

Title 18
ZONING¹

Chapters:

- 18.05 Title, Purpose and Scope**
- 18.10 Definitions**
- 18.15 Establishment of Zone Classifications**
- 18.20 General Provisions Applicable to All Zones**
- 18.25 Bulk and Area Regulations for All Zones**
- 18.30 R-40 Zone**
- 18.35 R-20 and R-20A Zones**
- 18.40 Special Subject Matter**
- 18.41 Signs**
- 18.42 Recreational Vehicles, Trailers and Junk Vehicles**
- 18.43 Wireless Service Facilities**
- 18.45 Conditional Use Permits**
- 18.46 *Repealed***
- 18.50 Amendments to Classifications**
- 18.55 Variances and Appeals of Interpretations**
- 18.60 Enforcement**

1. For provisions on the permit application process, see Chapter 11.10 HPMC.

Chapter 18.05**TITLE, PURPOSE AND SCOPE**

Sections:

18.05.010 Title.

18.05.020 Purpose.

18.05.030 Interpretation.

18.05.040 Enforcement.

18.05.050 Conflicts.

18.05.010 Title.

This title shall be known as the “zoning ordinance” of the town of Hunts Point. [Ord. 212 § 1(A), 1988]

18.05.020 Purpose.

The general purpose of this title is to protect and promote public health, safety, and general welfare through a coordinated plan, in furtherance of the comprehensive plan of the town (Ordinance #57), in preserving the historical single-family residential characteristics of the town, to provide for the physical development of the municipality by regulating and restricting the location, size, and use and occupancy of buildings, structures, and land. Its provisions are designed to lessen traffic congestion and accidents, to secure safety from fire, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to promote a coordinated development of unbuilt areas, to secure an appropriate allotment of land area in new developments for all the requirements of community life, to conserve and restore natural beauty and other natural resources, to facilitate the adequate provision of transportation, water, sewage, and other public uses and requirements. [Ord. 212 § 1(B), 1988]

18.05.030 Interpretation.

In the interpretation and application of this title, its provisions shall be construed to be the minimum requirements which are adopted for the promotion of the public health, safety, morals and general welfare. Uses permitted in any zone are specifically set forth and the title shall be construed to prohibit uses not expressly permitted. Any use listed in this title

shall not be construed to include other uses, unless the phrasing related thereto clearly indicates such interpretation to be necessary. [Ord. 212 § 1(C), 1988]

18.05.040 Enforcement.

No person, firm, corporation, or association shall cause any building or other structure to be constructed, used, or located in any manner as will result in a violation of this title. If the town building official shall find any building or other structure, being so constructed or located, or so used, he may order the work or use stopped by notice in writing to persons engaged in the doing or causing of such work to be done, or use to be permitted, such notice to be posted on the premises, and all shall forthwith stop such work or use until authorized to proceed by the town building official. [Ord. 212 § 1(D), 1988]

18.05.050 Conflicts.

In the event the provisions of this title shall conflict with any provisions of the town building code, the terms hereof shall govern. [Ord. 212 § 13, 1988]

Chapter 18.10

DEFINITIONS

Sections:

18.10.001	Undefined words.	18.10.230	Grade, original.
18.10.006	Abandonment or non-use of wireless facilities.	18.10.240	Gross floor area exclusions.
18.10.010	Accessory building.	18.10.250	Gross floor area ratio.
18.10.020	Accessory use.	18.10.260	Guest house.
18.10.030	Alter – Alteration.	18.10.270	Height of building (structure).
18.10.035	Antenna.	18.10.280	Hobby shop.
18.10.036	Antenna height.	18.10.290	Inundated land.
18.10.037	Antenna support structure.	18.10.300	Lot area.
18.10.040	Arbor – Bower – Trellis.	18.10.310	Lot centerline.
18.10.045	Attic.	18.10.320	Lot line, front.
18.10.045.5	Average exposed height.	18.10.330	Lot line, rear.
18.10.046	Balcony.	18.10.340	Lot line, side.
18.10.047	Basement.	18.10.350	Lot of record.
18.10.048	Basement floor area.	18.10.360	Lot, zoning.
18.10.050	Building.	18.10.370	Mezzanine – Mezzanine floor.
18.10.055	Building level.	18.10.380	Moorage.
18.10.060	Building official.	18.10.390	Moorage facilities.
18.10.070	Building, primary use.	18.10.395	Mount.
18.10.080	Bulk regulations.	18.10.400	Nameplate.
18.10.090	Boat house – Boat port.	18.10.410	Occupancy.
18.10.093	Camouflaged.	18.10.420	Ornamentation.
18.10.094	Cell site – Site.	18.10.430	Original grade reference line.
18.10.095	Co-location.	18.10.440	Patio.
18.10.096	COW.	18.10.450	Pier – Wharf.
18.10.100	Community center.	18.10.460	Primary residential building.
18.10.110	Court.	18.10.462	Provider.
18.10.120	Covered moorage area.	18.10.470	Quay.
18.10.125	Crawl space.	18.10.480	Repair.
18.10.130	Deck – Porch – Veranda.	18.10.490	Secondary building.
18.10.140	Dock.	18.10.500	Secondary use.
18.10.150	Dolphin.	18.10.510	Setback.
18.10.160	Dwelling unit.	18.10.520	Shoreline.
18.10.162	Eaves.	18.10.530	Story.
18.10.165	EIA.	18.10.540	Stringline.
18.10.166	Equipment enclosure – Equipment building.	18.10.550	Stringline intersection point.
18.10.168	Exposed height.	18.10.560	Stringline setback.
18.10.170	Family.	18.10.570	Structure.
18.10.180	Floor area.	18.10.580	Structure reconstruction.
18.10.184	Floor area – Useable.	18.10.590	Terrace.
18.10.190	Freestanding deck or platform.	18.10.596	Unlicensed wireless services.
18.10.200	Game court.	18.10.597	Wireless service – Wireless service facilities – Facilities.
18.10.210	Gazebo – Pavilion.	18.10.600	Use.
18.10.220	Grade, finished.	18.10.610	Waterfront structure.
		18.10.620	Wharf.
		18.10.630	Yard, front.
		18.10.640	Yard, rear.
		18.10.650	Yard, side.

18.10.001 Undefined words.

When any word used in this title is not specifically defined herein, its definition shall be that in *Webster's New Collegiate Dictionary of the English Language* and where more than one definition is given, the most common or appropriate nonprofessional usage shall govern. [Ord. 212 § 2, 1988]

18.10.006 Abandonment or non-use of wireless facilities.

“Abandonment or non-use of wireless facilities” means:

- (1) To cease operation for a period of 60 or more consecutive days; or
- (2) To relocate an antenna at a point less than 80 percent of the height of an antenna support structure. [Ord. 329 § 1, 1997]

18.10.010 Accessory building.

“Accessory building” means one in which an accessory use is located. [Ord. 212 § 2, 1988]

18.10.020 Accessory use.

“Accessory use” means a subordinate use, located on the same lot with the primary permitted use, and necessarily incidental to the use and occupancy of the primary residential building. [Ord. 212 § 2, 1988]

18.10.030 Alter – Alteration.

“Alter” or “alteration” means any change, addition, or modification in construction or occupancy. [Ord. 212 § 2, 1988]

18.10.035 Antenna.

“Antenna” means any exterior apparatus designed for telephonic radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to an antenna support structure, tower or building for the purpose of providing wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for “cellular,” “enhanced specialized mobile radio,” and “personal communications ser-

vices,” “telecommunications services,” and its attendant base station. An “antenna array” is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic (disc). The antenna array does not include the support structure. [Ord. 329 § 2, 1997]

18.10.036 Antenna height.

“Antenna height” means the vertical distance between the lowest point of finished grade at point of contact with any part of the antenna support structure and the topmost part of the structure, the antenna or any appurtenances attached to the antenna support structure. Measurement of tower height shall include antenna, base pad, antenna support structure and other appurtenances and shall be measured from the finished grade of the parcel. [Ord. 329 § 3, 1997]

18.10.037 Antenna support structure.

“Antenna support structure” means any pole, telescoping mast, tower, tripod, any below-grade footings, foundations, piers, pilings, guys, anchors, or structure which supports a device used in the transmitting or receiving of radio frequency signals. [Ord. 329 § 4, 1997]

18.10.040 Arbor – Bower – Trellis.

“Arbor,” “bower” or “trellis” means light, open, garden-type structures of vertical and/or horizontal elements designed, established and installed as a part of the landscape of the site which may or may not attach to a building. [Ord. 212 § 2, 1988]

18.10.045 Attic.

“Attic” means that finished or unfinished space in a building, with or without a live load bearing floor, between the ceiling of the topmost floor and the roof above. [Ord. 356 § 2, 1999]

18.10.045.5

18.10.045.5 Average exposed height.¹

“Average exposed height” means the average of exposed height taken at horizontal intervals of 10 feet around the perimeter of the building. Elevations must be referenced to the bench mark for the building site. [Ord. 356 § 12, 1999]

18.10.046 Balcony.

“Balcony” means a railed elevated platform projecting from a wall of the building. [Ord. 356 § 3, 1999]

18.10.047 Basement.

“Basement” means any interior space to a building, with or without a floor, below the lowest floor of the building where the vertical distance between the bottom of the floor joists, or structural deck to the surface below exceeds six feet. There shall be only one basement in a building, and that basement shall have only one building level. [Ord. 356 § 4, 1999]

18.10.048 Basement floor area.

“Basement floor area” means the entire area of the basement level, including surrounding walls. [Ord. 356 § 5, 1999]

18.10.050 Building.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property. [Ord. 212 § 2, 1988]

18.10.055 Building level.

“Building level” means that horizontal space within a building, with or without a load bearing floor, including attics and basements, crawl spaces, floors, stories and the like with lower and upper boundaries defined by elements of the building or surfaces under the building. [Ord. 356 § 6, 1999]

18.10.060 Building official.

“Building official” means the officer charged with the administration of matters del-

egated in this title, or his or her authorized deputy. [Ord. 212 § 2, 1988]

18.10.070 Building, primary use.

“Primary use building” means any building occupied by the primary permitted use of the zone in which the building is located. [Ord. 212 § 2, 1988]

18.10.080 Bulk regulations.

“Bulk regulations” means regulations relating to the minimum area of the zoning lot, front and rear yards, side yards, height of buildings, gross floor area, and gross floor area ratio. [Ord. 212 § 2, 1988]

18.10.090 Boat house – Boat port.

“Boat house” or “boat port” means any structure having either a temporary or permanent roof erected over moorage or moorage facilities for the weather protection of pleasure boats. [Ord. 212 § 2, 1988]

18.10.093 Camouflaged.

“Camouflaged,” in the context of a wireless service facility, is a personal wireless service facility that is disguised, hidden or integrated with an existing structure that is not a monopole or tower, or a wireless service facility that is placed with an existing or proposed structure or new structure, tower, or mount within trees so as to be significantly screened from view. [Ord. 329 § 5, 1997]

18.10.094 Cell site – Site.

“Cell site” or “site” means a tract or parcel of land that contains wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless services. [Ord. 329 § 6, 1997]

18.10.095 Co-location.

“Co-location” means the use of a wireless service facility or cell site by more than one wireless service provider, or by one wireless service provider for more than one type of communications technology and/or placement of a wireless service facility on a structure

1. Code reviser’s note: “Average exposed height” was added by Ord. 356 as HPMC 18.10.045. It has been renumbered to avoid duplication.

owned or operated by a utility or other public entity. [Ord. 329 § 7, 1997]

18.10.096 COW.

“COW” means “Cell on Wheels” or a temporary wireless communications facility, to be placed in use for 90 days or less. [Ord. 329 § 8, 1997]

18.10.100 Community center.

“Community center” means an area of publicly owned land upon which there is or may be located buildings or other improvements designed for the purpose of town government, community meetings, community recreation, educational facilities, and accessory parking. [Ord. 212 § 2, 1988]

18.10.110 Court.

“Court” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building. [Ord. 212 § 2, 1988]

18.10.120 Covered moorage area.

“Covered moorage area” means the vertically projected area of the roof of any over-water structure. [Ord. 212 § 2, 1988]

18.10.125 Crawl space.

“Crawl space” means any space, interior to the building, with or without a floor, below the lowest floor of the building where the vertical distance between the bottom of the floor joists or the structural deck to the surface below is six feet or less. [Ord. 356 § 7, 1999]

18.10.130 Deck – Porch – Veranda.

“Deck,” “porch” or “veranda” means a structure attached to a wall of a building designed, established, and/or installed to provide for entrance or exit, outdoor living, cooking, and/or recreation, some sides of which are open and which may or may not have a permanent overhead covering. [Ord. 212 § 2, 1988]

18.10.140 Dock.

“Dock” means a basin for moorage of boats, including a basin formed by dredging into the

bottom or bank of a lake or stream or formed between a bank, bulkhead, or quay and a pier. Docking facilities may include wharves, moorage, or piers, or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel. [Ord. 212 § 2, 1988]

18.10.150 Dolphin.

“Dolphin” means a spar, buoy, or piling used for mooring watercraft. [Ord. 212 § 2, 1988]

18.10.160 Dwelling unit.

“Dwelling unit” means one or more habitable rooms which are occupied or which are intended to be occupied by one family with facilities for living, sleeping, cooking and eating. [Ord. 212 § 2, 1988]

