



## City Ordinances Archive

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## **ORDINANCE NO. 01-1001**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Sections 15.05.055, and 15.05.057 of the Zoning Code to establish a Zoning Code Appendix tracking property-specific standards and development agreements, and to authorize notations to the Zoning Map in reference thereto.

**WHEREAS**, pursuant to Ordinance 99-1030, the City adopted a procedure for establishing property-specific development standards; and

**WHEREAS**, pursuant to Ordinance 99-1045, the City adopted procedures for the entering into development agreements; and

**WHEREAS**, the Council has adopted several ordinances rezoning property subject to property-specific standards and entered into several development agreements; and

**WHEREAS**, it is appropriate to consistently note these property-specific standards and development agreements on the Zoning map and reference a summary of the conditions and adopting ordinances in an appendix to the Zoning Code for ease of reference; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.05.055 of the SeaTac Municipal Code is hereby amended to read as follows:

### **15.05.055 Property-Specific Development Standards**

A. In addition to the minimum requirements of this title, property-specific development standards further restricting development may be imposed by the City Council or the City Hearing Examiner in either an individual or City-initiated zoning reclassification; provided, that all other zone reclassification criteria as specified in SMC 15.22.050 are met. The property-specific development standards are for the purpose of ensuring the public health and safety, neighborhood compatibility, and environmental protection and may include, but are not limited to, increased development standards, limits on permitted uses, or special conditions of approval. Such property-specific development standards shall not reduce the development standards specified elsewhere in this title.

B. An asterisk (\*) shall be shown on the official zoning map and on appropriate GIS databases to provide notice of the property-specific development standards. The asterisk shall reference an Appendix to the Zoning Code which shall detail the adopting ordinance for the property-specific standard and any other details deemed appropriate.

~~B. The Department of Planning and Community Development shall review all property-specific development standards previously imposed by King County upon individual properties now located within the incorporated boundaries of the City, and may recommend reinstatement of any such standards which do not conflict with the Comprehensive Plan and which address conditions unique to a particular property which have not been adequately addressed by the standards in this Zoning Code. Any such reinstatement shall be applied by the City Council through a City-initiated reclassification, and may be appealed to the City Hearing Examiner.~~

The Director of the Department of Planning and Community Development is hereby authorized and directed to cause the official Zoning Map to be amended to notate properties subject to property-specific conditions, and to update the Zoning Map upon adoption of future

standards and agreements.

Section 2. Section 16.03.090 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.05.057 Development Agreements**

A. In order to obtain particular and demonstrable public benefits to the City, 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, 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; provided, that 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 and the criteria set forth in SMC 15.22.055. Development agreements are subject to the public hearing notice requirements contained in SMC 16.07.030(A).

B. The Director of the Department of Planning and Community Development is hereby authorized and directed to cause the Official Zoning Map to be amended to notate properties subject to 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.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 4. A copy of this Ordinance shall be forwarded to the Department of Community, Trade and Economic Development of the State of Washington.

**ADOPTED** this 23rd day of January, 2001, and signed in authentication thereof on this 23rd day of January, 2001.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Deputy Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date: 02/22/01]

**ORDINANCE NO. 01-1002**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating certain streets, alleys, and rights-of-way abutted on both sides by Port of Seattle property.

**WHEREAS**, the Port of Seattle has previously requested vacation of certain City rights-of-way within territory which has been acquired by the Port for Sea-Tac International Airport purposes; and

**WHEREAS**, Article 9 of Exhibit C to the Interlocal Agreement between the City and the Port, entered into on September 4, 1997, provides for vacation of certain enumerated rights-of-way; and

**WHEREAS**, SMC 11.05.090 adopts the street vacation procedures of [Chapter 35.79 RCW](#) and

**WHEREAS**, [RCW 35.79.010](#) authorizes the City Council to initiate such street vacation procedures by resolution and further requires setting of a public hearing and date for council action which was, in this case, established by Resolution No. 00-026 fixing the public hearing for January 23, 2001, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said rights-of way continues to exist, but the Port has reason to convert the rights-of-way to airport related purposes; and

**WHEREAS**, no objections to vacation were filed by any abutting property owners prior to the hearing, and the Council finding that no person has demonstrated special injury due to substantial impairment of access to such person's property; and

**WHEREAS**, the Council finds that vacation of the aforesaid rights-of-way, as legally described on Exhibit A and as depicted on the maps marked Exhibit B, to this Ordinance, is in the public interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Vacation of Rights-of-Way. Those rights-of-way and portions of rights-of-way legally described on Exhibit A to this Ordinance, and depicted on the maps marked Exhibit B to this Ordinance, within the City of SeaTac, are hereby vacated, subject to payment pursuant to Section 3, below.

Section 2. Compensation Required. The Port of Seattle, which is the sole abutting landowner on both sides of the aforesaid rights-of-way shall compensate the City in an amount equal to one-half of the appraised value of the total areas so vacated, pursuant to law, which has been determined to be the sum of \$1,337,154.

Section 3. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 4. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 3 of this Ordinance, but in no event sooner than thirty (30) days after passage.

**ADOPTED** this 23rd day of January, 2001, and signed in authentication thereof on this 23rd day of January, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: upon receipt of \$1,337,154 from POS]

**ORDINANCE NO. 01-1003**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Subsection 13.06.030(F) of the SeaTac Municipal Code.

**WHEREAS**, Subsection 13.06.030(F) of the SeaTac Municipal Code requires all new structures of more than 6,000 square feet, except single family residences, to have an automatic fire sprinkler system installed; and

**WHEREAS**, open parking garages are inherently fire resistant and are not required by the nationally recognized codes to have a fire sprinkler system installed; and

**WHEREAS**, the City Council finds that the amendments, additions and deletions to Subsection 13.06.030(F) of the SeaTac Municipal set forth herein are now necessary and appropriate;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Subsection 13.06.030(F) of the SeaTac Municipal Code is hereby amended to read as follows:

F. Section 904.2.1 of the Uniform Building Code is hereby amended to read as follows:

Section 904.2.1 Where Required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in this section. In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, current editions, there is hereby established a minimum requirement for the installation of fire sprinkler systems. All structures, ~~excluding single family residential buildings~~, shall have a fire sprinkler system installed, which meets or exceeds all of the parameters contained within ~~this Chapter~~, the Municipal Code, Uniform Building Code and the Uniform Fire Code when the gross floor area is 6,000 square feet or more. For purposes of determining gross floor area, the installation of area separation walls will not be considered as creating separate buildings.

1. It is provided however that existing structures and structures undergoing remodeling or improvement are exempt from this the provisions of this subsection (F), provided:

a. There is no increase in floor area or,

b. The area to be improved does not exceed 50% of the total floor area including mezzanines or,

c. There is no change of occupancy or use and,

d. A fire alarm system, meeting all applicable requirements for the occupancy, is installed.

2. It is further provided that the following new and existing structures are exempt from the provisions of this subsection (F):

a. Single family residential structures.

- b. Portions of structures used as open parking garages, as defined in the Uniform Building Code, when there are no other occupancies above the garage and any structures adjacent to the garage are separated by an assumed property line as required by the Uniform Building Code.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 27th day of February, 2001, and signed in authentication thereof on this 27th day of February, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Date Effective: 3/29/01



**ORDINANCE NO. 01-1004**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget to include 2000 Carryover Items.

**WHEREAS**, certain expenditures were included in the 2000 Annual City Budget which were not initiated or completed during the 2000 fiscal year; and

**WHEREAS**, contractual or legal obligations require carryover of certain items; and

**WHEREAS**, City staff recommend that the remaining expenditures be made in 2001;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total General Fund revenues by \$58,171 and General Fund expenditures by \$178,182.

Section 2. The 2001 Annual City Budget shall be amended to increase the total City Street Fund expenditures by \$25,440.

Section 3. The 2001 Annual City Budget shall be amended to increase the total Arterial Street Fund expenditures by \$175,225.

Section 4. The 2001 Annual City Budget shall be amended to increase the total Transit Planning Fund expenditures by \$16,943.

Section 5. The 2001 Annual City Budget shall be amended to increase the total Port of Seattle ILA Fund expenditures by \$19,819.

Section 6. The 2001 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$45,601.

Section 7. The 2001 Annual City Budget shall be amended to increase the total SWM Construction Fund expenditures by \$62,272.

Section 8. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 13th day of March, 2001, and signed in authentication thereof on this 13th day of March, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 3/21/01]

**ORDINANCE NO. 01-1005**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget relating to the Community Advocate program.

**WHEREAS**, in 2000, the City created a Community Advocate program originally placed in the Police Department; and

**WHEREAS**, it is now advised that the program be moved to the City Manager's Office for improved staff resource and budget utilization; and

**WHEREAS**, transfers of budget appropriations from one department to another must be approved by budget amendment Ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total General Fund expenditures in the City Manager's Office by \$46,335.

Section 2. The 2001 Annual City Budget shall be amended to decrease the total General Fund expenditures in the Police Department by \$46,335.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 27th day of March, 2001, and signed in authentication thereof on this 27<sup>th</sup> day of March, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1006**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending, adding, and repealing certain sections of Chapter 1.15 of the SeaTac Municipal Code relating to Code Enforcement, and making other technical amendments and repealing certain sections of the SeaTac Municipal Code to comply with the Code Enforcement changes.

**WHEREAS**, the current SeaTac Municipal Code addresses and sets forth procedures for code enforcement at Chapter 1.15; and

**WHEREAS**, the current code enforcement procedures are burdensome and lengthy with respect to many code violations; and

**WHEREAS**, current code enforcement procedures have not resulted in the desired respect or response from many violators; and

**WHEREAS**, the City is desirous to improve its appearance for the benefit of its citizens; and

**WHEREAS**, the City would like to create a more efficient procedure to address code violations relating particularly to property maintenance and junk vehicles; and

**WHEREAS**, amendment of the SeaTac Municipal Code to create citation authority for Code Enforcement Officers that makes certain code violations a civil infraction would greatly assist the ability of Code Enforcement Officers to seek timely compliance; and

**WHEREAS**, making certain code violations civil infractions demonstrates the seriousness of enforcement efforts to violators; and

**WHEREAS**, certain other technical amendments throughout the Code are necessary to create consistency with Chapter 1.15; and

**WHEREAS**, the Transportation and Public Works Committee reviewed the Ordinance on March 20, 2001, and moved that the Ordinance be presented to the City Council for approval;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The following sections of Chapter 1.15 of the SeaTac Municipal Code are added or amended to read as follows:

**1.15.015 Purpose.**

The purpose of this chapter is to establish a fair and efficient system to enforce City Codes, to provide an opportunity for a prompt hearing and decision on alleged violations of these codes, and to establish monetary penalties for violations and to establish a process for appeal.

**1.15.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall be defined as indicated below:

~~A "Business regulatory ordinance" refers to any and all existing or future ordinances or resolutions of the~~

City, and any and all rules and regulations promulgated thereunder, which regulate business, production, commerce, entertainment, exhibition, occupations, trades, professions, and other lawful commercial activity, including, but not limited to ordinances relating to tax on gambling activities; relating to animal control; relating to cable television and communications systems; and relating to business licenses and regulations.

~~B A. "Code Enforcement Officer" means a the City employee(s) designated by the City Manager or the Director of Public Works to enforce the provisions of land use, public health, and business regulatory ordinances of the City civil provisions of the SeaTac Municipal Code.~~

~~B. "Person responsible for the violation" means any person who commits any act or omission which is a violation or causes or permits a violation of the City code to occur or remain upon property in the City, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a violation occurs.~~

~~C. "Director" means the City Manager, or designee. "Repeat violations" means a violation of the same City code in any location by the same person for which code enforcement has been undertaken within two years prior.~~

~~D. "Hearing Examiner" means the hearing examiner of the City of SeaTac as created by Ordinance No. 90-1045 or successor ordinance. "Residential" means any use or activity related to a single family dwelling.~~

~~E. "Land use ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate the use and/or development of land, including, but not limited to ordinances relating to road standards; relating to zoning; relating to subdivisions; relating to building and construction standards; relating to the fire code; relating to surface water management; relating to environmental review procedures; relating to home occupations; and any ordinance or ordinances relating to shorelines management which may be adopted hereafter. "Violation" means an act or omission contrary to City code including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.~~

~~F. "Public health ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate, control or prohibit activities affecting public health and sanitation, including, but not limited to ordinances relating to solid waste; relating to health and sanitation; relating to boating, moorage and anchorage; relating to water and sewer systems; and relating to litter control.~~

### 1.15.025 Violations.

A. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with Section 1.15.045 through 1.15.075 SMC by way of correction agreement and/or notice of infraction: Chapter 5.05 regarding Business Licenses and Regulations; Chapter 5.10 relating to Solicitors and Canvassers; Chapter 7.10 regarding Litter Control; Chapter 7.15 regarding Property Maintenance; and Chapter 7.25 Junk Vehicles and Vehicle Storage.

B. Zoning Code violations, unless provided otherwise, and violations of Chapter 11.05 Road Standards, 11.10 Right-of-Way Use Code, 12.10 Surface and Storm Water Management, and Title 13 relating to Buildings and Construction, shall be remedied in accordance with Section 1.15.120 through 1.15.160 SMC, notice and order procedures. However, the Code Enforcement Officer has discretion to issue a notice of infraction pursuant to Section 1.15.065 SMC for repeat violations.

C. Monetary Penalties. The monetary penalty for each violation per day or portion thereof shall be as follows:

(1) For nonresidential violations:(a) First day of each violation, \$100.00;(b) Second day of each violation, \$200.00;(c) Third day of each violation, \$300.00;(d) Fourth day of each violation, \$400.00;(e) Each additional day of each violation beyond four days, \$500.00 per day.(2) For residential violations the penalty is \$100.00 per day of violation.**1.15.030 Declaration of nuisance Applicability and procedures.**

~~All violations of land use, public health, and business regulatory ordinances are declared to be detrimental to the public health, safety and welfare and are public nuisances. This chapter may be applied for the purpose of enforcing the designated provisions of the City's Municipal Code. All conditions which are determined by the Director or code enforcement offer to be in violation of any land use, public health, or business regulatory ordinances shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means, as provided by this chapter. Whenever the City Manager, or designee, determines that a violation has occurred or is occurring the procedures of this chapter shall be followed.~~

**1.15.045 First contact.**

~~The Code Enforcement Officer shall attempt to secure correction of any violation(s) by contacting the person and/or property owner responsible for the violation, in person, in writing or by telephone, and, where possible, explaining the violation and requesting correction within a reasonable time consistent with established policies.~~

**1.15.050 Alternate legal remedies.**

~~Notwithstanding the existence or use of any other remedy, the Director or code enforcement officer City Manager or designee may seek legal or equitable relief to enjoin any acts or practices, as an alternative or in addition to the abatement of any conditions which constitute or will constitute a violation of any land use, public health or business regulatory ordinance or rules and regulations adopted thereunder following the procedures of this Chapter.~~

**1.15.060055 Criminal violations.**

~~The City shall also have full authority to enforce all provisions of land use, public health and business regulatory ordinances as an alternative to any other judicial or administrative remedy provided in this chapter or any other ordinance. Prosecuting Attorney shall have the discretion to file a violation of the provisions of this chapter as a criminal misdemeanor when a Any person who willfully or knowingly violates, by way of repeat violations, any land use, public health or business regulatory ordinance, or rule and regulation adopted thereunder, or any other issued pursuant this chapter, City codes or regulations set forth by this chapter or by any act of commission or omission procures, aids, or abets such violation, shall be guilty of a violation of a City ordinance and upon eConviction shall be punished by a fine not to exceed five one thousand dollars (\$~~5~~1,000.00) or imprisonment for a term not to exceed one (~~1~~) year ninety (90) days, or both, and each day during which such violation continues shall be considered an additional violation.~~

**1.15.060 Correction agreement.**

~~A correction agreement may be entered into between the Code Enforcement Officer and the person responsible for the violation under which the offender agrees to abate the violation within a specified time and according to specified~~

conditions. The correction agreement shall include the following:

A. Content. The correction agreement shall include the following:

- (1) The name and address of the person responsible for the violations; and
- (2) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- (3) A description of the violation and a reference to the code which has been violated; and
- (4) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
- (5) An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the correction agreement; and
- (6) An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses and/or monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the correction agreement are not satisfied; and
- (7) Upon entering into a correction agreement, the person responsible for the violation waives the right to appeal the violation and/or corrective action; and
- (8) If the offender is not the owner of the property, the owner will be notified by the City of the Agreement.

B. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Code Enforcement Officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.

C. Abatement by the City. The City may abate the violation in accordance with Section 1.15.175 SMC if the terms of the correction agreement are not met.

D. Collection of Costs. If the terms of the correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Section 1.15.025 SMC, plus costs and expenses of abatement, as set forth in Section 1.15.175 SMC.

### **1.15.065 Notice of infraction.**

A. Issuance.

- (1) When the Code Enforcement Officer determines that a violation of City regulations enumerated in Section 1.15.025 has occurred or is occurring, and is unable to secure correction, pursuant to Section 1.15.060 SMC, the Code Enforcement Officer is hereby empowered, and may issue a notice of civil infraction to the person responsible for the violation.

(2) The Code Enforcement Officer may issue a notice of civil infraction without having attempted to secure correction as provided in Section 1.15.060 SMC under the following circumstances:

(a) When an emergency exists; or

(b) When a repeated violation occurs; or

(c) When the violation creates a situation or condition which cannot be corrected;  
or

(d) When the person knows or reasonably should have known that the action is in violation of a City regulation; or

(e) The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

B. Content. The notice of infraction shall contain the information required by RCW 7.80.070 as now exists or may hereafter be amended; provided the notice of infraction shall also include the following information:

(1) A statement indicating which steps are necessary to correct the violation; and

(2) A statement indicating the time in which the violation is to be corrected; and

(3) A statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil and criminal penalties; and

(4) A statement that failing to comply with the notice may subject the owner or violator to the costs and expenses of abatement incurred by the City pursuant to Chapter 1.15.175 SMC, and a monetary penalty in an amount per day for each violation as specified in this chapter, may be assessed against the person to whom the notice of infraction is directed.

C. A notice of infraction shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The notice of infraction, along with the declaration, shall be filed with the Clerk of the SeaTac Municipal Court.

D. Upon written request prior to the date upon which the violation is to be corrected, as indicated in 1.15.065(B)(2) of this Section, the Code Enforcement Officer may extend the date for compliance for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances which render compliance impossible by the date established.

E. The date required for compliance shall be set at the sole discretion of the Code Enforcement Officer consistent with established policies. Each day or portion thereof after which compliance is required during which any violation of the provisions set forth in this chapter is committed or permitted shall constitute a separate offense.

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**1.15.075 Hearing before the Municipal Court Judge.**

A. Notice. A person to whom a notice of infraction is issued may contest such notice to the Municipal Court Judge within 15 calendar days after the notice of infraction is issued.

B. Prior Correction of Violation. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled, no monetary penalty will be assessed, and the notice of infraction dismissed if the Code Enforcement Officer approves the completed required corrective action at least 48 hours prior to the scheduled hearing or agrees to extend the time for correction of the violation as provided in Section 1.15.065(D) SMC. It is the violator's responsibility to contact the Code Enforcement Officer to request an inspection of the required corrective action.

C. Procedure. The Municipal Court Judge shall conduct a hearing on the infraction pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ").

**D. Decision of the Municipal Court Judge.**

(1) The Municipal Court Judge shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

(2) The Municipal Court Judge shall issue an order to the person responsible for the violation which contains the following information:

(a) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

(b) The required corrective action;

(c) The date and time by which the correction must be completed;

(d) The monetary penalties assessed based on the provisions of this chapter;

(e) The date and time after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.

(3) Assessment of Monetary Penalty. Monetary penalties assessed by the Municipal Court Judge shall be in accordance with the monetary penalty schedule in Section 1.15.025 SMC.

E. Failure to Appear. If the person to whom the notice of infraction was issued fails to appear at a scheduled hearing, the Municipal Court Judge may enter an order finding that the violation occurred, assess the appropriate monetary penalty, and order abatement of the violation. The City will carry out the Municipal Court Judge's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

F. Appeals are governed by IRLJ 5 and Rules of Appeal from Courts of Limited Jurisdiction ("RALJ") as now exist or may hereafter be amended.

**1.15.120 Notice and order – Contents Procedures.**

A. Whenever the Director or code enforcement officer Code Enforcement Officer has reason to believe that violation of a land use, public health, or business regulatory ordinance, or any rules and regulations adopted thereunder, will be most promptly and equitably terminated by an administrative notice and order proceeding, written notice and order shall be directed to the owner and operator of the source of the

violation, the person in possession of the property where the violation originates, and the person otherwise causing or responsible for the violation under Section 1.15.025B SMC is or has occurred, the Officer shall initiate code enforcement procedures by contacting the person responsible for the violation, in person, in writing or by telephone, and where possible explaining the violation and requesting correction within a reasonable time consistent with established policies.

B. ~~The notice and order shall contain:~~

A written notice and order shall be directed to the person responsible for the violation, when other attempts to gain compliance have failed. The notice and order shall contain:

1. ~~The street address, when available, and a legal description of real property and/ or other description of personal property sufficient for identification of where the building, structure, premises, or land upon or within which the violation has occurred or is located occurring; and~~
2. ~~A statement that the Director or code enforcement officer has found the person to be in violation of a land use, public health or business regulatory ordinance with a brief and concise description of the conditions found to be in violation description of the violation and a reference to the code which has been violated; and~~
3. ~~A statement of the The necessary corrective action required to be taken. If the Director or code enforcement officer has determined that corrective work is required, the order shall require that all necessary permits be secured and that the work and be completed within such time as the Director or code enforcement officer determines is reasonable under the circumstances, and a date or time by which correction must be completed; and~~
4. ~~A statement specifying the amount of any civil penalty assessed by reason of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and~~
5. ~~Statements advising that: if any required work is not completed within the time specified, the Director or code enforcement officer will proceed to City may abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and if any assessed civil penalty is not paid, the Director or code enforcement officer will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation recover its costs and expenses and charge thereof as a lien against the property, and if any assessed civil penalty is not paid, the amount will also be charged as a lien against the property. and~~
6. ~~A statement advising that the order shall become final, unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the Hearing Examiner.~~

### **1.15.130 Notice and order - Supplemental.**

~~The Director or code enforcement officer~~ Code Enforcement Officer may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this chapter.

### **1.15.140 Notice and order - Service.**

~~Service of the A notice and order shall be made served upon all the persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation: to whom it is directed in person, or by mailing a copy of the~~

notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be posted on the subject property.

### **1.15.160 Appeals.**

A. Any person aggrieved by the notice and order may request in writing, within ten (10) days of the service of the notice and order, an appeal hearing before the SeaTac Hearing Examiner. The request shall cite the notice and order appealed from and shall contain a brief statement of the reasons for seeking the appeal hearing. The written request shall be filed with the City Clerk within the said ten (10) day period.

