

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2016 - 408

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING PROVISIONS RELATED TO LAND USE COMPATIBILITY IN THE RESIDENTIAL ZONES AND RESULTING IN CHANGES TO CHAPTERS 5 AND 15 OF TITLE 20 AND CHAPTERS OF 30 AND 40 OF TITLE 21A OF THE SAMMAMISH MUNICIPAL CODE

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, Development, which regulates land use and Title 23, Civil Code Compliance, which regulates procedures and mechanisms for land use related code enforcement matters; and

WHEREAS, the City Council adopted the City of Sammamish Comprehensive Plan which contains goals, objectives and policies regarding land use compatibility and environmental considerations; and

WHEREAS, it is the intent of the City Council to ensure the development of fair and reasonable regulations; and

WHEREAS, the City of Sammamish Planning Commission, pursuant to SMC 2.60.040(2), “shall review and make recommendations to the City Council relating to the City’s land use ordinances and regulations”; and

WHEREAS, the Planning Commission considered proposed amendments to Chapters 5 and 15 of Title 20 and Chapters 30 and 40 of Title 21A, concerning land use compatibility in residential zoning designations, during its October 1, 2015, October 29, 2015, and November 19, 2015, and December 3, 2015, and January 14, 2016 meetings; and

WHEREAS, the Planning Commission held a public hearing on December 3, 2015 to consider the proposed amendments to the SMC; and

WHEREAS, after providing 30 days public notice, the City Council held a public hearing on March 1 and March 15, 2016 and received public testimony related to the adoption of the ordinance and the proposed amendment; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed development regulations was issued on March 1, 2016; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on January 29, 2016 and was granted expedited review on February 18, 2016; and

WHEREAS, the City Council considered the Planning Commission's recommendation, public comment, and other available information.

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

Section 1. Adoption of the development regulations. The Land Use Compatibility in Residential Zones regulations as set forth in Attachment "A" to this ordinance is hereby adopted.

Section 2. Codification of the development regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of this ordinance into Titles 20 and 21A of the Sammamish Municipal Code for ease of use and reference.

Section 3. Interpretation. The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the Council.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. 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.

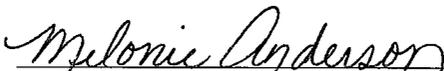
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 5th DAY OF APRIL 2016.

CITY OF SAMMAMISH



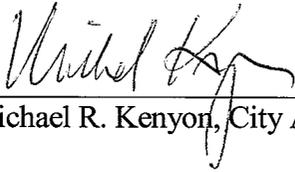
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Michael R. Kenyon, City Attorney

Filed with the City Clerk:	February 19, 2016
Public Hearing:	March 1, 2016
First Reading:	March 1, 2016
Public Hearing:	March 15, 2016
Second Reading:	March 15, 2016
Passed by the City Council:	April 5, 2016
Date of Publication:	April 8, 2016
Effective Date:	April 13, 2016

1 **Non-Residential Uses in Residential Zones:**

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3 **Sammamish Municipal Code (SMC)**

- 4 • 20.05.085 Reasonable Accommodation. *(Add new section for Reasonable Accommodation)*
- 5 • 20.15.040 Categorical exemptions and threshold determinations. *(Amend SEPA exemption*
6 *threshold for parking lots)*
- 7 • 21A.15.687 Lighting, Security or Flood. *(Add a new definition for Security or Flood Lighting)*
- 8 • 21A.30.010 Purpose. *(Amend purpose to address garbage, lighting, and non-residential*
9 *design standards)*
- 10 • 21A.30.185 Garbage and trash enclosures. *(Add new section regulating garbage and trash*
11 *storage)*
- 12 • 21A.30.230 Outdoor lighting. *(Add new section regulating outdoor lighting for single family*
13 *homes)*
- 14 • 21A.30.240 Non-residential use design standards. *(Add new section regulating the design*
15 *and location of daycares, schools, and religious uses)*
- 16 • 21A.40.110 Off-street parking plan design standards. *(Amend section to add cross reference,*
17 *Daycare I requirements)*
- 18 • 23.100.010 Assessment Schedule. *(Amend table of Code Enforcement Penalties)*

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23 "Normal Text" is existing code language

24 "~~Strikethrough Text~~" is existing language that will be deleted

25 "Underline Text" is code language that will be added

26 "... " indicates that there is additional existing code language that has been omitted

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1 **20.05.085 Reasonable Accommodation**

