

**CITY OF SAMMAMISH  
WASHINGTON**

**ORDINANCE NO. O2010 - 278**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,  
AMENDING CHAPTER 21A.25 (DEVELOPMENT STANDARDS – DENSITY  
AND DIMENSIONS), OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council adopted the City’s Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, the City has found through experience that additional flexibility in applying required setbacks would improve development design and consistency; and

WHEREAS, the City Council adopted Ordinance O2009-249, which amended the Sammamish Municipal Code on January 20, 2009; the amendments included a reduction in interior setbacks; and

WHEREAS, private property owners and members of the development community are requesting that the City allow administrative adjustment of setbacks on a case-by-case basis; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities and included presentation to the Sammamish City Council on February 16, 2010 and March 2, 2010; and

WHEREAS, the proposed ordinance is procedural in nature and is exempt from SEPA review and the Department of Commerce has granted expedited review of the proposed amendment; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on February 16, 2010 and continued to March 2, 2010;

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

**Section 1. Amendments to the Municipal Code.** The municipal code amendments set forth in Attachment “A” to this ordinance are hereby adopted.

**Section 2. 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 3. 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 2<sup>nd</sup> DAY OF MARCH, 2010.**

CITY OF SAMMAMISH

  
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Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

  
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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

SMC 21A.25.100 - Administrative Adjustment of Setbacks (*New Section*)

“Plain Text” is existing code language

“~~Strikethrough Text~~” is existing language that will be deleted

“Underline Text” is code language that will be added

### **SMC 21A.25.100 – Administrative Adjustment of Setbacks**

The purpose and intent of administrative adjustment of setbacks is to provide the flexibility to modify setbacks in all zoning districts at the administrative level.

Administrative adjustment of setbacks may modify setbacks established in Chapter 21A.25 of the Sammamish Municipal Code, provided that such modification shall not affect setbacks or other requirements established elsewhere in Title 21A of the Sammamish Municipal Code. Approval shall be based on a determination that the adjustment is consistent with the purpose and intent of Title 21A SMC.

- (1) Process. Requests for administrative adjustment of setbacks shall be reviewed and approved concurrent with the related development application. The Director may approve or recommend approval to the Hearing Examiner on an administrative adjustment of standards based upon the factors listed in subsection (3) and as provided in subsection (4) below.
- (2) Review. The applicant shall have the burden of demonstrating that the administrative adjustment of setbacks is warranted, that the adjustment is consistent with the purpose and intent of Title 21A.SMC, and shall provide such documentation to support the request as may be required by the Director.
- (3) Criteria. In issuing an administrative adjustment of setbacks approval or recommendation, the director shall consider the following:
  - a. Any site specific characteristics or constraints affecting the subject property that may warrant the adjustment;
  - b. The consistency of the requested adjustment with other regulatory requirements governing the development application;
  - c. The consistency of the requested adjustment with the policy direction provided by the Sammamish Comprehensive Plan or other adopted policy documents;
  - d. Whether the adjustment of setbacks is compatible in scale and character with existing neighboring land uses;
  - e. Whether the adjustment of setbacks is consistent with the intent and character of the zoning district involved;
  - f. Impacts upon:
    - i. Adjacent Property Owner(s). The adjustment of setbacks shall not negatively impact the adjacent property owners through incompatible height, bulk, design, color or other features;
    - ii. Environmentally Critical Areas. The adjustment shall be consistent with the purpose and intent of the environmentally critical area regulations, and shall not negatively impact environmentally critical areas;
    - iii. Public Services. The adjustment of setbacks shall not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements;
  - g. The required impervious surface area for the property shall not be exceeded;
  - h. Whether the adjustment allows for the placement of a building to be made on the lot to allow for the retention of an existing significant tree or trees.

Significant trees retained through this provision shall be considered protected trees and shall not be removed without replacement.

- i. The reductions shall accomplish one or more of the following goals:
  - i. Allows buildings to be sited in a manner which maximizes solar access;
  - ii. Allows zero lot line, semidetached (common wall construction) or other types of cluster development when allowed and in conformance with the provisions of this Code;
  - iii. Coordinates development with adjacent land uses and the physical features of the site;
  - iv. Allows the development proposal to comply with later adopted setback provisions; or
  - v. Allows development consistent with the scale and character of the existing neighborhood.

(4) Adjustment of Setbacks.

- a. Residential and commercial street setbacks established pursuant to SMC 21A.25 may be reduced by up to 30%;
- b. Residential interior setbacks may be reduced to a minimum of 5 feet (where not otherwise authorized), eaves and projections may extend eighteen inches into setbacks, and provided that projections may not exceed a width of ten feet and are limited to two per facade;