B. The appeal hearing shall be electronically recorded and the Hearing Examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by ordinance. The appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to every appealing party, to the ~~Director~~ Code Enforcement Officer, and to other interested persons who have requested in writing that they be so notified. The ~~Director~~ Code Enforcement Officer may submit a report and other evidence indicating the basis for the enforcement order.

C. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To produce rebuttal evidence;
5. To represent himself or herself or to be represented by an attorney at law.

D. Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if it is found that a violation occurred. The Hearing Examiner shall reverse the order if it is found that no violation occurred. The written decision of the Hearing Examiner shall be provided to all the parties. The decision is final unless the aggrieved person initiates review within thirty (30) days in the King County Superior Court.

E. Whenever possible, the appeal shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the Hearing Examiner.

### **1.15.175 Abatement by the City.**

A. The City may abate a condition which was caused by or continues to be a code violation when:

1. The terms of any correction agreement pursuant to this chapter have not been met; or

2. A notice of infraction has been issued pursuant to this chapter, the period for filing an appeal with the Municipal Court has expired and no appeal was filed, and the required correction has not been completed; or
3. A notice of infraction has been issued pursuant to this chapter, a timely appeal was filed, the appellant failed to appear at the scheduled hearing, or the Municipal Court held a hearing as provided in this chapter and the required correction has not been completed by the date specified by an order of the Municipal Court Judge; or
4. A notice and order was issued pursuant to this chapter, the period for filing an appeal has expired, and the required correction has not been completed; or
5. The condition is subject to summary abatement as provided for in this chapter or other specific provisions of City or State law(s).

B. Summary Abatement. Whenever a violation of a regulation causes a condition, the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. When abatement involves the towing and disposal of any vehicle, notice shall be given to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

E. Interference. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety (90) days and a fine not exceeding \$1,000.

F. Recovery of Costs and Expenses. The costs of the abatement, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and shall become due and payable to the City within thirty (30) calendar days. The term "incidental expenses" includes but shall not be limited to personnel costs, both direct and indirect, including attorneys' fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property.

### **1.15.185 Entry to buildings and premises – Warrants.**

A. Whenever necessary to make an inspection to determine whether a violation has occurred or is occurring, or to enforce any provision of the SeaTac Municipal Code, or regulation issued under this chapter, the City Manager or designee, may enter any building or premises at any reasonable time, provided if such building or premises is occupied the City representative shall first present credentials and request entry; and if such building or premises is not occupied, the City representative shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and request entry. If such entry is refused or the owner or other person having charge of the building or premises cannot be located, the City Manager or designee shall have recourse to every remedy provided by law to secure entry, including recourse to the Municipal or Superior Court for issuance of a warrant authorizing

such entry and inspection. If the City representative believes that the condition therein create an immediate and irreparable health or life safety hazard, the City representative may make entry.

B. It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand has been given to permit prompt entry thereon.

### **1.15.190 Personal obligation authorized.**

~~The civil penalties and the costs of abatement, together with any costs incurred by the Department of Public Works,~~ are also joint and separate personal obligations of ~~any person or persons in the person~~ responsible for the violation. The City Attorney, on behalf of the City, may collect the civil penalties and abatement costs through any appropriate legal remedies. The civil penalty and abatement costs are deemed public debt and the City may retain collection agencies to collect such debt pursuant to RCW 19.16.500, as presently existing or as may subsequently be amended.

### **1.15.200 Lien authorized.**

The City of SeaTac shall have a lien for any ~~civil~~ monetary penalty imposed, ~~and for the cost of any abatement work done pursuant to this chapter, together with any costs incurred by the Department of Public Works~~ including attorney and expert witness fees, against the real property on which the ~~civil~~ monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

1. The Code Enforcement Officer shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due or the date the work is completed or the violations abated.

2. The claim of lien shall contain sufficient information regarding the notice of violation, as determined by the applicable Code Enforcement Officer, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

3. Any such claim of lien shall be verified by the Code Enforcement Officer, and may be amended from time to time to reflect changed conditions.

4. No such liens shall bind the affected property for a period longer than five years, without foreclosure or extension agreed to by the property owner.

### **1.15.250 Suspension of permits.**

A. ~~The Director or code enforcement officer~~ City Manager, or designee, may temporarily suspend any permit issued by the City under a ~~land use, public health or business regulatory~~ any ordinance for any of the following reasons:

1. Failure of the holder or operator to comply with the requirements of any ~~land use, public health or business regulatory ordinance or rules or issued permit or rules or regulations~~ promulgated thereunder; or

2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or

3. Failure of the holder or operator to comply with a stop work order.

B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order on the holder or operator. The holder or operator may appeal such suspension as provided by this chapter.

C. Notwithstanding any other provision of this chapter, whenever the ~~Director or code enforcement officer~~ City Manager or designee, finds that a violation of any ~~land use, public health or business regulatory ordinance, or rules~~ City ordinance, or rules and regulations adopted thereunder, has created, or is creating, an unsanitary, dangerous or other condition which is deemed to constitute an immediate and irreparable hazard, suspension and termination of operations under the permit may be required immediately without service of a written notice and order.

### **1.15.260 Revocation of permits.**

A. The ~~Director or code enforcement officer~~ City Manager, or designee, may permanently revoke any permit issued by the City under ~~land use, public health or business regulatory~~ any ordinance for any of the following reasons:

1. Failure of the holder or operator to comply with the requirements of any ~~land use, public health or business regulatory ordinance, or rules~~ issued permit or rules or regulations adopted thereunder; or
2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or
3. Interference with the ~~Director or eCode eEnforcement eOfficer~~ in the performance of official duties; or
4. Discovery by the ~~Director or eCode eEnforcement eOfficer~~ that a permit was issued in error or on the basis of incorrect information supplied to the City.

B. Such permit revocation shall be carried out through the notice and order provisions of this chapter and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this chapter.

C. A permit may be suspended pending its revocation or a hearing relative thereto.

Section 2. Sections 1.15.010, .040, .070, .080, .090, .100, .110, .150, .170, .180, .210 through .240 of the SeaTac Municipal Code are hereby repealed.

Section 3. The following sections of Chapter 5.05 of the SeaTac Municipal Code are hereby amended to read as follows:

#### **5.05.150 Duties of the City Manager, or designee.**

The City Manager, or designee, is authorized and directed to enforce the terms and provisions of all business license and regulations ordinances. If it is determined, by means of investigation or inspection, that any person has violated or failed to comply with any provision of any business license or regulation ordinance, then the City Manager, or designee, shall issue a notice and order recording such findings, specifying therein the particulars of any such violation or failure to comply, and ordering corrective action, civil penalty, suspension and/or revocation of license.

#### **5.05.190 Notice and order Denial, suspension or revocation of license procedures.**

A. The City Manager, or designee, shall issue a notice and order, directed to the licensee whom when the Director has determined to be in violation of any of the terms and provisions of any business license or regulation ordinance refuses to issue a license or revokes or suspends the same. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred or is occurring;
2. A statement that the City Manager, or designee, has found the application submitted by or the conduct of the licensee to be in violation of any business license or regulation ordinance, with a brief and concise description of the facts or conditions found to render such licensee in violation of such business license or regulation ordinance;
3. A statement of any action required to be taken as determined by the City Manager, or designee. If the City Manager, or designee, has determined to assess a civil penalty, the order shall require that the penalty shall be paid within ten (10) days from the date of receipt of the notice and order. If the Director determines to suspend or revoke the license, the order shall require surrender of the licenses to the Director within ten (10) days from the date of receipt of the notice and order. Description of the administrative action taken.
4. A statement advising that the licensee may appeal from the notice and order or from any action of the City Manager, or designee, to the City Hearing Examiner, provided the appeal is made in writing as provided in this chapter and filed with the City Clerk within ten (10) days from the date of receipt of the notice and order, and that failure to appeal shall constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such licensee at the address which appears on the business license.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made, or by affidavit of mailing to which shall be attached the postal return receipt or original mailing if returned unclaimed.

#### **5.05.200 Appeal from denial or from notice or and order.**

A. The City Hearing Examiner is designated to hear appeals by applicants or licensees aggrieved by actions of the City Manager, or designee, pertaining to any denial, civil penalty, suspension, or revocation of business licenses. The Hearing Examiner may adopt reasonable rules and regulations for conducting such appeals. Copies of all rules and regulations so adopted shall be filed with the Director of Finance and with the City Clerk, who shall make them freely accessible to the public.

B. Any licensee may, within ten (10) days after receipt of a notice of denial of application or of a notice and order, file with the City Clerk a written notice of appeal containing the following:

1. A heading with the words: "Before the Hearing Examiner of the City of SeaTac";
2. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the

business involved in the denial or notice and order;

4. A brief statement, in concise language, of the specific order or action protested,

together with any material facts claimed to support the contentions of the appellant or appellants;

5. A brief statement, in concise language, of the relief sought, and the reasons why it is claimed the protested action or notice and order should be reversed, modified, or otherwise set aside;

6. The signatures of all persons named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

C. As soon as practicable after receiving the written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

D. At the hearing, the appellant or appellants shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the denial or to the notice and order. The technical rules of evidence need not be followed.

E. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

F. Within ten (10) business days following conclusion of the hearing, the Hearing

Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the denial or order of the City Manager, or designee, and may further impose terms as conditions to issuance or continuation of a business license.

G. Failure of any applicant or licensee to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of the right to an administrative hearing and adjudication of the denial or of the notice and order.

H. Any party aggrieved by the decision of the Hearing Examiner may appeal that

decision to the City Council by filing a written notice of appeal, within ten (10) days after receipt of the decision of the Hearing Examiner, with the City Clerk. The City Clerk shall transmit a complete copy of the Hearing Examiner's record, findings and conclusions, and decision, and all exhibits, to the City Council and shall cause the appeal to be placed upon the agenda of the City Council within thirty (30) days after receipt of the notice of appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

I. Enforcement of any civil penalty, or suspension or revocation of any business license, or other order of by the City Manager, or designee, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

#### **5.05.240 Civil penalty.**



In addition to or as an alternative to any other penalty provided herein or by any other business license or regulation ordinance, any licensee who violates any provision of any business license or regulation ordinance shall be subject to a civil penalty in an amount not to exceed five hundred dollars (\$500.00) per violation to be directly assessed by the City Manager, or designee. The City Manager, or designee, in a reasonable manner, may vary the amount of the penalty assessed in consideration of the size of the business of the violator, the nature of the license required of the violator, the gravity of the violation, the number of past and present violations committed, and the good faith of the violator in attempting to achieve compliance after notification of the violation as provided for in SMC 1.15. All civil penalties assessed shall be enforced and collected by the City by legal action brought for that purpose. This remedy is cumulative and not exclusive.

#### **5.05.260 Violations – Penalty.**

Any person violation or failing to comply with any provision of this title or any other business license or regulation ordinance shall be guilty of a violation of City ordinance and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars (\$5,000.00), or imprisonment in jail for any term not exceeding one (1) year, or both. subject to code enforcement pursuant to Chapter 1.15 SMC.

Section 4. The following sections of Chapter 7.25 of the SeaTac Municipal Code are hereby amended to read as follows:

#### **7.25.055 Enforcement.**

The provisions of this chapter shall be enforced pursuant to Chapter 1.15 SMC.

#### **7.25.130 Enforcement.**

The provisions of this chapter shall be enforced pursuant to ~~Ordinance No. 90-1048, codified in Chapter 1.15 SMC, as amended by Ordinance No. 90-1075, as both presently exist or as may subsequently be amended, provided that the following provisions shall be followed:~~

~~A. The Code Enforcement Officer shall give notice to the last registered owner of record of the vehicle and to the property owner of record that an appeal hearing may be requested within ten (10) days of service of the notice and order, the vehicle will be removed and impounded;~~

~~B. If a request for a hearing is received, the City shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested, to the owner of the land as shown on the last equalized assessment role and to the last registered and legal owner of record unless the vehicle is in such condition that identification number are not available to determine ownership.~~

~~C. The owner of the land on which the vehicle, recreational vehicle, boat, trailer, or component thereof, is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle or item on the land, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the land without consent of the owner, and that the owner has not subsequently acquiesced in its presence, then the City Hearing Examiner shall not assess(?) costs of administration or removal against the property upon which the vehicle or item is located; and~~

~~D. After notice has been given of the intent of the City to dispose of the vehicle and after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.~~

Section 5. Sections 11.05.160 and 11.05.900 of the SeaTac Municipal Code are hereby amended to read as follows:

**11.05.160 Enforcement.**

When King County provides engineering and administrative services for the City, pursuant to Interlocal Agreement, the County Road Engineer may exercise all of the powers and perform all of the duties vested by law or by resolution in the City Engineer or other officer or department charged with street administration and maintenance. In addition, the City Manager, City Police and the County Department of Public Safety are authorized to enforce all provisions of this chapter and any rules and regulations promulgated thereunder. The City Manager is authorized to delegate enforcement authority to the ~~County~~ Director of the Department of Public Works, the Code Enforcement Officer, and Director of the Department of Planning and Community Development as may be appropriate and who shall enforce, pursuant to Chapter 1.15 SMC.

**11.05.900 Violations – Penalty.**

Any person or entity who violates or fails to comply with any requirement of this chapter, shall be ~~guilty of a violation of a City ordinance and shall be subject to code enforcement action pursuant to Chapter 1.15 SMC.~~ punishment by fine of not more than five thousand dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

Section 6. Section 11.10.300 of the SeaTac Municipal Code is hereby amended to read as follows:

**11.10.300 Violation – Penalty.**

Any person or entity who violates any provision of this chapter, or the provisions of any procedures adopted hereunder, by any act of commission or omission, or who aids or abets any such violation, shall be subject to code enforcement action and a civil penalty in the sum of \$500.00 per violation as set forth in Chapter 1.15 SMC. Each and every day, or portion thereof, during which any violation is committed or continued shall be deemed a separate and distinct violation of this chapter.

Section 7. Section 12.10.200 of the SeaTac Municipal Code is hereby amended to read as follows:

**12.10.200 Enforcement.**

All provisions of this chapter, now existing or as may subsequently be amended, any amendatory ordinances, any resolutions pertaining thereto, and any rules and regulations promulgated thereunder, shall be enforced as ~~provided by Ordinance No. 90-1048, codified in pursuant to Chapter 1.15 SMC,~~ as now existing or as the same may subsequently be amended.

Section 8. Section 16.13.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.13.010 Enforcing Official - Authority.**

The City Manager or ~~his~~ designee shall be responsible for enforcing SMC Titles 13 through 16 and may adopt administrative rules to meet that responsibility. The City Manager or ~~his~~ designee may delegate enforcement responsibility to the Director of Planning and Community Development, City Engineer, Director or Public Works, Building Official, Fire Chief, ~~or~~ Chief of Police or Code Enforcement Officer as appropriate.

Section 9. Section 16.13.050 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.13.050 Civil Fines.**

A. Authority. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed the penalties as outlined in SMC 1.15.100065 for each violation. Each Separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in SMC 16.13.030(B). The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The City Manager or his designee may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid thirty (30) days after it becomes due and payable, the City Manager or his designee may take actions necessary to recover the fine. Civil fines shall be paid into the City's general fund.

E. Application for Remission. Any person incurring a civil fine may, within ten (10) days of receipt of the notice, apply in writing to the City Manager or his designee for remission of the fine. The City Manager or his designee shall issue a decision on the application within ten (10) working days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the City Council as set forth in this chapter.

Section 10. Sections 7.25.060, 7.25.070 and 7.25.080 of the SeaTac Municipal Code are hereby repealed.

Section 11. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 27<sup>th</sup> day of March, 2001, and signed in authentication thereof on this 27<sup>th</sup> day of March, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 01-1006**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending, adding, and repealing certain sections of Chapter 1.15 of the SeaTac Municipal Code relating to Code Enforcement, and making other technical amendments and repealing certain sections of the SeaTac Municipal Code to comply with the Code Enforcement changes.

**WHEREAS**, the current SeaTac Municipal Code addresses and sets forth procedures for code enforcement at Chapter 1.15; and

**WHEREAS**, the current code enforcement procedures are burdensome and lengthy with respect to many code violations; and

**WHEREAS**, current code enforcement procedures have not resulted in the desired respect or response from many violators; and

**WHEREAS**, the City is desirous to improve its appearance for the benefit of its citizens; and

**WHEREAS**, the City would like to create a more efficient procedure to address code violations relating particularly to property maintenance and junk vehicles; and

**WHEREAS**, amendment of the SeaTac Municipal Code to create citation authority for Code Enforcement Officers that makes certain code violations a civil infraction would greatly assist the ability of Code Enforcement Officers to seek timely compliance; and

**WHEREAS**, making certain code violations civil infractions demonstrates the seriousness of enforcement efforts to violators; and

**WHEREAS**, certain other technical amendments throughout the Code are necessary to create consistency with Chapter 1.15; and

WHEREAS, the Transportation and Public Works Committee reviewed the Ordinance on March 20, 2001, and moved that the Ordinance be presented to the City Council for approval;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The following sections of Chapter 1.15 of the SeaTac Municipal Code are added or amended to read as follows:

**1.15.015 Purpose.**

The purpose of this chapter is to establish a fair and efficient system to enforce City Codes, to provide an opportunity for a prompt hearing and decision on alleged violations of these codes, and to establish monetary penalties for violations and to establish a process for appeal.

**1.15.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall be defined as indicated below:

~~A. "Business regulatory ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate business, production, commerce, entertainment, exhibition, occupations, trades, professions, and other lawful commercial activity, including, but not limited to ordinances relating to tax on gambling activities; relating to animal control; relating to cable television and communications systems; and relating to business licenses and regulations.~~

~~B A. "Code Enforcement Officer" means a the City employee(s) designated by the City Manager or the Director of Public Works to enforce the provisions of land use, public health, and business regulatory ordinances of the City~~ civil provisions of the SeaTac Municipal Code.

~~B. "Person responsible for the violation" means any person who commits any act or omission which is a violation or causes or permits a violation of the City code to occur or remain upon property in the City, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a violation occurs.~~

~~C. "Director" means the City Manager, or designee. "Repeat violations" means a violation of the same City code in any location by the same person for which code enforcement has been undertaken within two years prior.~~

~~D. "Hearing Examiner" means the hearing examiner of the City of SeaTac as created by Ordinance No. 90-1045 or successor ordinance. "Residential" means any use or activity related to a single-family dwelling.~~

~~E. "Land use ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate the use and/or development of land, including, but not limited to ordinances relating to road standards; relating to zoning; relating to subdivisions; relating to building and construction standards; relating to the fire code; relating to surface water management; relating to environmental review procedures; relating to home occupations; and any ordinance or ordinances relating to shorelines management which may be adopted hereafter. "Violation" means an act or omission contrary to City code including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.~~

~~F. "Public health ordinance" refers to any and all existing or future ordinances or resolutions of the City, and any and all rules and regulations promulgated thereunder, which regulate, control or prohibit activities affecting public health and sanitation, including, but not limited to ordinances relating to solid waste; relating to health and sanitation; relating to boating, moorage and anchorage; relating to water and sewer systems; and relating to litter control.~~

### **1.15.025 Violations.**

~~A. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with Section 1.15.045 through 1.15.075 SMC by way of correction agreement and/or notice of infraction: Chapter 5.05 regarding Business Licenses and Regulations; Chapter 5.10 relating to Solicitors and Canvassers; Chapter 7.10 regarding Litter Control; Chapter 7.15 regarding Property Maintenance; and Chapter 7.25 Junk Vehicles and Vehicle Storage.~~

~~B. Zoning Code violations, unless provided otherwise, and violations of Chapter 11.05 Road Standards, 11.10 Right-of-Way Use Code, 12.10 Surface and Storm Water Management, and Title 13 relating to Buildings and Construction, shall be remedied in accordance with Section 1.15.120 through 1.15.160 SMC, notice and order procedures. However, the Code Enforcement Officer has discretion to issue a notice of infraction pursuant to Section 1.15.065 SMC for repeat violations.~~

~~C. Monetary Penalties. The monetary penalty for each violation per day or portion thereof shall be as follows:~~

~~(1) For nonresidential violations:~~

~~(a) First day of each violation, \$100.00;~~

~~(b) Second day of each violation, \$200.00;~~

~~(c) Third day of each violation, \$300.00;~~

(d) Fourth day of each violation, \$400.00;

(e) Each additional day of each violation beyond four days, \$500.00 per day.

(2) For residential violations the penalty is \$100.00 per day of violation.

### **1.15.030 Declaration of nuisance Applicability and procedures.**

All violations of land use, public health, and business regulatory ordinances are declared to be detrimental to the public health, safety and welfare and are public nuisances. This chapter may be applied for the purpose of enforcing the designated provisions of the City's Municipal Code. All conditions which are determined by the Director or code enforcement offer to be in violation of any land use, public health, or business regulatory ordinances shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means, as provided by this chapter. Whenever the City Manager, or designee, determines that a violation has occurred or is occurring the procedures of this chapter shall be followed.

### **1.15.045 First contact.**

The Code Enforcement Officer shall attempt to secure correction of any violation(s) by contacting the person and/or property owner responsible for the violation, in person, in writing or by telephone, and, where possible, explaining the violation and requesting correction within a reasonable time consistent with established policies.

### **1.15.050 Alternate legal remedies.**

Notwithstanding the existence or use of any other remedy, the ~~Director or code enforcement officer~~ City Manager or designee may seek legal or equitable relief to enjoin any acts or practices, as an alternative or in addition to ~~the abatement of any conditions which constitute or will constitute a violation of any land use, public health or business regulatory ordinance or rules and regulations adopted thereunder~~ following the procedures of this Chapter.

### **1.15.060055 Criminal violations.**

~~The City shall also have full authority to enforce all provisions of land use, public health and business regulatory ordinances as an alternative to any other judicial or administrative remedy provided in this chapter or any other ordinance. Prosecuting Attorney shall have the discretion to file a violation of the provisions of this chapter as a criminal misdemeanor when a Any person who willfully or knowingly violates, by way of repeat violations, any land use, public health or business regulatory ordinance, or rule and regulation adopted thereunder, or any other issued pursuant this chapter, City codes or regulations set forth by this chapter or by any act of commission or omission procures, aids, or abets such violation, shall be guilty of a violation of a City ordinance and upon eConviction shall be punished by a fine not to exceed five one thousand dollars (\$51,000.00) or imprisonment for a term not to exceed one (1) year ninety (90) days, or~~

both, and each day during which such violation continues shall be considered an additional violation.