- 2 (1) Purpose and Intent: The Federal Fair Housing Act (FFHA) requires that reasonable
3 accommodations be made in rules, policies, practices, or services, when such accommodations
4 may be necessary to afford persons with disabilities equal opportunity to use and enjoy a
5 dwelling. The Community Development Director is therefore authorized to make
6 accommodations in the provisions of this Code as applied to dwellings occupied or to be
7 occupied by persons with disabilities as defined in the Federal Fair Housing Act, when the
8 Director determines that such accommodations reasonably may be necessary in order to comply
9 with such Act.
- 10 (2) Applicability. The Director may grant reasonable accommodation to individuals with disabilities
11 as defined by the Fair Housing Amendments Act (FHAA), 42 U.S.C. 3602(h) or the Washington
12 Law Against Discrimination (WLAD), Chapter 49.60 RCW.
- 13 (3) Procedure. If modification of a standard or regulation in the Sammamish Municipal Code is
14 sought, the Director shall make a written determination within 45 days and either grant, grant
15 with modifications, or deny a request for reasonable accommodation in accordance with the
16 following:
- 17 (a) Application. Requests for reasonable accommodation by any eligible person or entity
18 described in Section 20.05.085(1) shall be submitted on an application form provided by
19 the Community Development Department, or in the form of a letter, to the Director of
20 Community Development and shall contain the following information:
- 21 i. The applicant's name, address, email, and telephone number.
 - 22 ii. Address of the property for which the request is being made.
 - 23 iii. The property owner's name, address and telephone number and the owner's
24 written consent.
 - 25 iv. The current actual use of the property.
 - 26 v. The basis for the claim that the individual that resides or will reside at the
27 property is considered disabled under the Acts.
 - 28 vi. The provision, regulation or policy from which reasonable accommodation is
29 being requested.
 - 30 vii. Why the reasonable accommodation is necessary to make the specific property
31 accessible to the individual.
 - 32 viii. Copies of emails, correspondence, pictures, plans or background information
33 reasonably necessary to reach a decision regarding the need for the
34 accommodation.
- 35 (b) No fee shall be charged to the applicant for a response to a reasonable accommodation
36 request.
- 37 (c) The Director shall determine what adverse land use impacts, including cumulative
38 impacts, if any, would result from granting the proposed accommodation. This
39 determination shall take into account the size, shape and location of the dwelling unit
40 and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle
41 usage to be expected from the residents, staff and visitors; and any other circumstances
42 determined to be relevant.
- 43 (d) A grant of reasonable accommodation permits a dwelling to be inhabited only according
44 to the terms and conditions of the applicant's proposal and the Director's decision. If it
45 is determined that the accommodation has become unreasonable because
46 circumstances have changed or adverse land use impacts have occurred that were not
47 anticipated, the Director shall rescind or modify the decision to grant reasonable
48 accommodation.

1 (e) Appeals of reasonable accommodation decisions made by the Director must be filed
2 within 21 days of the decision issuance date.
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1 **20.15.040 Categorical exemptions and threshold determinations.**

2 (1) The City of Sammamish adopts the standards and procedures specified in WAC 197-11-300 through
3 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making
4 threshold determinations subject to the following:

5 (a) The following exempt threshold levels are hereby established pursuant to WAC 197-11-
6 800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

7 (i) The construction or location of any residential structures of up to 20 dwelling units;

8 (ii) The construction of an office, school, commercial, recreational, service, or storage
9 building with up to 12,000 square feet of gross floor area, and with associated parking
10 facilities designed for up to 40 automobiles;

11 (iii) The construction of a parking lot designed for up to ~~40~~20 automobiles;

12 (iv) Any fill or excavation of up to 500 cubic yards throughout the total lifetime of the fill or
13 excavation.

14 (b) The determination of whether a proposal is categorically exempt shall be made by the
15 department.

16 (c) The construction of an individual battery charging station or an individual battery exchange
17 station.
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1 **21A.15.685 Lighting Fixtures, Security or Flood.**

2 "Security or flood lighting fixtures" are generally intended to provide lighting that is designed and used
3 to discourage crime and undesirable activity. Security or flood lighting fixtures are characterized by a
4 broad intense beam of artificial light directed to illuminate a large area of a site.

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1 **21A.30.010 Purpose.**

2 The purpose of this chapter is to improve the quality of development by providing building and site
3 design standards that:

4 (1) Reduce the visual impact of large residential buildings from adjacent streets and properties;

5 (2) Enhance the aesthetic character of large residential buildings;

6 (3) Contain sufficient flexibility of standards to encourage creative and innovative site and building
7 design;

8 (4) Meet the on-site recreation needs of project residents;

9 (5) Enhance aesthetics and environmental protection through site design; and

10 (6) Allow for continued or adaptive re-use of historic resources while preserving their historic and
11 architectural integrity;

12 (6) Reduce the health and aesthetic impact of waste containers adjacent to streets;

13 (7) Promote compatibility between residential and non-residential uses; and,

14 (8) Promote health, safety, and security by minimizing glare and light trespass from outdoor lighting on
15 to adjacent properties.

