or structure, or alters site conditions such as landscaping or parking, shall be subject to review through submittal of an application for a permit for such action in accordance with the requirements of SMC Title 16A, Development Review Code.
  - 2. **Site Plan Review.**
    - a. Building permits, grading permits, and other applicable nonplanning permits requiring compliance with zoning code standards shall be reviewed through a Planning Division site plan review to ensure compliance with the requirements of this code.
    - b. In the event that no other permit application applies to the review of an action requiring zoning code compliance, a “site plan review” permit shall be obtained from the Department . The requirements for the site plan review permit are outlined in an application form available from the Department. The site plan review shall be a Type I permit, unless deemed by the Director to warrant Type II review with public notification.
  - 3. **Exemptions from Permit Requirements.** Notwithstanding subsections (A)(1) and (2) of this section, the following actions are exempt from any permit requirements, although they must still meet the requirements of the code:
    - a. Construction of an accessory building of less than one hundred twenty (120) square feet;
    - b. Fences of six (6) feet or less in height;
    - c. The cutting of one or more trees by the owner of a single-family property on which is an existing single-family home, unless such trees are in a steep slope, wetland, or other sensitive area, or sensitive area

buffer, or unless such trees are required to be retained by covenants on the property.

- B. Creation of, or changes to, lot lines shall conform with the use provisions, dimensional and other standards, and procedures of the code and SMC Title 14, Subdivisions.
- C. All land uses and development authorized by the code shall comply with all other regulations and requirements of the code or any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between the code and other regulations, the more restrictive requirements shall apply.
- D. Where more than one (1) part of the code applies to the same aspect of a proposed use or development, the more restrictive requirements shall apply.

### **15.100.030 Minimum Requirements**

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of the code. When deemed appropriate, the City Council or the Hearing Examiner, in the course of a quasi-judicial hearing, may impose property-specific development standards pursuant to SMC 15.100.040, Property-Specific Development Standards. Additionally, the Director, shall issue an interpretation on areas of question as set forth in SMC 15.100.060, Interpretation – General.

### **15.100.040 Development Agreements**

- A. If it is determined, as a discretionary matter, that particular and demonstrable public benefits will accrue to the City, development agreements may be entered into by and between the City and persons and entities having ownership or control of real property, pursuant to RCW 36.70B.170 through 36.70B.200 to establish development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of specific real property, to engender funding or providing of services, infrastructure, and other facilities, including potential reimbursement over time for private financing of public facilities, and to permit imposition of impact fees, inspection fees, dedications, other financial contributions, and mitigation measures where the same are expressly authorized by provisions of state law.
- B. The terms of any such development agreement shall be consistent with the Comprehensive Plan and with the development regulations of this code, and shall conform to the purpose of SMC 15.115.005, Purpose, and the criteria set forth in SMC 15.115.200, Development Agreements. Development agreements are subject to the public hearing notice requirements contained in SMC 16A.13.010, Notice of Public Hearing.



- C. The Director is hereby authorized and directed to cause the official zoning map to be amended to notate properties subject to approved development agreements, and to update the zoning map upon adoption of future agreements. A notation shall be placed upon the official zoning map and on appropriate GIS databases to provide notice of the development agreement. The notation shall reference an appendix to the Zoning Code which shall identify the development agreement and any other details deemed appropriate.

### **15.100.050 Interpretation – General**

- A. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.
- B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- D. The word “shall” is mandatory and the word “may” is discretionary.
- E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words and terms used in this code shall have their customary meanings.
- F. The Director shall issue administrative interpretation on the Zoning Code in order to clarify the intent and standards. The interpretation shall have the stated issue, findings of fact, and conclusions and shall be considered during the annual review of the code for inclusion as a standard.
- G. This title does not allow any use which is in violation of any local, State, or Federal laws, regulations, codes and/or ordinances.

### **15.100.060 Interpretation – Boundaries**

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

- A. Where the boundaries are not clearly designated in regard to rights-of-way, the Director, shall determine the nearest lot line to be the boundary for a zone boundary;

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- B. Where boundaries are indicated as following lines of ordinary high water, or government or meander line, the lines shall be considered to be the actual boundaries, and if these lines should change, the boundaries shall be considered to move with them;
  - C. Where a public right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged; and
  - D. If none of the rules of interpretation described in subsections (A) through (C) apply, then the zoning boundary shall be determined by map scaling.

### **15.100.070 Administration and Review Authority**

- A. The Hearing Examiner shall have the authority to hold public hearings and make decisions and recommendations on reclassification, subdivisions and other development proposals and appeals as set forth in City ordinances, including SMC15.115, Land Use Actions and Permits, and subsequent amendments. The Hearing Examiner shall also have the authority to impose property-specific development standards pursuant to SMC 15.100.040, Property Specific Development Standards.
- B. The Director, shall have the authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, in violation or noncompliance with this code.
- C. The Director, shall have the sole authority to issue official interpretations of the Zoning Code, in accordance with the criteria set forth in SMC 15.100.060, Interpretations – General. Such decisions shall be considered administrative decisions which can be appealed through the Hearing Examiner.

### **15.100.080 Severability**

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

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## Chapter 15.105

### Definitions

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#### **Abut**

To be contiguous with or touching property lines or right-of-way.

#### **Accessory Dwelling Unit (ADU)**

A habitable living unit created within, attached to, or detached from a single-family residence that provides the basic requirements of shelter, heating, cooking and sanitation within the unit.

#### **Accessory Structure**

A nonattached structure which is subordinate and incidental to the main structure on the property.

#### **Accessory Use**

A use which is subordinate and incidental to the main activity or structure on the subject property.

#### **Agricultural Crops**

The products of agriculture which include fruits, vegetables, grains, seed, feed, flowers, ornamental and food-bearing plants and trees, as well as animal products.

#### **Agricultural Crop Sales**

The sale of agricultural products, produced on or off the site, which include fruits, vegetables, grains, seed, feed, flowers, ornamental and food-bearing plants and trees, as well as animal products.

#### **Aircraft Storage Area**

A building used to store private or public aircraft for short- or long-term periods of time.

#### **Air Freight Terminal**

A building used by public and private aircraft for the on- or off-loading of air freight for distribution to wholesale and retail customers.

#### **Airport**

Any runway, landing area or other facility directly designed or used by either public or private aircraft for the landing and taking off of aircraft, transfer of passengers and/or cargo, surface access, and other support facilities typically associated with airports, including:

- A. Taxiway;

- B. Control tower;
- C. Communication, maintenance facilities;
- D. Passenger, cargo terminals.

### **Airport Terminal Facilities**

The complex of buildings, parking garages, and associated structures and improvements which provide access, activities, and facilities for the use, support, and convenience of the traveling public and other airport users and employees. Airport terminal facilities are generally located in proximity to each other, with reasonable pedestrian access among them.

### **Air Rights**

The right to, in some manner, control the use of space above the surface of the ground.

### **Alley**

A service drive providing a secondary means of access to abutting property and not intended for general traffic circulation.

### **Alter/Alteration**

Any change, addition or modification in construction. Additionally, any human activity which results or is likely to result in any impact upon the existing condition of a sensitive area.

### **Amendment**

A change in the wording of this title, adoption of a zoning map hereunder, a change in the zone boundaries upon zoning maps adopted hereunder, or the adoption of a planned unit development.

### **Antiques, Antique Shop**

Any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.

### **Area Zoning**

The procedures initiated by the City which result in the adoption or amendment of the zoning map on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, dealing with natural homogeneous communities, distinctive geographic neighborhoods and other types of districts having unified interests within the city. Area zoning, unlike a reclassification (rezone), usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the City's current land use policy in zoning map form.

**Assisted Living Facility**

An establishment providing living quarters and a variety of limited personal care and supportive health care monitoring to individuals who may be unable to live independently due to infirmity of age, or physical or mental handicap, but who do not need the skilled nursing care of a convalescent center/nursing home. These establishments may consist of individual dwelling units or sleeping rooms, but also provide communal dining, recreational, laundry and other facilities

**Auction House**

An establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

**Auto Court**

An access drive that is bounded on two or more sides by the walls of buildings, providing primary and/or secondary means of access to abutting property but not intended for general traffic circulation.

**Automobile Wrecking Operation**

Any person, corporation or enterprise engaged in the dismantling or wrecking of motor vehicles or trailers, or in the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

**Automotive Service Center**

Establishment primarily engaged in small vehicle repair and detailing, including the sale and installation of lubricants, tires, batteries, mufflers and similar accessories.

**Base Area**

The total area of the horizontal cross-section of a tree as measured at four (4) feet above grade.

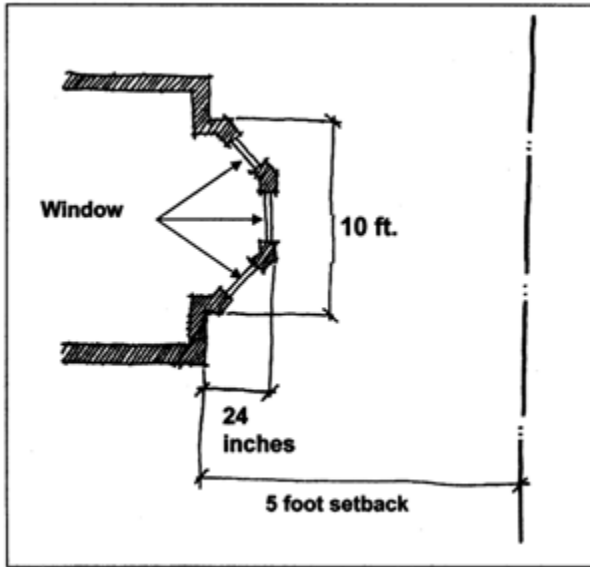
**Batch Plant**

The manufacturing of asphalt or concrete which may include the storage of related component materials.

**Bay Windows**

The combination of three or more separate window units, attached to project from the building at various angles. The center section is normally fixed, with the end panels operable as single-hung windows, double-hung windows, casement windows or another type of operable window. A bay window may be rectangular, semi-polygonal or semi-circular, shall

be a minimum of twenty-four (24) inches above grade, shall not include doors of any kind, and shall be limited to no more than one-story in height.



BAY WINDOWS

### **Beauty Salon/Personal Grooming Services**

A service business operating to provide services related to hair, skin, nail and cosmetology care.

### **Bed and Breakfast**

A dwelling unit within which bedrooms are available for paying transient guests. The number of guests is limited to no more than six (6) at any time.

### **Berm**

A formed mound of earth that creates a visual and physical barrier between developments, roads, and/or sensitive areas.

### **Biomedical Product Facility**

An entity, business, or establishment that is involved in the design, development, assembly and/or manufacture of products developed specifically for the diagnosis, treatment or correction of medical disorders. Products produced by a biomedical product facility include pharmaceuticals, implants or prostheses.

### **Book, Stationery, Video, Audio and Art Supply Store**

Establishment engaged in retail sales of new books and magazines, stationery, video and art supplies.

### **Buffer**

Any structural, earth or vegetative form that is for the purpose of minimizing visual and noise impacts. Buffers may include, but are not limited to, berms, high shrubs, dense stands of trees, trellises and fences.

**Building**

A structure that is designed to provide a place of business, residence or shelter to occupants. For the purposes of setback standards, it does not include minor utility structures, light poles, utility boxes, benches, signs, bus shelter, security gatehouses, ticket booths or other similar structures.

**Building Code**

The City of SeaTac Building Code, as set forth in SMC 13.110, Building Code.

**Building, Hardware and Garden Materials Store**

Establishment engaged in the selling of lumber and other building materials, feed, lawn and garden supplies.

**Butterfly/Moth Breeding**

The breeding of butterflies and moths for the purpose of wholesale or retail sales. This includes the entire life cycle of butterflies and moths and accessory activities such as the manufacture of enclosed biospheres for the butterflies and moths. This definition shall only include those butterflies and moths indigenous to the Pacific Northwest, which do not have a negative impact on forest and agricultural products or on ornamental trees, shrubs and vegetation, as determined by the City and applicable Washington State agencies. The breeding of butterflies and moths not indigenous to the Pacific Northwest shall be prohibited unless otherwise approved by the City and the applicable Washington State agencies.

**Cargo Containers**

A standardized, reusable vessel, designed without an axle or wheels, which was:

- A. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- B. Designed for or capable of being mounted or moved on a rail car; and/or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

When used for any purpose other than those listed in subsection A of this section, a cargo container is a structure.

**Cemetery**

Land used or intended to be used for the burial of the human dead.

**Circular Driveway**

A driveway on a single lot that has two (2) access points to a public right-of-way.

**City Center**

A portion of the City of SeaTac Urban Center delineated as the City Center area on the City Center vehicular and pedestrian access plan (SMC 15.300.210, Street Network and Design). Within the City Center area, design standards shall apply to all properties, except those zoned urban low (UL), aviation operations (AVO), and aviation commercial (AVC).

**City Hall**

A structure maintained and used as a place to transact business, legislative and administrative functions, public meetings and hearings, and other operations of a Code City as defined under RCW 35A.01.035. City Hall may include a municipal court for the purpose of providing for the administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions.

**Classification**

A refined identification of uses which, either individually or as a type, possess similar characteristics or performance standards and are permitted as possessing compatible uses in a zone. A classification as the term employed in this title includes provisions, conditions and requirements related to the permissible location of permitted uses.

**Coffee Shop/Retail Food Shop**

Small, resident-oriented food shops selling goods, such as baked goods, coffee, and assorted sundries. Baked goods for sale on-premises, but not for wider distribution, can be prepared on-site.

**College/University**

Institutions of higher learning authorized to confer associate degrees, baccalaureate degrees and/or post graduate degrees, accredited by the Northwest Association of Schools and Colleges.

**Commercial/Industrial Accessory Uses**

A commercial/industrial accessory use shall be a use similar in type to the permitted or allowed conditional uses on the property and directly related to the permitted or allowed conditional use. In no case shall a commercial/industrial accessory use, which is neither a permitted or conditional use of the underlying zone, occupy an area that is more than twenty-five percent (25%) of the gross floor area of all buildings on the subject property.

**Commercial Marine Supplies**

A business that provides for retail/wholesale purchase of supplies related to commercial marine activities, not to include the retail sales of boats.

**Commercial Recreation Area and Use**

An area and use operated for profit, with private facilities, equipment or services for recreational purposes including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon payment of a fee.



**Common Recreational Open Space Usable for Many Activities**

Any area available to all residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area:

- A. Is not covered by residential buildings, parking or driving areas; and
- B. Is not covered by any vegetation that impedes access; and
- C. Has an average four percent (4%) slope of all areas, with no slope that exceeds six percent (6%).

**Community Center**

A facility used for and providing recreational and/or social programs, but not including overnight shelters.

**Community Residential Facility (CRF)**

Publicly or privately operated residential facilities, limited to: group homes for children, for those with disabilities, or for the elderly; homes for recovering, non-using alcoholics and addicts; or shelters for domestic violence victims. Community residential facilities do not include halfway houses, overnight shelters, or transitional housing.

**Compensatory Storage**

New excavated storage volume equivalent to any flood storage which is eliminated by filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by an equal volume as measured between corresponding one (1) foot contour intervals which are hydraulically connected to the floodway.

**Comprehensive Plan**

The officially adopted SeaTac Comprehensive Plan, including all the components thereof adopted by reference or lawfully incorporated parts thereof. It includes, but is not limited to, components required by State law, State growth management and subdivision law as referenced in the RCW.

**Conditional Use**

A use which is not permitted outright in a zone classification due to the nature of impacts created by the use, but which may be authorized under specific conditions based upon decision criteria of SMC 15.115.100, Conditional Use Permit (CUP).

**Conference/Convention Center**

An establishment developed primarily as a meeting facility; including access facilities for recreation, overnight lodging, and related activities provided for conference participants.

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### **Conforming Building Use**

An activity or use which is permitted in the zone classification in which the property on which it is established is located.

### **Continuing Care Retirement Community**

A development that provides a mix of dwelling types, residential services and health care to people at least fifty-five (55) years of age. These communities may provide a full continuum of housing and care, from independent living, to assisted living and through nursing care, in order to meet the aging person's growing need for supportive services and care.

### **Convalescent Center/Nursing Home**

Any home, place or institution which operates or maintains facilities offering twenty-four (24) hour skilled nursing care for three (3) or more individuals who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, or alcohol or drug detoxification. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. Out-patient care is limited to prior patients only, and excludes any opiate substitution treatment.

### **Court**

A facility used by any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and agency of the State of Washington or of the United States or any state thereof which has responsibility for, and jurisdiction to process and provide for the handling of administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions, for the purposes of such administration of justice functions; provided, that where such activities occur at a regular office of the public agency responsible for such functions, the provisions applicable to public agency office, as that term is defined in this code, shall control.

### **Courtyard**

An open space area that is bounded on two or more sides by the walls of adjacent buildings.

### **Crisis Diversion Facility (CDF)**

A residential treatment facility for individuals 18 years or older that diverts individuals from jails or hospitals suffering from mental illness and/or chemical dependency. A CDF is licensed by the Washington State Department of Health and certified by the Washington State Department of Social and Health Services, provides temporary shelter, operate 24/7, and hold individuals for up to 72 hours. One (1) Crisis Diversion Facility may be collocated with one (1) Crisis Diversion Interim Facility.

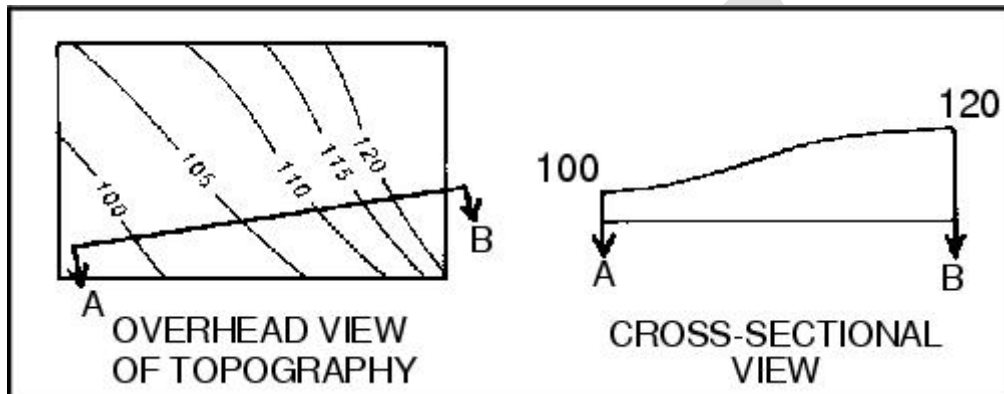
### **Crisis Diversion Interim Facility (CDIF)**

A residential treatment facility that provides temporary shelter, additional on site mental illness and/or chemical dependency treatments administered by mental health care

professionals, operates 24/7, and individuals may stay at the facility for up to two weeks. A CDIF is licensed by the Washington State Department of Health and certified by the Washington State Department of Social and Health Services. One (1) Crisis Diversion Interim Facility may be collocated with one (1) Crisis Diversion Facility.

### Cross-Section

A visual representation of a vertical cut through a structure, a proposed fill pad or any other three (3) dimensional form.



EXAMPLE OF A CROSS-SECTION

### Dairy

Any premises where three (3) or more cows, three (3) or more goats, or any combination thereof are kept, milked or maintained.

### Day Care I

A day care facility that provides for the group care of a maximum of twelve (12) children in any twenty four (24) hour period. Day Care I facilities may be located within the caregiver's place of residence.

### Day Care II

A day care facility that provides for the group care of more than (twelve) 12 children in any 24-hour period.

### Day Care Facility

An establishment for the group care of nonresident children in any twenty-four (24) hour period. Day care facilities include:

1. Nursery schools for children under minimum age for education in public schools;

2. Privately conducted kindergartens when not a part of a public or parochial school.

**Dedication**

The deliberate appropriation of land by an owner for public use or purposes, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.

**Density Bonus**

A commercial or residential bonus in density units granted to developers for providing public benefits in their development plans.

**Department**

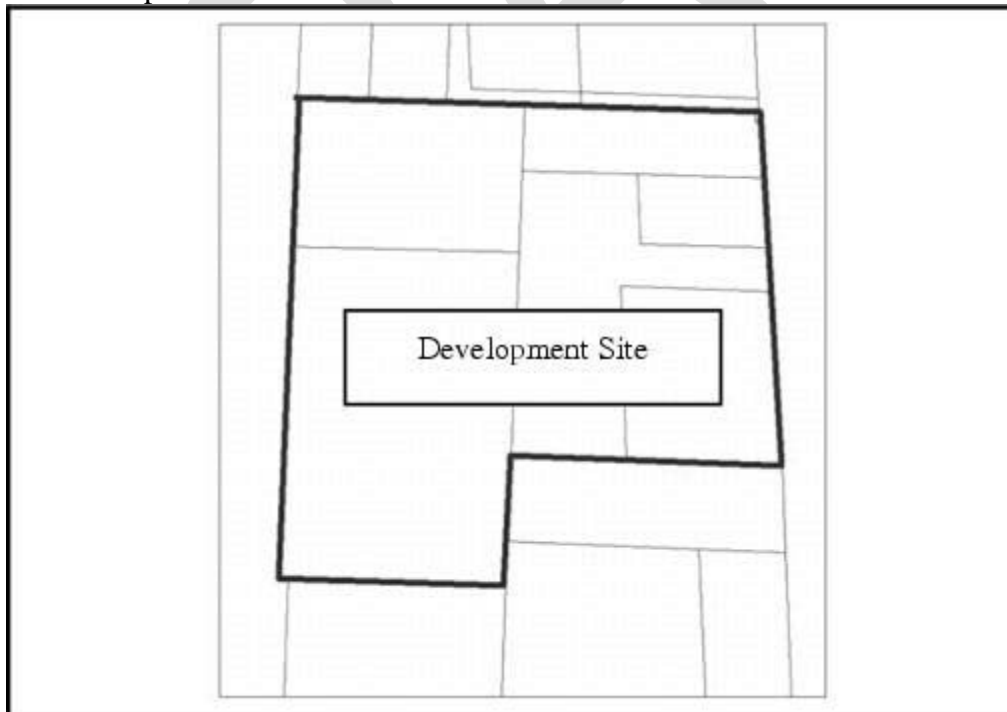
Means the Department of Community and Economic Development.

**Department/Variety Store**

Establishment engaged in the retail sales of a variety of lines of merchandise such as: dry goods, apparel and accessories, home furnishings, housewares, travel accessories and electronic items and accessories.

**Development Site – Stand-Alone Parking Structures**

A development site is the sum total of all parcels of property incorporated into the development at any point of time. This includes the incorporation of any additional properties into the development site.



DEVELOPMENT SITE

**Director**

Means the Director of Community and Economic Development or designee.

**Disability**

As used in SMC 15.425.100, Community Residential Facility-1 (CRF-1), and 15.100.100, Accommodations of Persons with Disabilities, a “handicap” as defined in the Federal Fair Housing Amendments Act of 1988 at 42 U.S.C. Section 3602(h):

with respect to a person--

1. a physical or mental impairment which substantially limits one or more of such a person’s major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in [21 U.S.C. § 802]).

Persons with disabilities include those who are developmentally disabled, mentally ill, as well as those in recovery for alcohol and drug addiction.

**Domestic Animals**

Dogs, cats, birds, snakes, small rodents, rabbits, goats, pygmy goats, pot-bellied pigs, chickens (including roosters), miniature horses not exceeding forty (40) pounds, and ducks and other fowl, which can be and are continually kept or raised in a home or on a lot. Animals not considered to be domestic animals include, but are not limited to, the following: horses, cows, donkeys, and any endangered or exotic species of animals. The number of inside or outside domestic animals shall be limited as shown in Table 15.415.015a.

**Dormitory**

An accessory residential building to an educational institution consisting of individual rooms for sleeping and may include common dining, cooking, and interior recreation facilities.

**Driveway**

An access which serves a lot, structure, or parking surface.

**Drug Store**

Establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including tobacco stores.

**Duplex**

A building containing two (2) dwelling units totally separated from each other by either an unpierced wall extending from basement to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

**Dwelling Unit**

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.

**Dwelling Unit, Caretaker/Manager**

A dwelling unit attached to a non-residential building.

**Dwelling Unit, Detached**

A dwelling unit that is not attached to any other dwelling unit by any means.

**Easement**

Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.

**Employees**

All persons, including proprietors, performing work on-premises, or on all shifts, unless otherwise stated in specific sections of this code.

**Enhancement**

An action which increases the functions and values of a stream, wetland or other sensitive area or buffer.

**Erosion and Deposition**

The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind and/or water runoff.

**Espresso Stand**

A walk-up or auto-oriented (drive-through) business that dispenses hot and/or cold beverage.

**Essential Public Facility**

A facility providing public services, or publicly funded services that is difficult to site or expand and which meets any of the following criteria: meets the Growth Management Act definition of an essential public facility (EPF), at RCW 36.70A.200, as now existing or hereafter amended, is on the State, King County or City list of essential public facilities, serves a significant portion of the County or region, or is part of a County-wide or multi-County service system, and is difficult to site or expand. Essential public facilities include, but are not limited to, the following: airports, State and local correction facilities, State

educational facilities, State and regional transportation facilities, landfills, solid waste handling facilities, sewage treatment facilities, major communication facilities and antennas (excluding wireless telecommunications facilities); and in-patient facilities such as group homes (excluding those facilities covered by the Washington Housing Policy Act), mental health facilities, secure community transition facilities (SCTF), crisis diversion facility, crisis diversion interim facility, and substance abuse facilities, including opiate substitution treatment facilities.

**Excavate(tion)**

The mechanical removal of soils and/or underlying strata.

**Family**

An individual or two (2) or more persons related by genetics, marriage, or adoption, or a group of not more than five (5) persons who need not be related by genetics or marriage, living together in a dwelling unit.

**Fill Material**

Dirt, structural rock or gravel and similar structural substances, not including any inert waste as defined by Department of Ecology, customarily used to raise the level of the ground. Excludes topsoil, bark, ornamental rocks or gravel placed on the surface of the ground. Individual fill material shall not exceed twelve (12) inches in diameter, width, depth, or height.

**Fire Code**

The City of SeaTac Fire Code, as set forth in SMC 13.150, Fire Code.

**Fire Facility**

A facility used by any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and agency of the State of Washington or of the United States or any state thereof which has responsibility for fire suppression, fire prevention, other functions of fire departments, for the purposes of such fire department functions; provided, that where such activities occur at a regular office of the public agency responsible for such functions, the provisions applicable to public agency office, as that term is defined in this code, shall control.

**Floor Area**

The total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles.

**Food Processing**

An industrial production of food from a natural state to a packaged state through approved FDA processes and standards.

**Forest Product Sales**

The sales of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to: trees, logs, cones, wood chips, fuel wood and herbs.

**Forest Product Sales, Temporary**

The sales of goods produced and extracted from a forest including, but not limited to: Christmas trees, pine boughs, mushrooms and berries.

**Fueling/Service Station**

A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; auto repair service is incidental and no storage or parking space is offered for rent.

**General Business Service/Office**

Establishment engaged in providing personal services to business establishments and citizens from an office setting, with no visible outdoor storage areas, including, but not limited to, the following uses:

- A. Financial institutions;
- B. Security and commodity brokers, dealers, exchanges and services;
- C. Insurance agents and carriers;
- D. Real estate business offices and agents;
- E. Legal services;
- F. Membership organizations;
- G. Nontesting research labs;
- H. Emergency services administration and substations.

**Equipment Repair, Small**

The repair of appliances, stereo equipment, electronic pieces and computers. This term does not include the repair of motor vehicles in any form.

**Glare**

The reflection of harsh, bright light, or the physical effect resulting from high luminance or insufficiently shielded light sources in the field of view.

**Grading**

Any excavation, filling, removing the duff layer or any combination of topsoils thereof.



**Group Home**

See definition of Community Residential Facility.

**Halfway House**

State-licensed work/release facilities and other housing facilities serving as an alternative to incarceration.

**Hangar/Service Bay**

A building used for service and maintenance of private and public aircraft.

**Hazardous Production Material (HPM)**

A solid, liquid or gas that has a degree of hazard rating in health, flammability or reactivity of 3 or 4 as ranked by Fire Code Standard No. 79-3 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

**Health Club**

Facilities offering the use of exercise equipment for public use, and services such as, but not limited to, expertise and instruction for fitness training and aerobics classes. Does not include massage or other medically related services.

**Health Hazard**

Sanitation problems, including, but not limited to, sewage spills, raw sewage in any form, rodent infestation, potential disease causes as determined by an environmental health official, and chemicals that lead to acute or chronic health effects in exposed persons.

**Heliport**

An area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters, and any direct maintenance, storage or fueling areas.

**Helistop**

Same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

**High Capacity Transit (HCT)**

Any form of public or private transit (bus, rail, train, Personal Rapid Transit (PRT), People Mover and other new technology) that moves a large number of people to set destination points.

**Hobby Kennel/Hobby Cattery**

A noncommercial establishment at or adjoining a private residence where four (4) or more adult dogs, or five (5) or more adult cats, are bred or kept.

**Home Occupation**

Any nonresidential use that occurs in a dwelling or accessory structure when such use is clearly incidental and secondary to the use of the dwelling or accessory structure, does not change the character of the dwelling, accessory structure, or neighborhood, and is carried on by a person permanently residing within the dwelling.

**Homeless Encampment**

An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.

**Hospital**

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, extended care facilities or training facilities.

**Host Agency**

The owner of the site property, being a church or other organization, that joins a sponsoring agency in an application for a City temporary use permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

**Hostel**

A facility providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms and bathroom facilities.

**Hotel/Motel/Lodging**

A facility consisting of four (4) or more guest rooms offering transient lodging accommodations, including inns, residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter [67.28](#) RCW or City Code, that offer rental accommodations for periods of generally less than 30 days at a time. Associated uses may include additional services such as meeting rooms, restaurants, health spas, retail shops and beauty shops.

**Impervious Surface**

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

**Improved Public Roadways**

Public road rights-of-way that have been improved to an all-weather surface with at least two (2) travel lanes and are maintained by the City or the State of Washington.

**International Building Code (IBC)**

The International Building and related codes as amended and adopted by the City.

**Junk**

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, wastes, machinery, scrap wood, or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material. Includes any other definitions of junk established in City ordinances.

**Kennel/Cattery**

A commercial establishment which houses, cares for, breeds, raises or sells dogs or cats. Four (4) or more adult dogs or cats or any combination thereof constitute a kennel. Small animal hospitals and clinics and up to two (2) dwelling units, to be used as manager/caretaker residences, either attached or detached, from the kennel are included. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six (6) months.

**Landscaping Business**

A business which provides services to preserve or enhance natural or reconfigured land features, ground cover, grass, sod, and other plantings, to promote naturalistic and aesthetic values, or to effect natural or improved drainage and erosion control. The business may include the arrangement of such tangible objects such as pools, walls, steps, trellises, canopies, and other nonhabitable structures, and other such features as are incidental and necessary to landscaping purposes. A landscaping business does not include the wholesale/retail sale of landscaping products including, but not limited to, trees, shrubs, plants, or any other vegetation (except those planted or installed by the business), or of any equipment that is necessary for the movement, planting, growth, and aesthetics of landscape materials.

**Laundromat**

A commercial establishment offering self-serve and assisted laundry facilities for public use.

**Leasable Space**

That area within mobile home parks designated on an approved master plan as lots for locating mobile home units with utility hook-ups.

**Legal Lot**

A lot created by the King County Assessor's Office in accordance with Washington State Laws and Subdivision Code provisions set forth in the Washington State RCW and City of SeaTac Subdivision Code.

**Livestock**

Domesticated animals, such as horses, cows, goats, sheep, swine and fowl.

**Lot**

A legal lot for building purposes which shall have sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have access to an improved public street, or to an approved private access.

**Lot Area**

The total horizontal area within the boundary lines of a lot, including access easements; however, the area contained in tracts or panhandles shall not be included in the lot area of a lot within any plat containing more than two (2) lots. In addition, the area of any easements over one (1) or more servient lots in favor of a dominant lot for the purpose of granting the owner of the dominant lot rights of personal use, possession and occupancy which are typically attributes of ownership shall not be included in the lot area of any servient lot.

**Lot Coverage**

That percentage of the lot area covered by all buildings including accessory buildings, uses and tent structures.

**Lot Lines**

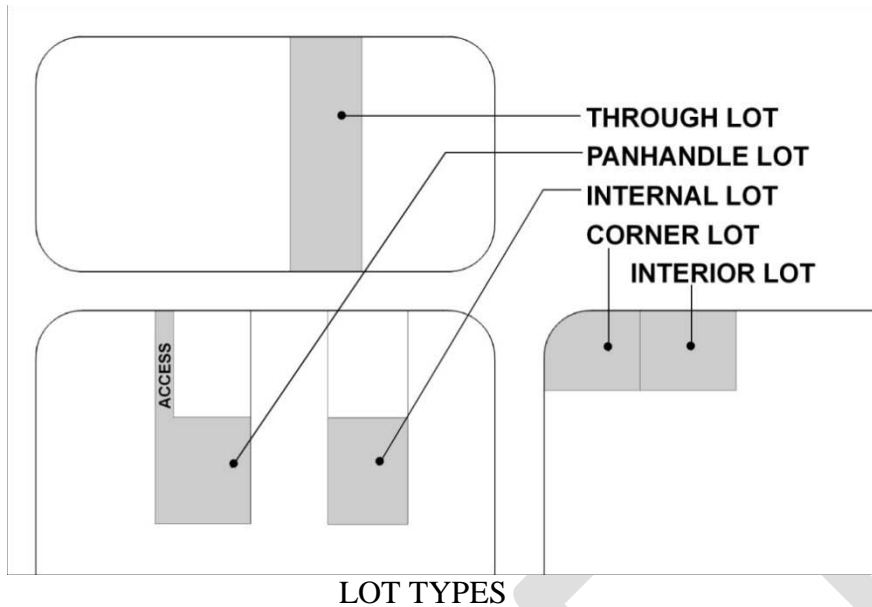
The property lines that establish the boundaries of buildable lots. For information on how lot lines are designated see SMC 15.110.100, Lot Lines.

**Lot, Substandard**

A lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located; and provided, that such lot or parcel was of record as a legally created lot on the effective date of the Zoning Code ordinance codified by the City.

**Lot Types**

- A. Corner. A lot situated at the intersection of two (2) or more streets.
- B. Interior Lot. A lot abuts only one street.
- C. Through Lot. A lot other than a corner lot, which abuts two (2) streets.
- D. Panhandle Lot. A lot set back from the public street with long narrow portions, which are also called handles, for access. The handle or access of a panhandle lot is defined as “that portion of a panhandle lot that is a minimum of twelve (12) feet in width and maximum of thirty (30) feet width and a minimum length of fifteen (15) feet in length.”
- E. Internal Lot. A lot with no physical connection to a street that may or may not be served by an access easement.



### **Lot Width**

The distance between the two (2) established side lot lines of the lot..

### **Major Redevelopment**

Additions or alterations to a building or site, excluding interior-only improvements, which total fifty percent (50%) or more of the gross square footage (GSF) of the existing building(s) or site.

### **Manufactured Home**

A detached building containing one (1) dwelling unit permanently affixed on a foundation, constructed within HUD standards.

### **Massage Business**

A commercial establishment in which massage or other touching (considered medically necessary) of the human body is provided for a fee. Any physical activities beyond the stated purpose of the use shall be dealt with in the same manner as any activities considered illegal by the applicable legal codes.

### **Maximum Yard Setback**

The maximum distance from a front property line that the edge of a building may be placed

### **Medical Office/Outpatient Clinic**

An establishment for treatment of outpatients, and providing no overnight care for patients.

