
Division I. General Provisions

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Authority, Purpose, Interpretation and Administration

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~~15.05.010~~15.100.005 Title

This title shall be known as the City of SeaTac Zoning Code, hereinafter referred to as “the code.” (~~Ord. 92-1041 § 1~~)

~~15.05.020~~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.

~~15.05.030~~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.

~~15.05.040~~ 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 ~~of Community and Economic Development~~. 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 ~~of Community and Economic Development~~ 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.

~~15.05.050-15.100.030~~ Minimum Requirements (Note: Section below deleted because 15.05.055 repealed in 2014.)

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 15.05.055.~~ Additionally, the ~~City Manager, or designee~~ Director, shall issue an interpretation on areas of question as set forth in SMC ~~15.05.060-15.100.060~~ 15.100.050, Interpretation – General.

~~15.05.055 Property-Specific Development Standards~~
Repealed 2014

~~15.05.057-15.100.040~~ 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 ~~15.22.010~~15.115.005, Purpose, and the criteria set forth in SMC ~~15.22.055~~15.115.030, 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 ~~of the Department of Community and Economic Development~~ 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.

~~15.05.060~~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 ~~City Manager, or designee~~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.

~~15.05.070~~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 ~~City Manager, or designee~~ Director, shall determine the nearest lot line to be the boundary for a zone boundary;
- 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.

~~15.05.080~~ 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 ~~SMC Chapter 15.22-15.115, Land Use Actions and Permits Procedures - SMC~~, and subsequent amendments.
- B. The ~~City Manager, or designee~~ 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 ~~City Manager, or designee~~ Director, shall have the sole authority to issue official interpretations of the Zoning Code, in accordance with the criteria set forth in SMC ~~15.05.060-15.100.060~~ 15.100.050, Interpretations – General. Such decisions shall be considered administrative decisions which can be appealed through the Hearing Examiner.

~~15.05.090~~ 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.

Chapter 15.1015.105 **~~Land Use~~ Definitions**

Note: Environmentally Sensitive Area-related definitions relocated to Environmentally Sensitive Areas Chapter in Division VII.

~~SECTIONS:~~

~~15.10.005 Abandonment~~ **Note: Relocated to WCF chapter**
See SMC 15.31A

~~15.10.010~~ Abut

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

~~15.10.016~~ 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.

~~15.10.017~~ Accessory Structure

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

~~15.10.020~~ Accessory Use

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

~~15.10.036~~ 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.

~~15.10.038~~ 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.

~~15.10.040~~ Aircraft Storage Area

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

~~15.10.042~~ 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.

~~15.10.045~~ 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.

~~15.10.047~~ 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.

~~15.10.050~~ Air Rights

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

~~15.10.056~~ Alley

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

~~15.10.060~~ 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.

~~15.10.061~~ 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.

~~15.10.062~~ 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.

15.10.063 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.

15.10.064 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

15.10.065 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.

15.10.066 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.

15.10.073 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.

15.10.074 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.

~~15.10.075 Average Building Elevation Height~~

~~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.~~

~~**(NOTE: This covered in Calculations & Measurement Methods chapter.)**~~

15.10.078 Base Area

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

15.10.076 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."~~

15.10.077 Base Flood Elevation

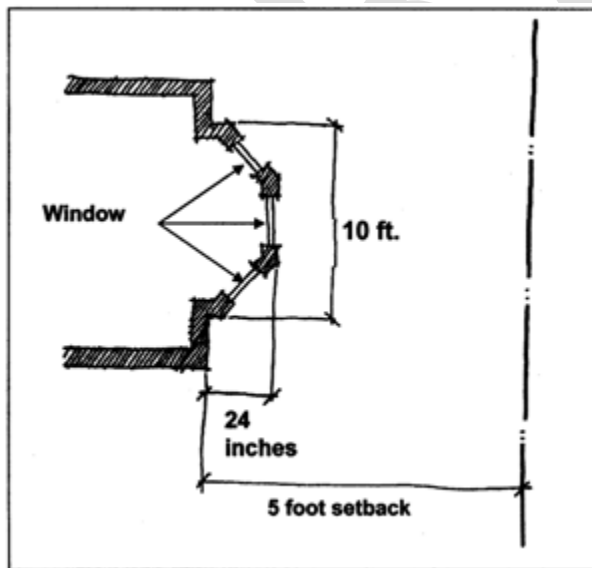
~~The water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.~~

15.10.078.05 Batch Plant

The manufacturing of asphalt or concrete which may include the storage of related component materials. ~~Cement batch plants are prohibited.~~ (Note: This standard moved to Use Chart)

15.10.078.07 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 ~~(See Figure 15.10.078.07a)~~, 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.



~~Figure 15.10.078.07a. BAY WINDOWS~~

~~15.10.079~~ Beauty Salon/Personal Grooming Services

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

~~15.10.080~~ 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.

~~15.10.081~~ Berm

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

~~15.10.083~~ 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.

~~15.10.085~~ Book, Stationery, Video, Audio and Art Supply Store

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

~~15.10.090~~ 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.

~~15.10.092~~ 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.

~~15.10.093~~ Building Code

The City of SeaTac Building Code, as set forth in [SMC Chapter 13.110, Building Code SMC](#).

~~15.10.095~~ Building, Hardware and Garden Materials Store

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

~~15.10.097~~ Butterfly/Moth Breeding, Wholesale/Retail

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.

~~15.10.098~~ 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~~[this definition](#), a cargo container is a structure ~~(SMC 15.10.631105)~~.

~~15.10.100~~ Cemetery

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

~~15.10.106.05~~ Circular Driveway

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

~~15.10.107~~ 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 ~~15.35.210~~[15.300.100, Street Network and Design Circulation](#)). Within the City Center area, design standards shall apply to all properties, except those zoned [urban low \(UL\)](#) ~~residential low (RL)~~, aviation operations (AVO), and aviation commercial (AVC).

~~15.10.107.05~~ 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.

~~15.10.108~~ 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.

~~15.10.556~~ 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.

~~15.10.109~~ Colleges/Universities 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.

~~15.10.109.08~~ 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.

~~15.10.112~~ 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.

~~15.10.110~~ 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.

~~15.10.114~~ Commercial Wireless Telecommunications Facility (Commercial WTF)

~~Repealed by Ord. 04-1030. (Ord. 97-1013 § 4)~~

~~15.10.115~~ 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%).

~~15.10.120 Communication Facility, Major~~~~See SMC [15.31A.022](#).~~~~15.10.125 Communication Facility, Minor~~~~See SMC [15.31A.022](#).~~**15.10.126 Community Center**

A facility used for and providing recreational and/or social programs, but not including overnight shelters ~~as defined in SMC 15.10.440~~.

15.10.130 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.

15.10.135 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.

15.10.136 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.