18.10.162 Eaves.

“Eaves” means that part of the roof projecting beyond the exterior or outer face of a building wall or structural support member. [Ord. 356 § 8, 1999]

18.10.165 EIA.

“EIA” means the Electronics Industry Association. [Ord. 329 § 9, 1997]

**18.10.166 Equipment enclosure –
Equipment building.**

“Equipment enclosure” or “equipment building” means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning, backup power supplies and emergency generators. [Ord. 329 § 10, 1997]

18.10.168 Exposed height.

“Exposed height” means the vertical difference between the original finished grade and the bottom of the lower floor joist of the level above the basement. [Ord. 356 § 11, 1999]

18.10.170 Family.

“Family” means an individual or two or more persons related by blood, adoption or marriage (excluding domestic service workers,

ing, and recreation, some sides of which are open and which may or may not have a permanent overhead covering. [Ord. 212 § 2, 1988]

18.10.450 Pier – Wharf.

“Pier” or “wharf” means a structure extending from the solid land into the water, either upon piles or other supports or floating. [Ord. 212 § 2, 1988]

18.10.460 Primary residential building.

“Primary residential building” means the building in which one single dwelling unit is contained. [Ord. 212 § 2, 1988]

18.10.462 Provider.

“Provider,” as used in Chapter 18.43 HPMC, means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides wireless service over wireless service facilities. [Ord. 329 § 12, 1997]

18.10.470 Quay.

“Quay” means a waterside bulkhead or wall and used for the purpose of mooring boats. [Ord. 212 § 2, 1988]

18.10.480 Repair.

“Repair” means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance. [Ord. 212 § 2, 1988]

18.10.490 Secondary building.

“Secondary building” means one in which a secondary use is located. [Ord. 212 § 2, 1988]

18.10.500 Secondary use.

“Secondary use” means a subordinate use, dependent upon the primary use but not necessarily incidental to it. [Ord. 212 § 2, 1988]

18.10.510 Setback.

“Setback” means a set distance measured from a property line to the property interior within which placement of any part of a structure is prohibited unless otherwise specifically

permitted by provisions of this title. [Ord. 246 § 2, 1991; Ord. 212 § 2, 1988]

18.10.520 Shoreline.

“Shoreline” means the line defined by elevation contour 22.0, which elevation is 22 feet above mean lower low water of Puget Sound as established by the U.S. Army Corps of Engineers, which corresponds to the elevation of 28.93 feet as determined by the Sea Level Datum of 1929. [Ord. 212 § 2, 1988]

18.10.530 Story.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost occupiable floor and the ceiling or roof. [Ord. 356 § 15, 1999; Ord. 212 § 2, 1988]

18.10.540 Stringline.

“Stringline” means, for a waterfront lot in the R-40 zone, a straight line connecting the stringline intersection points of the two adjacent zoning lots (see illustration, Appendix A). [Ord. 212 § 2, 1988]

18.10.550 Stringline intersection point.

“Stringline intersection point” means, for a waterfront lot in the R-40 zone, the intersection of the zoning lot centerline and a line drawn at right angles to such centerline and passing through the point on the primary dwelling having the greatest projection toward the waterfront. [Ord. 212 § 2, 1988]

18.10.560 Stringline setback.

“Stringline setback” means the front yard setback line for a waterfront lot in the R-40 zone defined by the line drawn normal (at right angles) to the lot centerline and passing through the intersection of said centerline with the stringline established by the primary dwellings on the two adjacent properties. [Ord. 212 § 2, 1988]

18.10.570

18.10.570 Structure.

“Structure” means that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Paving or other surfacing composed of unreinforced concrete, pavers, brick, asphalt, or other surfacing material shall not be considered structures when fully and directly supported by the underlying earth. [Ord. 246 § 2, 1991; Ord. 212 § 2, 1988]

18.10.580 Structure reconstruction.

“Structure reconstruction” means whenever the aggregate value of proposed work to a structure during any one-year period exceeds 60 percent of the current year’s assessed value for property tax purposes as determined by the King County assessor. [Ord. 246 § 2, 1991; Ord. 212 § 2, 1988]

18.10.590 Terrace.

“Terrace” means a level platform or shelf of earth supported on one or more faces by a wall, bank of turf, or the like. [Ord. 212 § 2, 1988]

18.10.596 Unlicensed wireless services.

“Unlicensed wireless services” means commercial mobile services that operate on public frequencies and do not need a license from the Federal Communications Commission (“FCC”). [Ord. 329 § 13, 1997]

18.10.597 Wireless service – Wireless service facilities – Facilities.

“Wireless service,” “wireless service facilities” and “facilities,” as used in Chapter 18.43 HPMC, shall be defined in the same manner as in Title 47, United States Code, § 332(c)(7) (C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, communications services, enhanced specialized mobile radio, and any other wireless services licensed by the Federal Communications Commission (“FCC”) and unlicensed wireless services, which includes the entire assembly of equipment, equipment enclosures, under-

ground service facilities and utilities, antenna support structures, antenna or antennas, security fencing, and attached appurtenances. [Ord. 329 § 14, 1997]

18.10.600 Use.

“Use” means the purpose for which land or a building or structure is designed, arranged or intended, or for which it is occupied or maintained, let or leased. [Ord. 212 § 2, 1988]

18.10.610 Waterfront structure.

“Waterfront structure” means any structure built at or along the shoreline or over the shorelands and including particularly bulkheads and moorage facilities. [Ord. 212 § 2, 1988]

18.10.620 Wharf.

See definition of “pier”. [Ord. 212 § 2, 1988]

18.10.630 Yard, front.

“Front yard” means, on lots abutting a body of water, an open space extending the full width of the lot between a primary residential building and the shoreline, the depth of which shall be the least distance between the shoreline and the front of the primary residential building; on lots not abutting a body of water, an open space extending the full width of the lot the depth of which is the least distance from the lot line abutting the public right-of-way to the front of the primary residential building. [Ord. 212 § 2, 1988]

18.10.640 Yard, rear.

“Rear yard” means, on lots abutting a body of water, an open space extending the full width of the lot the depth of which shall be the least distance between, from the lot line abutting the public right-of-way to the primary residential building, and on lots not abutting a body of water, an open space extending the full width of the lot the depth of which shall be the least distance between the rear lot line of the lot and the primary residential building. [Ord. 212 § 2, 1988]

18.10.650 Yard, side.

“Side yard” means an open space extending from the front yard to the rear yard, between the nearest extension of the primary residential building and the side lot line, measured horizontally from the nearest point of the side lot line to the nearest extension of the primary residential building. [Ord. 212 § 2, 1988]

Chapter 18.15

ESTABLISHMENT OF ZONE CLASSIFICATIONS

Sections:

- 18.15.010 Designated.
- 18.15.020 Zoning map – Incorporated.
- 18.15.030 Zoning map – Interpretation.

18.15.010 Designated.

There are hereby established the classifications of primary land uses for all residential zones which shall be known by the zone symbols shown:

Zone Symbol	Primary Use
R-40	Single Dwelling Unit
R-20	Single Dwelling Unit
R-20A	Single Dwelling Unit

[Ord. 212 § 3(A), 1988]

18.15.020 Zoning map – Incorporated.

The location, size, shape, area and boundaries of the zoning districts within which the respective provisions of the rest of this title are applicable shall be as indicated on the zoning map adopted April 12, 1965, and incorporated herein as Appendix D¹, which map is entitled “Zoning Map of the Town of Hunts Point.” [Ord. 212 § 3(B), 1988]

18.15.030 Zoning map – Interpretation.

The boundaries of the zones, except where otherwise clearly referenced, are intended to follow the lines of recorded lots, centerlines of streets and alleys, and the centers of waterways and bays. [Ord. 212 § 3(C), 1988]

1. Appendix D is on file in the office of the town clerk.

Chapter 18.20

GENERAL PROVISIONS APPLICABLE TO ALL ZONES

Sections:

- 18.20.010 Primary permitted uses.
- 18.20.020 Use classifications.
- 18.20.030 Front yard structure.
- 18.20.040 Lot measurement.
- 18.20.050 Setback on corner lots.
- 18.20.060 Double frontage lot.
- 18.20.070 Building projections.
- 18.20.080 Minimum road access.
- 18.20.090 Inundated land.
- 18.20.100 Minimum side and rear lot line setbacks.
- 18.20.110 Permit and fees.

18.20.010 Primary permitted uses.

The primary permitted use of property in all zones is restricted to single-family residential purposes only. Any permitted accessory or secondary use is dependent upon and subordinate to use and occupation of property for the primary permitted use. [Ord. 212 § 4(A), 1988]

18.20.020 Use classifications.

Whenever there is a combination of any two uses in any building or structure, the more intensive use will be deemed to be the classification and character of the building use. [Ord. 212 § 4(B), 1988]

18.20.030 Front yard structure.

Except as expressly provided in this title, no building or structure shall be permitted in any front yard. [Ord. 212 § 4(C), 1988]

18.20.040 Lot measurement.

No portion of any lot, lot of record or zoning lot shall be again used as a part of any other zoning lot for the purpose of any other computation of area, yard, or other required condition to the existence of any other building, structure or use unless there remains in the original lot sufficient area or other compliance with conditions to permit the original lot to conform without the excluded portion. [Ord. 212 § 4(D), 1988]

18.20.050 Setback on corner lots.

Where a zoning lot or lot of record is adjacent to two streets at their intersection and does not abut the water, the owner may elect which shall be the front for purposes of the front lot line setback requirement; provided, however, that there is at least 20 feet of setback from the other adjoining street. [Ord. 304 § 2, 1996; Ord. 246 § 3, 1991; Ord. 212 § 4(E), 1988]

18.20.060 Double frontage lot.

On a double frontage or through lot, that is, a lot with a public street in the front and rear, the minimum rear lot line setback shall be equal to the front lot line setback requirement. [Ord. 304 § 3, 1996; Ord. 246 § 3, 1991; Ord. 212 § 4(F), 1988]

18.20.070 Building projections.

Outside stairways and stairwells, roof overhangs, fire escapes, porches, balconies, flues, fireplaces, chimneys, and other building projections which are a part of the structure shall be included in determining setbacks. [Ord. 246 § 3, 1991; Ord. 212 § 4(G), 1988]

18.20.080 Minimum road access.

No building, structure or use shall be placed or permitted on any lot which does not have either frontage of a minimum of 25 feet on a public street or right-of-way or a permanent, recorded and unobstructed right-of-way to such public street right-of-way of a width of at least 15 feet. [Ord. 246 § 3, 1991; Ord. 212 § 4(H), 1988]

18.20.090 Inundated land.

The only uses permitted for inundated land are those purposes related to recreational use, such as swimming, boating, docks, piers and boat houses. Inundated land may not be filled with earth or any other material except as otherwise permitted by this title. The shoreline as shown on the official zoning map shall not be altered to reduce the water area. If otherwise altered, the shoreline shall be continuous at each property side line boundary. The depth of the water may be increased for navigational purposes, but the depth may not be reduced. [Ord. 246 § 3, 1991; Ord. 212 § 4(I), 1988]

18.20.100 Minimum side and rear lot line setbacks.

All accessory or secondary permitted uses shall be located so as to maintain a minimum side lot line setback of 10 feet or, in R-40 zones, 10 percent of the lot width, if greater than 10 feet, along the entire length of the side lot lines; and a minimum rear lot line setback of 10 feet or, for waterfront lots, a minimum rear lot line setback of 50 feet in an R-40 zone and 35 feet in an R-20 zone, along the entire length of the rear lot line. No structures or uses are allowed in the setback areas except (1) driveways and (2) fences, hedges, walls and similar structures as described in HPMC 18.30.020(3). The use of shared driveways is encouraged; provided, that appropriate easements have been recorded. The location of driveways to allow for buffer plantings between adjacent properties is encouraged. Parking areas may not be located within setback areas. [Ord. 304 § 1, 1996; Ord. 246 § 3, 1991; Ord. 212 § 4(J), 1988]

18.20.110 Permit and fees.

A proper permit and the payment of fees therefor shall be a condition precedent for construction in the town, including construction over or in the waters of the town of Hunts Point. All such construction shall be in compliance with other ordinances and laws pertaining to the development of lands along shorelines and watercourses of this state. [Ord. 246 § 3, 1991; Ord. 212 § 4(K), 1988]

Chapter 18.25

BULK AND AREA REGULATIONS FOR ALL ZONES

Sections:

- 18.25.010 Applicability to primary uses.
- 18.25.020 R-40 zone.
- 18.25.030 R-20 zone.
- 18.25.040 R-20A zone.

18.25.010 Applicability to primary uses.

The minimum bulk and area regulations set out in this chapter shall be applicable to the primary uses permitted in the residential zones. [Ord. 212 § 5, 1988]

18.25.020 R-40 zone.

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum front lot line setback: No closer to the front lot line than the stringline setback or, in the absence of dwellings on the two adjacent lots, 25 percent of the depth of the lot, but no less than 125 feet.
- (3) Minimum rear lot line setback: Not less than 25 percent of the depth of the lot.
- (4) Minimum side lot line setback: Not less than 10 percent of the width of the lot, and in no instance less than 10 feet.
- (5) Maximum gross floor area ratio:

Lot Area	GFAR
0 – 20,000 sq. ft.	.25
20,001 – 40,000 sq. ft.	5,000 sq. ft. plus .15 of lot area over 20,000 sq. ft.
40,001 – 100,000 sq. ft.	8,000 sq. ft. plus .10 of lot area over 40,000 sq. ft.
Over 100,000 sq. ft.	14,000 sq. ft. plus .05 of lot area over 100,000 sq. ft.

