

# CITY OF MAPLE VALLEY, WASHINGTON

## ORDINANCE NO. 0-12-490

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING TITLE 18 OF THE MAPLE VALLEY MUNICIPAL CODE TO ESTABLISH ALLOWED USES, DESIGN GUIDELINES AND REQUIREMENTS FOR A NEW ZONING DISTRICT, SERVICE COMMERCIAL (SC), PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS.**

WHEREAS, The City of Maple Valley wishes to amend its municipal code to establish a new zoning district known as Service Commercial (SC); and

WHEREAS, the City of Maple Valley encouraged public participation in the review of the draft amendments that included a public hearing before the Planning Commission on November 17, 2010 and before the City Council on February 27, 2012; and

WHEREAS, the City of Maple Valley issued a SEPA threshold determination of non-significance (DNS) and adoption of existing environmental documents for the proposed amendments on January 11, 2011; and

WHEREAS, the City of Maple Valley submitted the draft amendments to the Washington State Department of Commerce on January 14, 2011 and received no comments; and

WHEREAS, the City Planning Commission made a recommendation to adopt the proposed amendments to the Maple Valley Municipal Code on March 16, 2011; and

WHEREAS, the City Council amended the Land Use Element of the Comprehensive Plan to include a new land use known as Service Commercial (SC) on October 10, 2011.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Section 18.20.020 of the Maple Valley Municipal Code is hereby amended as follows:

**18.10.040 Establishment of districts.**

The various districts hereby established and into which the City is divided are designated as follows:

Zoning District	Map Designation
Residential (numbers indicate maximum allowable density per acre)	R-4 through R-24
Multiple Use	MU
Neighborhood Business	NB
Office	O
Community Business	CB
Business Park	BP
Public	PUB
Park, Recreation, Open Space	PRO
Master Planned Community	MPC
Service Commercial	SC

**Section 2.** Section 18.20.020 of the Maple Valley Municipal Code is hereby amended as follows:

**18.20.020 Definitions.**

A. "A" Definitions.

1. "Abandon" means knowing relinquishment of right or claim to the subject property or structure on that property by the owner without any intention of transferring rights to the property to another owner or of resuming the use of the property (such as sale, loss of lease, eviction, etc.).
2. "Accessory dwelling unit" means a second dwelling unit added to or created within a single-family detached dwelling for use as a completely independent unit.
3. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, and smaller than, the principal use or structure.
4. "Adjacent" means directly next to, touching, as in a common property line, or directly across a street.
5. "Adult entertainment" means:
  - a. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the nipple, the areola, or the lower half of the female

breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the nipple, the areola, or the lower half of the female breast or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

b. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

i. Human genitals in a state of sexual stimulation or arousal;

ii. Acts of human masturbation, sexual intercourse or sodomy; or

iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or

c. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

6. "Adult use facility" means an enterprise predominantly involved in the selling, renting, or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined by this chapter for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows or topless or nude dancing.

7. "Agriculture" means the use of land for agriculture purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agriculture activities.

8. "Alley" or "lane" means a public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

9. "Allowable density" means the maximum number of lots or primary residential units allowed, determined by multiplying the gross acreage of the development or designated site by the maximum number of dwelling units allowed by the zoning district or designation.

10. "Animal, large" means cattle, horses, donkeys, sheep, goats, hogs, llamas, emus and any animals comparable in size.

11. “Animal, small” means any domesticated animal not considered to be a “large animal,” including household pets, poultry, bees and other animals of similar size and type.

12. “Apartment” means a dwelling unit in a multifamily building.

13. “Apartment house” (also see “Dwelling, multiple-family”) means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

14. “Automobile wrecking or motor vehicle wrecking” means the dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

15. Awning. See “Canopy.”

#### B. “B” Definitions.

1. “Basement” means that portion of a story partly underground and having at least one-half, or more than five feet, below the adjacent finish grade.

2. “Bed and breakfast” means any single-family dwelling in use as a residence and also containing no more than three guest rooms in which travelers are lodged for no more than two consecutive weeks and for which compensation of any kind is paid. (For the purpose of this definition, a bed and breakfast is not a hotel, inn, motel, or boarding or lodging home.)