15.10.140 Conditional Use, Major

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 ~~after review and approval by the Hearing Examiner~~—under specific conditions based upon decision criteria of SMC ~~15.22.030~~[15.115.020, Conditional Use Permit \(CUP\)](#).

A. Major Conditional Use: Requires review and approval by the Hearing Examiner.

B. Minor Conditional Use: Requires review and approval by the Director.

Note: Major & Minor Conditional Use definitions combined because Minor def included only criteria already covered elsewhere.

~~15.10.142 Conditional Use, Minor~~

~~The administrative review and approval of a Conditional Use Permit for any of the following:~~

~~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);~~
~~B. Construction of certain categories of wireless communication facilities, per SMC 15.31A.031.~~

15.10.145 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.

15.10.150 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.

15.10.153 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.

15.10.155 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.

15.10.156 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.

15.10.157 Courtyard

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

15.10.157 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.

15.10.158 ~~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.

15.10.160 ~~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.~~

15.10.161 ~~Cross-Section~~

A visual representation of a vertical cut through a structure, a proposed fill pad or any other three (3) dimensional form. (See Figure 15.10.161a.)

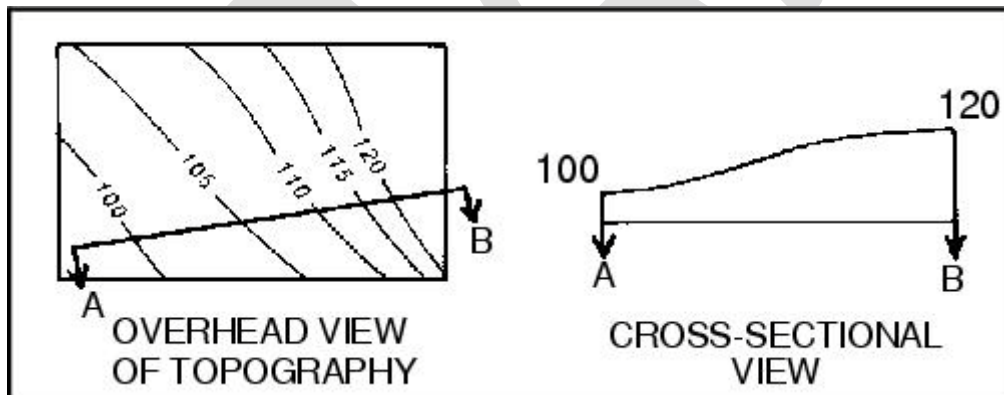


Figure 15.10.161a. EXAMPLE OF A CROSS-SECTION

15.10.165 ~~Dairy~~

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

15.10.166 ~~Day Care~~ (Note: Now 3 definitions: Day Care I, Day Care II & Day Care Facilities. Standards relocated to new Day Care chapter.)

~~(Excludes afterschool programs sanctioned by the City.) Establishments for group care of children; provided such establishments are licensed by the State and conducted in accordance with State requirements, including:~~

- ~~• Nursery schools for children under minimum age for education in public schools;~~

- ~~• Privately conducted kindergartens when not a part of a public or parochial school;~~
- ~~A. Day Care I. Twelve (12) children maximum in any twenty four (24) hour period;~~
- ~~B. Day Care II. Over twelve (12) children in any twenty four (24) hour period.~~

~~It is provided, however, that for the purposes of this title the City's regulatory role for family day cares, defined as those day care facilities providing in-home care for twelve (12) or fewer children and which are licensed by the State of Washington, is limited to the following:~~

~~Family day care facilities shall:~~

- ~~1. Comply with all building, fire, safety, health code and business licensing requirements;~~
- ~~2. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district except if the structure is a legal noneconforming structure;~~
- ~~3. Be certified by the State Department of Licensing as providing a safe passenger loading area;~~
- ~~4. Include signage, if any, that conforms to applicable City regulations;~~
- ~~5. Limit hours of operation to facilitate to neighborhood compatibility while at the same time providing an appropriate opportunity for persons who use family day care and who work a nonstandard work shift; and~~
- ~~6. Provide, prior to State licensing, written proof of notification to adjoining property owners, informing them of the intent to locate and maintain such a facility; provided, that if a dispute arises between the neighbors and the family day care provider over licensing requirements, the State may provide a forum to resolve the dispute. (Ord. 94-1030 § 1; Ord. 92-1041 § 1)~~

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.

~~15.10.166 Day care facilities providing in-home care for twelve (12) or fewer children:~~

Day Care II

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

15.10.166 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.

15.10.170 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.

15.10.172 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.

15.10.175 Department and 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.

15.10.175.03 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. (See Figure 15.10.175.03a)

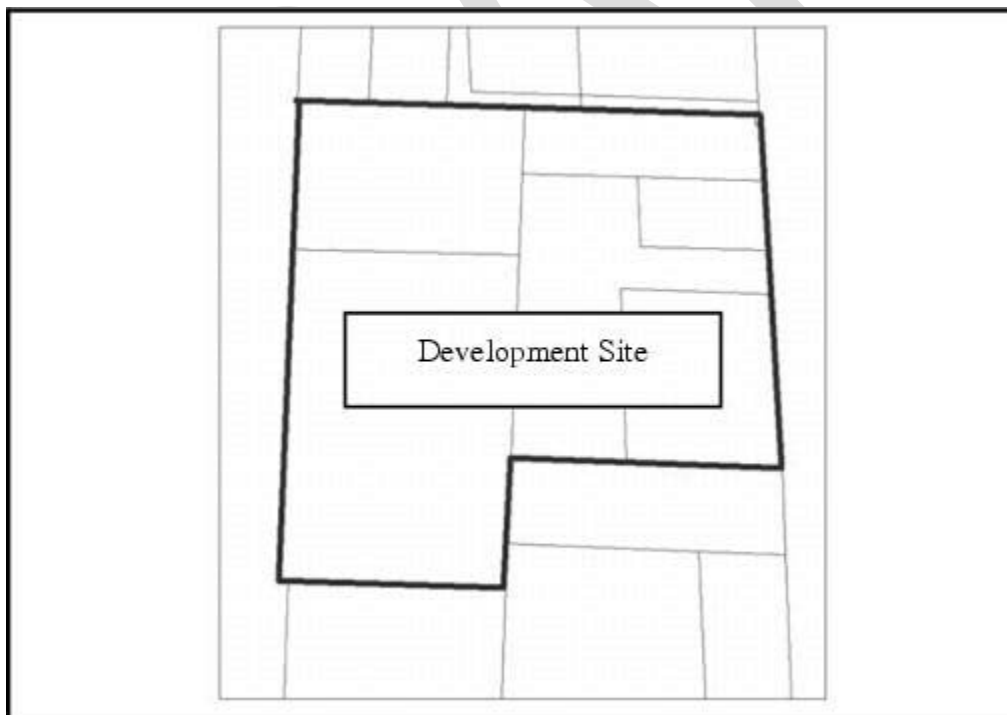


Figure 15.10.175.03a- DEVELOPMENT SITE

Director

Means the Director of Community and Economic Development or designee.