**1.15.060 Correction agreement.**

A correction agreement may be entered into between the Code Enforcement Officer and the person responsible for the violation under which the offender agrees to abate the violation within a specified time and according to specified conditions. The correction agreement shall include the following:

A. Content. The correction agreement shall include the following:

- (1) The name and address of the person responsible for the violations; and
- (2) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- (3) A description of the violation and a reference to the code which has been violated; and
- (4) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
- (5) An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the correction agreement; and
- (6) An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses and/or monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the correction agreement are not satisfied; and
- (7) Upon entering into a correction agreement, the person responsible for the violation waives the right to appeal the violation and/or corrective action; and
- (8) If the offender is not the owner of the property, the owner will be notified by the City of the Agreement.

B. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Code Enforcement Officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen



circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.

C. Abatement by the City. The City may abate the violation in accordance with Section 1.15.175 SMC if the terms of the correction agreement are not met.

D. Collection of Costs. If the terms of the correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Section 1.15.025 SMC, plus costs and expenses of abatement, as set forth in Section 1.15.175 SMC.

### **1.15.065 Notice of infraction.**

A. Issuance.

(1) When the Code Enforcement Officer determines that a violation of City regulations enumerated in Section 1.15.025 has occurred or is occurring, and is unable to secure correction, pursuant to Section 1.15.060 SMC, the Code Enforcement Officer is hereby empowered, and may issue a notice of civil infraction to the person responsible for the violation.

(2) The Code Enforcement Officer may issue a notice of civil infraction without having attempted to secure correction as provided in Section 1.15.060 SMC under the following circumstances:

(a) When an emergency exists; or

(b) When a repeated violation occurs; or

(c) When the violation creates a situation or condition which cannot be corrected; or

(d) When the person knows or reasonably should have known that the action is in violation of a City regulation; or

(e) The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

B. Content. The notice of infraction shall contain the information required by RCW 7.80.070 as now exists or may hereafter be amended; provided the notice of infraction shall also include the following information:

(1) A statement indicating which steps are necessary to correct the violation; and

- (2) A statement indicating the time in which the violation is to be corrected; and
  - (3) A statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil and criminal penalties; and
  - (4) A statement that failing to comply with the notice may subject the owner or violator to the costs and expenses of abatement incurred by the City pursuant to Chapter 1.15.175 SMC, and a monetary penalty in an amount per day for each violation as specified in this chapter, may be assessed against the person to whom the notice of infraction is directed.
- C. A notice of infraction shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The notice of infraction, along with the declaration, shall be filed with the Clerk of the SeaTac Municipal Court.
- D. Upon written request prior to the date upon which the violation is to be corrected, as indicated in 1.15.065(B)(2) of this Section, the Code Enforcement Officer may extend the date for compliance for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances which render compliance impossible by the date established.
- E. The date required for compliance shall be set at the sole discretion of the Code Enforcement Officer consistent with established policies. Each day or portion thereof after which compliance is required during which any violation of the provisions set forth in this chapter is committed or permitted shall constitute a separate offense.

**1.15.075 Hearing before the Municipal Court Judge.**

- A. Notice. A person to whom a notice of infraction is issued may contest such notice to the Municipal Court Judge within 15 calendar days after the notice of infraction is issued.
- B. Prior Correction of Violation. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled, no monetary penalty will be assessed, and the notice of infraction dismissed if the Code Enforcement Officer approves the completed required corrective action at least 48 hours prior to the scheduled hearing or agrees to extend the time for correction of the

violation as provided in Section 1.15.065(D) SMC. It is the violator's responsibility to contact the Code Enforcement Officer to request an inspection of the required corrective action.

C. Procedure. The Municipal Court Judge shall conduct a hearing on the infraction pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ").

D. Decision of the Municipal Court Judge.

(1) The Municipal Court Judge shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

(2) The Municipal Court Judge shall issue an order to the person responsible for the violation which contains the following information:

(a) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

(b) The required corrective action;

(c) The date and time by which the correction must be completed;

(d) The monetary penalties assessed based on the provisions of this chapter;

(e) The date and time after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.

(3) Assessment of Monetary Penalty. Monetary penalties assessed by the Municipal Court Judge shall be in accordance with the monetary penalty schedule in Section 1.15.025 SMC.

E. Failure to Appear. If the person to whom the notice of infraction was issued fails to appear at a scheduled hearing, the Municipal Court Judge may enter an order finding that the violation occurred, assess the appropriate monetary penalty, and order abatement of the violation. The City will carry out the Municipal Court Judge's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

F. Appeals are governed by IRLJ 5 and Rules of Appeal from Courts of Limited Jurisdiction ("RALJ") as now exist or may hereafter be amended.

**1.15.120 Notice and order – ~~Contents~~ Procedures.**

A. ~~Whenever the Director or code enforcement officer~~ Code Enforcement Officer has reason to believe that violation of a land use, public health, or business regulatory ordinance, or any rules and regulations adopted thereunder, will be most promptly and equitably terminated by an administrative notice and order proceeding, written notice and order shall be directed to the owner and operator of the source of the violation, the person in possession of the property where the violation originates, and the person otherwise causing or responsible for the violation under Section 1.15.025B SMC is or has occurred, the Officer shall initiate code enforcement procedures by contacting the person responsible for the violation, in person, in writing or by telephone, and where possible explaining the violation and requesting correction within a reasonable time consistent with established policies.

B. ~~The notice and order shall contain:~~

A written notice and order shall be directed to the person responsible for the violation, when other attempts to gain compliance have failed. The notice and order shall contain:

1. ~~The street address, when available, and a legal description of real property and/ or other description of personal property sufficient for identification of where the building, structure, premises, or land upon or within which the violation has occurred or is located occurring; and~~
2. ~~A statement that the Director or code enforcement officer has found the person to be in violation of a land use, public health or business regulatory ordinance with a brief and concise description of the conditions found to be in violation~~ description of the violation and a reference to the code which has been violated; and
3. ~~A statement of the~~ The necessary corrective action required to be taken. If the Director or code enforcement officer has determined that corrective work is required, the order shall require that all necessary permits be secured and that the work and be completed within such time as the Director or code enforcement officer determines is reasonable under the circumstances, and a date or time by which correction must be completed; and
4. A statement specifying the amount of any civil penalty assessed by reason of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and
5. Statements advising that: if any required work is not completed within the time specified, the ~~Director or code enforcement officer will proceed to~~ City may abate the violation and ~~cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and if any assessed civil penalty is not paid, the Director or code enforcement officer will charge the amount of the penalty as a lien against the property and as a joint and~~

~~separate personal obligation of any person in violation~~ recover its costs and expenses and charge thereof as a lien against the property, and if any assessed civil penalty is not paid, the amount will also be charged as a lien against the property. and

6. A statement advising that the order shall become final, unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the Hearing Examiner.

#### **1.15.130 Notice and order - Supplemental.**

The ~~Director or code enforcement officer~~ Code Enforcement Officer may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this chapter.

#### **1.15.140 Notice and order - Service.**

~~Service of the A notice and order shall be made~~ served upon all the persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be posted on the subject property.

#### **1.15.160 Appeals.**

- A. Any person aggrieved by the notice and order may request in writing, within ten (10) days of the service of the notice and order, an appeal hearing before the SeaTac Hearing Examiner. The request shall cite the notice and order appealed from and shall contain a brief statement of the reasons for seeking the appeal hearing. The written request shall be filed with the City Clerk within the said ten (10) day period.
- B. The appeal hearing shall be electronically recorded and the Hearing Examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by ordinance. The appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to every appealing party, to

the ~~Director~~ Code Enforcement Officer, and to other interested persons who have requested in writing that they be so notified. The ~~Director~~ Code Enforcement Officer may submit a report and other evidence indicating the basis for the enforcement order.

- C. Each party shall have the following rights, among others:
1. To call and examine witnesses on any matter relevant to the issues of the hearing;
  2. To introduce documentary physical evidence;
  3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  4. To produce rebuttal evidence;
  5. To represent himself or herself or to be represented by an attorney at law.
- D. Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if it is found that a violation occurred. The Hearing Examiner shall reverse the order if it is found that no violation occurred. The written decision of the Hearing Examiner shall be provided to all the parties. The decision is final unless the aggrieved person initiates review within thirty (30) days in the King County Superior Court.
- E. Whenever possible, the appeal shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the Hearing Examiner.

**1.15.175 Abatement by the City.**

- A. The City may abate a condition which was caused by or continues to be a code violation when:
1. The terms of any correction agreement pursuant to this chapter have not been met; or
  2. A notice of infraction has been issued pursuant to this chapter, the period for filing an appeal with the Municipal Court has expired and no appeal was filed, and the required correction has not been completed; or
  3. A notice of infraction has been issued pursuant to this chapter, a timely appeal was filed, the appellant failed to appear at the scheduled hearing, or

the Municipal Court held a hearing as provided in this chapter and the required correction has not been completed by the date specified by an order of the Municipal Court Judge; or

4. A notice and order was issued pursuant to this chapter, the period for filing an appeal has expired, and the required correction has not been completed; or

5. The condition is subject to summary abatement as provided for in this chapter or other specific provisions of City or State law(s).

B. Summary Abatement. Whenever a violation of a regulation causes a condition, the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. When abatement involves the towing and disposal of any vehicle, notice shall be given to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

E. Interference. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety (90) days and a fine not exceeding \$1,000.

F. Recovery of Costs and Expenses. The costs of the abatement, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and shall become due and payable to the City within thirty (30) calendar days. The term "incidental expenses" includes but shall not be limited to personnel costs, both direct and indirect, including attorneys' fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property.

**1.15.185 Entry to buildings and premises – Warrants.**

- A. Whenever necessary to make an inspection to determine whether a violation has occurred or is occurring, or to enforce any provision of the SeaTac Municipal Code, or regulation issued under this chapter, the City Manager or designee, may enter any building or premises at any reasonable time, provided if such building or premises is occupied the City representative shall first present credentials and request entry; and if such building or premises is not occupied, the City representative shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and request entry. If such entry is refused or the owner or other person having charge of the building or premises cannot be located, the City Manager or designee shall have recourse to every remedy provided by law to secure entry, including recourse to the Municipal or Superior Court for issuance of a warrant authorizing such entry and inspection. If the City representative believes that the condition therein create an immediate and irreparable health or life safety hazard, the City representative may make entry.
- B. It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand has been given to permit prompt entry thereon.

**1.15.190 Personal obligation authorized.**

~~The civil penalties and the costs of abatement, together with any costs incurred by the Department of Public Works,~~ are also joint and separate personal obligations of ~~any person or persons in~~ the person responsible for the violation. The City Attorney, on behalf of the City, may collect the civil penalties and abatement costs through any appropriate legal remedies. The civil penalty and abatement costs are deemed public debt and the City may retain collection agencies to collect such debt pursuant to RCW 19.16.500, as presently existing or as may subsequently be amended.

**1.15.200 Lien authorized.**

The City of SeaTac shall have a lien for any ~~civil~~ monetary penalty imposed, ~~and for~~ the cost of any abatement work done pursuant to this chapter, together with any costs ~~incurred by the Department of Public Works~~ including attorney and expert witness fees, against the real property on which the ~~civil~~ monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

1. The Code Enforcement Officer shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due or the date the work is completed or the violations abated.
2. The claim of lien shall contain sufficient information regarding the notice of violation, as determined by the applicable Code Enforcement Officer, a



description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

3. Any such claim of lien shall be verified by the Code Enforcement Officer, and may be amended from time to time to reflect changed conditions.
4. No such liens shall bind the affected property for a period longer than five years, without foreclosure or extension agreed to by the property owner.

#### **1.15.250 Suspension of permits.**

- A. The ~~Director or code enforcement officer~~ City Manager, or designee, may temporarily suspend any permit issued by the City under a ~~land use, public health or business regulatory~~ any ordinance for any of the following reasons:
  1. Failure of the holder or operator to comply with the requirements of any ~~land use, public health or business regulatory ordinance or rules or issued permit or rules or regulations promulgated thereunder;~~ or
  2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or
  3. Failure of the holder or operator to comply with a stop work order.
- B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order on the holder or operator. The holder or operator may appeal such suspension as provided by this chapter.
- C. Notwithstanding any other provision of this chapter, whenever the ~~Director or code enforcement officer~~ City Manager or designee, finds that a violation of any ~~land use, public health or business regulatory ordinance, or rules~~ City ordinance, or rules and regulations adopted thereunder, has created, or is creating, an unsanitary, dangerous or other condition which is deemed to constitute an immediate and irreparable hazard, suspension and termination of operations under the permit may be required immediately without service of a written notice and order.

#### **1.15.260 Revocation of permits.**

- A. The ~~Director of code enforcement officer~~ City Manager, or designee, may permanently revoke any permit issued by the City under ~~land use, public health or business regulatory~~ any ordinance for any of the following reasons:
  1. Failure of the holder or operator to comply with the requirements of any ~~land use, public health or business regulatory ordinance, or rules or issued permit or rules or regulations adopted thereunder;~~ or

2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or
3. Interference with the ~~Director or eCode eEnforcement eOfficer~~ in the performance of official duties; or
4. Discovery by the ~~Director or eCode eEnforcement eOfficer~~ that a permit was issued in error or on the basis of incorrect information supplied to the City.

B. Such permit revocation shall be carried out through the notice and order provisions of this chapter and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this chapter.

C. A permit may be suspended pending its revocation or a hearing relative thereto.

Section 2. Sections 1.15.010, .040, .070, .080, .090, .100, .110, .150, .170, .180, .210 through .240 of the SeaTac Municipal Code are hereby repealed.

Section 3. The following sections of Chapter 5.05 of the SeaTac Municipal Code are hereby amended to read as follows:

**5.05.150 Duties of the City Manager, or designee.**

The City Manager, or designee, is authorized and directed to enforce the terms and provisions of all business license and regulations ordinances. ~~If it is determined, by means of investigation or inspection, that any person has violated or failed to comply with any provision of any business license or regulation ordinance, then the City Manager, or designee, shall issue a notice and order recording such findings, specifying therein the particulars of any such violation or failure to comply, and ordering corrective action, civil penalty, suspension and/or revocation of license.~~

**5.05.190 Notice and order Denial, suspension or revocation of license procedures.**

A. The City Manager, or designee, shall issue a notice and order, directed to the licensee ~~whom~~ when the Director ~~has determined to be in violation of any of the terms and provisions of any business license or regulation ordinance~~ refuses to issue a license or revokes or suspends the same. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred or is occurring;
2. A statement that the City Manager, or designee, has found the application submitted by or the conduct of the licensee to be in violation of any business license or regulation ordinance, with a brief and concise description of the facts or

conditions found to render such licensee in violation of such business license or regulation ordinance;

3. ~~A statement of any action required to be taken as determined by the City Manager, or designee. If the City Manager, or designee, has determined to assess a civil penalty, the order shall require that the penalty shall be paid within ten (10) days from the date of receipt of the notice and order. If the Director determines to suspend or revoke the license, the order shall require surrender of the licenses to the Director within ten (10) days from the date of receipt of the notice and order.~~  
Description of the administrative action taken.

4. A statement advising that the licensee may appeal from the notice and order or from any action of the City Manager, or designee, to the City Hearing Examiner, provided the appeal is made in writing as provided in this chapter and filed with the City Clerk within ten (10) days from the date of receipt of the notice and order, and that failure to appeal shall constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such licensee at the address which appears on the business license.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made, or by affidavit of mailing to which shall be attached the postal return receipt or original mailing if returned unclaimed.

#### **5.05.200 Appeal from ~~denial or from notice or~~ and order.**

A. The City Hearing Examiner is designated to hear appeals by applicants or licensees aggrieved by actions of the City Manager, or designee, pertaining to any denial, ~~civil penalty,~~ suspension, or revocation of business licenses. The Hearing Examiner may adopt reasonable rules and regulations for conducting such appeals. Copies of all rules and regulations so adopted shall be filed with the Director of Finance and with the City Clerk, who shall make them freely accessible to the public.

B. Any licensee may, within ten (10) days after receipt of a ~~notice of denial of application or of a~~ notice and order, file with the City Clerk a written notice of appeal containing the following:

1. A heading with the words: "Before the Hearing Examiner of the City of SeaTac";
2. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the business involved in the denial or notice and order;
4. A brief statement, in concise language, of the specific order or action protested,

together with any material facts claimed to support the contentions of the appellant or appellants;

5. A brief statement, in concise language, of the relief sought, and the reasons why it is claimed the protested action or notice and order should be reversed, modified, or otherwise set aside;

6. The signatures of all persons named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

C. As soon as practicable after receiving the written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

D. At the hearing, the appellant or appellants shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the denial or to the notice and order. The technical rules of evidence need not be followed.

E. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

F. Within ten (10) business days following conclusion of the hearing, the Hearing Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the ~~denial or~~ order of the City Manager, or designee, and may further impose terms as conditions to issuance or continuation of a business license.

G. Failure of any applicant or licensee to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of the right to an administrative hearing and adjudication of the denial or of the notice and order.

H. Any party aggrieved by the decision of the Hearing Examiner may appeal that decision to the City Council by filing a written notice of appeal, within ten (10) days after receipt of the decision of the Hearing Examiner, with the City Clerk. The City Clerk shall transmit a complete copy of the Hearing Examiner's record, findings and conclusions, and decision, and all exhibits, to the City Council and shall cause the appeal to be placed upon the agenda of the City Council within thirty (30) days after receipt of the notice of appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

I. Enforcement of any civil penalty, or suspension or revocation of any business license, or other order of by the City Manager, or designee, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

#### **5.05.240 Civil penalty.**

In addition to or as an alternative to any other penalty provided herein or by any other business license or regulation ordinance, any licensee who violates any provision of any business license or regulation ordinance shall be subject to a civil penalty ~~in an amount not to exceed five hundred dollars (\$500.00) per violation to be directly assessed by the City Manager, or designee. The City Manager, or designee, in a reasonable manner, may vary the amount of the penalty assessed in consideration of the size of the business of the violator, the nature of the license required of the violator, the gravity of the violation, the number of past and present violations committed, and the good faith of the violator in attempting to achieve compliance after notification of the violation as provided for in SMC 1.15.~~ All civil penalties assessed shall be enforced and collected by the City by legal action brought for that purpose. This remedy is cumulative and not exclusive.

**5.05.260 Violations – Penalty.**

Any person violation or failing to comply with any provision of this title or any other business license or regulation ordinance shall be ~~guilty of a violation of City ordinance and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars (\$5,000.00), or imprisonment in jail for any term not exceeding one (1) year, or both, subject to code enforcement pursuant to Chapter 1.15 SMC.~~

Section 4. The following sections of Chapter 7.25 of the SeaTac Municipal Code are hereby amended to read as follows:

**7.25.055 Enforcement.**

The provisions of this chapter shall be enforced pursuant to Chapter 1.15 SMC.

**7.25.130 Enforcement.**

The provisions of this chapter shall be enforced pursuant to ~~Ordinance No. 90-1048, codified in Chapter 1.15 SMC, as amended by Ordinance No. 90-1075, as both presently exist or as may subsequently be amended, provided that the following provisions shall be followed:~~

~~A. The Code Enforcement Officer shall give notice to the last registered owner of record of the vehicle and to the property owner of record that an appeal hearing may be requested within ten (10) days of service of the notice and order; the vehicle will be removed and impounded;~~

~~B. If a request for a hearing is received, the City shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested, to the owner of the land as shown on the last equalized assessment role and to the last registered and legal owner of record unless the vehicle is in such condition that identification number are not available to determine ownership.~~

~~C. The owner of the land on which the vehicle, recreational vehicle, boat, trailer, or component thereof, is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny~~

~~responsibility for the presence of the vehicle or item on the land, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the land without consent of the owner, and that the owner has not subsequently acquiesced in its presence, then the City Hearing Examiner shall not access(?) costs of administration or removal against the property upon which the vehicle or item is located; and~~

~~D. — After notice has been given of the intent of the City to dispose of the vehicle and after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.~~

Section 5. Sections 11.05.160 and 11.05.900 of the SeaTac Municipal Code are hereby amended to read as follows:

**11.05.160 Enforcement.**

When King County provides engineering and administrative services for the City, pursuant to Interlocal Agreement, the County Road Engineer may exercise all of the powers and perform all of the duties vested by law or by resolution in the City Engineer or other officer or department charged with street administration and maintenance. In addition, the City Manager, City Police and the County Department of Public Safety are authorized to enforce all provisions of this chapter and any rules and regulations promulgated thereunder. The City Manager is authorized to delegate enforcement authority to the ~~County~~ Director of the Department of Public Works, the Code Enforcement Officer, and Director of the Department of Planning and Community Development as may be appropriate and who shall enforce, pursuant to Chapter 1.15 SMC.

**11.05.900 Violations – Penalty.**

Any person or entity who violates or fails to comply with any requirement of this chapter, shall be ~~guilty of a violation of a City ordinance and shall be subject to code enforcement action pursuant to Chapter 1.15 SMC.~~ punishment by fine of not more than five thousand dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

Section 6. Section 11.10.300 of the SeaTac Municipal Code is hereby amended to read as follows:

**11.10.300 Violation – Penalty.**

Any person or entity who violates any provision of this chapter, or the provisions of any procedures adopted hereunder, by any act of commission or omission, or who aids or abets any such violation, shall be subject to code enforcement action and a civil penalty in the sum of \$500.00 per violation as set forth in Chapter 1.15 SMC. Each and every day, or portion thereof, during which any violation is committed or continued shall be deemed a separate and distinct violation of this chapter.

Section 7. Section 12.10.200 of the SeaTac Municipal Code is hereby amended to read as follows:

**12.10.200 Enforcement.**

All provisions of this chapter, now existing or as may subsequently be amended, any amendatory ordinances, any resolutions pertaining thereto, and any rules and regulations promulgated thereunder, shall be enforced as ~~provided by Ordinance No. 90-1048, codified in~~ pursuant to Chapter 1.15 SMC, as now existing or as the same may subsequently be amended.

Section 8. Section 16.13.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.13.010 Enforcing Official - Authority.**

The City Manager or ~~his~~ designee shall be responsible for enforcing SMC Titles 13 through 16 and may adopt administrative rules to meet that responsibility. The City Manager or ~~his~~ designee may delegate enforcement responsibility to the Director of Planning and Community Development, City Engineer, Director or Public Works, Building Official, Fire Chief, ~~or~~ Chief of Police or Code Enforcement Officer as appropriate.

Section 9. Section 16.13.050 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.13.050 Civil Fines.**

A. Authority. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed the penalties as outlined in SMC 1.15.~~400~~065 for each violation. Each Separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in SMC 16.13.030(B). The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The City Manager or ~~his~~ designee may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid thirty (30) days after it becomes due and payable, the City Manager or ~~his~~ designee may take actions necessary to recover the fine. Civil fines shall be paid into the City's general fund.

E. Application for Remission. Any person incurring a civil fine may, within ten (10) days of receipt of the notice, apply in writing to the City Manager or his

designee for remission of the fine. The City Manager or his designee shall issue a decision on the application within ten (10) working days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the City Council as set forth in this chapter.

