

Title 15

ZONING CODE

Division I. General Provisions

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Chapter 15.105

Definitions

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15.105.010 “A” Definitions.

Accessory Dwelling Unit (ADU)

~~A habitable living dwelling unit created within, attached to, or detached from located on the same lot as a single-family residence detached dwelling unit, that provides the basic requirements of shelter, heating, cooking and sanitation within the unit. duplex, triplex, townhome, or other housing unit.~~

Accessory Dwelling Unit (ADU), Attached

An ADU located within or attached to a detached dwelling unit, duplex, triplex, townhome, or other housing unit.

Accessory Dwelling Unit (ADU), Detached

An ADU that consists partly of or entirely of a building that is separate and detached from a detached dwelling unit, duplex, triplex, townhome or other housing unit and is on the same property.

Affordable Housing

Unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

A. For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

B. For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

15.105.030 “C” Definitions.

Conditional Use

A use which is not permitted outright in a zone classification due to the nature of impacts created by the use, but which may be authorized under specific conditions based upon decision criteria of SMC 15.115.020, Conditional Use Permit (CUP).

~~Major Conditional Use: Requires review and approval by the Hearing Examiner.~~

~~Minor Conditional Use: Requires review and approval by the Director.~~

Cottage Housing

Residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of twenty (20) percent of the lot size as open space.

Courtyard Apartments

Attached dwelling units arrange on two (2) or three (3) sides of a yard or court.

15.105.040 “D” Definitions.

Duplex

~~A residential building containing with two (2) attached dwelling units totally separated from each other by either an unpierced wall extending from basement to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.~~

Dwelling Unit

~~Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family. A residential living unit that provides complete independent living facilities for one (1) or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.~~

~~Dwelling Unit, Caretaker/Manager-~~

~~A dwelling unit attached to a nonresidential building.~~

Dwelling Unit, Detached

A dwelling unit that is not attached to any other dwelling unit by any means. Does not include accessory dwelling units (ADUs).

15.105.050 “E” Definitions.

Emergency Shelter

An indoor facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelters may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day cooling and warming centers that do not provide overnight accommodations.

15.105.060 “F” Definitions.Family

~~An individual or two (2) or more persons related by genetics, marriage, or adoption, or a group of not more than five (5) persons who need not be related by genetics or marriage, living together in a dwelling unit.~~

Fiveplex

~~A residential building with five (5) attached dwelling units.~~

Fourplex

~~A residential building with four (4) attached dwelling units.~~

15.105.070 “G” Definitions.Ground Floor Active Use

~~A ground floor use of a mixed-use building that attracts pedestrian activity, provides access to the general public, and conceals uses parking and other non-active uses if present on site. Examples of active ground floor uses include but are not limited to offices, retail, restaurants, cafes, and barber shop or hair salons. Ground floor active uses shall not include uses with access limited to the residents of the building; for example on-site gyms that do not allow public access.~~

15.105.080 “H” Definitions.~~Homeless Encampment~~

~~An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.~~

15.105.130 “M” Definitions.Major Transit Stop

~~A. _____ A stop on a high-capacity transportation system found or expanded under the provisions of chapter 81.104 RCW;~~

~~B. _____ Commuter rail stops;~~

~~C. _____ Stops on rail or fixed guideway systems; or~~

~~D. _____ Stops on bus rapid transit routes.~~

~~Mobile Manufactured Home Park~~

~~Land under single ownership and control designed and used for the temporary or permanent placement of two (2) or more manufactured or mobile-homes for human occupancy.~~

Middle Housing

~~Buildings that are compatible in scale, form, and character with detached dwelling units and contain two (2) or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.~~

Mobile Home

~~A detached building containing one (1) dwelling unit for a family, but not constructed within HUD standards, with running gear, attached or detachable, that allows it to be relocated.~~

Multi-Family Building

A building containing ~~three (3)~~ seven (7) or more or more dwelling units that does not meet the definition of ~~a townhouse~~ middle housing.

15.105.150 “O” Definitions.

Outdoor Encampment

Any temporary tent or structure encampment, or both

15.105.180 “R” Definitions.

Religious Organization

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. (RCW 36.01.290(6)(c))

Resident-Oriented Uses

A non-residential use that primarily seeks to serve local residents and the community’s day-to-day needs. Examples of resident-oriented uses include, but are not limited to cafes, restaurants, barber shops, hair salons, libraries, community centers, and grocery or convenience stores. Resident-oriented uses do not include hotels, motels, bed and breakfast, or other short-term rentals.

15.105.190 “S” Definitions.

Sixplex

A residential building with six (6) attached dwelling units.