15.10.176 Disability

As used in SMC ~~15.12.017~~15.425.100465.300, Community Residential Facility 1 (CRF 1)ies Standards, and ~~15.12.018~~15.465.200, 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.

15.10.180 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 ~~15.12.015a~~15.440.100.

15.10.185 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.

15.10.187 Driveway

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

15.10.190 Drug Store

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

15.10.191 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.

~~15.10.192 Duplex, Up-Down~~
~~Repealed~~

15.10.195 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.

15.10.200 Dwelling Unit, Caretaker/Manager

A dwelling unit attached to a non-residential building.

~~15.10.205 Dwelling Unit, Efficiency~~
~~Repealed~~

15.10.225 Dwelling Unit, Detached

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

~~15.10.220 Dwelling Unit, Senior Citizen Assisted~~
~~Repealed~~

~~15.10.230~~
~~Repealed~~

15.10.235 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.

15.10.237 Efficiency Unit

Living quarters consisting of one (1) habitable space as defined in the Building Code.

15.10.240 Employees

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

15.10.241 Enhancement

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

~~15.10.243 Equipment Shelter~~
~~See "Equipment Enclosure," SMC 15.31.022.~~

15.10.245 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.

~~15.10.247~~ Espresso Stand

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

~~15.10.249~~ 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.

~~15.10.250~~ Excavate(tion)

The mechanical removal of soils and/or underlying strata.

~~15.10.255~~ 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.

~~15.10.261~~ 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.~~

~~15.10.265~~ 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.

~~15.10.263~~ Fire Code

The City of SeaTac Fire Code, as set forth in [SMC Chapter 13.150](#), [Fire Code SMC](#).

15.10.264 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.

15.10.266 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.~~

15.10.267 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.~~

15.10.268 Flood Insurance Rate Map (FIRM)

~~The official map on which the Federal Insurance Administration has delineated some of the major areas of flood hazard.~~

15.10.269 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.~~

15.10.270 Floodplain

~~The total area subject to inundation by the base flood.~~

15.10.271 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.~~

15.10.272 Flood Protection Elevation

~~An elevation which is one (1) foot above the base flood elevation.~~

15.10.273 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.~~

15.10.274 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.

15.10.275 Food Processing

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

15.10.276 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.

~~A.—Trees;~~

~~B.—Logs;~~

~~C.—Cones;~~

~~D.—Wood chips;~~

~~E.—Fuel wood;~~

~~F.—Herbs.~~

15.10.280 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.

~~A.—Christmas trees;~~

~~B.—Pine boughs;~~

~~C.—Mushrooms/berries.~~

15.10.282 Gasoline 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.

~~15.10.285~~ 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.

~~15.10.286~~ Equipment Repair, Small General Repair

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

~~15.10.290~~ 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.

~~15.10.291~~ Governmental Facility

~~Repealed by Ord. 93-1036. (Ord. 92-1041 § 1)~~

~~15.10.295~~ Grading

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

~~15.10.296~~ Group Home

See definition of Community Residential Facility, ~~SMC 15.10.130~~.

~~15.10.297~~ Habitable Space

~~Repealed~~

~~15.10.298~~ Halfway House

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

15.10.300 Hangar/Service Bay

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

15.10.305 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.

~~**15.10.310 Hazardous Waste**~~

~~All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (as defined in RCW 70.105.010(15)).~~

~~(Note: Redundant with Division II chapter defs on Hazardous Materials)~~

~~**15.10.315 Hazardous Waste Storage**~~

~~Repealed by Ord. 94-1039. (Ord. 93-1036 § 18; Ord. 92-1041 § 1)~~

~~**15.10.320 Hazardous Waste Treatment**~~

~~Repealed by Ord. 94-1039. (Ord. 92-1041 § 1)~~

15.10.324 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.

15.10.325 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.

15.10.330 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.

15.10.335 Helistop

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

15.10.336 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.

~~15.10.338~~ 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.

~~15.10.340~~ 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.

~~15.10.342~~ Homeless Encampment

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

~~15.10.345~~ 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.

~~15.10.347~~ 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.

~~15.10.348~~ 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.

~~15.10.350~~ 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.

~~15.10.351~~ 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.

~~15.10.352~~ 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.

~~15.10.353~~ International Building Code (IBC)

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

~~15.10.355~~ 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.

~~15.10.360~~ 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.

~~15.10.361~~ 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.

~~15.10.362~~ Laundromat

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

~~15.26.015~~ 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.

~~15.10.363~~ 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.

15.10.364 Livestock

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

15.10.365 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.

15.10.370 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.

15.10.375 Lot Coverage

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

(Note: Measurement method moved to Calculations & Measurement Methods chapter)

15.10.380 Lot Lines

The property lines that establish the boundaries of buildable lots. For information on how lot lines are designated see SMC ~~15.13.025~~ 15.110.030, Designation of Lot Lines.

15.10.385 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.

15.10.390 Lot Types Note: Relocated to Calcs & Measurement Chptr.

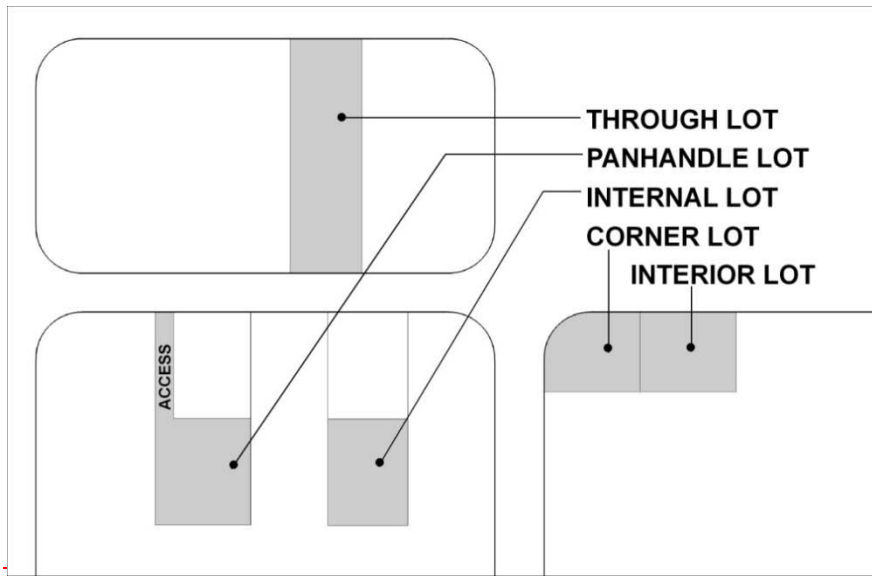
~~A.— Corner. A lot situated at the intersection of two (2) or more streets.~~