Section 10. Sections 7.25.060, 7.25.070 and 7.25.080 of the SeaTac Municipal Code are hereby repealed.

Section 11. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 27<sup>th</sup> day of March, 2001, and signed in authentication thereof on this 27th day of March, 2001.

**CITY OF SEATAC**

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Shirley Thompson, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]



**ORDINANCE NO. 01-1007**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget to make a Part-Time/Administrative Assistant in the Finance Department Full-Time.

**WHEREAS**, a centralized accounts receivable process will improve internal controls and increase revenue to the City; and

**WHEREAS**, City staff recommend that the Part-Time Administrative Assistant position in the Finance Department be made a full-time position in order to establish a central accounts receivable function;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Transportation CIP Fund expenditures by \$14,450.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 10th day of April, 2001, and signed in authentication thereof on this 10th day of April, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1008**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for an Administrative Assistant II position in the Public Works Department to support the City's Code Enforcement Officers.

**WHEREAS**, the City Council has determined to authorize the creation of an additional full-time Administrative Assistant II position to provide clerical support to the City's two Code Enforcement Officers; and

**WHEREAS**, the costs associated with the new position were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. A new full-time Administrative Assistant II position is authorized to provide clerical support to the City's two Code Enforcement Officers.

Section 2. The 2001 Annual City Budget shall be amended to increase the total General Fund expenditures for the Public Works Department by \$28,912.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 24th day of April, 2001, and signed in authentication thereof on this 24th day of April, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 01-1009**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for a Supplemental Environmental Impact Statement (EIS) for the South Riverton Heights Subarea Plan.

**WHEREAS**, the City Council has approved Agenda Bill #1970 authorizing the City Manager to enter into a consulting contract regarding preparation of a Supplemental EIS for the South Riverton Heights Subarea Plan; and

**WHEREAS**, the consulting costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total General Fund expenditures for the Planning Department by \$105,480.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 24th day of April, 2001, and signed in authentication thereof on this 24<sup>th</sup> day of April, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1010**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adding new Sections 15.10.098, 15.13.062, 15.13.063, and 15.13.064 to the City Zoning Code to provide a definition for cargo containers and to establish use, location, and screening standards for cargo containers.

**WHEREAS**, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

**WHEREAS**, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

**WHEREAS**, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

**WHEREAS**, the Planning Commission has reviewed the aforesaid development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended certain amendments and additions to the Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. A new Section 15.10.098 is hereby added to the SeaTac Municipal Code, to read as follows:

**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 A above, a cargo container is a structure (SMC 15.10.631).

Section 2. A new Section 15.13.062 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.13.062 Cargo Containers – Where Allowed and Regulations**

Cargo containers shall be allowed only within the Community Business (CB) Community Business – Urban Center (CB-C), Aviation Business Center (ABC) and Industrial (I) zones, subject to the following provisions:

- A. Cargo containers shall be stacked no more than two (2) containers high. Stacking of cargo containers within a building is prohibited;
- B. Cargo containers shall be screened from adjacent properties and rights-of-way. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between, or within buildings. All proposed screening shall be submitted for the review and approval by the Director of Planning and Community Development;
- C. Cargo containers within the CB-C zone shall not be used for warehouse/storage as the primary use of the property;
- D. If a cargo container is located on a lot adjacent to a residential zone, the cargo container shall be no greater in size than 10 x 20 feet, and shall have a stick built structure, with a peaked roof, constructed to completely enclose the container. No stick built structure shall be required if the cargo container is totally screened from adjacent residential properties as determined by the Director of Planning and Community Development;
 

Adjacent property is defined as property that abuts the residential zone. Property located across a public right-of-way is not regarded as adjacent property.
- E. Cargo containers shall not occupy any required off-street parking spaces for the site or property and the location must comply with all setback requirements;
- F. The location and use of cargo containers on a site shall conform to all requirements and approvals of Titles 13 and 15 of the SeaTac Municipal Code;
- G. The location of a cargo container within a structure shall be approved by the Fire Department and Building Division.

Section 3. A new Section 15.13.063 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.13.063 Cargo Containers – Accessory Use**

- A. The Director of Planning and Community Development may allow a cargo container as an accessory use for permitted or conditional uses, but not including dwelling units, in all other zones not listed in Section 15.13.062, above, subject to the criteria set forth in Subsection B, below.
- 
- B. Cargo containers allowed as an accessory use shall conform with the following criteria:
  1. Be located to minimize the visual impact to adjacent properties, streets, and pedestrian facilities;
  2. Be painted to match the color/s of the adjacent building. If the container is located within a building or not visible from adjacent properties as determined by the Director of Planning and Community Development, painting is not required;
  3. Be screened from adjacent properties and rights-of-way. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between, or within buildings. All proposed screening shall be submitted for review and approval by the Director of Planning and

## Community Development;

4. The location and use of cargo containers on a site shall conform to all requirements and approvals of Titles 13 and 15 of the SeaTac Municipal Code.
5. The location of a cargo container within a structure shall be approved by the Fire Department and Building Division;
6. Cargo containers shall not occupy any required off-street parking spaces for the site or property and the location must comply with all setback requirements;
7. If a cargo container is located on a lot within, or adjacent to a residential zone, the cargo container shall be no greater in size than 10 x 20 feet, and shall have a stick built structure, with a peaked roof, constructed to completely enclose the container. No stick built structure shall be required if the cargo container is totally screened from adjacent properties as determined by the Director of Planning and Community Development;
8. Only one (1) cargo container shall be allowed on property located within a residential zone or on property located adjacent to a residential zone. The property owner may request additional cargo containers subject to the Conditional Use Permit (CUP) process under Section 15.22.030 of this Title.

Adjacent property is defined as property that abuts the residential zone. Property located across a public right-of-way is not regarded as adjacent property.

9. Cargo containers shall not be stacked.

Section 4. A new Section 15.13.064 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.13.064 Cargo Containers – Loss of Nonconforming Status**

Cargo containers that have been legally located on property prior to the adoption of Sections 15.13.062 and 15.13.063 shall be a legal nonconforming use of the property. Cargo containers shall lose legal nonconforming status under the following circumstances:

- A. Any legal nonconforming cargo container that is moved to a different location on a site shall comply with the requirements of Sections 15.13.062 and/or 15.13.063.
- B. If a legal nonconforming cargo container is removed from a property, any subsequent cargo containers placed on the property shall comply with the requirements of Sections 15.13.062 and/or 15.13.063.
- C. If a legal nonconforming cargo container is moved off a residential zoned property containing a residential use, no new container may be moved onto the property.

Section 5. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by May 23, 2001.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 24th day of April, 2001, and signed in authentication thereof on this 24th day of April, 2001.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Deputy Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date \_\_\_\_\_]

G:\GROUP\PLANNING\JACK\ORD\CARGO CONTAINER ORD 4-24-01

**ORDINANCE NO. 01-1011**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending provisions of the City Zoning Code relating to group residential facilities and transitional housing.

**WHEREAS**, provisions of Title 15 of the SeaTac Municipal Code (the Zoning Code) were amended in 1999 to comply with Federal and State fair housing laws; and

**WHEREAS**, these new regulations have been in effect for two years; and

**WHEREAS**, a review of their effectiveness reveals a need to clarify the regulations with respect to two definitions; and

**WHEREAS**, transitional housing is not defined by the Zoning Code, but is a recognized type of housing offered by human services groups for periods of occupancy of one month or more, and

**WHEREAS**, the definition of Community Residential Facilities needs clarification;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.10.130 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.10.130 Community Residential Facility (CRF)**

Publicly or privately operated residential facilities, ~~such as~~ 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, ~~or~~ Overnight Shelters, or transitional housing.

Section 2. Section 15.12.017 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.12.020 Community Residential Facilities**

**15.12.017 Community Residential Facilities**

A. "Group homes" in the City of SeaTac are classified as "community residential facilities (CRF)."



Community residential facilities include all uses defined by SMC 15.10.130, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include overnight shelters (as defined by SMC 15.10.440), halfway houses (as defined by SMC 15.10.298), or facilities providing alcohol and drug detoxification (defined as convalescent centers by SMC 15.10.155). Transitional Housing is also classified as a separate use (under SMC 15.10.649), unless such housing is for victims of domestic violence, for children, or for the disabled.

B. CRFs are divided into two categories, I or II, based on size and occupancy.

1. Community Residential Facilities I (CRF I).

a. CRF I are single-family structures, allowed in all residential and commercial zones. CRF I may house up to five (5) residents plus two (2) caregivers, with the special exception that state-licensed adult family homes and foster family homes are exempt from the City’s numerical limit.

b. Additionally, special exceptions to the limit on the number of occupants of a CRF I may be granted for persons with disabilities pursuant to the accommodation procedure provided in SMC 15.12.018.

c. In the single-family zone, CRF I are required to be a single-family structure compatible with the surrounding area. In the low density multifamily zone, CRF I are required to maintain residential character.

2. Community Residential Facilities II (CRF II). CRF II are not subject to any numerical occupancy limit and are permitted in the high density multifamily and commercial zones. (See SMC 15.12.020, Use #008a).

Section 3. Section 15.12.020 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.12.020 Residential Uses**

ZONES: UH – Urban High Density O/CM – Office/Commercial Medium

P – Park NB – Neighborhood Business BP – Business Park

MHP – Mobile Home Park CB – Community Business O/C/MU – Office/Commercial/Mixed Use

UL – Urban Low Density ABC – Aviation Business Center T – Townhouse

UM – Urban Medium Density I – Industrial/Manufacturing

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T
	RESIDENTIAL USES													
001	Single Detached Dwelling Unit			P(1,7,9)	P(1,7,9,13)	P*(13)								P*(13)
001.1	Single Attached Dwelling Unit							P*	P*					
002	Duplex				P	P*	C	P*	P*					
003	Townhouses				P	P*	C	P*	P*		P*		P*	P*
004	Multi-Family				P	P*(10)	C	P*(8)	C*(8)		P*(8)		P*(12)	

005	Senior Citizen Multi			C	P	P*	C	P*	P*		P*		P*	
006	Manufactured/ Modular Home		P(9)	P(9)	P(9)									
006.1	Mobile Home (nonHUD)		P(9)											
007	Bed and Breakfast/ Guesthouse			P(2)	P(2)	P*(2)	P(2)				C*		P*(2)	
008	Community Residential Facility I			P(3)	P(3)	P* (3)	P(3)	P* (3)	P* (3)				P*(3)	P* (3)
008a	Community Residential Facility II					P*	PC	P*	P*		P*		P(12)	
008b	Transitional Housing					C (14)*		P(14)*	P(14)*		C(14)*			
008bc	Halfway House							C* (11)	C* (11)		C* (11)			
009	Overnight Shelter							C* (11)	C* (11)		C* (11)			
010	Convalescent Center/ Nursing Home					P*	P	P*	P		P*			
011	Mobile Home Park		P	C(4)	C(4)	C*(4)								
013	College Dormitory						C	P*	P*		P*	P*	P*(6)	P*
	ACCESSORY USES													
018	Home Occupation			P(6)	P(6)	P*(6)							P*(6)	P* (6)
019	Shed/Garage			P(5)	P(5)	P*(5)								

\* See Chapter 15.13 SMC for additional development standards.

(1) Accessory dwelling units permitted subject to provisions contained in Chapter 5.37 SMC. (Note, proposed language per Ordinance currently under consideration by Council. )

(2) Standards for Bed and Breakfast:

- a. Number of guests limited to six (6), with no more than three (3) bedrooms;
- b. Parking area for three (3) nonresident vehicles, and screened;
- c. Proof of King County Health Department approval;
- d. Breakfast is only meal served for paying guest.

(3) Standards for Community Residential Facilities I:

- a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)\*\*;
- b. No more than two (2) support people\*\*;
- c. Any parking spaced in excess of two shall be screened and not visible from public streets;
- d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
- e. Reasonable accommodation shall be made for persons with disabilities as required by state and federal law. See SMC 15.12.018 for accommodation procedure.

\*\* (a) and (b) do not apply to state-licensed adult family homes and foster family homes.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point) except as allowed under SMC 15.13.105(B).

(6) See Chapter 15.17 SMC for standards and limitations.

(7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.

(8) Ground floor uses must be retail, service, or commercial uses as described in SMC 15.13.107.

(9) See Chapter 15.26 SMC for additional development standards.

(10) For new development and redevelopment residential projects that are located in the UH-UCR zone, at least fifty percent (50%) of the building's ground floor shall be a retail, service, or commercial use as described in SMC 15.13.107.

(11) As part of the CUP process a threshold determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC 15.22.035. These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.

(12) Permitted only as part of a mixed use development, as described in SMC 15.35.620, and arranged on-site as described in SMC 15.35.610.

13. Small Lot Single Family Development allowed subject to design standards specified in SMC 15.19.760

14. Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

Section 4. Section 15.35.100 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.35.100 Residential Uses**

ZONES:

P – Park ABC – Aviation Business Center

UM – Urban Medium Density I – Industrial/Manufacturing

UH – Urban High Density O/CM – Office/Commercial Medium

UH-UCR – Urban High-Urban Center Residential O/C/MU – Office/Commercial/Mixed Use

NB – Neighborhood Business T – Townhouse

CB-C – Community Business-Urban Center

P- Permitted Use; C-Conditional Use Permit

USE #	LAND USE	ZONES										
		P	UM	UH	UH-UCR	NB	CB-C	ABC	I	O/CM	O/C/MU	T
	RESIDENTIAL USES											
001	Single Family		P(1,7,8,11)	P (11)								P (11)
001.1	Single Attached Dwelling Unit			P	P		P	P				
002	Duplex		P	P	P	C	P	P				
003	Townhouses		P	P	P	C	P	P		P	P	P
004	Multi-Family		P	P(10)	P(10)	C	P(9)	C(9)		P(9)	P(9)	
005	Senior Citizen Multi		P	P	P	C	P	P		P	P	
006	Manufactured/Modular Home		P(8)									
006.1	Mobile Home (nonHUD)											
007	Bed and Breakfast/ Guesthouse		P(2)	P(2)	P(2)	P(2)				P(2)	P (2)	
008	Community Residential Facility I		P(3)	P (3)	P (3)	P(3)	P (3)	P (3)		P (3)	P (3)	P (3)

		P	UM	UH	UH-UCR	NB	CB-C	ABC	I	O/CM	O/C/MU	T
008a	Community Residential Facility II			P	P	P	P	P		P	P(9)	
008b	Transitional Housing			C(12)	C(12)		P(12)	P(12)		C(12)		
010	Rest/Convalescent Center/ Nursing Home		P	P	P	P				P		
011	Mobile Home Park		C(4)	C(4)	C(4)					P		
013	College Dormitory					C	P	P		P	P (6)	P
	ACCESSORY USES											
018	Home Occupation		P(6)	P(6)	P(6)		P (6)	P (6)		P (6)	P (6)	P (6)
019	Shed/Garage		P(5)	P(5)	P(5)							

(1) Accessory dwelling units permitted subject to provisions contained in Chapter 15.37 SMC. (Note, proposed language per Ordinance currently under consideration by Council. )

(2) Standards for Bed and Breakfast:

- a. Number of guests limited to six (6), with no more than three (3) bedrooms;

- b. Parking area for three (3) nonresident vehicles, and screened;
- c. Proof of King County Health Department approval;
- d. Breakfast is only meal served for paying guest.

(3) Standards for Community Residential Facilities I:

- a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)\*\*;
- b. No more than two (2) support people\*\*;
- c. Any parking spaced in excess of two shall be screened and not visible from public streets;
- d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
- e. Reasonable accommodation shall be made for persons with disabilities as required by state and federal law. See SMC 15.12.018 for accommodation procedure.

\*\* (a) and (b) do not apply to state-licensed adult family homes and foster family homes.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point).

(6) See Chapter 15.17 SMC for standards and limitations.

(7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.

8. See Chapter 15.26 SMC for additional development standards.

9. Permitted only as part of a mixed use development, as described in SMC 15.35.620, and arranged on-site as described in SMC 15.35.610.

10. Ground floor retail/commercial or service uses, as described in SMC 15.35.620, are allowed, but not required in the UH and UH-UCR zones.

11. Small Lot Single Family Development allowed subject to design standards specified in SMC 15.19.760.

12. Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

Section 5. Section 15.14.060 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.14.060 Landscaping Standards for Residential, Accessory, Recreational/Cultural Uses**

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE USES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
	RESIDENTIAL USES					
001	Single-Family					
001A	Single-Family Attached Dwelling Unit					
002	Duplex					
003	Townhouses	III/20 ft.1	IV/5 ft.	III/10 ft.	II/15 ft.1	Yes (over 3 units)
004	Multi-Family	III/20 ft.1	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
005	Senior Citizen Multi	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
006	Manufactured Home					
006A	Mobile Home					
007	Bed and Breakfast/ Guesthouse					
008	Community Residential Facility I					
008a	Community Residential Facility II	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
008b	Transitional Housing	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
008c	Halfway House	II/20 ft.	IV/5 ft.	III/10 ft.	I/20 ft.	Yes
009	Overnight Shelter	II/20 ft.	IV/5 ft.	II/20 ft.	I/20 ft.	Yes
010	Convalescent Center/Nursing Home	II/20 ft.	IV/5 ft.	II/15 ft.		Yes
011	Mobile Home Park	II/20 ft.		I/20 ft.		
013	College Dormitory	IV/10 ft.		IV/5 ft.	II/10 ft.	Yes
	ACCESSORY USES					

018	Home Occupation					
019	Shed/Garage					
	RECREATIONAL/CULTURAL USES					
022	Community Center	II/10 ft.				Yes
023	Golf Course					Yes
024	Theater	II/20 ft.		I/5 ft.	I/20 ft. (SF)	Yes
025	Drive-In Theater	IV/20 ft.		I/5 ft.	I/20 ft. (SF)	Yes
026	Stadium/Arena	IV/20 ft.	III/5 ft.	I/5 ft.	I/20 ft. (SF)	Yes
027	Amusement Park	IV/20 ft.	III/5 ft.	I/5 ft.	I/20 ft. (SF)	Yes
028	Library	IV/10 ft.		II/5 ft.		Yes
029	Museum	IV/10 ft.		II/10 ft.		Yes
030	Conference/Convention Center	IV/10 ft.	IV/5 ft.	I/5 ft.	I/20 ft. (SF)	Yes
031	Cemetery	IV/20 ft.				
032	Private/Public Stable					
033	Park					
034	Church	IV/10 ft.			I/10 ft.	Yes
035	Church Accessory	IV/10 ft.			I/10 ft.	Yes
036	Recreational Center	IV/10 ft.	IV/5 ft.	IV/5 ft.	II/10 ft.	Yes
036.5	Health Club	IV/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft.	Yes
037	Arcade (Games/Food)	IV/10 ft.		IV/5 ft.	II/10 ft.	Yes

Section 6. Section 15.15.030 of the SeaTac Municipal Code is hereby amended to read as follows:

### 15.15.030 Parking Space Requirements for Residential Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
	RESIDENTIAL USES	
001	Single-Family (Detached Unit)*	2 per dwelling unit
001A	Single Attached Dwelling Unit	2 per dwelling unit
002	Duplex*	1.25 per dwelling unit
003	Townhouses*	1.25 per dwelling unit
004	Multifamily*	1.25 per dwelling unit
	Studio Unit	1 per dwelling unit
	1 Bedroom Unit	1.5 per dwelling unit
	2 -3 Bedroom Unit	2 per dwelling unit
005	Senior Citizen Multi	1.25 per dwelling unit
006	Manufactured Home	2 per dwelling unit
006A	Mobile Home	2 per dwelling unit
007	Bed and Breakfast/Guesthouse	1 per bedroom, plus 2 for residents
008	Community Residential Facility I	2 per dwelling unit
008a	Community Residential Facility II	**
008b	Transitional Housing	**
008b-c	Halfway House	**
009	Overnight Shelter	**
010	Convalescent Center/Nursing Home	1 per 5 beds
011	Mobile Home Park	2 per dwelling unit
013	College Dormitory	1.5 per bedroom
	ACCESSORY USES	
018	Home Occupation	-
019	Shed/Garage	-

- These ratios may be reduced with proof of viable HCT linkage/station pursuant to the determination of the City Manager, or designee. The overall ratio may not

be lowered more than ten percent (10%).

\*\* Parking plan based on population served and projected needs should be submitted and approved by the City Manager, or designee.

Section 7. Section 15.35.810 of the SeaTac Municipal Code is hereby amended to read as follows:

### 15.35.810 Maximum Parking Requirements (*within the City Center*)

LAND USE	MAXIMUM SPACES ALLOWED*
Residential Uses	
Single Attached Dwelling/Duplex/Townhouse	2 per dwelling unit
Multi-Family Housing	1 per bedroom, up to 2 per dwelling unit maximum***
Senior Housing	1 per unit
Boarding House/Bed and Breakfast	1 per bedroom, plus 2 for residents
Transitional Housing	1 per 2 bedrooms ***
Convalescent/Community Residential Facility	1 per bed***
Rest/Convalescent Center/Nursing Home (24 hr. care)	1 per 3 beds***
College Dormitory	1 per bedroom unit
Residential Congregate Care	.35 per bedroom
Recreational/Cultural Uses	
Conference/Convention Center	5 per 1,000 SF of building area
Library/Museum/Cultural Facility	4 per 1,000 SF of building area
Community Center/Recreation Center	4 per 1,000 SF of building area
Sports/Fitness/Health Club	4 per 1,000 SF of building area
Theater	.75 per fixed seat, plus 1 per employee
General, Educational and Health Services Uses	
General Service Uses	4 per 1,000 SF of building area
Educational Uses	1 per employee, plus 1 per 2 students
Health Services Uses	4 per 1,000 SF of building area
Government/Office, Business Uses	
Business Service/Office Uses	5** per 1,000 SF of building area
Retail/Commercial Uses	
Hotel/Motel and Associated Uses	1 per bedroom, plus the following for associated uses:
With restaurant/lounge/bar	4 per 1,000 SF of building area
With banquet/meeting room	5 per 1,000 SF of gross building area

\* Where calculations result in fractions of parking spaces, the maximum number of parking stalls shall be determined by rounding up to the next whole number.

\*\* Maximum parking for business service/office uses may be increased to seven and one-half (7.5) per one thousand (1,000) square feet of building area through the establishment of a development agreement between the City and a developer.

\*\*\* Unless modified by a parking plan demonstrating an increased need to serve residents.

Section 8. A new section 15.10.649 is hereby added to the SeaTac Municipal Code, to read as follows:

### 15.10.649 Transitional Housing

"Transitional Housing" means housing provided under a program, offering 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."

Section 9. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 10. A copy of this Ordinance shall be forwarded to the Department of Community, Trade and Economic Development of the State of Washington.

