

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2010-279**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
AMENDING CHAPTERS 21A.15, 21A.20 AND 21A.25, OF THE
SAMMAMISH MUNICIPAL CODE RELATING TO PUBLIC
FACILITIES**

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 21A which regulates construction, land use; and

WHEREAS, the City Council finds it in the interest of the City of Sammamish to amend the City Code to provide for the siting of public facilities and parks, increase the allowance for impervious surfaces on public sites, allow for placement of field lighting and to allow for Farmer's Markets as an accessory use on public sites, and make other minor revisions; and

WHEREAS, the Planning Commission considered the proposed revisions to the Sammamish Municipal Code, Title 21A, during their regular meetings on October 15, November 5 and 19 and December 3 and 10, 2009; and

WHEREAS, the Department of Community Development sent the Washington State Department of Commerce copies of the proposed amendments and was granted expedited review on November 16, 2009, and was informed that the City was in compliance with RCW 36.70A; and

WHEREAS, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on November 2, 2009 with the comment period ending on November 16, 2009; and

WHEREAS, the Planning Commission held public hearings on November 5 and 19, 2009, to consider the proposed amendments to the Sammamish Municipal Code; and

WHEREAS, the Planning Commission, after due consideration, recommended amendments to Title 21A, Chapters 21A.15, 21A.20 and 21A.25, of the Sammamish Municipal Code to the City Council; and

WHEREAS, after providing public notice, the City Council held a public hearing on February 16, 2010 and continued to March 2, 2010 to consider amending the Sammamish Municipal Code in accordance with the proposed amendments;

WHEREAS, the City Council finds the proposed amendments to the Sammamish Municipal Code to be consistent with, and to implement the intent of, the City's Comprehensive Plan; and

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

SECTION 1. The proposed amendments to Title 21A are adopted as set forth in Attachment "A" to this Ordinance

SECTION 2. Effective Date.

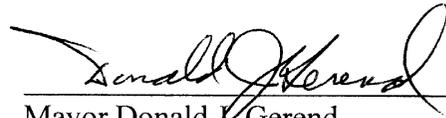
This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

SECTION 3. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2nd DAY OF MARCH 2010.

CITY OF SAMMAMISH



Mayor Donald V. Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	February 10, 2010
Public Hearing:	February 16, 2010
First Reading:	February 16, 2010
Public Hearing:	March 2, 2010
Passed by the City Council:	March 2, 2010
Date of Publication:	March 5, 2010
Effective Date:	March 10, 2010

21A.15.452. Farmer's Market. Farmer's Market means an outdoor market held in public spaces which allows farmers and other vendors to sell produce, and other locally produced products directly to the public.

21A.20.040 Recreation and cultural uses.

A. Table of Recreation/Cultural Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential	COMMERCIAL		
	Urban Residential	Neighborhood Business	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	PARK/RECREATION:					
*	Park	P 1	P1&10	P	P	P
*	Trails	P	P	P	P	P
*	Marina	C2	C2	P4	P	P
*	Sports Club(9)	C3	C3			
	AMUSEMENT/ENTERTAINMENT					
*	Theater				P5	P5
7833	Theater, drive-in			P2	P2	P2
793	Bowling center				P	
*	Golf facility	P6	P6			
7999	Amusement and recreation services	P7 C	P7 C		P	
	Cultural					
823	Library	P8 C	P8 C	P	P	P
841	Museum	P8 C	P8 C	P	P	P
842	Arboretum	P	P	P	P	P
*	Conference Center:	P8 C	P8 C	P		P

B. Development Conditions.

1. The following conditions and limitations shall apply, where appropriate:

a. No stadiums on sites less than 10 acres;

b. Lighting for structures and fields shall be directed away from residential areas;

c. ~~Except as specifically noted herein, buildings or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in SMC 21A.30.140 and 21A.30.160.~~ Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to SMC 21A.25.030. **Buildings, service yards**, swing sets, sandboxes, playhouses, other playground equipment, basketball hoops, tennis courts, camping tents, temporary tent structures used for functions and gathering, and dumpsters, shall maintain a minimum distance of 20 feet from property lines adjoining residential zones **R1-8**.

2. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available prior to date of application.

3. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

4. Limited to day moorage.

5. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.

6. Clubhouses, maintenance buildings and equipment storage areas, and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones.

7. Limited to a golf driving range as an accessory to golf courses.

8. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21A.70 SMC.

9. Only for stand-alone sports clubs that are not part of a park. (Ord. O2005-171 § 2; Ord. O2003-132 § 11)

10. Park structures shall maintain a minimum distance of 10 feet from property lines adjoining multifamily zones R12 and R18.