~~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.~~
- ~~F. Dumbbell Lot. A lot in which the buildable area of the lot is separated by a portion of land that is thirty (30) feet or less in width and fifteen (15) feet in length or greater.~~



~~Figure 15.10.390a. LOT TYPES~~

~~15.10.395 Lot Width~~

~~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. (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. Note: Standards and figure relocated to Calculations & Measurements chapter.~~

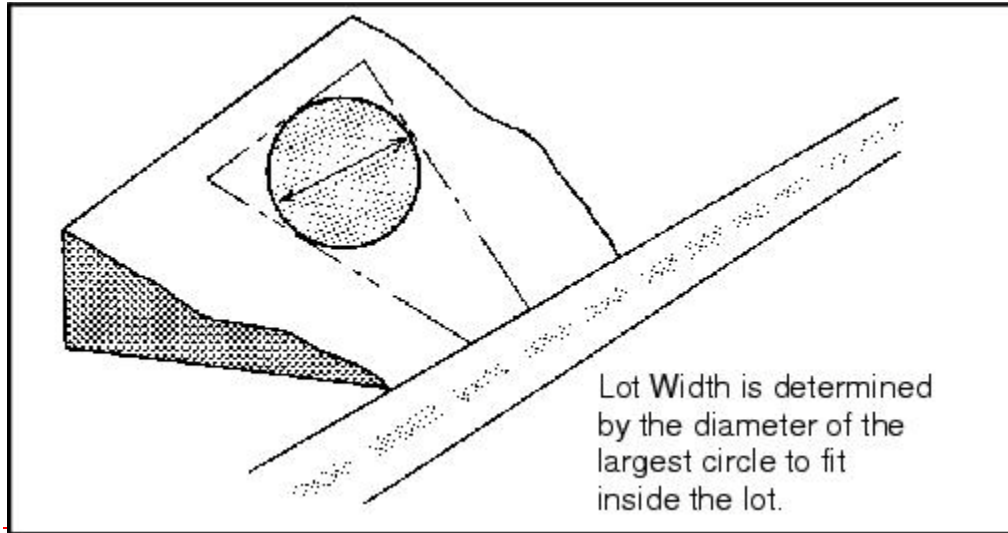


Figure 15.10.395a. LOT WIDTH DETERMINATION

15.10.396 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.

15.10.210 Dwelling Unit, Manufactured Home

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

15.10.397 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.

15.10.398 Maximum Yard Setback

The maximum distance from a front property line that the edge of a building may be placed. ~~Within the City Center, at least fifty percent (50%) of the building's front facade shall be located within the maximum front yard setback. The remaining portions of the front facade may be stepped back a maximum of twenty (20) feet more than the established maximum setback, as approved by the Director of Community and Economic Development, for the purpose of accommodating public open space, porte cocheres, or recessed building entries.~~ Note: Deleted because redundant with section in City Center Overlay District & also because standards are not appropriate in Definitions section.

15.10.400 Medical/Dental Clinic Medical Office/Outpatient Clinic

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

~~15.10.406~~ 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.

~~15.10.215~~ Dwelling Unit, 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.

~~15.10.406.05~~ 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.

~~15.10.217~~ Dwelling Unit, 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.”

~~15.10.407~~ 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.

~~15.10.410~~ Multi-Family Building

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

~~15.10.415~~ 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.

~~15.10.416~~ 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.

~~15.10.420~~ Noise

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

~~15.10.425~~ 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.)

~~15.10.430~~ 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.

~~15.10.430.05~~ Nonprofit Organization

A noncommercial organization that does not operate to make a profit.

~~15.10.431~~ 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.

~~15.10.433~~ Nursing Home

See definition of Convalescent Center/Nursing Home, ~~SMC 15.10.155~~.

~~15.12.080~~ Off-site ~~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.

~~15.10.435~~ 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.

~~15.10.435.05~~ 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.

~~15.10.436 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.~~

~~15.10.438 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.

~~15.10.440 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.

~~15.10.445 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.

~~15.10.446~~ Parking Lot, Public/Private

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

~~15.10.448~~ Parking Space

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

~~15.10.449~~ 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.

~~15.10.450~~ 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.

~~15.10.455~~ 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.

~~15.10.465~~ Pedestrian Access

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

~~15.10.470~~ Perimeter Landscaping

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

~~15.10.471~~ 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.

~~15.10.480~~ 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.

~~15.10.668.01 Use, Primary~~ **Primary Use**

The primary or predominant use of any lot or parcel.

~~15.10.485~~ **Primary Vehicle Access**

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

~~15.10.490~~ **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. ~~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.~~ **Note: Now this standard is in Use Chart**

~~15.10.495~~ **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.

~~15.10.500~~ **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.

~~15.10.501~~ **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.

~~15.10.502~~ **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.

~~15.10.503~~ **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.

~~15.10.505~~ 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.

~~15.10.510~~ 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.

~~15.10.511~~ 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.

~~15.10.515~~ 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.

~~15.10.530 Recreational Vehicle (RV) (Note: Relocated to Mobile Home chapter)~~

~~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:~~

- ~~A. Travel trailer;~~
- ~~B. Park trailer;~~
- ~~C. Folding camper trailer;~~
- ~~D. Motor home;~~
- ~~E. Multi-use vehicles;~~
- ~~F. Truck camper.~~

15.10.535 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).

15.10.537 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.

15.10.540 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, SMC 15.10.675).~~

15.10.541 Religious Use Facility

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

15.10.542 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 ~~15.12.030~~[15.205.040, Land Use Chart](#).

15.10.545 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.

15.10.550 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.

15.10.551 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.

15.10.552 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.~~

15.10.555 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.

15.10.559 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.

15.10.557 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.~~

~~15.10.558 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.~~

15.10.560 Right-of-Way

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

~~15.10.561 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.~~

~~15.10.561.05 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.~~

~~15.10.562 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.~~

~~15.10.564 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.~~

~~15.10.565 SEPA~~

~~The State Environmental Policy Act (Chapter 43.21C RCW) and the adopted City environmental policies. (Note: This deletion made because information is not accurate – SEPA only refers to State policy act.)~~

~~15.10.567 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

(Note: This definition combines existing definitions from Adult Entertainment, Adult Theater, Adult Use Establishment)

Includes any of the following types of establishments:

15.10.025 ~~Adult Entertainment~~ 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.

15.10.030 ~~Adult Theater~~ 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:

- A1.** _____ Human genitalia in a state of sexual stimulation or arousal;
- B2.** _____ Acts of human masturbation, sexual intercourse or sodomy;
- C3.** _____ Erotic fondling, touching or display of human genitalia, pubic region, buttock or female breast.

15.10.035 ~~Adult Use Establishment~~ 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 [15.10.030 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.

15.10.570 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.

