AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO LAND USE AND ZONING, AND AMENDING THE FOLLOWING SECTIONS OF THE SAMMAMISH MUNICIPAL CODE: SECTION 21A.15.1255 THE DEFINITION OF STRUCTURE; SECTION 21A.20.040(B)(1)(C) DEVELOPMENT CONDITIONS FOR PARKS; SECTION 21A.25.190(8) TO CLARIFY PROJECTIONS AND STRUCTURES ALLOWED WITHIN SETBACKS; AND SECTION 21A.25.190(9) REGARDING THE SETBACKS WITHIN WHICH PROJECTIONS AND STRUCTURES ARE ALLOWED

WHEREAS, the City Council of the City of Sammamish finds that there is a need for utility lines, trellises, culverts, underground water facilities, sewer facilities, and accessory facilities to be located within required setbacks; and

WHEREAS, amendments to the Sammamish Municipal Code (SMC) are necessary to: clarify definitions; to provide for specific setbacks applicable to parks; to clarify projections and structures allowed within setbacks; and, to clarify language regarding the setbacks within which projections and structures are allowed; and

WHEREAS, City staff prepared such amendments in order to clarify and provide a more comprehensive land use and zoning code; and

WHEREAS, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on November 5, 2004 with the comment and appeal periods ending on November 19, 2004; and

WHEREAS, the Planning Commission held one public meeting related to the amendments, and a public hearing on November 18, 2004 continued to December 9, 2004; and

WHEREAS, the Planning Commission provided a recommendation to the City Council related to the proposed amendments and recommended approval of the proposed amendments to the City Council; and

WHEREAS, the City Council held a public hearing on the proposed amendments on January 18, 2005, and a second reading of the ordinance on February 1, 2005, and
WHEREAS, the City Council finds that the amendments would serve to allow for the appropriate development of public parks within the City and thus provide more services to citizens and are in the public interest;

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

Section 1. Section 21A.15.1255 of the Sammamish Municipal Code is hereby amended to read as follows:

“Structure” means anything permanently constructed in or on the ground, or over the water, excluding fences six feet or less in height, uncovered decks less than 18 inches above grade, uncovered paved areas, and structural or nonstructural fill.

Section 2. Section 21A.20.040(B)(1)(c) of the Sammamish Municipal Code is hereby amended to read as follows:

B. Development Conditions.
1. The following conditions and limitations shall apply, where appropriate:
   ...
   c. Structures. Except as specifically noted herein, buildings or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in SMC 21A.30.140 and 21A.30.160. Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to SMC 21A.25.030. Swingsets, sandboxes, playhouses, other playground equipment, basketball hoops, tennis courts, camping tents, temporary tent structures used for functions and gathering, and dumpsters, shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

Section 3. Section 21A.25.190(8) of the Sammamish Municipal Code is hereby amended to read as follows:

(8) Telephone poles and lines; power poles and lines; cable TV and internet lines; light and flag poles; trellises not exceeding 8 feet in height, not wider than 10 feet; culverts; underground water facilities; underground sewer facilities; and accessory facilities for the provision of utilities, such as drains, but excluding electrical and cellular equipment cabinets, and similar utility boxes and vaults.

Section 4. Section 21A.25.190(9) of the Sammamish Municipal Code is hereby amended to read as follows:

(9) The following may project into or be located within a setback, but may only project into or be located within an five-foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County Department of Records and Elections prior to the installment or construction of
the structure:
(a) Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
(b) Security system access controls;
(c) structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in SMC 21A.30.140 and 21A.30.160 such as benches, picnic tables and drinking fountains; and
(d) Surface water management facilities as required by Chapter 9.04 KCC as adopted by Chapter 15.05 SMC;

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF FEBRUARY, 2005.

CITY OF SAMMAMISH

Mayor Don Mend

ATTEST/AUTHENTICATED:

Melonie Anderson
Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: January 13, 2005
Public Hearing: January 18, 2005