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21A.30.185 Garbage and trash storage design.

(1) Single family detached homes shall provide a designated location for the storage of garbage, recycling, and other waste containers. The designated location shall either be placed in an enclosure or garage, or screened so that the garbage, recycling, and other waste containers are not visible from public streets. The director may authorize an alternate storage location that will meet the purpose of SMC 21A.30.010.

(2) Residents shall return garbage, recycling, and other waste containers to their designated storage location within 24 hours after collection, or as soon as is feasible.

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2 **21A.30.230 Outdoor Lighting.**

3 (1) Applicability. This section applies to the following types of lighting:

- 4 (a) All new and replacement exterior light fixtures in parking lots, and associated with
5 commercial, institutional, and mixed-use buildings; and,
6 (b) All existing, new, or replacement security or flood lighting associated with residential
7 uses.

8 (2) Exemptions. The following types of lighting are exempt from the provisions of this section:

- 9 (a) Seasonal decorations;
10 (b) Lighting used under emergency conditions (e.g. searchlights, law enforcement vehicles);
11 (c) Moving vehicle lights;
12 (d) Underwater lighting in swimming pools;
13 (e) Lighting for signs, if permitted under SMC 21A.45;
14 (f) Traffic control devices;
15 (g) Lights required by state or federal law (e.g. wireless communication facility towers);
16 (h) Temporary lighting for construction sites, special events (e.g. theatrical performances,
17 community events); and,
18 (i) Other lighting of a similar nature as approved by the Director.

19 (3) Standards:

20 (a) Security or flood lighting fixtures associated with single family residences and
21 townhouses:

- 22 (i) Lighting fixtures shall be properly aimed and installed in a manner that causes
23 minimal or no light trespass on to adjacent properties;
24 (ii) Lighting fixtures shall not exceed 1,260 lumens, unless the lighting fixture is fully
25 shielded; and,
26 (iii) Motion sensors associated with security or flood lighting shall not be activated
27 by off-site movement.

28 (b) Parking lots:

- 29 (i) Lighting fixtures shall be partially shielded so that minimal light is emitted above
30 a horizontal Plane, and shall be installed and maintained in a way that causes
31 minimal or no light trespass on to adjacent properties.
32 (ii) Outdoor lighting shall not exceed 5.0 lumens per square foot of parking lot
33 surface and pedestrian walkway. Requests for additional lighting may be
34 considered with the approval of the Director.
35 (iii) Lighting fixtures shall be no more than 25 feet tall, with lower light fixtures
36 preferable so as to maintain a human scale. Requests for higher light fixtures
37 may be considered with the approval of the Director.
38 (iv) Site light fixtures shall be designed to use metal halide or LED light sources
39 unless an alternative is approved by the Director.
40 (v) Solar-powered and high-energy-efficient lighting is encouraged. The Director
41 may allow flexibility level standards for solar-powered lights.
42 (vi) Motion-sensing lighting is encouraged. The Director may allow flexibility with
43 outdoor lighting standards when motion-sensing technology is used.

44 (c) Commercial, institutional, and mixed-use buildings

- 45 (i) Outdoor light fixtures shall be fully shielded, pointed downward, and should be
46 maintained in a way that causes minimal or no light trespass on to adjacent
47 properties.

1 (ii) Outdoor lighting shall not exceed 5.0 lumens per square foot of hardscape
2 outside the building structure. Requests for additional lighting may be
3 considered with the approval of the director.

4 (iii) Exceptions:

5 (A) One partially shielded light fixture or sconce is allowed if it is located
6 beneath a building overhang and will generate less than 630 lumens;

7 (B) Landscape/accent lighting, provided that the combined output of the
8 light fixture does not exceed 2,100 lumens;

9 (C) Motion-sensor lighting that extinguishes the light no more than 15
10 minutes after the area is vacated.