15.10.575 Shoreline Master Program

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

15.10.605 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).

15.10.606 Single Attached Dwelling Unit

Repealed by Ord. 14 1016

15.10.609 Site

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

15.10.610 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.

15.10.611 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.

15.10.612 Specialized Instruction School

A school providing specialized instruction in areas including, but not limited to, art, music, cooking, and related disciplines. ~~Truck driving instructional schools and heavy equipment operational schools shall not fall within this definition.~~ A specialized instruction school is also to be distinguished from vocational-technical schools, as defined in this code. **(Note: Deleted section moved to Vocational-Technical School definition.)**

15.10.612.1 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.

15.10.612.5 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.

~~15.10.613 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. (Note: Existing SMC 15.10.611.)~~

~~15.10.563 Self Service Storage, Self-Service~~

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

15.10.615 Storm Drainage

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

~~15.10.620 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.~~

~~15.10.623 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.~~

15.10.625 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.

15.10.630 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.

15.10.631 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.

~~15.10.635 Support Structure~~

~~See "Antenna Supporting Structure," SMC 15.31A.022.~~

15.10.638 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.

15.10.638.03 Temporary Emergency Evacuation Storage Sites

The use of a parcel or parcels of property, either vacant or developed, for the temporary storage of vehicles, materials, equipment, or supplies, during flooding of the Green River Valley.

~~15.10.639 Temporary Wireless Telecommunications Facility (Temporary WTF)~~

~~See SMC 15.31A.022.~~

~~15.10.639.05 Tent Structure, Residential~~ Note: Development standards in this definition have been moved to Division V Development Standards. Definitions split into two below.

~~A canopy, not exceeding four hundred (400) square feet, or a tent, not exceeding two hundred (200) square feet, consisting of a metal or plastic frame, covered with canvas or other similar material, used in a residential zone. A canopy is defined as an enclosure or~~

~~shelter which is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter (see Figure 15.10.639.05a). A tent is defined as an enclosure or shelter with twenty-five percent (25%) or greater sidewalls or drops on its perimeter (see Figure 15.10.639.05b). A canopy greater than four hundred (400) square feet or a tent greater than two hundred (200) square feet shall be regarded as an accessory structure and shall be subject to all building and fire codes and yard setback requirements.~~

~~—Figure 15.10.639.05a—Figure 15.10.639.05b~~



Tent Structure

~~An A tent is defined as an~~ enclosure or shelter with twenty-five percent (25%) or greater sidewalls or drops on its perimeter



TENT STRUCTURE

Tent Structure, Canopy

~~An A canopy is defined as an~~ enclosure or shelter which is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter ~~(see Figure 15.10.639.05a).~~



TENT STRUCTURE CANOPY

15.10.640 ~~Topsoil~~

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

15.10.072 ~~Towing Operation~~ **Automobile Towing/Storage 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.

15.10.641 ~~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.

15.10.645 ~~Traffic Control Devices~~

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

15.10.646 ~~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.

15.10.649 ~~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.

~~15.10.660~~ 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.

~~15.10.668~~ 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.

~~15.10.688.01~~ Use, Primary

The primary or predominant use of any lot or parcel.

~~15.10.668.03~~ Use, Subsidiary

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

~~15.10.668.05~~ Utility Pole

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

~~15.10.669~~ 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.

~~15.10.670~~ 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.

~~15.10.670.03~~ 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.

~~15.10.067~~ ~~Automobile Repair~~ 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.

~~15.10.670.05~~ Vehicle, Small

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

15.10.671 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. (Note: Moved from Specialized Instruction School definition.)

15.10.675 Wetland (Note: Relocated to Enviro Division)

~~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. Spagnum 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.~~

~~15.10.680 Wetland Edge~~

~~The line delineating the outer edge of a wetland established in accordance with the Washington State Department of Ecology's currently adopted *Washington State Wetlands Identification and Delineation Manual* (1997 or as revised).~~

~~15.10.685 Wetland, Forested~~

~~A wetland which is characterized by woody vegetation at least twenty (20) feet tall.~~

~~15.10.690 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.~~

~~15.10.700 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.~~

~~15.10.705 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.~~

~~15.10.710 Wet Pond~~

~~An artificial water body constructed as a part of a surface water management system.~~

~~15.10.713 Wireless Telecommunications Facility (WTF)~~

~~See SMC 15.31.A.022.~~

~~15.10.715 Zoning Map~~

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

DRAFT

Chapter 15.110

Calculations, Measurements ~~Methods~~ and Lot Designations

SECTIONS:

15.110.005 Purpose

15.110.010 Authority and Application

15.110.020 Lot Types

15.110.030~~15.13.025~~ Designation of Lot Lines

15.110.040~~15.13.030~~ Yard Setbacks

15.110.050~~15.13.020E~~ Measurement Lot Area

15.110.060~~15.13.020B~~ Measurement Method Lot Width

15.110.070~~15.13.020C~~ Measurement Methods Structure Height

15.110.080~~15.10.375~~ Lot Coverage

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.

15.110.020~~15.10.390~~ Lot Types Note: Relocated from Definitions

A. Lot types are established as follows:

~~A-1~~ **Corner.** A lot situated at the intersection of two (2) or more streets.

~~B-2~~ **Interior Lot.** A lot abuts only one street.

~~C-3~~ **Through Lot.** A lot other than a corner lot, which abuts two (2) streets.

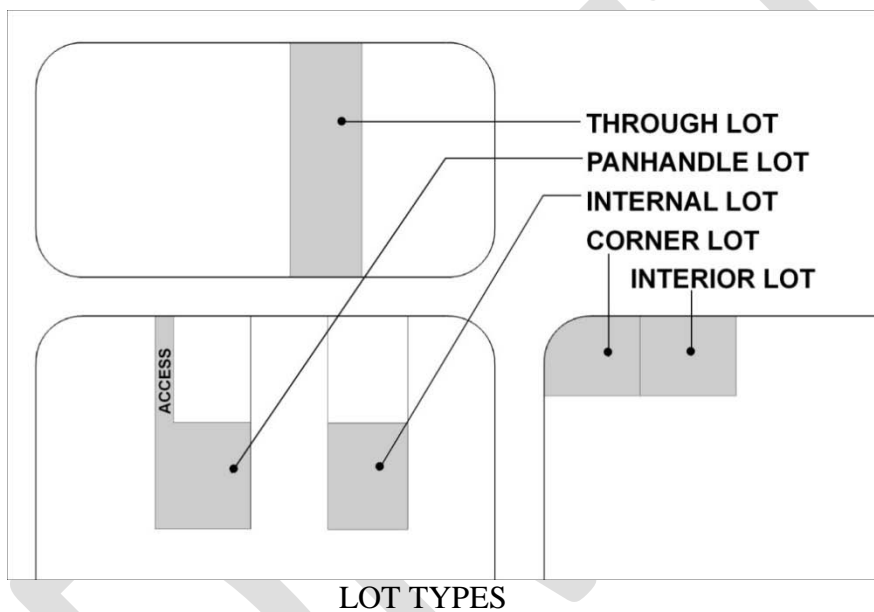
~~D-4~~ **Panhandle Lot.** A lot set back from the public street with long narrow portions, which are also called handles, for access. The handle or access of a panhandle lot is defined as “that portion of a panhandle lot that is a minimum of twelve

(12) feet in width and maximum of thirty (30) feet width and a minimum length of fifteen (15) feet in length.”