**ADOPTED** this 24th day of April, 2001, and signed in authentication thereof on this 24<sup>th</sup> day of April, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

<g:/group/planning/holly/current/transitionalhousing/Draft Ordinance Transitional Housing>

**ORDINANCE NO. 01-1012**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget authorizing a Construction Coordinator position for the New City Hall project administration.

**WHEREAS**, the City Council has previously approved the hiring of a Construction Coordinator to maintain all project documentation related to the New City Hall; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total General Fund expenditures for the City Manager's Office \$39,600.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 22nd day of May, 2001, and signed in authentication thereof on this 22<sup>nd</sup> day of May, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]



**ORDINANCE NO. 01-1013**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the Official Zoning Map for areas within the City.

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt development regulations, including the Official Zoning Map, which are consistent with and implement the adopted Comprehensive Plan and applicable subarea plans; and

**WHEREAS**, the Comprehensive Plan's Land Use Plan Map was amended on December 12, 2000 to show future land uses for specific properties which therefore requires a change in the zoning designation of said properties; and

**WHEREAS**, the City Zoning Map must be amended to implement the Comprehensive Plan's Land Use Plan Map; and

**WHEREAS**, notices were published and a public hearing was held by the Planning Advisory Committee ("PAC") on May 21, 2001 regarding the proposed rezones; and

**WHEREAS**, following consideration of comments received at the Public Hearing of December 7, 1999, **WHEREAS**, the Planning Advisory Committee recommends approval of the rezones as shown in Exhibit A; and

**WHEREAS**, following consideration of comments received at the Public Hearing of December 7, 1999, the zoning of the properties at 16253 International Boulevard (Exhibit A, Map #3), and at 4040 S. 188<sup>th</sup> St. (Exhibit A, Map #4) would be limited subject to the conditions shown in Exhibit B; and

**WHEREAS**, the zoning of the properties as shown in Exhibit A, subject to the conditions listed in Exhibit B, would implement the Comprehensive Plan, as amended; and

**WHEREAS**, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The Official Zoning Map of the SeaTac Municipal Code , as authorized by Section 15.11.140, is hereby amended as set forth on Exhibit A hereto.

Section 2. Development of the rezone properties shall conform with the conditions as set forth in Exhibit B hereto.

Section 3. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Washington Department of Community Development Department of Community, Trade and Economic Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 4. This ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 29th day of May 2001, and signed in authentication thereof on this 29th day of May, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Julie Elsensohn, Assistant City Attorney

[Effective Date: 06/29/01]

G:\GROUP\PLANNING\JACK\ORD\GATEWAY REZONE ORD

**ORDINANCE NO. 01-1014**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for implementation of an Image/Advertising Campaign.

**WHEREAS**, the City Council has previously approved Agenda Bill #1973 authorizing the implementation of an image/advertising campaign; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$193,663.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 26th day of June, 2001, and signed in authentication thereof on this 26th day of June, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1015**

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing the condemnation of land and property, declaring the same to be for public use and to be necessary, and authorizing payment therefore from the 306 Municipal Facilities CIP Fund.

**WHEREAS**, the City has, pursuant to Resolution No. 98-017, previously purchased real property located at 3521 South 188<sup>th</sup> Street, SeaTac, Washington as the site for a New City Hall; and

**WHEREAS**, final construction drawings for the New City Hall on the said site have been completed, an invitation to bid was published commencing March 26, 2001, bids were opened on May 9, 2001, an apparent low bidder was identified, and a motion to award the contract was placed upon the Agenda of a Special Council Meeting of June 5, 2001, but which has been continued; and

**WHEREAS**, prior to the aforesaid bid opening, the City received information that the Valley Ridge Corporate Center building, located at 4800 South 188<sup>th</sup> Street, was listed with a real estate brokerage for sale; and

**WHEREAS**, the City entered into negotiations for an option to purchase the said building and, subsequently, retained Craig Kinzer & Company to continue negotiations; and

**WHEREAS**, the Council finds, on the basis of an appraisal and documentary information and analyses provided by Craig Kinzer & Company, that acquisition of the Valley Ridge Corporate Center building, and real property, is necessary for a public use pursuant to Article I, Section 16 of the Washington State Constitution and Chapter 8.12 RCW; and

**WHEREAS**, in the event that negotiated acquisition is not successful in a timely manner, it is essential that the City be prepared to initiate condemnation proceedings as early as possible; and

**WHEREAS**, the City Council finds that payment of just compensation and costs of litigation should be made from the 306 Municipal Facilities CIP Fund;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Acquisition of the real property and improvements located at the common address of 4800 South 188<sup>th</sup> Street, SeaTac, Washington, being tax parcel number 3423049197, and being legally described on Exhibit "A", which is incorporated by this reference.

Section 2. Court Action to commence an eminent domain proceeding pursuant to law is hereby authorized, as is employment of legal counsel to prosecute the said action.

Section 3. Compensation to be paid to the owners of the aforesaid property, and costs of litigation shall be made from the 306 Municipal Facilities CIP Fund.

Section 4. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 10<sup>th</sup> day of July, 2001, and signed in authentication thereof on this 10<sup>th</sup> day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 01-1016**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for the 2001 Annual Street Overlay Project.

**WHEREAS**, the City Council has considered Agenda Bill #2014 presented by the Public Works Department and approved award of bid for the 2001 Annual Street Overlay Project; and

**WHEREAS**, the associated costs exceed the amount anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Arterial Street Fund expenditures by \$19,740 (BARS 102.000.15.595.30.63.086).

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 10th day of July, 2001, and signed in authentication thereof on this 10th day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1017**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.10.445, 15.10.446, 15.14.090, 15.15.085, 15.15.100, deleting Section 15.15.120 and adding new Sections 15.15.140, 15.15.150, 15.15.160, and 15.15.170 to the City Zoning Code to establish design standards for surface and structured parking lots.

**WHEREAS**, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

**WHEREAS**, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

**WHEREAS**, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

**WHEREAS**, the Planning Commission has reviewed the aforesaid development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended certain amendments and additions to the Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.10.445 of the SeaTac Municipal Code is hereby amended to read as follows:

**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, multifamily, 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.

Section 2. Section 15.10.446 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.10.446 Parking Lot, Public/Private**

~~An open paved area limited exclusively to the parking of automobiles of occupants, guests, or employees of a dwelling, hotel, motel, apartment hotel, apartment house, or boardinghouse for which these facilities were designed and not other secondary use.~~

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

Section 3. Section 15.14.090 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.14.090 Landscaping of Surface Parking Areas**

- A. At least ten percent (10%) of the interior parking area shall have landscaping when the total number exceeds twenty (20) parking stalls.
- B. At least one (1) interior landscape island for every ~~ten~~ seven (~~10~~ 7) parking stalls shall be provided to be reasonably distributed throughout the parking lot.
- C. At least one (1) tree must be provided in each landscape island.
- D. Permanent curbs and/or barriers shall be provided to protect the plantings from vehicle overhang.
- E. The perimeter of a parking lot shall be planted with five (5) foot landscaping buffers with Type III landscaping. Any abutting landscaped areas can be credited toward meeting this standard. (Ord. 92-1041 § 1)
- F. Landscaping of surface parking lots within the City Center shall conform with Section 15.35.840 of the SeaTac Municipal Code (SMC). Landscaping for surface parking lots associated with High Capacity Transit (HCT) shall conform with Section 15.36.320 of the SMC.

Section 4. Section 15.15.085 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.15.085 Stacking Spaces for Parking**

- A. Stacking spaces for vehicle parking or for auto rental/sales uses may be allowed; provided, that the area utilized for stacking spaces conforms with the parking lot landscaping requirements of SMC 15.14.090. Stacking of required off-street parking spaces shall not be allowed for employee or customer parking. Stacking aisle widths shall be a minimum of ~~nine~~ eight (~~98'~~ 98') feet, ~~six~~ six (~~6"~~ 6") inches.
- B. Stacking spaces for commercial uses other than vehicle parking or auto-rental/sales may be allowed through the use of valet parking, upon approval of a valet parking plan, by the Director of Planning and Community Development. The area of the lot utilized for stacking spaces shall conform with the parking lot landscaping requirements of SMC 15.14.090. Stacking aisle widths shall be a minimum of ~~nine~~ eight (~~98'~~ 98') feet, ~~six~~ six (~~6"~~ 6") inches. At a minimum, the valet parking plan shall include, but not be limited to:
  - 1. A site plan showing the location of the valet parking on the property;
  - 2. The hours of operations;
  - 3. A detailed description of the valet parking system's operation; and
    - a. Methods to control noise;
    - b. Methods to control glare from impacting adjacent properties;
    - c. Methods to eliminate any impacts on adjacent or nearby residential neighborhoods;
  - 4. The name, address and phone number of the operator of the valet parking.

Valet parking is allowed on or off-site. No valet parking shall be allowed on public rights-of-way.

Section 5. Section 15.15.100 of the SeaTac Municipal Code is hereby amended to read as follows:



**15.15.100 Off-Street Parking Plan Design Standards**

- A. Off-street parking facilities shall not be located more than five hundred (500) feet from the building they are required to serve for all uses, except those specified below, and a marked pedestrian walkway shall be incorporated into the layout. Where parking facilities do not abut the building they serve, the required maximum distance shall be measured along the pedestrian walkways from the parking facility to the nearest building entrance.
  - 1. All senior citizen assisted housing facilities and CRFs shall have the parking facilities connected to the building they are required to serve. For all other residential dwellings, the parking facilities shall not be located more than one hundred (100) feet from the building(s) they are required to serve.
  - 2. For all religious organizations and hospitals, the parking facilities shall not be located more than one hundred fifty (150) feet from the building they are required to serve.
- B. ~~Standard sized p~~ Parking spaces parallel to the driveway or aisle serving them shall be a minimum of nine (9) feet wide and twenty-three (23) feet long. Driveways or aisles serving ~~standard sized~~ parallel spaces shall be a minimum of twelve (12) feet wide.
- C. ~~Standard sized p~~ Parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table, and further defined and illustrated in subsection (F) of this section, provided.

Standard Parking Space Dimensions			
A	B	C	D
30	9-8', 6"	17-316', 1"	14
45	9-8', 6"	19-818', 4"	15
60	9-8', 6"	21-019'	18
90	9-8', 6"	19-018'	24

~~OPTIONAL D. For 90 degree angle parking spaces, the drive aisle width (Column D~~ **ADDITIONAL** ~~above) may be reduced three (3) three inches for each additional one (1) PROVISION~~ **inch of parking stall width.**

**RECOMMENDED BY T & PW**

- ~~D. Compact sized parking spaces oriented parallel to the driveway or aisle serving them shall be a minimum of eight (8) feet wide and twenty (20) feet long. Driveways or aisles serving compact sized parallel parking spaces shall be a minimum of twelve (12) feet wide.~~
- ~~E. Compact sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table and further defined by subsection (F) of this section.~~

Compact Parking Space Dimensions			
A	B	C	D
30	8	14.9	12

45	8	17.0	13
60	8	17.9	14
90	8	16.0	22

- FE. When determining the minimum dimensional requirements for parking spaces oriented at an angle to the driveway or aisle serving them, the following figure shall be consulted.



- GF. All required bicycle parking facilities shall be located within a structure sheltered from the weather and designed to secure the bicycles and limit access to the structure to authorized users. Bicycle storage requirements may be satisfied by group or individual storage areas.
- HG. All parking areas shall be landscaped as set forth in Chapter 15.14 SMC.
- HH. Lighting shall be provided for safety of traffic and pedestrian circulation on the site as required by the adopted and hereafter amended City of SeaTac Uniform Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent streets.
- HL. In determining the length of an off-street parking stall as required under SMC 15.15.100(C) and (E), overhangs from a wheel stop as required under SMC 15.15.110(B) and illustrated in Figure 15.15.110b may be included.
- ~~K.~~ ~~Compact parking stalls shall not be allowed across drive aisles from each other except under the following circumstance: Compact parking stalls may be located across drive aisles from each other; provided, that the applicant/business owner/land owner institutes a parking lot management plan, approved by the Director of Planning and Community Development, that would designate only compact cars to compact off-street parking spaces. The approved plan shall be filed as a covenant running with the property for as long as the parking lot layout provides for compact off-street parking spaces across drive aisles from each other. (Ord. 97-1009 §§ 8, 9; Ord. 92-1041 § 1)~~

Section 6. Section 15.15.120 of the SeaTac Municipal Code is hereby repealed.

Section 7. A new Section 15.15.140 is hereby added to the SeaTac Municipal Code, to read as follows:

**Section 15.15.140 Pedestrian Circulation Through Surface Parking Lots**

A. Surface parking lots containing one hundred (100) parking spaces or more, or with more than three (3) vehicular circulation lanes shall provide pedestrian walkways through the parking lot. Pedestrian walkways shall be raised, may be covered, and shall be a minimum of three (3) feet in width, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-street front building entrances or existing pedestrian ways. The three (3) foot width shall not include any vehicle overhangs. Wheel stops shall be installed in parking spaces adjacent to all pedestrian walkways.

1. For parking rows perpendicular to the principal building facade, pedestrian ways shall be located between two rows of parking spaces at a minimum of one (1) pedestrian way every two hundred (200) feet. The pedestrian walkway/s shall be located to provide access from the maximum number of spaces to the entrances of the building.

2. For parking rows parallel to the principal building facade, pedestrian ways shall be incorporated adjacent to a series of aligned landscape islands at a minimum of one (1) walkway every twenty-one (21) parking spaces. The pedestrian walkway shall be located to provide access from the maximum number of spaces to the entrances of the building.

B. The pedestrian walkways shall be clearly distinguished from traffic circulation, and particularly where vehicular and pedestrian routes intersect.

C. Sidewalks or walkways which cross vehicular aisles or driveways, shall be distinguished as follows (See Example, Figure 15.14.140a):

1. By a continuous raised crossing; or
2. By using contrasting paving material.

Figure 15.15.140a  
Pedestrian Circulation



Parking Rows **Parallel** to the  
Principal Building Façade

Parking Rows **Perpendicular** to the  
Principal Building Facade

D. Pedestrian circulation through parking lots within the City Center shall conform with Section 15.35.850 of the SeaTac Municipal Code (SMC). Pedestrian circulation standards through parking lots for high capacity transit facilities shall conform with Section 15.36.330 of the SMC.

- E. The area used for raised pedestrian circulation may be counted towards the 10% interior parking lot landscaping as required under Section 15.14.090 of the SMC.
- F. The preceding standards may be modified by the Director of Planning and Community Development if the proponent can demonstrate that some other form of pedestrian circulation would be suitable for the site and would provide equivalent pedestrian safety.

Section 8. A new Section 15.15.150 is hereby added to the SeaTac Municipal Code, to read as follows:

### **Section 15.15.150 Parking Structure Design Standards**

#### **A. Parking Structure Design**

The following parking structure design standards shall apply to all parking structures located outside of the designated City Center and not associated with a High Capacity Transit (HCT) station. Design standards for parking structures within the City Center shall conform with the requirements of Section 15.35.900 of the SeaTac Municipal Code (SMC). Design standards for parking structures associated with an HCT station shall conform with the requirements of Section 15.36.400 of the SMC.

1. Parking decks should be flat where feasible. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping (See Figure 15.15.150a).
2. External elevator towers and stair wells shall be open to public view, or enclosed with transparent glazing.
3. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive glare and lighting of off-site areas.
4. Parking structure top floor wall designs must conform to one or more of the following options:
  - a. **Top Floor Wall With Architectural Focal Point:** A top floor wall focal point refers to a prominent wall edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.

#### **b. Top Floor Wall Line Variation:**

- i. **Projecting Cornice:** Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
- ii. **Articulated Parapet:** Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.

Figure 15.15.150a  
Parking Decks

Text Box:

5. Parking structures with building facades facing or visible from the public right-of-way (ROW) shall use one, or a combination of, the following design features:

- 
- a. The façade shall have the appearance of an office building or hotel use.
- b. Design features that would mask the building as a parking structure.
- 

Proposed design features shall be approved by the Director of Planning and Community Development

## **B. Parking Structure Character and Massing**

In addition to the standards contained in 15.15.150 A., parking structure facades over one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variations in setback, material or fenestration design along the length of the applicable facade, in at least one or more of the following ways:

1. **Vertical Facade Changes.** Incorporation of intervals of architectural variation at least every eighty (80) feet over the length of the applicable façade (See Figure 15.15.150b), such as:
  - a. Varying the arrangement, proportioning and/or design of garage floor openings;
  - b. Incorporating changes in architectural materials; and/or
  - c. Projecting forward or recessing back portions or elements of the parking structure facade.
2. **Horizontal Facade Changes.** Designed differentiation of the ground floor from upper floors, such as:
  - a. Stepping back the upper floors from the ground floor parking structure facade;
  - b. Changing materials between the parking structure base and upper floors; and/or
  - c. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.

Figure 15.15.150b  
Vertical Façade Changes

**Text Box:**



**C. Minimizing**

**Views Into the Parking Structure Interior**

Facades of parking structures shall be designed without continuous horizontal parking floor openings.

1. For portions of parking structures without a pedestrian level retail/commercial use, the following building facade landscaping is required:
  - a. Five (5) foot wide facade landscape strip consisting of:
    - i. A mix of evergreen shrub groupings spaced no more than four (4) feet apart that do not exceed a height of six (6) feet at maturity;
    - ii. Ground cover; and
    - iii. Seasonal displays of flowering annual bedding plants.
2. Any portion of a parking structure ground floor with exposed parking areas adjacent to a public street shall minimize views into the parking structure interior through one or more of the following methods which are in addition to the above facade landscaping strip:
  - a. Decorative trellis work and/or screening as architectural elements on the parking structure facade, without compromising the open parking structure requirements of the Uniform Building Code (See Example, Figure 15.15.150c); and/or
  - b. Glass window display cases incorporated into pedestrian walls built between two structural pillars. Glass window display cases shall be at least two feet deep, begin 12 to 30 inches above the finished grade of the sidewalk, and cover at least sixty (60) percent of the area between two pillars.  
The trellis work or window display cases may be waived if the proponent can demonstrate some other method to minimize views into the parking structure. Alternate methods shall be approved by the Director of Planning and Community Development.
3. Upon conversion of portions of a parking structure to a pedestrian retail/commercial use, the Director of Planning and Community Development may approve the removal of initially installed pedestrian screening material in order to allow maximum visibility and access to the converted portions of the parking structure.
4. In addition to the above, views into the upper floors of parking structures shall be minimized through one or more of the following methods:

- a. The use of planters integrated into the upper floors of parking structure facade design (See Example, Figure 15.15.150d);
- b. Decorative trellis work and/or screening as architectural elements on the parking structure upper floor facades; and/or
- c. Upper parking floors designed as a pattern of window-like openings on the parking structure façade (See Figures 15.15.150c and 15.15.150d).

Figure 15.15.150c  
Text Box:

Figure 15.15.150d  
Text Box:



#### D. Parking Floors Located Under or Within Buildings

- 1. Parking located under or within buildings shall subordinate the garage entrance to the pedestrian entrance in terms of prominence on the street, location and design emphasis (See example, Figure 15.15.150e) .
- 2. Parking at grade under a building shall be completely or wholly screened through any combination of walls, decorative grilles, or trellis work with landscaping (See example, Figure 15.15.150f).

Text Box:

Figure

15.15.150e

Figure

15.15.150.f

Text Box:



Section 9. A new Section 15.15.160 is hereby added of the SeaTac Municipal Code, to read as follows:

#### 15.15.160 Ground Floor Uses in Parking Structures

A. Parking structures shall be designed so that an area equaling a minimum of fifty (50) percent of the length of the exterior ground floor facade(s) ~~with existing or projected adjacent foot traffic~~, excluding vehicle entrances and exits, ~~is provide ground floor area~~ either built out as, or convertible to, retail/commercial or service uses. The applicable ~~ground~~ floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade, provided that the minimum required may be averaged, with no depth less than fifteen (15) feet. The proposed location of the commercial area shall be approved by the Director of Planning and Community Development.

- 1. The minimum clear interior ceiling height standard of the retail/commercial or service use portion of parking structures shall be ten (10) feet. ~~for all street level building space.~~
- 2. Parking structure ground floors shall include fire suppressing sprinkler systems at the time of

construction even if not required by the Uniform Building and Uniform Fire Codes, as adopted by the City, as to the remainder of the structure.

- B. At the time of construction, a minimum of one thousand (1,000) square feet of leasable retail/commercial or service space shall be constructed and made available for occupancy. The location of this space shall be approved by the Director of Planning and Community Development. The remainder of the area necessary to fulfill the minimum retail/commercial or service use requirement not included at the time of construction, shall employ window display cases which shall be designed as follows (See Figures 15.15.160h and 15.15.160i):
1. Glass window display cases shall be incorporated into ground floor walls and shall be built between two structural pillars. Glass window display cases shall be at least two feet deep, begin 12 to 30 inches above the finished grade of the sidewalk, and cover at least sixty (60) percent of the area between two pillars.
- C. Parking structures with ground floor retail/commercial or service uses will be granted an additional parking allowance as follows:
1. The number of parking spaces displaced by the portion of the parking structure ground floor designed for retail/commercial or service uses may be added to the maximum number of allowed parking spaces established for on-site land uses.

Figure 15.15.160h  
Text Box:



Figure 15.15.160i

Text Box:



Section 10. A new

Section 15.15.170 is hereby added of the SeaTac Municipal Code, to read as follows:

#### **15.16.170 Joint Use of Driveways and Parking Areas**

- A. The joint use of driveways and parking areas shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the building facilities and/or properties to qualify as a joint use parking facility. As an incentive, the city will consider an overall reduction in the parking ratio of up to fifty (50)% of the minimum required for primary night-time uses such as theaters, bowling alleys, and restaurants when coordinated with a parking supply serving primarily day-time uses such as banks, offices, and retail stores.
- B. Automobile access shall be consolidated with no more than one driveway per one hundred fifty (150) linear feet of street frontage along Principal Arterials, and one hundred (100) linear feet on all other street frontages.

-



Section 11. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by June 23, 2000.

Section 12. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 10th day of July, 2001, and signed in authentication thereof on this 10th day of July, 2001.

**CITY OF SEATAC**

\_\_\_\_\_  
Shirley Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date \_\_\_\_\_]

**ORDINANCE NO. 01-1018**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating certain streets, alleys, and rights-of-way abutted on both sides by Port of Seattle property.