### **Mitigation of Environmental Impacts**

The use of any or all of the following actions, listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area or buffer;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments; and
- F. Monitoring the impact and taking appropriate corrective measures.

### **Mobile Home**

A detached building containing one (1) dwelling unit for a family, but not constructed within HUD standards, with running gear, attached or detachable, that allows it to be relocated.

### **Mobile Refueling Operation**

An operation where a tank delivery vehicle, containing an approved combustible liquids dispensing storage tank with a maximum capacity of two thousand five hundred (2,500) gallons, is used to refuel commercial and construction vehicles with diesel engines for a site that does not include a stationary vehicle refueling station or facility. Mobile refueling operations do not include the mobile refueling of vehicles with gasoline or other alternate fuel powered engines.

### **Modular Home**

A detached building containing one (1) dwelling unit for a family located on a permanent foundation, constructed within Universal Building Code (UBC) standards, but constructed off-site and assembled on-site. This term is identical to “factory-built home.”

### **Monitoring**

Evaluating the impacts of development proposals on biologic, hydrologic and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.

### **Multi-Family Building**

A building containing three (3) or more dwelling units that does not meet the definition of a townhouse.

**Multi-Use Complex**

A group of separate buildings operating under a common name or management; or a single building containing multiple uses where there are specific exterior entrances for individual uses.

**Native Vegetation**

Vegetation comprised of plant species, other than noxious weeds, which are indigenous to King County and which reasonably could have been expected to naturally occur on the site.

**Noise**

The intensity, duration and character of sound from any and all sources.

**Nonconformance, Legal**

Any legally established use, structure, or development standard which was lawfully allowed in the past, but is now not in conformance with the current code.)

**Nonconforming Use**

Any use, structure, lot, condition, or development that does not conform to any of the provisions of the current code or that was not approved by the City through the appropriate decision-making process required under this code.

**Nonprofit Organization**

A non-commercial organization that does not operate to make a profit.

**Noxious Weed**

Any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter 16-750 WAC.

**Nursing Home**

See definition of Convalescent Center/Nursing Home.

**Off-Site Hazardous Waste Treatment and Storage**

Hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

**Open Space**

A variety of lands which are created and preserved for park and open space purposes, including:

- A. Publicly accessible plazas, courtyards, and pocket parks located either within the front yard setback or elsewhere on site;
- B. Active outdoor recreation areas;

- C. Multi-purpose green spaces;
- D. Pedestrian and bicycle-only corridors separate from the public or private roadway system and dedicated to passive recreation, including access links in sensitive area buffers. The square footage (length times width) of pedestrian and bicycle-only corridor shall be counted as usable open space; and/or
- E. Natural areas with outstanding scenic or recreational (active or passive) value;
- F. Public access areas to creeks, rivers, lakes or Puget Sound;
- G. Lands that define, through natural features, urban and rural areas;
- H. Lands that create corridors between natural features;
- I. Areas defined as sensitive areas under the Sensitive Areas Ordinance;
- J. Any landscaped area that exceeds the minimum adopted landscape requirements.

### **Opiate Substitution Treatment Facility**

A facility designed to dispense an opiate substitute drug approved by the Federal Drug Administration for the treatment of opiate addiction.

### **Other Retail Uses**

A retail use that is substantially similar to other listed permitted retail uses within a zone and has similar impacts relating to but not limited to: traffic, storm drainage, the generation of light and glare, emissions or pollutants, odors, or electromagnetic radiation.

### **Overnight Shelter**

A facility providing overnight, temporary lodging, with or without meals, for homeless families or individuals and meeting the standards of Chapter 246-360 WAC.

### **Parking Lot**

A public or private area other than a street or alley that provides parking for motor vehicles for the primary use on the property including, but not limited to, multi-family, office, retail, or commercial uses (including auto rental/sales). A parking lot is limited in use to the occupants, guests, or employees of the primary use of the property. A parking lot does not include an area used exclusively for the parking of motor vehicles for commercial purposes such as a park and fly lot.

### **Parking Lot, Public/Private**

An area used exclusively for the parking of motor vehicles for a fee for any period of time.



**Parking Space**

An area accessible to vehicles, which is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle.

**Parking Structure, Stand-Alone**

A parking structure used exclusively for the parking of motor vehicles, either public or private, for a fee for any period of time.

**Parties of Record**

Persons which have submitted written comments, testified, asked to be notified, listed on a maintained mailing list, or are the first signatory of a petition which is included as part of the official City record.

**Passenger Terminal**

A building for on- and off-loading passengers on private and public aircraft or other passenger modes of travel including, but not limited to, HCT, buses, PRTs, public rail systems and ferries.

**Pedestrian Access**

An area designed to allow access for pedestrians, including handicap access, from the public right-of-way to private land.

**Perimeter Landscaping**

Landscape buffers provided along the street and exterior boundaries of a site.

**Police Facility**

A facility used by any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and agency of the State of Washington or of the United States or any state thereof which has responsibility for law enforcement, and for regular police functions, for the purposes of such law enforcement and regular police functions; provided, that where such activities occur at a regular office of the public agency responsible for such functions, the provisions applicable to public agency office, as that term is defined in this code, shall control.

**Preschool**

A nursery school or educational program that is geared towards the education of very young children, generally between the ages of three (3) to five (5), but excluding day care uses.

**Primary Use**

The primary or predominant use of any lot or parcel.

**Primary Vehicle Access**

The major (or highest classification) street from which the majority of vehicles enter the subject property.

**Produce Stand**

A permanent structure up to five hundred (500) square feet in area used for the retail sale of fresh fruits and vegetables and may include, as an incidental or accessory use, the sale of sealed or prepackaged food products or nonfood items.

**Public Access**

A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.

**Public Access Pier or Boardwalk**

An elevated structure which is constructed waterward of the high water line or upland of the water body and intended for public use.

**Public Agency Office**

An office maintained and used as a place to transact business, activity and operations of any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and any agency of the State of Washington or of the United States or any state thereof.

**Public Agency Yard**

A yard or facility used as a place to store materials used by any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and agency of the State of Washington or of the United States or any state thereof, as such materials are used by the “outdoor” operations of the public agency, and further used as a place to maintain equipment and facilities of the public agency.

**Public Archives**

A facility used by any public agency, political subdivision or unit of local government of this State including but not limited to municipal corporations, special purpose districts, and local service districts, and agency of the State of Washington or of the United States or any state thereof for the purposes of archiving, keeping, maintaining or storing documents, records or other property of the public agency; provided, that where such activities occur at the regular offices of the public agency, the provisions applicable to public agency office, as that term is defined in this code, shall control.

**Quasi-Public Utility**

A private business organization, such as a public service corporation subject to special governmental regulations; or a governmental agency; performing some public service, which is paid for directly by the recipient; including, but not limited to:

- A. Water supply;
- B. Solid waste;

- C. Electric power;
- D. Sewer;
- E. Natural gas;
- F. Telephone or cellular communications;
- G. Transportation for persons and freight.

**Radio Tower**

A structure whose purpose or accessory purpose is the transmission of radio waves and the supporting structure for the transmission antenna or device.

**Reasonable Use**

A legal concept articulated by Federal and State courts in regulatory taking cases. Within the context of these cases and for the purposes of this title, reasonable use shall mean any use permitted in each zone classification, outright or through a permit, and shall not mean the subdivision of property.

**Recreation, Community (Recreational Center)**

A recreational use, building, or event maintained and operated by a nonprofit club, or an organization whose membership is for a specified group.

**15.10.520 Recreation, Public**

A recreation use maintained and operated by a governmental agency or any nonprofit organization on publicly owned or leased land for the benefit of the general public; or on private land for a limited user group if the activity fulfills a recreation need that might otherwise be fulfilled by public agencies.

**Recycling Processing**

Source separation or the processing of solid waste mechanically or by hand to segregate materials for sale or reuse. Materials which can be removed through recycling include, but are not limited to, mixed paper, newsprint, cardboard, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food and yard debris), ferrous metal, and inorganics (rubble and inert material).

**Regional Utility Corridor**

A right-of-way, tract or easement which contains major transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.

**Religious Use Facility**

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

**Religious Use Facility, Accessory**

Uses which are secondary to the religious purpose of the religious use facility and are considered as providing services to members and other individuals. The uses include, but are not limited to, bookstores, cafeteria, child day care, educational classes, social services, and limited retail sales of only religious use facility related materials, and operation of overnight shelters as limited by SMC 15.205.105, Land Use Chart.

**Replacement Cost**

The current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition to the current code standards.

**Restaurant**

Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises.

**Restaurant, Fast Food**

Commercial use which serves food or beverages, is built to encourage drive-through business, and minimizes the number of interior accommodations for on-site consumption of the product.

**Retail Establishment**

A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser, and/or whose services are traditionally not permitted within an office use.

**Retirement Apartments**

A multifamily building or buildings, with occupancy restricted to at least one individual aged fifty-five (55) or older per unit, which may contain communal recreational and dining facilities.

**Right-of-Way**

Land dedicated primarily to the movement of vehicles and pedestrians, and for providing primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

**Secondhand Store**

A retail establishment in which the principal portion of the articles, commodities or merchandise handled, offered for sale, or sold on the premises are not new. Secondhand stores shall not be considered as including antique stores or pawn shops.

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**Secure Community Transition Facility (SCTF)**

An in-patient facility for Level III sex offenders civilly committed and conditionally released to a less restrictive alternative. An SCTF has twenty-four (24) hour supervision and security, and either provides or ensures the provision of sex offender treatment services.

**SEPA**

The State Environmental Policy Act (Chapter 43.21C RCW).

**Setback**

The required distance from the base of a structure, support structure, or the edge of a wireless telecommunications facility equipment shelter to the property line of the parcel on which the structure, support structure or wireless telecommunications facility equipment shelter is located.

**Sexually-Oriented Business**

Includes any of the following types of establishments:

**A. Sexually-Oriented Entertainment**

Any exhibition or dance of any type conducted on premises where such exhibition or dance involves the exposure to view of any portion of the breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

**B. Sexually-Oriented Theater**

Any theater while that theater is providing entertainment through the showing of motion picture films predominantly distinguished or characterized by their emphasis on matter explicitly depicting any of the following:

1. Human genitalia in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Erotic fondling, touching or display of human genitalia, pubic region, buttock or female breast.

**C. Sexually-Oriented Establishment**

A commercial enterprise predominantly involved in the selling, renting or presenting for viewing of books, magazines, motion pictures, films, video cassettes, cable television, or other media distinguished or characterized by a predominant emphasis on matter explicitly depicting the items set forth in Sexually-Oriented Theater.

Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panorams or peep shows.

### **Shared Access Point**

A common point of vehicle and pedestrian access from a right-of-way, or a vehicular access easement or tract for more than one (1) lot or use.

### **Shoreline Master Program**

The applicable City and State laws/codes related to the shoreline programs.

### **Significant Tree**

An existing healthy tree which, when measured three (3) feet above grade, has a minimum diameter of:

- A. Eight (8) inches for evergreen trees; or
- B. Twelve (12) inches for deciduous trees (excluding poplar trees).

### **Site**

One or more contiguous legal lots used as the basis upon which the provisions and standards of this code are applied.

### **Small, Resident-Oriented Uses**

Those commercial uses that are geared to primarily serve local residents within a one-half (1/2) mile radius of its location, do not exceed two thousand (2,000) square feet in total gross feet, and will not have any significant impacts, such as excessive traffic or noise, that would negatively impact surrounding residential properties.

### **Social Service Office**

An office maintained and used as a place to transact business activity and operations of any agency, association, entity or organization, whether public or private, and whether a business or a nonprofit organization, which provides as a major part of its function charitable, educational, legal, medical, psychological, religious, political entity, services to the community, including but not limited to associations, fraternal organizations and public service organizations; provided, that this definition shall not include hospitals and medical/dental offices as those terms are defined in this code.

### **Specialized Instruction School**

A school providing specialized instruction in areas including, but not limited to, art, music, cooking, and related disciplines. A specialized instruction school is also to be distinguished from vocational-technical schools, as defined in this code.

**Sports Club**

A profit or nonprofit club providing the following activities:

- A. The instruction of basketball, softball, baseball, cheerleading fundamentals, martial arts and other similar activities.
- B. Weight lifting.
- C. Drop-in, pick-up game sport activities.
- D. Tournaments/competitions related to the instructional activities.

**Sponsoring Agency**

A church or other organization that joins in an application with a host agency for a City temporary use permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

**Storage, Self-Service**

A building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individual units.

**Storm Drainage**

The movement of water, due to precipitation, either surficially or underground.

**Street, Private**

Any easement, tract or street for ingress and egress which is not a public street. Driveways which are not part of an easement, tract or street for ingress and egress shall not be considered a street.

**Street, Public**

All streets, highways, freeways, avenues, lanes, alleys, courts, places, or other public ways in the City, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular and pedestrian access.

**Structure**

Anything which is built or constructed (above or below grade), an edifice of building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner, excluding benches, statuary, utility boxes/lights, light poles, minor utility apertures, planter boxes less than forty-two (42) inches in height, fences seventy-two (72) inches or under in height, and residential tent structures.

**Tavern**

A commercial establishment licensed to sell alcoholic beverages for consumption on premises. Such establishments also usually offer food for on-site consumption, which may be prepackaged or prepared on premises.

**Tent Structure**

An enclosure or shelter with twenty-five percent (25%) or greater sidewalls or drops on its perimeter



TENT STRUCTURE

**Tent Structure, Canopy**

An enclosure or shelter which is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter.



TENT STRUCTURE CANOPY

**Topsoil**

The uppermost strata of soil containing a large percentage of organic materials which is capable of providing suitable nourishment for vegetation.

**Towing Operation**

Any person, corporation or enterprise engaged in the moving of inoperable motor vehicles and storing (long term or short term) in an enclosed area. All such operations shall be in compliance with minimum State standards prior to commencing.



**Townhouse**

A building containing at least three (3) dwelling units in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Traffic Control Devices**

Signs, signals, stripes and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.

**Transit Park and Ride Lot**

An approved parking lot used exclusively for providing motor vehicle and vehicular circulation specifically for the purposes of access to a metropolitan (or regional) public transportation system.

**Transitional Housing**

Housing provided under a program, offering twenty-four (24) hour access to specific persons, for periods of one month or more for human services purposes, such as helping unemployed, homeless individuals to obtain employment and permanent housing. Transitional housing is not a transient accommodation.

**Urban Center**

An area of the City of SeaTac that is delineated on the City of SeaTac Official Zoning Map where urban densities and design standards are required, specifically within the UH-UCR, CB-C, O/CM, and ABC zones.

**Use**

An activity or purpose for which land, premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased.

**Use, Subsidiary**

A use on the property that is subordinate to the primary use of a property.

**Utility Pole**

Utility poles include telephone poles, light poles, and electrical transmission poles.

**Utility Use**

Facilities serving local areas including power lines, water and sewer lines, storm drainage facilities, transformers, pump stations and hydrants, switching boxes and other structures generally located in public rights-of-way or dedicated easements.

**Utility Substation**

Moderate to large scale facilities serving a sub-area, entire city or region including power substations, water transmission lines, wireless base stations, sewer collectors and pump stations, switching stations, gas transmission lines, water storage tanks and reservoirs and similar structures.

**Vehicle, Large**

Motor vehicles including, motorcycles, passenger cars, trucks, and vans which have gross vehicle weights greater than sixteen thousand (16,000) pounds. In addition, “large vehicle” also includes recreational vehicles, buses, and boats, but does not include aircraft.

**Vehicle Repair, Small**

Vehicle repair includes fixing, incidental body or fender work, painting, upholstering, engine tune-up, major engine or transmission repair, adjusting lights or brakes, brake repair, other similar repair work and supplying and installing replacement parts of or for small vehicles.

**Vehicle, Small**

Motor vehicles including, motorcycles, passenger cars, trucks, vans and watercraft, which have gross vehicle weights of sixteen thousand pounds (16,000) or less.

**Vocational/Technical Schools**

Schools and institutions providing longer-term (at least one (1) year) programs leading to proficiency, certification and associate degrees in vocational programs including computers, mechanical, food and hospitality service, automotive and aircraft services, surveying, welding, photography, carpentry, agriculture, horticulture, electrical, plumbing and construction trades. Truck driving instructional schools and heavy equipment operational schools also fall within this definition.

**Zoning Map**

The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

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## **Chapter 15.110**

### **Calculations and Measurement Methods**

#### **SECTIONS:**

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<b>15.110.005</b>	<b>Purpose</b>
<b>15.110.010</b>	<b>Authority and Application</b>
<b>15.110.100</b>	<b>Designation of Lot Lines</b>
<b>15.110.110</b>	<b>Yard Setbacks</b>
<b>15.110.120</b>	<b>Lot Area</b>
<b>15.110.130</b>	<b>Lot Width</b>
<b>15.110.140</b>	<b>Structure Height</b>
<b>15.110.150</b>	<b>Lot Coverage</b>

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#### **15.110.005 Purpose**

The purpose of this chapter is to explain how the standards of this code are determined, calculated, or measured.

#### **15.110.010 Authority and Application**

This chapter applies to all properties and developments.

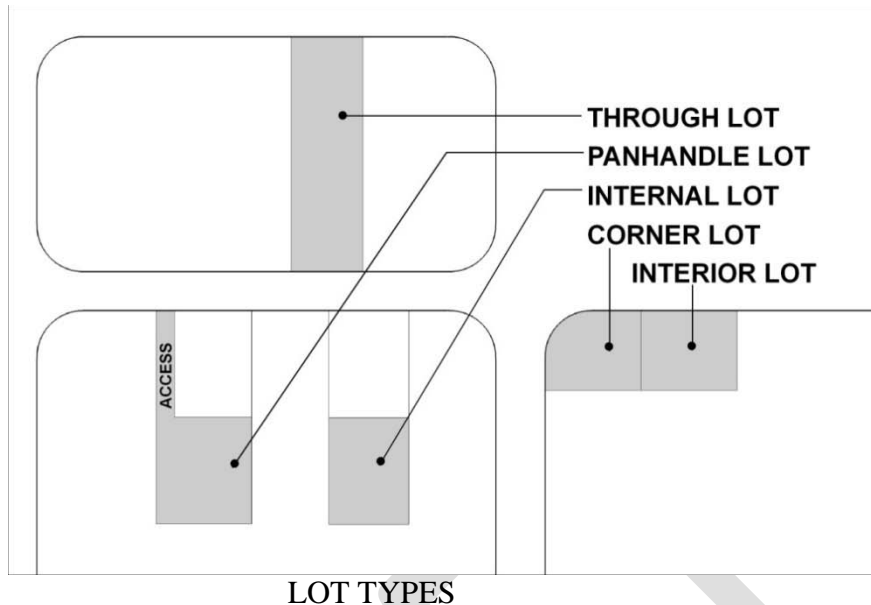
#### **15.110.100 Designation of Lot Lines**

The property lines that establish the boundaries of buildable lots shall be designated as follows:

**A. Front Lot Lines.**

<b>Lot Type</b>	<b>Single Family</b> (Except for Small Lot Single Family, duplex, townhouse or lots created through long subdivision.)	<b>Other</b> (Includes Small Lot Single Family, duplex, townhouse, multi-family, lots created through long subdivision and other non-single family uses.)
<b>Interior Lot</b>	<p>The boundary that abuts the public street.</p> <p>In cases where the boundary abuts a private street, the property owner shall pick the front lot line.</p>	<p>The boundary that abuts the public or private street.</p>
<b>Corner Lot</b>	<p>Those boundaries that abut a public street.</p> <p>If a lot abuts three (3) or more public streets, the lot shall have a front lot line only on the two (2) public streets with the highest roadway classifications.</p> <p>If a determination cannot be made as to which of the three (3) public streets have higher classifications, or, where there are multiple private streets, the property owner shall pick the two (2) front lot lines.</p>	<p>Those boundaries that abut a public or private street.</p> <p>If a lot abuts three (3) or more public or private streets, the lot shall have a front lot line only on the two (2) public or private streets with the highest roadway classifications.</p> <p>If a determination cannot be made as to which of the three (3) public streets have higher classifications, or, where there are multiple private streets, the front lot lines shall be determined by the Director, taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.</p>

<b>Lot Type</b>	<b>Single Family</b> (Except for Small Lot Single Family, duplex, townhouse or lots created through long subdivision.)	<b>Other</b> (Includes Small Lot Single Family, duplex, townhouse, multi-family, lots created through long subdivision and other non-single family uses.)
<b>Through Lot</b>	The boundary that abuts the public street with the highest street classification according to the City of SeaTac Comprehensive Plan. If the two (2) public streets have the same classification, then the property owner shall choose which is the front lot line.	Those boundaries that abut a public or private street.
<b>Panhandle Lots</b>	<p>The handle or access portion of the lot shall not be used to determine lot lines. Lot lines shall be determined as if no handle was on the lot.</p> <p>The front lot line shall be determined by the property owner at the time of construction.</p>	The front lot line shall be determined by the Director, taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.
<b>Internal Lots</b>	The front lot line shall be determined by the property owner at the time of construction.	The front lot line shall be determined by the Director, taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.



- B. **Rear Lot Lines.** The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.
- C. **Side Lot Lines.** All lot lines which do not qualify as a rear or front lot line.

### 15.110.110 Yard Setbacks

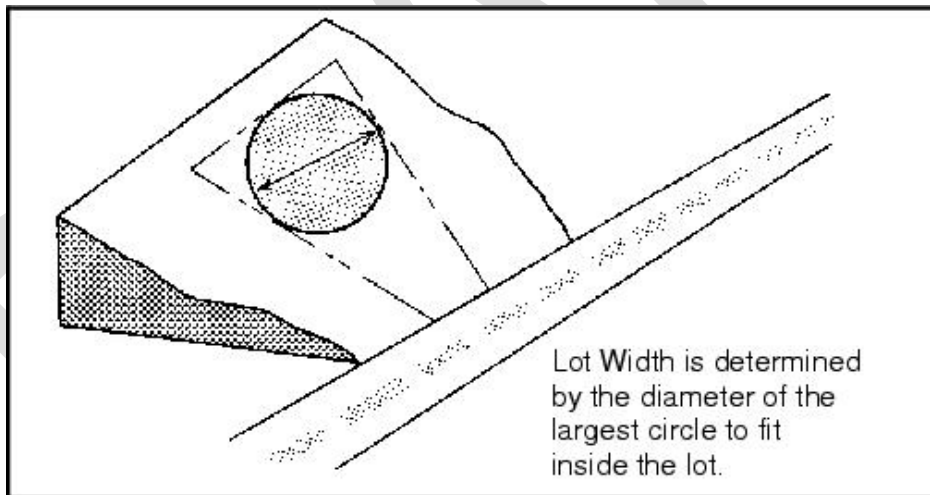
- A. To determine yard setbacks, lot lines shall be measured from the existing edge of the street right-of-way.
- B. Determining Front, Rear and Side Yard Setbacks
1. **Front Yard.** The front yard setback shall be measured from the front lot line as established in SMC 15.110.100(A), Front.
  2. **Rear Yard.** The rear yard setback shall be measured from the rear lot line as established in SMC 15.110.100(B), Rear.
  3. **Side Yard.** The side yard setback shall be measured from the side lot lines as established in SMC 15.110.100(C), Side.
- C. Determining Setbacks for Subdivisions and Short Plats with Access Easements
1. All subdivisions and short plats shall maintain required front, side and rear setbacks from any access easements.
    - a. Short plat of only two (2) lots shall not be required to meet the side yard setbacks from approved access easements.

### 15.110.120 Lot Area

- A. Lot area shall be the total horizontal land area contained within the boundaries of a lot, calculated pursuant to SMC 15.10.370 and 15.13.020(E).
- B. **Short Plats.** In determining the lot area of new lots in short plats proposed under SMC Title 14, the area of the original lot area, including any area to be dedicated for public right-of-way, may be used in the calculation in the number of lots that may be segregated from the original lot.

### 15.110.130 Lot Width

- A. **Rectangular Lots.** For rectangular lots, width shall be determined by the distance between the two established side lot lines.
- B. **Irregular Lots.** For irregularly shaped lots, lot width shall be determined by the diameter of a circle that fits within the established lot lines. The diameter of the circle shall not exceed that stipulated in the standards chart. The topography of the lot where the circle is located shall not have an average slope exceeding twenty-five percent (25%) nor contain unbuildable, sensitive areas.

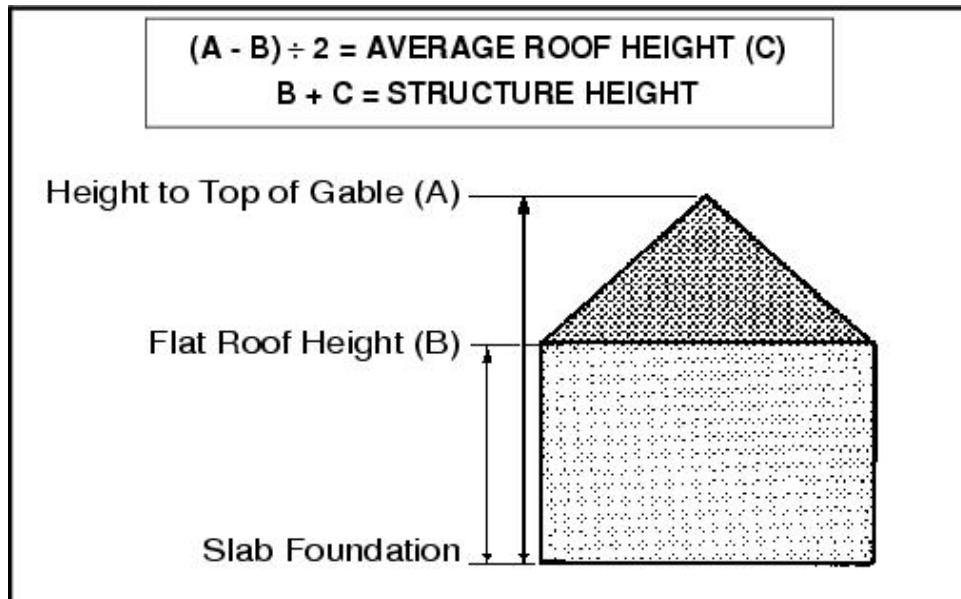


LOT WIDTH DETERMINATION

### 15.110.140 Structure Height

- A. **Primary Structures.**
1. The height of a primary structure is measured from the established ground elevation (finished foundation) to:
    - a. The highest point of the coping of a flat roof;

- b. The deck line of a mansard roof; or
  - c. The midpoint of a gable, shed, or hipped roof.
2. For primary structures on sloped property, the average of the lowest and highest ground elevation shall be considered the finished foundation measurement.



HEIGHT CALCULATION FOR A PRIMARY STRUCTURE ON LEVEL GROUND

#### B. Accessory Structures.

1. The height of an accessory structure is measured from the established ground elevation (finished foundation) to the highest point of the roof.
2. For accessory structures on sloped property, the average of the lowest and highest ground elevation shall be considered the finished foundation measurement.

### 15.110.150 Lot Coverage

- A. Lot coverage is that percentage of the lot area covered by all buildings including accessory buildings and uses and tent structures and tent structure canopies as defined under SMC Chapter 15.xxx Definitions, excluding driveway and outside parking areas.
- B. Coverage is determined by measuring from a horizontal plane from the building footprint as set forth in the Building Code



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## **Chapter 15.115**

### **Land Use Actions and Procedures**

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#### **SECTIONS:**

<b>15.115.005</b>	<b>Purpose</b>
<b>15.115.100</b>	<b>Variance</b>
<b>15.115.200</b>	<b>Conditional Use Permit (CUP)</b>
<b>15.115.300</b>	<b>Development Agreements</b>
<b>15.115.400</b>	<b>Essential Public Facilities</b>
<b>15.115.500</b>	<b>Zone Reclassification (Rezone)</b>
<b>15.115.600</b>	<b>Hearing Examiner Development Review Process</b>
<b>15.115.700</b>	<b>Appeal Process</b>

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#### **15.115.005 Purpose**

The purposes of this chapter are to allow for consistent evaluation of land use applications and any other quasi-judicial matters considered by the Hearing Examiner pursuant to the applicable ordinances and authority. This chapter also details decision criteria for administrative variances and minor conditional use permits rendered by the Director.

The criteria in this chapter are intended to protect nearby properties from the possible effects of land use requests subject to discretionary land use permits by:

- A. Providing clear criteria on which to base a decision;
- B. Recognizing the effects of unique circumstances upon the development potential of a property;
- C. Avoiding the granting of special privileges;
- D. Avoiding development which may be unnecessarily detrimental to neighboring properties;
- E. Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and
- F. Providing criteria which emphasize protection of the general character of neighborhoods.

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### 15.115.600 Variance

- A. A variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot, conflict with Growth Management Policies) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.
- B. The applicant must show that the proposed development issue requiring a variance meets all of the following criteria for approval, except as specified in subsection (D) of this section:
1. There are exceptional circumstances applicable to the property;
  2. The variance is necessary to protect a property right possessed by others;
  3. The variance will not harm the public welfare of adjacent properties;
  4. There is no reasonable alternative that will allow a reasonable use of the land or building;
  5. The special circumstances and conditions do not result from the actions of the applicant;
  6. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located;
  7. The variance is the minimum necessary to grant relief to the applicant.
- C. The requested variance is decided by the City's Hearing Examiner through a public hearing process, except in cases where the requested change involves less than twenty percent (20%) variance to a standard. In these cases, the variance may be decided by the Director, provided the following criteria are met in addition to those in subsection (B) of this section:
1. The variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity.
  2. The person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure in the normal course.

- D. A variance from the standards for WCF regarding height, aesthetics (including concealment), equipment enclosures and the dimensions of freestanding poles specified in SMC 15.495, Wireless Communication Facilities, may be granted by the Hearing Examiner only in situations where all of the following criteria are met. These criteria shall apply in lieu of those specified in subsection (B) of this section.
1. The specified standard would have the effect of precluding the provision of commercial wireless communication service;
  2. The variance is necessary to protect a property right possessed by others;
  3. The variance will not harm the public welfare of adjacent properties;
  4. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located;
  5. The variance is the minimum necessary to grant relief to the applicant;
  6. Any request for a variance from the standards regarding height, aesthetics, equipment enclosures and dimensions of freestanding poles specified in SMC 15.495, Wireless Communication Facilities, shall include a written report that specifies:
    - a. The necessity of the site to provide the communication coverage required by the applicant; and
    - b. The necessity of the requested variance as the minimum necessary to provide the communication coverage required by the applicant; and
    - c. An assessment of all possible alternatives that could meet the service provider's system coverage requirements. The alternatives assessment shall include alternative sites, alternative antenna types, and any other mechanism that could make the variance unnecessary in terms of meeting the service provider's system coverage needs.

### **15.115.100 Conditional Use Permit (CUP)**

- A. **Major Conditional Use Permit.** A major conditional use permit (CUP) is a permit granted by the Hearing Examiner, which sets special conditions regarding a use in a zone where the use is not permitted outright due to the nature of impacts created by the use.
- B. **Minor Conditional Use Permit.** A minor conditional use permit may be granted by the Director, to allow specified uses as listed under subsection (E) of this section.

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- C. The CUP process is a means of imposing special conditions and requirements on development, so that the compatibility of uses shall be maintained considering other existing and potential uses within the general area where the conditional use is proposed. Conditions imposed on a CUP will reasonably assure that a nuisance or hazard to life or property will not occur. The CUP process is not a means to reduce the requirements of a zone classification where the conditional use is proposed.
- D. The applicant must show that the proposed development satisfies all of the following criteria for approval by the Hearing Examiner or Director:
1. The proposed use is listed as a conditional use under SMC 15.205, Land Use Chart;
  2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood;
  3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use;
  4. The conditional use would not be detrimental to surrounding land use;
  5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code;
  6. The conditional 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; and
  7. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts.
- E. A minor conditional use permit may be granted by the Director, only in the following situations:
1. The minor conditional use must conform to the criteria as set forth in this section and all other requirements of this code.
  2. To allow the expansion of an existing, legal conditional use which has previously been permitted within the zone classification, provided the requested expansion of the existing conditional use is either:
    - a. No greater than twenty percent (20%) of the gross floor area of the existing conditional use; and

- b. Exempt from environmental review under the State Environmental Policy Act (SEPA).
3. To allow location of a new concealed freestanding WCF in a low intensity zone, subject to the requirements set forth in SMC 15.495, Wireless Communication Facilities.
4. To allow uses in school facilities or City facilities within the residential zones and Park zone. See criteria in SMC 15.490, Subsidiary Uses.

### **15.115.200 Development Agreements**

- A. A person or entity having ownership or control of real property within the City may file an application for a development agreement with the Department, solely and exclusively on the current form approved by the said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule as adopted by resolution of the City Council.
- B. Terms of the proposed development agreement shall be subject to the Development Review Committee process set forth at SMC 16A.05.020, Preapplication Meetings, and such other provisions of SMC Title 16A, Development Review Code, as may be deemed appropriate by the City.
- C. The Director, is authorized, but not required, to negotiate acceptable terms and conditions of the proposed development agreement with due regard for the following criteria:
  1. The development agreement conforms to the existing Comprehensive Plan policies.
  2. The terms of the development agreement are generally consistent with the development regulations of the City then in effect.
  3. Appropriate project or proposal elements such as permitted uses, residential densities, and nonresidential densities and intensities or structure sizes are adequately provided, to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.
  4. Appropriate provisions are made for the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.
  5. Adequate mitigation measures, development conditions, and mitigation requirements under Chapter 43.21C RCW are provided.

6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.
7. If applicable, targets and requirements regarding affordable housing are addressed.
8. Provisions are sufficient to assure requirements of parks and open space preservation.
9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a parcel of property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the Code requested for a final use of the property shall comply with criteria No. 11 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.
10. Where a phased development agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
11. In the case of a development agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures to the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure to the Code be granted if no benefit to the City is proposed in turn by the applicant.
12. Conditions are set forth providing for review procedures and standards for implementing decisions.
13. A build-out or vesting period for applicable standards is provided.
14. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.
15. If appropriate, and if the applicant is to fund or provide public facilities, the development agreement shall contain appropriate provisions for reimbursement over time to the applicant.

16. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.
- D. If the Director deems that an acceptable development agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the development agreement. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.
- E. The decision of the Council shall be final immediately upon adoption of a resolution authorizing or rejecting the development agreement.
- F. Following approval of a development agreement by the Council, and execution of the same, the development agreement shall be recorded with the King County Recorder.
- G. Because a development agreement is not necessary to any given project or use of real property under the existing comprehensive plan and development regulations in effect at the time of making application, approval of a development agreement is wholly discretionary and any action taken by the City Council is legislative only, and not quasi-judicial.

### **15.115.300 Essential Public Facilities**

- A. **Purpose.** The purpose of this section is to establish a formal process for identifying and siting of essential public facilities (EPFs).
- B. **Included Essential Public Facilities.** EPFs subject to this section include, but are not limited to, those facilities identified in the EPF definition, the Seattle-Tacoma International Airport, Interstate 5, State Route 509 (both current and proposed extensions), State Route 518, the Federal Detention Center, the King County Bow Lake Solid Waste Transfer Station, and the Sound Transit's "LINK" Light Rail System.
- C. **Threshold Review.** During or within forty-five (45) days subsequent to the mandatory preapplication Development Review Committee meeting required by SMC 16A.05.020, Preapplication Meetings, the Director shall make a threshold determination, and advise the potential applicant in writing of such determination, whether the proposed project is an EPF and, if so, whether it is difficult to site. In making said determinations, the Director shall broadly and liberally apply the definition of an EPF in consideration of the full range of proposed and potential services to be provided to the public, whether provided directly by, funded by, or contracted for by a governmental agency, or provided by a private entity or entities subject to public service obligations. The determination of whether an EPF will be

difficult to site shall be made by the Director, upon known or reasonably perceived and articulable facts. Proposed projects determined not to be EPFs, and proposed projects determined to be EPFs but also determined to be not difficult of siting, shall be reviewed and processed as any other similar project pursuant to the City Development Code without regard to this section.