E.5 Internal Lot. A lot with no physical connection to a street that may or may not be served by an access easement.

F.6 Dumbbell Lot. A lot in which the buildable area of the lot is separated by a portion of land that is thirty (30) feet or less in width and fifteen (15) feet in length or greater.

A. ~~15.13.037~~ Dumbbell Lots Prohibition. Dumbbell lots are prohibited within the City.



~~15.13.025~~ 15.110.030 Designation of Lot Lines

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

A. **Front Lot Lines.**

Lot Type	Single Family (Except for Small Lot Single Family, duplex, townhouse or lots created through long subdivision.)	Other (Includes Small Lot Single Family, duplex, townhouse, multi-family, lots created through long subdivision and other non-single family uses.)
Interior Lot	<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>
Corner Lot	<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 of Community and Economic Development, taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.</p>

Lot Type	Single Family (Except for Small Lot Single Family, duplex, townhouse or lots created through long subdivision.)	Other (Includes Small Lot Single Family, duplex, townhouse, multi-family, lots created through long subdivision and other non-single family uses.)
Through Lot	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.
Panhandle Lots	<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 of Community and Economic Development , taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.
Internal Lots	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 of Community and Economic Development , 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.

15.110.040~~15.13.030~~ **Yard Setbacks**

A. ~~15.13.020A.~~ To determine yard setbacks, Lot lot lines shall be measured from the existing edge of the street right-of-way.

B. Determining Front, Rear and Side Yard Setbacks

A1. **Front Yard.** The front yard setback shall be measured from the front lot line as established in SMC ~~15.13.025~~ 15.110.030 Designation of Lot Lines (A), Front.

B2. **Rear Yard.** The rear yard setback shall be measured from the rear lot line as established in SMC ~~15.13.025~~ 15.110.030 Designation of Lot Lines (B), Rear.

C3. **Side Yard.** The side yard setback shall be measured from the side lot lines as established in SMC ~~15.13.025~~ 15.110.030 Designation of Lot Lines (C), Side.

B. Determining Setbacks for Subdivisions and Short Plats with Access Easements

1. ~~15.13.020D~~ but a All subdivisions and short plats shall maintain required front, side and rear setbacks from any access easements. ~~However, any s~~

a. Short plat of only two (2) lots shall not be required to meet the side yard setbacks from approved access easements.

15.110.050 **Lot Area** ~~15.13.020D~~

A.~~D.~~ Lot area shall be the total horizontal land area contained within the boundaries of a lot, calculated pursuant to SMC ~~15.10.370~~ 105 Lot Area and ~~15.13.020(E),~~ 110.050(B) Short Plats.

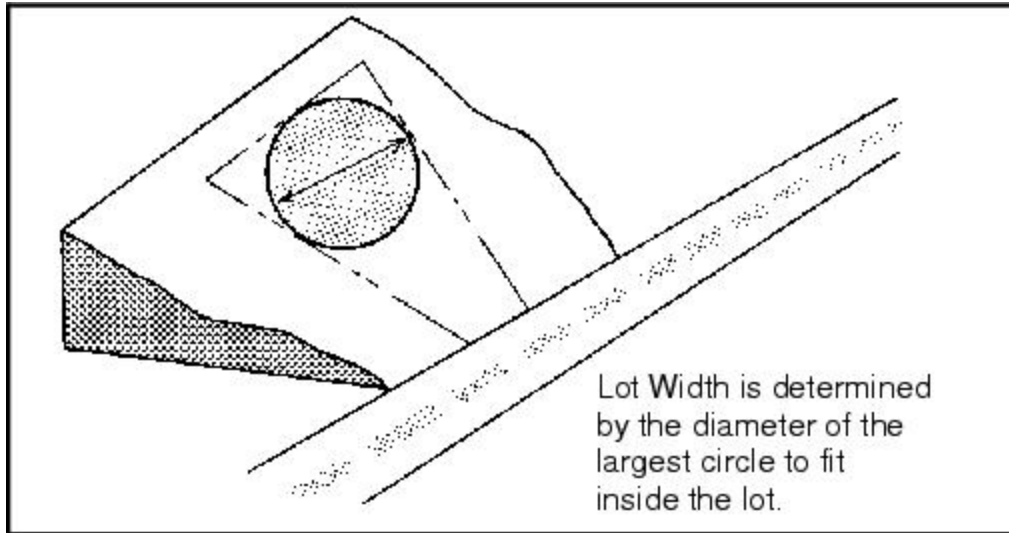
B. Short Plats. ~~15.13.020E.~~ In determining the lot area of new lots in short plats proposed under SMC Title 14, the area of the original lot area, including any area to be dedicated for public right-of-way, may be used in the calculation in the number of lots that may be segregated from the original lot.

15.110.060~~15.13.020B~~ **Lot Width**

A. Rectangular Lots. ~~lot~~ For rectangular lots, width shall be determined by the distance between the two established side lot lines.

B. Irregular Lots. ~~for~~ For irregularly shaped lots, lot width shall be determined by the diameter of a circle that fits within the established lot lines. ~~a lot width circle which is of a diameter that fits within the individual lot, and does~~ 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.