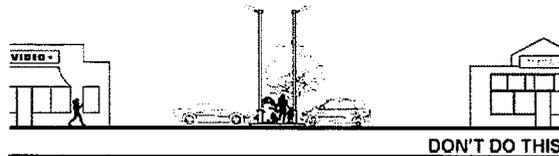
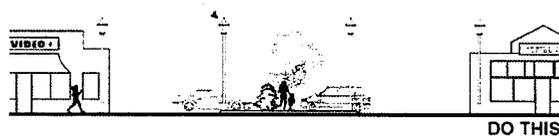
11 (iv) Outdoor lighting shall not exceed 5.0 lumens per square foot of hardscape.
12 Requests for additional lighting may be considered with the approval of the
13 director. Except:

14 (A) Drive-up windows may add 8,000 lumens per drive-up window. In order
15 to use this allowance, light fixtures must be within 20 feet horizontal
16 distance of the center of the window.

17 (B) Vehicle service stations may add lighting that results in a total of 16,000
18 lumens per fuel pump.

19 (v) Site lighting shall be metal halide or LED unless an alternative is approved by the
20 director.

Smaller scale
lighting fixtures



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1 **21A.30.240 Non-Residential use design standards.**

- 2 1. Applicability. This section applies to new non-residential uses or improvements within the R-1,
3 R-4, R-6, and R-8 zoning designations. Non-residential uses and improvements include, but are
4 not limited to, those uses specified in SMC 21A.20.050 through 21A.20.080 and 21A.20.100 and
5 supporting improvements (e.g. parking lots), or other similar uses or improvements as
6 determined by the Director.
- 7 2. Location. New non-residential uses and improvements shall be located with direct access to a
8 neighborhood collector or arterial street, as defined in the adopted Public Works Standards.
- 9 3. Traffic demand management. New non-residential uses shall prepare and adhere to a traffic
10 demand management plan to reduce traffic generation during the AM and PM peak hours. The
11 traffic demand management plan shall be reviewed and approved by the City.
- 12 4. Parking Lots. New parking lots for non-residential uses, or parking lots that are expanded by
13 more than 50% of the original parking lot area, shall:
- 14 a. Incorporate the following low impact development design into the parking lot design as
15 follows:
- 16 i. Infiltration of all storm water generated from the proposed parking lot is
17 required. The director may authorize a reduction in infiltration required if the
18 applicant demonstrates that infiltration is not feasible due to site-specific soil
19 and/or geologic conditions.
- 20 ii. Required landscaping shall incorporate soil amendments. Soil amendments
21 shall be comprised of a compost or soil amendment mix consistent with the
22 adopted Sammamish Surface Water Design Manual.
- 23 iii. Incorporate any other low impact development technique required by
24 Sammamish Surface Water Design Manual.
- 25 a.b. Incorporate a berm around the perimeter of the parking lot where adjacent to public
26 right of way and neighboring properties, designed such that the berm height is no less
27 than 3 feet above the highest elevation of the parking lot. The berm shall be maintained
28 as needed to ensure the berm height is not diminished over time due to erosion or
29 other causes. The director may authorize an alternative design to the berm that will
30 provide an equivalent amount of screening for vehicle headlights and follow Crime
31 Prevention Through Environmental Design (CPTED) principles.
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1 21A.40.110 Off-street parking plan design standards.

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4 (7) Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be
5 designed to minimize direct lighting of abutting properties and adjacent streets and pursuant to the
6 provisions of SMC 21A.30.230. The director shall have the authority to waive the requirement to provide
7 lighting.

8 ...

9 (15) Parking lot design for non-residential uses located in the R-1, R-4, R-6, and R-8 zoning designations
10 shall be designed pursuant to the provisions of SMC 21A.30.240.

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12 (16) Daycare I facilities shall provide sufficient area for the loading and unloading of passengers. This
13 area shall:

14 (a) Allow access to the entrance of the Daycare I without crossing a street or travelway, and one
15 of the following, in order of preference:

16 (i) Be located off-street, i.e. not within a public right of way or access easement; or

17 (ii) Be located on-street, outside of travel lanes, and adjacent to the Daycare I, provided
18 that on-street loading and unloading of passengers is only allowed on local streets.

19 (b) All off-street loading spaces shall be designed and constructed consistent with SMC 21A.40.
20 All on-street loading spaces shall be designed consistent with the on-street parking space requirements
21 of the adopted Public Works Standards.

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1 **23.100.010 Assessment schedule.**

Code Enforcement Penalties:	
Infraction	up to \$500
Stop Work Order	up to \$500
Noncompliance:	
1 – 15 days	\$100 <u>up to \$250</u> per day
16 – 31 days	\$250 <u>up to \$500</u> per day
31+ days	\$500 <u>up to \$1,000</u> per day (up to \$50,000 maximum)
Environmental Damage/Critical Areas Violations:	
Up to \$25,000 plus the cost of restoration	
Unlawful Tree Removal or Damage:	
\$1,500 per inch of diameter at breast height of tree removed or damaged	

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