The maximum gross floor area ratio is subject to the following conditions:

(a) The primary structure may not exceed the larger of 12,000 square feet or 0.75 of the allowable gross floor area (GFA).

(b) The GFA of any structure located within 25 feet of the primary structure shall be included in the GFA of the primary structure.

(6) Maximum height of building: An inward sloping line at 45 degrees from the vertical beginning at a point 15 feet above the intersection of the original grade and the minimum side yard setback lines but not to exceed 30 feet above an original grade reference line nor a height of 36 feet above the finish grade measured from any point of contact of the finish grade with the building wall, deck, porch or veranda structure to the highest point of the building structure (see illustration, Appendix B1). [Ord. 380 § 1, 2000; Ord. 304 § 4, 1996; Ord. 253 § 2, 1992; Ord. 246 § 4, 1991; Ord. 212 § 5, 1988]

18.25.030 R-20 zone.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum front lot line setback: 40 feet, except in the case of a waterfront lot, where such distance shall be as defined by a building line where such line has been established by a plat or subdivision approved by the town.
- (3) Minimum rear lot line setback: 35 feet.
- (4) Minimum side lot line setback: 10 feet.
- (5) Maximum gross floor area: the greater of either 5,200 square feet or a gross floor area ratio of 0.25.
- (6) Maximum building height:

(a) Maximum building height shall be measured by an inward sloping line at 45 degrees from the vertical beginning at a point 15 feet above the intersection of the original grade and the minimum side yard setback lines but not to exceed 26 feet above an original grade reference line nor a height of 32 feet above the finish grade measured from any point of contact of the finish grade with the building wall, deck, porch or veranda structure to the highest point of the building structure (see illustration, Appendix B2).

(b) The maximum building height may be extended to 30 feet above an original grade reference line or 36 feet above the finish grade, provided an additional setback measured from

an inward sloping line 45 degrees from the vertical beginning at a point 15 feet above the intersection of the original grade and the minimum setback line on the addressed side of the property is incorporated into the project design.

(7) Eaves or roof overhangs up to 18 inches in depth are permitted within the setback areas. [Ord. 421 § 2, 2003; Ord. 304 § 5, 1996; Ord. 271 § 2, 1994; Ord. 246 § 4, 1991; Ord. 212 § 5, 1988]

18.25.040 R-20A zone.

- (1) Minimum lot size: 12,000 square feet.
- (2) Minimum front lot line setback: 30 feet.
- (3) Minimum rear lot line setback: 35 feet.
- (4) Minimum side lot line setback: 10 feet.
- (5) Maximum gross floor area:

(a) The maximum gross floor area for lots equal to or less than 14,800 square feet is 0.35.

(b) The maximum gross floor area for lots greater than 14,800 square feet is the greater of either 5,200 square feet or a gross floor area ratio of 0.25.

- (6) Maximum building height:

(a) An inward sloping line at 45 degrees from the vertical beginning at a point 15 feet above the intersection of the original grade and the minimum side yard setback lines but not to exceed 26 feet above an original grade reference line.

(b) The maximum building height may be extended to 30 feet above an original grade reference line or 36 feet above the finish grade, provided an additional setback measured from an inward sloping line 45 degrees from the vertical beginning at a point 15 feet above the intersection of the original grade and the minimum front yard setback line is incorporated into the project design.

(7) Eaves or roof overhangs up to 18 inches in depth are permitted within the setback areas. [Ord. 421 § 3, 2003; Ord. 304 § 6, 1996; Ord. 271 § 2, 1994; Ord. 246 § 4, 1991; Ord. 212 § 5, 1988]

Chapter 18.30

R-40 ZONE

Sections:

18.30.010 Primary uses.

18.30.020 Accessory uses.

18.30.030 Secondary uses.

18.30.010 Primary uses.

One family dwelling unit per zoning lot or lot of record. [Ord. 246 § 5, 1991; Ord. 212 § 6(A), 1988]

18.30.020 Accessory uses.

(1) Patios and open structural ornamentation; provided, any ornamentation erected or grown within 10 feet of any building shall permit ingress and egress in the event of fire or other emergencies.

(2) Off-street parking areas, driveways and private automobile storage garages or carports shall be permitted in rear yards only for the R-40 zone, and front or rear yards for R-20 and R-20A zones, except that a private automobile storage garage or carport shall be permitted in a side yard when attached and formed as a part of the residential building, or separated by a structural breezeway and minimum setback requirements are met. Parking of vehicles on private and public property shall conform to Chapter 18.42 HPMC and all other applicable regulations.

(3) Fence or fences, which terms shall include, unless otherwise specifically noted, walls, gates, rails, hedges, barriers or other boundary structures or any combination thereof, except as follows:

(a) In the front yard: No fence situated in a front yard shall have a height above the finished grade of the ground upon which it is situated exceeding four feet measured to the highest point, except in the case of swimming pool fences, which shall be governed by Chapter 18.40 HPMC. Fences may be extended to the shoreline or face of a waterfront bulkhead when located on or within 10 feet of the side property line if provided with a safety opening at least three feet in width no more than 30 feet from the shoreline or the face of a waterfront

18.30.030

bulkhead. Front yard fences across the waterfront shall not be located within 10 feet of the shoreline or the inside edge of a waterfront bulkhead, whichever distance is greater, and shall be provided with a safety opening at least three feet in width. Dirt or other fill under, behind, or in front of fences, or artificial mounds beneath the same shall not be deemed to be "finished grade."

(b) Other yards: Except for hedges, all other fences shall not exceed six feet in height, measured to the highest point, above the finished grade of the ground upon which they are situated. Swimming pool fences which shall be governed by Chapter 18.40 HPMC are also excepted. Dirt or other fill under, behind, or in front of such fences, or artificial mounds beneath the same shall not be deemed to be "finished grade."

(c) Except for hedges, no part of a fence shall be located within 20 feet of the public road right-of-way on waterfront lots and 10 feet of the public right-of-way on nonwaterfront lots.

(d) Except for hedges, all portions of such structures visible from a public roadway shall be composed of materials and colors compatible with the evergreen setting of Hunts Point and visually screened from the roadway by plantings obscuring 75 percent of the visible structure at all times of the year. Such plant screening shall be at least 50 percent evergreen and be effectively complete or grown within three years of the date the structure is completed. Screen plantings shall be maintained at this minimum screening level thereafter.

(e) In the event that a fence is finished on only one side, the finished side of such fence shall face away from the property being fenced.

(f) Gates constructed for security purposes across a driveway from the public right-of-way shall permit immediate access for police, fire, ambulance, and other emergency vehicles.

(4) Greenhouses and buildings erected for the storage of landscaping and gardening equipment, which equipment is used only for the purpose of maintaining the zoning lot upon which it is located, provided that such build-

ings shall only be permitted in the rear yard but may be structurally a part of any permitted building.

(5) Any two or three secondary and accessory buildings may be structurally combined; provided, however, that not more than two separate buildings, excluding the primary residential building and all covered moorage, shall be permitted on any zoning lot. The combined total floor area of all secondary and accessory buildings shall not exceed five percent of the total lot area. This paragraph does not apply to garages.

(6) Pump houses or other structures for enclosure of mechanical equipment, whether roofed or open, provided that:

(a) No part of the structure shall be placed within 10 feet of the shoreline or face of a waterfront bulkhead.

(b) No part of the structure shall be placed within the side or rear lot line setbacks as required for other structures.

(c) The structure shall not exceed the height limit for fences in front, rear, and side yards.

(d) The structure shall be screened by evergreen plantings so that no part of the structure is visible from a point five feet above either the mean water level of Lake Washington or the finished grade of neighboring properties at the property line. [Ord. 344 § 1, 1998; Ord. 304 § 7, 1996; Ord. 246 § 5, 1991; Ord. 212 § 6(B), 1988]

18.30.030 Secondary uses.

(1) Guest houses: Permitted only in a rear yard, provided that such houses shall have the same side lot line setback as the primary dwelling and minimum front and rear setbacks of 50 feet from any lot line or other structure, and provided further that the total floor area of such house shall not exceed 25 percent of the total floor area of the primary residential building. All guest houses shall observe the same height restrictions as primary dwellings in the R-20 and R-20A zones. A guest house shall only be used as a living unit for guests and members of the family which occupy the primary residential building. Guest houses shall not be used for rental purposes.

(2) Living accommodations may be provided for domestic service workers, gardeners and caretakers, employed on the property: Permitted either in a separate building conforming to the yard requirements of a guest house, or in a portion of any accessory or secondary building or in the primary residential building.

(3) Hobby shops: Permitted as a use in any accessory or secondary building or in the primary residential building. Any hobby conducted out of doors shall be so screened as to be obscured from public right-of-way and adjoining properties.

(4) *Repealed by Ord. 301.*

(5) Waterfront structures: See Chapter 18.40 HPMC.

(6) Animals: Permitted on any zoning lot and in any primary, secondary, or accessory building, provided that no more than two dogs or two cats shall be kept on any zoning lot except for breeding litters under the age of six months and provided further that none of the following shall be permitted: horses, cattle, asses, sheep, goats, swine, domestic fowl, or nondomestic animals.

(7) Swimming pools: See Chapter 18.40 HPMC.

(8) Game courts: See Chapter 18.40 HPMC. [Ord. 304 § 8, 1996; Ord. 301 § 6, 1996; Ord. 212 § 6(C), 1988]

Chapter 18.35

R-20 AND R-20A ZONES

Sections:

18.35.010 Primary uses.

18.35.020 Accessory uses.

18.35.030 Secondary uses.

18.35.010 Primary uses.

(1) One family dwelling unit per lot.

(2) Community centers.

(3) Municipal parks. [Ord. 212 § 7(A), 1988]

18.35.020 Accessory uses.

All accessory uses permitted in the R-40 zone; provided, that driveways and off-street parking areas are also permitted in front yards. [Ord. 303 § 1, 1995; Ord. 212 § 7(B), 1988]

18.35.030 Secondary uses.

(1) Hobby shops: Permitted as a use in the primary residential building or garage. Any hobby conducted out of doors shall be so screened as to be obscured from public right-of-way and adjoining properties.

(2) *Repealed by Ord. 301.*

(3) Waterfront structures: See Chapter 18.40 HPMC.

(4) Animals: Permitted on any zoning lot and in any primary building or garage, provided that no more than two dogs or two cats shall be kept on any zoning lot except for breeding litters under the age of six months and provided further that none of the following shall be permitted: horses, cattle, asses, sheep, goats, swine, domestic fowl, or nondomestic animals.

(5) Swimming pools: See Chapter 18.40 HPMC.

(6) Game courts: See Chapter 18.40 HPMC. [Ord. 301 § 6, 1995; Ord. 212 § 7(C), 1988]

Chapter 18.40

SPECIAL SUBJECT MATTER

Sections:

- 18.40.010 Waterfront structures.
- 18.40.020 Swimming pools and hot tubs.
- 18.40.030 Game courts.
- 18.40.040 Nonconforming structures and uses.

18.40.010 Waterfront structures.

It is the intent of this section to permit the use of water frontage for boat moorage and the construction of reasonably appropriate waterfront facilities on waterfront lots, while at the same time ensuring that such right be exercised in a manner to cause minimum interference with the rights of adjoining property owners to reasonable access to their waterfront structures and to prevent undue interference by piers and moorages and structures to the waterfront use and view from adjoining properties.

(1) Moorage, Moorage Facilities and Bulkheads. Moorage of boats, moorage facilities, including piers, wharves, platforms, ramps, dolphins, buoys, and quays for the moorage or temporary storage of private pleasure boats, or aircraft, and bulkheads or quays for the prevention of shoreline erosion are permitted on waterfront lots, subject to:

- (a) Approval of appropriate government agencies, having jurisdiction in the matter;
- (b) Approval of the town building official or other person to whom this responsibility may be delegated by the mayor as to structural stability and safety of the structure;
- (c) Approval of the hearing examiner, federal and state authorities, when required, in compliance with the requirements of this title and state law regarding development on and adjoining the shorelands of Lake Washington; and
- (d) Approval by the hearing examiner to assure that the intent of this section has been met; provided, that such approval shall not be required for the repair of waterfront structures which conform with all of the requirements of the zoning code or for the repair of nonconforming waterfront structures if such repair

does not exceed the limits on repair to nonconforming structures established in the zoning code.

(2) Setback from Side Lot Line. Private piers or other moorage facilities shall be set back 10 percent of the lot width at the waterfront with a minimum of 10 feet from the side property lines, including lakeward extensions of the property lines except when, by the mutual agreement of adjoining property owners, set forth by reciprocal easement recorded with the King County auditor, moorage facilities for use by both property owners may be built on or straddling the common side line of the adjoining owners' property.

(3) Length Limit and Storage Boxes, Moorage Facilities. Piers shall be permitted to extend waterward a maximum of 100 feet from the shoreline and one storage box only shall be permitted on a pier which shall not exceed two feet in height and contain 40 cubic feet or less, all dimensions being calculated from the exterior surface of said structures.