~~Figure 15.13.020b~~ 15.110.10a. LOT WIDTH DETERMINATION

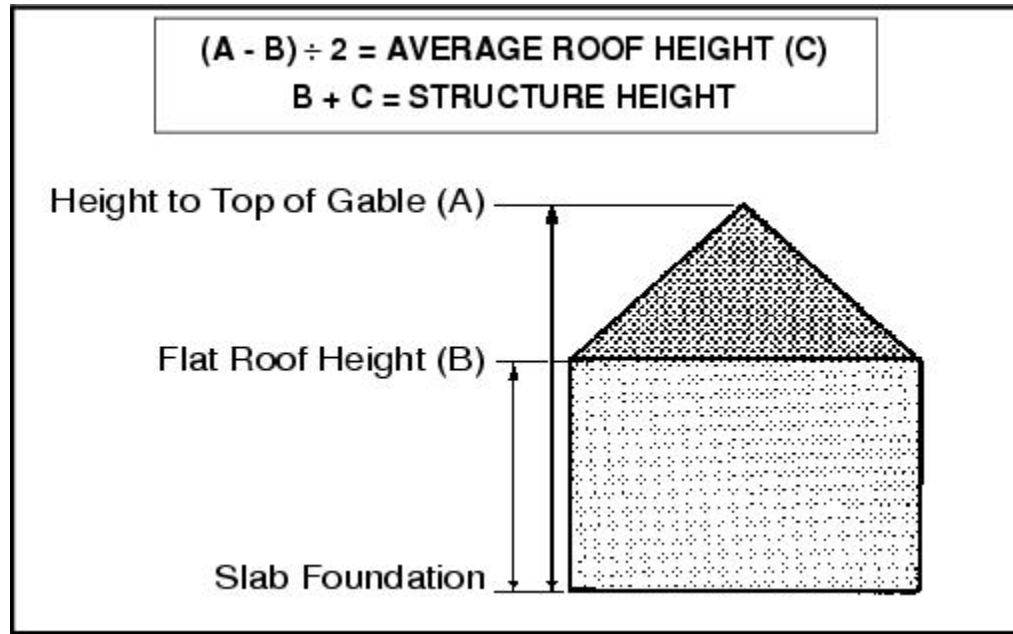
15.110.070 Structure Height

15.13.020 Measurement Methods

~~C. Building height shall be measured according to the formula illustrated below (Figure 15.13.020c). For sloped property, the average of the lowest and highest ground elevations shall be considered the finished foundation measurement. (Note: This section deleted because redundant with 15.10.075 definition language which is utilized below.)~~

Figure 15.13.020c. HEIGHT CALCULATION FOR SINGLE-FAMILY DWELLING ON LEVEL GROUND

- A. Primary Structures. (note: existing code 15.10.075 definition of average building elevation)
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. (note: existing code 15.13.020 C)



~~Figure 15.13.020ca15.110.160.~~ 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. (note: existing code 15.13.105 accessory structures)
2. For accessory structures on sloped property, the average of the lowest and highest ground elevation shall be considered the finished foundation measurement. (note: From existing code 15.13.020 C)

15.110.08015.10.375-Lot Coverage

A. Lot coverage is ~~That that~~ percentage of the lot area covered by all buildings including accessory buildings and uses and ~~residential~~ tent structures and tent structure canopies as defined under SMC Chapter 15.105 Definitions~~SMC 15.10.639.05~~, 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.

(Note: This figure deleted because it pertains only to single family buildings – it is also described in text.)

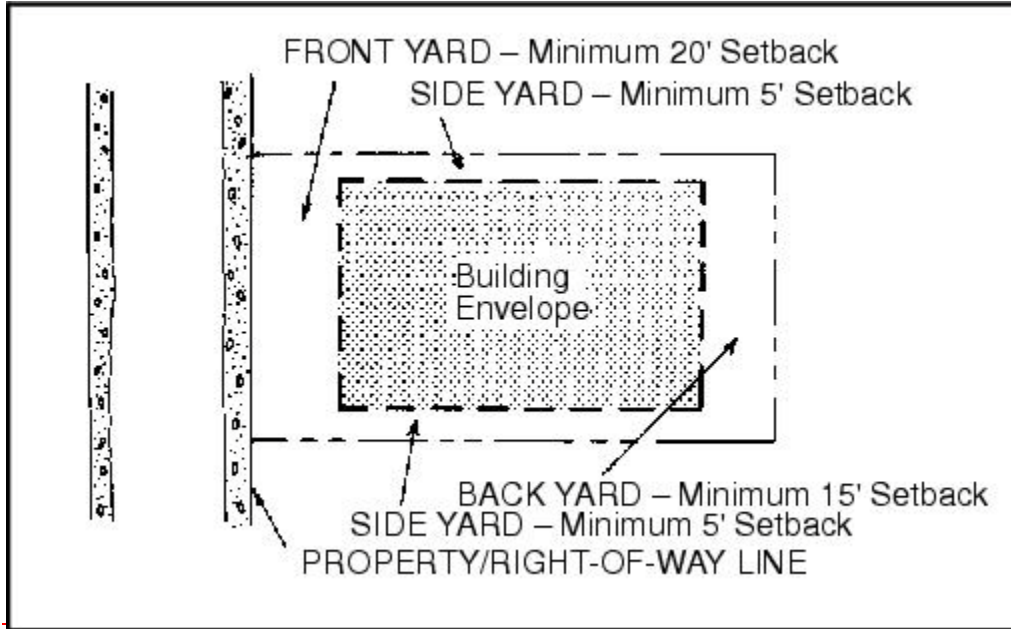


Figure 15.13.020a. Lot Setback Standards

DRAFT

Chapter ~~15.22~~15.115 ~~Decision Criteria~~Land Use Actions and Procedures

SECTIONS:

15.115.005 <u>15.22.10</u>	Purpose
15.115.010 <u>15.22.020</u>	Variance
15.115.020 <u>15.22.030</u>	Conditional Use Permit (CUP)
15.115.030 <u>15.22.055</u>	Development Agreements
15.115.040 <u>15.22.035</u>	Siting of Essential Public Facilities
15.115.050 <u>15.22.050</u>	Zone Reclassification (Rezone)
15.115.060 <u>15.22.060</u>	Hearing Examiner Development Review Process
15.115.070 <u>15.22.065</u>	Appeal Process
15.22.070	Severability <i>Repealed</i>

~~15.22.010~~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 ~~City Manager or designee~~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.

15.115.010~~15.22.020~~ 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) 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. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon 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 such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 3. 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 zone in which the subject property is situated; and
 4. That the special circumstances necessitating the variance have not resulted from any action of the applicant; and
 5. That the requested variance will not create a use not generally permitted within the zone in which the subject property is located.
- 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 ~~City Manager or designee~~ 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 Chapter 15.31A~~ 15.480-SMC, 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 Chapter 15.31A~~ 15.480-SMC, 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.

~~15.22.030~~ 15.115.020 **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 ~~City Manager, or designee~~ Director, to allow specified uses as listed under subsection (E) of this section.
- 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~~ City Manager, or designee:
1. The proposed use is listed as a conditional use under SMC 15.205.040, Land Use Chart ~~the zone classification use charts, Chapter 15.12 SMC~~;
 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~~ City Manager, or designee, 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 Chapter 15.31A~~ **SMC 15.480, Wireless Communication Facilities.**
4. To allow ~~the following~~ uses in school facilities or City facilities within the residential zones and ~~park Park~~ zone, ~~subject to the following size criteria.~~ See criteria in ~~SMC Chapter 15.470, Subsidiary Uses.~~

(Note: The deleted items a through c below have been re-located and clarified within SMC Chapter 15.470 Subsidiary Uses).

