

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2012 - 327

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ADOPTING PROVISIONS TO AMENDING
HOME BUSINESS DEFINITIONS, STANDARDS, AND
PERMITTED USE TABLE AS CODIFIED INTO CHAPTERS
15, 20, AND 65 OF TITLE 21A OF THE SAMMAMISH
MUNICIPAL CODE**

WHEREAS, the City incorporated in August of 1999;

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, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed Fundraising Sign regulations was issued on April 13, 2012; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on March 22, 2012 and was granted expedited review on April 17, 2012; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities at public meetings and hearings before the Planning Commission and City Council between August of 2011 and of May of 2012; and

WHEREAS, the Planning Commission held public meetings and public hearings hearings on October 20, December 1, 2011, January 19, 2012 and February 2, 2012 and forwarded a recommendation to permanently amend Chapters 15, 20, and 65 of Title 21A to modify the Home Business regulations to the City Council on March 13, 2012; and

WHEREAS, the City Council considered the proposed Home Business regulations at a City Council public hearing on May 1, 2012, which was continued on May 14, 2012; 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 Home Business regulations. The Home Business Regulations as set forth in Attachment "A" to this ordinance is hereby adopted.

Section 2. Codification of the Home Business regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the Home Business ordinance into Title 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 SPECIAL MEETING THEREOF ON THE 14TH DAY OF MAY 2012.

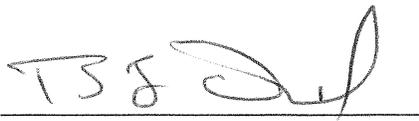
CITY OF SAMMAMISH


Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

| | |
|-----------------------------|----------------|
| Filed with the City Clerk: | April 25, 2012 |
| Public Hearing: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Public Hearing: | May 14, 2012 |
| Passed by the City Council: | May 14, 2012 |
| Date of Publication: | May 17, 2012 |
| Effective Date: | May 22, 2012 |

Attachment "A"

- 21A.15.605 Home industry (*deleted / replaced*)
- 21A.15.610 Home occupation (*deleted*)
- 21A.15.605 Home Business (*new definition*)
- 21A.20.030 Residential land uses (*amended reference to Home Business Type 1 and Type 2, level of review*)
- 21B.20.040 Town Center Residential land uses (*amended reference to Home Business Type 1 and Type 2, level of review*)
- 21A.65.010 Purpose (*amended to clarify purpose of home business regulations*)
- 21A.65.050 Home occupation (*deleted / replaced*)
- 21A.65.050 Home business (*new section*)
- 21A.65.060 Home industry (*deleted*)

- 21A.110.040 Conditional use permit (*included for context / reference*)

"Plain Text" is existing code language

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

"Underline Text" is code language that will be added

21A.15.605 Home industry.

~~“Home industry” means a limited scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. O2003-132 § 10)~~

21A.15.605 Home Business.

“Home business” means a business or profession which is incidental to the use of a residential dwelling unit by a resident of the dwelling unit. Home businesses do not include uses where the use of the premises as a dwelling unit is secondary to the operation of the business or profession. In no case shall the area used for a home business exceed 50% of the area of the residential dwelling unit.

The home business use definition does not include other residential accessory uses identified in SMC 21A.20 and defined in SMC 21A.15, including but not limited to:

- a) Bed and breakfast guesthouses,
- b) Senior citizen assisted housing,
- c) Daycare 1, and
- d) Specialized instructional schools.

Home businesses are further subclassified as follows:

- e) Home business, Type 1 –conducted within a building permitted within a residential zone and that will not result in odors nor obvious visible or audible business activity outside of the building. Type 1 home businesses are generally indistinguishable from other dwelling units in the vicinity.
- f) Home business, Type 2 –conducted within a building permitted within a residential zone and that results in limited odors, and some obvious visible or audible business activity outside of the building. Type 2 home businesses may be characterized by the following types of activities: significantly increased deliveries beyond regular residential mail delivery activity; significantly increased client or customer visitation to the site; and/or visual or audible activity visible from adjacent properties or the street. Home businesses that cannot meet the standards established in SMC 21A.65.050(4) for Type 1 home businesses, are Type 2 home businesses and subject to the standards of SMC 21A.65.050(5). Home businesses engaged in a use that requires a federal or state license or permit, in addition to a business license, are type 2 home businesses (example: home businesses engaged in the production of alcohol such that a liquor license is required).

21A.15.610 Home occupation.