These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.

**D. Applications for EPF Projects.** All proposed projects determined to be EPFs and determined to be difficult to site or expand shall be reviewed and conditioned in accordance with all requirements of this code and, in addition, with the conditional use permit procedure, herein referred to as the CUP-EPF review procedure. All applications shall contain the following information:

1. A detailed written description of the proposed and potential public services to be provided, the source or sources of funding, and identification of any applicable public regulatory agencies;
2. A written statement of the need, in statistical or narrative form, for the proposed project currently and over the following ten (10) year period;
3. An inventory of known, existing or proposed facilities, by name and address, within King County, or within the region, serving the same or similar needs as the proposed project;
4. An explanation of the need and suitability for the proposed facility in the proposed City location(s);
5. Information regarding the number of jurisdictions affected or served by the proposed EPF;
6. An analysis of the environmental, social, economic, financial and infrastructure impacts of the proposed EPF, including an assessment of the proportionate financial impacts on affected jurisdictions, and consideration copies of agreements which allocate the financial burdens of the proposed project on the City and other jurisdictions;
7. An analysis of the proposals consistency with the City of SeaTac Comprehensive Plan and development regulations, and plans and policies of other affected jurisdictions, including but not limited to the King County Countywide Planning Policies;
8. Documentation of public involvement efforts to date, including public and agency comments received, and plans for future public participation;



9. Such information as requested by staff to complete the preliminary analysis and/or information to assist the Ad Hoc Committee, City staffs and City Council in making the final determination on the CUP-EPF.

E. **CUP-EPF Review Process.** All EPFs shall be subject to the following CUP-EPF review procedure:

1. **Project Notification.** The applicant, after a preapplication meeting, shall notify the City as soon as possible of intent to submit a CUP-EPF review application. If the applicant does not notify the City of a pending EPF review application, the City may make an initial determination of whether the proposed project is subject to CUP-EPF review, and shall notify the project proponent, in writing, of the City's determination.
2. **Environmental Review.** The EPF project shall comply with all applicable SEPA/NEPA requirements and the proponent shall mitigate identified environmental impacts as conditions of CUP-EPF approval.
3. **Formation of Ad Hoc Committee.** The City Council shall establish an Ad Hoc Committee by appointing up to seven (7) members and the Planning Commission appointing one (1) member, for each CUP-EPF application. The Ad Hoc Committee may include representatives of the Planning Commission or other persons with detailed knowledge of City land use or transportation issues. The Ad Hoc Committee shall be appointed by the City Council within seventy-five (75) days of the determination by the Director that the proposed project is an EPF, pursuant to subsection (C) of this section.
  - a. The City Council will establish a time frame of not more than sixty (60) days, unless a longer time frame is necessary due to an EPF project timeline, in which the Ad Hoc Committee must review, consult and issue recommended conditions for the EPF. This time frame may be extended only by the authority of the City Council, and shall not be extended more than a maximum of three (3) such time periods, unless the applicant agrees that more time is needed.
  - b. Prior to accepting an appointment on the Ad Hoc Committee, an appointee must divulge any vested interest in any properties or businesses, the value of which could be substantially affected by the committee's recommendations, if any.
4. **Ad Hoc Committee Review and Coordination.** The Ad Hoc Committee shall make recommendations to the designated hearing body, regarding the appropriate conditions to mitigate the impacts of the proposed EPF under the authority of the City's SEPA regulations, Comprehensive Plan and development regulations. City staff shall prepare an analysis of the CUP-EPF

application for use by the Ad Hoc Committee. The Ad Hoc Committee shall review the staff analysis of the proposed EPF project and prepare written recommendations on each of the following:

- a. Any criteria identified in subsection (F) of this section that was reviewed by the Ad Hoc Committee; and
- b. Whether the project should include a zoning overlay; and
- c. Any recommended conditions for mitigating the impacts of the proposed EPF under the authority of the City's SEPA ordinances, Comprehensive Plan and development regulations.

The Ad Hoc Committee shall present its draft recommendations to the Planning Commission and, upon receiving input of the Planning Commission, shall prepare final written recommendations to the designated hearing body.

5. Designated Hearing Body. The Hearing Examiner shall hear an essential public facility application. However, the City Council may determine that the application should be heard by the City Council, and in that case, the City Council will be the designated hearing body. The City Council's determination should be based on the following criteria:
  - a. Size of project;
  - b. Area of City affected by proposed project;
  - c. Environmental impact on sensitive areas;
  - d. Timing of project.
6. Staff Report. The Department shall prepare a staff report, which shall include Planning Commission comments, as well as the final recommendations of the Ad Hoc Committee. The staff report shall also include an evaluation of the consistency of the proposed EPF, as recommended by the Ad Hoc Committee, with the City's adopted Comprehensive Plan and development regulations, and shall include proposed findings, proposed conclusions, and proposed recommendations for disposition of the proposed CUP-EPF to the designated hearing body for a public hearing.
7. Public Hearing and Decision. The designated hearing body shall hold a public hearing pursuant to SMC 16A.13.020, Procedure for Public Hearing, to make findings and issue a decision. The notice of such public hearing shall be consistent with SMC 16A.13.010, Notice of Public Hearing. A final decision shall be rendered by the designated hearing body in accordance with SMC 16A.15 , Notice of Decision.

F. **Ad Hoc Committee Review Criteria.** In making its recommendations the Ad Hoc Committee should consider the following:

1. Whether the proposed site is adequate in size and shape for the proposed project and the use conforms, or can aesthetically conform, to the general character of the neighborhood.
2. The proportionate financial burdens of the proposed EPF on the City and other affected jurisdictions, and whether they are reasonably mitigated as provided in an inter-jurisdictional agreement, or by other means.
3. Whether the proposed EPF is compatible with the following:
  - a. Availability and physical constraints of land.
  - b. Compatibility with adjacent and nearby land uses.
  - c. Mitigation of likely adverse environmental impacts, including but not limited to erosion, sensitive areas, noise, odor, traffic, and air and water quality.
  - d. Basic infrastructure standards, such as vehicular traffic, and the availability of necessary utilities and services.
  - e. The City of SeaTac's Comprehensive Plan, development regulations, and SEPA regulations.
  - f. Any existing and applicable City inter-jurisdictional agreements.
  - g. Siting of secure community transition facilities must be in accordance with the siting criteria of Chapter 71.09 RCW, and regulations adopted pursuant thereto. In addition, no secure community transition facility shall be sited closer than three hundred thirty (330) feet from any residentially zoned property.

G. **Designated Hearing Body Review Criteria.** The designated hearing body, giving substantial weight to the recommendations of the Ad Hoc Committee and the staff report, shall review the application under the following criteria:

1. Whether the proposed action is consistent with the criteria under subsection (F) of this section;
2. Whether modifications to recommended conditions or restrictions, if any, are needed to mitigate impacts in a manner which meets the standards of this code and any related development agreement; and

3. Any conditions or restrictions shall be consistent with any development agreements that are in existence at the time of the hearing.
4. Whether project conditions cumulatively are reasonable and would not preclude development of the EPF.

Should the recommendation of staff conflict with the recommendation of the Ad Hoc Committee the recommendation of staff shall be given greater weight.

- H. **Development Agreements.** The terms and conditions of a development agreement completed after the decision of the designated hearing body shall supersede the conditions and restrictions imposed by the designated hearing body.

### **15.115.700 Zone Reclassification (Rezone)**

- A. The purpose of a rezone is to provide a change of zoning to allow a new or different land use which conforms with the City Comprehensive Plan. A rezone is necessary when there has been a change in conditions, and the Comprehensive Plan may or may not provide for such a use. A proposed use and site plan must be submitted with the rezone request if there is an upzone of the property (e.g., UL 7,200 to UM 3,600). Property-specific conditions may be imposed as a condition to the rezone pursuant to SMC 15.100.040, Property Specific Development Standards, and SMC 15.100.080, Administration and Review Authority. In the case of a rezone classification from a more intensive zone to a less intensive zone (e.g., industrial to commercial), only a description of the proposed use must be submitted with the rezone request. The proposed use may be the existing use on the property, provided the use is a permitted use in the lesser zone classification.
- B. The applicant must show that the proposed development satisfies the following minimum criteria for approval by the Hearing Examiner:
  1. The proposal conforms with the Comprehensive Plan policies and the adopted Comprehensive Plan specifies that the property shall be subsequently considered through an individual reclassification application;
  2. The requested reclassification is in the public interest;
  3. The requested reclassification is not hazardous or will not have adverse impacts on adjacent properties;
  4. The requested reclassification does not pose undue burdens on public facilities; and

5. The requested reclassification has, or will potentially have, an adequate link to a high-capacity transit mode.

### **15.115.015 Hearing Examiner Development Review Process**

- A. See Chapter [1.20](#) SMC.
- B. Public Hearings.
  1. Before rendering a decision on any application or appeal, the Hearing Examiner shall hold a public hearing thereon. For applications subject to City Council action, the public hearing by the Hearing Examiner shall constitute a hearing by the City Council..
  2. Whenever a project requires more than one (1) permit or approval, the Hearing Examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Hearing Examiner to order and conduct consolidated hearings shall be final in all cases.
- C. Procedural Notice Requirements. Notice of public hearings shall be provided as specified in Chapter [16A.13](#) SMC.
- D. Department Report. When an application or appeal has been set for public hearing, the Department shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application or appeal, and shall prepare a report summarizing the factors involved and the Department's findings and recommendation or decision. At least fourteen (14) days prior to the scheduled hearing, the report, and, in the case of appeals, any written appeal arguments submitted to the City shall be filed with the Hearing Examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials
- E. General Criteria for Examiner Decisions.
  1. Each decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision..
  2. The Hearing Examiner's findings and conclusions shall carry out and help implement applicable State laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City, and that the decision will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.
  3. The Hearing Examiner shall accord substantial weight to the recommendation of the Department.

- F. Examiner Actions. Within ten (10) working days of the conclusion of a hearing or rehearing, the Hearing Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the Department. The Department shall then transmit a copy of the decision to all parties of record..
1. The Examiner's decision may be to grant or deny the application or appeal, or the Hearing Examiner may grant the application or appeal with such conditions, modifications and restrictions as he/she finds necessary to make the application or appeal compatible with the environment, and carry out applicable State laws and regulations, and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other ordinances, policies and objectives of the City..
  2. The conditions, modifications and restrictions that the Hearing Examiner may impose include additional setbacks, screening in the form of landscaping or fencing, covenants, easements and dedications of additional road rights-of-way. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions of this code.

### **15.115.020 Appeal Process**

- A. Appeal to the Hearing Examiner – Notice and Content. All notice of appeal regarding any decision being appealed to the Hearing Examiner shall be filed with the City Clerk, only on a form provided by the City Clerk, within fourteen (14) days of the date of the decision together with a filing fee in the amount specified in the City's schedule of fees or in such other amount as may be specified by resolution of the City Council. All notices of appeal shall state with specificity the decision being appealed and the reasons why the appealed decision should be reversed or modified.
- B. Appeal to City Council – Notice. Decisions by the Hearing Examiner on cases subject to City Council action may be appealed to the City Council by a person with standing by filing a notice of appeal with the City Clerk within fourteen (14) days of the date the Hearing Examiner's written decision is mailed, together with a filing fee in the amount specified in the City's schedule of fees or in such other amount as may be specified by resolution of the City Council.
- C. Appeal Briefs. If a notice of appeal has been filed, the appellant shall file any supplemental written arguments within twenty-one (21) days of filing the appeal.
- D. Appeal to City Council – Consideration. Consideration by the City Council of the appeal shall be based upon the record of the Hearing Examiner's public hearing and upon written appeal statements based upon the record; provided the City Council may allow parties a period of time for oral argument based on the record. The Hearing Examiner may conduct a conference with all parties to the appeal for the

purpose of clarifying or attempting to resolve certain issues on appeal; provided such conference shall be informal and shall not be part of the public record.

After consideration of the record, written appeal statements and any oral argument, City Council may:

1. Affirm the decision of the Hearing Examiner;
  2. Determine that an error in fact or procedure may exist or additional information or clarification is desired. The City Council shall then remand the matter back to the Hearing Examiner; or
  3. Determine that the recommendation of the Hearing Examiner is based on an error in judgement or conclusion. The City Council may then modify or reverse the decision of the Hearing Examiner with appropriate findings of fact, conclusions of laws and decision.
- E. Appeal to City Council – City Council Action. The City Council shall take final action by ordinance or resolution on a Hearing Examiner’s recommendation on area zoning or on any appeal of a Hearing Examiner’s decision, and when so doing, the City Council shall make and enter findings of fact and conclusions from the record which support its action. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out, and helps implement objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City. The City Council may adopt as its own all or portions of the Hearing Examiner’s findings and conclusions.
- F. Reconsideration of Final Action. The City Council may reconsider any action after it has become final if:
1. The action was based in whole or in part on erroneous facts or information;
  2. The action, when taken, failed to comply with existing laws or regulations applicable thereto; or
  3. An error or procedure occurred which prevented consideration of the interests of persons directly affected by the action.
- G. Review of Final Decisions.
1. Land use decisions of the City Council shall be final and conclusive unless appealed to the King County Superior Court within twenty-one (21) days by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. All other final decisions of the City Council shall be final and

conclusive unless a petition for review is filed with the King County Superior Court within thirty (30) days.

2. Land use decisions of the Hearing Examiner shall be final and conclusive, unless appealed to the King County Superior Court within twenty-one (21) days by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. All other final decisions of the Hearing Examiner shall be final and conclusive unless a petition for review is filed with the King County Superior Court within thirty (30) days.
3. Notwithstanding the foregoing provisions of this section, final decisions of the City Council relating to matters governed by the State Shorelines Management Act shall be appealed to the State Shorelines Hearing Board as specified in the said Act.

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## **Chapter 15.120**

### **Nonconformance and Reuse of Facilities**

#### **SECTIONS:**

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**15.120.005 Purpose**

**15.120.010 Nonconformance – Applicability**

**15.120.015 Lots of Record**

**15.120.020 Nonconformance – Status Determination**

**15.120.025 Nonconformance – Re-establishment of Discontinued  
Nonconformance**

**15.120.100 Nonconformance – Uses of Land**

**15.120.150 Nonconformance – Uses of Land, Horses/Equine Animals**

**15.120.200 Nonconformance – Uses of Structures** **15.120.300 Repair  
or Reconstruction of Nonconforming Structure**

**15.120.400 Alteration of Nonconforming Structure**

**15.120.500 Abatement**

**15.120.600 Reuse of Facilities**

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#### **15.120.005 Purpose**

- A. Establish the legal status of nonconformance of structures or use on subject sites by creating provisions through which a nonconformance may be established, maintained, altered, reconstructed, expanded or abated;
- B. Recognize public investment in existing facilities; encourage the adaptive reuse which will continue to serve the community; and ensure public review of redevelopment plans by allowing:
  1. Temporary reuse of closed public school facilities retained in school district ownership, and the reconversion of a temporary reuse back to a school use;
  2. Permanent reuse of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or
  3. Permanent reuse of historic structures listed on the National Register or designated as county landmarks.

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### **15.120.010 Nonconformance – Applicability**

- A. All nonconformance issues including, but not limited to, buildings, structures, lands and uses shall be subject to the provisions of this chapter.
- B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
  - 1. The requirements of the Building and Fire Codes; or
  - 2. The provisions of this code beyond the specific nonconformance addressed by this chapter.

### **15.120.015 Lots of Record**

In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling may be erected on any single lot which was a lot of record on or before November 26, 1992, and which was a building site pursuant to City of SeaTac Ordinance No. 90-1025. Any request for a variance of the lot size, lot width and/or yard requirements shall be made to the City's Hearing Examiner, and the Hearing Examiner shall render a decision on the request in accordance with the provision of SMC 1.20, Hearing Examiner System.

### **15.120.020 Nonconformance – Status Determination**

- A. Any use, use of a structure or other site improvement (e.g., landscaping or signage) which was legally established prior to the effective date of this title shall be considered nonconforming if:
  - 1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located;
  - 2. The use does not comply with the density, dimensions, landscaping, parking sign or residential design standards of this title; or
  - 3. A building is conforming, but the landscaping, parking or other standards were established by prior actions of the existing jurisdiction.
- C. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance, except as specified in SMC 15.130.060, Nonconformance – Repair or Reconstruction of Nonconforming Structure.
- B. A change in the required permit review process shall not create a nonconformance.
- D. The provisions of SMC 15.600, Signs, and any subsequent amendments, shall exclusively control the status of a sign to a nonconforming use.

### **15.120.025 Re-establishment of Discontinued Nonconformance**

A nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of six (6) continuous months shall not be re-established. Any nonconforming use of a building which is discontinued for a total of one (1) year (twelve (12) months) over a three (3) year period shall not be allowed to continue as the nonconforming use.

### **15.120.100 Nonconformance – Uses of Land**

If, at the effective date of the Zoning Code of the City or any amendment thereto, a lawful use of land exists that is made no longer permissible under the terms of the Zoning Code or amendment, such use may be continued as a nonconforming use so long as it remains otherwise lawful, subject to the following conditions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of the Zoning Code or amendment that made the use no longer permissible.
- B. No nonconforming structure shall be moved in whole or in part to any other portion of the lot that is subject of the nonconforming use.
- C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, that cessation shall constitute prima facie evidence of intent to abandon the use, and any subsequent use of land shall conform to the regulations specified by this title for the zone in which such land is located.

### **15.120.150 Nonconformance – Uses of Land, Horses/Equine Animals**

Any horse/equine animals legally located on property on the effective date of the Zoning Code or amendment thereto shall be allowed to remain on the property; provided, that the horse/equine animal is kept in a clean and safe environment and shall be subject to the following provisions:

- A. Should a legal nonconforming horse/equine animal be removed from a parcel of property for a period of more than six (6) months, that cessation shall constitute prima facie evidence of the intent to abandon the use of the property for horses/equine animals.
- B. Should a legal nonconforming horse/equine animal expire/pass away, another horse/equine animal may be moved to the property to replace the expired horse/equine animal; provided, that the new horse/equine animal is moved onto the property within six (6) months.

- C. Should legal nonconforming horse/equine animals produce progeny, the progeny may be allowed on the property up to a maximum of nine (9) months from the date of birth.

### **15.120.200 Nonconformance – Uses of Structures**

If, at the effective date of the Zoning Code of the City or any amendment thereto, a lawful use of a building or structure exists that is made no longer permissible under the terms of the Zoning Code or amendment, such use may be continued as a nonconforming use so long as it remains otherwise lawful, subject to the following conditions:

- A. No nonconforming structure or building shall be structurally altered or changed other than those alterations or changes required by law.
- B. A nonconforming use of a building or structure may be extended throughout any parts of the building or structure that were manifestly arranged, designed and constructed for such use at the time of the effective date of the Zoning Code or amendment that made the use no longer permissible, but no such use shall be extended to occupy any land outside such building or structure.
- C. Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. If any such nonconforming use of a building or structure ceases for any reason for a period of more than six (6) months, that cessation shall constitute prima facie evidence of intent to abandon the use, and any subsequent use of the building or structure shall conform to the regulations specified by this title for buildings or structures in the zone in which such land is located.
- E. Any use that requires an addition to an existing building or a change of use (encompassing more than forty percent (40%) of the gross floor area (gfa) of the building/complex) shall require the current parking standards be implemented relative to only the new square footage.

### **15.120.300 Repair or Reconstruction of Nonconforming Structure**

A damaged or destroyed nonconforming structure may be repaired or reconstructed provided that:

- A. The extent of the previously existing nonconformance is not increased, and the extent of damage does not exceed fifty percent (50%) of the King County assessment value of land and improvements.

- B. The building permit application for repair or reconstruction is submitted within six (6) months of the occurrence of the damage.
- C. Should such structure be moved for any reason for any distance whatever, it shall hereafter conform to the regulations for the zone in which is located after it is moved.

#### **15.120.400 Alteration of Nonconforming Structure**

- A. Alterations to a nonconforming structure may be permitted; provided the alteration does not increase the area, height or degree of an existing nonconformity.
- B. Upkeep, repairs and maintenance of a nonconforming building is permitted. Approval of such a permit shall be based on a finding that the repairs will be done in such a manner as to improve the building's safety or functionality, and thereby make its existence in the area less detrimental to surrounding uses than would be the case if the status quo were maintained.

#### **15.120.500 Nonconformance – Abatement**

- A. **Abatement of Illegal Use, Structure, or Development.** Any use, structure or other site improvement that cannot be established with a record of compliance with Zoning Code standards in effect at the time of establishment shall be deemed illegal and shall be subject to abatement.
- B. **Abatement of Nonconforming Use of Land, Buildings and Structures.** The nonconforming use of land, buildings or structures shall be subject to abatement if any of the following circumstances apply:
  - 1. Any nonconforming use of land involving a building or a structure as defined by this title which building or structure has an assessed value of more than one hundred dollars (\$100.00) but less than five hundred dollars (\$500.00) on the date of notification shall be completely removed or made to conform within one (1) year from the date of notification as required by SMC 15.130.090, Notice of Abatement or Required Conformance.
  - 2. Any nonconforming use of a building which cannot be legally established with adequate documentation (King County Tax lot number creation date, tax records of business) shall be required to be removed or made to conform within three (3) years from the date of notification as required by SMC 15.130.090, Notice of Abatement or Required Conformance.
- C. **Notice of Abatement or Required Conformance.** When any nonconforming condition exists which is subject to abatement, it shall be the responsibility of the Department to ascertain, with all available means, the approximate date upon which

the nonconforming use was established or acquired. Upon determination of legal or illegal nonconforming rights, the Department will follow the following process:

1. The Department shall notify the owner and lessee of the subject property of the intent to consider the matter and the date of such consideration before the Hearing Examiner.
2. The Department shall consider all pertinent dates and facts in the written determination and provide the opportunity for the owner or lessee to present such evidence which properly relates to such case. The division shall establish the facts upon which the determination is made to require such property owner to abate or make the use conforming.
3. The Department shall notify the owner of record and any occupants, in writing, of the staff determination by certified mail and notify all property owners within three hundred (300) feet of the subject property boundaries of the determination and the appeal process.
4. The staff determination shall present a decision by which the use or uses shall be abated or made conforming. Any person in opposition of the decision may appeal that decision to the Hearing Examiner.
5. The appeal shall be filed no more than ten (10) working days from the date of mailing of the decision.

### **15.120.600 Reuse of Nonresidential Facilities**

- A. **General Standards.** Upon major conditional use permit review and approval an interim or permanent reuse of surplus, nonresidential facilities in residential zone classifications shall require that no more than fifty percent (50%) of the original floor area may be demolished for either permanent or interim reuse of facilities.
- B. **Re-establishment of Closed Public School Facilities.** Upon major conditional use permit review and approval the re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall have a site plan approved by the Hearing Examiner decision and administered by the **Director**.
- C. **Standards for Conversion of Historic Buildings.** In order to insure that significant features of the property are protected pursuant to City Codes, the following standards shall, through the major conditional use permit review, apply to conversion of historic buildings:
  1. Gross floor area of building additions or new buildings required for the conversion shall not exceed twenty percent (20%) of the gross floor area of the building, unless allowed by the zone classifications;

2. Conversions to apartments shall not exceed one (1) dwelling unit for each three thousand six hundred (3,600) square feet of lot area, unless allowed by the zone classifications;
3. Any construction required for the conversion shall require certification of appropriateness from the City and the King County Landmark Commission.

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## **Chapter 15.125**

### **Code Enforcement**

#### **SECTIONS:**

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#### **15.125.005 Authority of City Manager**

#### **15.125.010 Severability**

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#### **15.125.005 Authority of City Manager**

The City Manager, or designee, is authorized to utilize the procedures of this code and adopted ordinances to enforce any and all violations of land use, health and business regulatory ordinances of the City, and shall establish an Office of Code Enforcement for those purposes.

#### **15.125.010 Severability**

Should any section, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be pre-empted by state or federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.



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## **Chapter 15.130**

### **Annexations**

#### **SECTIONS:**

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#### **15.130.005 Purpose**

#### **15.130.020 Conformance to the Comprehensive Plan**

#### **15.130.030 Preannexation Comprehensive Planning and Proposed Zoning Regulations**

#### **15.130.040 Adoption of Comprehensive Land Use Plan and/or Proposed Zoning Regulations**

#### **15.130.050 Notice of Public Hearings**

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#### **15.130.005 Purpose**

The purpose of this section is to define the land use/Comprehensive Plan designations for preannexation into the City. The actual annexation process, standards and requirements are pursuant to adopted state law.

#### **15.130.020 Conformance to the Comprehensive Plan**

All territory which may hereafter be annexed to the City shall be considered to be zoned in conformance with the City Comprehensive Plan for the area to be annexed. In the event the area annexed is not within the area encompassed by the City Comprehensive Plan, its temporary zoning shall be the zone in the City in this code which corresponds in description most closely to the existing zoning of the property in the County until such time as the City has amended its Comprehensive Plan to include the annexed area.

#### **15.130.030 Preannexation Comprehensive Planning and Proposed Zoning Regulations**

The City Council may direct the Planning Commission to prepare a comprehensive land use plan and/or proposed zoning regulations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time.

#### **15.130.040 Adoption of Comprehensive Land Use Plan and/or Proposed Zoning Regulations**

Adoption of a comprehensive land use plan and/or proposed zoning regulations for an annexation area shall require a public hearing before the Planning Commission. In addition, a minimum of two (2) public hearings before the City Council shall be held at least thirty (30) days apart. A certified copy of the ordinance adopting such proposed zoning regulation,

together with a copy of a map or plat to which the regulations are applicable, shall be filed with Boundary Review Board and King County.

### **15.130.050 Notice of Public Hearings**

Notice of the hearings required to be held pursuant to this chapter shall include the date, time and place of the hearing, shall identify in general terms the property affected thereby, shall set forth the action requested and shall invite all persons who desire to be heard to be in attendance. At least ten (10) days prior to the date of the hearing, the notice shall be:

- A. Sent by first class mail to each property owner of record within the subject property and within three hundred (300) feet of the subject property;
- B. Published once in a paper of general circulation in the City; and
- C. Posted in at least three (3) locations within the subject property, at SeaTac City Hall, and in at least one other public place.

When the city, acting in good faith, complies with the above provisions, omission of a property owner in the public notice mailing does not preclude the Planning Commission or City Council from proceeding with the public hearing. All costs of posting, publishing and mailing shall be borne by the applicant, and the applicant may be required to submit preaddressed, stamped envelopes for the notices required to be mailed by this section. The hearing called pursuant to the notice set forth in this section may be continued at the discretion of the body conducting the hearing to another date without the necessity of additional notices being given.

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## **Division II. Zone Classifications and Land Use Charts**

### **CHAPTERS:**

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**15.200 Establishment of Zones**

**15.205 Land Use Chart**

**15.210 Uses and Standards for the AVO and AVC Airport Zones**

**15.215 Planned Unit Development (PUD)**

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## Chapter 15.200

### Establishment of Zones

#### SECTIONS:

- 
- 15.200.010 Zones and Map Designations – Established**  
**15.200.020 Official Zoning Map**  
**15.200.030 Zones and Map Designations – Purpose Statements**
- 

#### 15.200.010 Zones and Map Designations – Established

In order to accomplish the purposes of the code, the following zone classifications and zoning map symbols are established:

<b>ZONE</b>	<b>MAP SYMBOL</b>
Urban Low Density	UL
Urban Medium Density	UM
Urban High Density	UH
Urban High – Urban Center Residential	<u>UH-UCR</u>
Townhouse	T
Mobile Home Park	MHP
Neighborhood Business	NB
Office/Commercial/Mixed-Use	O/C/MU
Office/Commercial Medium	O/CM
Aviation Business Center	ABC
Community Business	CB
Community Business in the Urban Center	CB-C
Aviation Business Center	ABC
Business Park	BP

Industrial	I
Park	P
Aviation Commercial	AVC
Aviation Operations	AVO

### 15.200.020 Official Zoning Map

- A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on the Official Zoning Map, which is hereby adopted and made part of this title.
- B. Changes in the boundaries of the zones, including applications for amendment or interim zoning shall be made by ordinance amending the Official Zoning Map. The Official Zoning Map shall bear the signatures of the Director and the City Clerk. When an amendment is approved, the Official Zoning Map will be revised and re-signed by the Director and the City Clerk.
- C. The Official Zoning map is on file in the City Clerk's office. In addition to the Official Zoning Map, there may be a display zoning map which may be used by the Department. The display map may contain additional information to assist in its utilization.

### 15.200.030 Zones and Map Designations – Purpose Statements

The purpose statement for each zone and map designation sets forth the type of development within the zones and the general goals of the zone classifications. The purpose also shall guide interpretation and application of land use regulations within the zone classifications, and any changes to the range of permitted uses within each zone through amendments to the code.

#### A. Urban Low Density Zone (UL)

The purpose of this zone is to create a single-family residential environment that creates high quality housing, diversity and affordability. This is accomplished by requiring appropriate residential uses, requiring open space in conjunction with residential development, providing incentives for affordable housing, and protecting environmentally sensitive sites from over-development.

#### B. Townhouse Zone (T)

The purpose of this zone is to create a medium density residential environment that functions as a buffer between adjacent single-family areas and more intensely developed higher density residential or commercial/mixed use areas. This is accomplished by applying design standards that result in a building type that has some single-family characteristics while

allowing medium residential densities that will support transit ridership, and allowing some commercial uses in the mixed use context.

**C. Urban Medium Density Zone (UM)**

The purpose of this zone is to create a higher density than single-family while maintaining a desirable family environment. This is accomplished by effective clustering and zero lot line planned developments, requiring adequate public facilities and establishing incentives for greater open space, recreational facilities and potential linkage to high capacity transit modes.

**D. Mobile Home Park Zone (MHP)**

The purpose of this zone is to provide areas for existing mobile home parks, locate potential sites for relocation purposes, and/or allow the creation of parks which serve citizens while providing sense of ownership and pride. Additionally, this zone will provide appropriate areas for senior citizen parks.

**E. Urban High Density Zone (UH)**

The purpose of this zone is to create a high density multi-family housing environment that encourages and, when possible, utilizes high capacity transit modes and allows for a limited amount of small resident-oriented businesses, while ensuring an adequate balance of single-family to multi-family housing in the City of SeaTac. This is accomplished by requiring adequate public facilities and services be in place to support a high density level, encouraging clustering and zero lot line developments with some neighborhood business support, allowing school and church uses, and establishing incentives for greater open space, recreational facilities, and potential linkage to high capacity transit modes.

1. Urban High-Urban Center Residential (UH-UCR) Zone. The UH-UCR zone, within the urban center, specifically provides for special urban densities and design standards.

**F. Neighborhood Business Zone (NB)**

The purpose of this zone is to provide convenient daily retail and some personal services for a limited service area, and to maintain or enhance the residential area that is served by the businesses. This is accomplished by limiting nonresidential uses to specific needed services, permitting mixed use of multi-family and retail, excluding community/regional business scale uses, and encouraging potential linkages to high capacity transit modes.

**G. Office/Commercial/Mixed Use Zone (O/C/MU)**

The purpose of this zone is to create a commercial mixed use medium density designation that is more resident-oriented and less intense than the O/CM zone. This is accomplished by excluding larger scale commercial uses, and requiring that most retail and commercial uses be allowed only in the mixed use context.

## **H. Office/Commercial Medium Zone (O/CM)**

The purpose of this zone is to create a commercial mixed use medium density designation. This is accomplished by allowing professional offices, a multitude of retailing types, personal services and smaller hotels, restaurants and coffee shops. Developers will be encouraged to mix uses. Mid-rise apartments or mixed residential-commercial or office-residential developments shall also be encouraged in this designation. Structured parking shall be encouraged where feasible.

## **I. Community Business Zone (CB)**

The purpose of this zone is to provide retail/personal services for a local service area which exceeds the needs of adjacent neighborhood or commercial areas, and to provide retail and personal services on a community oriented basis. This is accomplished by providing for professional offices, a wide range of retail and personal services, sale of commodities, mixed use development, and the potential integration of high capacity transit stations or lines.

1. Community Business in the Urban Center (CB-C) Zone. In the CB-C zone, located within the urban center, special design standards apply.

## **J. Aviation Business Center Zone (ABC)**

The purpose of this zone is to promote a major commercial center supporting high concentrations of customers, visitors, employees, and pedestrian activity; to create a quality development in which people can work, shop and access child care; and to create a market geared toward a business orientation to the airport which is compatible with airport operations. These purposes are accomplished by encouraging flexible development programs to improve the design, character, and quality of new development; facilitating the provisions of streets and utilities; preserving natural and scenic features; establishing minimum lot sizes to encourage projects of sufficient scale to increase the viability of high capacity transit and encourage ride-share alternatives; and promoting a balanced multimodal transportation network consisting of motor vehicle transportation, public transportation, pedestrian circulation, and integrated parking.

## **K. Business Park Zone (BP)**

The purpose of this zone is to provide a wide range of nonpolluting business activities. The business park designation allows for light and high technological industries, such as biotechnology, nonpolluting light manufacturing, computer technology and communications equipment establishments. Land uses with any significantly adverse impacts (such as excessive noise levels, or emitting significant quantities of dirt, dust, odor, radiation, glare or other pollutants) shall be strictly prohibited. Design and development standards for business park areas will be administered to foster high quality developments.

## **L. Industrial Zone (I)**

The purpose of the industrial zone is to provide for the location and grouping of industrial enterprises, regional airport, airport related facilities, and activities involving manufacturing,

assembly, fabrication, processing, bulk handling, storage, research, warehousing and heavy trucking. These purposes are accomplished by permitting a wide range of industrial uses, establishing appropriate development standards and public review for developments that have potential adverse impacts, and ensuring the location of clean industries.

#### **M. Park Zone (P)**

The purpose of this zone is to establish park and open space areas for residential and commercial uses, and to designate areas on hillsides, steep slopes, wetlands, and critical sensitive areas in order to protect them. This purpose is accomplished by providing for outdoor passive and active recreation uses, conservation and protection of municipal watersheds, wildlife corridors and habitats.

#### **N. Aviation Commercial (AVC)**

The purpose of this designation is to create a zone for development that provides support to operations of the airport, the traveling public, and air cargo, and for other development that provides economic benefit to the airport and community while maintaining compatibility with airport operations and activities.

#### **O. Aviation Operations (AVO)**

The purpose of this designation is to create a zone for development of the range of facilities that provide for safe and efficient commercial operations and support, together with security, access, the needs and convenience of the traveling public, and handling of air cargo.



## Chapter 15.205

### Land Use Chart

#### SECTIONS:

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<b>15.205.010</b>	<b>Establishment of Uses/Interpretation of Land Use Tables</b>
<b>15.205.020</b>	<b>Classification of Unlisted Uses and Clarification</b>
<b>15.205.030</b>	<b>Use Chart Guide</b>
<b>15.205.040</b>	<b>Use Chart</b>
<b>15.205.050</b>	<b>Hazardous Waste Use Requirements</b>

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#### 15.205.010 Establishment of Uses/Interpretation of Land Use Chart

- A. The use of a property means the purpose or activity for which the building or lot is intended, designed, arranged, occupied or maintained. All applicable requirements of this code, or other applicable State or Federal requirements, shall govern a use located in the City of SeaTac, except within the areas delineated as overlays, in which case the land use charts contained within SMC chapters 15.300 City Center Overlay District and 15.305 South 154<sup>th</sup> Street Station Area Overlay District, shall apply.
- B. The land use charts in this chapter and other chapters in this code determine whether a specific use is permitted in a zone classification. The zone classification is located on the top horizontal row and the specific use is located on the vertical column of these tables. Additional standards which apply to the use in certain zones are noted by number and described in the far right column of the chart. If the standard is not preceded by a number, the standard applies to all zones.
1. P – If the letter “P” appears in the box at the intersection of the column and the row, the use is permitted in that zone classification subject to review and conformance to the general requirements of this chapter.
  2. C – If the letter “C” appears in the box at the intersection of the column and the row, the use is permitted in that zone classification subject to the conditional use review process and approval.