- a. ~~Religious use facilities, with a congregation of eighty (80) or less persons.~~
- b. ~~Specialized instruction school with eighty (80) or less students.~~
- c. ~~Day care II.~~
- d. ~~A preschool, with an attendance of one hundred thirty (130) or less children.~~
- e. ~~A sports club with a membership of eighty (80) or less persons.~~
- f. ~~Nonprofit organizations with a local membership of eighty (80) or less members.~~
5. ~~To allow the following uses in existing religious use facilities within the residential zones, subject to size criteria:~~
 - a. ~~Specialized instruction school with sixty (60) or less students.~~
 - b. ~~Day care II.~~
 - c. ~~Nonprofit organizations with a local membership of sixty (60) or less members.~~

~~The minor conditional use must conform to the criteria as set forth in this section and all other requirements of this code.~~

15.22.055 15.115.030 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 ~~of Community and Economic Development~~, 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~~ [City Manager](#), ~~and such designee or designees as may be appointed for the purpose~~, 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~~City Manager 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.

15.22.035 Siting of 15.115.040 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) ~~as defined in SMC 15.10.249.~~
- B. **Included Essential Public Facilities.** EPFs subject to this section include, but are not limited to, those facilities identified in the Essential Public Facilities definition SMC 15.10.249, 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 ~~of Community and Economic Development~~ 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~~ 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.

(Note: Relocated from Use Chart 15.12.020 Note#11)

- 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 ~~of Community and Economic Development~~ 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 ~~special-district zoning~~ overlay ~~zone~~ (defined in Chapter 15.28 SMC); 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 ~~of Community and Economic Development~~ 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 Chapter~~ 16A.15 ~~SMC~~, 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.

~~15.22.050~~ **15.115.050 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 may be approved when there has been a change in conditions, and/or is necessary to implement the Comprehensive Plan.
- 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 land use map;
 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. For sites located within the designated urban center, the requested reclassification has, or will potentially have, an adequate link to a high-capacity transit mode.

~~15.22.060~~ **15.115.060 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. ~~Community and Economic Development~~ Department Report. When an application or appeal has been set for public hearing, the Department ~~of Community and Economic Development~~ 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 ~~of Community and Economic Development'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 ~~of Community and Economic Development~~.
- 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 ~~of Community and Economic Development~~. 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.

15.22.065~~15.115.070~~ Appeal Process (Note: Deleted because redundant with Title 16A, 16A.17).

See Chapter 16A.17 SMC

- ~~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.~~

15.22.070 Severability

Repealed

Chapter 15.120 ~~15.21~~ Nonconformance and Reuse of Facilities

SECTIONS:

-
- ~~15.21.010~~15.120.005 Purpose
- ~~15.21.020~~15.120.010 Nonconformance – Applicability
- ~~15.21.025~~15.120.020 Lots of Record
- ~~15.21.030~~15.120.030 Nonconformance – Status Determination
- ~~15.21.050~~15.120.040 Nonconformance – Re-establishment of
Discontinued Nonconformance
- ~~15.21.055~~15.120.050 Nonconformance – Uses of Land
- ~~15.21.057~~15.120.060 Nonconformance – Uses of Land, Horses/Equine
Animals
- ~~15.21.075~~15.120.070 Nonconformance – Uses of Structures
- ~~15.21.060~~15.120.080 ~~Nonconformance~~ – Repair or Reconstruction of
Nonconforming Structure
- ~~15.21.070~~15.120.090 ~~Nonconformance~~ – Alteration of Nonconforming
Structure
- 15.120.100 Abatement
- 15.120.110 Reuse of Facilities

~~15.21.010~~ 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.

~~15.21.020~~ 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.

~~15.21.025~~ 15.120.020 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 Chapter 1.20-SMC~~, Hearing Examiner System.

~~15.21.030~~ 15.120.030 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.
- B. A change in the required permit review process shall not create a nonconformance.
- C. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance, except as specified in SMC 15.21.060 15.120.080 Nonconformance – Repair or Reconstruction of Nonconforming Structure.
- D. The provisions of SMC Chapter 15.16 ~~15.600~~ SMC, Signs, and any subsequent amendments, shall exclusively control the status of a sign to a nonconforming use.

~~15.21.050~~ 15.120.040 ~~Nonconformance~~ ~~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.

~~15.120.050~~ ~~15.21.055~~ **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.

15.120.060~~15.21.057~~ 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.

15.120.070~~15.21.075~~ 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.

15.120.080 ~~15.21.060~~ **Nonconformance** — **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.

15.120.090 ~~15.21.070~~ **Nonconformance** — **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.

15.120.100 **Abatement**

- A. 15.21.040 ~~Nonconformance~~ — **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. ~~15.21.080~~ Nonconformance — 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:

1A. 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 15.21.090~~ section C, Notice of Abatement or Required Conformance.

2B. 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 15.21.090~~ section C, Notice of Abatement or Required Conformance.

C. ~~15.21.090~~ Notice of Abatement or Required Conformance. When any nonconforming condition exists which is subject to abatement, it shall be the responsibility of the ~~Community and Economic Development~~ 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~~ Department will follow the following process:

1A. The ~~department~~ 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.

2B. The ~~department~~ 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.

3C. The ~~department~~ 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.

4D. 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.

5E. The appeal shall be filed no more than ten (10) working days from the date of mailing of the decision.

15.120.110~~15.21.095~~ Reuse of Nonresidential Facilities — General Standards

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. ~~15.21.100~~ Reuse of Facilities — 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~~ **City Manager, or designee.**

C. ~~15.21.110~~ Reuse of Facilities — 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:

- 1A.** 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;
- 2B.** 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;
- 3C.** Any construction required for the conversion shall require certification of appropriateness from the City and the King County Landmark Commission.

Chapter ~~15.32~~15.125 Code Enforcement

SECTIONS:

~~15.32.010~~15.125.005 Authority of City Manager

~~15.32.035~~15.125.010 Severability

~~15.32.010~~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 ~~in the Building Division of the Public Works Department~~ for those purposes.

See SMC Chapter 1.15 Code Enforcement.

Note: Reference to Title 1 added per Councilmember request, 11/17/15 Council Study Session.

~~15.32.035 Severability~~ Note: Deleted because redundant with 15.100.080 (existing 15.05.090) per Legal review.

~~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.~~

Chapter ~~15.27~~15.130 Annexations

SECTIONS:

~~15.27.010~~15.130.005 Purpose

~~15.27.020~~15.130.010 Conformance to the Comprehensive Plan

~~15.27.030~~15.130.020 Preannexation Comprehensive Planning and Proposed Zoning Regulations

~~15.27.040~~15.130.030 Adoption of Comprehensive Land Use Plan and/or Proposed Zoning Regulations

~~15.27.050~~15.130.040 Notice of Public Hearings

~~15.27.010~~ 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.↪

~~15.27.020~~ 15.130.010 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.

~~15.27.030~~ 15.130.020 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.

~~15.27.040~~ 15.130.030 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.

~~15.27.050~~ 15.130.040 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.