(4) Covered Moorage Building Zone (see illustration, Appendix C). The covered portion of a moorage facility shall be limited to the zone bounded by the shoreline, a line 100 feet beyond the shoreline, a setback from each side lot line equal to 10 feet or 10 percent of the lot width, measured at the shoreline, whichever is the greater, and portions of the sides of a triangle of which:

- (a) The altitude lies along the lot centerline;
- (b) The base, drawn at right angles to the altitude, crosses the lot centerline, where it intersects with a straight line that connects the points where the side lot lines join the shoreline. The ends of the base line lie on the side lot lines or extensions thereof; and
- (c) The sides are drawn to form an equilateral (equal-sided) triangle, except that, if the vertex of the triangle so drawn is less than 100 feet from the base line of such triangle, an isosceles triangle (two equal sides) shall be drawn with an altitude of 100 feet.

(5) Height Limit, Waterfront Structures. Pier decks shall not be less than one nor more than four feet above Lake Washington high water level datum, which is 22 feet above

mean lower low water of Puget Sound as established by the U.S. Army Corps of Engineers, which corresponds to the elevation of 28.93 feet as determined by the Sea Level Datum of 1929. Covers over moorage and/or moorage facilities shall not exceed a maximum height of 16 feet above the Lake Washington high water level datum.

(6) Covered Moorage Area Limit. Covered moorage structures in no event shall exceed in projected area more than 50 percent of the covered moorage building zone, or 1,200 square feet, whichever is the lesser. Where a covered moorage is built pursuant to the agreement of adjoining owners and subject to the limitations of such an agreement, the covered moorage area shall not exceed the sum of such areas permissible for each of the individual zoning lots, and the covered moorage zone shall be deemed to include the zones established for each building lot augmented by the area between such zones formed by adjacent sides of such zones, the shoreline, and a straight line connecting the outermost points of the respective zones.

(7) Bulkheads.

(a) No bulkhead shall be constructed beyond the existing shoreline. All bulkheads shall mate with the respective neighbors' bulkheads at the lot line, if such bulkheads already exist.

(b) All existing bulkheads shall be deemed to be constructed as a matter of right and may be replaced or repaired, but such replacing or reconstructions shall not extend further into the lake than the said existing bulkheads.

(c) The height of any bulkhead shall not be greater than three feet above Lake Washington high water level datum which is 22 feet above mean lower low water of Puget Sound as established by the U.S. Army Corps of Engineers, and when connecting to existing bulkheads, shall have a gradual height transition to meet evenly with the height of any existing adjacent bulkheads at the lot line.

(d) Where a bulkhead line was established in any zone or district by a plat approved prior to the effective date of the ordinance codified in this title, then such line shall be deemed to be the permissible location for any bulkhead

constructed in such plat. The required front yard for any waterfront lots in such plat shall be measured from such bulkhead line, rather than the shoreline. No structure extending above grade shall be constructed or placed in any such front yard in such plat.

(8) Construction Requirements. All waterfront structures built over water shall be constructed on piles or floats and utilize dimensioned lumber or other rigid, finished, manufactured materials. No piling shall extend higher than five feet above a pier or wharf deck, except for specific uses such as the mast of a derrick or hoist for lifting boats out of the water, for post hoist for cradling small boats when housed within a covered moorage, or for diving platform or slide. Piling may be used to support a roof. No roofed waterfront structure shall have sides whether permanent or temporary. Pitched or sloped roofs shall not be designed or constructed so as to constitute sides.

(9) Boat Hoists. Hoists for boats up to 30 feet in length and/or 10,000 pounds are permitted, provided they are located within the setback requirements of subsection (2) of this section.

(10) Aircraft Moorage. One single engine aircraft may be moored at a building lot in accordance with setback requirements. [Ord. 471 § 1, 2008; Ord. 422 § 9, 2003; Ord. 315 § 3, 1996; Ord. 306 § 1, 1995; Ord. 275 § 2, 1994; Ord. 271 § 3, 1994; Ord. 212 § 8(A), 1988]

18.40.020 Swimming pools and hot tubs.

It is the intent of this title to allow property owners to construct exterior swimming pools, hot tubs, and supporting facilities, while at the same time protecting the public health, welfare, and safety of the community and minimizing the effect of such facilities on surrounding property. The approval of the town building official shall be required for the construction or installation of any swimming pool or hot tub.

(1) Location of Swimming Pools and Hot Tub. In waterfront lots, swimming pools or hot tubs, including any deck or apron around the same, may be located in front or rear yards; provided, that the pool/hot tub or accessory

18.40.030

structure is set back from the side lot line by a minimum distance of 10 feet or 10 percent of the width of the lot, whichever is greater. In nonwaterfront lots, swimming pools and hot tubs shall be located in the rear yard only, and must comply with rear and side lot line setback requirements contained in this title.

(2) Regulations Applicable to Swimming Pools.

(a) Covers. Outdoor pools shall not be roofed or covered, however, protective covers may be installed provided such cover extends no more than one foot above the finished grade.

(b) Fencing. Outdoor pools shall be enclosed by fencing not less than four feet in height, of strength and design sufficient to resist penetration and discourage climbing by small children. Pool fencing located in a front yard shall be no more than five feet in height. Pool fencing located any place other than on the side property lines shall be of a non-sight-obscuring type. Property line fencing shall comply with HPMC 18.30.020(3). A dwelling unit on the premises may constitute a part of the required fencing, but shall not include the service, delivery or garage entrance. Any doors or gates in said fencing, other than residence doors, shall be of a self-closing and self-latching type. Latch devices mounted on the outside of said fencing shall be located at least 54 inches above the finished grade. Latch devices mounted on the inside (pool side) of said fencing shall be located no less than six inches below the top of the fence if the fence is less than four and one-half feet in height and shall only be operable from the outside by reaching over the fence. Other barriers equally or more effective than the fencing described in this subsection may be permitted upon approval by the town building official. Ornamental pools less than one foot in depth are exempt from the requirements of this subsection.

(c) Equipment Enclosures. Supporting structures enclosing equipment essential to pool operation, such as heating, cleaning and filtering, shall extend no more than two feet above finished grade and shall comply with the setback requirements contained in this title.

Wherever feasible, all equipment necessary for pool operation and use shall be located in the dwelling unit or garage.

(d) Diving Boards and Handrails. Diving boards and handrails, if any, shall be no more than five feet above the pool edge or finished grade, whichever measurement results in a lower diving board or handrail.

(e) Lighting. Pool lighting shall be of the underwater type.

(f) Stairs into Pool. There shall be stair steps at the shallow end of all pools to permit entrance to and exit from the water.

(3) Regulations Applicable to Hot Tubs. Hot tubs shall be enclosed by fencing which is consistent with the fencing required for pools in subsection (2)(b) of this section unless the owner agrees, in writing, to keep the hot tub covered with a solid lockable cover. [Ord. 340 § 1, 1998; Ord. 304 § 9, 1996; Ord. 246 § 6, 1991; Ord. 212 § 8(B), 1988]

18.40.030 Game courts.

(1) Permanent game courts shall be located only in the rear yard.

(2) Fences surrounding game courts shall be constructed of non-sight-obscuring material and shall not exceed 12 feet in height.

(3) Game courts, including fencing for the same, shall comply with setback requirements concerning accessory yard structures.

(4) Game courts, including fencing for same, shall be screened from roads and neighbors to preserve and enhance the town's physical and aesthetic character. Screening shall be predominately evergreen planting, which shall reasonably obscure the structure within a period of three years and thereafter. [Ord. 212 § 8(C), 1988]

18.40.040 Nonconforming structures and uses.

The following regulations shall govern the continuation and elimination of nonconforming uses, buildings and structures:

(1) Any use, building or structure which lawfully existed prior to August 12, 1957 (the date of enactment of Ordinance 21), is hereby permitted to continue and be maintained and operated in accordance with this section.

(2) A nonconforming use may be changed or altered only to a use of the same or more restrictive classification in accordance with the primary permitted use classification herein established and any such change or alteration shall require a variance as provided by ordinance.

(3) A building or structure containing a nonconforming use shall not be enlarged or expanded nor shall it be repaired or renovated unless the use is brought into conformity with the requirements of this title.

(4) A nonconforming use which has been discontinued for a period of one year or more shall be conclusively presumed to be abandoned and no such use shall thereafter be permitted. Whenever a building or a structure is vacant, the use therein shall be deemed discontinued.

(5) The exterior of any nonconforming structure, including nonconforming accessory buildings and nonconforming docks, both as defined in this title, may be altered without the granting of a variance, but only if any such alteration does not increase any existing nonconformity, including but not limited to nonconformities related to lot coverage, setback, and height. Except as specifically authorized in this subsection, the exterior of a nonconforming structure may not otherwise be altered without first obtaining a variance as provided by this title. The interior of any nonconforming structure may be altered or renovated without the grant of a variance.

(6) Regular and ordinary maintenance shall not be deemed enlargement, expansion, change, alteration, or reconstruction as those terms are used in this section, provided that the value of such maintenance in any one year shall not exceed 10 percent of assessed valuation as determined by the county assessor for the year in which the work is done.

(7) Whenever a building or structure which is nonconforming or which contains a nonconforming use is destroyed or deteriorates to the extent of 60 percent or more of its assessed value, as determined by current tax rolls in the office of the King County assessor, such nonconforming structure or use shall thereafter forthwith be discontinued and abated and any

subsequent use or structure shall be in conformity with this title. [Ord. 441 § 1, 2005; Ord. 246 § 6, 1991; Ord. 212 § 8(D), 1988]

Chapter 18.41

SIGNS

Sections:

- 18.41.010 Allowed signs.
- 18.41.020 Prohibited signs.
- 18.41.030 Retroactivity.
- 18.41.040 Violations and penalties.

18.41.010 Allowed signs.

The following signs are allowed within the town:

(1) Residential signs displaying names and house numbers only and not exceeding two square feet in size are allowed on private property.

(2) Informational Signs. Temporary informational signs relating to political, religious or community events or issues are allowed on private property provided:

(a) Political signs must comply with all state statutes or regulations regulating campaign advertising as they may be enacted or amended from time to time.

(b) Political signs relating to a particular election must be removed within 48 hours following such election.

(c) The total square footage of all such signs shall not exceed four square feet per residence.

(3) Municipal Signs. Signs or temporary notices placed by the town for any municipal purpose are allowed.

(4) Information Boxes. Clear boxes may be mounted on wooden posts adjacent to residences which are for sale containing informational flyers relating to the residence. Said boxes shall not exceed nine inches in width, 10 inches in height or two inches in depth. The posts upon which they are mounted shall be unpainted or painted a single neutral color. The box and post shall not be placed closer than three feet from an improved street or sidewalk. No signage shall be allowed upon the post or box. [Ord. 301 § 1, 1995]

18.41.020 Prohibited signs.

All signs not allowed under HPMC 18.41.010 are prohibited. Commercial signs of

any nature are prohibited anywhere within the town. Commercial signs include but are not limited to:

(1) Signs relating in any way to the sale or availability of goods or services.

(2) Signs advertising property for sale or lease.

(3) Signs identifying individuals or entities providing services such as signs of contractors, subcontractors, architects or developers, not including signs on vehicles traveling through the town or parked in conformance with the requirements of Chapter 10.10 HPMC.

(4) Signs advertising garage sales or similar events. [Ord. 301 § 2, 1995]

18.41.030 Retroactivity.

Any noncomplying residential sign in place on the effective date of the ordinance codified in this chapter (September 11, 1995) which conformed to the law in effect prior to September 11, 1995, may be permitted to remain in place but may not be altered or enlarged unless it is brought into compliance with this chapter. [Ord. 301 § 3, 1995]

18.41.040 Violations and penalties.

It shall be unlawful for any person, firm, corporation or association to violate the provisions of this chapter. Any violation of this chapter shall be deemed a civil infraction and shall be punished by a civil fine not to exceed \$250.00. Each day that a violation is continued or maintained shall be considered a separate civil infraction. Signs placed in violation of this chapter may be taken down and/or disposed of by any employee of the town, without prior notice. Signs placed in violation of this chapter may be impounded by any employee of the town, without prior notice. Impounded signs shall not be returned to the owner thereof until an impound fee of \$20.00 has been paid. Impounded signs may be destroyed after 48 hours. [Ord. 301 § 5, 1995]

Chapter 18.42

**RECREATIONAL VEHICLES,
TRAILERS AND JUNK VEHICLES**

Sections:

- 18.42.010 Purpose.
- 18.42.020 Definitions.
- 18.42.030 Parking or storage of regulated vehicles – Time limitation.
- 18.42.040 Location and screening.
- 18.42.050 Habitation – Prohibited generally.
- 18.42.060 Occupancy exception.
- 18.42.070 Enforcement and penalty – Vehicle impound.

18.42.010 Purpose.

The purpose of this chapter is to provide a means of regulating motor homes, trailers, recreational vehicles, commercial vehicles, junk vehicles, and other vehicles within the town, and to promote health, safety, and general welfare and aesthetics of the town. [Ord. 344 § 4, 1998]

18.42.020 Definitions.

(1) “Boat” means watercraft used or capable of being used as a means of transportation on the water. However, “boat” does not include inner tubes, air mattresses, small rafts, toys or flotation devices customarily used by swimmers.