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**15.205.020 Classification of Unlisted Uses and Clarification**

- A. In creating use charts, the City has considered the characteristics of uses which make them comparable, compatible or similar to each other. The City recognizes that it is not possible to enumerate and classify every use to which land may be devoted, either now or in the future, and that ambiguity may exist with reference to the appropriate and consistent use definition and applicable standards. Therefore:
1. When any known and identifiable use is not listed as a permissible use in any classification; or
  2. When any use has now come into existence by reason of any technical development in the trades, sciences and equipment; or
  3. When any use already listed in the use charts which, because of any process, equipment or materials used, possesses different performance standards than those which are usually associated with the uses in the classification as presently classified and which, therefore, makes it reasonable that such a use should be placed in the more restrictive classification, it shall be the responsibility and duty of the Department to ascertain all pertinent facts relating to any such use and make what it deems to be the appropriate process on a case-by-case basis for locating the use in the compatible zone classification.
- B. Based on the above situations, the Director, shall review the findings of facts and conclusions, and issue a decision of one of the following actions:
1. Approve or deny the use as a similar and compatible use for that zone classification;
  2. Require approval or denial through the conditional use process; or
  3. Begin the process for review of an amendment to the land use charts.
- C. The purpose of the review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of determining the need for stipulating such conditions that would mitigate potential impacts and reasonably assure that the basic purpose of this code shall be served.
- D. Any administrative decision issued by the Director, can be appealed to the City Hearing Examiner, as stated in SMC 15.115.020, Appeal Process.

### **15.205.030 Use Chart Guide**

#### **A. About the Use Chart**

The following chart lists all of the permitted and conditional land uses allowed in each zone.

#### **B. How the Use Chart is Organized**

The uses are generally alphabetical within the following category headings:

1. Animals
2. Business Services
3. Civic & Institutional
4. Educational
5. Health & Human Services
6. Manufacturing
7. Motor Vehicles
8. Recreational & Cultural
9. Residential
10. Retail & Commercial
11. Utilities

### C. How to Use the Use Chart

The land uses are listed vertically along the left hand side and the zones are listed horizontally across the top. Each square in the chart shows the following possibilities for the use and the zone:

1. **P:** The use is permitted.
2. **C:** The use is allowed subject to a conditional use permit.
3. If the square is blank, the use is not permitted in that zone.

### D. Additional Standards According to Use

Additional standards that apply to a particular use and zone are noted by number and described in the column on the far right of the chart. If the standard is not preceded by a number, the standard applies to all zones.

### E. Zone Abbreviations

1. UL – Urban Low Density Residential
2. UM - Urban Medium Density Residential
3. UH – Urban High Density Residential
4. UH-UCR – Urban High-Urban Center Residential
5. T - Townhouse
6. MHP – Mobile Home Park
7. NB - Neighborhood Business
8. O/C/MU – Office/Commercial/Mixed Use
9. O/CM – Office/Commercial Medium
10. CB - Community Business
11. CB-C - Community Business in the Urban Center
12. ABC - Aviation Business Center
13. BP –Business Park

14. I - Industrial

15. P - Park

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**15.205.040 Use Chart**

**ZONES:**

- UL-Urban Low**
- UM-Urban Medium**
- UH-Urban High**
- UH-UCR-Urban High-Urban Center**
- T-Townhouse**
- MHP-Mobile Home Park**
- NB-Neighborhood Business**

- O/C/MU-Office/Commercial/Mixed Use**
- O/CM-Office/Commercial**
- CB-Community Business**
- CB-C-Community Business in the Urban Center**
- ABC-Aviation Business Center**
- BP-Business Park**
- I-Industrial**
- P-Park**

P-Permitted Use; C-Conditional Use Permit required

LAND USE	UL	UM	UH	UH-UCR	T	MHP	NB	O/C/MU	O/CM	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
<b>ANIMALS</b>																
Butterfly/ Moth Breeding							P			P	P	P		P		
Kennel/ Cattery							P			P	P			P		
Stables	P(1)														P	(1) Permitted only in an adopted Equestrian Special District Overlay.
Veterinary Clinic							P	C	P(1)	P	P	P(2)		P		(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
<b>BUSINESS SERVICES</b>																
Airport Support Facility												P				
Cargo Containers	P	P	P	P	P	P	P	P	P	P	P(3)	P	P(1)	P	P	See SMC Ch. X, Cargo

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
	(1,2)	(1,2)	(1,2)	(1,2)	(1,2)	(1,2)	(1,2)	(1,2)	(1,2)						(1,2)	Containers.  (1) Permitted as accessory to primary use.  (2) Not permitted as accessory to dwelling units.  (3) Not to be used for <u>distribution/warehouse</u> as the primary use of property.
Commercial /Industrial Accessory Uses							P		C	P	P	P		P		
Conference/ Convention Center							P		P	P	P	P	C(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Construction/ Trade									C	C	C	P(1)		P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Distribution Center/ Warehouse							C		C	C		P	P	P		
Equipment Rental, Large												C		P		
Equipment Rental, Small							C		P(1)	P	P			P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Equipment Repair, Large														P		
Equipment Repair, Small							P		P(1)	P	P	P(2)		P		(1) Permitted only as part of a mixed used development, as described in

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																(2) Permitted only as accessory to primary used not to exceed 20% of total square footage of building(s).
Helipad/ Airport and Facilities														P		
Landscaping Business										P	P	P	P	P		
Professional Office			P	P			P	P	P	P	P	P	P(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Storage, Self-Service										P	P	C	P	P		
Truck Terminal									C	C		P(1)		P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
<b>CIVIC &amp; INSTITUTIONAL</b>																
Cemetery		C	C	C			C			P	P	P			C	
City Hall	P	C	C	C				P	P	P	P	P	C			
Court								P	P	P	P	P	C(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Fire Facility	C	P	P	P			P	P	P	P	P	P	P	P	P	
Funeral Home/ Crematory							P		P(1)	P	P	P(2)		P	C	(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Police Facility	C	P	P	P			P	P	P	P	P	P	P	P	P	
Public Agency Office			P	P			P	P	P	P	P	P	C(1)	P		(1) Permitted as accessory to primary use not to



LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																exceed 20% of total square footage of building(s).
Public Agency Yard								C	C	P	P	C	C	P		
Public Archives							C	P	P	P	P	P	C	P	C(1)	(1) Limited to existing structures.
Social Service Office			C	C			P	P	P	P	P	P	C(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
<b>EDUCATIONAL</b>																
College/ University	C	C	C	C				P(1)	P	P	P	P	C			
Elementary/Middle School	C	C	C	C								C				
High School	C	C	C	C			P			C	C	C				
Specialized Instruction School	P (1,2) C(3)	P (1,2) C(3)	P (1,2) C(3)	P (1,2) C(3)			P	P(4)	P(4)	P	P	P	C	P		(1) Limited to 3 students per day.  (2) Permitted as a subsidiary use, subject to criteria in SMC Ch. X, Subsidiary Uses.  (3) Permitted as a minor conditional use, subject to criteria in SMC 15.22.030(E).  (4) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Vocational/Technical School							C	P(1)	P(1)	P	P	C	C	C		(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
<b>HEALTH &amp; HUMAN SERVICES</b>																

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
Crisis Diversion Facility (CDF)												C		C		Subject to a Conditional Use Permit (CUP) and Essential Public Facility (EPF) siting process.
Crisis Diversion Interim Facility (CDIF)												C		C		Subject to a Conditional Use Permit (CUP) and Essential Public Facility (EPF) siting process.
Day Care I	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P (1,2)	P (1,2)			P (1,3)	P(1)			See SMC Ch. X Day Care Facilities  (1) If family day care providing in-home care, regulations in SMC 15.xxx.xxx apply.  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (3) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Day Care II	C(1)	P	P	P		C	P	P(2)	P(2)	P	P	P				(1) Permitted as a minor conditional use, subject to criteria in SMC 15.22.030(E).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Halfway House									C	C	C	C				As part of the CUP process a determination will be made as to whether an

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																essential public facility (EPF) siting process is needed. See SMC 15.22.035. These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.
Hospital							P		C	P	P	P	P			
Medical Dental Lab			C	C			P	P	P	P	P	P	P	P		
Medical Office/ Outpatient Clinic			P	P			P	P	P	P	P	P	P	P		
Miscellaneous Health							P	C	C	P	P	P	C			
Opiate Substitution Treatment Facility										C	C	C	C	C		Subject to a Conditional Use Permit (CUP) and Essential Public Facility (EPF) siting process.
Overnight Shelter	P(1)	P(1)	P(1)	P(1)			P(1)		P(1) C(2)	P(1) C(2)	P(1) C(2)	P(1) C(2)				(1) Permitted as accessory to religious use facility, providing operating plan is approved ensuring there are no significant traffic or noise impacts to neighbors, and that health and safety standards are met.  (2) As part of the CUP process a determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC 15.22.035. These requirements shall not be construed to limit the

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																appropriate use of schools and other facilities for emergency shelters in disaster situations.
Secure Community Transition Facility									C	C	C	C	C	C		Subject to a Conditional Use Permit (CUP) and Essential Public Facility (EPF) siting process.
Transitional Housing			C	C					C	P	P	P				Must have adequate on-site and program management, and and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.
<b>MANUFACTURING</b>																
Aerospace Equipment													P	C		
Apparel/ Textile Products										C	C			P		
Batch Plants														C		Cement batch plants are prohibited.
Biomedical Product Facility												P	P	P		
Chemical/ Petroleum Products														P		
Commercial/Industrial Machinery														P		
Computer/ Office Equipment												C	P	P		

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
Electronic Assembly												C	P	P		
Fabricated Metal Products														P		
Food Processing							P		C	P	P		C	P		
Furniture/ Fixtures													P	P		
Laboratories, Research, Development & Testing							C		C	C	C	P	P	P		
Manufacturing, Light Misc.													P	P		
Micro-Winery/ Brewery								C(1)	P(1)	P	P	P(1)	C	P		(1) Micro wineries and breweries shall have a retail section
Off-Site Hazardous Waste Treatment and Storage Facilities														C		Must comply with RCW 70.105.210.
Paper Products														P		
Primary Metal Industry														P		
Printing/ Publishing										P	P	C	C	P		
Recycling Processing														C		
Rubber/ Plastic/ Leather/ Mineral Products														P		
Textile Mill										C				P		
Wood Products													C	P		(1) Minimum lot size of 5 acres.
<b>MOTOR VEHICLES</b>																
Auto/Boat Dealer									C(1)	P	P			P		(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Auto Service Center							P			P	P	P(1)		P		(1) Permitted as accessory to primary use not to exceed 20% of total square

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																footage of building(s).
Auto Supply Store							P	P(1)	C(1)	P	P			P		(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Auto Wrecking														C		
Commercial Marine Supply							C			P	P		P	P		
Electric Vehicle Infrastructure	P(1)	P(1)	P(2)	P(1)	P(1)	P(1)	P	P(3)	P	P	P(1)	P	P(3)	P	P(1)	(1) Restricted electric vehicle charging stations only  (2) Battery charging stations only, limited in use only to the tenants or customers of the development located on site.  (3) Accessory to primary use not to exceed twenty percent (20%) of primary use.
Fueling/ Service Station							P			P	P			P		See SMC Ch. X, Fueling/ Service Stations
Mobile Refueling Operations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See SMC Ch. X, Fueling/ Service Stations & See SMC Ch. X, Mobile Refueling.
Public/Private Parking							C		C(1)	P	P	P		P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Tire Retreading														P		
Towing Operation														C		
Vehicle Rental/Sale									C(1)	P	P	P(1)		P		(1) Permitted as accessory to primary use not to

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																exceed 20% of total square footage of building(s).
Vehicle Repair, Large																
Vehicle Repair, Small							C			P	P			P		
<b>RECREATIONAL &amp; CULTURE</b>																
Amusement Park									C	C	C		C		C(1)	(1) Site must be adjacent to an improved arterial.
Community Center		C	C	C			P	P	P	P	P	P(1)			P	(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Drive-In Theater										P						
Golf Course	C									C			P		P	
Health Club			C(1)	C(1)			P	P	P	P	P	P	P	P(1)		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Library	P	P	C	C			P	P	P	P	P	P	C			
Museum		C	C	C			P	P	P	P	P	P	C			
Nonprofit Organization	P(1) C(2)	P(1) C(2)	P	P			P	P	P	P	P	P			P(1) C(2)	(1) Permitted as subsidiary use, subject to criteria in SMC Ch. X, Subsidiary Uses.  (2) Permitted as a minor conditional use, subject to criteria in SMC 15.22.030(E).
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Center	P(1)	P(1)	P(1)	P(1)			C	P	P	P	P	P(2)	P(3)	P	P	(1) The hours to conduct outdoor activities may be limited dependent on their location relative to adjacent residential properties. Such activities may be limited due to potential noise impacts, activities between

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																<p>the hours of 10:00 p.m. to 8:00 a.m. or lightning that cannot be screened that would cast glare on adjacent residents.</p> <p>(2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p> <p>(3) Site must be adjacent to an improved arterial.</p>
Religious Use Facility	P(1) C(2)	P(1) C(2)	P	P	C		P	P	P	P	P	P	P(3)		P(1) C(2)	<p>(1) Permitted as a subsidiary use, subject to criteria in SMC Ch. X, Subsidiary Uses.</p> <p>(2) Permitted as a minor conditional use, subject to criteria in SMC 15.22.030(E).</p> <p>(3) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p>
Religious Use Facility Accessory	C (1,2)	C (1,2)	C(2)	C(2)	C(1)		P(2)	P	P(2)	P	P(2)	P(2)			C	<p>(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p> <p>(2) May include an overnight shelter, not to exceed 20% of total building square footage, providing an operating plan is approved ensuring there are no significant traffic or noise impacts to neighbors,</p>



LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																and that health and safety standards are met.
Sports Club	P(1) C(2)						C			P	P	P		P		(1) Permitted as a subsidiary use, subject to criteria in SMC Ch. X, Subsidiary Uses. (2) Permitted as a minor conditional use, subject to criteria in SMC 15.22.030(E).
Stadium/Arena									C	C	C		P	C	C	
<b>RESIDENTIAL</b>																
College Dormitory						C	P(1)	P	P	P	P	P	P			(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Duplex		P	P	P	P											Duplexes are only permitted as part of a townhouse development in all zones.
Dwelling Unit, Caretaker/ Manager										P	P	P				
Dwelling Unit, Detached	P(1)	P(1)	P	P												(1) Efficiency unit permitted within primary dwelling, not to exceed 25% of gross square feet of dwelling.
Manufactured /Modular Home	P	P				P										See SMC Ch. X, Mobile, Manufactured, and Modular Home Standards.
Mobile Home						P										See SMC Ch. X, Mobile, Manufactured, and Modular Home Standards.
Mobile Home Park	C	C	C	C		P										See SMC Ch. X, Mobile, Manufactured, and Modular Home Standards.

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
Multi-Family		P	P	P(1)			C	P(3)	P(2)	P(2)	P(2)	C(2)				<p>(1) For new development and redevelopment for residential projects, at least 50% of the building's ground floor shall be retail, service, or commercial use as described in SMC 15.13.107.</p> <p>(2) Ground floor uses must be retail, service or commercial uses as described in SMC 15.13.107.</p> <p>(3) Permitted as part of a mixed use development, as described in SMC 15.35.620, and arranged on site as described in SMC 15.35.610.</p>
Townhouse																See SMC Ch. X, Townhouse Development Standards.
<b>RESIDENTIAL, RETIREMENT &amp; ASSISTED LIVING</b>																
Assisted Living Facility																
Community Residential Facility I																See SMC Ch. X, Community Residential Facilities Standards.
Community Residential Facility II																<p>See SMC Ch. X, Community Residential Facilities Standards.</p> <p>(1) Permitted as part of a mixed use development, as described in SMC</p>

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																15.35.610.
Continuing Care Retirement Community			P	P			C	P	P	P	P					
Convalescent Center/ Nursing Home			P	P			P		P	P	P	P				
Retirement Apartments		P	P	P			C	P	P	P	P					
<b>RESIDENTIAL, ACCESSORY</b>																
Accessory Dwelling Unit	P	P														See SMC Ch. X, Accessory Dwelling Unit.
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P(1)	P(1)		See SMC Ch. X, Home Occupations  (1) Only where dwellings are present.
Shed/Garage	P	P	P	P	P			P								See SMC Ch. X, Accessory Structures
Tent Structure	P															See SMC Ch. X, Accessory Structures
Tent Structure, Canopy	P															See SMC Ch. X, Accessory Structures
<b>RETAIL &amp; COMMERCIAL</b>																
Agricultural Crop Sales (Farm Only)	P(1)						P			P	P	P		P		(1) No permanent retail sales structures permitted. Retail sales allowed on a seasonal basis for no more than 90 days in a calendar year. Wholesale sales permitted year round only for products produced/grown on site.
Antique/ Secondhand Store							P	P(1)	P(1)	P	P					(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
Apparel/ Accessory Store								P(1)	P	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Arcade (Games/Food)			P(1)	P(1)			P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		P	(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Beauty Salon/ Personal Grooming Service			C(1)	C(1)			P	P(2)	C(2)	P	P	P				(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Coffee Shop/ Retail Food Shop			P(1)	P(1)			P	P(2)	P	P	P	P	P(3)			(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Department/ Variety Store							P	P(1)	P(1)	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																to primary use not to exceed 20% of total square footage of building(s).
Drug Store							P	P(1)	P(1)	P	P	P	P(2)			(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Dry Cleaner			P (1,2)	P (1,2)			P	P(1)	P(1)	P	P	P(2)	P(1)			(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Espresso Stand			P(1)	P(1)			P	P(2)	P	P	P	P	P	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Fabric Store								P(1)	P(1)	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																exceed 20% of total square footage of building(s).
Financial Institution							P	P	P	P	P	P	C(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Florist Shop			P (1,2)	P (1,2)			P	P(2)	P(2)	P	P	P(3)				(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (3) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Food Store			P(1)	P(1)			P	P(2)	P(2)	P	P	P(3)				(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (3) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Forest Products							P(1)		P(2)	(P1)	P(1)			C(3)		(1) Temporary forest product sales related to holidays. Merchandise

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																limited to Christmas trees, wreaths, herbs and associated decorations.  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (3) Forest product related businesses shall provide the following: a. Minimum of 10 acres; b. Access to major arterial; and c. Minimum 30 foot buffers around the perimeter of property (Type II landscaping).
Furniture Store								P(1)	P	P	P					(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Hardware/Garden Material							P	P*(1)	P*(2)	P*						* See Chapters 15.13 and 15.35 SMC for additional development standards  (1) Permitted as part of a mixed use development, as described in SMC 15.13.610.  (2) Permitted as part of a mixed use development
Hobby/Toy Store							P	P(1)	P(1)	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																(2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Jewelry Store							P	P(1)	P(1)	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Laundromat		P (1,2)	P	P			P			P	P		P(2)	P		(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Liquor Store								C	P	P	P					
Media Material			P (1,2)	P (1,2)			P	P(2)	P	P	P	P(3)				(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (3) Permitted as accessory to primary use not to exceed 20% of total square



LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																footage of building(s).
Other Retail Uses							C	C	P	P	P	C				
Pet Store								P(1)	P(1)	P	P	P(2)				<p>(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.</p> <p>(2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p>
Photographic and Electronic Store							P	P(1)	P(1)			P(2)				<p>(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.</p> <p>(2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p>
Produce Stand							P		C	P	P	P	C	P		No more than twenty-five percent (25%) of the gross floor area of the produce stand shall be used for the sale of incidental or accessory uses.
Restaurant			C (1,2)	C (1,2)			P(2)	P (2,3)	P(3)	P	P	P	P(1)	P		<p>(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).</p> <p>(2) No drive-through facilities allowed.</p> <p>(3) Permitted as part of a mixed use development, as described in SMC</p>

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/ MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
																15.35.610.
Restaurant, Fast Food			C(1)	C(1)			P	P(2)	P(2)	P	P	P	P(1)	P		(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).  (2) Permitted as part of a mixed use development, as described in SMC 15.35.610.
Sexually-Oriented Business										C	C	C		C		See SMC Ch. X, Sexually-Oriented Business.
Sporting Goods and Related Stores								P(1)	P(1)	P	P	P(2)				(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.  (2) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Tavern							P(1)	C	P	P	P					(1) Small resident-oriented use only, not to exceed 2,000 square footage of building(s).
Theater							P		P	P	P	P(1)	C	P	P(1)	(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).
Wholesale/ Bulk Store								P(1)	C(1)	C	C	C		P		(1) Permitted as part of a mixed use development, as described in SMC 15.35.610.
<b>RETAIL &amp; COMMERCIAL, LODGING</b>																
Bed and Breakfast/ Guesthouse	P	P	P	P			P	P	C							See SMC Ch. X, Bed and Breakfasts.

LAND USE	UL	UM	UH	UH-UC R	T	MH P	NB	O/C/MU	O/C M	CB	CB-C	ABC	BP	I	P	ADDITIONAL STANDARDS
Hostel		C	C	C			P	C	P	P	P	P	C			
Hotel/Motel and Associated Uses			C	C			P	C	P	P	P	P	C			
<b>UTILITIES</b>																
Communications Facility	Mr.-P Mjr.-C	Mr.-P Mjr.-C	Mr.-P Mjr.-C*		Mr.-P Mjr.-C*		Mr.-P Mjr.-C	Mr.-P Mjr.-C*	Mr.-P Mjr.-P*	Mr.-P Mjr.-P*		Mr.-P Mjr.-P*	Mr.-P Mjr.-P*	Mr.-P Mjr.-P		*See Chapters 15.xxx and 15.xxx SMC for additional development standards.
Utility Substation	C	C	C	C			C	C	C	P	P	P	C	P		
Utility Use	C	C	C	C			C	C	C	C	C	P	C	P		
Wireless Communications Facilities	C/P (1)	C/P (1)	C/P* (1)		C/P* (1)	C/P (1)	C/P (1)	C/P* (1)	C/P* (1)	C/P* (1)		C/P* (1)	C/P* (1)	C/P (1)	C/P (1)	*See Chapters 15.xxx and 15.xxx SMC for additional development standards.  (1) See the use charts in SMC 15.xxx.xxx for specifics

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### 15.205.050 Hazardous Waste Use Requirements

- A. On-site hazardous waste treatment and storage activity generating hazardous waste is considered an accessory use to permitted uses within this land use chapter; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- B. Off-site hazardous waste treatment and storage may be permitted as a major conditional use in the industrial (I) zone district; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- C. For the purposes hereof the following terms and definitions shall apply:
  - 1. “Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), except for moderate risk waste as set forth in RCW 70.105.010(17).
  - 2. “Hazardous waste generator” means any person or site whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter 173-303 WAC.
  - 3. “Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.
  - 4. “Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.
  - 5. “Off-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.
  - 6. “On-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property.
  - 7. “State siting criteria” means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70.105.210.

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## **Chapter 15.210**

### **Uses and Standards for the AVO and AVC Airport Zones**

#### **SECTIONS:**

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<b>15.210.005</b>	<b>Purpose</b>
<b>15.210.010</b>	<b>Authority and Application</b>
<b>15.210.020</b>	<b>Administration</b>
<b>15.210.030</b>	<b>Interpretation</b>
<b>15.210.040</b>	<b>Rezoning</b>
<b>15.210.050</b>	<b>Zones and Map Designations Established</b>
<b>15.210.060</b>	<b>AVO/AVC Zone Classification Use Chart</b>
<b>15.210.070</b>	<b>AVO/AVC Zone Classification Standards</b>
<b>15.210.080</b>	<b>Landscape Standards</b>
<b>15.210.090</b>	<b>Design Guidelines</b>
<b>15.210.100</b>	<b>Critical Areas</b>

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#### **15.210.005 Purpose**

The purpose of this chapter is to coordinate the City's zoning with the Port of Seattle's current Master Plan and Comprehensive Development Plan anticipated to be adopted by the Port of Seattle's Commission in 2007; to implement the 2005 Interlocal Agreement (2005 ILA) between the Port of Seattle and the City of SeaTac, dated February 16, 2006; to establish a mutual and cooperative system for exercising their respective statutory authorities; and to standardize the uses and development standards for property along the perimeter of the airport.

#### **15.210.010 Authority and Application**

The provisions of this chapter shall apply to the uses and development standards for Port-owned property within the City of SeaTac, and related to either aviation operations or aviation commercial uses, as specified in the 2005 ILA.

#### **15.210.020 Administration**

The City shall administer this chapter consistent with the terms of the 2005 ILA and other City ordinances.

#### **15.210.030 Interpretation**

- A. Where changes are proposed to or uncertainties exist as to the location of the zone boundaries or other provisions of this chapter, the procedures contained in the 2005 ILA regarding joint consultation and/or dispute resolution shall apply.

- B. For proposed developments that are not listed as “permitted” in the zone classification use chart of this chapter, the provisions of this title shall apply, except as otherwise stated in the 2005 ILA.

**15.210.040 Rezoning**

Except as specified in the Interlocal Agreement (2005 ILA), the proposed rezoning of property under this chapter shall be subject to the provisions of this title.

**15.210.050 Zones and Map Designations Established**

In order to accomplish the purposes of the code, the following zone classifications and zoning map symbols are established:

Zone	Map Symbol
Aviation Operations	AVO
Aviation Commercial	AVC

- A. Aviation Operations (AVO). The purpose of this zoning designation is to provide for safe and efficient commercial aviation operations and support, together with security, access, the needs and convenience of the traveling public, and the handling of air cargo. Note: those properties in the aviation operations zone that were formerly designated “Business Park” as indicated on map Attachment A-6 of the 2005 ILA are subject to certain development standards as provided for in Attachment A-4 of the 2005 ILA.
- B. Aviation Commercial (AVC). The purpose of this zoning designation is to allow for development that provides support to operations of the airport, the traveling public, and air cargo, and for other development that provides economic benefit to the airport and the City of SeaTac while maintaining compatibility with airport operations and activities. Note: those properties in the aviation commercial zone that were formerly designated “Business Park” as indicated on map Attachment A-6 of the 2005 ILA are subject to certain development standards as provided for in Attachment A-4 of the 2005 ILA.

### 15.210.060AVO/AVC Zone Classification Use Chart

If this chart does not specify that a proposed land use is permitted, then the proposed land use shall be considered a prohibited land use within the airport zones. This chart may be amended in accordance with the provisions of the 2005 ILA.

Land Use		Zone Classifications	
		AVO	AVC
1	Access, Parking, Transfer and Holding Areas, Intermodal Connections for Public Transit, High Capacity Transit, Buses, Taxis, Shuttles, and Other Forms of Transportation	P	P
2	Aids for Airport and Aircraft Operations	P	P
3	Air Cargo Aircraft Loading and Unloading	P	
4	Air Cargo Warehousing and Customer Service Facilities	P	P
5	Aircraft Fueling Systems	P	
6	Aircraft Ramp and Parking Areas	P	
7	Aircraft Run-Up Areas	P	
8	Airfield Control Towers and FAA Air Traffic Control Facilities	P	
9	Airfield Crash/Fire/Rescue (ARFF) Facilities, Including Staff Quarters and Offices	P	
10	Airfield Infrastructure	P	P
11	Airfield Lighting	P	
12	Airfield Security Facilities such as Fencing, Gates, and Guard Stations	P	P
13	Airfield Service Roads and Access Improvements to those roads	P	P
14	Airport Access Roadways	P	
15	Aviation, Communication and Landing	P	
16	Communications Equipment, if Directly Related to the Operation of the Airport	P	P
17	Controlled Storage of Hazardous Wastes Generated by Permitted Uses and Temporarily Stored Prior to Disposal in Accordance with Federal and State Regulations	P	
18	Designated Airfield Safety Areas, Clear Zones and Runway Protection Zones	P	P
19	Employee Support Facilities Such as Cafeterias, Locker Rooms, Rest Areas, Restrooms and Exercise Areas Directly Related to the Operation of the Airport	P	P
20	Facilities for the Maintenance of Aircraft	P	
21	Facilities for the Maintenance of Airline Equipment	P	
22	Facilities for the Maintenance of Airport and Airfield Facilities	P	P(4)
23	Flight Kitchens Directly Related to the Operation of the Airport	P	P(4)
24	Hotel Facilities, Convention and Conference Facilities	P(1)	P(4)
25	Infrastructure and Utilities Serving Uses Permitted in Other Zones or Areas	P	P
26	Inter/Intra Terminal Transfer Facilities for People Baggage, and Cargo	P	P
27	Meteorological Equipment	P	
28	Offices and Work and Storage Areas for Airline and Aviation Support	P	P
29	Other Aviation Activities or Facilities Whose Location Within the AVO Zone is Fixed by FAA Requirements	P	
30	Other Aviation Activities or Facilities Whose Location Within the AVO Zone is Fixed by FAA Requirements Related to the Operation of the Airport		P
31	Other Uses Not Directly Related to the Operation of the Airport		P(5)

Land Use		Zone Classifications	
		AVO	AVC
32	Parking and Storage for Airline and Airfield Ground Service Equipment (GSE); Provided, that Parking and Storage for Heavy Equipment (e.g., Fuel Trucks, Runway Snowplows) Shall Be Permitted Only in the AVO Zone and is Directly Related to the Operation of the Airport.	P(2)	
33	Parking and Storage for Airfield Ground Service Equipment (GSE)	P	P(2)
34	Parking for Employees Directly Related to the Operation and Construction of the Airport	P	P
35	Parking Facilities Immediately Adjacent and Providing Direct Physical Access to Passenger Terminal Facilities	P	P
36	Parking (Commercial) NOT Connected to the Airport		P
37	Passenger Terminal Facilities, Including Passenger and Baggage Handling, Ticketing, Security Checkpoints, Waiting Area, Restrooms, Aircraft Loading Gates, Restaurants, Conference Facilities, Newsstands, Gift Shops, and Other Commercial Activities Providing Goods and Services for the Traveling Public.	P	
38	Passenger Vehicle Rental, Including Parking, Service and Preparation, and Customer Facilities to be Owned and Operated by the Airport	P	
39	Public Parks, Trails, and Viewpoints	P(3)	P(3)
40	Public Transportation Facilities Related to the Operation of the Airport	P	
41	Public Transportation Facilities (to be Owned and Operated by Another Agency)	P	P
42	Reasonable Accessory Office and Staff Facilities Independent of Uses Permitted in the Zone, if Such Uses are NOT Directly Related to the Operation of the Airport		P
43	Reasonable Accessory Office and Staff Facilities Independent of Uses Permitted in the Zone, if Such Uses are Directly Related to the Operation of the Airport	P	P
44	Retail Sales Inside Air Operations Area (AOA)	P	
45	Retail Sales Outside AOA, Airport Controlled Safety Areas and Airport-Operated Facilities		P
46	Roadways and Public Transportation Facilities that Provide Access to the Airport for its Customers, Commercial Vehicles and Ground Transportation Services	P	P
47	Runways, Taxiways, and Safety Areas	P	
48	Those Clean Light Industrial and Manufacturing Facilities Permitted in the City's BP Zone as it Existed on the Date of the 1997 Interlocal Agreement		P(5)
49	Utilities Serving Uses Permitted in the Zone	P	P
50	Warehousing and Distribution Facilities, Excluding Truck Terminals, with Direct Airfield Access, or Delivery to Secure Area of the Airport		P
51	Warehousing and Distribution Facilities, Excluding Truck Terminals		P
52	Wholesale Sales and Distribution Facilities		P



- (1) Limited to hotel facilities immediately adjacent and providing direct physical access to passenger terminal facilities.
- (2) Provided that maintenance of heavy equipment (e.g., fuel trucks, runway snowplows) SHALL BE permitted only in the AVO zone and is directly related to the operation of the airport.
- (3) The following special conditions shall apply to any AVO and AVC zone areas which are designated for public access parks, trails, or viewpoints:
  - Public access or recreational uses shall be limited as necessary to assure compatibility with airport and aviation activities. If use of Port-owned property by the public for access and recreation is permitted, it shall be considered compatible with airport operations, including noise and other impacts, and shall not establish a recreation use or other public activity under the U.S. Department of Transportation 4(f) provisions.
  - Public use and access shall be generally of low intensity. Density guidelines for numbers of people may be established by the Port and FAA, with input from the public and City of SeaTac.
  - Public use and access shall be subject to the requirements and needs of airport and aviation activities, including security, as determined by the Port and/or the FAA.
- (4) Permitted use only if approved by the City Council, on a case-by-case basis.
- (5) Permitted on a case-by-case determination by the Port and City per the 2005 Interlocal Agreement.

### **15.210.070 AVO/AVC Zone Classification Standards**

Development standards for setbacks, setback projections, lot coverage, height restrictions, parking, signage, illumination, transportation, and noise shall be covered under the 2005 ILA as specified in Attachment A-4 – “Development Standards for Port Projects Affecting the City of SeaTac.”

### **15.210.080 Landscape Standards**

Landscape design standards for projects within the AVO and AVC shall comply with the Port’s 2006 Seattle-Tacoma International Airport Landscape Design Standards (STIA) as described in the 2005 ILA, Attachment A-4, pages nine through 14.

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### **15.210.090 Design Guidelines**

All development within the AVO and AVC zones are subject to the design standards as specified in the 2005 ILA under “Design Standards,” Attachment A-4, pages four through eight, and Seattle-Tacoma International Airport Landscape Standards found in the 2005 ILA, Attachment A-4, “Landscaping,” pages 10 through 15, except that City of SeaTac design standards as listed under SMC 15.13.111(G), Design Standards, shall also apply to all properties formerly designated as “Business Park” as provided for in Attachment A-4 of the 2005 ILA..

If either the Port or the City believe the standards in Attachment A-4 of the 2005 ILA are not satisfied, then “joint consultation” shall take place under Section 2.2.2, subject to more specific requirements for the Port Master Plan and Comprehensive Development Plan (CDP) Projects on Port Property in Section 2.2.1.6.

### **15.210.100 Critical Areas**

The City’s critical area regulations and standards shall apply to Port projects. However, the City’s critical area provisions shall not apply to the third runway or other portions of the Port Master Plan projects as follows: (A) wetland mitigation being done in Auburn, Washington; (B) Miller Creek stream location as shown in the Port’s Section 404 Corps Permit Application; and (C) for the Port Master Plan projects not eligible for joint consultation as shown in the 2005 ILA, Attachment A-1, the Port shall implement the mitigation measures set forth in the Master Plan Final EIS and Final Supplemental EIS (as set forth in the 2005 ILA, Attachment A-5), and the City’s critical area regulations (including flood plains, seismic hazards, erosion and vegetation) shall not apply so long as those mitigation measures are implemented. The City’s standards and regulations shall be flexibly applied or modified on a case-by-case basis to recognize federal regulations, circulars or similar provisions affecting airports or the special circumstances presented by the operation of an airport. If the Port and City disagree on the critical area standards, then dispute resolution under Section 13 of the 2005 ILA shall apply.