Stacked Flat

Dwelling units in a residential building of no more than three (3) stories on a residential zoned lot in which each floor may be separately rented or owned.

15.105.200 “T” Definitions.

Tiny Houses

Including tiny houses on wheels, are dwellings to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking and sanitation built in accordance with the state building code.

Townhouse

A building containing at least three (3) attached dwelling units in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls that extend from foundation to roof and that have a yard or public way on not less than two (2) sides.

Triplex

A residential building with three (3) attached dwelling units.

Chapter 15.110

Calculations, Measurements and Lot Designations

Sections:

15.110.005	Purpose
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15.110.020	Lot Types
15.110.030	Designation of Lot Lines – CHANGES PROPOSED
15.110.040	Yard Setbacks
15.110.050	Lot Area
15.110.060	Lot Width
15.110.070	Structure Height
15.110.080	Lot Coverage

15.110.030 Designation of Lot Lines

The property lines that establish the boundaries of buildable lots shall be designated as follows:

A. Front Lot Lines.

Lot Type	<u>Single-Family Detached Dwelling Unit</u> (Except for small lot <u>single-family detached dwelling unit</u> , duplex, townhouse or lots created through long subdivision.)	Other (Includes small lot <u>single-family detached dwelling unit</u> , duplex, townhouse, multi-family, lots created through long subdivision and other non- <u>single-family detached dwelling unit</u> uses.)
Interior Lot	The boundary that abuts the public street. In cases where the boundary abuts a private street, the property owner shall pick the front lot line.	The boundary that abuts the public or private street.
Corner Lot	Those boundaries that abut a public street. If a lot abuts three (3) or more public streets, the lot shall have a front lot line only on the two (2) public streets with the highest roadway classifications. If a determination cannot be made as to which of the three (3) public streets have higher classifications, or where there are multiple private streets, the property owner shall pick the two (2) front lot lines.	Those boundaries that abut a public or private street. If a lot abuts three (3) or more public or private streets, the lot shall have a front lot line only on the two (2) public or private streets with the highest roadway classifications. If a determination cannot be made as to which of the three (3) public streets have higher classifications, or where there are multiple private streets, the front lot lines shall be determined by the Director, taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.
Through Lot	The boundary that abuts the public street with the highest street classification according to the City of SeaTac Comprehensive Plan. If the two (2) public streets have the same classification, then the property owner shall choose which is the front lot line.	Those boundaries that abut a public or private street.
Panhandle Lots	The handle or access portion of the lot shall not be used to determine lot lines. Lot lines shall be determined as if no handle was on the lot. The front lot line shall be determined by the property owner at the time of construction.	The front lot line shall be determined by the Director taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.
Internal Lots	The front lot line shall be determined by the property owner at the time of construction.	The front lot line shall be determined by the Director taking into consideration pedestrian and vehicle connectivity and the surrounding pattern of development.

B. **Rear Lot Lines.** The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

C. **Side Lot Lines.** All lot lines which do not qualify as a rear or front lot line.

Chapter 15.115

Land Use Actions and Procedures

Sections:

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15.115.020	Conditional Use Permit (CUP) – CHANGES PROPOSED
15.115.030	Development Agreements - CHANGES PROPOSED
15.115.040	Essential Public Facilities
15.115.050	Zone Reclassification (Rezone) – CHANGES PROPOSED
15.115.055	Preliminary Site Plan – CHANGES PROPOSED
15.115.060	Hearing Examiner Development Review Process - REPEALED
15.115.070 <u>060</u>	Appeal Process

15.115.010 Variance

A. A variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.

B. The applicant must show that the proposed development issue requiring a variance meets all of the following criteria for approval, except as specified in subsection (~~DC~~) of this section:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
4. That the special circumstances necessitating the variance have not resulted from any action of the applicant; and
5. That the requested variance will not create a use not generally permitted within the zone in which the subject property is located.

~~C. The requested variance is decided by the City's Hearing Examiner through a public hearing process, except in cases where the requested change involves less than twenty percent (20%) variance to a standard. In these cases, the variance may be decided by the Director, provided the following criteria are met in addition to those in subsection (B) of this section:~~

- ~~1. The variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity.~~
- ~~2. The person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure in the normal course.~~

~~D. C.~~ A variance from the standards for macro facilities regarding height, setbacks, aesthetics (including concealment), equipment enclosures and the dimensions of freestanding poles specified in Chapter 15.480 SMC,

Wireless Communication Facilities, may be granted ~~by the Hearing Examiner~~ only in situations where all of the following criteria are met. These criteria shall apply in lieu of those specified in subsection (B) of this section.