3. “Boarding or lodging home” means a building with not more than five guest rooms (with or without meals) which are provided for compensation for not more than 10 persons. Guest rooms numbering six or more shall constitute a hotel.

4. “Buffer” means a landscaped strip that may be required to be of a frequency, width, length, location, density and height of planting, as specified by regulations, conditions and/or recommendations of City staff.

5. “Building” means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

6. “Building height” means the vertical distance from the “grade” to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof; provided, that driveway entrances to underground parking shall be excluded from the elevation used to calculate “grade.”

7. “Building, principal or main” means a building devoted to the principal use of the lot on which it is situated.

8. “Business activity” means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.

9. “Business or commerce” means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for the livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

#### C. “C” Definitions.

1. “Canopy” means a roof-like projection.

2. “Car wash” means a structure with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

3. “Clinic” means a facility designed for use by medical or dental professionals for outpatient diagnosis and treatment.

4. “Commercial zone” means any nonresidential zone, including the Office, Neighborhood Business, Community Business, Multiple Use, and Business Park.

5. “Comprehensive plan” means the plans, map, and reports that have been adopted by the City Council in accordance with applicable State law.

6. “Conditional use” means a use permitted in a zoning district only after review and approval by the City. Conditional uses are such that they may be compatible only under certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

7. “Conditional Use Permit” means a land use application granted by the Hearing Examiner to locate a conditional use at a specific location.

8. “Correctional facility” means a State-operated facility for the incarceration and/or rehabilitation of adult or juvenile inmates.

9. “Court” means, for building code purposes, 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.

#### D. “D” Definitions.

1. “Day care center, adult” means a State-licensed facility which provides supervision and care for a group of elderly or disabled adults who cannot safely be left alone, for a period of less than 24 hours per day.

2. “Day care center, child” means a facility, licensed by the State, which regularly provides care for a group of children for a period less than 24 hours per day. The term shall include, but is not

limited to, facilities commonly known as “day care facilities,” “day care centers,” and “preschools.” See “Family child care home” for child care located in a residence.

3. “Density” means the number of dwelling units or lots within a specified area calculated by dividing the number of dwelling units or lots by the gross acres (see “gross acreage”).

4. “Department” means the City of Maple Valley Community Development Department.

5. “Development” means any manmade change to improved or unimproved real property, including, but not limited to, buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling or the subdivision of property.

6. “Development Permit” means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision, site plan, Building Permit, variance or any other official action of the City having the effect of authorizing the development of land.

7. “Development plan” means a plan drawn to scale, indicating the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

8. “Development standards” means regulations including but not limited to setbacks, landscaping, screening, building height, site coverage, signs, building layout, parking and site design and related features of land use.

9. “Director” means the Director of the Community Development Department or designee.

10. “Discretionary Land Use Permit” means a document granted by official action of the City which authorizes the development or use of land pursuant to the final development plan approval.

11. “District” means an area designated by the Maple Valley Development Code and zoning map with specific boundaries in which lie specific zones that are described in the Development Code.

12. “Dripline” means the maximum circumference of the existing tree crown as located on site.

13. “Drive-through windows/facilities” means any portion of a building or structure from which business is transacted directly with customers located in a motor vehicle during such business transactions. This definition shall not include retail fueling stations and car washes.

14. “Dwelling” means a building or portion thereof designed exclusively for human habitation, including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motels.

15. “Dwelling, multiple-family” means a residential building designed for occupancy by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

16. “Dwelling, single-family” means a detached residential dwelling unit designed for and occupied by one family only, except where approval has been granted for an accessory dwelling unit.

17. “Dwelling, two-family” means a detached residential building containing two dwelling units, designed for occupancy by not more than two families, but not including a single-family dwelling with an approved accessory dwelling unit.

18. “Dwelling unit” means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property and containing independent cooking and sleeping facilities.

#### E. “E” Definitions.

1. “Examiner” means the City of Maple Valley Hearing Examiner.

#### F. “F” Definitions.

1. “Factory-built home” means manufactured home, mobile home or modular home.

2. “Family” means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than six persons who are not related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or adoption shall be counted as one person and all other individuals shall be counted as single individuals.