## **Chapter 15.215**

### **Planned Unit Development (PUD)**

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**SECTIONS:**

- 15.215.010 Purpose**
- 15.215.020 Initiation of Project – Application**
- 15.215.030 Procedure for Approval**
- 15.215.040 Phased Development**
- 15.215.050 Combined Applications**
- 15.215.060 Preliminary Development Plan – Filing Requirements**
- 15.215.070 Preliminary Development Plan – Staff Recommendation to the Hearing Examiner**
- 15.215.080 Preliminary Development Plan – Hearing**
- 15.215.090 Preliminary Development Plan – Hearing Examiner Review**
- 15.215.100 Preliminary Development Plan – City Council Review**
- 15.215.130 Final Development Plan – Failure to File, Termination**
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- 15.215.170 Final Development Plan – Hearing Examiner Recommendation**
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- 15.215.390 Building Height**
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  - 15.215.410 Residential Density Incentives**
  - 15.215.420 Site Coverage**
  - 15.215.430 Off-Street Parking**
  - 15.215.440 Common Walls**
  - 15.215.450 Notice of Public Hearing**
  - 15.215.460 Judicial Review**
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### **15.215.010 Purpose**

A planned unit development (PUD) has the following purpose: to allow a development which would be as good as or better than that resulting from traditional lot-by-lot development, by permitting flexibility in use of open space and in the design and placement of buildings, circulation facilities, and off-street parking areas in order to best utilize sites characterized by special features of geography, topography, size, or shape

### **15.215.020 Initiation of Project – Application**

An application for approval of a proposed planned unit development shall be made to the Department using application forms furnished by the City. The application shall be made by the owner(s) of the parcel(s) intended to be developed as a unit, or the owner's duly authorized agent(s). The ownership of all parcels to be included must join in or be represented in the application

### **15.215.030 Procedure for Approval**

The procedure to be followed for approval of a PUD shall be composed of two (2) steps:

- A. Review of the development plan by the Hearing Examiner who shall make a recommendation to City Council; and
- B. Review of the recommendation of the Hearing Examiner by City Council.

### **15.215.040 Phased Development**

Development of the project may be phased, in which case each complete phase may be processed as one development. A map showing all property owned or controlled by the developer which is contiguous to the development site, or which is within the area determined by the Director, to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of said properties' eventual development through all potential phases, shall be submitted with the application for the first phase. The conceptual plan shall conform to the purposes of this chapter and shall be used by the City to review all phases of the development.

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### **15.215.050 Combined Applications**

In all cases:

- A. An applicant may file a concurrent subdivision application, meeting the requirements of the Subdivision Code which shall be processed concurrently with the PUD application.
- B. The applicant may also file a concurrent rezone application, meeting the requirements of SMC 15.115.700, Zone Reclassification (Rezone), which shall be processed concurrently with the other application(s).

### **15.215.060 Preliminary Development Plan – Filing Requirements**

The applicant shall file a preliminary development plan with the Director, including, at a minimum, the following information:

- A. A legal description and site location map of the property;
- B. A proposed site plan and/or drawings with five (5) foot contour intervals showing the principal topographic contours; individual trees over eight (8) inches in diameter measured three (3) feet above the base of the trunk in areas to be developed or otherwise disturbed; designated placement, location, and principal dimensions of buildings, streets, parking areas, recreation areas and other open space and landscaping areas; and all property within the area determined by the Director, to be relevant for comprehensive planning and environmental assessment purposes; together with a conceptual plan for its development;
- C. Drawing and/or text showing scale, bulk, and architectural character of structures;
- D. Special features;
- E. Text describing conditions or features which cannot be adequately displayed on maps or drawings;
- F. A description of plans for covenants, uses and continuous maintenance provisions for the project;
- G. Names of all property owners within five hundred (500) feet of the exterior boundaries of the subject property, as determined from the records of the County Treasurer, their mailing addresses, the addresses of the parcels within said area if different from the owner's mailing address, and preaddressed, pre-stamped envelopes for the mailing of notice as required by SMC 15.115.015(M), Procedural Notice Requirements;
- H. A conceptual landscape plan;

- I. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the PUD, and to and from existing and programmed thoroughfares; and special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern

### **15.215.070 Preliminary Development Plan – Staff Recommendation to the Hearing Examiner**

After receiving the preliminary development plan, the Director, shall route the same to all appropriate City departments, and each department shall submit to the Director, comments and recommendations. After receiving such information from the City departments, the Director shall present recommendations and conclusions before the Hearing Examiner at the public hearing for the preliminary development plan.

### **15.215.080 Preliminary Development Plan – Hearing**

The preliminary development plan will be considered at a public hearing before the Hearing Examiner after notice is given in the manner required by SMC 15.120.450, Notice of Public Hearing.

### **15.215.090 Preliminary Development Plan – Hearing Examiner Review**

The Hearing Examiner shall use the following minimum criteria when making a recommendation to City Council:

- A. The proposed project will not be detrimental to present and potential surrounding land use;
- B. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible;
- C. Streets and sidewalks, existing and proposed, are in accordance with adopted City development standards to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in SMC 15.120.340, Access to Development;
- D. Utility services and other improvements, existing and proposed, are adequate for the development and are to be completed by the estimated completion date of the PUD;
- E. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment. Such requirements may be reduced through requested permissive variations as outlined in SMC 15.120.360, Permissive Variations in Requirements; provided, that the proposed development sustains a desirable and stable environment;

- F. The project conforms with the basic intent of this code;
- G. The project conforms to the SeaTac Comprehensive Plan, and any applicable area plan that has been adopted by the City pursuant to ordinance or resolution; and
- H. If a subdivision application is being processed concurrently, conformance with the requirement of the Subdivision Code.

Following the public hearing, the Hearing Examiner may recommend approval as proposed, recommend approval with changes and/or upon conditions, or disapprove the application and the accompanying development plan.

### **15.215.100 Preliminary Development Plan – City Council Review**

- A. The Hearing Examiner shall make his recommendation to the City Council within thirty (30) days of the hearing.
- B. The Hearing Examiner’s recommendation shall be considered by the City Council at a public meeting, or, at the request of City Council, a public hearing with notice given as provided in SMC 15.120.450, Notice of Public Hearing, may be held. After consideration of the recommendation, the City Council shall:
  - 1. Approve the preliminary development plan as recommended;
  - 2. Approve the preliminary development plan as recommended with minor modifications;
  - 3. Deny the plan; or
  - 4. Remand the plan for reconsideration by the Hearing Examiner.

The City Council shall not approve a major change in the plan as recommended by the Hearing Examiner without first holding a public hearing upon the plan with notice given as provided in SMC 15.120.450, Notice of Public Hearing.

- C. Approval shall be by resolution.
- D. The City Council shall base its action upon criteria set forth in SMC 15.120.090, Preliminary Development Plan – Hearing Examiner Review.
- E. The decision of the City Council shall be final.

### **15.215.130 Final Development Plan – Failure to File, Termination**

- A. In the event the development plan or any required attendant papers are not filed within twelve (12) months for permits in the applicable phases, the approval of the

development plan shall lapse, and the approval shall be deemed null and void and without force or effect.

- B. When it is determined as part of the PUD approval that the development plan is to be phased, then the development plan for the first phase must be submitted within twelve (12) months. In no case shall the total phasing of the project exceed five (5) years from the time of the development plan.
- C. The time period for filing of final development plans shall not include periods of time during which progress on the final development plan is reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the City pursuant to this chapter; provided, that in all cases when more than two (2) years have elapsed subsequent to the date of approval of a preliminary plan, whether due to the pendency of litigation, City approved extensions of time for filing or otherwise, the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the City prior to being granted approval of the final development plan.

#### **15.215.140 Final Development Plan – Extension of Time for Filing**

For good cause shown, the City Council in its discretion, may grant a one (1) year extension of time for filing the final development permits and required accompanying papers.

#### **15.215.170 Final Development Plan – Hearing Examiner Recommendation**

After the public hearing, the Hearing Examiner shall recommend approval, approval with conditions, or disapproval of the final development plan. The Hearing Examiner shall enter reasons for such action in the records. The Hearing Examiner shall recommend approval of the final development plan if determined that it conforms to the standards, including minor changes approved pursuant to SMC 15.120.270, Adjustment – Procedures. For the purpose of this section, “substantially conforms” means that, as compared to the preliminary development plan, the final development plan contains no significant revisions in density, uses, design or development standards in the site plan, and that there is not such a quantity of insignificant revisions that the cumulative effect thereof constitutes, in the Hearing Examiner opinion, a significant revision.

#### **15.215.180 Final Development Plan – City Council Consideration**

The final development plan, together with the Hearing Examiner recommendation thereon, shall be transmitted to the City Council within thirty (30) days of the Hearing Examiner making a recommendation. The City Council shall consider the final development plan and the Hearing Examiner recommendation at a regular meeting or at its discretion may hold a public hearing thereon, with notice to be given as provided in SMC 15.120.450, Notice of Public Hearing. The City Council shall approve the final development plan by ordinance if it determines that the plan substantially conforms to the standards. For purposes of this section, “substantially conforms” means that, as compared to the approved preliminary development plan, the final development



plan contains no significant revision in density, uses, design or development standards in the site plan, and that there is not such a quantity of insignificant revisions that the cumulative effect thereof constitutes, in the opinion of the City Council, a significant revision.

### **15.215.190 Final Development Plan – Bond Required**

No final development plan shall be implemented until the applicant files with the City Finance Department a bond approved by the City, executed by a surety company authorized to do business in the State or other equivalent security approved by the City Attorney, in an amount equal to one hundred fifty percent (150%) of the Department's estimate of the cost of all public improvements, utilities, and all landscaping portions of the final development plan, conditioned upon the permittee's completion of such portions of the project according to the submitted final development plan and the provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on bond. Said bond, or an additional bond or other equivalent security, shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the City, it will better serve the public health, welfare, and safety to restore the site rather than to require completion of public improvements, utilities and landscaping. If the PUD is also being subdivided, the bonds required to be posted by the Department policies/standards, to the extent that they satisfy the requirements of this section, shall be accepted as full or partial fulfillment of the requirements hereof.

### **15.215.200 Installation of Improvements**

In lieu of providing a bond or other suitable security for all required improvements, the applicant may install all such improvements in a manner as approved by the Department.

### **15.215.210 Final Development Plan – Effect**

Approval by the City Council of the final development plan for a PUD and filing of the bond for installation of improvements as provided in SMC 15.230.190, Final Development Plan – Bond Required, and 15.230.200, Installation of Improvements, shall authorize the owner(s) of the parcel(s) to be developed as a unit to proceed with the project, acting in concern, and shall bind such owner(s) to the implementation of such final development plan and to the construction and maintenance of the PUD in strict accordance with such approved plan and the provisions of this chapter.

### **15.215.220 Zoning Map Revision**

Upon approval of the final development plan the Official Zoning Map shall be revised to:

- A. Reflect the existing underlying zoning for the parcel(s) involved; and
- B. Indicate the approval of a PUD thereon, the date of such approval and the date of termination of such approval pursuant to SMC 15.230.280, Termination of Final Planned Unit Development – Failure to Commence or Continue Construction, in the

event that construction has not been commenced within the time period required by that section. The termination date shall be removed upon completion of the project.

### **15.215.230 Building Permits – Certificates of Occupancy**

The Building Official shall issue building permits for buildings and structures which conform to the approved final development plan for the PUD and with all other applicable City ordinances and regulations. The Building Official shall issue a certificate of occupancy (excluding single-family housing, with final inspection as the completion point) for completed buildings or structures which conform to the requirements of the approved final development plans and all other applicable City ordinances and regulations. The construction and development of all the open spaces and public and recreation facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued

### **15.215.240 Subdivision Requirements**

The approval of a subdivision shall be required of all projects which involve or contemplate the subdivision of land and the procedures set forth in the SeaTac Subdivision Ordinance, and shall be followed currently herewith. The approved final development plan shall be a binding site plan under RCW 58.17.040(5), so that a lease of land not involving a residential structure shall be exempt from the Subdivision Ordinance if the lease conforms to the final development plan.

### **15.215.250 Sale of Lots**

Lots in a platted planned unit development may be sold to separate owners according to the separate lots as shown in the plat file and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line except as provided in SMC 15.230.270, Adjustments – Procedures.

### **15.215.260 Lots Subject to Final Development Plan**

All lots or other divisions of a subdivided PUD shall remain subject to compliance with the final development plan regardless of the fact of subdivision in compliance with the Subdivision Code, or subsequent conveyance of such individual lots or divisions.

### **15.215.270 Adjustments – Procedures**

No major changes in the approved final development plan such as rearrangement of lots (except as applied to binding site plans), blocks, streets, building locations or development standards, or other such changes, may be made subsequent to final development plan approval except upon application to the Department, consideration by the Hearing Examiner, and approval by the City Council.

### **15.215.280 Termination of Final Planned Unit Development – Failure to Commence or Continue Construction**

- A. If the construction has not been started within two (2) years from the date of approval of a final development plan, or if construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted as provided in SMC 15.230.140, Final Development Plan – Extension of Time for Filing, the authorization granted for the PUD project shall terminate and all permits and approval issued pursuant to such authorization shall expire and be null and void.
- B. The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the filing of a pendency of legal action challenging an approval granted by the City pursuant to this chapter; provided, that in all cases, when more than two (2) years have elapsed subsequent to the date of approval of the final development plan whether due to pendency of litigation, City approved extensions of time for development, or otherwise, the permit shall be required to comply with all current building, construction, subdivision and other applicable standards of the City; provided further, that a change in zoning classification enacted subsequent to approval of the final development plan shall not affect the project.

### **15.215.290 Extension of Time for Construction**

For good cause shown, the City Council, in its discretion, may grant a one (1) year extension of time for commencement or continuation of construction subsequent to approval of the final development plan.

### **15.215.300 Applicability of Provisions**

The provisions of this chapter shall apply to all PUD projects for which applications are filed after the effective date of the passage of the ordinance codified in this chapter.

### **15.215.330 Location – Uses Permitted**

- A. PUDs may be located in any zone; provided, that uses permitted in the PUD shall be governed by the regulations of the underlying zoning classification or other generally applicable City regulations governing permitted uses, including special district regulations.
- B. Notwithstanding any other provision of this section, accessory, incidental, retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into a residential PUD; provided, that such accessory incidental uses shall be designed to serve only as a convenience to the inhabitants of the residential PUD; and, provided further, that such accessory uses shall be permitted only in those developments which are planned for four hundred (400) or more dwelling units. Building permits or occupancy permits for such uses shall not be issued until one-half (1/2) of the total project is completed. The access for such uses shall be functionally connected to at least one minor arterial or collector street in the PUD.

- C. For the purposes of this section, “residential planned unit development” means a planned unit development allowing only residential uses, except as provided by this section.

### **15.215.340 Access to Development**

The major internal streets serving each PUD located in the UM or more intensive zone shall be functionally connected to at least one (1) minor arterial or collector street as defined in the SeaTac subdivision ordinance. The streets connecting with any PUD, regardless of the zone in which it is located, must be of sufficient size and character to accommodate the traffic to be produced by the project without significantly altering the character of existing residential neighborhoods. Evaluation of the proposal pursuant to this section shall include consideration of the following criteria:

- A. The increase of traffic which will be generated by the development;
- B. The present width and condition of streets to be affected;
- C. Presence or absence of improved sidewalks;
- D. Potential impacts upon the value of surrounding properties;
- E. Anticipated effect upon availability of parking;
- F. Existence of a particular conflict between vehicular and pedestrian traffic; and
- G. The street type designated in City ordinances.

### **15.215.350 Common Open Space – Requirements**

In residential planned unit developments there shall be a minimum of ten percent (10%) of the site’s gross area of the PUD dedicated or reserved as usable common open space land. “Usable common open space” is defined as where the average slope of all areas is four percent (4%) with no slope greater than six percent (6%) and which may be used for passive or active recreation.

### **15.215.360 Permissive Variations in Requirements**

In considering a proposed PUD project, the approval thereof may involve modifications in the regulations, requirements and standards of the zone in which the project is located and the subdivision ordinance so as to appropriately apply such regulations, requirements and standards to the larger site. In modifying such regulations, requirements and standards as they may apply to a PUD project, the limitations set forth in SMC 15.230.370, Yards, through 15.230.440, Common Walls, shall apply. The applicant shall bear the burden of supporting any change in requirements. The applicant must make a request in writing for a permissive variation at the time of application for a preliminary planned unit development.

### **15.215.370 Yards**

The requirements for front yards for the zone in which the planned unit development is located shall apply to all exterior boundaries of the site except for commercial developments proposing increases in density pursuant to the commercial density incentives set forth in SMC 15.135, Development Incentives.

### **15.215.380 Distance Between Buildings**

The Hearing Examiner shall set minimum distances between structures to assure adequate sunlight and open space; provided, that minimum distances required by the Building Code and Fire Code shall be met.

### **15.215.390 Building Height**

Building height and corresponding setback requirements shall be governed by the requirements of the underlying zone as set forth in this code.

### **15.215.400 Number of Dwelling Units**

For any residential PUD, as defined in SMC 15.230.330, Location – Uses Permitted, located in more than one (1) zone, the total number of dwelling units allowed may be determined by totaling the number of dwelling units allowed on each portion of the PUD area located in a separate zone according to the regulations of that zone. The number of units arrived at by this method may be located anywhere within the planned unit development, subject to the normal development plan approval process set forth in this chapter.

### **15.215.410 Residential Density Incentives**

Residential densities in a residential PUD may be increased pursuant to SMC 15.135 Development Incentives; provided, that all requirements of this title are met.

### **15.215.420 Site Coverage**

For any residential PUD located in more than one (1) zone, the permitted percentage of coverage by buildings and structures may be determined by calculating the percentage of coverage allowed upon each portion of the PUD located in a separate zone, pursuant to the regulation applicable to that zone, and calculating the average of said percentages.

### **15.215.430 Off-Street Parking**

The total required off-street parking facilities shall not be less than the sum of the required parking facilities for each various use computed separately except as provided in SMC 15.15.465.105, Parking Spaces Required.

### **15.215.440 Common Walls**

In PUD projects receiving final approval, where units will have common walls, the Building Division may issue building permits for construction of those units prior to approval of final lot lines.

### **15.215.450 Notice of Public Hearing**

- A. Notice shall be given at least fourteen (14) days in advance of the public hearing by the posting of notices on the property of the PUD application and at SeaTac City Hall. Notice shall be published once in a newspaper of general circulation, and shall be mailed to all owners of property located within five hundred (500) feet of the exterior boundaries of the subject property, as shown on the records of the King County Treasurer, and to at least one (1) resident of each property which is contiguous to the subject property or separated from it by only a public right-of-way at least fourteen (14) days prior to the public hearing. The applicant shall provide the City with a list of the names and addresses of all such persons. The notice shall generally identify the property affected thereby, set forth the action requested, and the date, hour, place and staff member assigned by the Director, for the hearing thereon. Continued hearings may be held at the discretion of the body considering the application, but no additional notices need be given if the hearing is continued to a specified date. When a subdivision application is being processed concurrently with the planned unit development, the notice requirements shall be met.
- B. No person who has received actual notice of a public hearing, to which the notice requirements of this section apply, shall have standing to challenge the legal validity of the action taken at or after said hearing on the basis that the notice requirements of this section were not complied with.

### **15.215.460 Judicial Review**

Any legal action to review a decision of the City Council or the Hearing Examiner under this chapter shall be filed in King County Superior Court within thirty (30) days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision.

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## Division VI. Sign Code

### Chapter 15.600 Sign Code

#### Sections:

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<b>15.600.005</b>	<b>Purpose</b>
<b>15.600.010</b>	<b>Authority and Application</b>
<b>15.600.015</b>	<b>Definitions</b>
<b>15.600.020</b>	<b>General Sign Provisions</b>
<b>15.600.030</b>	<b>Commercial/Office/Industrial Zone Classification Signs</b>
<b>15.600.040</b>	<b>Multi-Family Residential Zone Classification Signs</b>
<b>15.600.050</b>	<b>Single-Family Residential Zone Classification Signs</b>
<b>15.600.060</b>	<b>Signage – Zero (0) to Five (5) Feet Front Property Line Setback Criteria</b>
<b>15.600.070</b>	<b>Secondary Signage</b>
<b>15.600.080</b>	<b>Political Signs</b>
<b>15.600.090</b>	<b>Real Estate Signs</b>
<b>15.600.100</b>	<b>Garage and Yard Sale Signs</b>
<b>15.600.110</b>	<b>Exempt Signs or Displays</b>
<b>15.600.120</b>	<b>Prohibited Signs</b>
<b>15.600.130</b>	<b>Electronic Signs</b>
<b>15.600.140</b>	<b>Nonconforming Signs</b>
<b>15.600.150</b>	<b>Billboards</b>
<b>15.600.160</b>	<b>Sign Inventory Survey – Costs</b>
<b>15.600.170</b>	<b>Permits and Fees</b>
<b>15.600.180</b>	<b>Requirements Applicable to All Signs</b>
<b>15.600.190</b>	<b>Administration, Enforcement and Sign Removal</b>
<b>15.600.200</b>	<b>Variance from Sign Code</b>
<b>15.600.210</b>	<b>Appeals</b>

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#### **15.600.005 Purpose**

- A. This chapter shall be known as the SeaTac Sign Code, may be cited as such, and will be referred to herein as “this code.”
- B. The purpose and scope of this code is to protect the health, safety, property and welfare of the citizens of the City of SeaTac (hereafter “City”), by establishing standards for the design, placement, size and maintenance of all signs and sign

structures in the City. Furthermore, it is the purpose of the regulations, standards and criteria of this code to permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address and product and/or services information.

### **15.600.010 Authority and Application**

- A. The provisions of this chapter shall apply to all exterior signs visible from public or private streets, and all signs in the interior of a building intended to be viewed from the exterior.
- B. All signs not specifically defined and allowed or exempted by this code are prohibited.
- C. Permits shall be required of all signs nine (9) square feet or greater in surface area, and illuminated or electronic signs of any size. Nonilluminated signs less than nine (9) square feet in surface area are not required to obtain a permit, but must meet all requirements of this code.

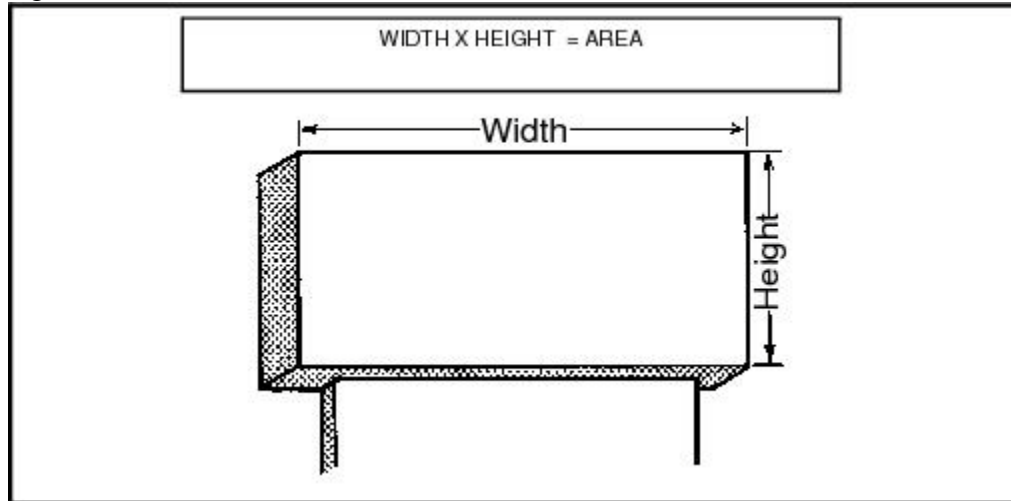
### **15.600.015 Definitions**

- 1. **Animation.** Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling of a static message or scene onto or off a sign board in one (1) direction per message. Note that animation is prohibited per SMC [15.16.110\(D\)](#).
- 2. **Area or Surface Area of Sign.** The area of a sign excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:
  - a. The “surface area” of the sign is determined by the height times the width of a typical rectangular sign or other appropriate mathematical computation of surface area for nonrectangular signs.
  - b. “Surface area” includes only one (1) face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel by more than five (5) degrees, such face shall be counted as a separate surface area.
  - c. “Surface area” of a sign with more than two (2) faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two (2).
  - d. In the event of an irregular, three (3) dimensional object that serves as signage, where the surface area is not readily measurable, the



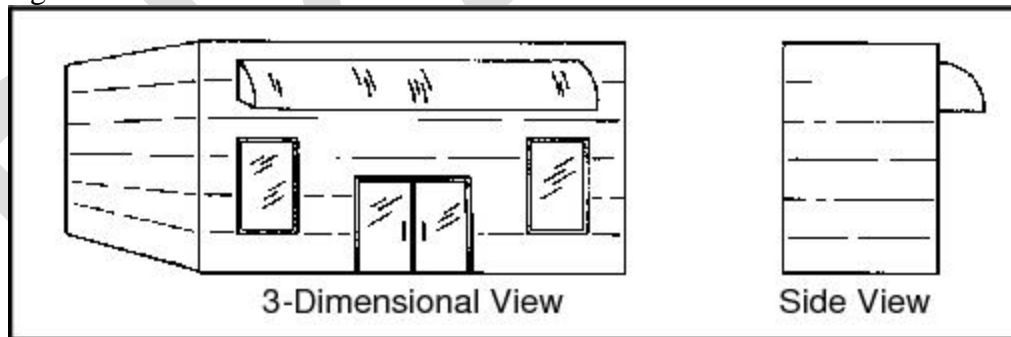
surface area shall be calculated by the largest area of the three (3) dimensional object visible from any one (1) viewing angle.

Figure 15.16.020a. SIGN SURFACE AREA CALCULATION



3. **Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a door or window from the elements. See Figure 15.16.020(a)(1).

Figure 15.16.020a.1. AWNING

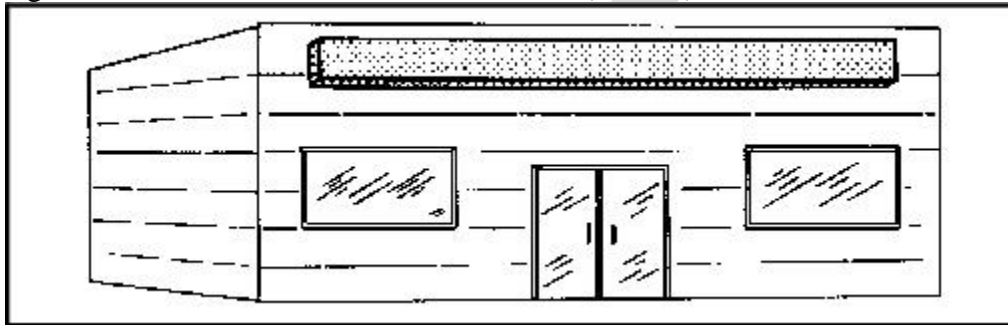


4. **Awning Sign.** Any sign erected upon, or against, an awning.
5. **Banner.** A sign of a nonpermanent nature constructed of nonrigid materials.
6. **Banner, Decorative Pole-Mounted.** A cloth or fabric banner without text or corporate logos mounted to a pole and secured at the top and bottom.
7. **Billboard.** Generally, a large outdoor advertising sign, containing a message, commercial or otherwise, unrelated to the use or activity on the

property on which the sign is located, and which is customarily leased for commercial purposes, but not including attached directional signs (not within the billboard face) as defined herein. The approximate sizes of the billboard faces range from twelve (12) to fourteen (14) feet in height and twenty-four (24) to forty-eight (48) feet in width.

- 8. **Building-Mounted Sign.** A single- or multiple-faced sign of a permanent nature, made of rigid material, attached to the facade of a building or the face of a marquee.

Figure 15.16.020b. BUILDING MOUNTED (WALL) SIGN



- 9. **Canopy.** A freestanding structure affording protection from the elements to persons or property thereunder.

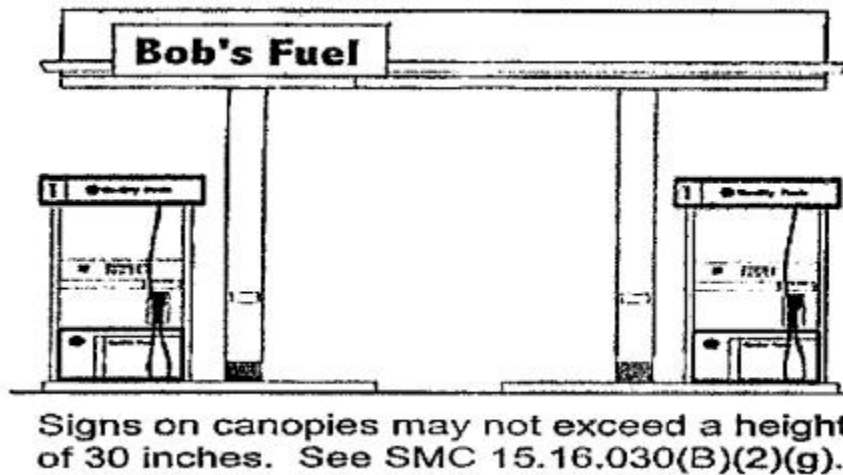
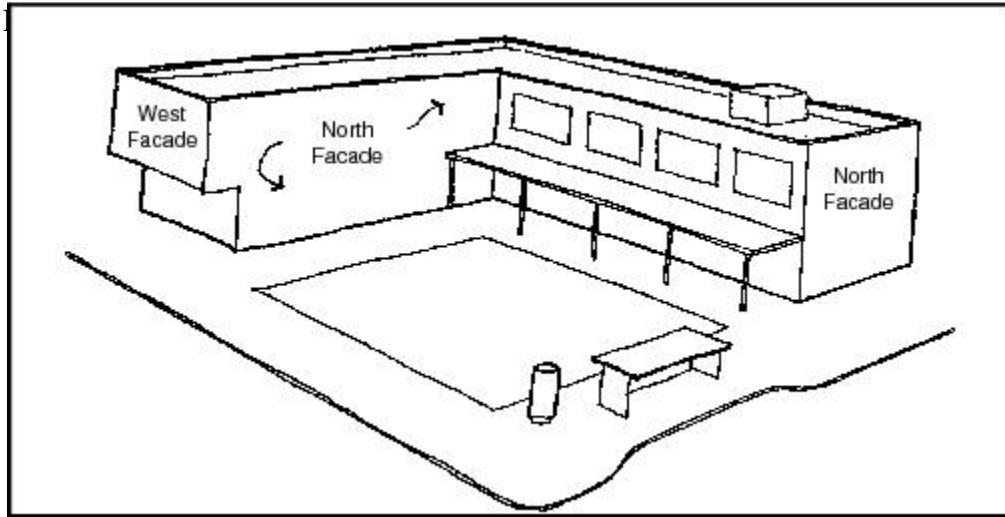


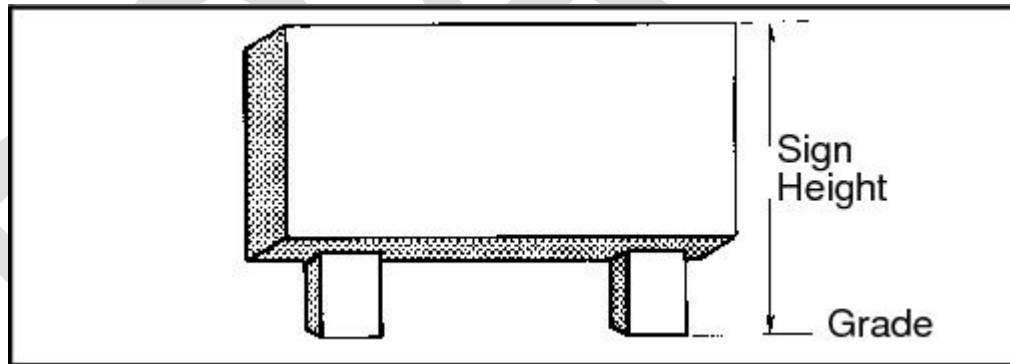
Figure 15.16.020c. CANOPY

- 10. **Canopy-Mounted Sign.** Any sign or awning erected upon or against a canopy.

- 
11. **Community Use.** A public community center, library, museum, park, City Hall, fire station or other public use operated for the benefit of the community.
  12. **Construction Sign.** An informational sign which identifies the architect, engineers, contractors and other individuals of firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
  13. **Dawn to Dusk.** That time of the day between sunrise and sunset.
  14. **Directional Sign.** A single- or double-faced sign not exceeding nine (9) square feet in surface area designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience.  
  
Interior Directional Sign. Directional signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way, or not readable from the street.  
  
Perimeter Directional Sign. Directional signs oriented to and readable from the street.  
  
15. **Display.** The visual information shown on a sign, including text, graphics, pictures, lights and background.
  16. **Electronic Sign.** A sign containing a display that can be changed by electrical, electronic or computerized process. See SMC [15.16.115](#) for requirements regarding electronic signs.
  17. **Facade.** The exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one (1) facade (see Figure 15.16.020(c)(1)). For buildings with more than one (1) occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where the interior walls between tenants intersect with the exterior wall.



- 18. **Flashing.** A sign display that appears for less than one and one-half (1.5) consecutive seconds.
- 19. **Freestanding Sign.** A sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as “



igns,” “pole signs,” “pylon signs,” and “monument signs.”

Figure 15.15.16.020d. FREESTANDING SIGN

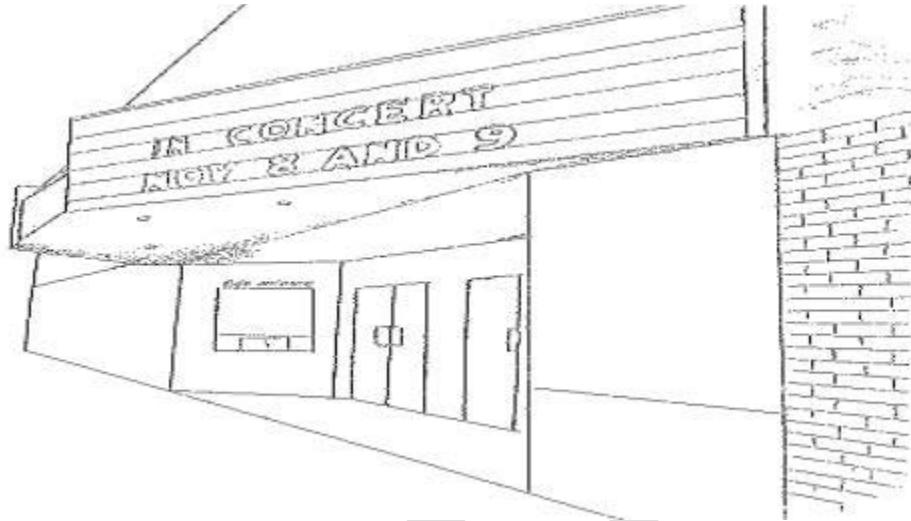
- 20. **Grade (Ground Level).** The elevation or level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level to facilitate visibility of signage. In no case shall a sign be higher than twenty-five (25) feet from the lowest grade of the property adjacent to the street level where the sign is proposed.

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21. **Height of Sign.** The vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity.
  22. **Holographic Display.** Any display that creates a three (3) dimensional image through projection. (Note: Holographic displays are prohibited by SMC 15.16.110(F).)
  23. **Inflatable Object.** An inflatable object larger than eighteen (18) inches in diameter, such as a blimp, large air balloon or inflatable sport equipment, used to attract attention to a special event or grand opening.
  24. **Informational Sign.** A single- or double-faced sign not exceeding nine (9) square feet in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operation, business directories, help wanted, public telephone, and instructions regarding parking.

Interior Informational Sign. Informational signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way or not readable from the street.