(2) “Boat trailer” means any trailer or semi-trailer constructed and/or designed primarily to transport or carry boats.

(3) “Cargo trailer” means any trailer or semi-trailer constructed and/or designed primarily to transport or carry cargo.

(4) “Commercial vehicle” means any vehicle designed and/or used for commercial purposes. Such vehicle would be governed by the regulations covering recreational vehicles when used for such purposes.

(5) “Junk vehicle” means a vehicle which meets at least three of the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including, but not limited to, any of the fol-

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lowing: a broken window or windshield, or missing wheels, tires, motor or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of scrap in said vehicle.

(6) “Motor home” means any self-propelled vehicle designed or constructed so as to permit occupancy thereof as a dwelling or sleeping unit.

(7) “Motor vehicle” means any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails.

(8) “Pickup coach” means a structure designed in such a manner so as to be mounted on a pickup or truck chassis or other vehicle and capable of being used for travel, vacation and recreational purposes, and/or for temporary occupancy. This includes, but is not limited to, the item commonly termed a “camper”.

(9) “Recreational vehicle” means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a foundation.

(10) “Regulated vehicle” means any vehicle which meets the definitions set forth in this section for the following: boat, boat trailer, cargo trailer, commercial vehicle, junk vehicle, motor home, pickup coach, recreational vehicle, semi-trailer, trailer or travel trailer.

(11) “Screen” means a continuous planting of vegetation or fence made of materials such as brick, wood or masonry of sufficient height and density to effectively obscure the view of off-street parking or storage of regulated vehicles from the public right-of-way or adjacent private property.

(12) “Semi-trailer” means any vehicle without motive power designed for being drawn by or used in connection with a motor vehicle and constructed so that an appreciable portion of its weight rests upon or is carried by such vehicle.

(13) “Storage” means the long-term, outdoor use of a permitted parking area for the retention of regulated vehicles.

(14) “Trailer” means any vehicle without motive power designed for being drawn by or used in connection with a motor vehicle and constructed so that an appreciable portion of its weight rests upon or is carried by such motor vehicle.

(15) “Travel trailer” means a vehicular dwelling used for travel, vacation or recreation purposes. Such vehicles are not normally designed for permanent occupancy.

(16) “Vehicle” means all items capable of movement by means of wheels, skids, tracks or runners of any kind, or by air, along roadways or paths or other ways of any kind, specifically including, but not limited to, forms of motor vehicles, boats, buses, cars, vans, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration. [Ord. 344 § 4, 1998]

18.42.030 Parking or storage of regulated vehicles – Time limitation.

(1) It is unlawful to park or store any regulated vehicle on private property, including a private driveway in any zone within the limits of the town for more than one week during any 30-day period except as provided in this chapter.

(2) It is unlawful to park any regulated vehicle, as defined in HPMC 18.42.020(10), on any public street, public right-of-way, public path, or upon any town-owned property within the limits of the town for longer than 24 hours. [Ord. 344 § 4, 1998]

18.42.040 Location and screening.

Any regulated vehicle may be stored indefinitely in the garage or carport or in the side yard or back yard of any residence subject to the setback restrictions of a structure or accessory building as provided by this chapter; and provided, that the stored regulated vehicle is screened from the view of adjoining or nearby property owners and from the public right-of-

18.42.050

way. Additionally, on waterfront lots, boats may be moored in Lake Washington. [Ord. 344 § 4, 1998]

18.42.050 Habitation – Prohibited generally.

No regulated vehicle shall be used for habitation within the boundaries of the town, except as provided in this chapter. Live-aboard use of any boat on the water shall comply with all applicable regulations relating to the use of holding tanks for waste water, and dumping into Lake Washington is prohibited. [Ord. 344 § 4, 1998]

18.42.060 Occupancy exception.

Any regulated vehicle, with the exception of junk vehicles, may be occupied on private residential property for a period not to exceed 15 cumulative days in any calendar year when the owner or user of the vehicle is a nonresident of the town visiting a resident. [Ord. 344 § 4, 1998]

18.42.070 Enforcement and penalty – Vehicle impound.

In addition to all civil and criminal penalties set forth under Chapter 18.60 HPMC, any regulated vehicle which is located within the town in violation of the provisions of this chapter shall be subject to impound or removal, under the following procedures:

(1) Vehicles Located on Public Property. If a regulated vehicle is located on public property in violation of this chapter, it may be impounded at the owner's expense.

(a) Twenty-four hours prior to impound, a notice of violation shall be placed conspicuously on the vehicle and shall include a reference to this chapter and provide notice that if the vehicle is not removed within 24 hours it will be impounded at the owner's expense.

(b) Redemption of vehicles impounded under this chapter shall be permitted in accor-

dance with RCW 46.55.120¹, which is hereby adopted by reference.

(c) Vehicles impounded shall not be released without prior payment of the impound and storage charges.

(d) A registered owner of a vehicle impounded under this section may request a hearing on the validity of the impoundment in accordance with RCW 46.55.120.

(2) Junk Vehicles Located on Private Property.

(a) The abatement procedures set forth in Chapter 18.60 HPMC may be used in combination with this section for removal of junk vehicles which are located on private property in violation of this chapter.

(b) When the town seeks removal of the junk vehicle at issue, a notice of violation shall be mailed to the last registered owner of record of the vehicle and to the property owner of record where the vehicle is located. The notice of violation shall specify that the registered owner and/or property owner has 15 days from the date of service of the notice of violation to file a written appeal with the town administrator. The notice of violation shall also specify that failure to either timely appeal the notice of violation or remove the vehicle may result in the town removing the vehicle at the cost of the registered owner of the vehicle, if the identity of the owner can be determined (unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, as it now exists or is hereafter amended), or at the cost of the owner of the property upon which the vehicle was stored, placed or located.

(c) The costs of impoundment of a vehicle under this section shall be assessed as follows:

(i) Against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101 as it now exists or is hereafter amended; or

1. Code reviser's note: Pursuant to RCW 35.21.180, one copy of RCW 46.55.120 has been and is now on file with the town clerk and is available for examination by the public.

(ii) Against the owner of the property upon which the vehicle was stored, placed or located.

(d) If a timely appeal is received by the town administrator, the town shall mail via certified mail, with a five-day return receipt requested, a notice of the date and time for the hearing to the owner of record of the land and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine vehicle ownership. The appeal hearing shall be heard by the town hearing examiner. The hearing examiner's review of the notice of violation shall be in accordance with HPMC 18.60.009.

(e) The owner of the land upon which the vehicle is located may appear in person at the appeal hearing or present a written statement, made under oath, in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with the reasons for the denial. If it is determined at the appeal hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner did not subsequently acquiesce to its presence, then no costs of administration or removal of the vehicle shall be assessed against the property upon which the vehicle is located.

(f) After notice of the intent to remove and dispose of the vehicle has been given by the town as provided above, and after the appeal hearing, if any, has concluded and a decision upholding the notice of violation or ordering removal issued, the vehicle may be removed by a registered tow truck operator at the request of the building official or designee. Notice of the removal shall be sent to the Washington State Patrol and the State Department of Licensing stating that the vehicle has been wrecked. The town may make final disposition of such vehicle or parts thereof, and may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(g) This subsection shall not apply to any vehicle which is completely enclosed within a building in a lawful manner where

such vehicle is not visible from the street or other public or private property. [Ord. 344 § 4, 1998]

Chapter 18.43

WIRELESS SERVICE FACILITIES

Sections:

- 18.43.001 Purpose.
- 18.43.002 Policy statement.
- 18.43.003 Exemptions.
- 18.43.004 Site selection criteria.
- 18.43.005 Priority of locations.
- 18.43.006 Siting priority on public property.
- 18.43.007 Permits required.
- 18.43.008 Design criteria.
- 18.43.009 Landscaping requirements.
- 18.43.010 Inspection requirements.
- 18.43.011 Non-use/abandonment.
- 18.43.012 Third party review.
- 18.43.013 Special use permits.

18.43.001 Purpose.

(1) These standards were developed to protect the public health, safety and welfare, to protect property values and minimize visual impact while furthering the development of enhanced telecommunications services in the town. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this title are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting wireless services. This title shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless services.

(2) To the extent that any provision of this title is inconsistent with or conflicts with any other town ordinance, this title shall control. Otherwise, this title shall be construed consistently with the other provisions and regulations of the town. [Ord. 329 § 15, 1997]

18.43.002 Policy statement.

(1) General. As stated above, the purpose of this chapter is to establish general guidelines for the siting of antenna support structures, equipment buildings and antennas. The goals of this chapter are to: (a) enhance the ability of wireless service providers to provide such service throughout the town quickly, effectively and efficiently; (b) encourage wireless service providers to co-locate on new and

existing sites; (c) encourage wireless service providers to locate facilities, to the extent possible, in areas where the adverse impact on town residents is minimal; and (d) encourage wireless service providers to configure facilities in a way that minimizes any significant adverse visual impact. Accordingly, the town council finds that the promulgation of this chapter is warranted and necessary:

(a) To manage the location of facilities in the town;

(b) To protect residential areas and land uses from potential adverse impacts of towers and antennas;

(c) To minimize adverse visual impacts of facilities through careful design, siting, landscaping screening, and innovative camouflaging techniques;

(d) To accommodate an increased need for facilities to serve the wireless communications needs of town residents;

(e) To promote and encourage co-location on existing and new facilities as an option rather than construction of additional single-use facilities, and to reduce the number of such structures needed in the future;

(f) To consider the public health and safety of facilities to the extent permitted by the Telecommunications Act of 1996; and

(g) To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.

(2) Compliance Required.

(a) New Uses. All new antennas and wireless service facilities shall comply with this chapter after the date of passage.

(b) Existing Uses. All antennas and wireless service facilities existing on the date this chapter was passed shall be allowed to continue as they presently exist, but will be considered nonconforming uses and structures. Routine maintenance shall be permitted on existing antennas, subject to conformance with all other applicable permit requirements. However, new construction other than routine maintenance on existing antennas, buildings or other facilities shall comply with the requirements of this chapter. [Ord. 329 § 15, 1997]

18.43.003 Exemptions.

The following are exempt from the provisions of this chapter and shall be allowed outright within the town, without a site development or special use permit for wireless service facilities:

(1) Wireless radio utilized for temporary emergency communications in the event of a disaster;

(2) Radar systems for military and civilian communication and navigation;

(3) Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property;

(4) Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers or buildings); provided, that compliance with the standards of this chapter are observed;

(5) Emergency repair and emergency maintenance; provided, that the building official shall be notified of the necessity for emergency repair or emergency maintenance at the earliest possible time prior to effecting the repair. In the event emergency repair is immediately necessary and such notification cannot be made during working hours, the building official or alternate town official shall be notified no later than 10:00 a.m. of the next working day following the date the emergency repair or emergency maintenance was made. A building permit shall be obtained for all emergency repair or emergency maintenance work subject to the requirements of Chapter 15.10 HPMC, and/or the requirements set forth in this chapter. If a building permit is required, a complete application for a building permit shall be filed no later than 15 days following the date the emergency repair or emergency maintenance was begun;

(6) A COW or other temporary wireless telecommunications facility shall be permitted for a maximum of 90 days or during an emergency declared by the town. [Ord. 329 § 15, 1997]

18.43.004 Site selection criteria.

(1) Any applicant proposing to place a wireless service facility, construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna or facility must be located on the site to satisfy its function in the applicant's local grid system. Further, the applicant must demonstrate by engineering evidence that the height requested is the minimum height necessary to fulfill the site's function within the grid system.

(2) Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider, or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.

(3) Location and design of wireless service facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zone. [Ord. 329 § 15, 1997]

18.43.005 Priority of locations.

(1) The order of priorities for locating new wireless service facilities shall be as follows:

(a) Place facilities on public property; and

(b) Place antennas on appropriate rights-of-way and existing structures such as public buildings.

(2) An applicant may locate facilities on private property only under the following circumstances:

(a) The applicant shall demonstrate that a diligent effort has been made to locate the proposed facilities on a public facility or other appropriate existing structures within and without the town, and that due to valid considerations, including physical constraints and economic or technological feasibility, no appropriate location is available.

(b) The applicant shall be required to demonstrate that they: (i) have contacted the owners of structures in excess of 30 feet to within one-quarter mile radius of the site proposed and from which location standpoint could provide part of a network for transmis-

18.43.006

sion of signals; (ii) have asked for permission to install the facilities on those structures; and were denied for reasons other than economic feasibility. [Ord. 329 § 15, 1997]

18.43.006 Siting priority on public property.

(1) Minimum Requirements. The placement of wireless service facilities on town-owned property must comply with the following:

(a) The facilities will not interfere with the purposes for which the town-owned property or utilities are intended;

(b) The facilities will have no significant adverse impact on surrounding private property and will be located no closer than 150 feet from the nearest private residence;

(c) The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions. The town shall establish fees after considering comparable rates in other municipalities, potential expenses, risks to the town and other appropriate factors;

(d) The applicant will submit a letter of credit, performance bond, or other security acceptable to the town to cover the costs of removing the facilities;

(e) The facilities will not interfere with other users;

(f) The lease shall provide that the applicant must agree that in case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the town may require the applicant to remove the facilities at the applicant's expense;

(g) The applicant must reimburse the town for any related costs which the town incurs because of the presence of the applicant's facilities;

(h) The applicant must obtain all necessary land use approvals; and

(i) The applicant must cooperate with the town's objective to encourage co-locations and thus limit the number of cell sites requested, or camouflage the site.