**WHEREAS**, the Port of Seattle has previously requested vacation of certain City rights-of-way within territory which has been acquired by the Port for Sea-Tac International Airport purposes; and

**WHEREAS**, Article 9 of Exhibit C to the Interlocal Agreement between the City and the Port, entered into on September 4, 1997, provides for vacation of certain enumerated rights-of-way; and

**WHEREAS**, SMC 11.05.090 adopts the street vacation procedures of Chapter 35.79 RCW; and

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate such street vacation procedures by resolution and further requires setting of a public hearing and date for council action which was, in this case, established by Resolution No. 01-013 fixing the public hearing for July 24, 2001, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said rights-of way continues to exist, but the Port has reason to convert the rights-of-way to airport related purposes; and

**WHEREAS**, no objections to vacation were filed by any abutting property owners prior to the hearing, and the Council finding that no person has demonstrated special injury due to substantial impairment of access to such person's property; and

**WHEREAS**, the Council finds that vacation of the aforesaid rights-of-way, as legally described on Exhibit A and as depicted on the map marked Exhibit B, to this Ordinance, is in the public interest;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Vacation of Rights-of-Way. Those rights-of-way and portions of rights-of-way legally described on Exhibit A to this Ordinance, and depicted on the map marked Exhibit B to this Ordinance, within the City of SeaTac, are hereby vacated, subject to payment pursuant to Section 3, below.

Section 2. Compensation Required. The Port of Seattle, which is the sole abutting landowner on both sides of the aforesaid rights-of-way shall compensate the City in an amount equal to one-half of the appraised value of the total areas so vacated, pursuant to law, which has been determined to be the sum of \$1,527,000.

Section 3. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 4. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 2 of this Ordinance, but in no event sooner than thirty (30) days after passage.

**ADOPTED** this 24<sup>th</sup> day of July 2001, and signed in authentication thereof on this 24<sup>th</sup> day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

# ORDINANCE NO. 01-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.15.030, and 15.35.810 of the City Zoning Code to establish minimum parking requirements for low and moderate income senior housing uses, eliminate an ambiguous parking ratio where no unit size is specified, and allow for modification of maximum parking limitations for senior housing uses within the City Center.

**WHEREAS**, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

**WHEREAS**, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

**WHEREAS**, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

**WHEREAS**, the Planning Advisory Committee has reviewed the aforesaid development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended certain amendments and additions to the Council; and

**WHEREAS**, staff have reviewed survey data of parking use at established senior housing developments in neighboring cities, and reviewed the standards adopted by other King County cities, and concluded that low and moderate income senior housing may require fewer parking stalls per unit than other senior housing or multi-family uses;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.15.030 of the SeaTac Municipal Code is hereby amended to read as follows:

## 15.15.030 Parking Space Requirements for Residential Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
	RESIDENTIAL USES	
001	Single-Family (Detached Unit)*	2 per dwelling unit
001A	Single Attached Dwelling Unit	2 per dwelling unit
002	Duplex*	1.25 per dwelling unit
003	Townhouses*	1.25 per dwelling unit
004	Multifamily*	<del>4.25 per dwelling unit</del>
	Studio Unit	1 per dwelling unit
	1 Bedroom Unit	1.5 per dwelling unit
	2 -3 Bedroom Unit	2 per dwelling unit
005	Senior Citizen Multi	1.25 per dwelling unit***
006	Manufactured Home	2 per dwelling unit
006A	Mobile Home	2 per dwelling unit
007	Bed and Breakfast/Guesthouse	1 per bedroom, plus 2 for residents
008	Community Residential Facility I	2 per dwelling unit

008a	Community Residential Facility II	**
008b	Transitional Housing	**
008c	Halfway House	**
009	Overnight Shelter	**
010	Convalescent Center/Nursing Home	1 per 5 beds
011	Mobile Home Park	2 per dwelling unit
013	College Dormitory	1.5 per bedroom
	ACCESSORY USES	
018	Home Occupation	-
019	Shed/Garage	-

- These ratios may be reduced with proof of viable HCT linkage/station pursuant to the determination of the City Manager, or designee. The overall ratio may not be lowered more than ten percent (10%).

\*\* Parking plan based on population served and projected needs should be submitted and approved by the City Manager, or designee.

\*\*\* For low/moderate income senior housing, the ratios may be modified by a parking plan based on the projected need of the population served. Such plan must be approved by the City Manager or designee. Minimum ratio must be .8 parking spaces per unit.

Section 2. Section 15.35.810 of the SeaTac Municipal Code is hereby amended to read as follows:

### **15.35.810 Maximum Parking Requirements (*within the City Center*)**

LAND USE	MAXIMUM SPACES ALLOWED*
Residential Uses	
Single Attached Dwelling/Duplex/Townhouse	2 per dwelling unit
Multi-Family Housing	1 per bedroom, up to 2 per dwelling unit maximum***
Senior Housing	1 per unit***
Boarding House/Bed and Breakfast	1 per bedroom, plus 2 for residents
Transitional Housing	1 per 2 bedrooms ***
Convalescent/Community Residential Facility	1 per bed***
Rest/Convalescent Center/Nursing Home (24 hr. care)	1 per 3 beds***
College Dormitory	1 per bedroom unit
Residential Congregate Care	.35 per bedroom
Recreational/Cultural Uses	
Conference/Convention Center	5 per 1,000 SF of building area
Library/Museum/Cultural Facility	4 per 1,000 SF of building area
Community Center/Recreation Center	4 per 1,000 SF of building area
Sports/Fitness/Health Club	4 per 1,000 SF of building area
Theater	.75 per fixed seat, plus 1 per employee
General, Educational and Health Services Uses	
General Service Uses	4 per 1,000 SF of building area
Educational Uses	1 per employee, plus 1 per 2 students
Health Services Uses	4 per 1,000 SF of building area
Government/Office, Business Uses	
Business Service/Office Uses	5** per 1,000 SF of building area
Retail/Commercial Uses	

Hotel/Motel and Associated Uses	1 per bedroom, plus the following for associated uses:
With restaurant/lounge/bar	4 per 1,000 SF of building area
With banquet/meeting room	5 per 1,000 SF of gross building area

\* Where calculations result in fractions of parking spaces, the maximum number of parking stalls shall be determined by rounding up to the next whole number.

\*\* Maximum parking for business service/office uses may be increased to seven and one-half (7.5) per one thousand (1,000) square feet of building area through the establishment of a development agreement between the City and a developer.

\*\*\* Unless modified by a parking plan demonstrating an increased need to serve residents.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 4. A copy of this Ordinance shall be forwarded to the Department of Community, Trade and Economic Development of the State of Washington.

**ADOPTED** this 24<sup>th</sup> day of July, 2001, and signed in authentication thereof on this 24<sup>th</sup> day of July, 2001.

## **CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

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**ORDINANCE NO. 01-1020**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting a Subarea Plan for the Lutheran Social Services Property and Amending the Comprehensive Plan Designation as specified in Alternative 2 of the Plan.

**WHEREAS**, the existing Comprehensive Plan Land Use designation of the Lutheran Social Services property is Office/Commercial Mixed Use, restricted solely to the uses of Senior Housing, 24-hour Day-care and Social Service Offices; and

**WHEREAS**, Lutheran Social Services desires to use the property for Social Service Programs as well as for Social Service Administrative Offices; and

**WHEREAS**, Lutheran Social Services desires to contract with Community Health Centers of King County to offer basic medical services at the site; and

**WHEREAS**, these uses would complement the proposed Intergenerational Center of Senior Housing and Child-care planned for the property, and

**WHEREAS**, the services proposed by Lutheran Social Services are needed in the Community and SeaTac residents currently must travel outside the City to obtain such services; and

**WHEREAS**, the proposal would further the City of SeaTac Comprehensive Plan goal 10.1 which makes support for human services a priority for the City:

**Human Services Element, Goal 10.1** - Maintain and enhance the quality of life for all community citizens through the provision and support of effective and accessible human services that are culturally relevant, physically accessible, near adequate public transportation, affordable, and immediate.

**WHEREAS**, the Subarea plan, attached as Exhibit A to this Ordinance, analyzed the proposed action (Alternative 2) for impacts and benefits, and evaluated the change to ensure that it met the minimum criteria required for change to the Comprehensive Plan, and

**WHEREAS**, the Subarea plan, finds the proposed action (Alternative 2) is a net benefit to the community and meets the minimum criteria for change to the Comprehensive Plan, and

**WHEREAS**, a public hearing was held before the Planning Advisory Committee on July 9, 2001; and

**WHEREAS**, the Planning Advisory Committee recommended adoption of the proposed Subarea Plan, and amendment of the Comprehensive Plan as outlined in Alternative 2 of the plan; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. The attached Subarea Plan for the Lutheran Social Services property (Exhibit A) is hereby adopted as analysis of two alternatives for the Comprehensive Plan Land Use designation for the property -- a no action alternative (Alternative 1) and a proposed change alternative (Alternative 2).

Section 2. The Comprehensive Plan shall be amended as specified in Alternative 2 of the plan (Exhibit A).

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 4. A copy of this Ordinance shall be forwarded to the Department of Community, Trade and Economic Development of the State of Washington.

**ADOPTED** this 24th day of July, 2001, and signed in authentication thereof on this 24th day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

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**ORDINANCE NO. 01-1021**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the Official Zoning Map for the Lutheran Social Services Property.

**WHEREAS**, the existing Zoning of the Lutheran Social Services property is Office/Commercial Mixed Use, restricted solely to the uses of Senior Housing, 24-hour Day-care and Social Service Offices; and

**WHEREAS**, Lutheran Social Services desires to use the property for Social Service Programs as well as for Social Service Administrative Offices; and

**WHEREAS**, Lutheran Social Services desires to contract with Community Health Centers of King County to offer basic medical services at the site; and

**WHEREAS**, these uses would complement the proposed Intergenerational Center of Senior Housing and Child-care planned for the property, and

**WHEREAS**, the services proposed by Lutheran Social Services are needed in the Community and SeaTac residents currently must travel outside the City to obtain such services; and

**WHEREAS**, the proposal would further the City of SeaTac Comprehensive Plan goal 10.1 which makes support for human services a priority for the City:

**Human Services Element, Goal 10.1** - Maintain and enhance the quality of life for all community citizens through the provision and support of effective and accessible human services that are culturally relevant, physically accessible, near adequate public transportation, affordable, and immediate.

**WHEREAS**, the Subarea plan for the Lutheran Social Services property analyzes the proposed amendment to the Zoning map for impacts and benefits, and to ensure that it meets the minimum criteria required for change to the Zoning Map, and

**WHEREAS**, the Subarea plan, finds the proposed Zoning map amendment is a net benefit to the community and meets the minimum criteria for change to the Zoning Map, and

**WHEREAS**, a public hearing was held before the Planning Advisory Committee on July 9, 2001; and

**WHEREAS**, the Planning Advisory Committee recommended adoption of the proposed amendment to the Zoning Map; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. The Official Zoning Map shall be amended as specified in Exhibit A.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 3. A copy of this Ordinance shall be forwarded to the Department of Community, Trade and Economic Development of the State of Washington.

**ADOPTED** this 24th day of July, 2001, and signed in authentication thereof on this 24th day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

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**ORDINANCE NO. 01-1022**

AN ORDINANCE of the City Council of the City of SeaTac, Washington revising the procedure for consideration and approval of Development Agreements, and amending Sections 15.05.057, 15.22.010, 15.22.055, and 16.03.040 of the SeaTac Municipal Code.

**WHEREAS**, RCW 36.70B.170 through .210 authorize a city governed by the Growth Management Act, such as the City of SeaTac, to enter into Development Agreements with persons and entities having ownership or control or real property within its jurisdiction; and

**WHEREAS**, the State Legislature based its intent to allow local governments, as a proper exercise of their police power and contract authority, to execute Development Agreements with owners and developers of real property upon the following findings, as set forth at Chapter 347, Section 501, Laws of 1995:

"The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a Development Agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development"; and

**WHEREAS**, by statute, a Development Agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development, of the real property for the duration specified in the Agreement, and shall be consistent with applicable development regulations then in effect; and

**WHEREAS**, the aforesaid statutes provide no procedure for negotiation and approval of Development Agreements except that, at RCW 36.70B.200, a city may approve a Development Agreement, by ordinance or resolution, only after a public hearing which may be conducted by the City Council, Planning Commission, Hearing Examiner or other body designated by the Council; and

**WHEREAS**, the City Council has previously adopted Ordinance No. 99-1045 to establish local procedures; and

**WHEREAS**, the said procedures interject the City Council into the negotiation process, provide quasi-judicial status to hearings which limits discussion and fact-finding by the Council, and raise the potential for development regulation vesting of long-term interim uses with only conceptual final development plans of questionable public benefit; and

**WHEREAS**, the City Council finds that the existing procedures for negotiation and approval of Development Agreements should be revised for mutual benefit to the City, owners and developers of real property, and to the public; and

**WHEREAS**, the Council finds that the revisions of this Ordinance are merely procedural or ministerial, and otherwise do not constitute a development regulation requiring advance or final transmission to the State Department of Community, Trade and Economic Development, pursuant to WAC 365-195-620 and -820;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Section 15.05.057 of the SeaTac Municipal Code is hereby amended to read as follows:

### 15.05.057 Development Agreements

A. ~~In order to obtain~~ 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, ~~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; provided, that~~

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 and the criteria set forth in SMC 15.22.055 of this Code. Development agreements are subject to the public hearing notice requirements contained in SMC 16.07.030(A).

C. The Director of the Department of Planning and Community 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.

Section 2. Section 15.22.010 of the SeaTac Municipal Code is hereby amended to read as follows:

#### 15.22.010 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, ~~or City Council when acting upon a proposed development agreement~~ pursuant to the applicable ordinances and authority, and to protect nearby properties from the possible effects of such requests 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.

Section 3. Section 15.22.055 of the SeaTac Municipal Code is hereby amended to read as follows:

#### 15.22.055 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 Planning and Community 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 Council, ~~and the Department is authorized to enter into preliminary negotiations to establish mutually agreeable terms.~~

~~B. Terms of the proposed development agreement, and negotiations, shall be subject to the Development Review Committee process set forth at SMC 16.05.020 and 16.05.050 and such other provisions of Title 16 as may be deemed appropriate by the City. The applicant's proposed form of Development Agreement, including all mutually agreed provisions, shall, at the conclusion of the Development Review Committee process and negotiations, be placed upon the agenda of the City Council for public hearing and recommendation to the City Council for final action of approval, approval with modifications, or rejection, based upon the criteria set forth within this Section. In addition to the requirements of SMC 16.09.040A of this Code, the Department of Planning and Community Development may present to the Council omissions, additions, or alternative provisions to the terms and conditions of the Development Agreement proposed by the applicant, and may recommend rejection of the Development Agreement.~~

AC. The City Council Manager, and such designee or designees as may be appointed for the purpose, is authorized, but not required, to shall base its recommendation upon 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 ~~other~~ 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 non compliance if the interim use is not converted to the permanent use is 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.

~~BD. If the 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 as proposed, or as modified, or may to reject 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.

~~EE. The decision of the Council shall be final immediately upon adoption of a Resolution authorizing or rejecting the development agreement. The decision of the Council shall be appealable to the Superior Court pursuant to law.~~

~~DE. 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.

Section 4. Section 16.03.040 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.03.040 City Council**

In addition to its legislative responsibility, the City Council shall review and act on the following subjects:

A. Individual or Citywide rezones initiated by the City.

~~B. Development Agreements pursuant to SMC 15.22.055.~~

~~B.~~ Final subdivisions.

~~D.~~ Final PUDs.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 24th day of July, 2001, and signed in authentication thereof on this 24th day of July, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 01-1023**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for Marketing of SeaTac.

**WHEREAS**, the City Council has approved Agenda Bill #2010 authorizing continued marketing efforts; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$115,564.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of August, 2001, and signed in authentication thereof on this 14<sup>th</sup> day of August, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]



**ORDINANCE NO. 01-1024**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for purchase of four (4) Thermal Imaging Cameras.

**WHEREAS**, the City Council has approved the purchase of four (4) thermal imaging cameras for use by the Fire Department; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Fire Department/General Fund expenditures by \$73,200.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 14th day of August, 2001, and signed in authentication thereof on this 14<sup>th</sup> day of August, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1025**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, creating the Building Management Fund and amending the 2001 Annual City Budget to provide for anticipated operating costs.

**WHEREAS**, the City Council has approved a Purchase and Sale Agreement for the property commonly referred to as the Valley Ridge Corporate Center; and

**WHEREAS**, the purchase of this property will necessitate that the City manage the office building and administer leases of office space to various tenants; and

**WHEREAS**, it is prudent to establish a new Special Revenue Fund of the City to track revenues and expenditures associated with the management of this property; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. There is hereby established a fund to be known as the Building Management Fund into which shall be paid all rental revenues received from tenants leasing space within City-owned facilities. Moneys in the fund shall be used to pay operating costs associated with managing these leased spaces.

Section 2. The 2001 Annual City Budget shall be amended to appropriate expenditures of \$260,000 in the Building Management Fund, which is equal to the anticipated revenues for this fund for the remainder of the fiscal year.

Section 3. Section 1 of this Ordinance shall be codified as Section 3.40.055 of the SeaTac Municipal Code. The remaining sections of the Ordinance shall not be codified.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 11th day of September, 2001, and signed in authentication thereof on this 11th day of September, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]



**ORDINANCE NO. 01-1026**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for Highline Botanical Garden funding.

**WHEREAS**, the City Council has approved Agenda Bill #2059 submitted by the City Manager's Office and requesting funding assistance for the Highline Botanical Garden; and

**WHEREAS**, the associated costs were not anticipated in the 2001 Annual City Budget previously adopted by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$15,000.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 9th day of October, 2001, and signed in authentication thereof on this 9th day of October, 2001.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1027**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the City Zoning Code; amending Section 15.25.070 to provide for a definition of borrow/surface mining operations; amending Section 15.25.090 to allow borrow/mining operations in the AVO and AVC zones; and adding new Section 15.10.102 to provide for a definition of commercial/industrial accessory uses; and adding new Section 15.14.230 to allow the deferral of the installation of landscaping during drought conditions.

**WHEREAS**, the Growth Management Act requires regular review and update of development regulations which implement the City’s Comprehensive Plan; and

**WHEREAS**, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

**WHEREAS**, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

**WHEREAS**, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended the amendments and additions for adoption by the Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. Section 15.25.070 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.25.070 Definitions**

**Borrow/Surface Mining Operations**

The mining, extraction, or excavation, of rock, stone, gravel, sand, earth, and other such minerals for removal and use off-site, including transporting minerals to and from the mining site.

Section 2. Section 15.25.090 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.25.090 Zone Classification Use Chart**

If this chart does not specify that a proposed land use is permitted, then the proposed land use shall be considered a prohibited land use within the Airport zones. This chart may be amended in accordance with the provisions of the ILA.

	LAND USE	ZONE CLASSIFICATION	
		AVO	AVC
<b>PERMITTED PRINCIPAL USES</b>			
1A	Runways, Taxiways, & Safety Areas	<b>P</b>	
2A	Aircraft Ramp & Parking Areas		

		<b>P</b>	
3A	Airfield Lighting	<b>P</b>	
4A	Aviation Navigation, Communication & Landing Aids For Airport And Aircraft Operations	<b>P</b>	<b>P</b>
5A	Airfield Control Towers & FAA Air Traffic Control Facilities	<b>P</b>	
6A	Meteorological Equipment	<b>P</b>	<b>P</b>
7A*	Communications Equipment	<b>P</b>	<b>P</b>
8A	Designated Airfield Safety Areas, Clear Zones & Runway Protection Zones	<b>P</b>	<b>P</b>
9A	Aircraft Runup Areas	<b>P</b>	
10A	Airport Access Roadways And Public Transportation Facilities	<b>P</b>	<b>P</b>
11A	Airfield Infrastructure & Utilities Serving Uses Permitted In Zone	<b>P</b>	<b>P</b>
12A	Infrastructure and Utilities Serving Other Zones Or Areas	<b>P</b>	<b>P</b>
13A	Aircraft Fueling Systems	<b>P</b>	
14A	Airfield Crash/Fire/Rescue (ARFF) Facilities, Including Staff Quarters & Offices	<b>P</b>	
15A	Other Aviation Activities Or Facilities Whose Location Is Fixed By Function By FAA Requirements	<b>P</b>	<b>P</b>
16A	Passenger Terminal Facilities	<b>P(1)</b>	
17A*	Hotel Facilities	<b>P(2)</b>	<b>P(3)</b>
18A*	Parking For Public And Employees	<b>P</b>	<b>P</b>
19A	Access, Parking, Transfer & Holding Areas, Intermodal Connections For Public Transit, High Capacity Transit, Buses, Taxis, Shuttles, And Other Forms Of Transportation	<b>P</b>	<b>P</b>
20A*	Passenger Vehicle Rental, Including Parking, Service And Preparation, And Customer Facilities	<b>P</b>	<b>P</b>
21A	Air Cargo Aircraft Loading And Unloading	<b>P</b>	
22A	Air Cargo Warehousing And Customer Service Facilities	<b>P</b>	<b>P</b>
23A	Flight Kitchens	<b>P</b>	<b>P</b>
24A*	Offices And Work & Storage Areas For Airline & Aviation Support	<b>P</b>	<b>P</b>
25A*	Facilities For The Maintenance Of Aircraft	<b>P</b>	
26A	Facilities For The Maintenance Of Airline & Airfield Equipment	<b>P</b>	<b>P(4)</b>
27A	Facilities For The Maintenance Of Airport & Airfield facilities	<b>P</b>	<b>P(4)</b>
28A*	Heavy Equipment Maintenance	<b>P</b>	
29A	Heavy Equipment Parking And Storage	<b>P</b>	
30A	Parking And Storage For Airline And Airfield Ground Service Equipment (GSE), Excluding The Parking And Storage Of Heavy Equipment		<b>P</b>
31A*	Conference Facilities		<b>P</b>
32A	Wholesale Sales And Distribution Facilities		<b>P</b>
33A	Retail Sales And Distribution Facilities		<b>P</b>
34A*	Warehousing And Distribution Facilities		<b>P(5)</b>
35A*	Manufacturing: Furniture/Fixtures		<b>P(6)</b>
36A*	Biomedical Product Facility		<b>P(6)</b>
37A*	Manufacturing: Computer/Office Equipment		<b>P(6)</b>
38A*	Manufacturing: Electronic Assembly		<b>P(6)</b>
39A*	Manufacturing: Aerospace Equipment		<b>P(6)</b>

40A*	Misc. Light Manufacturing		<b>P(6)</b>
41A*	Self-service Storage		<b>P(6)</b>
42A*	Public parks, trails or viewpoints	<b>P(7)</b>	<b>P(7)</b>
<u>42.1A</u>	<b><u>Borrow/Surface Mining Operations</u></b>	<b><u>P(8)</u></b>	<b><u>P(8)</u></b>
<b>ACCESSORY USES</b>			
43A	Airfield Service Roads And Access Improvements	<b>P</b>	<b>P</b>
44A	Airfield Security Facilities Such As Fencing, Gates, And Guard Stations	<b>P</b>	<b>P</b>
45A	Parking And Storage For Airline And Airfield Ground Service Equipment (GSE)	<b>P</b>	
46A	Inter-/Intra Terminal Transfer Facilities For People, Baggage, & Cargo	<b>P</b>	<b>P</b>
47A	Office And Staff Facilities To Serve Permitted Uses	<b>P</b>	<b>P</b>
48A	Employee Support Facilities Such as Cafeterias, Locker Rooms, Rest Areas, Restrooms And Exercise Areas	<b>P</b>	<b>P</b>
49A*	Temporary On-Site Hazardous Waste Treatment and Storage Facility	<b>P</b>	

\* Designates a use that is not exclusive to the AVO and AVC zones

- (1) Including accessory uses approved in the ILA.
- (2) Limited to hotel facilities immediately adjacent and providing direct physical access to Passenger Terminal Facilities.
- (3) Hotel convention facilities are an allowed associated use.
- (4) Excluding maintenance of heavy equipment (e.g. fuel tanks, runway snowplows)
- (5) Excluding Truck Terminals.
- (6) Provided that the use conforms with the requirements of Section 15.13.111A of the SMC.
- (7) The following special conditions shall apply to any AVO and AVC zone areas which are designated for public access parks, trails, or viewpoints:
  - Public access or recreational uses shall be limited as necessary to assure compatibility with airport and aviation activities. If use of Port-owned property by the public for access and recreation is permitted, it shall be considered compatible with airport operations, including noise and other impacts, and shall not establish a recreation use or other public activity under the U.S. Department of Transportation 4(f) provisions.
  - Public use and access shall be generally of low intensity. Density guidelines for numbers of people may be established by the Port and FAA, with input from the public and City of SeaTac.
  - Public use and access shall be subject to the requirements and needs of airport and aviation activities, including security, as determined by the Port and/or the FAA.
- (8) Subject to Best Management Practices (BMP) and the protection of adjacent properties, on a case by case basis, as agreed upon in advance between the City and the Port of Seattle. In no case shall a public parking lot be allowed as a use in a former borrow or surface mining operation.