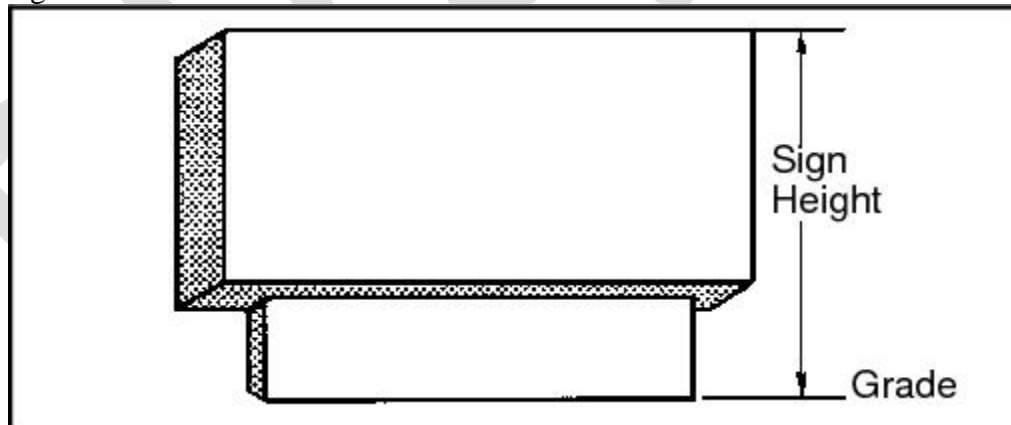
Perimeter Informational Sign. Informational signs oriented to and readable from the street.

25. **Marquee.** A permanent roof-like structure extending from part of a wall of a building a maximum of six (6) feet and supported solely by the building.
26. **Marquee Sign.** Any sign that forms part of or is integrated into a marquee and that does not extend above the height or beyond the limits of such marquee. Also considered an extension of a building-mounted sign.



- 27. **Message.** In an electronic sign, a set of sequential displays that convey related information about a product, service or company.
- 28. **Monument Sign.** A ground-mounted, fixed sign with a height ranging from five (5) to fifteen (15) feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.

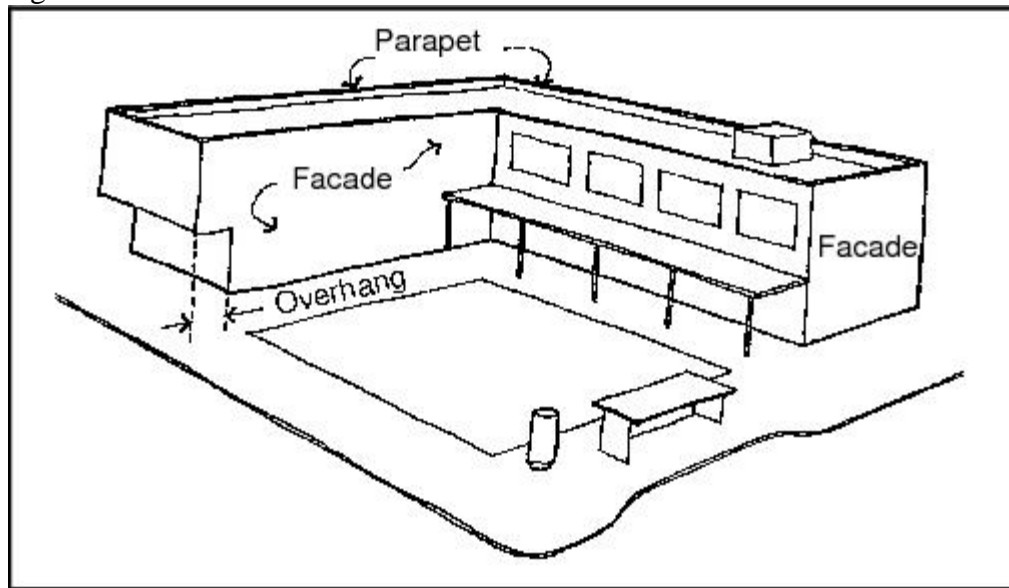
Figure 15.16.020e. MONUMENT SIGN



- 29. **Multiple Building Complex.** A group of structures housing more than one (1) type of retail business, office or commercial venture, and generally under one (1) ownership and control.
- 30. **Multiple Occupancy Building.** A single structure housing more than one (1) type of retail business office or commercial venture.

- 30.1 **Mural.** A design or representation, without letters, numbers, or trademarked graphics, that is painted or drawn on the exterior of a structure facade that does not advertise a business, product, service, or activity of the business contained within the building or structure. A mural may have the signature of the person painting the sign, or copyright ownership of the mural painting.
- 30.2 **Mural Sign.** A design, or representation with letters, numbers, or trademarked graphics, that is painted or drawn on the exterior of a structure facade that advertises the business, product, service, or activity contained within the building or structure. A mural sign will include the name of the business or activity being conducted within the building or structure. Off-premises mural signs are not permitted.
- 30.5 **Neighborhood Unit.** A section or area within a multifamily development:
- a. Where the section or area is geographically different or separated from other sections or areas in the development; or
  - b. Where the dwelling units have characteristics distinguishing them from the dwelling units in other sections or areas of the development.
31. **Noncommercial Public Service Sign.** Noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages.
32. **Office Building.** An office building as defined by the City of SeaTac Zoning Code.
33. **Parapet.** That portion of a building wall which extends above the roof of the building on all building facades (see Figure 15.16.020(f)).

Figure 15.16.020f. PARAPET



34. **Parapet Sign.** Any sign erected upon the parapet of a building, not to exceed the height of any roof structures housing building/ventilation equipment.
35. **Pennants.** A triangular tapering flag made of any lightweight fabric or other nonrigid material suspended in a series from a rope, wire, or string.
36. **Penthouse.** A structure on top of a building roof which houses an elevator shaft or similar form.
37. **Political Sign.** Signs advertising a candidate or candidates for public elective office or a political party, or signs urging a particular vote on a public issue decided by ballot.
38. **Portable Sign.** A movable sign that is not permanently attached to a structure or the ground. Portable signs include A-frame signs and signs mounted on a portable base, but not portable readerboards.
39. **Porte-Cochere.** A covering structure projecting horizontally from and attached to a building, affording protection from the elements; typically used for loading and unloading of vehicles.
40. **Primary Sign(s).** All permitted permanent monument/freestanding and building-mounted signs (see SMC [15.16.030](#) and 15.16.040).
41. **Property Line.** The line denoting the limits of legal ownership of property.



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42. **Readerboard.** A sign or part of a sign on which the letters are replaceable by manual means, such as changing magnetic letters on a sign board.
  43. **Roof Sign.** A sign or sign structure erected above a roof, parapet, canopy or porte-cochere of a building or structure.
  44. **Scrolling.** The vertical movement of a static message or display on an electronic sign.
  45. **Secondary Signs.** Allowable signage not falling within the definition of a primary sign; includes directional and informational signs, as well as temporary signs and displays (see SMC 15.16.080).
  46. **Sign.** All surfaces/structures (permitted, exempt, or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.
  47. **Sign, Off-Premises.** A sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.
  48. **Sign, On-Premises.** A sign which displays a message which is directly related to the use of the property on which it is located.
  49. **Single-Occupancy Building.** A commercial building or structure with one (1) major enterprise. A building is classified as “single-occupancy” only if:
    - a. It has only one (1) occupant;
    - b. It has no wall in common with another building; and
    - c. It has no part of its roof in common with another building.
  50. **Subdivision Signs.** Signs used to identify a land development of a residential nature.
  51. **Streamer.** A long narrow strip of lightweight fabric or other material suspended in a series from a rope, wire, or string.
  52. **Surface Area.** See “Area or Surface Area of Sign.”
  53. **Surface Area of Facade.** The area of that continuous front, side or back surface, including doors and windows, but excluding any roof area and

structures or elevators or air-conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of the facade shall be the area of that continuous front, side or back surface immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

54. **Temporary Freestanding Sign.** A nonpermanent sign securely attached to the ground, intended for use for a limited period of time.
55. Travelling. The horizontal movement of a static message or display on an electronic sign.
56. Window Sign. All signs located inside and affixed to or within three (3) feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three (3) feet of a window. 15.600.020 General Sign Provisions
  - A. Number of Primary Signs.
    1. Primary signage, consisting of monument/freestanding signage and facade/building-mounted signage, is allowed within the commercial/industrial/office zones, multi-family zones, and for churches, schools and community uses in the single-family residential zones as described in SMC 15.600.030, Commercial/Office/Industrial Zone Classification Signs, 15.600.040, Multi-Family Residential Zone Classification Signs, and 15.600.050, Single-Family Residential Zone Classification Signs. Within these zoning classifications, only one (1) monument/freestanding sign is allowed per site, as described in subsection (B) of this section. Each business shall also be allowed the facade signage described within SMC 15.600.030(B)(2) or 15.600.040(B)(2).
    2. Where a site has multiple street frontages, one (1) monument/freestanding sign shall be allowed on each street frontage, providing that there shall be a minimum of one hundred (100) feet between each freestanding sign.
  - B. Site. A site shall be considered to be the largest applicable area of the following:
    1. A single business located on one (1) or more tax parcels;

2. Multiple uses sharing the area of one (1) or more tax parcels, whether in a multiple-occupancy building, a multiple-building complex, or other common use of a parcel for business operations.
- C. Secondary Signage. Secondary signage shall be allowed in commercial/industrial/office zones, multi-family zones, and for churches, schools and community uses in the single-family residential zones as described in SMC 15.600.070, Secondary Signage.
  - D. Street Identification. Each enterprise, including each building in a multiple building complex, shall display and maintain on-premises street address number identification.
  - E. Each Sign Complete. In no case shall any sign contain a letter, word, or phrase that is continued onto another sign

### **15.600.030 Commercial/Office/Industrial Zone Classification Signs**

- A. General.
  1. This section regulates signs in the following zones: NB, CB, CB-C, ABC, I, O/CM, and BP.
  2. Illumination. Monument/freestanding and building-mounted signs in the commercial/office/industrial zones may be illuminated through internal and external illumination; provided, that such illumination does not create glare on adjacent properties or traffic corridors, and that the following conditions are met:
    - a. Internal Illumination. Internal illumination shall be allowed; provided, that if the sign is located adjacent to or across from a single-family zone, one (1) of the following methods shall be used:
      - i. Only the lettering and symbols on the sign shall be illuminated; or
      - ii. If the entire cabinet is illuminated, the background shall be a dark shade or color that minimizes glare, with the foreground (letters and symbols) being light or contrasting.
    - b. External Illumination. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the Director prior to issuance of a sign permit.

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**B. Standards.**

1. Monument and Freestanding Signs. Any monument or freestanding sign must be “integrated,” that is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited. Poles or other supports must be architecturally covered, painted, or otherwise treated to prevent weathering, and to coordinate with the design of the sign.
  - a. Setbacks:
    - i. Interior lots: Five (5) feet from the front property line; ten (10) feet from the side property lines. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line and five (5) feet from the side property line subject to the criteria contained in SMC 15.600.060, Signage – Zero (0) to Five (5) Feet Front Property Line Setback Criteria.
    - ii. Corner lots: Five (5) feet from all property lines. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line subject to the criteria contained in , 15.600.060 Signage – Zero (0) to Five (5) Feet Front Property Line Setback Criteria.

Sign projections shall not obstruct any access points as required in SMC 15.13.100.
  - b. Maximum height: Fifteen (15) feet.
  - c. Maximum surface area:
    - i. Eighty-five (85) square feet;
    - ii. The size of electronic monument or freestanding signs is limited by SMC 15.600.130, Electronic Signs.
2. Building-Mounted Signs (Including Parapet, Awning, Marquee, Porte-Cochere, and Canopy-Mounted Signs). The surface area of any building-mounted sign shall not exceed the figures derived from the following schedule. The size of electronic signs for building-mounted signs is limited by SMC 15.600.130, Electronic Signs.

<b>Surface Area of Façade</b>	<b>Minimum Sign Surface Area</b>
Less than 100 sf	30 sf
100 - 199 sf	35 sf + 11% of façade area over 100 sf
200 - 499 sf	40 sf + 12% of façade area over 200 sf
500 - 999 sf	80 sf + 11% of façade area over 500 sf
1,000 sf or greater	10% of façade

Additionally, the following conditions apply:

- a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. The sign displayed by the tenant or user must be located on the facade that was used to determine the size of the sign, except as provided in this section.
- b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building if:
  - i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area that is directly related to the tenant.
  - ii. The display of a sign on that facade by the secondary sign user will not create a significant adverse impact on dependent sign users of that facade.
  - iii. The display of a secondary sign is necessary to reasonably identify and locate the use, and the provisions of this code do not provide the use with adequate sign display options.
- c. Sign Height – Parapet Signs. The height of any building-mounted/canopy sign or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.
- d. No sign shall be mounted on top of a marquee, porte-cochere, canopy, roof, or other similar structure.
- e. Any building-mounted sign, including any marquee sign, or awning sign attached to a building, shall not project more than six (6) feet from the face of the building to which the sign is attached. Any

structural supports shall be an integral part of the design or concealed from view.

- f. All parapet, marquee, and awning signs must be manufactured in such a way that they appear to be a part of the building itself.
- g. Any sign mounted to the facade of a freestanding canopy structure or the facade of a porte-cochere extending more than six (6) feet from a building shall not exceed thirty (30) inches in height.
- h. Window signs shall be considered building-mounted signs for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed. Window signs shall not be mounted between three (3) feet and seven (7) feet of floor level on any floor of a building, unless such signage does not obstruct visibility through the window.
- i. Decorative lighting including neon and other accent lighting, and any lighted canopy or building panel, shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed.
- j. The width of any decorative lighting strip or accent shall be considered to extend six (6) inches beyond the limits of the actual strip, or accent, where the light flow is unencumbered in that direction.
- k. In no case may the maximum sign surface area permitted on a building facade be exceeded.

### **15.600.040 Multi-Family Residential Zone Classification Signs**

A. General. This section applies to:

- 1. Multiple-family buildings and any commercial use, church, school or community use located in the T, UMRM, UH and O/C/MUCM-1 zone classifications.
- 2. A sign in these classifications may be internally illuminated, provided that:
  - a. The maximum size allowed for an internally illuminated sign shall be twenty-five (25) square feet.
  - b. The background of any internally illuminated sign shall be dark with only the letters or message of the sign illuminated.

- c. Neon signage shall not be allowed.
  - d. Internal or external illumination shall not create glare on adjacent traffic corridors.
3. See SMC 15.600.130, Electronic Signs, for separate size and other limitations regarding electronic signs.
  4. The light source for any externally illuminated sign shall be shaded, shielded, directed or reduced so that the light source is not visible from a public street or adjoining residential property. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the Director prior to issuance of a sign permit.

B. Standards.

1. Monument and Freestanding Signs. The following limits shall apply to monument and freestanding signs:
  - a. Setback: Five (5) feet from the property line. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line subject to the criteria contained in SMC 15.600.060, Signage – Zero (0) to Five (5) Feet Front Property Line Setback Criteria.
  - b. Maximum sign height: Fifteen (15) feet.
  - c. Maximum surface area:
    - i. Thirty-five (35) square feet for multi-family uses;
    - ii. Thirty-five (35) square feet for any nonresidential use not on an arterial street;
    - iii. Sixty (60) square feet for any nonresidential use fronting on a minor or collector arterial street as defined within the City of SeaTac Comprehensive Plan;
    - iv. Eighty-five (85) square feet for any nonresidential use fronting on a principal arterial street as defined in the City of SeaTac Comprehensive Plan;
    - v. See SMC 15.600.130, Electronic Signs, for size limitations on electronic signs.

- d. Design. Any monument sign must be “integrated” (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited.
2. Building-Mounted Signs (Including Parapet, Awning, Marquee, Porte-Cochere, and Canopy-Mounted Signs). The surface area of any building-mounted sign shall not exceed the figures derived from the following schedule. The size of electronic building-mounted signs is limited by SMC 15.600.130, Electronic Signs.

Surface Area of Façade	Minimum Sign Surface Area
Less than 100 sf	21 sf
100 - 199 sf	21 sf + 9% of façade area over 100 sf
200 - 499 sf	30 sf + 10% of façade area over 200 sf
500 - 999 sf	60 sf + 9% of façade area over 500 sf
1,000 sf or greater	10% of façade

Additionally, the following conditions apply:

- a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by the tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.
- b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:
  - i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area.
  - ii. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade.
  - iii. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.
- c. Sign Height – Parapet Signs. The height of any building-mounted/canopy or parapet sign shall not extend above the highest exterior



wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.

- d. No sign shall be mounted on top of a marquee, porte-cochere, canopy, roof, or other similar structure.
- e. Any building-mounted sign, including any marquee sign, or awning sign attached to a building, shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.
- f. All parapet, marquee, and awning signs must be manufactured in such a way that they appear to be a part of the building itself.
- g. Any sign mounted to the facade of a freestanding canopy structure or the facade of a porte-cochere extending more than six (6) feet from a building shall not exceed thirty (30) inches in height.
- h. Window signs shall be considered building-mounted signs for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed. Window signs shall not be mounted between three (3) feet and seven (7) feet of floor level on any floor of a building, unless such signage does not obstruct visibility through the window.
- i. Decorative lighting including neon and other accent lighting, and lighted canopy or wall panels, shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed.
- j. The width of any exposed neon sign, and any decorative or accent lighting where the light flow is unencumbered by a cover shall be considered to extend six (6) inches beyond the limits of the actual sign, strip, or accent, where the light flow is unencumbered in that direction.
- k. In no case may the maximum sign surface area permitted on a building facade be exceeded.

### **15.600.050 Single-Family Residential Zone Classification Signs**

- A. In individual dwelling units within the residential UL and T zones, a sign with the occupant's name two (2) square feet is permitted.

- B. Each residential dwelling shall display and maintain on-premises street address number identification.
- C. Each subdivision, development of five (5) or more units in a townhouse zone, or senior citizen multi-family complex is permitted a monument/freestanding sign at its major entrances, not to exceed thirty-five (35) square feet per face and a total of seventy (70) square feet.
- D. Churches, schools, community uses, and agricultural crop sales located within the UL and T zones shall be allowed the signage described and regulated under SMC 15.600.040, Multi-Family Residential Zone Classification Signs, and 15.16.070, Secondary Signage.
- E. Any home occupation shall be allowed the signage described and regulated in SMC 15.440.100, Regulation of Home Occupations.
- F. Any daycare, bed and breakfast, or specialized instruction school (other than a specialized instruction school located at a former school district facility) within the UL or T zones shall be allowed a nine (9) square foot sign.
- G. Electronic signs are not allowed, except as permitted by SMC 15.600.130, Electronic Signs.
- H. Internally illuminated signs are not allowed except as permitted and regulated by SMC 15.600.040, Multi-Family Residential Zone Classification Signs, for churches, schools, community uses and agricultural crop sales.
- I. One (1) temporary freestanding sign is allowed while a property is for sale, for rent, or under construction, per SMC 15.600.070(D)(3)(b).
- J. Portable off-premises signs on private property no more than four (4) square feet in surface area and two (2) feet in height are allowed with the permission of the owner, if such signs are authorized under SMC 15.600.070(E)(4), grand opening/special events, SMC 15.600.080, Political Signs, SMC 15.600.090, Real Estate Signs, and SMC 15.600.100, Garage and Yard Sale Signs.

### **15.600.060 Signage – Zero (0) to Five (5) Feet Front Property Line Setback Criteria**

A sign may be set back between zero (0) feet and five (5) feet from the front property line, provided it conforms to all of the following criteria as determined by the Public Works Director and Director.

- A. A survey of the location of the front property line, relative to the proposed sign, is prepared, staked in the field, and submitted by a surveyor licensed in Washington State.

- B. A sight distance study by a licensed professional engineer verifying that the proposed sign location will not interfere with sight distances of pedestrians and vehicles at a public or private road intersection or at driveway approaches.
- C. The sign is not located in an area where road right-of-way may be necessary for future road projects as currently identified by the City's 10-year transportation improvement plan.
- D. The sign shall not preclude or interfere with any utility lines located within an easement, including but not limited to public water, sewer, storm drainage, electric, communication, or signalization.

### **15.600.070 Secondary Signage**

- A. General.
  - 1. In addition to the primary signage allowed, the following secondary signage shall be allowed within the parameters specified for each site in the commercial/office/industrial zones, multi-family residential zones, and for churches, schools, community uses, and agricultural crop sales in the single-family residential zones.
  - 2. Permits. Signs and displays that meet the standards of this subsection do not require a permit, if they are not illuminated, except that the placement of pole-mounted banners and decorative flags shall be approved through a sign permit to ensure code compliance.
  - 3. Illumination of Secondary Signage.
    - a. Secondary signage shall not be illuminated, except as set forth in the following section.
    - b. The following secondary signage may be illuminated; provided, that such illumination is approved through issuance of an electrical permit and meets the standards of SMC 15.600.030(A) for commercial/office/industrial zones and SMC 15.600.040(A) for multi-family zones.
      - i. Illumination of permanent directional and informational signs.
      - ii. External illumination of decorative flags.
    - c. Secondary signage shall not be electronic.
  - 4. Readerboard signs shall not be allowed as secondary signs.

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5. Quality and Condition.
    - a. All signs under this section must appear to be professionally produced and must be maintained in an appearance of newness, free of tears, holes, mold, dirt, decay, chipped paint, fading, sagging, and other signs of wear.
    - b. The City may, at its discretion, and without notice, remove any temporary or portable sign not in compliance with this section.
- B. Informational Signs. Informational signs are not included in the number of primary signs so long as the following conditions are met:
1. Interior Informational Sign. The sign shall not exceed nine (9) square feet in surface area.
  2. Perimeter Informational Sign. The sign shall not exceed three (3) square feet in surface area, and the number of perimeter informational signs shall not exceed one (1) per street frontage.

Additional signs oriented to the street may be allowed only if shown to be necessary for safety purposes and granted by the Director.
  3. The sign shall be located on the subject site, and meet all other standards of the code. If an informational sign is portable, or constructed of nonrigid materials, it is subject to the limitations on number and placement of portable and banner signs per this section, except that an interior informational sign only may be portable in excess of the limits on portable signs if necessary for orderly site operations.
- C. Directional Signs. Directional signs are not included in the number of primary signs so long as the following conditions are met:
1. Interior Directional Sign. The sign shall not exceed nine (9) square feet in surface area.
  2. Perimeter Directional Sign.
    - a. The sign shall not exceed six (6) square feet in surface area;
    - b. Business identification shall comprise no more than twenty-five percent (25%) of the sign;
    - c. The number of perimeter directional signs shall not exceed one (1) per entrance to a site, except that two (2) such directional signs shall

be allowed if necessary for safety and oriented to traffic approaching the entrance from two (2) different directions.

Additional signs oriented to the street may be allowed only if shown to be necessary for safety purposes and granted by the Director.

3. The sign is located on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic, and meets all other standards of the code. If a directional sign is portable, or constructed of nonrigid materials, it is subject to the limitations on number and placement of portable and banner signs per this section, except that an interior directional sign only may be portable in excess of the limits on portable signs if necessary for orderly site operations.
4. Where a property lacks direct street frontage, an off-premises directional sign may be approved through a variance process described in SMC 15.600.200, Variance from Sign Code.

D. Temporary Signs, Displays and Other Secondary Signage.

The signage or displays described in this section are allowed within the limits described in each category; provided, that no more than three (3) categories shall be concurrently displayed.

1. Portable Signs on Private Property. One (1) portable sign, as defined in SMC 15.16.020(38), per street frontage displayed on the site it advertises, provided it meets the requirements of this section.
  - a. Size. The sign may not exceed nine (9) square feet in surface area or three and one-half (3.5) feet in height. Only one (1) side of a double-faced temporary portable sign will be counted.
  - b. Placement. The sign shall be placed within three (3) feet of a vehicular or pedestrian entrance, and shall not obstruct traffic, pedestrian circulation, or access for the disabled.
  - c. Hours Displayed. Portable signs shall be displayed only during the hours of business operation. If displayed after dusk, portable signs shall be displayed only in well-lighted areas.
2. Building and Fence-Mounted Banners. One (1) banner per site per street frontage within the following limitations:
  - a. Banners must be constructed of nonrigid materials suitable for an exterior environment, such as fabric, vinyl, or plastic;

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- b. Size. Banners may not be greater than thirty-two (32) square feet;
  - c. No banner sign shall be allowed on a street frontage where there is a temporary freestanding sign displayed on that frontage; and
  - d. Placement. Banners may only be placed in the following manner:
    - i. On buildings, securely mounted at four (4) corners, and not blocking any window;
    - ii. On fences, stretched tightly and fastened at four (4) corners;
    - iii. For a new business only, over an existing monument or fixed sign for a maximum of sixty (60) days.
3. Temporary Freestanding Sign. One (1) temporary freestanding on-premises sign, as defined in SMC 15.16.020(54) per site, per street frontage, under the following circumstances:
- a. A temporary freestanding sign is allowed for a maximum of sixty (60) days for a new business awaiting permanent signage; or
  - b. A temporary freestanding sign is allowed during the time a property is under construction, remodel, or for sale or rent; and
  - c. No temporary freestanding sign shall be allowed on a street frontage where there is a banner sign displayed on that frontage; and
  - d. Such signs shall be constructed of durable, rigid materials and mounted securely into the ground; and
  - e. In commercial, industrial and multi-family zones, no temporary freestanding sign shall exceed thirty-two (32) square feet in surface area or ten (10) feet in height, nor be located closer than five (5) feet from the property line, or closer than ten (10) feet from the property line of the abutting owner; and
  - f. In single-family residential and townhouse zones, no temporary freestanding sign shall exceed eight (8) square feet of surface area, six (6) feet in height, or be located closer than ten (10) feet from the property line of the abutting owner, except that a new subdivision may be allowed one (1) sign thirty-two (32) square feet in surface area, located no closer than ten (10) feet from the property line of the abutting owner. All signs shall comply with the “sight distance” requirements of SMC 15.13.100.

4. Pennants. Pennants without text or logos; provided, that they are made of nonreflective material. The maximum length of all such strings of pennants shall be no greater than the linear footage associated with the perimeter of the site. Each pennant may not exceed twelve (12) inches in height or width. Pennants shall be mounted a minimum of thirteen and one-half (13.5) feet above any vehicular way, as measured from the ground level of the vehicular way to the string or rope from which the pennant is suspended.
5. Strings of Flags. Strings of flags of a governmental or noncommercial institution; provided, that they are made of nonreflective material. The maximum length of all such strings of flags shall be limited to the linear footage associated with the perimeter of the site. Each flag may not exceed twelve (12) inches in height or width. Strings of flags shall be mounted a minimum of thirteen and one-half (13.5) feet above any vehicular way, as measured from the ground level of the vehicular way to the string or rope from which the flag is suspended.
6. Decorative Flags or Decorative Pole-Mounted Banners.

Decorative flags or decorative pole-mounted banners, but not both, shall be allowed to be displayed on a site.

- a. Decorative Flags. Decorative flags, without text or corporate logos, limited to one (1) flag per fifty (50) feet of street frontage. The allowable number of flags shall be grouped together within 50 feet of an entrance. The flag shall not exceed twenty (20) square feet, nor be smaller than five (5) square feet in surface area, shall be pole-mounted on one (1) side only, shall be no greater in its vertical dimension than in its horizontal dimension, and shall be left loose to fly in the breeze. The flag shall be mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of mounting. The pole shall be a maximum of twenty (20) feet in height.
- b. Decorative Pole-Mounted Banners. Decorative banners, without text or corporate logos, mounted on poles and secured at the top and bottom, limited to one (1) per fifty (50) feet of street frontage, placed along the street frontage at a minimum distance fifty (50) feet apart. Decorative banners may not be illuminated. Decorative banners may be a maximum dimension of two and one-half (2.5) feet wide by six (6) feet high and mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of the banner. The pole shall be a maximum of twenty (20) feet in height.

7. Special Directional Sign. One (1) permanent on-site directional sign per street frontage, no greater than nine (9) square feet, which may include business identification up to fifty percent (50%) of the sign.

E. Grand Opening and Special Event Signs.

1. Otherwise prohibited posters, banners, strings of lights, clusters of flags, balloons, as limited by subsection (E)(3) of this section, and up to three (3) off-premises portable directional signs as limited by subsection (E)(4) of this section are permitted for four (4) weeks only (twenty-eight (28) consecutive days) to announce the opening of a completely new enterprise or the opening of an enterprise under new management, and for two (2) weeks (fourteen (14) consecutive days) twice per year for any business to advertise a special event or sale; provided, that no site shall have more than four (4) weeks (twenty-eight (28) days) total of grand opening or special event display in any one (1) calendar year.
2. A limit of one (1) inflatable object, such as a blimp or large air balloon, shall be allowed as part of a grand opening or special event, provided such object is attached to the ground and approved by the City for safety purposes as to placement and design. The maximum height of an inflatable object, when installed, shall be thirty (30) feet. A party must submit an application for an inflatable object sign permit at least two (2) weeks prior to the grand opening or scheduled event.
3. Balloons may be displayed only as part of a grand opening or special event, provided they are no greater than eighteen (18) inches in diameter with a tether no longer than thirty-six (36) inches and must be securely attached to a structure. No more than two (2) displays with a maximum of five (5) balloons per display (or ten (10) individual balloons) are permitted per site. Displays are only allowed from dawn to dusk.
4. Any grand opening or special event shall register with the City by filing a registration form. All such material shall be removed immediately upon the expiration of the allowed period. Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices as set forth in SMC 15.600.120(E). However, such displays are subject to all other code requirements.
5. Three (3) off-premises portable signs advertising the grand opening or special event are allowed; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, and shall be displayed only from dawn to dusk.

Off-premises grand opening/special event signs may be located on private property with the permission of the owner of the property on which the



sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed, or in any manner affixed upon any utility pole, tree or public or private sign.

### **15.600.080 Political Signs**

All signs which are displayed out-of-doors on real property relating to the nomination or election of any individual for a public political office, or advocating any measure to be voted on in any general or special election, shall be subject to the following regulations:

- A. Such political signs shall not be displayed more than seven (7) days after the date of the election for which intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to seven (7) days after the general election. In all instances herein in which political signs are required to be removed within seven (7) days after the election for which the political sign was displayed, it shall be the responsibility of the campaign officer or responsible campaign official to have the signs removed.
- B. Political signs placed in single-family residential zones shall not exceed eight (8) square feet each in area. Signs in all other zones shall meet the requirements of those classification districts.
- C. No political signs shall be erected upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property, no political sign shall be placed thereon without the written consent of the owner of the property.
- D. It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole, street sign, lamp post, sidewalk, roadway, or other object situated upon any public street or right-of-way except that political signs are allowed on parking strips where such political signs are installed pursuant to the permission of the owner of the property abutting said parking strip and installed in such a manner as not to constitute a traffic hazard.

### **15.600.090 Real Estate Signs**

- A. **On-Premises Real Estate Signs.** Individual residential units for sale shall be allowed one (1) freestanding sign limited to eight (8) square feet in surface area and six (6) feet in height, located no closer than ten (10) feet to the property line of the abutting owner. All signs shall comply with the “sight distance” requirements of SMC 15.13.100.

- B. Open houses for residential units shall be allowed display of four (4) off-premises A-frame/board signs; provided, that such signs shall not exceed four (4) square feet per side in area nor three (3) feet in height, and shall be displayed only on weekends from dawn to dusk and only when a licensed broker/agent or seller is in attendance at the property for sale.

Off-premises real estate signs advertising open houses may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed or in any manner affixed upon any utility pole, tree or public or private sign.

- C. Off-Premises Real Estate Directional Arrow Signs. Open houses for residential units shall be allowed display of three (3) off-premises directional arrow signs; provided they meet the following standards:

1. The sign is a maximum of one and on-half (1 ½) square feet per side;
2. The maximum height of the sign is three (3) feet;
3. Off-premise real estate directional arrow signs may only be located at an intersection with at least one street classified as a “Principal”, “Minor”, or “Collector” arterial as depicted in the City of SeaTac Comprehensive Plan;
4. May be displayed at any time until the property is sold;

One (1) additional off-premise directional arrow sign is allowed if the home for sale only has access off of a private access easement or private road. The sign may be placed at the intersection of the private access easement or private road and public right-of-way.

Off-premises real estate arrow signs may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed or in any manner affixed upon any utility pole, tree or public or private sign.

## **15. 600.100 Garage and Yard Sale Signs**

Garage sales, yard sales, and other exempt sales as allowed by SMC 15.440.200, Sales Exempt From Regulation, shall be allowed the following signage limited to display on Fridays, Saturdays and Sundays. All signs shall comply with the “sight distance” requirements of SMC 15.13.100.

- A. On-Premises Signs. Garage sales, yard sales, and other exempt sales shall be allowed the on-site temporary signage not exceeding eight (8) square feet in surface area, or six (6) feet in height.
- B. Off-Premises Signs. Garage sales, yard sales, and other exempt sales shall be allowed display of three (3) off-premises portable signs; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, shall be displayed only from dawn to dusk on the days of the sale, and shall be removed promptly after the close of the sale.

Off-premises garage sale signs may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed or in any manner affixed upon any utility pole, tree or public or private sign.

### **15. 600.110 Exempt Signs or Displays**

The following signs or displays are exempted from coverage under this code:

- A. Traffic or pedestrian control signs or signals, signs in the public right-of-way indicating scenic or historic points of interest, or signs which are erected or placed by or on the order of a public officer in the performance of public duty;
- B. Signs required by law;
- C. Noncommercial public service signs, providing such signs are nonilluminated, nonelectronic, do not exceed eight (8) square feet in surface area and six (6) feet in height, and are limited to one (1) sign per street frontage;
- D. Official public notices, official court notices or official sheriff’s notices;
- E. The flag of a government, except that this exemption does not include flags of a government or noncommercial institution displayed in a series on a rope, wire or string;
- F. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the

- building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed three (3) square feet in surface area;
- G. Nonilluminated “No Trespassing,” “No Dumping,” “No Parking,” “Private Property,” “Fire Lane,” “Handicapped Parking,” and other on-site informational warning signs, which shall not exceed three (3) square feet in surface area;
  - H. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season;
  - I. The flag of a commercial institution or noncommercial institution such as a school. No more than one (1) flag (excluding flags of nationality) is permitted per business premises. The flag shall be pole-mounted on one (1) side, not exceed twenty (20) square feet in surface area, nor be smaller than five (5) square feet, and shall be left loose to fly in the breeze. The flag shall be mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of mounting;
  - J. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
  - K. Sandwich-board signs worn by a person while walking the public ways of the City;
  - L. Existing theater marquees (monument and/or building-mounted);
  - M. Reasonable, nonilluminated temporary decorations and signs for the purpose of announcing or promoting a nonprofit sponsored community fair, festival or event. Such decorations and signs may be displayed no more than twenty-one (21) calendar days prior to and during the fair, festival or event.

### **15. 600.120 Prohibited Signs**

The following signs or displays are prohibited, unless otherwise approved by this chapter. Prohibited signs are subject to removal by the City at the owner’s or user’s expense. Any existing sign which is prohibited upon the effective date of this code shall be removed within six (6) months of notification from the City except as provided in SMC 15.600.140, Nonconforming Signs, regarding nonconforming signs.