3. “Family child care home” means a facility meeting the requirements of Chapter 388-155 WAC and providing care for 12 or fewer children in the family residence of the licensed provider.

4. “Farmers market” means the temporary, seasonal or occasional sale of fresh agricultural products, arts and crafts, and food and beverages directly to the consumer at an open-air market not to exceed 104 days per year. A farmers market is generally recognized as a community activity that does not charge entry admission fees for public attendance and the operations are managed by a not-for-profit organization.

5. “Fence, sight-obscuring” means a fence designed to provide a solid sight barrier between incompatible land uses. The minimum for a sight-obscuring fence is a chain-link fence with woven slats in every row or available space of the fence.

6. “Frontage, building or occupancy” means the length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area, or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

7. “Fueling station, commercial” means a building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale on a wholesale or membership basis, principally although not exclusively for commercial vehicles.

8. “Fueling station, retail” means a building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, principally for cars, light trucks, and other passenger vehicles; repair service is incidental; and no long-term storage or parking space is offered for rent.

#### G. “G” Definitions.

1. “Garage or carport, private” means a building or a portion of a building principally for vehicular equipment such as automobiles, watercraft, etc., in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

2. “Grade” means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

3. “Gross acreage” means the total area before the area for required public improvements such as street rights-of-way, open space, parks, and stormwater facilities have been subtracted.

4. “Gross floor area” means the area included within the surrounding exterior walls of a building expressed in square feet and fractions thereof. The floor area of a building not provided with surrounding exterior walls shall be the usable area under the horizontal projections of the roof or floor above.

5. “Group home” means living quarters for handicapped persons within the meaning of Title 42 United States Code, Section 3602(h), or children with familial status within the meaning of Title 42 United States Code, Section 3602(k), meeting applicable federal and State standards, that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification facilities.

#### H. “H” Definitions.

1. “Hazardous substance” means a substance as defined in RCW 70.105.010.

2. “Height.” See “Building height.”

3. “Home-based day care, adult” means a State-licensed facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

4. “Home occupations” must meet the requirements of MVMC [18.30.030\(B\)\(7\)](#).

5. “Homeowners’ association” means an incorporated, nonprofit organization operating under recorded land agreements through which:

a. Each lot owner is automatically a member; and

b. Each member is subject to the requirements of conditions, covenants and restrictions as adopted by the association.

6. “Hospital” means a building or group of buildings designed and used for a full range of medical and surgical diagnosis and treatment, and where patients remain in residence for observation and recuperation.

7. “Hotel” means a site which does not qualify as a bed and breakfast or a boarding or lodging home on which there are any number of guest rooms where lodging with or without meals is provided for compensation.

8. “Household pets” means any small animals that are kept within a dwelling unit.

#### I. “I” Definitions.

1. “Impervious surfaces” means that hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

#### J. “J” Definitions.

1. “Jail” means a municipal holding facility located in conjunction with police offices.

2. “Junk yard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including auto and motor vehicle wrecking yards, house wrecking yards, used-lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

#### K. “K” Definitions.

1. “Kennel” means any premises on which domestic animals are kept on a temporary basis for compensation, or on which small animals exceeding the number allowed as an accessory use are kept.

L. “L” Definitions.

1. “Lot,” for the purposes of this code, is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such setbacks and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or easement, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, and portions of lots of record;
- d. A parcel of land described by metes and bounds;

Provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this code.

2. “Lot, corner” means a lot abutting upon two or more public streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

3. “Lot coverage” means that portion of a lot covered by buildings or structures.

4. “Lot frontage” means the portion of a lot abutting a public right-of-way.

5. “Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public right-of-way or private street or any other public space.

6. “Lot Measurements.”

a. Depth of a lot shall be considered to be the mean or average distance from the front lot line to the rear lot line.

b. Width of a lot shall be considered to be the mean or average distance between the side lines connecting front and rear lot lines; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where 80 percent requirement shall not apply.

7. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Assessor, or a lot or parcel described by metes and bounds and/or bearings, the description of which has been so recorded.