(2) Special Requirements for Parks. The use of town-owned parks for wireless services facilities brings with it special concerns due to the unique nature of these sites. The placement of wireless service facilities in a park will be allowed only when the following additional requirements are met:

(a) In no case shall wireless service facilities be allowed in designated environmentally sensitive areas unless they are co-located on existing facilities;

(b) Before wireless services may be located in public parks, consideration shall be given to visual impacts and disruption of normal public use;

(c) Wireless service facilities may be located in park maintenance facilities. [Ord. 329 § 15, 1997]

18.43.007 Permits required.

(1) Type of Permit. Where a facility is proposed to be 26 feet or less in height, the applicant shall obtain a site development permit pursuant to Chapter 15.45 HPMC, including the application requirements at HPMC 15.45.070, and comply with all other provisions of this chapter. In the event that a facility is proposed to be more than 26 feet in height, or if the applicant desires to vary from any term or condition herein, the applicant shall also obtain a special use permit, and comply with all other applicable provisions of this chapter. With respect to the placement of antennas on an antenna support structure, the requirements for a special use permit or site development permit will be applicable, based upon the height of the antenna mount and antenna or antenna support structure, except as otherwise provided in this chapter.

(2) Application Requirements. A complete application for a special use permit under this chapter shall consist of the following:

(a) Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;

(b) A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees and other significant site features, the type and location of plant materials

used to screen the facility, and the proposed color(s) of the facility;

(c) A signed statement indicating that:
(i) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional wireless service facilities by other providers on the applicant's structure or within the same site location and
(ii) the applicant and/or landlord agrees to remove the facility within 60 days after abandonment;

(d) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

(e) A site plan clearly indicating the location, type and height of the proposed antenna and antenna support structure, on-site land uses and zoning, buffering, access, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility and any other proposed structure;

(f) A current map and aerial showing the location of the proposed antenna and antenna support structure, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the town;

(g) Legal description of the parcel, if applicable;

(h) A vicinity map showing the distance between the antenna or the wireless service facility and the property lines of the adjacent public or private properties;

(i) A landscape plan showing specific landscape materials;

(j) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;

(k) A letter signed by the applicant stating the antenna and antenna support structure comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;

(l) A statement by the applicant as to whether construction of the antenna and antenna support structure will accommodate co-location of additional facilities or antennas for future users;

(m) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

(n) The telecommunications provider must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;

(o) The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC-licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;

(p) At the time of site selection, the applicant shall demonstrate how the proposed site fits into its overall network within the town;

(q) An application form, and: (i) a map of the area to be served by the facility; (ii) its relationship to other cell sites in the applicant's network; and (iii) an evaluation of existing commercial buildings taller than 30 feet located within one-quarter mile of the proposed tower or antenna from which a location standpoint could provide part of a network for transmission of signals.

(3) Processing of Permits.

(a) Timing. All permits required by this chapter shall be subject to the 120-day project permit processing time frame, unless a third-party review is required under HPMC 18.43.012.

(b) Site Development Permits. The town shall process site development permit applications under Chapter 15.45 HPMC.

(c) Special Use Permits. Special use permits shall be processed according to the procedures set forth in HPMC 18.43.013, unless a third party review is required under HPMC 18.43.012 herein. In addition to the requirements in HPMC 18.43.013, the applicant shall submit a written statement demonstrating that all of the criteria for approval in this chapter have been satisfied.

18.43.008

(d) SEPA. Decisions pertaining to applications to site wireless service facilities are not subject to the State Environmental Policy Act (SEPA, specifically RCW 43.21C.030(2)(c)), if the facilities meet the requirements of RCW 43.21C.0384 (as that section currently exists or may be amended in the future). The town may also follow the procedures set forth in RCW 80.36.375 (as that section currently exists or may be amended in the future), where a wireless service provider applies to site several “microcells” (as defined in RCW 80.36.375(2)(b)), in a single geographical area. [Ord. 379 § 1, 2000; Ord. 329 § 15, 1997]

18.43.008 Design criteria.

Approval of all site development and special use permits shall be based on the following design criteria:

(1) Co-location. New facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

(2) Architectural Compatibility. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the town, and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

(3) Setbacks. All facilities shall comply with the minimum setback requirements of the area in which they are located. A special use permit shall be required to vary from the minimum setback requirements, and may only be granted if there are unusual geographical limitations or other public policy considerations as determined in the sole discretion of the town. Such considerations shall include by way of illustration, and not limitation, the following:

(a) Impact on adjacent properties;

(b) Alternative sites for personal wireless service facilities;

(c) The extent to which screening and camouflaging will mitigate the effects of the wireless facilities.

(4) Right-of-Way Setback Exception. The setback requirement may be waived pursuant to a special use permit if the antenna and

antenna support structure are located in town right-of-way.

(5) View Corridors. Due consideration shall be given so that placement of towers, antennas and personal wireless service facilities do not obstruct or significantly diminish currently existing views of Lake Washington and surroundings.

(6) Color. Antennas and facilities shall have a color generally matching the surroundings or background, in such a way that visibility is minimized, unless a different color is required by the FCC or FAA.

(7) Lights, Signals and Signs. No signals, lights or signs shall be permitted on antennas or facilities unless required by the FCC or FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the antenna, then dual mode lighting shall be requested from the FAA.

(8) Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for equipment buildings are as follows:

(a) The maximum floor area is 200 square feet and the maximum height is seven feet. Except in unusual circumstances or for other public policy considerations, the equipment building may be located no more than 150 feet from the antenna or facility. Depending upon the aesthetics and other issues, the town, in its sole discretion, may approve multiple equipment structures, one or more larger structures and/or multiple structures for multiple applicants.

(b) Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other town ordinances or codes.

(c) Equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

(9) Federal Requirements. All antennas and antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate

antennas and antenna support structures. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their antennas and antenna support structures into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided by federal law. Failure to bring antennas and antenna support structures into compliance with the revised standards and regulations shall constitute grounds for the town to remove a provider's facilities at the provider's expense.

(10) Building Codes, Safety Standards. To ensure the structural integrity of towers, antennas, antenna support structures and facilities, the applicant/owner shall ensure that they are maintained in compliance with standards contained in the applicable town building codes and the applicable standards for antenna support structures published by the EIA, as amended from time to time. If, upon application for a building permit or inspection, the town concludes that an antenna support structure fails to comply with such codes and standards and constitutes a danger to persons or property, then upon written notice provided to the owner by the town, the owner shall have 30 days to bring the antenna support structure into compliance with such standards. If the owner fails to bring the antenna support structure into compliance within 30 days, the town may remove the antenna support structure at the owner's expense.

(11) Structural Design. Antenna support structures shall be constructed to EIA standards, which may be amended from time to time, and to all applicable codes adopted by the town. Further, any improvements or additions to existing antenna support structures shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time applications for building permits are submitted.

(12) Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each wireless service facility. Access to the facility shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip. All landscaping shall meet applicable town code requirements.

(13) Antenna and Antenna Support Structure Height. The applicant shall demonstrate that the antenna and antenna support structure proposed in its application is the minimum height required to function satisfactorily. No antenna or antenna support structure that is taller than this minimum height shall be approved. No antenna, antenna support structure or mount shall exceed 26 feet in height. Exceptions from this requirement may be made under the special use permit procedures in HPMC 18.43.013.

(14) Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively impacted by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(15) Antenna Criteria. Antennas on or above a structure shall be subject to the following:

(a) The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact;

(b) Where the antenna is mounted or placed on utility poles or lighting standards, the antenna shall be designed and located so as to minimize any adverse aesthetic impact;

(c) The antenna shall be mounted on a wall of an existing building on a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line, including parapets;

18.43.009

(d) The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building, wall or structure upon which it is mounted;

(e) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color;

(f) The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation and uses;

(g) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of the visual mitigation techniques must be evaluated by the town, in the town's sole discretion.

(16) Co-Location Disputes. No personal wireless service provider, lessee, or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the building official may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

(17) Continuing Compliance with Standards. No wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to placing the antenna, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

(18) Interference. No antenna shall cause localized interference with the reception of any other communications signals, including, but not limited to, public safety, television, and radio broadcast signals. In addition, wireless facilities installed in, over, under or through the public right-of-way or utility corridor shall not

interfere with the existing utilities in the public right-of-way or utility corridor.

(19) Guy Wires Restricted. No guy or support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building to which such antenna, antenna array, or support structure is attached. [Ord. 329 § 15, 1997]

18.43.009 Landscaping requirements.

Approval of all site development and special use permits shall be based on the following landscaping requirements:

(1) Landscaping. Landscaping, as described herein, shall be required to screen wireless service facilities as much as possible, to soften the appearance of the cell site. The town may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, on top of a utility pole and/or other equipment, or is housed inside an existing structure, landscaping may not be required.

(2) Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the antenna and antenna support structure, except that the town may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.

(3) Specific Requirements. Examples of the type of landscaping and screening the town may require are:

(a) A row of evergreen trees a minimum of six feet tall at planting a maximum of six feet apart, to be planted around the perimeter of the fence;

(b) A continuous hedge capable of growing to at least 72 inches in height within 24 months, to be planted in front of the tree line referenced above;

(4) Maintenance. In the event that landscaping is not maintained at the required level, the town may provide 30 days' advance written notice of such violation to the owner. The owner shall be required to maintain or establish the required landscaping, or be subject to civil penalties as provided in HPMC 18.60.010. [Ord. 329 § 15, 1997]

18.43.010 Inspection requirements.

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC standards and within 60 days of the inspection, shall file a report with the town. Submission of a copy of the FCC-required safety inspection report, or the facility operator's maintenance reports for the prior 12 months shall satisfy the requirements of this section, if no FCC report is required for such year. [Ord. 329 § 15, 1997]

18.43.011 Non-use/abandonment.

(1) Abandonment. No less than 30 days prior to the date that a wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the town by certified U.S. mail of the proposed date of abandonment or discontinuation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the town's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days (or additional period of time determined in the reasonable discretion of the town) within which to:

(a) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

(b) In the event that abandonment as defined herein occurs due to relocation of an antenna at a lower point on the antenna support structure, the operator shall have six months from the date of effective abandonment to collocate another service on the antenna and antenna support structure. If another service

provider is not added to the antenna support structure, the operator shall promptly dismantle and remove that portion of the antenna support structure which exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes made to wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment;

(c) Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the 60-day time period or additional period of time allowed by the town, the town may remove the antenna, antenna support structure, foundation and related facility at the owner's/provider's expense. If there are two or more providers co-locating on a facility, this provision shall not become effective until all providers cease using the facility, except as otherwise provided herein.

(2) At the earlier of 60 days from the date of abandonment without reactivating or upon completion of dismantling and removal, town approval for the facility shall automatically expire. [Ord. 329 § 15, 1997]

18.43.012 Third party review.

(1) Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The town may require a technical review as part of the permitting process. The costs of the technical review shall be borne by the provider.

(2) The selection of the third party expert may be by mutual agreement between the provider and the town, or at the discretion of the town, with a provision for the provider and interested parties to comment on the proposed expert and review his/her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's method-

18.43.013

ology and equipment used. Based on the results of the expert review, the town may require changes to the provider's application. The expert review shall address the following:

- (a) The accuracy and completeness of submissions;
- (b) The applicability of analysis techniques and methodologies;
- (c) The validity of the conclusions reached; and
- (d) Any specific technical issues designated by the town. [Ord. 329 § 15, 1997]

18.43.013 Special use permits.

(1) Approval Body. The hearing examiner shall review, approve, conditionally approve or deny special use permits.

(2) Application Requirements and Notice. An applicant shall provide all of the information required in HPMC 18.43.007(2). Notice of the application and the public hearing by the hearing examiner shall be given in accordance with Chapter 11.10 HPMC.

(3) Hearing Required. The hearing examiner may act on a special use permit only after a public hearing, as provided in Chapter 11.10 HPMC.

(4) Criteria for Approval. Special use permits are required for wireless facilities and antenna facilities proposed to be more than 26 feet in height, or for those situations in which the applicant desires to vary from any term or condition of this chapter.

(a) Development Standards. Every application for a special use permit under this chapter shall be reviewed by the hearing examiner for compliance with the development standards in this chapter.

(b) Additional Criteria. The hearing examiner may approve or conditionally approve an application for a special use permit application meeting all of the development standards in this chapter, as long as the applicant additionally demonstrates compliance with the following:

- (i) There will be no injury to the neighborhood or other detriment to the public welfare;
- (ii) There is a need for the proposed facility or antenna to be located in or adjacent

to the residential area, which shall include documentation of the procedures involved in the site selection and an evaluation of the alternative sites and existing facilities on which the proposed facility or antenna could be located or co-located;

(iii) The facility or antenna shall be designed to be as least intrusive as practicable, including, but not limited to, the exterior treatment of the facility so as to be harmonious with the character of the surrounding neighborhood, the use of landscaping and privacy screening to buffer the facility and activities on the site from surrounding properties and that any equipment that is not enclosed shall be designed and located on the site to minimize impacts related to noise, light and glare onto surrounding properties;

(iv) For a variance from the minimum setback requirements, a special use permit may only be granted if there are unusual geographical limitations or other public policy considerations as determined in the sole discretion of the town, as set forth in subsection (3) of this section; and

(v) In those situations where strict application of the standards in this chapter would result in the applicant's inability to provide telecommunications services or if the applicant claims that the application of this chapter would unreasonably discriminate among providers of functionally equivalent services, the applicant shall provide a written statement which provides detailed information supporting this claim(s).