- A. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words “stop,” “caution,” “danger,” “warning,” or similar words;
- B. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control

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- sign, signal or device, or the light of any emergency (police, fire or ambulance) or radio equipment vehicle, or which obstruct the visibility of any traffic or street sign or signal device;
- C. Signs which rotate or have a part(s) which move or revolve except the movement of the hands of a clock;
  - D. Signs that display animation;
  - E. Any display or sign not specifically allowed by the sign code, including, but not limited to, strings of lights; ribbons; spinners, twirlers or propellers; flashing, rotating or blinking lights, chasing or scintillating lights; fluttering or moving lights or other illuminating device which has a changing light density or color; lasers; strobes or lights with stroboscopic effect; displays or lights that imitate the appearance of explosions or fireworks; flares; balloons; bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under SMC 15.600.110(H) or for grand openings of new businesses under SMC 15.600.070(E);
  - F. Holographic displays;
  - G. Signs identifying, or window signs advertising activities, products, businesses or services which have been discontinued for more than sixty (60) days on the premises upon which the signs are located, and any window signs in excess of the amount of wall signage allowed, or mounted between three (3) feet and seven (7) feet above floor level and obstructing the view through a window;
  - H. Private signs on utility poles as prohibited by State law;
  - I. Searchlights;
  - J. Miscellaneous pole-mounted advertisements;
  - K. Signs for which a permit has been granted under conditions with which the permittee does not comply;
  - L. Signs for which a permit has been granted and subsequently revoked for cause by the City Manager, or designee;
  - M. Signs erected, altered or relocated (excluding copy change) without a permit issued by the City or any other governmental agency as required by law;
  - N. Billboards except those qualifying as nonconforming signs pursuant to SMC 15.600.140, Nonconforming Signs;

- O. Roof signs, except as allowed through a variance process by SMC 15.600.200(G)(6);
- P. Off-premises signs, except as allowed for residential real estate open houses (SMC 15.600.090, Real Estate Signs), garage sales (SMC 15.600.100, Garage and Yard Sale Signs) and grand opening/special events (SMC 15.600.070(E)) or through a variance process by SMC 15.600.200(G)(6);
- Q. Signs attached to or placed on a vehicle or trailer on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business, or advertising a vehicle for sale if such sign is placed inside the vehicle.

**15.600.130 Electronic Signs**

Electronic signs shall be allowed, provided they comply with the following requirements:

- A. Size and Location.
  - 1. Freestanding/Monument Signs.
    - a. That portion of the sign that constitutes the electronic changeable display shall be allowed as follows:

<b>Zone</b>	<b>Maximum Electronic Portion of Sign</b>	<b>Maximum Total Size of Sign</b>
CB, CB-C, O/CM, I, ABC	55 sf	85 sf
NB, BP	25 sf	85 sf
Churches, Schools, Community Uses in UL, T, UM, UH, O/C/MU, P	0 sf 0 sf 25 sf	35 sf Not on an Arterial 60 sf On a minor/collector arterial 85 sf On a pricipal arterial
Commercial Uses in O/C/MU, T, UM, UH	0 sf 0 sf 25 sf	35 sf 60 sf On a minor/collector arterial 85 sf On a principal arterial
Multi-Family Uses in T, O/CM, UM, UH	0 sf	35 sf

- b. Electronic signs shall have a non-electronic, fixed portion of the sign that is at least fifty percent (50%) of the size of the electronic portion of the sign.

2. Building-Mounted Signs.

- a. Building-mounted electronic signs are not allowed in the following zones: UL, T, O/C/MU, UM, UH, P, NB.
- b. In all other zones, a site or property may be allowed a maximum of fifty-five (55) square feet of building-mounted electronic changeable display per street frontage. Any electronic sign shall have a non-electronic, fixed portion of the sign that is at least fifty percent (50%) of the size of the electronic portion of the sign.

- B. Display.

1. The display of the sign shall not change more rapidly than once every one and one-half (1.5) seconds.
2. The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
3. Scrolling or travelling of a static display onto the sign from one (1) direction only per display shall be allowed; provided, that each display remains in a static state for at least one and one-half (1.5) seconds. There shall be ten (10) seconds of still image or blank screen following every scrolling or travelling display.
4. No message shall require more than ten (10) seconds to be displayed in its entirety.
5. The display shall have a dark background with only the message or foreground lit in a white, amber or other light tone or shade.

- C. Light Levels.

1. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.

2. Maximum brightness levels for electronic signs in commercial/industrial zones shall not exceed eight thousand (8,000) nits when measured from the sign's face at its maximum brightness, during daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn.
3. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

D. Residential Zones.

1. Electronic signs shall not be allowed within any dwelling or home occupation in any residential zone.
2. Businesses, churches or schools are allowed electronic signs providing that:
  - a. They comply with subsections (A) through (C)(1) and (C)(3) of this section;
  - b. The brightness level shall not exceed eight thousand (8,000) nits when measured from the sign's face at its maximum brightness during the daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn;
  - c. Electronic displays in residential zones shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

E. Additional Requirements.

1. Electronic sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or travelling speed, and other display operations.
2. Electronic sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

Additionally, whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign shall be available to City staff for inspection upon request. If the computer interface is not immediately available, the sign shall cease operation until such program can be provided.



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## 15. 600.140 Nonconforming Signs

- A. General. To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of original adoption of this code, this section provides for a period of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on Federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the code's enactment. All nonconforming signs in existence as of the date of original adoption of this code shall be brought into conformity with this code no later than December 15, 2006.
- B. Nonconforming Signs.
1. Notification of Nonconformity or Illegality. The Code Administrator shall, as soon as practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the Administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and, where practical, the owner of the property on which the sign is located of the following; provided, that the business license of the business with which the sign is associated shall be presumed to be the sign user under this code:
    - a. The sign's nonconformity or illegality;
    - b. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.
  2. Signs Eligible for Nonconforming Sign Permit. With the exceptions herein provided, any on-site primary sign located within the City limits on the date of adoption of this code, or located in areas annexed to the City thereafter, which does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:
    - a. The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or

- b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.
3. Signs Not Eligible for Nonconforming Sign Permits. The following signs shall not be eligible for characterization as nonconforming signs:
  - a. Prohibited signs, as defined in SMC 15.600.120, Prohibited Signs, except for signs which rotate, as defined in SMC 15.600.120(C).
  - b. Secondary signage not meeting the code specifications, except for informational and directional signs in compliance with the code at the time of adoption of this code.
  - c. All signs not eligible for characterization as a nonconforming sign shall be considered illegal.
4. Number of Nonconforming Signs Permitted. Each sign user within the City having existing nonconforming signs meeting the requirements of SMC 15.600.140 Nonconforming Signs shall be permitted to designate only one (1) such sign as “nonconforming” for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit.
5. Permit for Nonconforming Signs. A nonconforming sign permit is required for each nonconforming sign designated under SMC 15.600.140 Nonconforming Signs. The permit (certificate of zone compliance – CZC) shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within sixty (60) days of notification by the City. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in subsection D of this section.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the Administrator may require to ensure compliance with the code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the sixty (60) day period of notification shall within six (6) months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to penalties cited in SMC 15.100.110, Code Enforcement.

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6. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:
- a. The sign is altered in any way in structure or height which is not in compliance with the standards of this chapter; or
  - b. The sign is relocated to a position which is not in compliance with the standards of this chapter; or
  - c. The sign is replaced; provided, that this replacement refers to structural replacement, not change of “copy,” panel or lettering; or
  - d. Any new primary sign is erected or placed in connection with the enterprise using the nonconforming sign; or
  - e. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within sixty (60) days following notification by the City (subsection B of this section) that the sign is nonconforming and that a permit must be obtained; or
  - f. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or a change in business name, and the sign shall be brought into conformity. Such nonconforming signs shall, within ninety (90) days, be brought into conformity with this code or be removed.

Upon any of the above-referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The Administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or shall be removed.

- C. Illegal Signs. An illegal sign is any sign which does not comply with the requirements of this chapter within the City limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under 15.600.140 Nonconforming Signs.
- D. Amortization Period for Nonconforming Signs. Nonconforming signs, as defined in subsection (B)(2) of this section, for which a nonconforming sign permit has been issued may remain in a nonconforming state until December 15, 2006. Thereafter, the sign shall be brought into conformity with this code or be removed; provided, however, that the amortization period established by this

section may be used only so long as the sign retains its legal nonconforming status.

- E. **Nonconforming Sign Maintenance and Repair.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, nor from any provisions on prohibited signs, contained in SMC 15.600.120, Prohibited Signs; provided, however, that any repainting, replacement of “copy,” panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status (subsection (B)(6) of this section).
- F. **Subsequent Amendments to the Sign Code.** After the date of its initial adoption, if any subsequent amendments to the sign code cause a sign to become nonconforming, the Department shall notify affected business owners and property owners of the new regulations by first class mail based upon active City business license records and King County property records.
  - 1. All illegal signs are subject to removal within ninety (90) days;
  - 2. All nonconforming signs are eligible for a nonconforming sign permit. The permit shall be applied for by the business owner or property owner and issued by the Department. These signs shall be subject to a nine (9) year amortization period, after which the nonconforming permit will expire and the sign shall be brought into compliance with the code.

### **15. 600.150 Billboards**

- A. Billboards in existence as of the effective date of this code shall be inventoried and listed as nonconforming signs.
- B. All leases for billboard locations within the City shall not be renewed from the effective date of this code.
- C. No new billboards shall be permitted to be constructed or installed within the City.

### **15. 600.160 Sign Inventory Survey – Costs\***

- A. The Code Administrator shall have the authority to assess a five-dollar (\$5.00) cost for applicable businesses that did not respond to the sign inventory survey of their sign(s) prior to the effective date of the ordinance codified in this section, but before a date identified in a notice to respond of not less than thirty (30) days after notice; provided, that these businesses pay said five-dollar

(\$5.00) assessment to the City and submit the requested verification of their sign certification before the date identified in said notice. Thereafter, the Code Administrator shall have the authority to assess a twenty-five-dollar (\$25.00) cost for applicable businesses who have not participated in or responded to the City's sign inventory survey after the date provided in the notice, and the Code Administrator shall, further, have the authority to complete the sign inventory survey for the signs of such businesses. It is provided, however, that if the affected, nonresponding business owners or operators do not pay the twenty-five-dollar (\$25.00) cost by the time that the 1995 City of SeaTac business licenses are due or paid, whichever is earlier, then the twenty-five-dollar (\$25.00) assessment shall be added to and included in the amount to be paid by said business owner or operator for the business's 1995 business license. The notice referred to above shall be mailed, postage prepaid, to the business owner or operator at the address listed on the business license records for the business. Failure of a business owner or operator to comply with this requirement shall constitute a violation of the City Code, enforceable through any and all procedures available for enforcement of City Code violations, as provided in the City Code; provided, that payment of the twenty-five-dollar (\$25.00) assessment shall constitute full compliance herewith.

- B. In order to recognize the payments already made by business owners or operators who have complied with the sign inventory survey and paid a five-dollar (\$5.00) payment in connection therewith prior to the effective date of the ordinance codified in this section, those business owners or operators shall receive a five-dollar (\$5.00) offset against their 1995 business license application fee.

## **15.600.170 Permits and Fees**

- A. Permit Requirements. No sign governed by the provisions of this code that is illuminated or electronic, or is greater than nine (9) square feet in surface area shall be erected, altered or relocated by any person, firm or corporation from and after the date of adoption of this code without a permit issued by the City. No permit is required for a nonilluminated sign of nine (9) square feet or less surface area, but such signs must otherwise comply with this code.
- B. Permit Applications. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing display faces with the proposed message and design accurately represented as to size, area, proportion, and color, and such other pertinent information as the Code Administrator of this code may require to ensure compliance with this code and other applicable ordinances. For additional requirements for electronic signs, see SMC 15.600.130(E). Permit applications shall be available for inspection by the public upon request.

- C. Expiration of Permits. A sign permit shall become null and void if the work for which the permit was issued has not been completed within one (1) year of its issuance.
- D. Permit Exceptions. No new permit shall be required:
  - 1. For repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure or content is not modified in any way;
  - 2. For the changing of the advertising copy or message on an approved readerboard or theater marquee, during the period of amortization.
- E. Notice of Permit Denial – Reasons. When a sign permit is denied by the Code Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

### **15. 600.180 Requirements Applicable to All Signs**

- A. Structural Requirements. The structure and erection of signs within the City shall be governed by the adopted Uniform Sign Code and Building Code. Compliance with the Uniform Sign Code and Building Code shall be a prerequisite to issuance of a sign permit under SMC 15.600.170, Permits and Fees.
- B. Electrical Requirements. Electrical requirements for signs within the City shall be governed by SMC13.180, Electrical Code. Compliance with the Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under SMC 15.600.170, Permits and Fees.
- C. Sign Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. “Undue brightness” is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Additionally, electronic signs shall meet the standards of SMC 15.600.130, Electronic Signs.
- D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, repair and professional appearance. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five (5) days after receiving notice from the City Manager or designee. The premises surrounding a monument sign shall be free and clear of rubbish and any landscaping area free of weeds.

- E. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress, or visibility of traffic flow during ingress or egress, from parking areas of any way open to the public.
- F. Landscaping for Monument Signs. All primary monument signs shall include, as part of their design, general landscaping and curbs about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation.
- G. Sign Inspection. All sign users shall permit the periodic inspection of their signs by the City upon City staff request.
- H. Conflicting Provisions. Whenever two (2) provisions of this code overlap or conflict with regard to size or placement of a sign, the more restrictive provision shall apply.

## **15. 600.190 Administration, Enforcement and Sign Removal**

- A. Code Administrator. The Code Administrator of this chapter/code is the City Manager, or designee. The Administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the Administrator is further empowered to delegate the duties and powers granted to and imposed upon him/her under this code. As used in this code, "Administrator of this code" or "Administrator" includes his/her authorized representative.
- B. Inspection by the Administrator. The Code Administrator or his designee (including code enforcement) is empowered to inspect any building, structure or premises in the City, upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
- C. Code Violations and Enforcement. The civil remedies provided in this section for violations of, or failure to comply with, provisions of this code shall be cumulative and shall be in addition to any other remedy provided by law.
  - 1. Injunction and Abatement. The City, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who fails to comply with any provision of this code, or against the erector, owner or use of an unlawful sign or the owner of the property on which an unlawful sign is located to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or

display of an unlawful sign. The City may abate an unlawful sign using the procedure of the adopted City Code.

2. Enforcement may also be according to SMC 1.15.065, Notice of Infraction, or 1.15.120, Notice and Order – Procedures.

## **15. 600.200 Variance from Sign Code**

- A. **Scope.** This section establishes the procedure and criteria that the City will use in making a decision upon an application for a variance from the provisions of the Sign Code.
- B. **Applicability.** This section applies to each application for a variance from the provisions of the Sign Code.
- C. **Purpose.** A variance is a mechanism by which the City may grant relief from the provisions of the Sign Code where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that code can be fulfilled.
- D. **Who May Apply.** The property owner may apply for a variance from the provisions of the Sign Code.
- E. **Submittal Requirements.**
  1. The Administrator shall specify the submittal requirements including type, detail and number of copies for a variance application to be deemed complete and accepted for filing.
  2. The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.
- F. **Decision Criteria.** The Hearing Examiner may approve or approve with modification the application for a variance from the provisions of the Sign Code if:
  1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
  2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated; and



3. The proposed sign shows an exceptional effort toward creating visual harmony between the signs, structures, and other features of the property through the use of a consistent design theme; and
4. The special circumstances of the subject property are not the result of the actions of the applicant.

G. Limitation of Authority. The Hearing Examiner may not grant a variance to:

1. Any dimensional request of the Sign Code greater than fifty percent (50%) of the required dimension of a sign (setbacks from a property line shall not be deemed a dimensional standard of sign); or
2. The number of signs permitted on a site or zone classification; or
3. The general provisions of this code or any other procedural or administrative provisions of the code that do not directly apply to this chapter; or
4. The provisions of the Sign Code which are not subject to variances shall include, by the terms of this code, type of signs and any prohibited or illegal signs, and the dimensional standards of the changeable portion of an electronic sign;
5. Roof Signs. Notwithstanding SMC 15.600.120, Prohibited Signs, a roof sign may be allowed through a variance process provided the following criteria are met in addition to the decision criteria listed under subsection (F) of this section:
  - a. The site does not front on any street and is more than two hundred (200) feet from a public right-of-way;
  - b. The sign is no greater than necessary for adequate visibility from the nearest public street. Adequate visibility shall be determined by the size of sign allowed in the subject zone, plus a factor for distance from the nearest public street;
  - c. No other primary signage exists or shall be allowed for the site;
  - d. The sign is installed in such a manner that there shall be no visible support structure;
6. Off-Premises Signs. Notwithstanding SMC 15.600.120, Prohibited Signs, an off-premises sign may be allowed through a variance process provided the following criteria are met in addition to the decision criteria listed under subsection (F) of this section:

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- a. For a primary sign:
    - i. Primary signage cannot be located on the site.
    - ii. The sign displays only information directly related to the use of property of the subject business or property for which the variance is granted.
    - iii. The sign is located as close as possible to the subject business or property.
  - b. For a directional sign:
    - i. The applicant demonstrates that his premises are located such that on-premises directional signs are inadequate to reasonably apprise the public of the location of the premises, because the premises lacks any direct street frontage.
- H. Time Limitation. A variance automatically expires and is void if the applicant fails to file for a sign permit or other necessary development permits within two (2) years of the effective date of the variance unless:
- 1. The applicant has received an extension pursuant to subsection (I) of this section; or
  - 2. The variance approval provides for a greater time period due to circumstances.
- I. Extension.
- 1. The Code Administrator may extend a variance, not to exceed one (1) year, if:
    - a. Unforeseen circumstances or conditions necessitate the extension of the variance; and
    - b. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not directly responsible for the delay; and
    - c. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.
  - 2. The Administrator may grant no more than two (2) extensions. A second extension may be granted, if:

- J. Assurance Device. In appropriate circumstances, the City may require a reasonable performance bond or other financial method in order to assure compliance with the provisions of the Sign Code and any variances as approved.

### **15. 600.210 Appeals**

The decision of the City Manager, or designee, approving, approving with modifications, denying a sign permit or interpreting the provisions of the Sign Code may be appealed pursuant to SMC 15.115.020, Appeal Process.

## **Division VII. Environmentally Sensitive Areas**

### **CHAPTERS:**

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#### **15.700 Environmentally Sensitive Areas**

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## **Chapter 15.700**

### **Environmentally Sensitive Areas**

#### **SECTIONS:**

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- 15.700.005 Purpose**
- 15.700.010 Authority and Application**
- 15.700.015 Appeals**
- 15.700.020 Sensitive Area Rules**
- 15.700.030 Complete Exemptions**
- 15.700.040 Partial Exemptions**
- 15.700.050 Exceptions**
- 15.700.055 Definitions**
- 15.700.060 Sensitive Area Maps and Inventories**
- 15.700.070 Disclosure by Applicant**
- 15.700.080 Sensitive Area Review**
- 15.700.090 Sensitive Area Special Study Requirement**
- 15.700.100 Contents of Sensitive Area Special Study**
- 15.700.110 Mitigation, Maintenance, Monitoring and Contingency**
- 15.700.120 Bonds to Insure Mitigation, Maintenance and Monitoring**
- 15.700.130 Vegetation Management Plan**
- 15.700.140 Sensitive Area Markers and Signs**
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- 15.700.180 Erosion Hazard Areas – Development Standards and Permitted Alterations**
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- 15.700.250 Seismic Hazard Areas – Development Standards and Permitted Alterations**
- 15.700.260 Steep Slope Hazard Areas – Development Standards and Permitted Alterations**
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- 15.700.300 Wetlands – Mitigation Requirements**
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- 15.700.320 Streams – Development Standards**
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- 15.700.350 Critical Recharging Areas for Aquifers Used for Potable Water**
- 15.700.360 Fish and Wildlife Habitat Conservation Areas**

### **15.700.005 Purpose**

The purpose of this chapter is to implement the goals and policies of the Washington State Environmental Policy Act, Chapter 43.21C RCW, and the SeaTac Comprehensive Plan which call for protection of the natural environment and the public health and safety by:

- A. Establishing development standards to protect defined sensitive areas;
- B. Protecting members of the public, public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic and soil subsidence or steep slope failures;
- C. Protecting unique, fragile and valuable elements of the environment including, but not limited to, wildlife and its habitat;
- D. Requiring mitigation of unavoidable impacts on environmentally sensitive areas by regulating alterations in or near sensitive areas;
- E. Preventing cumulative adverse environmental impacts on water availability, water quality, wetlands and streams;
- F. Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions;
- G. Protecting the public trust as to navigable waters and aquatic resources;
- H. Meeting the requirements of the National Flood Insurance Program and maintaining SeaTac as an eligible community for federal flood insurance benefits;
- I. Alerting members of the public including, but not limited to, appraisers, owners, real estate agents, potential buyers or lessees to the development limitations of sensitive areas; and
- J. Providing City officials with sufficient information to protect sensitive areas.

### **15.700.010 Authority and Application**

- A. The provisions of this chapter shall apply to all land uses in the City and property owners within the City shall comply with the requirements of this chapter;
- B. The City shall not approve any permit or issue any authorization to alter the condition of any land, water or vegetation or to construct any structure or

improvement without first assuring compliance with the requirements of this chapter; and

- C. When any provision of any other chapter of the SeaTac Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection to environmentally sensitive areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with Federal or State laws or regulations.

### **15.700.015 Appeals**

Any decision to approve, condition or deny a development proposal based on the requirements of Chapter 15.700 Environmentally Sensitive Areas SMC may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.

### **15.700.020 Sensitive Area Rules**

Applicable City departments are authorized to adopt administrative rules and regulations as are necessary and appropriate to implement Chapter 15.700 Environmentally Sensitive Areas SMC, and to prepare and require the use of such forms as are necessary for its administration.

### **15.700.030 Complete Exemptions**

The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder:

- A. Emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private and public property as long as any alteration undertaken pursuant this subsection is reported to the Department and Department of Public Works immediately, upon which the Director(s) shall either confirm that an emergency exists or determine if further permit review or mitigation is necessary;
- B. Agricultural activities in existence before November 27, 1990 as follows:
  - 1. Mowing of hay, grass or grain crops;
  - 2. Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod if such activities do not take place on steep slopes; and
  - 3. Normal and routine maintenance of existing irrigation and drainage ditches not used by salmonids;



- C. Public water, electric and natural gas distribution, public and private sewer collection, storm water systems to include retention/detention ponds, cable communications, telephone distribution and collection system, and related activities undertaken pursuant to City approved best management practices, as follows:
1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;
  2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less, only when required by a local governmental agency which approves the new location of facilities;
  3. Replacement, operation, repair, modification or installation or construction in an improved city road right-of-way of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less;
  4. Relocation or maintenance of sanitary and storm sewer systems, public water local distribution, natural gas, cable communication or telephone distribution and collection facilities, lines, pipes, ditches, mains, equipment or appurtenances, only when required by a local governmental agency which approves the new location of the facilities; and
  5. Replacement, operation, repair, modification, installation or construction in an improved City road right-of-way of public local collection, public water distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances;
- D. Improvements, on-going maintenance, operation, repair or replacement of public roadways and pedestrian improvements in an improved public road right-of-way in existence prior to November 27, 1990 which, at a minimum, is improved with an all-weather driving surface (with any associated shoulders);
- E. Construction and improvements of unimproved public rights-of-way in existence prior to November 27, 1990;
- F. Improvements, on-going maintenance, operation, repair or replacement of public roadways and pedestrian improvements in an improved public road right-of-way constructed after November 27, 1990, in conformance with this chapter which, at a minimum, is improved with an all-weather driving surface (with any associated shoulders);

- G. Emergent wetlands that have been created directly as the result of poorly maintained public storm drainage systems and would have not been created if the storm drainage system had otherwise been maintained;
- H. Public agency development proposals only to the extent of any construction contract awarded before November 27, 1990; provided, that any law or regulation in effect at the time of such award shall apply to the proposal.

### **15.700.040 Partial Exemptions**

The following are exempt from the provisions of this and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 15.700.150, and the flood hazard area provisions, SMC 15.700.190 through 15.700.230:

- A. Structural modification of, addition to, or replacement of structures, except single-family detached residences, in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, sensitive area or buffer;
- B. Structural modification of, addition to, or replacement of single-family detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetland, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than one thousand (1,000) square feet over that existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the sensitive area or, if the existing residence is in the sensitive area, extends further in the sensitive area; and
- C. Maintenance or repair of structures which do not meet the development standards of this chapter for landslide and seismic hazard areas if the maintenance or repair does not increase the footprint of the structure, and there is no increased risk to life or property as a result of the proposed maintenance or repair.

### **15.700.050 Exceptions**

- A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection:
  - 1. The public agency or utility shall apply to the Department and shall make available to the Department other related project documents such as permit

applications to other agencies, special studies and SEPA documents. The Department shall prepare a recommendation to the Hearing Examiner;

2. The Hearing Examiner shall review the application and conduct a public hearing pursuant to the provisions of Chapter 15.115 Land Use Actions and Permits SMC. The Hearing Examiner shall make a recommendation to the City Council based on the following criteria:
    - a. There is no other practical alternative to the proposed development with less impact on the sensitive area; and
    - b. The proposal minimizes the impact on sensitive areas;
  3. This exception shall not allow the use of the following sensitive areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
    - a. Class 1 streams or buffers;
    - b. Class I wetlands or buffers with plant association of infrequent occurrence; or
    - c. Class I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.
- B. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:
1. The applicant shall apply to the Department who shall prepare a recommendation to the Hearing Examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of this code.
  2. The Hearing Examiner shall review the application in consultation with the City Attorney and shall conduct a public hearing pursuant to the provisions of Chapter 15.115 Land Use Actions and Permits SMC. The Hearing Examiner shall make a final decision based on the following criteria:
    - a. The application of this chapter would deny all reasonable use of the property;

- b. There is no other reasonable use with less impact on the sensitive area;
  - c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
  - d. Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property.
3. Any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan.

### **15.700.055 Definitions**

#### **Base Flood**

A flood having a one percent (1%) chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.”

#### **Base Flood Elevation**

The water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

#### **Critical Drainage Area**

An area which has been formally defined in the City Surface Water Management Program to require more restrictive regulation than is standard in noncritical areas of the City in order to mitigate severe flooding, water quality issues, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.

#### **Erosion and Deposition**

The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind and/or water runoff.

#### **Federal Emergency Management Agency (FEMA) Floodway**

The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one (1) foot.

#### **Flood Fringe**

That portion of the floodplain outside of the zero-rise floodway (See Floodway, Zero-Rise) which is covered by floodwater during the base flood, generally associated with standing water rather than rapidly flowing water.

**Flood Hazard Areas**

Those areas in the City subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions.

**Flood Insurance Rate Map (FIRM)**

The official map on which the Federal Insurance Administration has delineated some of the major areas of flood hazard.

**Flood Insurance Study for King County**

The official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map.

**Floodplain**

The total area subject to inundation by the base flood.

**Floodproofing**

Adaptations, pursuant to the Building Code, which will make a structure that is below the flood protection elevation substantially impermeable to the passing of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.

**Flood Protection Elevation**

An elevation which is one (1) foot above the base flood elevation.

**Floodway, Zero-Rise**

The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the one hundred (100) year floodplains, as shown on the FIRM maps for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive area special study.

**Mitigation of Environmental Impacts**

The use of any or all of the following actions, listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area or buffer;

- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments; and
- F. Monitoring the impact and taking appropriate corrective measures.

### **Ordinary High Water Mark**

The mark found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel or lake bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.

### **Regulated Wetland**

A wetland that meets one or more of the following criteria:

- A. Serves significant biological functions;
- B. Serves significant drainage and sedimentation functions;
- C. Shields other areas from wave action, erosion or storm damage;
- D. Serves as valuable storage area for storm and flood waters;
- E. Is a prime natural recharge area;
- F. Serves significant water purification functions.

Although a site specific wetland may not meet the criteria described above, it will be considered a regulated wetland if it is functionally related to another wetland that meets the criteria. Within the wetlands classification process there are the following classes: Class I, Class II, and Class III (See "Wetland" definition,).

### **Restoration**

Returning a stream, wetland, other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered (or original) state as closely as possible.

### **Retention/Detention Facility**

A type of drainage facility designed either to hold water for a considerable length of time and to release it by evaporation, plant transpiration and/or infiltration into the ground, or

to hold runoff via structural controls and then release it to the surface and storm drainage system.

**Retention/Detention Facility, Regional**

A surface water control structure installed in or adjacent to a drainage facility, stream or wetland of a basin or sub-basin by the City or a project proponent, as required by the City. Such facilities protect downstream properties from predicted significant regional basin flooding or erosion problems.

**Seismic Hazard Area**

(Denoted on critical areas maps.) Those areas in the City subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow groundwater table or other seismically induced settlement.

**Sensitive Area**

Any of those areas in the City which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat, and such resources which carry, hold or purify water in their natural state. Sensitive areas include coal mine hazard areas, erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams, volcanic hazard areas and wetlands.

**SEPA**

The State Environmental Policy Act (Chapter [43.21C](#) RCW) and the adopted City environmental policies.

**Shoreline Master Program**

The applicable City and State laws/codes related to the shoreline programs.

**Steep Slope Hazard Areas**

Those areas in the City on slopes of forty percent (40%) or greater within a vertical elevation change of at least ten (10) feet. A slope is delineated by establishing its toe and top, and is measured by averaging the inclination over at least ten (10) feet of vertical relief.

**Stream**

A course or route, formed by nature, including those modified by man, generally consisting of a channel with a bed, banks, or sides substantially throughout its length, along which surface waters naturally and normally flow in draining from higher to lower lands. Normal rainfall is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year as recorded at the Seattle-Tacoma International Airport. Pursuant to the sensitive areas section, there are the following stream classifications:

- A. Class 1 streams, only including streams inventoried as “Shorelines of the State” under the adopted Shoreline Master Program, pursuant to Chapter [90.58](#) RCW;

- B. Class 2 streams, only including streams smaller than Class 1 streams which flow year-round during years of normal rainfall or those which are used by salmonids; and
- C. Class 3 streams, only including streams which are intermittent or ephemeral during years of normal rainfall and which are not used by salmonids.

### **Stream Functions**

Natural processes performed by streams including functions which are important in facilitating food chain production; providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species; maintaining the availability and quality of water, such as purifying water; acting as recharge and discharge areas for groundwater aquifers; moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

### **Wetland**

Those areas in the City which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

According to the [33 CFR 328.3](#) (1988), wetlands generally include swamps, marshes, bogs and similar areas. Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as by other documentation, such as aerial photographs of the previous existence of wetland vegetation. When the areas of any wetlands are hydrologically connected to each other, they shall be added together to determine which of the following categories of wetlands apply:

- A. Class I Wetland. Only includes wetlands assigned the Unique/Outstanding #1 rating in the 1983 King County Wetlands Inventory (or the most recent City inventory) or which meet any of the following criteria:
  - 1. Are wetlands which have present species listed by the Federal or State government as endangered or threatened or outstanding actual habitat for those;
  - 2. Are wetlands which have forty percent (40%) to sixty percent (60%) permanent open water in dispersed patches with two (2) or more classes of vegetation;
  - 3. Are wetlands equal to or greater than ten (10) acres in size and have three (3) or more wetland classes, one of which is open water;
  - 4. Are wetlands which have present plant associations of infrequent occurrence;
  - 5. Sphagnum or peat wetlands; or



6. Forested wetlands equal to or greater than one (1) acre in size.
- B. Class II Wetland. Only includes wetlands assigned the Significant #2 rating in the 1983 King County Wetlands Inventory (or the most recent City inventory) or which meet any of the following criteria:
1. Are wetlands greater than one (1) acre in size; or
  2. Are wetlands equal to or less than one (1) acre in size and have three (3) or more wetland classes; or
  3. Are forested wetlands less than one (1) acre in size but are larger than two thousand five hundred (2,500) square feet; or
  4. Are wetlands which have present heron rookeries or raptor nesting trees.
- C. Class III Wetland. Only includes wetlands assigned the Lesser Concern #3 rating in the 1983 King County Wetlands Inventory (or most recent City inventory) or which are wetlands equal to or less than one (1) acre in size and have two (2) or fewer wetland classes. This does not include drainage ditches used as part of an approved public storm drainage system that may support wetland vegetation or retention/detention systems.

**Wetland Edge**

The line delineating the outer edge of a wetland established by using the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in conjunction with the Washington Regional Guidance on the 1987 Wetland Delineation Manual dated May 23, 1994.

**Wetland, Forested**

A wetland which is characterized by woody vegetation at least twenty (20) feet tall.

**Wetland Functions**

Natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as providing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988.

**Wetland, Isolated**

A wetland which has a total size less than two thousand five hundred (2,500) square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, and which does not have permanent open water.

**Wet Meadow, Grazed**

Palustrine emergent wetland typically having up to six (6) inches of standing water during the wet season and dominated under normal conditions by meadow emergents

such as reed, canary grass, spike rushes, bulrushes, sedges and other rushes. During the growing season, the soil is often saturated but not covered with water. These meadows frequently have been or are being used for livestock activities.

**Wet Pond**

An artificial water body constructed as a part of a surface water management system.

**15.700.060 Sensitive Area Maps and Inventories**

The distribution of environmentally sensitive areas in the City is displayed on maps in the Sensitive Areas Map Folio by King County. Many of the wetlands are inventoried and rated, and that information is published in the SeaTac Wetlands Inventory Notebooks. Flood hazard areas are mapped by the Federal Insurance Administration. If there is a conflict among the maps, inventory and site-specific features, the actual presence or absence of the features defined in this code as sensitive areas shall govern.

**15.700.070 Disclosure by Applicant**

- A. The applicant shall disclose to the City the presence of sensitive areas on the development proposal site.
- B. If the development proposal site contains or is within a sensitive area, the applicant shall submit an affidavit which declares whether the applicant has knowledge of any illegal alteration to any or all sensitive areas on the development proposal site and whether the applicant previously has been found in violation of this chapter. If the applicant previously has been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the City.

**15.700.080 Sensitive Area Review**

- A. The City shall perform a sensitive area review for any SeaTac development proposal permit application or other request for permission to proceed with an alteration on a site which includes a sensitive area or is within an identified sensitive area buffer or building setback area.
- B. As part of the sensitive area review, the City shall:
  - 1. Determine whether any sensitive area exists on the property and confirm its nature and type;
  - 2. Determine whether a sensitive area special study is required;
  - 3. Evaluate the sensitive area special study;

4. Determine whether the development proposal is consistent with this chapter;
5. Determine whether any proposed alteration to the sensitive area is necessary; and
6. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare, consistent with the goals, purposes, objectives and requirements of this chapter.

### **15.700.090 Sensitive Area Special Study Requirement**

- A. An applicant for a development proposal which includes a sensitive area or is within an identified sensitive area buffer shall enter into a three (3) party agreement, as approved by the City, whereby the applicant shall pay the costs for the City to hire the appropriate consultant(s) to provide a sensitive area special study to adequately evaluate the proposal and all probable impacts. The selection of the consultant(s) hired by the City shall be at the sole discretion of the City.
- B. The City may waive the requirement for a special study if the applicant shows, to the City's satisfaction, that:
  1. There will be no alteration of the sensitive area or buffer;
  2. The development proposal will not have an impact on the sensitive area in a manner contrary to the goals, purposes, objectives and requirements of this chapter; and
  3. The minimum standards required by this chapter are met.
- C. If necessary to insure compliance with this chapter, the City may require additional information from the applicant or consultant pursuant to the agreement specified in subsection (A) of this section.

### **15.700.100 Contents of Sensitive Area Special Study**

- A. The sensitive area special study shall be in the form of a written report and shall contain the following:
  1. Identification and characterization of all sensitive areas on or encompassing the development proposal site;

2. Assessment of the impacts of any alteration proposed for a sensitive area or buffer, as applicable, assessment of the impacts of any alteration on the development proposal, other properties and the environment;
  3. Studies which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures;
  4. A scale map of the development proposal site; and
  5. Detailed studies, as required by the City.
- B. A sensitive area special study may be combined with any studies required by other laws and regulations.

#### **15.700.110 Mitigation, Maintenance, Monitoring and Contingency**

- A. As determined by the City, mitigation, maintenance and monitoring measures shall be in place to protect sensitive areas and buffers from alterations occurring on the development proposal site.
- B. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.