8. “Lot, pipestem” means a lot which gains street right-of-way access by way of a driveway easement or lot extension which is less than 80 percent of the minimum lot width. When a pipestem-shaped lot abuts two or more street rights-of-way, it shall not be considered a pipestem lot. Lot width and setback requirements shall be exclusive of the access stem.

9. “Lot, through” means a lot that has both ends abutting on a street. Either end may be considered the front.

#### M. “M” Definitions.

1. “Manufactured home” means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the HUD Federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and that is constructed in a way suitable for movement along public highways.

2. “Mobile home” means a factory-constructed residential unit with its own independent sanitary facilities, that is intended for year-round occupancy, and is composed of one or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under trailer license or by special permit.

3. “Modular home” means a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory-built housing, and for purposes of this title a modular home is considered single- and two-family housing.

4. “Motel” means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by tourists or transients, and not including bed and breakfasts or boarding or lodging homes.

#### N. “N” Definitions.

1. “Net acreage” means the buildable area after the area for required public improvements such as street rights-of-way, open space, parks, and stormwater facilities has been subtracted.

2. “Nonconforming development site” means a site developed, operated and maintained as a single entity accommodating commercial, business park or multifamily uses, or a combination of such uses, with common areas, accessory uses, or site improvements which were legal when

established but which do not now conform to the current parking, loading, access, landscaping, screening, open space, impervious surface, or design requirements of this code.

3. “Nonconforming lot of record” means any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this code.

4. “Nonconforming structure” means a building or structure which conformed to applicable dimensional standards in effect when the structure was built, including height, setback, density, and lot coverage, but which no longer complies because of changes in applicable regulations. For structures not conforming to building code requirements, see MVMC Title [15](#).

5. “Nonconforming use” means the use of land or a structure which conformed to applicable codes in effect on the date of creation or inception of the use, but which no longer complies because of changes in applicable regulations.

6. “Nursing home” means a medically staffed facility intended for the long-term residential care of handicapped individuals who, because of age or medical condition, are incapable of independent living.

#### O. “O” Definitions.

1. “Occupancy” means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use.

2. “Official map” means maps showing the designation, location and boundaries of the various districts that have been adopted and made part of this code.

3. “Open space” means land that is reserved for recreational purposes or for the preservation of particular vegetative or topographic features.

4. “Outside storage” means all or part of a lot that is used for the keeping of materials or products in an open, uncovered yard or in an unwallled building. Such materials shall include, but not be limited to, tractors, backhoes, heavy equipment, construction materials and other similar items.

#### P. “P” Definitions.

1. “Park” means a tract of land designated and used by the public for active and passive recreation as defined within the City of Maple Valley Parks, Recreation, Cultural and Human Services Plan.

2. “Parking space or parking stall” means any off-street space intended for the use of vehicular parking with ingress or egress to the space easily identifiable.

3. “Professional office” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which primarily use training or knowledge of

a technical, scientific or other academic discipline rather than manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of merchandise as a primary activity.

4. “Public sanitary sewer” means any sewer facility other than a side sewer, either owned or operated by, or within the jurisdiction of, the City.

5. “Public transit facilities” means transit centers, park and ride lots, other major facilities related to public transportation; does not include bus stops, which are permitted in all zones.

Q. “Q” Definitions. Reserved.

R. “R” Definitions.

1. “Recreation instruction” means programmed instruction for indoor or outdoor sports or arts-related activities including but not limited to dance studios, martial arts schools, pottery or ceramics studios, and tennis or soccer clubs.

2. “Recreational use” means interior or exterior areas dedicated for public or private active or passive recreational use, or amenity, including sports and recreational services and activities. A recreational use may be operated as a nonprofit or for-profit entity, and may include recreation clubs restricting use to members and their guests (i.e., country, golf, tennis, and amateur sports and recreation clubs), recreational amusement uses, trails, special purpose recreation facilities such as ice arenas, equestrian centers, swimming pools, golf courses or live performance theaters, and recreational uses not elsewhere classified. Subject to code restrictions, accessory uses may be allowed in conjunction with a primary recreational use that includes: temporary housing, residential uses, eating and drinking establishments, small conference facilities, and associated retail, i.e., pro shops.