~~“Home occupation” means a limited scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. O2003-132 § 10)~~

21A.20.030 Residential land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

| SIC# | SPECIFIC LAND USE | RESIDENTIAL | | COMMERCIAL | | |
|------|---|-------------------|-------------|-----------------------|--------------------|----------|
| | | URBAN RESIDENTIAL | | Neighborhood Business | Community Business | Office |
| | | R-1 – R-8 | R-12 – R-18 | NB | CB | O |
| ... | | | | | | |
| | DWELLING UNITS, TYPES: | | | | | |
| | ACCESSORY USES: | | | | | |
| * | Residential accessory uses | P5 | P5 | | | |
| * | Home occupation Home Business Type 1 | P | P | P | P | P |
| * | Home industry Home Business Type 2 | C | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| * | EV charging station ^(11, 12) | P13 | P13 | P | P | P |
| * | Rapid charging station ⁽¹⁴⁾ | P15 | P15 | P | P | P |
| ... | | | | | | |

TOWN CENTER PERMITTED USE TABLES

21B.20.040 Residential land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

U – Permitted Use as Part of Adopted Unified Zone Development Plan

C – Conditional Use

S – Special Use

X – Prohibited Use

| SIC# | SPECIFIC LAND USE | TC-A sub-zones | | | | | TC-B | TC-C | TC-D | TC-E |
|------|---|----------------|----------------|----------------|----------------|----------------|-----------------|-----------------|-----------------|-----------------|
| | | A1 | A2 | A3 | A4 | A5 | | | | |
| ... | | | | | | | | | | |
| | DWELLING UNITS, TYPES: | | | | | | | | | |
| | ACCESSORY USES: | | | | | | | | | |
| * | Residential accessory uses ⁴ | p ¹ | P | P | X | P |
| * | Home occupation Business Type 1 | p [±] | P | P | X | P |
| * | Home industry Business Type 2 | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>PC</u> | <u>XC</u> | <u>CC</u> | <u>CC</u> | X | <u>CC</u> |
| * | Electric vehicle charging station ^{8,9,14} | P | P | P | P | P | p ¹⁰ | p ¹⁰ | P | p ¹⁰ |
| * | Rapid charging station ^{11,14} | P | P | P | P | P | p ¹² | p ¹² | p ¹³ | p ¹² |
| ... | | | | | | | | | | |

Development Conditions:

1. Except for lobbies or other similar entrances, the use is prohibited within 30 feet of the sidewalk on the ground floor of designated pedestrian-oriented streets or corridors.

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21A.65.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities. In addition, the intent of the home business regulations is to:

- (1) Maintain and preserve the character of neighborhoods;
- (2) Promote appropriate business and economic development opportunities within neighborhoods;
- (3) Ensure the compatibility of home businesses and surrounding uses; and,
- (4) Mitigate potential impacts to surrounding uses.

21A.65.050 Home businesses.

- (1) Business License. All home businesses shall obtain required business licenses.
- (2) Compatibility required. All home businesses shall be operated in such a way as to ensure compatibility between the home business and the surrounding neighborhood. In addition to other required standards, home business compatibility shall address the following aspects of the home business:
 - (a) Visibility from adjacent properties and the street;
 - (b) Audibility and vibrations from adjacent properties and the street;
 - (c) Residential scale and intensity;
 - (d) Odors;
 - (e) Health and Safety (including the use significant amounts of hazardous materials or the creation of significant amounts of hazardous waste); and,
 - (f) Traffic.
- (3) Prohibited. The following home businesses are prohibited:
 - (a) Automobile, truck, and heavy equipment repair;
 - (b) Autobody work or painting;
 - (c) Adult use facilities;
 - (d) Veterinary clinic or hospitals;
 - (e) Collective gardens;
 - (f) Outdoor parking and storage of heavy equipment;
 - (g) Outdoor storage of automobiles, boats, and recreational vehicles;
 - (h) Outdoor storage of building materials for use on other properties; and,
 - (i) Other uses determined by the director to be similar in nature to the prohibited uses listed in this subsection.
- (4) Home businesses that meet the following standards will be considered Type 1 home businesses for the purposes of this chapter:
 - (a) Business related activity shall be conducted within the confines of the building(s) associated with the home business;
 - (b) Smoke, odors, dust, vibration or light produced by the business shall not exceed that normally associated with a residential dwelling unit;
 - (c) Buildings associated with the home business shall be designed to be compatible with surrounding uses;
 - (d) Properties with home business(es) shall be limited to no more than three vehicles (per property) that are visible from the street or adjacent properties on a regular basis;
 - (e) Properties with home businesses engaged in sales or on-site services shall be limited to no more than three nonresident employees per property;
 - (f) Sales or services shall be by appointment or provided off-site;