(5) Written Decision Required. The hearing examiner's decision to approve, conditionally approve or deny a special use permit shall be in writing, and such findings of fact and conclusions shall be supported by substantial evidence in the administrative record. Any conditions imposed shall be based on the purposes and policy statement of this chapter, as set forth in HPMC 18.43.001 and 18.43.002. [Ord. 422 § 10, 2003; Ord. 329 § 15, 1997]

Chapter 18.45**CONDITIONAL USE PERMITS**

Sections:

- 18.45.010 Uses permitted.
- 18.45.020 Public buildings.
- 18.45.030 *Repealed.*
- 18.45.040 *Repealed.*
- 18.45.050 Rental of moorage.
- 18.45.060 Yacht clubs.
- 18.45.070 *Repealed.*

18.45.010 Uses permitted.

The uses set out in this chapter may be permitted upon issuance of a conditional use permit by the hearing examiner; provided, that the conditions set forth have been met or complied with in each instance. [Ord. 422 § 11, 2003; Ord. 212 § 9, 1988]

18.45.020 Public buildings.

Public buildings of the town, including but not limited to public utility installations, provided that such buildings are erected or within 300 feet of the community center, and provided that such buildings are architecturally harmonious with the existing improvements in their environs, and suitably screened from view, and provided that adequate off-street parking is provided to prevent traffic hazards, on-street parking or undue congestion. [Ord. 212 § 9(A), 1988]

18.45.030 Mobile living units.

Repealed by Ord. 344. [Ord. 212 § 9(B), 1988]

18.45.040 Guest boats.

Repealed by Ord. 344. [Ord. 212 § 9(C), 1988]

18.45.050 Rental of moorage.

No rental of moorage is allowed. [Ord. 212 § 9(D), 1988]

18.45.060 Yacht clubs.

Not-for-profit yacht clubs may be allowed if they promote the intent of this title as defined in HPMC 18.05.020, do not rent moorage and are:

(1) Sponsored by a resident or residents who agree to hold the town harmless with respect to the actions of the yacht club; and

(2) Are composed entirely of residents utilizing only their own moorages; or

(3) Are limited to nine sailboats of one class, 23 feet or less in length with approved arrangements for docking, moorage, storage and use. [Ord. 212 § 9(E), 1988]

18.45.070 Communications antenna.

Repealed by Ord. 338. [Ord. 212 § 9(F), 1988]

Chapter 18.46

**BOUNDARY LINE ADJUSTMENTS
AND LOT CONSOLIDATIONS**

(Repealed by Ord. 467)

Chapter 18.50

AMENDMENTS TO CLASSIFICATIONS

Sections:

18.50.010 Initiation.

18.50.020 Hearing – Notice.

18.50.030 Hearing – Decision.

18.50.040 Council consideration.

18.50.050 Amendments – Filing.

18.50.010 Initiation.

Any interested person owning real property in the town, any town official, the planning commission or the town council may originate any proposal for any amendment to this code, the official zoning map or to the comprehensive plan of the town. Application for any such amendment shall be made in writing. [Ord. 467 § 74, 2008; Ord. 212 § 10, 1988]

18.50.020 Hearing – Notice.

Notice of a public hearing shall be given in accordance with state law. In addition, written notice shall be given by mail or personal service to all residents within 300 feet of any area proposed for reclassification. Such notice will be given not less than 15 nor more than 20 days prior to a public hearing thereon. [Ord. 467 § 75, 2008; Ord. 212 § 10(A), 1988]

18.50.030 Hearing – Decision.

The planning commission shall hold a public hearing on the proposed amendment and shall, within 30 days of the closing of the hearing, make recommendations to the town council upon the proposed amendment. [Ord. 467 § 76, 2008; Ord. 212 § 10(B), 1988]

18.50.040 Council consideration.

At its next regular meeting, the town council shall consider the merits of the proposed amendment, together with the planning commission’s recommendation thereon and such other pertinent information as the council may adduce by its own investigation or otherwise and shall at that meeting take final action upon the proposed amendment. [Ord. 467 § 77, 2008; Ord. 212 § 10(C), 1988]

18.50.050 Amendments – Filing.

Any amendment to the comprehensive plan, the zoning map or to the text of this title shall be effected by ordinance and any amendments to the comprehensive plan shall be filed on record with the county auditor. [Ord. 467 § 78, 2008; Ord. 212 § 10(D), 1988]

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tion, give due notice thereof to the parties and general public, and decide the same in accordance with the procedures set forth in HPMC 18.55.060 and Chapter 2.35 HPMC. The final disposition by the hearing examiner of any application under this chapter shall be in the form of an order. [Ord. 349 § 4, 1998]

18.55.090 Stay.

An application to the hearing examiner under this chapter stays all proceedings in furtherance of the action from which the request for a variance or appeal of interpretation was taken, unless the building official certifies to the hearing examiner that by reason of the facts stated in the certification, a stay would, in the building official’s opinion, cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by restraining order issued by the Superior Court. The decision of the hearing examiner on the request for a stay shall be transmitted to the building official. [Ord. 349 § 4, 1998]

Chapter 18.60

ENFORCEMENT

Sections:

- 18.60.001 Purpose.
- 18.60.002 Scope.
- 18.60.003 Violations.
- 18.60.004 Enforcement.
- 18.60.005 Right of entry, investigation and notice of violation.
- 18.60.006 Time to comply.
- 18.60.007 Stop work order.
- 18.60.008 Emergency order.
- 18.60.009 Review by hearing examiner.
- 18.60.010 Penalties – Zoning code violations.
- 18.60.020 Penalties – Subdivision violations.
- 18.60.030 Penalties – Shoreline master program violations.

18.60.001 Purpose.

The purpose of this chapter is to establish an efficient procedure for enforcement of zoning, subdivision and shoreline code violations. [Ord. 335 § 4, 1998]

18.60.002 Scope.

The procedures set forth in this chapter shall be utilized to enforce violations of HPMC Titles 17 and 18. [Ord. 335 § 4, 1998]

18.60.003 Violations.

(1) It is unlawful for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the town without first obtaining the permits or authorizations required for the use by the applicable provisions of HPMC Titles 17 and 18 and the town’s shoreline master program.

(2) It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the town in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions HPMC Title 17 or 18 or the shoreline master program.

(3) In addition to the above, it is unlawful to:

18.60.004

(a) Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;

(b) Misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;

(c) Fail to comply with any of the requirements of an order to cease activity issued under this chapter;

(d) Fail to comply with any of the applicable provisions of HPMC Title 17 or 18; and

(e) Fail to conform to the terms of a shoreline substantial development permit, conditional use permit, variance or other permit issued pursuant to the town's shoreline master program, or undertake a development or use on shorelines without first obtaining a shoreline substantial development permit, or fail to comply with a cease and desist order issued pursuant to Section X(1) of the shoreline master program; provided, that the person in violation first receives the following information in writing:

(i) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(ii) A statement of what is required to achieve compliance;

(iii) The date by which the compliance is to be achieved;

(iv) Notice of the manner in which to contact the building official or town enforcement officer;

(v) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed. [Ord. 335 § 4, 1998]

18.60.004 Enforcement.

(1) The building official shall have the responsibility for enforcement of this chapter. The building official may call upon the police, fire, building, public works or other appropriate town departments to assist in enforcement. As used in this chapter, "building official" shall also mean his or her duly authorized representative.

(2) This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

(3) It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of HPMC Titles 17 and 18, and for compliance with the shoreline master program.

(4) No provision of or any term used in this chapter is intended to impose any duty upon the town or any of its officers or employees which would subject them to damages in a civil action. [Ord. 335 § 4, 1998]

18.60.005 Right of entry, investigation and notice of violation.

Upon presentation of proper credentials, the building official may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, or other court order, enter at reasonable times any building or premises subject to the consent, warrant, or other court order in order to perform the duties imposed by this chapter.

(1) Investigation. The building official shall investigate any structure or use which the building official reasonably believes does not comply with the applicable standards and requirements of HPMC Title 17 or 18.

(2) Notice of Violation. Whenever a building official or other official of the town has found or determined that any building, structure, premises, or land is being used or maintained in violation of HPMC Title 17 or 18 or the shoreline master program, the building official or town attorney may issue a notice of violation directed to the record owner of the violating property and to such other persons as may be causing or contributing to such violation. The notice of violation shall contain the following information:

(a) A separate statement of each standard, code provision or requirement violated;

(b) The date(s) of the violation;

(c) What corrective action, if any, is necessary to comply with the standards, code provision or requirements;

(d) A reasonable time for compliance;

(e) A statement that a cumulative civil penalty in the amount established by HPMC 18.60.010 shall be assessed against the persons to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues, and/or a statement that if the violation is not already subject to criminal prosecution, any subsequent violations may result in criminal prosecution;

(f) For shoreline violations, the notice shall reference previous notices and failures to comply, and the acts constituting a violation of any cease and desist orders issued pursuant to Section X(1) of the shoreline master program.

(3) Service. The notice shall be served on the owner, tenant or other person responsible for the condition, by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the building official makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

(a) Publishing the notice once each week for two consecutive weeks in the town's official newspaper; and

(b) Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address, if known, or, if unknown, to the address of the property involved in the proceedings.

(4) Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

(5) Other Actions May Be Taken. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to HPMC 18.60.007, Stop work order; 18.60.008, Emergency order; cease and desist order under the shoreline master program; criminal prosecution and/or for the additional and injunctive relief described in HPMC 18.60.010 through 18.60.030; or any other legal or equitable relief available under law.

(6) Optional Notice to Others. The building official may mail, or cause to be delivered to any or all residential and/or nonresidential rental unit(s) in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

(7) Amendment. A notice or order may be amended at any time in order to:

(a) Correct clerical errors; or

(b) Cite additional authority for a stated violation. [Ord. 467 § 79, 2008; Ord. 335 § 4, 1998]

18.60.006 Time to comply.

(1) Determination of Time. When calculating a reasonable time for compliance, the building official shall consider the following criteria:

(a) The type and degree of violation cited in the notice;

(b) The stated intent, if any, of a responsible party to take steps to comply;

(c) The procedural requirements for obtaining a permit to carry out corrective action;

(d) The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and

(e) Any other circumstances beyond the control of the responsible party.

(2) Order Becomes Final Unless Appealed. Unless an appeal is filed with the town administrator for hearing before the hearing examiner in accordance with HPMC 18.60.009(1), the notice of violation shall become the final order of the town. A copy of the notice shall be filed with the King County department of records and elections. The town administrator may choose not to file a copy of the notice or order if the notice or order is directed only to a person responsible for the violation, other than the owner of the property. [Ord. 335 § 4, 1998]

18.60.007

18.60.007 Stop work order.

Whenever a continuing violation of HPMC Title 17 or 18 will materially impair the town's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the building official may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter. [Ord. 335 § 4, 1998]

18.60.008 Emergency order.

Whenever any use or activity in violation of HPMC Title 17 or 18 threatens the health and safety of the occupants of the premises or any member of the public, the building official may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Failure to comply with an emergency order shall constitute a violation of this chapter.

Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the town administrator is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law. [Ord. 335 § 4, 1998]

18.60.009 Review by hearing examiner.

(1) The person incurring the penalty described in a notice of violation issued by the building official pursuant to HPMC 18.60.005, except for violations of the shoreline master program, may request an appeal hearing within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or town holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the town administrator shall schedule an appeal hearing before the hearing examiner. Notice of

the appeal shall be sent to the appellant and/or the person(s) named on the notice of violation under the procedures described in HPMC 18.60.005(3). The cumulative civil penalty provided for in the Hunts Point Municipal Code as now or hereafter amended shall not accrue during the pendency of an administrative appeal; however, if the examiner finds that the appeal is frivolous or intended to delay compliance with the applicable code provisions, the examiner may impose the per diem penalty from the date of service of the notice of violation.

(2) Ten days' notice of the hearing before the examiner shall be given to the appellant.

(3) At or after the appeal hearing, the hearing examiner may:

- (a) Sustain the notice of violation;
- (b) Withdraw the notice of violation;
- (c) Continue the review to a date certain for receipt of additional information;

(d) Modify the notice of violation, which may include an extension of the compliance date.

(4) The hearing examiner shall issue a written decision within 10 days of the date of the completion of the review and shall cause the same to be sent to the person(s) named on the notice of violation under the same procedures described in HPMC 18.60.005, and mailed to the complainant, if possible, and filed against the property with the King County department of records and elections.

(5) The decision of the hearing examiner shall be final and conclusive unless appealed according to the procedures in this section. In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision must file a land use petition as provided in Chapter 36.70C RCW, within 21 days of the issuance of the hearing examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant. [Ord. 467 § 80, 2008; Ord. 335 § 4, 1998]

18.60.010 Penalties – Zoning code violations.**(1) Civil Penalty.**

(a) Any person violating or failing to comply with the provisions of the Hunts Point zoning code (HPMC Title 18), unless otherwise provided in the code, shall be subject to a cumulative penalty in the amount of \$500.00 per day for each violation from the date set for compliance, until compliance with the notice of violation or order is achieved.