3. “Recreation space” means interior or exterior areas located and designed for common use by residents of a development. Exterior areas include lands unoccupied by buildings, roads or parking areas, such as woodlands, fields, gardens, courtyards, landscaped areas, lawns and trails, as well as swimming pools, tennis courts, and picnic areas.

4. “Recreational vehicles” means motorized vehicles that include a cabin for living accommodations and are commonly used for recreational travel and touring. Vehicles included in this category come in several forms: travel trailers, tent trailers and camping trailers, all of which must be towed by an automobile or truck; and truck campers, motor homes and camper vans, all of which have the motor within the body of the vehicle.

5. “Religious institution” means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax-exempt status by the Federal Internal Revenue Service.

6. “Replacement value” means the cost to rebuild or replace a structure, minus deferred maintenance. The Director of Community Development shall provide rules and determine which valuation service to use for determining replacement value.

7. “Retail vehicle sales/rentals – Motor vehicle, boat, and recreational vehicle, retail” means an establishment engaged in the retail sale of new and/or used automobiles, boats, recreational vehicles, and other motorized passenger vehicles.

8. “Retirement home” means a building or group of buildings designed for the occupancy of three or more families, living semi-independently from each other, and containing private sleeping units with some common kitchen, dining, and recreation facilities; provided, a retirement home may contain one or more dwelling units utilized solely by resident staff.

9. “Revegetation” means the planting of vegetation to cover any land areas which have been disturbed during construction.

10. “Right-of-way” means land which is occupied or dedicated to be occupied by a public street or railroad, together with public property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

#### S. “S” Definitions.

1. “Self-storage” means a facility designed for the temporary off-site storage of property, accessible by the user.

2. “Senior assisted housing” means dwellings exclusively designed for and occupied by families each of which have at least one person of age 62 or older, and as may be modified by the requirements of State or federal programs or regulations to include individuals who are classified as head-of-household and are disabled or handicapped regardless of age. Senior assisted housing may include support services, including but not limited to:

a. Food preparation and dining areas;

b. Group activity areas;

c. Medical supervision; and

d. Similar activities.

3. “Services, on-site” means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty salons and barber shops, retail laundry and dry cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and miscellaneous repair.

4. “Setback” means the minimum required distance between any structure and a specified line such as a lot line, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein.

5. “Setback, front” means space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access and extending the full width of the lot. For pipestem lots, the front setback shall be located in the area of the lot nearest the street or private road, exclusive of the pipestem area. On a corner lot, the front setback shall be provided on the narrowest part of the lot that abuts a street, except in Business Park and Commercial zones, in which cases the Director shall determine the location of the front setback.

6. “Setback, interior” means the setback from interior property lines, i.e., those property lines not abutting a public street, access easement or private road, a side setback or rear setback.

7. “Setback, rear” means space abutting a property line and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot. If more than one rear setback is possible, the setback furthest from the front lot line shall be the required rear setback.

8. Setback, Side. Any setback not defined as a front or rear setback shall be treated as a side setback; provided, that on corner lots the setback abutting the street not designated as the front shall be a “side street setback” and shall require a setback of twice the distance for an interior or side setback.

9. “Sewage system, on-site” means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

10. “Shopping center” means more than three commercial establishments that are planned, owned or managed as a single entity with on-site parking provided.

11. “Sign” Definitions. See MVMC [18.50.010](#), Signs, for definitions related to signs and signage.

12. “Significant tree” means an evergreen or deciduous tree, excluding any alder or cottonwood tree, that is: (a) 12 inches or more in diameter measured four and one-half feet above the ground; (b) in good health; and (c) not within one and one-half tree lengths from a habitable structure or obscuring safe sight distance requirements at intersections or points of ingress/egress.

13. “Sleeping unit” means a room or area within a building specifically designed for sleeping only, which contains no cooking or sanitary facilities.

14. “Special purpose recreation facility” means an area operated and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, ice arenas, golf courses and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

15. "Specified sexual activities" means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.

16. "Stable" means a structure or facility in which horses or other livestock are kept for the purpose of boarding, training, riding lessons, breeding, rental or personal use.

17. "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 floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered a story.

18. "Street" means a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

19. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner and includes posts for fences and signs, but does not include mounds of earth or debris.