- (g) No more than one outbuilding, in addition to the dwelling unit, may be used for the home business, excluding outbuildings used solely for material storage. All outbuildings used for the home business shall not be visible from the street;
- (h) On site client or customer related appointments shall occur between the hours of 8AM and 9PM;
- (a)(i) Vehicles, equipment, and materials owned by the home business and associated with business operation shall be stored within the buildings associated with the home business; and,
- (j) Truck deliveries shall be consistent with normal residential deliveries. Regular and frequent tractor-trailer or semi-trailer deliveries are prohibited.
- (5) Type 2 home businesses require a conditional use permit pursuant to SMC 21A.20.030 and SMC 21A.110.040. Prior to decision on a conditional use permit the director shall consider the compatibility criteria in subsection (2) above and the compatibility review in subsection (6). Type 2 home businesses shall also be subject to the following minimum standards:
 - (a) The home business shall be located:
 - i. Such that the home business is compatible with surrounding uses;
 - ii. On a lot with a minimum property dimension of 100 feet (measured by scaling a circle of the applicable diameter within the boundaries of the lot); and
 - iii. No closer than 20 feet to property lines.
 - (b) Activities conducted outdoors shall be fully screened from adjacent properties and streets;
 - (c) Vehicles, equipment, and materials owned by the home business and associated with business operation shall be fully screened from adjacent properties and streets;
 - (d) Noise, traffic, vibrations, light, and odors shall be evaluated to ensure compatibility with the surrounding neighborhood;
 - (e) No more than six vehicles associated with the home business shall be visible from the street or adjacent properties on a regular basis.
 - (f) Home businesses engaged in activities that require a federal or state license or permit, in addition to a business license, shall be limited to sales of items produced on-site.
- (6) Compatibility review. In code compliance cases and in review of a Type 2 home business, the director has the authority to review and condition the proposed use to ensure that the home business complies with the compatibility standards established by subsection (2) above. The director may further set conditions to ensure compatibility by:
 - (a) Determining that a specific home business cannot be operated as a Type 1 home business and is subject to the review requirements of a Type 2 home business;
 - (b) Limiting the type and size of equipment used by the home business to those that are compatible with the surrounding neighborhood;
 - (c) Limiting the number of client or customer trips to the site related to the home business;
 - (d) Limiting on site retail sales to ensure compatibility;
 - (e) Providing for setbacks or screening as needed to protect adjacent residential properties;
 - (f) Specifying hours of operation;
 - (g) Determining acceptable levels of outdoor lighting;
 - (h) Limiting or prohibiting odors from the home business;
 - (i) Requiring sound level tests for activities determined to produce sound levels that may be excessive for a residential neighborhood;
 - (j) Limiting other neighborhood impacts generated by the home business; and
 - (k) Establishing other conditions necessary to ensure compatibility consistent with subsection (2) above.

21A.65.050 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

- (1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;
- (2) In residential zones, all the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s) or Daycare 1;
- (3) No more than one nonresident shall work at the home occupation(s) location;
- (4) The following activities shall be prohibited in residential zones only:
 - (a) Automobile, truck and heavy equipment repair;
 - (b) Autobody work or painting;
 - (c) Parking and storage of heavy equipment; and
 - (d) Storage of building materials for use on other properties;
- (5) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 - (a) One stall for a nonresident employed by the home occupation(s); and
 - (b) One stall for patrons when services are rendered on site;
- (6) Sales shall be limited to:
 - (a) Mail order sales;
 - (b) Telephone sales with off-site delivery; and
 - (c) Internet sales;
- (7) Services to patrons shall be arranged by appointment or provided off site;
- (8) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 - (a) No more than one such vehicle shall be allowed;
 - (b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 - (c) Such vehicle shall not exceed a weight capacity of one ton; and
- (9) The home occupation(s) shall not use electrical or mechanical equipment that results in:
 - (a) A change to the occupancy type of the structure(s) used for the home occupation(s);
 - (b) Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
 - (c) Fluctuations in line voltage off premises;
- (10) Uses not allowed as home occupations may be allowed as a home industry pursuant to this chapter. (Ord. O2009-249 § 1; Ord. O99-29 § 1)

21A.65.060 Home industry.

A resident may establish a home industry as an accessory activity, provided:

- (1) The site area shall be no less than one acre;
- (2) The area of the home industry shall not exceed 50 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home occupation;
- (3) No more than four nonresidents shall be employed in a home industry;
- (4) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 - (a) One stall for each nonresident employee of the home industry; and
 - (b) One stall for customer parking;

~~(5) Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:~~

~~(a) One thousand square feet of building floor area; and~~

~~(b) Two thousand square feet of outdoor work or storage area;~~

~~(6) Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;~~

~~(7) Ten feet of Type I landscaping shall be provided around portions of parking and outside storage areas that are otherwise visible from adjacent properties or public rights of way; and~~

~~(8) The director shall ensure compatibility of the home industry by:~~

~~(a) Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;~~

~~(b) Providing for setbacks or screening as needed to protect adjacent residential properties;~~

~~(c) Specifying hours of operation;~~

~~(d) Determining acceptable levels of outdoor lighting; and~~

~~(e) Requiring sound level tests for activities determined to produce sound levels that may be excessive. {Ord. 099-29 § 1}~~