Section 3. A new Section 15.10.102 is hereby added to the SeaTac Municipal Code, to read as follows:

#### **15.10.102 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 25% of the gross floor area of all buildings on the subject property.

Section 4. A new Section 15.14.230 is hereby added to the SeaTac Municipal Code, to read as follows:

#### **15.14.230 Deferral of Landscape Improvements**

The installation of required landscaping prior to occupancy may be deferred by the City Manager or designee if drought conditions have been declared by the State. If the installation of landscaping is deferred due to drought conditions, the applicant shall submit a Landscape Performance Bond, or other suitable financial guarantee, equal to 150% of the estimated cost of the landscaping, labor, and irrigation system prior to occupancy. Landscaping shall be installed at a reasonable time following cessation of the drought conditions, as mutually agreed upon between the City and the applicant.

Section 5. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by July 31, 2002.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 6th day of November, 2001, and signed in authentication thereof on this 6th day of November, 2001.

**CITY OF SEATAC**

\_\_\_\_\_  
Shirley Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date \_\_\_\_\_]



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**ORDINANCE NO. 01-1028**

AN ORDINANCE of the City Council of the City of SeaTac,  
 Washington, adopting the Annual Budget for the year 2002 and  
 appropriating funds for the estimated expenditures.

WHEREAS, State Law, Chapter 35A.33 RCW requires the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, public hearings, and final fixing of the budget; and

WHEREAS, a preliminary budget for the fiscal year 2002 has been prepared and filed; two public hearings have been held for the purpose of fixing the final budget; and the City Council has deliberated and has made adjustments and changes deemed necessary and proper;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The 2002 Annual Budget for the City of SeaTac, covering the period from January 1, 2002, through December 31, 2002, is hereby adopted by reference with appropriations in the amount of \$43,991,405.

Section 2. The budget sets forth totals of estimated appropriations for each separate fund, and the aggregate totals for all such funds. The said budget appropriation, in summary by fund and aggregate total of the City of SeaTac are as follows:

Fund Number Fund Name Appropriations

001 General	\$ 21,189,737
101 City Street	638,719
102 Arterial Street	3,430,210
105 Port ILA	760,530
106 Transit Planning	73,545
107 Hotel/Motel Tax	1,140,700
108 Building Management	435,000
201 LTGO Bond	427,480
202 Transportation Bond	865,296
203 Hotel/Motel Tax Bond	386,305
204 Special Assessment Debt	350,800
303 Fire Equipment Capital Reserve	50,000

Ordinance No. 01-1028

(continued)

Fund Number Fund Name Appropriations

306 Municipal Facilities CIP \$ 0

307 Transportation CIP 10,051,292

403 SWM Utility 1,363,514

406 SWM Construction 2,591,127

501 Equipment Rental 237,150

**TOTAL ALL FUNDS \$ 43,991,405**

Section 3. A complete copy of the final budget as adopted herein shall be transmitted to the Division of Municipal Corporations in the Office of the State Auditor, and to the Association of Washington Cities. One complete copy of the final budget as adopted herein shall be filed with the City Clerk and shall be available for use by the public.

Section 4. This Ordinance shall be in full force and effect for the fiscal year 2002 five (5) days after passage and publication as required by law.

ADOPTED this 27th day of November, 2001, and signed in authentication thereof on this 27th day of November, 2001.

**CITY OF SEATAC**

\_\_\_\_\_

Shirley Thompson, Mayor

ATTEST:

\_\_\_\_\_

Judith L. Cary, City Clerk

Approved as to form:

\_\_\_\_\_

Robert L. McAdams, City Attorney

Effective Date: \_\_\_\_\_

**ORDINANCE NO. 01-1029**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to employment and employees and amending the Pay and Compensation Plan of the City for non-represented employees,

**WHEREAS**, the City Council of the City of SeaTac, Washington has previously enacted Ordinance 93-1030 and various amendments thereto, codified at Chapter 2.65 SMC, establishing personnel policies and procedures and adopting a pay and compensation plan for City employees; and

**WHEREAS**, the City Council of the City of SeaTac , Washington has annually considered and amended the classification and compensation plan, including establishing cost of living increases, pursuant to SMC 2.65.030 and .040; and

**WHEREAS**, in order to address the need for a reasonable and fair compensation to non-represented city employees, and to provide a reasonable cost of living allowance, it is appropriate that modification of the pay and compensation plan be made,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

1. The salary ranges for the various positions of the employees of the City not represented by labor unions, with an annual salary less than \$60,000, shall be increased by the amount of 3.51 percent over the current level to reflect the COLA for 2002, effective January 1, 2002.
2. The salary ranges for the various positions of the employees of the City not represented by labor unions, with an annual salary more than \$60,000, shall be increased by the amount of 1.755 percent over the current level to reflect the COLA for 2002, effective January 1, 2002.
3. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

**ADOPTED** this 27th day of November, 2001, and signed in authentication thereof on this 27th day of November, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: \_\_\_\_\_

**ORDINANCE NO. 01-1030**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, repealing the moratorium adopted by Resolution No. 01-015, amending and adding sections to the City's Sign Code at SMC 15.16 to provide regulations for electronic signs, and making certain other clarifying and/or technical amendments.

**WHEREAS**, the purposes of the sign code are to allow signs that promote local business, while enhancing the visual environment of the City and mitigating impacts on traffic safety; and

**WHEREAS**, signage shall invite rather than demand the public's attention; and

**WHEREAS**, sign using certain display methods are more likely to have more distractive effects than other signs and may pose additional risk to traffic safety; and

**WHEREAS**, for these reasons the Council finds that signs which display fast-moving animation and television-quality video should be prohibited; and

**WHEREAS**, aesthetics and public safety are a valid basis to regulate signage; and

**WHEREAS**, the Comprehensive Plan supports implementing standards to ensure attractive and well-scaled signage to enhance the community image (Goal 6.2O);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY ORDAIN as follows:**

Section 1. Section 15.16.020 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.16.020 Definitions**

1. **Animation.** Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling of a static message or scene onto or off a sign board in one direction per message. Note that animation is prohibited per SMC 15.16.110(E).

**1.5 Area or Surface Area of Sign.** The greatest area of a sign, visible from any one (1) viewpoint, excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:

- a. "Surface area" includes only one (1) face of a multiple-double-faced sign. The surface area of the sign is determined by the height times the width of a typical rectangular sign; or other appropriate mathematical computation of surface area, for non-rectangular signs.
- a. "Surface area" of a sign with more than two faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two.
- b. In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one viewing angle. combination of circles or squares which the lettering fits into with the smallest possible diameter. Each individual word

on the sign shall be measured in this manner

### Figure 15.16.020a. SIGN SURFACE AREA CALCULATION

2. **Billboard.** Generally, a large outdoor advertising sign with two (2) structural supports, containing a message, commercial or otherwise, unrelated or related to any use or activity on the property on which the sign is located, but not including attached directional signs (not within the billboard face) as defined herein. The approximate sizes of the billboard faces range from twelve (12) to fourteen (14) feet in height and twenty-four (24) to forty-eight (48) feet in width.
3. **Building-Mounted Sign.** A single or multiple-faced sign attached to the face of a building or marquee.

### Figure 15.16.020b. BUILDING MOUNTED (WALL) SIGN

4. **Canopy.** A freestanding structure affording protection from the elements to persons or property thereunder.
5. **Canopy Sign.** Any sign or awning erected upon, against, or directly above a canopy.

### Figure 15.16.020c. CANOPY SIGN

5.5 Community Use. A public community center, library, museum, park, city hall, fire station or other public use operated for the benefit of the community.

6. **Construction Sign.** An informational sign which identifies the architect, engineers, contractors and other individuals of firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.

7. **Directional Sign.** A single or double-faced sign not exceeding nine (9) square feet in surface area designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

7.1 Display. The visual information shown on a sign, including text, graphics, pictures, lights, and background.

1. **Electronic Sign.** A sign containing a display that can be changed, by electrical, electronic or computerized process. See SMC 15.16.115 for requirements regarding electronic signs.
1. **Façade.** The exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building, (i.e. each architectural elevation) is considered one façade (See Figure 15.16.020(c)(1). For buildings with more than one occupant, the façade for each occupant shall be that portion of the exterior wall face between the points where the interior walls between tenants intersect with the exterior wall.

### Figure 15.16.020 c.1. FAÇADE

7.7 Flashing. A sign display that appears for less than one and one-half (1.5) consecutive seconds.

8. **Freestanding Sign.** A sign that has one (1) or two (2) (architecturally covered) columns supporting a sign and limited to the height standards established in this code.

**Figure 15.16.020 d. FREESTANDING SIGN**

9. **Grade (Ground Level).** The elevation or level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level to facilitate visibility of signage.

10. **Height of Sign.** The vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity.

10.5 Holographic Display. Any display that creates a three-dimensional image through projection. (Note: Holographic Displays are prohibited by SMC 15.16.110(G)).

11. **Incidental Sign.** Small signs, nine (9) square feet or less in surface area, ~~of a nonconforming nature;~~ intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only. Promotional signs are not considered incidental signs.

1. **Marquee.** A covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder. ~~Also considered an extension of a building-mounted sign.~~

12.5 Marquee Sign. A sign mounted to the fascia of a Marquee. ~~Also considered an extension of a building-mounted sign~~

12.7 Message. In an electronic sign, a set of sequential displays that convey related information about a product, service or company.

2. **Monument Sign.** A ground-mounted, fixed sign with a height ranging from five (5) to fifteen (15) feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.

**Figure 15.16.020e. MONUMENT SIGN**

~~145.~~ **Multiple Building Complex.** A group of structures housing more than one (1) type of retail business, office or commercial venture, and generally under one ownership and control.

~~154.~~ **Multiple Occupancy Building.** A single structure housing more than one (1) type of retail business office or commercial venture.

16. **Noncommercial Public Service Sign.** Noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages. including, but not limited to, the advertising of events sponsored by a governmental agency, school, church, civic or fraternal organization or other organization engaged in activities for profit.

17. **Office Building.** An office building as defined by the City of SeaTac Zoning Code.

1. **Parapet.** That portion of a building wall which extends above the roof of the building on all



building facades (See Figure 15.16.020f).

### Figure 15.16.020f. PARAPET

19. **Parapet Sign.** Any sign erected upon the parapet of a building, not to exceed the height of any roof structures housing building/ventilation equipment.

20. **Penthouse.** A structure on top of a building roof which houses an elevator shaft or similar form.

1. **Political Sign.** Signs advertising a candidate or candidates for public elective office or a political party, or signs urging a particular vote on a public issued decided by ballot.

22. **Primary Sign(s).** All signs of a user which are not exempt (see SMC 15.16.090). The term "primary sign" is intended to include virtually all signs of a commercial nature.

23. **Property Line.** The line denoting the limits of legal ownership of property.

24. **Readerboard.** A sign or part of a sign on which the letters are readily replaceable by manual means, such as changing magnetic letters on a sign board, such that the copy can be changed from time to time at will.

24.05 **Roof Sign.** A sign or sign structure erected above a roof, ~~or parapet, canopy, or porte cochere~~ of a building or structure.

1. **Scrolling.** The vertical movement of a static message or display on an electronic sign.

1. **Sign.** All surfaces/structures (permitted, exempt, or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.

25.1 Sign, Off-premises. A sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.

25.2 Sign, On-premises. A sign which displays a message which is directly related to the use of the property on which it is located.

26. **Single Occupancy Building.** A commercial building or structure with one (1) major enterprise. A building is classified as "single occupancy" only if:

- a. It has only one (1) occupant;
- b. It has no wall in common with another building; and
- c. It has no part of its roof in common with another building.

27. **Special Signs.** See "Temporary and Special Signs."

28. **Subdivision Signs.** Signs used to identify a land development of a residential nature.

29. **Surface Area.** See "Area or Surface Area of Sign."

30. **Surface Area of Facade.** The area of that continuous front, side or back surface, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of the facade shall be the area of that continuous front, side or back surface immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

31. **Temporary and Special Signs.** A nonpermanent sign intended for use for a period of time; includes any banner, pennant or advertising display constructed of canvas, fabric, wood, plastic, cardboard or wallboard, with or without a frame. Different types of temporary and special signs included in this category are: construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs and subdivision directional signs.

31.5 Travelling. The horizontal movement of a static message or display on an electronic sign.

32. **Window Sign.** All signs located inside and affixed to or within three (3) feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three (3) feet of a window.

Section 2. There is hereby added a new Section 15.16.025 of the SeaTac Municipal Code, to read as follows:

**15.16.025 Number of Primary Signs Permitted**

- A. For all zoning classifications, only one monument/free-standing sign is allowed per site. A site shall be considered a single business or a multiple-occupancy building, or multiple building complex. Each business shall also be allowed the façade signage described within SMC 15.16.030(B)(2) or SMC 15.16.040(B)(2).
- B. For all zoning classifications, where a site has multiple street frontages, one monument/freestanding sign shall be allowed on each street frontage, providing that there shall be a minimum of 100' between each freestanding sign.

Section 3. Section 15.16.030 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.16.030 Commercial/Office/Industrial Zone Classification Signs**

**A. General.**

1. In general, signs should be scaled to the building to which the sign is related. Accordingly, the following sections contain regulations on the area, number and height of signs which are a function of the size of the building to which the sign is related.

~~2. Each enterprise in a multiple building complex in an applicable business district which is composed of single and/or multiple occupancy buildings shall be permitted the primary signs described in subsections (C) and (D) of this section, and have the ability to combine their signage needs into a single monument/freestanding sign not to exceed eighty-five (85) square feet in area and fifteen (15) feet in height.~~

~~23.~~ Each enterprise shall display and maintain on-premises street address number identification.

~~4. A multiple occupancy building complex encompassing at least five (5) acres may display one (1) complex identification sign along each right-of-way which provides direct access to the complex.~~

**B. ~~Business District Standards.~~** The following standards regulate signs in the following ~~NB, CB, O/CM, and I~~ zones NB, CB, CB-C, ABC, I, O/CM, BP.

**1. Monument and Freestanding Signs.** Any monument or freestanding sign must be "integrated," that is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited. Monuments and freestanding signs may be illuminated through internal and external illumination. Internal or external illumination shall not create glare on adjacent traffic corridors. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager or designee prior to issuance of a sign permit.

a. Setbacks:

i. Interior lots: Five (5) feet from the front property line; ten (10) feet from the side property lines.

ii. Corner lots: Five (5) feet from all property lines.

Sign projections shall not obstruct any access points as required in SMC 15.13.100.

b. Maximum height: Fifteen (15) feet.

a. Maximum surface area:

i. Eighty-five (85) square feet per face;

ii. The size of electronic monument or freestanding signs is limited by SMC 15.16.115.

**1. Building-Mounted Signs, Parapet and Canopy-Mounted Signs.** The surface area of any building-mounted sign and parapet or canopy-mounted sign shall not exceed the figures derived from the following schedule The size of electronic signs for building-mounted, parapet and canopy signs is limited by SMC 15.16.115.

Additionally, the following conditions apply:

a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. The sign displayed by the tenant or user must be located on the facade that was used to determine the size of the sign, except as provided in this section.

b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building if:

- i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area that is directly related to the tenant.
- ii. The display of a sign on that facade by the secondary sign user will not create a significant adverse impact on dependent sign users of that facade.
- iii. The display of a secondary sign is necessary to reasonably identify and locate the use, and the provisions of this code do not provide the use with adequate sign display options.

~~In no case may the maximum sign surface area permitted on a building facade be exceeded.~~

c. Sign Height – Parapet Signs. The height of any wall/canopy sign or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.

d. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

~~e. Any building-mounted signs shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and principal product and/or service information.~~

~~e f.~~ All parapet and canopy signs must be manufactured in such a way that they appear to be a part of the building itself.

~~f g.~~ All building-mounted, marquee, parapet, roof, and canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.

~~g.~~ Window signs shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed.

a. In no case may the maximum sign surface area permitted on a building facade be exceeded.

~~C. Number of Primary Signs. A business, multiple occupancy building, or multiple building complex may not have more than one (1) monument/freestanding sign and the facade-related signs shall be limited by the surface area of the building facade.~~

~~D. Buildings on More Than One (1) Street.~~

~~1. Buildings facing more than one (1) street are entitled to a bonus in primary signing.~~

~~2. Building on Intersecting Streets. When a building is located on intersecting streets, two (2) monument signs are permitted if they are located on two (2) different streets and are separated more than one hundred (100) feet measured in~~

a straight line between signs. Otherwise, only one (1) monument sign is permitted, and must meet the setback limitation under subsection (B) of this section.

**C. Incidental Signs.** Incidental signs (SMC 15.16.020(11)) are not included in the number of primary signs so long as the individual signs do not exceed nine (9) square feet in surface area.

**D. Directional Signs.** Directional signs shall not exceed nine (9) square feet in surface area and may be located only on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic. Off-premises directional signs may be approved through a variance process described in SMC 15.16.160, when the applicant has demonstrated that his premises are located such that on-premises, directional signs are inadequate to reasonably apprise the public of the location of the premises.

Section 4. Section 15.16.040 of the SeaTac Municipal Code is hereby amended to read as follows:

### **15.16.040 Multi-Family Residential Zone Classification Signs**

**A. General.** This section applies to:

1. Multiple-family buildings and any commercial use, church, school or community use located in the T, UM, and UH, and O/C/MU zone classifications; and commercial/office businesses in the UH zone classification. It additionally encompasses churches and school facilities located within the UL, UM, and UH zone classifications.

2. A sign in these classifications may be internally illuminated, provided that:

a. The maximum size allowed for an internally illuminated sign shall be 25 s.f.

a. The background of any internally-illuminated sign shall be dark with only the letters or message of the sign illuminated.

b. Neon signage shall not be allowed.

1. See SMC 15.16.115 for separate size and other limitations regarding electronic signs.

4. The light source for any externally-illuminated sign shall be shaded, shielded, directed or reduced so that the light source is not visible from a public street or adjoining residential property.

**B. Setback Limitations Standards .**

1. The following limits shall apply: **Monument and Freestanding Signs.**

The following limits shall apply to monument and freestanding signs.

a. Setback: Five (5) feet from the property line.

b. Maximum sign height: Fifteen (15) feet.

c. Maximum surface area:

i. Thirty-five (35) square feet for multifamily uses;

ii. Thirty-five (35) square feet for any nonresidential use not on an arterial street,

- iii. Sixty (60) square feet for any nonresidential use ~~commercial/office uses~~ fronting on a minor or collector arterial street as defined within the City of SeaTac Comprehensive Plan;
- iv. Eighty-five (85) square feet any nonresidential use ~~commercial/office uses~~ fronting on a ~~primary~~ principal arterial street as defined in the City of SeaTac Comprehensive Plan.
- v. See SMC 15.16.115 for size limitations on electronic signs.

d. Design. Any monument sign must be "integrated" (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited.

**2. Facade Limitations, Building-Mounted Signs, Canopy-Mounted Signs.** The surface area of any building-mounted sign or canopy-mounted sign shall not exceed the figures derived from the following schedule. The size of electronic signs on building-mounted and canopy signs is limited by SMC 15.16.115.

Additionally, the following conditions apply:

a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by the tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.

b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:

~~a.~~ i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area.

~~b.~~ ii. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade.

~~c.~~ iii. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

c. Window signs shall be considered a building-mounted sign for the purposes of this section and shall be counted as part of the aggregate sign surface area allowed.

d. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

e. In no case may the maximum sign surface area permitted on a building facade be exceeded.

- a. Each building or complex of buildings shall display and maintain on-premises street address number identification.

**3. Sign Height – Parapet Signs.** The height of any such sign shall not exceed the

height of the building to which it is attached.