#### T. "T" Definitions.

1. "Townhouse" means single-family attached dwelling units that occupy space from the ground to the roof and share a common wall with one or more adjacent dwelling unit(s), having open space on at least two sides, but not necessarily having a side yard.

2. "Tract" means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

3. "Trade, retail" means the sale or rental of goods and merchandise for final use or consumption.

#### U. "U" Definitions.

1. "Use" means an activity for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased.

2. "Use, change of" occurs when it is found that the building code occupancy changes or when a new use would require more parking spaces according to the requirements of this code than the previous use, or when a new use generates more than 120 percent of the vehicle trips of the former use.

3. "Use, permitted" means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

4. “Use, temporary” means any activity and/or structure permitted under the provisions of this code which is intended to exist or operate for a limited period of time and which does not comply with the development standards and requirements as specified for the zoning district in which it is located.

5. “Utility” means a public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, stormwater detention and management, sewer, water, telecommunications, cable, electricity and natural gas.

6. “Utility infrastructure, major or regional” means above or below grade facilities for the transmission, distribution or provision of services to a wide area, often greater than the Maple Valley City limits, including but not limited to:

- a. Pump stations;
- b. Electrical substations;
- c. Electrical transmission lines;
- d. Lift stations;
- e. Water reservoirs;
- f. Treatment plants.

7. “Utility infrastructure, minor or local” means above- or below-grade facilities for the distribution or provision of services to a local area, including but not limited to:

- a. Distribution lines;
- b. Grinder pumps;
- c. Storm drainage facilities;
- d. Storm drainage culverts.

#### V. “V” Definitions.

1. “Variance” means a modification of dimensional standards of this code when authorized pursuant to MVMC [18.110.040](#).

2. “Vehicle repair, major” means servicing, repairing, or restoring of vehicles including but not limited to engine work, auto body work, or any other work that typically requires more than a day to accomplish, and including vehicle towing and impound lots.

3. “Vehicle repair, minor” means servicing and repairing vehicles including but not limited to oil changes, mini-lube facilities, tire changes, replacing headlights and windshield wipers, detail shops, and auto-related work that typically can be completed within one day.

4. “Veterinary clinic” means any premises to which animals are brought or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury.

W. “W” Definitions.

1. “Watercraft” means any recreational or commercial craft or device designed for use in or on a body of water.

X. “X” Definitions. Reserved.

Y. “Y” Definitions. Reserved.

Z. “Z” Definitions. Reserved.

**Section 3.** Section 18.30.030 of the Maple Valley Municipal Code is hereby amended as follows:

**18.30.030 Allowed uses by zoning district – Residential.**

A. Table.

USE	ZONING DISTRICT												
	R-4/6	R-8	R-12	R-18/24	O	NB	CB	MU2, 11	BP	PUB	PRO	MPC	SC
Dwelling, Single-Family	P	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>				P			P <sup>13</sup>	M	
Factory-Built Home	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>							P <sup>1, 13</sup>	M	
Townhouse	C <sup>4</sup>	P	P	P				P			P <sup>4, 13</sup>	M	
Group Home	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>		P <sup>3</sup>	P <sup>3</sup>				M	
Bed and Breakfast	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>				C <sup>5</sup>				M	
Dwelling, Multiple-Family		C	P	P	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P				M	
Retirement Home			P	P				P				M	
Senior Assisted Housing	P <sup>3</sup>	P <sup>3, 14</sup>	P <sup>3, 14</sup>	P <sup>3</sup>			P <sup>3</sup>	P <sup>3, 14</sup>				M	
Nursing	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>			P <sup>3</sup>	P <sup>3</sup>				M	

Home													
Home Occupation	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>				A <sup>7</sup>				A <sup>7</sup>	
Accessory Dwelling Unit	A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>				A <sup>8</sup>				M	
Caretaker Dwelling Unit					A <sup>9</sup>	A <sup>9</sup>	A <sup>9</sup>	M	A <sup>9</sup>				
Animals	A <sup>10</sup>			M <sup>10</sup>									

B. Specific Requirements.

1. Mobile, manufactured and modular homes shall be subject to the following development standards:

- a. The home comprises at least one 14-foot-wide by 60-foot-long section or two parallel sections each of not less than 12 feet wide by 36 feet long;
- b. The home must be placed on a permanent foundation similar to that required of other residential construction;
- c. The home was originally constructed with and now has a pitched roof with a slope no less than three-inch rise to 12-inch run, and the roof must be an integral part of the home and shall be made of either composition, shakes or shingles (wood or metal);
- d. The home has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences;
- e. All requirements of this title and other applicable regulations must be met.