Attachment "A" - Public Facilities Code Amendments

21A.20.060 Government land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential	COMMERCIAL		
	Urban Residential	Neighborhood Business	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	Government Services:					
*	Public agency or utility yard (25)	C25	C25	P	P	P
	Satellite public agency or utility yard	P26 C	P26 C	P	P	P
*	Public agency or utility office	P2 <u>P27</u>	P2 <u>P27</u> C	P	P	P
*	Public agency archives	<u>P27</u>	<u>P27</u>			P
921	Court	<u>P27</u>	<u>P27</u>	P3	P3	P
9221	Police Facility	P5 <u>P27</u>	P5 <u>P27</u>	P5	P	P
9224	Fire Facility-	C4	C4	P	P	P
*	Utility Facility	P22 C21	P22 C21	P	P	P
*	Commuter Parking Lot	C P14	C P14	P	P	P
*	Private storm water management facility	P6	P6	P6	P6	P6
*	Vactor waste receiving facility	P14	P13	P23	P23	P23
*	<u>Farmers Market</u>	<u>P26,27</u>	<u>P26,27</u>	<u>P</u>	<u>P</u>	<u>P</u>
	BUSINESS SERVICES:					
	NO CHANGES TO THIS SECTION					
	ACCESSORY SERVICES					

	NO CHANGES TO THIS SECTION					

B. Development Conditions.

1. Except SIC Industry No. 8732, Commercial economic, sociological, and educational research, see general business service/office.
2.
 - a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 21A.70 SMC; or
 - b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
3. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC.
4.
 - a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
 - c. No outdoor storage.
5. Limited to "storefront" police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the NB zone); or
 - c. Long-term storage of stolen properties.
6. Private stormwater management facilities serving development proposals located on commercial zoned lands shall also be located on commercial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated "urban" in the King County comprehensive plan shall only be located in the urban area.
7. No outdoor storage of materials.
8. Limited to office uses.
9. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
10. Limited to SIC Industry No. 4215, Courier services, except by air.
11. Accessory to an apartment development of at least 12 units, provided:
 - a. The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
 - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - c. The use of the facility shall be limited to dead storage of household goods;
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - f. No residential occupancy of the storage units;
 - g. No business activity other than the rental of storage units; and
 - h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

12. No outdoor storage.
13. Only as an accessory use to a public agency or utility yard, or to a transfer station.
14. Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;
15. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
16. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
17. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facilities.
18. Limited to private road ambulance services with no outside storage of vehicles.
19. Limited to two acres or less.
20.
 - a. Utility yards only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage for road maintenance facilities.
21. Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
22. Excluding bulk gas storage tanks.
23. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
24. Provided:
 - a. Off-street required parking for a land use located in the urban area must be located in the urban area;
 - b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
 - c. Off-street required parking must be located on a lot which would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
25. Prior to issuing the notice of decision, the applicant shall hold a second neighborhood meeting consistent with the provisions of SMC 20.05.035.
26. Accessory to an existing publicly owned and improved site, ~~including but not limited to parks, and schools, and civic centers.~~
- 27. Accessory to an existing publicly owned and improved site, containing a school, city hall, or civic center.** (Ord. O2005-170 § 1; Ord. O2003-132 § 11)

21A.25.030 Densities and Dimensions-Residential Zones.

A. Residential Zones.

Zones		Residential	Urban Residential			
Standards	R-1 (14)	R-4	R-6	R-8	R-12	R-18
Maximum Density	1 du/ac	4 du/ac (5)	6 du/ac	8 du/ac	12 du/ac	18 du/ac

DU/Acre (12)						
Minimum Density ²				85%-(15)	80% +(15)	75%(15)
Minimum Lot Width	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback	20 ft (6)	10 ft (7)	10 ft(7)	10 ft (8) (7)	10 ft (7)	10 ft (7)
Minimum Interior Setback (2 and 13)	5 ft (7)	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (15)	35 ft	35 ft	35 ft 45 ft (11)	35 ft 45 ft(11)	60 ft	60 ft 80 ft (11)
Maximum Impervious Surface: Percentage (4)	30% (9)	55%	70%	75%	85%	85%

1. Also see SMC 21A.25.060.
2. These standards may be modified under the provisions for zero lot line and townhouse developments.
3. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.
4. Applies to each individual lot. Impervious surface area standards for:
 - a. Regional uses shall be established at the time of permit review;
 - b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;
 - c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;
 - d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
5. Mobile home parks shall be allowed a base density of six dwelling units per acre.
6. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
7. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.
8.
 - a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8,

except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

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

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

10. The base height to be used only for projects as follows:

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

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

11. Density applies only to dwelling units and not to sleeping units.

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

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

14. See SMC 21A.25.090.

15. Subject to the increase in maximum height permitted pursuant to SMC 21A.85.070, preferred low impact development incentives, and SMC 21A.30.020. (Ord. O2009-249 § 1; Ord. O2008-236 § 1; Ord. O2004-143 § 1; Ord. O2003-132 § 12)

21A.25.200 Height – Exceptions to limits.

The following structures may be erected above the height limits of SMC 21A.25.030 through 21A.25.030:

(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(2) Fire or parapet walls, skylights, flagpoles, **public athletic field lighting**, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures. (Ord. O2003-132 § 12)