~~4. **Limitations.** Any monument or building-mounted signs located in these zone classifications shall be limited in content and message to identify the building and name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product of service offered.~~

- ~~A. **Number of Signs.** In the UM and UH zone classifications, no more than one (1) primary sign is permitted per street frontage. Buildings or building complexes on street corner locations may utilize monument signs only if they are located on two (2) different streets and are separated more than one hundred (100) feet, measured in a straight line between the signs.~~

~~Buildings or building complexes which extend a block to face on two (2) parallel streets are permitted two (2) primary signs on each street, only one (1) of which may be monument for each street.~~

~~For purposes of determining the limit on the number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one (1) building.~~

~~D. **Types and Placement of Primary Signs.** The permissible types of primary signs, their placement and other limitations are as follows:~~

~~1. **Monument/Freestanding Signs:**~~

~~a. Monument/freestanding signs shall set back five (5) feet from adjacent property boundaries.~~

~~b. Any monument sign must be "integrated" (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited.~~

~~2. **Building-Mounted Signs:**~~

~~a. Any building-mounted sign shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.~~

~~b. Any building-mounted signs shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and principal product and/or service information. Advertising shall not be permitted.~~

~~C. 3. Signs or portions of signs indicating premises for rent (e.g. "Apartment for Rent," "Apartment Available," "Vacancy," "Now Renting," etc.) shall not exceed a surface area of six (6) square feet.~~

~~4. The illumination of any sign in these classifications shall be from a source other than the sign itself, and this indirect source of illumination shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.~~

~~D. 5. **Incidental Signs.** In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in SMC~~

15.16.030(CF). Signs advertising premises for rent are considered primary signs, not incidental. ~~(subsection (D)(3) of this section).~~

1. ~~Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.~~

Section 5. Section 15.16.060 of the SeaTac Municipal Code is hereby amended to read as follows:

### **15.16.060 Single Family Residential Zone Classification Signs**

#### ~~Type and Size of Signs for Residential Dwelling Units.~~

- A. In individual dwelling units within the residential UR and UL, and T, zones, a sign with the occupant's name two (2) square feet is permitted.
- A. Each residential dwelling shall display and maintain on-premises street address number identification.
- B. Each subdivision, development of five (5) or more units in a townhouse zone, or senior citizen multi-family complex is permitted a monument/freestanding sign at its major entrances, not to exceed thirty-five (35) square feet per face and a total of seventy (70) square feet.
- D. Churches, Schools and Community Uses located within the UL, and T zone shall be allowed the signage described under SMC 15.16.040.
- E. Any home occupation shall be allowed the signage described in SMC 15.17.020C.
- A. Any daycare, or bed and breakfast located within the UL or T zone shall be allowed a nine (9) square foot sign.
- B. Electronic signs are not allowed, except as permitted by SMC 15.16.115.
- C. Internally illuminated signs are not allowed except as permitted under SMC 15.16.040 for churches, schools and community uses.

Section 6. Subsection B of Section 15.16.080 of the SeaTac Municipal Code is hereby amended to read as follows:

**B. Grand Opening Displays.** Temporary signs, posters, banners, strings of lights, clusters of flags, blinking lights, balloons and searchlights are permitted for one (1) week only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of one (1) week (seven (7) consecutive days). Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices in this code. For further limitations on searchlights, see SMC 15.16.110(HJ). Such displays are not exempt from permit requirements, and are permitted only where the enterprise so advertised is allowed under zone classification regulations.

Section 7. Subsection A of Section 15.16.090 of the SeaTac Municipal Code is hereby amended to read as follows:

A. Traffic or pedestrian control signs or signals, ~~or~~ signs in the public right-of-way indicating scenic or historic points of interest, or signs which are erected or placed by or on the order of a public officer in the performance of public duty;

Section 8. Section 15.16.110 of the SeaTac Municipal Code is hereby amended to read as follows:

### **15.16.110 Prohibited Signs**



The following signs or displays are prohibited, unless otherwise approved by this chapter. Prohibited signs are subject to removal by the City at the owner's or user's expense. **Any existing sign which is prohibited upon the effective date of this code shall be removed within six (6) months of notification from the City except as provided in SMC 15.16.120 regarding nonconforming signs.**

A. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located (except real estate "Open House" and subdivision directional signs as governed by SMC 15.16.080); provided, however; on-premises signs may call the attention of the public to public holidays or community events, the time and temperature;

B. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of any emergency (police, fire or ambulance) or radio equipment vehicle, or which obstruct the visibility of any traffic or street sign or signal device;

D. Signs which rotate or have a part(s) which move or revolve except the movement of the hands of a clock. ~~or digital changes indicating time and temperature or national market indices, or advertise a specific company or commodity located on-site are permitted;~~

E. Signs that display Animation, as defined in SMC 15.16.020(1).

~~EE. Signs, b Balloon~~ signs/symbols or displays; ~~or~~ banners; clusters of unauthorized flags; posters; pennants; ribbons; streamers; strings of lights; spinners, twirlers or propellers; flashing, rotating or blinking lights, chasing or scintillating lights; fluttering or moving lights or other illuminating device which has a changing light density or color; lasers; strobes or lights with stroboscopic effect; displays or lights that imitate the appearance of explosions or fireworks; flares; balloons; bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under SMC 15.16.090(I) or for grand openings of new businesses under SMC 15.16.080(B);

G. Holographic displays as defined in SMC 15.16.020 (10.5).

~~HF-~~Signs identifying, or window signs advertising activities, products, businesses or services which have been discontinued for more than sixty (60) days on the premises upon which the signs are located;

~~GI.~~ Private signs on utility poles as prohibited by RCW;

~~HJ.~~ Searchlights, except if:

1. They are used by any business or enterprise once yearly for a maximum period of seven (7) consecutive days or for purposes of the grand opening of a new enterprise or an enterprise under new management for a maximum period of seven (7) consecutive days (See SMC 15.16.080(B)); and

2. The beam of the searchlight does not flash against any building or does not

sweep an arc greater than forty-five (45) degrees from vertical; and

~~HK~~ Portable signs, which for the purpose of this code shall mean a stand-alone readerboard and a sign which has no permanent attachment to a building or the ground, including A-frame signs, pole attachments, mobile signs, but not including real estate open-house signs or A-frame signs permitted under SMC 15.16.080, and political signs; provided such political signs must meet the requirements of SMC 15.16.080(D) and (E), where applicable;

~~HL~~ Signs for which a permit has been granted under conditions with which the permittee does not comply;

~~KM~~. Signs for which a permit has been granted and subsequently revoked for cause by the City Manager, or designee;

~~EN~~. Direction signs, except where specifically authorized under provisions of this code;

~~MO~~. Signs erected, altered or relocated (excluding copy change) without a permit issued by the City or any other governmental agency which require a permit by law;

~~N~~. ~~Off-site signs in public rights-of-way or located on private property when they exceed the number of signs allowed within that zone classification/district. Additionally, any incidental sized sign in regard to off-site signs shall not be permitted;~~

~~OP~~ Billboards as defined in SMC 15.16.020(2), except those qualifying as nonconforming signs pursuant to SMC 15.16.120.

~~PQ~~. Roof Signs (Roof Signs are exempt from the provisions of Section 15.16.160G.4.).

~~R~~ Off-premises Signs.

Section 9. There is hereby added a new Section 15.16.115 of the SeaTac Municipal Code, to read as follows:

**15.16.115 Electronic Signs**

Electronic signs, as defined in SMC 15.16.020 7.3 shall be allowed, provided they comply with the following requirements:

**A. Size and Location.**

1. Freestanding/Monument Signs.

- a. That portion of the sign that constitutes the electronic changeable display shall be allowed as follows:

<u>Zone</u>	<u>Maximum Electronic Portion of Sign</u>	<u>Maximum Total Size of Sign</u>
<u>CB, CB-C, O/CM, I, ABC</u>	<u>55 s.f.</u>	<u>85 s.f.</u>

<u>NB, BP</u>	<u>25 s.f.</u>	<u>85 s.f.</u>
<u>Churches, Schools, Community Uses in UL, T, UM, UH, O/C/MU, P</u>	<u>0 s.f.</u> <u>0 s.f.</u> <u>25 s.f.</u>	<u>35 s.f. Not on an arterial</u> <u>60 s.f. On a minor/collector arterial</u> <u>85 s.f. On a principal arterial</u>
<u>Commercial Uses in O/C/MU, T, UM, UH</u>	<u>0 s.f.</u> <u>0 s.f.</u> <u>25 s.f.</u>	<u>35 s.f.</u> <u>60 s.f. On a minor/collector arterial</u> <u>85 s.f. On a principal arterial</u>
<u>Multi-family Uses in T, O/C/MU, UM, UH</u>	<u>0 s.f.</u>	<u>35 s.f.</u>

- a. Electronic signs shall have a non-electronic, fixed portion of the sign that is at least 50% of the size of the electronic portion of the sign.

## 2. Building-Mounted Signs.

- a. Building-mounted electronic signs are not allowed in the following zones: UL, T, O/C/MU, UM, UH, P, NB.
- b. In all other zones, a site or property shall be allowed a maximum of 55 s.f. of building-mounted electronic changeable display per street frontage. Any electronic sign shall have a non-electronic, fixed portion of the sign that is at least 50% of the size of the electronic portion of the sign.

## B. Display.

- The display of the sign shall not change more rapidly than once every one and one-half (1.5) seconds.
- The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
- Scrolling or travelling of a static display onto the sign from one direction only per display shall be allowed, provided that each display remains in a static state for at least one and one half (1.5) seconds. There shall be ten (10) seconds of still image or blank screen following every scrolling or travelling display.
- No message shall require more than ten (10) seconds to be displayed in its entirety.
- The display shall have a dark background with only the message or foreground lit in a white, amber or other light tone or shade.

## C. Light Levels.

- All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- Maximum brightness levels for electronic signs in commercial/industrial zones

shall not exceed 8000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.

3. At no time shall the sign be operated at a brightness level greater than the manufacturers' recommended levels.

#### **A. Residential Zones.**

1. Electronic signs shall not be allowed within any dwelling or home occupation in any residential zone.
2. Businesses, churches or schools are allowed electronic signs providing that:
  - a. They comply with A-C1 and C3. Above;
  - b. The brightness level shall not exceed 8000 nits when measured from the sign's face at its maximum brightness during the daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.
  - c. Electronic displays in residential zones shall be turned off between the hours of 10 pm and 7 am.

#### **E. Additional Requirements.**

1. Electronic sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or travelling speed, and other display operations.

2. Electronic sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

Additionally, whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign shall be available to City staff for inspection upon request. If the computer interface is not immediately available, the sign shall cease operation until such program can be provided.

Section 10. Subsection A of Section 15.16.120 of the SeaTac Municipal Code is hereby amended to read as follows:

#### **15.16.120 Nonconforming Signs**

**A. General.** To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of original adoption of this code, this section provides for up to nine (9) years of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the code's enactment.

Section 11. Subsection B of Section 15.16.130 of the SeaTac Municipal Code is hereby amended to read as follows:

**B. Permit Applications.** Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing ~~the design and dimensions of the sign,~~ display faces with the proposed message and design accurately represented as to size, area, proportion, and

color details of its proposed placement, and such other pertinent information as the Code Administrator of this code may require to insure compliance with this code and other applicable ordinances. For additional requirements for electronic signs, see SMC 15.16.115E. Permit applications shall be available for inspection by the public upon request.

Section 12. Subsections C and E of Section 15.16.140 of the SeaTac Municipal Code is hereby amended to read as follows:

**C. Sign Illumination.** Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Additionally, electronic signs shall meet the standards of SMC 15.16.115.

**E. Sign Obstructing View or Passage.** No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress, or visibility of traffic flow during ingress or egress, from parking areas of any way open to the public.

Section 13. Subsection G of Section 15.16.160 of the SeaTac Municipal Code is hereby amended to read as follows:

**G. Limitation of Authority.** The Hearing Examiner may not grant a variance to:

1. Any dimensional request of the Sign Code greater than fifty percent (50%) of the required dimension of a sign (setbacks from a property line shall not be deemed a dimensional standard of a sign); or
2. The number of signs permitted on a site or zone classification; or
3. The general provisions of this code or any other procedural or administrative provisions of the code that do not directly apply to this chapter; or
4. The provisions of the Sign Code which are not subject to variances shall include, by the terms of this code, type of signs and any prohibited or illegal signs, and the dimensional standard of the changeable portion of an electronic sign.

Section 14. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 15. The moratorium adopted on June 12, 2001, pursuant to Resolution No. 01-015, is repealed as of the effective date of this Ordinance.

Section 16. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 17. This Ordinance shall be in full force and effect five (5) days after publication.

**ADOPTED** this 27th day of November, 2001 and signed in authentication thereof on this 27th day of November, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

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**ORDINANCE NO. 01-1031**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting Design Standards for Multi-family Housing.

**WHEREAS**, Interim Standards for Multi-family Housing were adopted January 11, 2000 by Ordinance 00-1002; and

**WHEREAS**, the Interim Standards were renewed on three separate occasions while an appeal of the environmental determination was heard by the hearing examiner and the court system; and

**WHEREAS**, the appeal was dismissed as being without merit; and

**WHEREAS**, a public hearing was held on November 5, 2001 regarding adopting the aforesaid design standards for multi-family housing on a permanent basis, and

**WHEREAS**, in response to comments made at the public hearing, revised language for three sections was developed and is reflected in the proposed ordinance; and

**WHEREAS**, the recitals made in Ordinance 00-1002 and the findings of fact made by Resolution 00-002 in support of the Interim Design Standards for Multi-family Housing are hereby incorporated by reference in their entirety: and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY ORDAIN as follows:**

Section 1. The Interim Design Standards for Multi-family Housing, as adopted by Ordinance 00-1002 and as codified in the SeaTac Municipal code are hereby adopted on a permanent basis.

Section 2. Any references to the standards as "interim" shall be removed.

Section 3. SMC 15.19.210 is hereby amended to read as follows:

**15.19.210 Pedestrian Building Entries**

**Intent:** Provide pedestrian entries that are prominent and highly visible from other buildings and public areas and consider safe alignments of sidewalks and paths. Elevating units a short distance above the grade contributes to privacy and security.

A. Entries from the street should be clearly marked with canopies, architectural elements, ornamental lighting, or landscaping.

B. Entries from parking lots should be subordinate to those related to the street.

C. Clear pedestrian paths separate from parking areas shall connect building entrances to sidewalks.

E. Townhouses and multi-family buildings shall utilize half flight-up front entries off the street, giving privacy as well as a view of the street and sidewalk. ~~Accessibility requirements, where required, may be met through back entries.~~ An entry raised two and a half (2.5) feet above the grade shall be considered sufficient to meet this requirement. In units where the grade is a minimum of 2.5 feet above the adjacent parking, sidewalk or other common areas, the half flight-up entry requirement shall be deemed to have been met.

The Director of Planning and Community Development may waive this requirement if half flight-up entries are not feasible or desirable in a given design, such in senior housing, or where disabled access is required.

Section 4. SMC 15.19.230 is hereby amended to read as follows:

### **15.19.230 Neighborhood Compatibility/Relation to Adjacent Development**

**Intent:** Achieve a compatible transition between two zones of differing height, bulk and scale requirements. Consideration should be given to the scale and design of surrounding buildings to promote compatibility and complement or enhance the character of existing single-family neighborhoods.

Properties abutting a UL zone, where the UL zone has a Comprehensive Plan designation of Residential Low, shall incorporate the following:

A. A maximum building height of thirty-five (35) feet shall apply to all portions of a structure within sixty (60) feet of a UL zone with a Residential Low Comprehensive Plan Designation. The thirty-five (35) foot height shall be measured from the base elevation of the UL-zoned property, to the midpoint of any sloped roof; provided that if the multi-family grade elevation is higher than the single-family property, in no case shall the height of the multi-family building be limited to less than 35 feet as measured per SMC 15.13.020C. The base elevation of the UL-zoned property shall be determined by the average of the elevation along the common property line with the subject property opposite the proposed multi-family building(s) at right angles from the property line. The allowed height shall increase at no more than one (1) foot vertical for each foot horizontal until the maximum allowed height in the zone is reached (see figure 15.19.230A).

B. A minimum roof pitch of six feet of height for each twelve linear feet of roof (6:12) shall be required for all portions of multifamily buildings within sixty ( 60) feet of a UL zone with a Residential Low Comprehensive Plan designation, and for all multifamily buildings fronting on a street directly across from a UL zone with a Residential Low Comprehensive Plan designation.



**Figure 15.19.230A.** Building height adjacent to a UL zone with a Residential Low Comprehensive Plan Designation is limited to 35 feet for the first 60 feet, then may increase at a 45 degree angle. Height is measured per 15.13.020C.

C. A minimum side and/or rear yard building setback of twenty (20) feet shall apply if the side or rear property boundaries are adjacent to a UL zone with a Residential Low



Comprehensive Plan Designation. Side/rear yard landscaping shall occupy all or part of the required building setback, as specified by land use in SMC 15.14.060.

D. Scale and massing of adjacent residential development shall be considered in the design of new multi-family development. An effective architectural fit within the neighborhood shall be achieved through similarity of design with the adjacent development in one or more of the following ways:

1. Similar building proportions, including stepbacks on upper levels;
2. Similar building articulation;
3. Similar roof lines, pitches, and shapes;
4. Similar relationship to the street for entryways and setbacks; and/or
5. Similar architectural details or features such as bay windows, dormers, porches, finish materials, recessed entries, and other elements.



**Figure 15.19.230B.** The building on the right shows how a multi-family structure can be designed to complement an existing neighborhood through the use of similar building modulation and setbacks. The building on the right covers roughly the same lot area as the structure on the left, while appearing as if it "fits" in its surroundings.

Section 5. SMC 15.19.520 is hereby amended to read as follows:

#### **15.19.520 Play Space for Children**

**Intent:** Provide for adequate, safely located play space for children. Safe locations are ones that are accessible without crossing circulation areas, and provide for observation by parents and caretakers from the main use areas of nearby units, and from nearby seating and recreation areas.

- A. At least 50% of the required outdoor recreation and open space area required for units of two or more bedrooms shall be laid out in a manner that makes it suitable and safe as play space for children. The children's play space shall contain a minimum of one (1) set of children's play equipment as approved by the Director of Planning and Community Development. Sitting or recreation areas for adults shall be located in close

proximity.

B. At least 50% of any indoor facilities and outdoor single-purpose facilities required for units of two or more bedrooms shall be appropriate for use by children of various ages. Exercise facilities in complexes containing 2 or more bedroom units shall provide for adult exercise opportunities with the ability to watch children nearby.

C. Play space for children shall be centrally located, visible from the dwellings, and away from hazardous areas like garbage dumpsters, drainage facilities, streets, other vehicular travel ways, woods, and parking areas.

D. All units two bedroom units or larger shall be oriented to provide visibility of children's play areas from a kitchen or main living room area. ~~A minimum of 50% of such dwellings shall be oriented to permit visibility of children's play areas from kitchen windows.~~ Alternatively, closed circuit TV monitoring of children's play areas shall be installed and access shall be provided by apartment management to tenants with children.

Section 6. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 8. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 27th day of November, 2001 and signed in authentication thereof on this 27th day of November, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Julie Elsensohn, Assistant City Attorney

[Effective Date: \_\_\_\_\_]

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**ORDINANCE NO 01-1032**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to ad valorem property taxes; establishing the amount to be levied in 2002 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 2002.

**WHEREAS**, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be levied by ad valorem taxes; and

**WHEREAS**, RCW 84.52.020 requires that, upon fixing of the amount to be so levied, the City Clerk shall certify the same to the Clerk of the King County Council; and

**WHEREAS**, RCW 84.55.120, as amended in 1997 by Referendum 47, requires a statement of any increased tax in terms of both dollar revenue and percentage change from the previous year; and

**WHEREAS**, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has now certified the assessed valuation of all taxable property situated within the boundaries of the City at \$3,042,645,615; and

**WHEREAS**, approval of Initiative 747 by voters on November 6, 2001 limits property tax increases to the lower of 1% or the rate of inflation; and

**WHEREAS**, Initiative 747 does not prohibit the City from using banked capacity from previous years, and the City Council adopted Ordinance No. 98-1053 in December of 1998 that banked unused tax levy capacity for the year 1999 that could be used in the future should the need arise;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

**SECTION 1. Levy Rate Fixed.**

The regular ad valorem levy for collection during the fiscal year of 2002 is hereby set at \$2.80 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

**SECTION 2. Estimated Amount to be Collected by Ad Valorem Taxation.**

The amount of revenue to be collected by the City in the fiscal year 2002 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$8,517,073. This levy amount is determined as follows:

2001 Actual Tax Levy \$8,257,456

2002 Base Tax Levy \$8,340,031 (1.00% increase over prior year)

+ levy on new construction 30,042

+1999 banked levy capacity 147,000

Total 2002 Tax Levy **\$8,517,073**

**SECTION 3. Effective Date.**

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 11th day of December, 2001, and signed in authentication thereof on this 11th day of December, 2001.

**CITY OF SEATAC**

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Shirley Thompson, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1033**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2001 Annual City Budget for miscellaneous items.

**WHEREAS**, the City Council has reviewed Agenda Bill #2093 submitted by the Finance and Systems Department, which details certain unanticipated expenditures throughout the year necessitating amendment to the 2001 Budget;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2001 Annual City Budget shall be amended to increase (decrease) the following departmental budgets in the General Fund, with no net impact on the General Fund budget in total:

Police Services \$(10,000)

City Manager 10,000

Section 2. The 2001 Annual City Budget shall be amended to increase the budget of the Equipment Rental Fund by \$29,000.

Section e. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 11th day of December, 2001, and signed in authentication thereof on this the 11th day of December, 2001.

**CITY OF SEATAC**

Shirley Thompson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 01-1034**

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending portions of the City of SeaTac Comprehensive Plan.

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt a Comprehensive Plan, which plan is required to include various elements for land use, housing, transportation, capital facilities and utilities, and which may include other elements, such as community image, economic vitality, environmental management, parks, recreation and open space, and human services; and

**WHEREAS**, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings; and

**WHEREAS**, the State Growth Management Act provides for amendments to the Comprehensive Plan no more than once per year; and

**WHEREAS**, it is necessary to update the Comprehensive Plan's implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

**WHEREAS**, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan, and

**WHEREAS**, procedures for amending the Plan have been implemented in 2001, including a public meeting to solicit input, acceptance of proposals for Comprehensive Plan amendments, evaluation according to preliminary criteria, elimination of proposals not meeting preliminary criteria, and evaluation of the remaining proposals according to final criteria;

**WHEREAS**, the environmental impacts of the proposed amendments have been assessed and a Mitigated Determination of Nonsignificance, File No. SEP01-00023, was issued October 26, 2001; and

**WHEREAS**, after a public hearing on November 5, 2001 to consider proposed amendments to the Comprehensive Plan, the Planning Advisory Committee recommended to the City Council adoption of proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report (Attachment A); and

**WHEREAS**, after consideration of the recommendation of the Planning Advisory Committee, the Department of Planning and Community Development has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report (Attachment A); and

**WHEREAS**, the Comprehensive Plan Land Use Plan Map (Map 1.5) must be amended to reflect the map-related amendment as set forth on Exhibit A hereto; and

**WHEREAS**, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

**WHEREAS**, five copies of these proposed amendments were filed with the Washington Office of Community Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

Section 1. The City of SeaTac Comprehensive Plan, adopted on December 20, 1994, is hereby amended as set forth in Exhibit A (attached) and a copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection.

Section 2. The Comprehensive Plan Land Use Plan Map (Map 1.5) and other Comprehensive Plan Maps are hereby amended to be consistent with the map-related amendments as set forth on Exhibit A hereto; and

Section 3. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Washington Office of Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 4. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 11th day of December, 2001 and signed in authentication thereof this 11<sup>th</sup> day of December, 2001.

CITY OF SEATAC

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Shirley Thompson, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Bob McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

## Exhibit A

# 2001 Comprehensive Plan Amendments

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