1. The specified standard would have the effect of prohibiting the provision of wireless service;
2. The variance will not harm the public welfare of adjacent properties;
3. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located;
4. The variance is the minimum necessary to grant relief to the applicant;
5. Any request for a variance from the standards regarding height, aesthetics, equipment enclosures and dimensions of freestanding poles specified in Chapter 15.480 SMC, Wireless Communication Facilities, shall include a written report that specifies:
 - a. The necessity of the site to provide the wireless service; and
 - b. The necessity of the requested variance as the minimum necessary to meet the service provider's technical need; and
 - c. An assessment of all feasible alternatives that could meet the service provider's technical need. The alternatives assessment shall include collocations and alternative sites.

15.115.020 Conditional Use Permit (CUP)

A. ~~Major Conditional Use Permit.~~ A ~~major~~ conditional use permit (CUP) is a permit ~~granted by the Hearing Examiner~~, which sets special conditions regarding a use in a zone where the use is not permitted outright due to the nature of impacts created by the use.

~~B. Minor Conditional Use Permit. A minor conditional use permit may be granted by the Director to allow specified uses as listed under subsection (E) of this section.~~

~~C. B.~~ The CUP process is a means of imposing special conditions and requirements on development, so that the compatibility of uses shall be maintained considering other existing and potential uses within the general area where the conditional use is proposed. Conditions imposed on a CUP will reasonably assure that a nuisance or hazard to life or property will not occur. The CUP process is not a means to reduce the requirements of a zone classification where the conditional use is proposed.

~~D. C.~~ The applicant must show that the proposed development satisfies all of the following criteria for approval ~~by the Hearing Examiner or Director~~:

1. The proposed use is listed as a conditional use under SMC 15.205.040, Use Chart;
2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood;
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use;
4. The conditional use would not be detrimental to surrounding land use;
5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code;
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

7. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts; and

8. For new wireless macro facilities (SMC 15.480) and subsidiary uses (SMC 15.470), all use-specific criteria in those chapters are met.

~~E. A minor conditional use permit may be granted by the Director only in the following situations:~~

~~1. The minor conditional use must conform to the criteria as set forth in this section and all other requirements of this code.~~

~~2. To allow the expansion of an existing, legal conditional use which has previously been permitted within the zone classification, provided the requested expansion of the existing conditional use is either:~~

~~a. No greater than twenty percent (20%) of the gross floor area of the existing conditional use; and~~

~~b. Exempt from environmental review under the State Environmental Policy Act (SEPA).~~

~~3. To allow location of a new concealed freestanding macro facility in a low intensity zone, subject to the requirements set forth in Chapter 15.480 SMC, Wireless Communication Facilities.~~

~~4. To allow subsidiary uses in:~~

~~a. School facilities or City facilities within the residential zones and Park zone; and~~

~~b. Religious use facilities in residential zones.~~

~~See criteria in Chapter 15.470 SMC, Subsidiary Uses.~~

~~5. To allow location of permanent supportive housing and transitional housing consistent with Chapter 15.205 SMC, Land Use Chart, and subject to the requirements set forth in SMC 15.465.350, Supportive Housing Facilities Standards.~~

15.115.030 Development Agreements

A. 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.

B. The terms of any such development agreement shall be consistent with the Comprehensive Plan and with the development regulations of this code, and the provisions of this section. Development agreements are subject to the public hearing notice requirements contained in SMC 16A.13.010, Notice of Public Hearing.

~~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, 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 City Council.~~

B.C. Terms of the proposed development agreement shall be subject to the preapplication meeting process set forth at SMC 16A.05.020, Preapplication Meetings, and such other provisions of SMC Title 16A, Development Review Code, as may be deemed appropriate by the City.

C.D. The Director is authorized, but not required, to 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 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 noncompliance if the interim use is not converted to the permanent use in 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, offset 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.

D.E. If the Director 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. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.

E.F. The decision of the Council shall be final immediately upon adoption of a resolution authorizing or rejecting the development agreement.

F.G. 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.H. 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.

I. The Director 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.

15.115.050 Zone Reclassification (Rezone)

A. The purpose of a rezone is to provide a change of zoning to allow a new or different land use which conforms with the City Comprehensive Plan. A rezone may be approved when there has been a change in conditions, and/or is necessary to implement the Comprehensive Plan.

B. The applicant must show that the proposed ~~development~~ rezone satisfies the following minimum criteria for approval by the Hearing Examiner:

1. The proposal conforms with the Comprehensive Plan policies and land use map;
2. The requested reclassification is in the public interest;
3. The requested reclassification is not hazardous or will not have adverse impacts on adjacent properties;
4. The requested reclassification does not pose undue burdens on public facilities; and
5. For sites located within the designated urban center, the requested reclassification has, or will potentially have, an adequate link to a high-capacity transit mode.