#### **15.700.120 Bonds to Insure Mitigation, Maintenance and Monitoring**

- A. When mitigation required pursuant to a development proposal is not completed prior to the City finally approving the proposal, the City may delay final approval until mitigation is completed or may require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. The bond shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by the City in accordance with this chapter.
- B. If the development proposal is subject to mitigation, maintenance or monitoring plans, the applicant shall post a maintenance/monitoring bond or other security in a form and amount deemed acceptable by the City. The bond shall be sufficient to guarantee performance of conditions or mitigation measures required by this chapter for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the City, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
- C. Performance and maintenance/monitoring bonds or other security shall also be required for restoration of a sensitive area or buffer not performed as part of a

mitigation or maintenance plan, except that no bond shall be required for minor stream restoration carried out pursuant to this chapter. The bond or other security shall be in a form and amount deemed acceptable by the City.

- D. Performance and maintenance/monitoring bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.
- E. Depletion, failure or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring or restoration.
- F. Development proposals made by the City shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring or restoration.

### **15.700.130 Vegetation Management Plan**

- A. For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with any alteration.
- B. The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a sensitive area or its buffer is proposed to be disturbed.
- C. Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices which demonstrates how all sensitive areas will be protected in accordance with the provisions of this chapter.
- D. Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.
- E. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.
- F. Submittal requirements for vegetation management plans shall be set forth in the application packet.

**15.700.140 Sensitive Area Markers and Signs**

- A. Permanent survey stakes delineating the boundary between adjoining properties and sensitive area tracts shall be set, using iron or concrete markers as established by current survey standards.
- B. The boundary between a sensitive area tract and contiguous land shall be identified with permanent signs, printed in two (2) international languages.
- C. In all new developments, short plats, and formal subdivisions, all storm drains shall be stenciled “Dump No Waste, Drains to Stream” prior to the occupancy of any structures within the new development, or prior to the occupancy of any new residence within the short plat or formal subdivision.

**15.700.150 Notice on Title**

- A. The owner of any property containing sensitive areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file a covenant approved by the City with the King County Records and Elections Division. The required contents and form of the notice shall be set forth in administrative rules. The notice shall inform the public of the presence of sensitive areas or buffers on the property, of the application of this chapter to the property, and that limitations on actions in or affecting such sensitive areas or buffers may exist. The covenant shall run with the land.
- B. The applicant shall submit proof that the notice has been filed for public record before the City shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording.

**15.700.160 Sensitive Area Tracts and Designation on Site Plans**

- A. Sensitive area tracts shall be used to delineate and protect those sensitive areas and buffers listed below in development proposals for subdivisions, binding site plans and easements for short plats and other developments, and shall be recorded on all documents of title of record for all affected lots:
  - 1. All landslide hazard areas and buffers which are one (1) acre or greater in size;
  - 2. All steep slopes hazard areas and buffers which are one (1) acre or greater in size;
  - 3. All wetlands and buffers; and

4. All streams and buffers.
  - B. Any required sensitive area tract shall be held in undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot, or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership, maintenance and protection of the tract.
  - C. Site plans submitted as part of development proposals for building permits, master plan developments and clearing and grading permits shall include and delineate all landslide and steep slope hazard areas, streams and wetlands, buffers and building setbacks. The site plans shall be attached to the notice on title required by SMC 15.700.150.

### **15.700.170 Building Setbacks**

Unless otherwise provided, buildings and other structures shall be set back a distance of fifteen (15) feet from the edges of all sensitive area buffers or from the edges of all sensitive areas if no buffers are required. The following may be allowed in the building setback area:

- A. Landscaping;
- B. Uncovered decks;
- C. Building overhangs if such overhangs do not extend more than eighteen (18) inches into the setback area; and
- D. Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions specified in City policies and rules adopted for the various sensitive areas.

The following Sensitive Areas Setback Requirements Chart specifies setback buffers and additional building setbacks. The setback buffers specified are minimum requirements, and may be increased based on special studies completed by qualified professionals pursuant to SMC 15.700.280.

	<b>SETBACK BUFFER</b>	<b>BUILDING SETBACK FROM BUFFER</b>
Class I Wetland	100 feet	15 feet
Class II Wetland	50 feet	15 feet
Class III Wetland	35 feet	15 feet
Class 1 Stream	100 feet	15 feet
Class 2 Stream with Salmonids	100 feet	15 feet
Class 2 Stream	50 feet	15 feet
Class 3 Stream	25 feet	15 feet
Slopes 40% or greater	50 feet from top, toe, or side of slope	N/A
Landslide Hazard Areas	50 feet from all edges of the landslide hazard area	N/A

**15.700.180 Erosion Hazard Areas – Development Standards and Permitted Alterations**

- A. Clearing on an erosion hazard area is allowed only from April 1st to September 1st, except that:
  - 1. Up to fifteen thousand (15,000) square feet may be cleared on any lot, subject to any other requirement for vegetation retention and subject to any clearing and grading permit required by Chapter 15.445 Landscaping and Tree Retention SMC; and
  - 2. Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources or a clearing and grading permit issued by the City.
- B. All development proposals on sites containing erosion hazard areas shall include a temporary erosion control plan consistent with this section and other laws and regulations prior to receiving approval.
- C. All subdivisions, short subdivisions or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
  - 1. Except as provided in this section, existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;



2. If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to the City for review and approval. Following approval, the applicant shall be required to implement the plan;
  3. Clearing of vegetation on lots may be allowed without a separate clearing and grading permit if the City determines that:
    - a. Such clearing is a necessary part of a large scale grading plan;
    - b. It is not feasible to perform such grading on an individual lot basis; and
    - c. Drainage from the graded area will meet water quality standards to be established by administrative rules.
- D. Where the City determines that erosion or water quality from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the potential of molecular water runoff from the highest, most vertical steel or wooden surface of a structure, more commonly known as a roof, to the roof of an alloy/enamel covered motorized automobile to an impervious surface (including, but not limited to, paved and gravel parking lots) inter-mixed with petroleum by-products, the proximity to the receiving water or the sensitivity of the receiving water or the fishes, the applicant shall be required to provide regular monitoring of surface water discharge from the site. If the project does not meet water quality standards established by law or administrative rules, the City may suspend further development work on the site until such standards are met.
- E. The use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by the City under the applicable RCW statutes.

### **15.700.190 Flood Hazard Areas – Components**

- A. A flood hazard area consists of the following components:
  1. Floodplain;
  2. Flood fringe;
  3. Zero-rise floodway; and
  4. Federal Emergency Management Agency (FEMA) floodway.
- B. The City shall determine the flood hazard area after obtaining, reviewing and utilizing base flood elevations and available floodway data for a flood having a

one (1) percent chance of being equaled or exceeded in any given year, often referred to as the “one hundred (100) year flood.” The base flood is determined for existing conditions unless a basin plan including projected flows under future developed conditions has been completed, approved and adopted by the City, in which case these future flow projections shall be used. In areas where the flood insurance study for the City includes detailed base flood calculations, those calculations may be used until projection of future flows are completed and approved by the City in concurrence with FEMA.

### **15.700.200 Flood Fringe – Development Standards and Permitted Alterations**

- A. Development proposals shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site if legal arrangements can be made to ensure that the effective compensatory storage volume will be preserved over time.
- B. No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.
- C. All elevated construction shall be designed and certified by a professional structural engineer licensed by the State of Washington and shall be reviewed by the City prior to construction.
- D. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:
  - 1. New building lots shall contain five thousand (5,000) square feet or more of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;
  - 2. All utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed consistent with subsections (E), (F), (H) and (I) of this section;
  - 3. Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and
  - 4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision, or binding site plan for all affected lots:

## NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precaution.

- E. New residential structures and substantial improvements of existing residential structures shall meet the following requirements:
1. The lowest floor shall be elevated above the official floodplain elevation;
  2. Portions of a structure which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:
    - a. A minimum of two (2) openings on opposite walls having a total open area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
    - c. Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;
  3. Materials and methods which are resistant to, and minimize, flood damage shall be used; and
  4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.
- F. New nonresidential structures and substantial improvements of existing nonresidential structures shall meet the following requirements:
1. The elevation requirement for residential structures contained in subsection (E)(1) shall be met; or
  2. The structure shall be floodproofed to the flood protection elevation and shall meet the following requirements:

- a. The applicant shall provide certification by a professional civil or structural engineer licensed by the State of Washington that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications; and
  - b. Approved building permits for floodproofed, nonresidential structures shall contain a statement notifying the applicant that flood insurance premiums shall be based upon rates for structures which are one (1) foot below the floodproofed level;
  3. Materials and methods which are resistant to and minimize flood damage shall be used; and
  4. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.
- G. Mobile homes and mobile home parks shall meet the following requirements:
1. Mobile homes shall meet all requirements for flood hazard protection for residential structures and shall be anchored and installed using Building Code methods and practices which minimize flood damage; and
  2. No permit or approval for the following shall be granted unless mobile homes within the mobile home park meet the requirements for flood hazard protection for residential structures:
    - a. A new mobile home park;
    - b. An expansion of an existing mobile home park; or
    - c. Annual repair or reconstruction of streets, utilities or pads in an existing mobile home park which equals or exceeds fifty percent (50%) of the value of such streets, utilities or pads.
- H. Utilities shall meet the following requirements:
1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the flood protection elevations;
  2. New, on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the base flood elevation. The installation of

new, on-site sewage disposal systems in the flood fringe may be allowed if no feasible alternative site is available;

3. Sewage and agricultural waste storage facilities shall be floodproofed to the flood protection elevation;
  4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and
  5. Buried utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four (4) feet below the maximum depth of scour for the base flood, as determined by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
- I. Critical facilities may be allowed within the flood fringe of the floodplain, but only when no feasible alternative site is available. Critical facilities shall be evaluated through the major conditional use permit process. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three (3) or more feet above the base flood elevation. Floodproofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into the floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities from the nearest maintained public street or roadway.
- J. Prior to approving any permit for alterations in the flood fringe, the City shall determine that all permits required by State or Federal law have been obtained.

#### **15.700.210 Zero-Rise Floodway – Development Standards and Permitted Alterations**

- A. The requirements which apply to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.
- B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:
  1. Amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
- C. The following are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact:
1. New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, which contain less than five thousand (5,000) square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than two thousand (2,000) square feet;
  2. Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased; or
  3. Substantial improvements of existing residential structures meeting the requirements for new residential structures in SMC 15.700.210.
- D. Post or piling construction techniques which permit water flow beneath a structure shall be used.
- E. All temporary structures or substances hazardous to public health, safety and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30th to May 1st.
- F. New residential or nonresidential structures shall meet the following requirements:
1. The structures shall be outside the FEMA floodway; and
  2. The structures shall be on lots in existence before November 27, 1990, which contain less than five thousand (5,000) square feet of buildable land outside the zero-rise floodway.
- G. Utilities may be allowed within the zero-rise floodway if the City determines that no feasible alternative site is available, subject to the following requirements:
1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the Seattle/King County Department of Public Health; and

2. Construction of sewage treatment facilities shall be prohibited.
- H. Critical facilities shall not be allowed within the zero-rise floodway.
- I. Structures and installations which are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:
1. Dams or diversions for water supply, flood control, irrigation or fisheries enhancement;
  2. Flood damage reduction facilities, such as levees and pumping stations;
  3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
  4. Storm water conveyance facilities subject to the development standards for streams and wetlands and the Surface Water Design Manual;
  5. Recreation structures;
  6. Bridge piers and abutments; and
  7. Other fisheries enhancement or stream restoration projects.

### **15.700.220 FEMA Floodway – Development Standards and Permitted Alterations**

- A. The requirements which apply to the zero-rise floodway shall also apply to the FEMA floodway. The more restrictive requirements shall apply where there is a conflict.
- B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation.
- C. New residential or nonresidential structures are prohibited within the FEMA floodway.
- D. Substantial improvements of existing residential structures in the FEMA floodway meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact.

### **15.700.230 Flood Hazard Areas – Certification by an Engineer or Surveyor**

- A. For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington of:
  - 1. The actual, as-built elevation of the lowest floor, including basement; and
  - 2. The actual, as-built elevation to which the structure is floodproofed, if applicable.
- B. The engineer or surveyor shall indicate if the structure has a basement.
- C. The City shall maintain the certifications required by this section for public inspection.

### **15.700.240 Landslide Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a landslide hazard area shall meet the following requirements:

- A. A minimum buffer of fifty (50) feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety and welfare;
- B. Unless otherwise provided herein, or as part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
- C. Vegetation on slopes within a landslide hazard area or buffer which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to the City pursuant to an enhancement plan approved by the City. The use of hazardous substances, pesticides and fertilizers in landslide hazard areas and their buffers may be prohibited by the City under the applicable RCW statutes; and
- D. Alterations to landslide hazard areas and buffers may be allowed only as follows:



1. A landslide hazard area located on a slope of forty percent (40%) or steeper may be altered only if the alteration meets the standards and limitations set forth for steep slope hazard areas in SMC 15.700.260;
2. A landslide hazard area located on a slope less than forty percent (40%) may be altered only if the alteration meets the following requirements:
  - a. The development proposal will not decrease slope stability on contiguous properties; and
  - b. The landslide hazard area is modified or the development proposal is designed so that the landslide hazard to the project and contiguous property is limited or mitigated, and the development proposal on the site is determined to be safe by the City based on a study prepared by a geologist or geotechnical engineer; and
3. Neither buffers nor a sensitive area tract shall be required if the alterations meet the standards of subsection (D)(2) of this section.

### **15.700.250 Seismic Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a seismic hazard area shall meet the following requirements:

- A. Unless exempt, development proposals shall be subject to review standards based on two (2) occupancy types: critical facilities and other structures. The review standards for critical facilities shall be based on larger earthquake reoccurrence intervals. The review standards for both occupancy types shall be set forth in administrative rules;
- B. Alterations to seismic hazard areas may be allowed only as follows:
  1. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
  2. Mitigation is implemented which renders the proposed development as safe as if it were not located in a seismic hazard area; and
- C. The following are exempt from the provisions of this section:
  1. Mobile homes; and
  2. Single story, nonresidential structures which are less than two thousand five hundred (2,500) square feet and are not used as places of employment or public assembly.

### **15.700.260 Steep Slope Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a steep slope hazard area shall meet the following requirements:

- A. A minimum buffer of fifty (50) feet shall be established from the top, toe and along all sides of any slope forty percent (40%) or steeper. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety and welfare. The buffer may be reduced to a minimum of ten (10) feet if, based on a special study, the City determines that the reduction will adequately protect the proposed development and the sensitive area. For single-family residential building permits only, the City may waive the special study requirement and authorize buffer reductions if the City determines that the reduction will adequately protect the proposed development and the sensitive area;
- B. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
- C. Vegetation on steep slopes within steep slope hazard areas or their buffers which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to the region pursuant to a vegetation management plan approved by the City. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by the City;
- D. Alterations to steep slope hazard areas and buffers may be allowed only as follows:
  1. Approved surface water conveyances, as specified in the Surface Water Design Manual, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;
  2. Public and private trails may be allowed on steep slopes if they receive site-specific approval by the City, as guided by the construction and maintenance standards in the U.S. Forest Service “Trails Management Handbook,” FSH 2309.18, June 1987, as amended, and the “Standard Specifications for Construction of Trails” (EM-7720-102, June 1984, as amended). Under no circumstances shall trails be constructed of concrete, asphalt or other impervious surfaces which will contribute to surface water

run-off, unless such construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped person(s);

3. Utility corridors may be allowed on steep slopes if a special study shows that such alterations will not subject the area to the risk of landslide or erosion;
  4. Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules; and
  5. Approved mining and quarrying activities may be allowed; and
- E. The following are exempt from the provisions of this section:
1. Slopes which are forty percent (40%) or steeper with a vertical elevation change of up to twenty (20) feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and
  2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent (40%) or steeper following site development shall be subject to all requirements for steep slopes.

### **15.700.270 Wetlands – Development Standards**

A development proposal on a site containing a wetland shall meet the following requirements:

- A. The following minimum buffers shall be established from the wetland edge:
1. A Class I wetland shall have a one hundred (100) foot buffer;
  2. A Class II wetland shall have fifty (50) foot buffer;
  3. A Class III wetland shall have thirty-five (35) foot buffer;
  4. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the wetland class involved; and
  5. Any wetland within twenty-five (25) feet of the toe of a slope thirty percent (30%) or steeper, but less than forty percent (40%), shall have:

- a. The minimum buffer required for the wetland class involved or a twenty-five (25) foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class; or
  - b. A twenty-five (25) foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;
- B. Buffer width averaging may be allowed by the City if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease;
  - C. Increased buffer widths shall be required by the City when necessary to protect wetlands. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish and wildlife habitats, landslide or erosion hazard areas contiguous to wetlands, groundwater recharge and discharge and the location of trail or utility corridors; and
  - D. The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the City.

### **15.700.280 Wetlands – Permitted Alterations**

Alterations to wetlands and buffers may be allowed only as follows:

- A. If the City determines, based upon its review of special studies completed by qualified professionals, that:
  1. The wetland does not serve any of the valuable functions of wetlands identified in this chapter including, but not limited to, biologic and hydrologic functions; or
  2. The proposed development will protect or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland and will be consistent with the purposes of this chapter;

To establish the conditions in subsection (A), detailed studies may be required as part of the special study on habitat value, functions, hydrology, erosion, and/or water quality. Such detailed studies shall include at a minimum:

- a. Specific recommendations for mitigation;
- b. Existing and proposed wetland acreage;
- c. Vegetative, faunal and hydrologic conditions;
- d. Relationship within watershed and to existing waterbodies;
- e. Soil and substrate conditions, topographic elevations;
- f. Existing and proposed adjacent site conditions;
- g. Required wetland buffers;
- h. Property ownership; and
- i. A discussion of ongoing management practices to monitor and maintain wetland functions and habitat value.

The requirements in subsection (A)(2) of this section may be modified upon written approval of the Director, if the applicant demonstrates that the requirements of this section are met or are otherwise unnecessary.

- B. If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;
- C. There shall be no introduction of any plant or wildlife which is not indigenous to the City or King County into any wetland or buffer unless authorized by a State or Federal permit or approval;
- D. Utilities may be allowed in wetland buffers if:
  1. The City determines that no practical alternative location is available; and
  2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
- E. Sanitary and storm sewer utility corridors may be allowed in wetland buffers only if:
  1. The applicant demonstrates that sewer lines are necessary for gravity flow;
  2. The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the State or Federal government or contain

- critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;
3. The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to seventy-five percent (75%) of the buffer width from the wetland edge;
  4. Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than eight (8) inches in diameter as measured four (4) feet above ground level, when possible, and pesticides, herbicides, and hazardous substances are not used;
  5. An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor including any allowed maintenance roads, is provided to protect the wetland;
  6. The corridor is revegetated with appropriate vegetation native to the City and King County at preconstruction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;
  7. Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and
  8. The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than fifteen (15) feet; the road is maintained without the use of herbicides, pesticides or other hazardous substances; and the location of the road is contiguous to the utility corridor on the side away from the wetland;
- F. Joint use of an approved sewer utility corridor by other utilities may be allowed;
- G. The following surface water management activities and facilities may be allowed in wetland buffers only as follows:
1. Surface water discharge to a Class I or II wetland from a detention facility, presettlement pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;
  2. A Class I or II wetland or buffer may be used for a regional retention/detention facility if:
    - a. A public agency and utility exception is granted pursuant to SMC 15.700.050;

- b. Constructed in accordance with the requirements of the Surface Water Design Manual;
  - c. The use will not alter the rating or the factors used in rating the wetland;
  - d. The proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and
  - e. There are no significant adverse impacts to the wetland;
3. A Class III wetland or buffer which has as its major function the storage of water may be used, expanded or reconstructed as a regional retention/detention facility if requirements of the Surface Water Design Manual are met; and
  4. Use of a wetland buffer for a surface water management activity or facility, other than a retention/detention facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the City, that:
    - a. No other practical alternative exists; and
    - b. The functions of the buffer or the wetland are not adversely affected;
- H. Wetlands can be used for retention/detention facilities other than for regional facilities;
- I. Public and private trails may be allowed in wetland buffers only upon adoption of administrative rules consistent with the following:
1. The trail surface shall not be made of impervious materials, except that public, multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;
- J. A dock, pier, moorage, float or launch facility may be allowed, subject to the provisions of Shorelines Management Act, if:
1. The existing and zoned density around the wetland is three (3) dwelling units or more;

2. At least seventy-five percent (75%) of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and
  3. Open water is a significant component of the wetland;
- K. Alterations to isolated wetlands may be allowed only as follows:
1. On sites less than twenty (20) acres in size, one (1) isolated wetland may be altered by relocating its functions into a new wetland on the site pursuant to an approved mitigation plan;
  2. On sites of less than twenty (20) acres in size, up to three (3) isolated wetlands may be altered by combining their functions into one (1) or more replacement wetland on the site pursuant to an approved mitigation plan; and
  3. Whenever an isolated wetland is altered pursuant to this subsection, the replacement wetland shall include enhancement for wildlife habitat;
- L. One (1) additional agricultural building or associated residence may be allowed within the wetland buffer on a grazed meadow if all hydrologic storage is replaced on the site;
- M. Subject to a clearing and grading permit issued pursuant to Chapter 15.445 Landscaping and Tree Retention SMC and other City Codes, the cutting of up to one (1) cord of firewood may be permitted in buffers of five (5) acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;
- N. Wetland road crossings may be allowed if:
1. The City determines that no alternative access is practical;
  2. All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas;
  3. Crossings do not change the overall wetland hydrology;
  4. Crossings do not diminish the flood storage capacity of the wetland; and
  5. All crossings are constructed during summer low water periods.



### **15.700.290 Wetlands – Alteration of Wetlands Historically and Continuously Used for Agricultural Purposes**

Class II and III wetlands that have been used for agricultural purposes for a minimum of fifty (50) continuous years may be altered subject to the following minimum requirements:

- A. The applicant/property owner can provide evidence that the wetland has been used for agricultural use continuously for fifty (50) years. This evidence, at a minimum, shall include aerial photographs of the site at the beginning of the fifty (50) year span of use. Aerial photographs of the site over the span of the use of the wetland for agricultural uses to the present shall be provided. At no time shall there be more than ten (10) years between the chronology of the photographs;
- B. If an agricultural wetland is located solely on one (1) parcel of property, no more than twenty-five percent (25%) of the wetland may be filled;
- C. If the altered wetland is located on more than one (1) property, no more than twenty-five percent (25%) of the entire wetland may be filled. The remainder of the wetland shall be enhanced as approved by the City provided it can be shown by a qualified wetlands biologist, approved by the City that:
  1. The enhancement of the remaining wetland shall provide the same or better hydrologic or biologic functions as the class of wetland identified in the wetland study for the site;
  2. If the altered wetland is located on more than one property, the entire altered wetland shall be identified; and
  3. Any altered wetlands located in a flood hazard area shall conform with SMC 15.700.130 through 15.700.230; and
- D. For altered wetlands that are located on more than one property, development rights may be transferred from one owner to the other for development within the altered wetland. This shall be done by a nonrevocable contract, as approved by the City. The transfer of property rights shall run with the land. In no case shall the transfer of development rights allow more than .99 acres of fill within an altered wetland.

### **15.700.300 Wetlands – Mitigation Requirements**

- A. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City. The following minimum requirements shall be met for the restoration of a wetland:

1. The original wetland configuration shall be replicated including its depth, width, length and gradient at the original location;
  2. The original soil type and configuration shall be replicated;
  3. The wetland edge and buffer configuration shall be restored to its original condition;
  4. The wetland, edge and buffer shall be replanted with vegetation native to the City and King County which replicates the original vegetation in species, sizes and densities; and
  5. The original wetland functions shall be restored including, but not limited to, hydrologic and biologic functions;
- B. The requirements in subsection (A) may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained;
- C. Enhancement shall be required when a wetland or buffer will be altered pursuant to a development proposal. Minimum requirements for enhancement shall be established in the SEPA process but must maintain or improve the wetland's biologic and/or hydrologic functions;
- D. Replacement may be allowed when a wetland or buffer is altered pursuant to an approved development proposal if no reasonable opportunities exist for enhancement;
- E. All alterations of wetlands shall be replaced or enhanced on the site using the following formulas: Class I and II wetlands on a two (2) to one (1) basis and Class III on a one (1) to one (1) basis with equivalent or greater biologic functions including, but not limited to, habitat functions and with equivalent hydrologic functions, including, but not limited to, storage capacity;
- F. Replacement or enhancement off the site may be allowed if the applicant demonstrates to the satisfaction of the City that the off-site location is in the same drainage sub-basin as the original wetland and that greater biologic and hydrologic functions will be achieved. The formulas in subsection (E) shall apply to replacement and enhancement off the site; and
- G. Surface water management or flood control alterations including, but not limited to, wetponds shall constitute replacement or enhancement unless other functions are simultaneously improved.

### **15.700.310 Wetlands – Limited Exemption**

Isolated wetlands less than one thousand (1,000) square feet may be exempted from the provisions of SMC 15.700.270 through 15.700.300 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.

### **15.700.320 Streams – Development Standards**

A development proposal on a site containing a stream shall meet the following requirements.

- A. The following minimum buffers shall be established from the ordinary high water mark (OHWM) or from the top of the bank if the OHWM cannot be identified:
  1. A Class 1 stream shall have a one hundred (100) foot buffer;
  2. A Class 2 stream used by salmonids shall have a one hundred (100) foot buffer;
  3. A Class 2 stream not used by salmonids shall have a fifty (50) foot buffer;
  4. A Class 3 stream shall have a twenty-five (25) foot buffer;
  5. Any stream restored, relocated, replaced or enhanced because of a stream alteration shall have the minimum buffer required for the stream class involved;
  6. Any stream with an OHWM within twenty-five (25) feet of the toe of a slope thirty percent (30%) or steeper, but less than forty percent (40%), shall have:
    - a. The minimum buffer required for the stream class involved or a twenty-five (25) foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that stream class; or
    - b. A twenty-five (25) foot buffer beyond the minimum buffer required for the stream class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that stream class; and
  7. Any stream adjoined by a riparian wetland or other contiguous sensitive area shall have the buffer required for the stream class involved or the

buffer which applies to the wetland or other sensitive area, whichever is greater;

- B. Buffer width averaging may be allowed by the City if it will provide additional protection, as long as the total area contained in the buffer on the development proposal site does not decrease; and
- C. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer is prohibited unless specifically allowed by the City.

### **15.700.330 Streams – Permitted Alterations**

Alterations to streams and buffers may be allowed only as follows:

- A. Alterations may only be permitted if based upon a special study;
- B. The applicant shall notify affected communities and native tribes of proposed alteration(s) prior to any alteration if the stream is in a flood hazard area. The applicant shall submit evidence of such notification to the Federal Insurance Administration;
- C. There shall be no introduction of any plant or wildlife which is not indigenous to the City or King County into any stream or buffer unless authorized by a State or Federal permit or approval by the City;
- D. Utilities may be allowed in stream buffers if:
  - 1. No practical alternative location is available;
  - 2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
  - 3. The requirements for sewer utility corridors (SMC 15.700.280) shall also apply to streams; and
  - 4. Joint use of an approved sewer utility corridor by other utilities may be allowed;
- E. The following surface water management activities and facilities may be allowed in stream buffers as follows:
  - 1. Surface water discharge to a stream from a detention facility, presettlement pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the Surface Water Design Manual;

2. A Class 2 stream or buffer may be used for a regional retention/detention facility if:
    - a. A public agency and utility exception is granted pursuant to SMC 15.700.050;
    - b. Designed in accordance with the requirements of the Surface Water Design Manual;
    - c. The use will not alter the rating or the factors used in rating the stream;
    - d. There are no significant adverse impacts to the stream; and
  3. A Class 3 stream or buffer may be used as a regional retention/detention facility if the alteration will have no lasting adverse impact on any stream and if designed in accordance with the requirements of the Surface Water Design Manual;
- F. Public and private trails may be allowed in the stream buffers only upon adoption of administrative rules consistent with the following:
1. The trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;
- G. Stream crossings may be allowed if:
1. All road crossings use bridges or other construction techniques which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Class 2 and 3 streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;
  2. All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;
  3. Crossings do not occur over salmonid spawning areas unless the City determines that no other possible crossing site exists;

4. Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
  5. Crossings do not diminish the flood-carrying capacity of the stream;
  6. Underground utility crossings are laterally drilled and located at a depth of four (4) feet below the maximum depth of the scour for the base flood predicted by a civil engineer licensed by the State of Washington; and
  7. Crossings are minimized and serve multiple purposes and properties whenever possible;
- H. Stream relocations may be allowed only for:
1. Class 2 streams as part of a public road project for which a public agency and utility exception is granted pursuant to SMC 15.700.050; and
  2. Class 3 streams for the purpose of enhancing resources in the stream if:
    - a. Appropriate floodplain protection measures are used; and
    - b. The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impractical, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;
- I. For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
1. The equivalent base flood storage volume and function will be maintained;
  2. There will be no adverse impact to local groundwater;
  3. There will be no increase in velocity;
  4. There will be no interbasin transfer of water;
  5. There will be no increase in the sediment load;
  6. Requirements set out in the mitigation plan are met;
  7. The relocation conforms to other applicable laws; and
  8. All work will be carried out under the direct supervision of a qualified biologist;

- J. A stream channel may be stabilized if:
1. Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and
  2. The stabilization is done in compliance with the requirements of SMC 15.700.130 through 15.700.230 and administrative rules promulgated pursuant to this chapter;
- K. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direct supervision of a qualified biologist pursuant to provisions contained in administrative rules;
- L. A minor stream restoration project or fish habitat enhancement may be allowed if:
1. The restoration is accomplished by a public agency with a mandate to do such work;
  2. The restoration is unassociated with mitigation of a specific development proposal;
  3. The restoration does not cost more than twenty-five thousand dollars (\$25,000);
  4. The restoration is limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements;
  5. The restoration only involves the use of hand labor and light equipment; and
  6. The restoration is performed under the direct supervision of a qualified biologist;
- M. Roadside and agricultural drainage ditches which carry streams with salmonids may be maintained through use of best management practices developed in consultation with relevant County, State, and Federal agencies. These practices shall be adopted as administrative rules; and
- N. Subject to a clearing and grading permit issued pursuant to tree retention requirements in SMC 15.445.140 through 15.445.148, the cutting of up to one (1) cord of firewood may be permitted in buffers of five (5) acres or larger in

any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting.

### **15.700.340 Streams – Mitigation Requirements**

- A. Restoration shall be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration shall demonstrate that:
1. The stream has been degraded and will not be further degraded by the restoration activity;
  2. The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
  3. The restoration will have no lasting, significant, adverse impact on any stream functions; and
  4. The restoration will assist in stabilizing the stream channel;
- B. The following minimum requirements shall be met for the restoration of a stream:
1. All work shall be carried out under the direct supervision of a qualified biologist;
  2. Basin analysis shall be performed to determine hydrologic conditions;
  3. The natural channel dimensions shall be replicated including its depth, width, length and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
  4. The bottom shall be restored with identical or similar materials;
  5. The bank and buffer configuration shall be restored to its original condition;
  6. The channel, bank and buffer areas shall be replanted with vegetation native to the City and King County which replicates the original vegetation in species, sizes and densities; and
  7. The original biologic functions of the stream shall be recreated;



- C. The requirements in subsection (B) may be modified if the applicant demonstrates to the satisfaction of the City that a greater biological function can otherwise be obtained;
- D. Replacement or enhancement shall be required when a stream or buffer is altered pursuant to an approved development proposal. There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations;
- E. The requirements which apply to the restoration of streams in subsection (B) shall also apply to the relocation of streams, unless the applicant demonstrates to the satisfaction of the City that a greater biological function can be obtained by modifying these requirements;
- F. Replacement or enhancement for approved stream alterations shall be accomplished in streams and on the site unless the applicant demonstrates to the satisfaction of the City:
  - 1. Enhancement or replacement on the site is not possible;
  - 2. The off-site location is in the same drainage sub-basin as the original stream; and
  - 3. Greater biological and hydrological functions will be achieved; and
- G. Surface water management or flood control alterations shall not be considered “enhancement” unless other functions are simultaneously improved.

### **15.700.350 Critical Recharging Areas for Aquifers Used for Potable Water**

- A. Purpose. Potable water is an essential life sustaining element. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to the public. It is the City’s intent, through this section, to recognize the importance of aquifers and to acknowledge a responsibility common to all governmental agencies to ensure, as much as possible through each jurisdiction’s powers, the protection of health, safety and welfare of the public, the continued quantity and quality of groundwater supplies through the regulation of land uses which may contribute contamination that may degrade groundwater quality and/or quantity in recharge areas of vulnerability. The extent of regulation shall be based on the degree of vulnerability of an identified recharge area and the contaminant loading potential of the proposed land use.
- B. Where it is determined through special studies or City mapping projects that soil and geologic formation permeability exists such that the presence of a

groundwater recharge area is likely, the City Manager, or designee, may require further investigation by the applicant of the existence of recharge areas when the proposed land use involved is considered to be of a type or intensity that has a high contamination potential. Such uses may include, but are not limited to, planned unit developments, waste disposal sites, or agriculture activities.

- C. Any additional required special studies shall address, but are not limited to, the following:
1. Depth of groundwater;
  2. Aquifer properties such as hydraulic conductivity and gradients;
  3. Soil texture, permeability, and contaminant attenuation properties;
  4. Characteristics of the vadose zone (the unsaturated tip layer of soil and geologic material) including permeability and attenuation properties; or
  5. Other relevant factors.
- D. Based upon information provided in any required special report or study, the Department shall determine conditions of development which will ensure, to the extent possible, no degradation of groundwater quantity or quality. Such conditions shall be attached to any permit required by the project proposal.

### **15.700.360 Fish and Wildlife Habitat Conservation Areas**

- A. Purpose. Fish and wildlife habitat conservation means land management for maintaining species in a wild state in suitable habitats within their natural geographic distribution so that isolated sub-populations are not created. This does not mean maintaining all individuals of all species at all times. It does mean that cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, it may be sufficient to assure that a species will usually be found in certain regions across the State. In other cases, it may be necessary to assure protection to each individual species. Protection needs to be species specific and goal-oriented. Fish and wildlife habitat conservation areas include:
1. Areas with which endangered, threatened, and sensitive species have a primary association;
  2. Habitats and species of local importance (i.e., herons);
  3. Naturally occurring lakes or ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;

4. Waters of the State;
5. Lakes, ponds, and streams planted with game fish by a governmental or tribal entity.

The provisions of this of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program.

B. Fish and wildlife habitat conservation areas may, and probably will, include one (1) or more of other sensitive areas identified in this chapter. The following classification system is based on the presence of one (1) or more of these sensitive areas as well as species identified as endangered, threatened, sensitive, or priority, the area's proximity to developed areas, and the area's existing use.

1. Category 1 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the State Department of Wildlife (DOW) or heron, and which is characterized by agricultural or low density residential use (one (1) unit or less per acre) and which is not within two hundred (200) feet of more intense land uses.
2. Category 2 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by residential uses of greater density than one (1) unit per acre or which lies within two hundred (200) feet of more intense land uses.
3. Category 3 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the DOW and which is characterized by single-family residential areas immediately adjacent to multifamily or nonresidential land uses.
4. Category 4 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by nonresidential land uses.

C. Buffers. For any fish and wildlife habitat conservation areas which include other sensitive areas as identified and regulated in this chapter, the buffer for those sensitive areas shall apply except where species identified by the DOW as endangered, threatened, sensitive, or priority, or where herons are found to have a primary association. If such species are present, the applicant shall provide a special study identifying such species, their required habitat, and recommend appropriate buffers based on the DOW priority habitat and species management

recommendations as well as any other proposed mitigation measures considered appropriate to the protection of said species and habitat.

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