(b) In addition to any penalty which may be imposed by the town, any person violating or failing to comply with any of the provisions of HPMC Title 18, unless otherwise provided in the code, shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

(c) The penalty imposed by this section shall be collected by civil action brought in the name of the town. The building official shall notify the town attorney in writing of the name of any person subject to the penalty, and the town attorney shall, with the assistance of the town administrator, take appropriate action to collect the penalty. The seeking or granting of remedies shall neither stay nor terminate the accrual of additional per diem penalties so long as violation continues.

(d) The violator may show as full or partial mitigation of liability that the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or that correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

(2) Additional Relief. The town may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the applicable provisions of HPMC Title 18 when civil or criminal penalties are inadequate to effect compliance. [Ord. 467 § 82, 2008]

18.60.020 Penalties – Subdivision violations.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Chapter 58.17 RCW or HPMC Title 17 relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Chapter 58.17 RCW or HPMC Title 17 shall be deemed a separate and distinct offense. [Ord. 467 § 83, 2008]

18.60.030 Penalties – Shoreline master program violations.

(1) Penalties for shoreline master program violations shall not exceed \$1,000 for each violation. Each day of violation shall constitute a separate violation.

(2) Any person who, through an act of commission or omission, aids or abets in a violation, shall be considered to have committed a violation for the purposes of the civil penalty.

(3) Civil penalties shall be imposed by a notice in writing, provided in compliance with HPMC 18.60.005(2).

(4) Any person who is in violation of the shoreline master program may apply, in writing, within 30 days of receipt of the notice of penalty, for remission or mitigation of such penalty. Upon the receipt of the application, the town may remit or mitigate the penalty only upon demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

(5) When a penalty is imposed jointly by the Department of Ecology and the town, it may be remitted or mitigated only upon such terms as both the Department and the town agree.

(6) Appeal of Civil Penalty. Persons incurring a penalty may appeal the same to the hearing examiner and to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of Chapter 34.05 RCW. Appeals shall be filed within 30 days of receipt

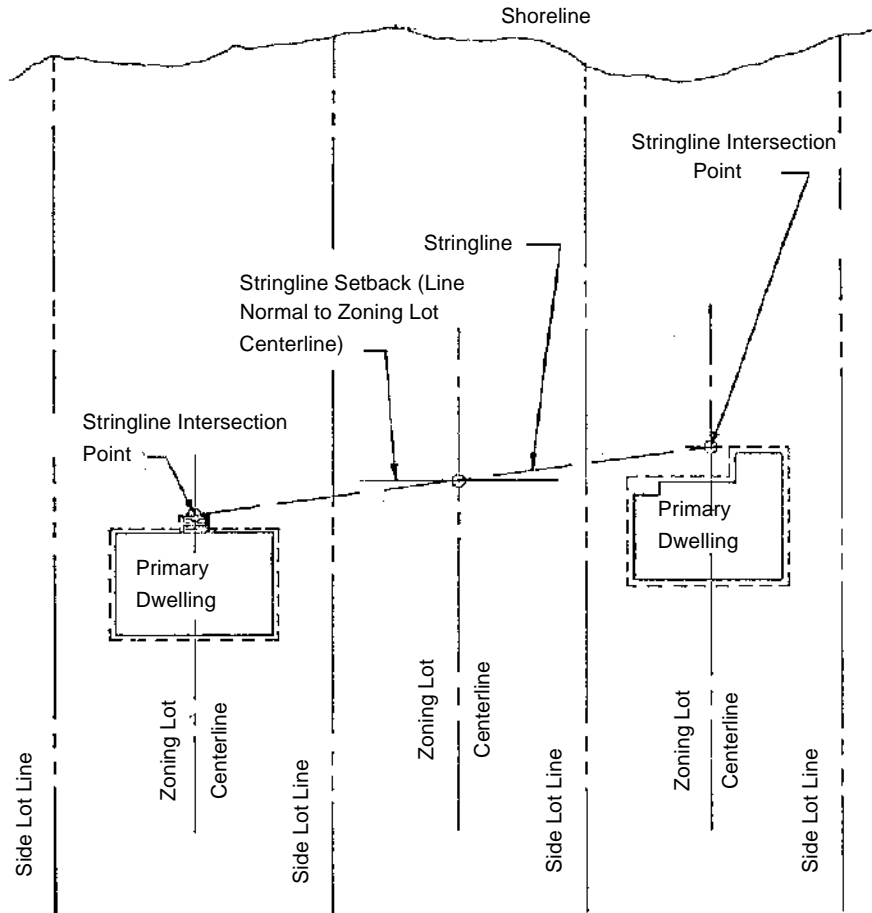
18.60.030

of notice of penalty unless an application for remission or mitigation is filed. If such application is made, appeals shall be filed within 30 days of receipt of the decision regarding remission or mitigation.

(7) Penalties Due. Penalties imposed under this section shall become due and payable 30 days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the hearing examiner's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part. If the amount of a penalty owed is not paid within 30 days after it becomes due and payable, the town shall take actions necessary to recover such penalty. [Ord. 467 § 84, 2008]

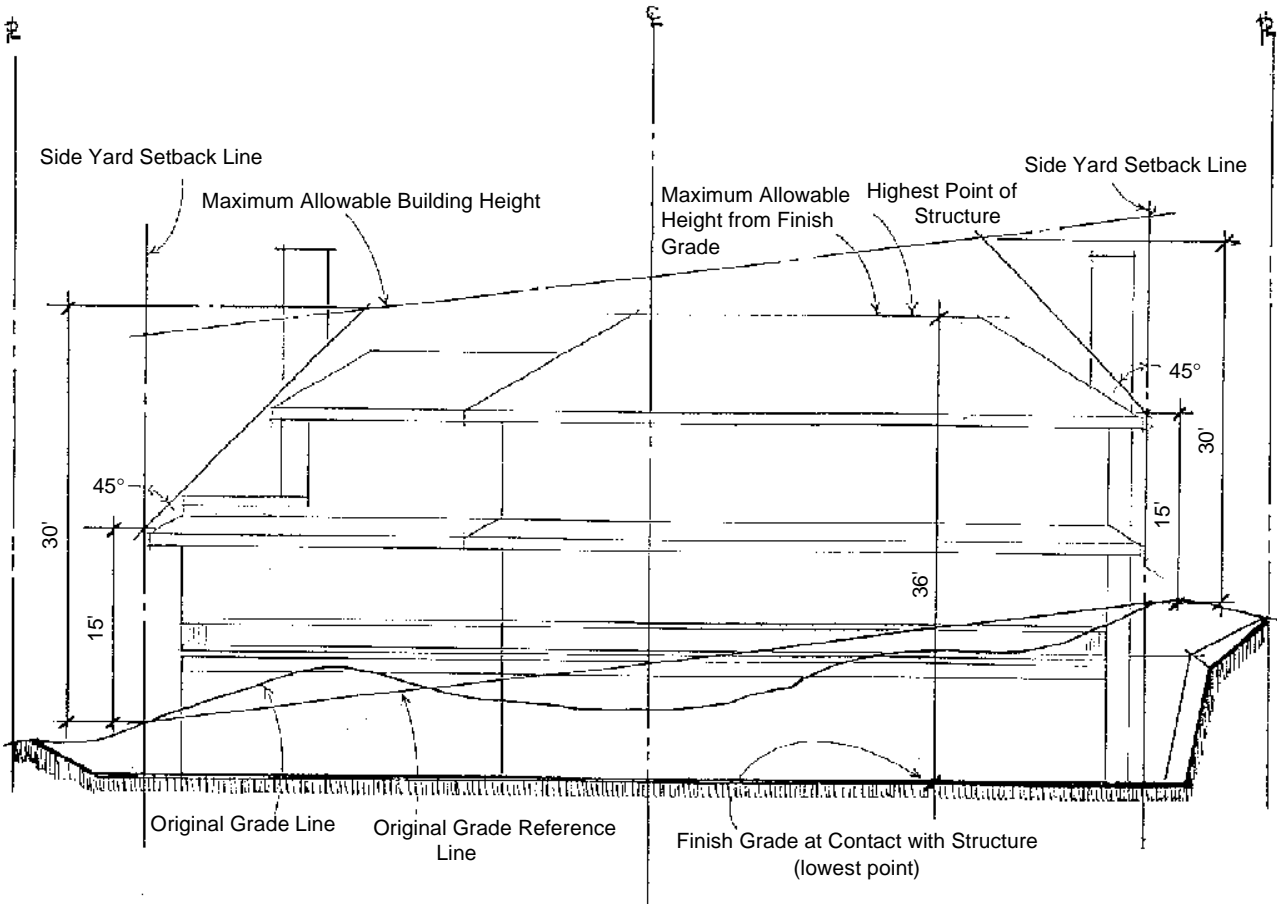
Appendix A

R-40 Minimum Front Yard
"Stringline Condition" Plan View



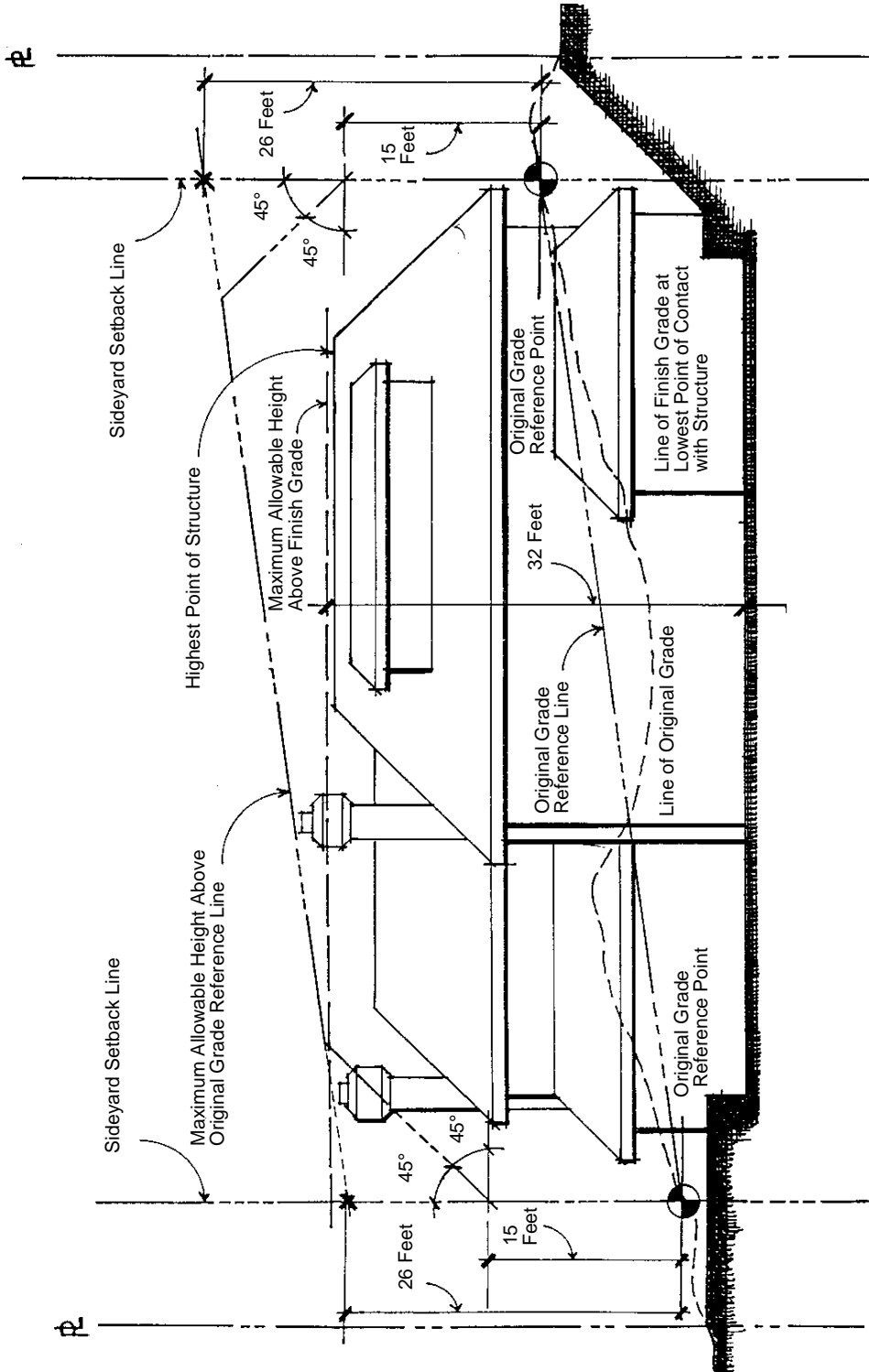
Appendix B1

Maximum Building Height Section
R-40 Zone



Appendix B2

Maximum Building Height Diagram
R-20 and R-20A Zones



Appendix C

Covered Moorage Building Zone
Plan View

Note:

- 1. For lots 115 ft. or less in width at the shoreline, altitude "A" equals 100'.
- 2. For lots 115 ft. or more in width at the shoreline, angle "B" equals 60°.