15.115.055 Preliminary Site Plan

A. **Purpose.** Preliminary site plan provides an administrative process by which a development project is reviewed to ensure conformance with applicable policies, codes and development standards. The process is separate from and precedes initial building or engineering permit review and issuance.

B. Authority and Application.

1. **Projects Which Require SEPA.** At a minimum, preliminary site plan review is required for all projects subject to SEPA review per Chapter 16A.23 SMC; ~~provided, that no other land use approval is required.~~ SEPA review shall occur concurrently with the preliminary site plan review process.

2. **Projects Which Do Not Require SEPA.** The Director may establish administrative standards for projects to be subject to preliminary site plan review versus those more minor projects which can be approved through standard construction permit review/issuance.

3. **Interior Alterations.** Preliminary site plan review is not required for interior alterations, provided the proposed interior alterations do not result in the following:

- a. Additional sleeping quarters or bedrooms; or
- b. Nonconformity with federal emergency management agency substantial improvement thresholds; or
- c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

For purposes of this section, “interior alterations” include construction activities that do not modify the existing site layout or its current use and involve no exterior working adding to the building footprint.

4. **Supportive Housing.** Preliminary site plan review is required for the location of emergency shelter, emergency housing, permanent supportive housing and transitional housing consistent with Chapter 15.205 SMC, Land Use Chart, and subject to the requirements set forth in SMC 15.465.350, Supportive Housing Facilities Standards.

C. **Approval.** Upon the filing of a complete application, the Director or designee shall have the authority, subject to the provisions of this section, to approve, approve with conditions or deny a preliminary site plan application. Approval may be subject to conditions as deemed necessary to ensure conformance with policies, codes and development standards.

D. **Notice of Decision.** Upon completion of review of the application, a written notice of decision shall be issued pursuant to Chapter 16A.15 SMC. The date of the decision constitutes the date of approval of the preliminary site plan.

E. **Voiding of Approval.** A preliminary site plan approval shall become null and void if a complete application for a building permit, or engineering other construction permit when no building permit is required, is not filed within one (1) three (3) years of the date of approval.

F. **Appeals.** The applicant or any party of record may appeal the Director’s decision pursuant to Chapter 16A.17 SMC.

G. **Extensions.** Upon written request of the property owner or his/her authorized representative, the Director may grant an extension of time up to but not exceeding six (6) months. Such extension shall be based upon finding that there has been no material change of applicable policies, codes and development standards, and that granting an extension would not be detrimental to the public health, safety or general welfare.

15.115.060 – Hearing Examiner Development Review Process

A. — See Chapter 1.20 SMC.

B. — Public Hearings.

1. — Before rendering a decision on any application or appeal, the Hearing Examiner shall hold a public hearing thereon. For applications subject to City Council action, the public hearing by the Hearing Examiner shall constitute a hearing by the City Council.

2. — Whenever a project requires more than one (1) permit or approval, the Hearing Examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Hearing Examiner to order and conduct consolidated hearings shall be final in all cases.

C. — Procedural Notice Requirements. Notice of public hearings shall be provided as specified in Chapter 16A.13 SMC.

D. — Department Report. When an application or appeal has been set for public hearing, the Department shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application or appeal, and shall prepare a report summarizing the factors involved and the Department’s findings and recommendation or decision. At least fourteen (14) days prior to the scheduled hearing, the report, and

~~in the case of appeals, any written appeal arguments submitted to the City, shall be filed with the Hearing Examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials.~~

~~E. General Criteria for Examiner Decisions.~~

- ~~1. Each decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.~~
- ~~2. The Hearing Examiner's findings and conclusions shall carry out and help implement applicable State laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City, and that the decision will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.~~
- ~~3. The Hearing Examiner shall accord substantial weight to the recommendation of the Department.~~

~~F. Examiner Actions.~~ ~~Within ten (10) working days of the conclusion of a hearing or rehearing, the Hearing Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the Department. The Department shall then transmit a copy of the decision to all parties of record.~~

- ~~1. The Examiner's decision may be to grant or deny the application or appeal, or the Hearing Examiner may grant the application or appeal with such conditions, modifications and restrictions as he/she finds necessary to make the application or appeal compatible with the environment, and carry out applicable State laws and regulations, and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other ordinances, policies and objectives of the City.~~
- ~~2. The conditions, modifications and restrictions that the Hearing Examiner may impose include additional setbacks, screening in the form of landscaping or fencing, covenants, easements and dedications of additional road rights of way. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions of this code.~~

15.115.070060 Appeal Process

See Chapter 16A.17 SMC.

Chapter 15.120 NONCONFORMANCE AND REUSE OF FACILITIES

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15.120.090	Alteration of Nonconforming Structure – CHANGES PROPOSED
15.120.100	Nonconformance – Abatement
15.120.110	Reuse of Facilities – CHANGES PROPOSED

15.120.020 Lots of Record

In any zone in which ~~single-family dwellings~~detached dwelling units are permitted, notwithstanding limitations imposed by other provisions of this title, a ~~single-family detached~~ dwelling unit may be erected on any single lot which was a lot of record on or before November 26, 1992, and which was a building site pursuant to City of SeaTac Ordinance No. 90-1025. Any request for a variance of the lot size, lot width and/or yard requirements shall be made to the City's Hearing Examiner, and the Hearing Examiner shall render a decision on the request in

15.120.070 Nonconformance – Uses of Structures

If, at the effective date of the Zoning Code of the City or any amendment thereto, a lawful use of a building or structure exists that is made no longer permissible under the terms of the Zoning Code or amendment, such use may be continued as a nonconforming use so long as it remains otherwise lawful, subject to the following conditions:

- A. No nonconforming structure or building shall be structurally altered or changed other than those alterations or changes required by law.
- B. A nonconforming use of a building or structure may be extended throughout any parts of the building or structure that were manifestly arranged, designed and constructed for such use at the time of the effective date of the Zoning Code or amendment that made the use no longer permissible, but no such use shall be extended to occupy any land outside such building or structure.
- C. Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. If any such nonconforming use of a building or structure ceases for any reason for a period of more than six (6) months, that cessation shall constitute prima facie evidence of intent to abandon the use, and any subsequent use of the building or structure shall conform to the regulations specified by this title for buildings or structures in the zone in which such land is located.

E. Any detached dwelling unit made nonconforming due to a change in zoning classification, shall be considered legally nonconforming, and shall be permitted to continue as a nonconforming use, as follows:

1. Alterations and additions may be approved provided the proposed changes meet all applicable dimensional requirements, do not increase the nonconformance of any dimensional standards, and do not create an additional dwelling unit, except that one (1) accessory dwelling unit (ADU) is allowed.
2. A detached dwelling unit that experiences substantial destruction in excess of the allowance in SMC 15.120.080 shall have the rights to the nonconformance continued provided all the following apply:
 - a. The loss of the structure is the result of a fire, earthquake, or other casualty not intentionally caused by the owner or tenant of the property; and

- b. The replacement is within the original configuration of the structure immediately prior to the substantial destruction; and
- c. A complete building permit application to replace or reconstruct the structure is filed with the city within three years of such fire, natural disaster, or casualty event.

15.120.090 Alteration of Nonconforming Structure

A. Alterations to a nonconforming structure may be permitted; provided the alteration does not increase the area, height or degree of an existing nonconformity.

B. Upkeep, repairs and maintenance of a nonconforming building are permitted. Approval of such a permit shall be based on a finding that the repairs will be done in such a manner as to improve the building's safety or functionality, and thereby make its existence in the area less detrimental to surrounding uses than would be the case if the status quo were maintained.

C. Conversion of existing structures to accessory dwelling units (ADUs) may be permitted, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.

15.120.110 Reuse of Facilities

A. **General Standards.** Upon ~~major~~ conditional use permit review and approval an interim or permanent reuse of surplus, nonresidential facilities in residential zone classifications shall require that no more than fifty percent (50%) of the original floor area may be demolished for either permanent or interim reuse of facilities.

B. **Reestablishment of Closed Public School Facilities.** Upon ~~major~~ conditional use permit review and approval the reestablishment or reconversion of an interim nonschool use of school facilities back to school uses shall have a site plan approved by the Hearing Examiner decision and administered by the Director.

C. **Standards for Conversion of Historic Buildings.** In order to insure that significant features of the property are protected pursuant to City Codes, the following standards shall, through the ~~major~~ conditional use permit review, apply to conversion of historic buildings:

1. Gross floor area of building additions or new buildings required for the conversion shall not exceed twenty percent (20%) of the gross floor area of the building, unless allowed by the zone classifications;
2. Conversions to apartments shall not exceed one (1) dwelling unit for each three thousand six hundred (3,600) square feet of lot area, unless allowed by the zone classifications;
3. Any construction required for the conversion shall require certification of appropriateness from the City and the King County Landmark Commission.