2. Subject to the multiple use regulations.

3. Group homes, senior assisted living homes and nursing homes shall be subject to the following development standards:

- a. The home shall be limited to individuals who need special care due to sensory, mental, or physical disabilities and who are considered handicapped or who are otherwise within the scope of Title 42 USC, Section 3602;
- b. The home shall be licensed by an appropriate agency of the State;
- c. The home shall conform to the development standards of this code applicable to other residential uses in the zone in which it is located; and
- d. Off-street parking spaces meeting the requirements of this code shall be provided.

4. Townhouse units located within the R-4, R-6 and PRO zones as applicable shall be limited to no more than 50 percent of the total units within a development and limited to buildings with no more than four attached units. A Conditional Use Permit is not required for townhouse units on lots in a subdivision designed and designated for townhouse units.

5. Bed and breakfasts shall meet the following development standards:

- a. The facility must serve as an accessory use to the permanent residence of the operator;
- b. The only meal to be provided to guests shall be breakfast and it shall only be served to guests taking lodging in the facility;
- c. Guest rooms shall be limited to three or fewer;

d. Length of stay shall be no longer than two consecutive weeks; and  
e. Adequate off-street parking of one space for each guest room plus the required minimum two spaces for the residence shall be provided, and the parking shall not be in the required front yard unless it is screened from the street with at least Type I landscaping and is compatible with the surrounding neighborhood.

6. Residential uses allowed as a part of a development at second story and above only in the Office, Community Business and Neighborhood Business zoning districts.

7. Home occupations shall be subject to the following restrictions:

a. The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the total dwelling unit;

b. There shall be no visible permanent change in the appearance of the dwelling unit, such as signs, lighting, exterior display, or permanent (longer than 60 days) unscreened outdoor storage of material or equipment, which would attract attention to the home occupation conducted therein;

c. No more than one nonresident shall be employed on-site by the home occupation(s);

d. The following activities shall be prohibited:

i. Automobile, truck and heavy equipment repair;

ii. Auto body work or painting;

iii. Parking and storage of heavy equipment; and

iv. Storage of building materials for use on other properties;

e. The home occupation(s) shall not generate pedestrian traffic or vehicular traffic or parking demand unreasonable for the district or neighborhood in which it is located;

f. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

i. One stall for a nonresident employed on-site by the home occupation(s); and

ii. Minimum one additional stall for patrons when services are rendered on-site; and to prevent visual and traffic impacts, the home occupation may use or store no more than one vehicle for the pickup of materials used by the home occupation or the distribution of products from the site;

g. The home occupation(s) shall not use equipment or processes which generate noise, vibration, dust, glare, fumes, odors, radio/television/electrical interference, fire hazards, or any other nuisance-like effect to any greater or more frequent extent than that which is normal to the district or neighborhood in which it is located.

8. Accessory dwelling units shall comply with the following development standards:

a. Only one accessory dwelling shall be permitted per lot;

b. The accessory dwelling must be in the same building as the principal residence when the lot is less than 10,000 square feet in area;

c. The primary residence or the accessory dwelling unit shall be owner-occupied;

d. The accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;

e. At least one additional off-street parking space shall be provided; and

f. The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner-occupied.

9. Caretaker units may be allowed, subject to the following restrictions:

a. Only one caretaker dwelling unit shall be permitted for each primary use or multitenant building;

b. At least one additional off-street parking space shall be provided; and

c. The caretaker dwelling unit may only be occupied by a watchman, custodian, manager, or property owner for the subject property.

10. Animals may be kept as an accessory to a residential use in accordance with animal control regulations and subject to the following conditions:

a. Small Animals.

i. Small animals kept indoors as household pets shall not be limited in number.

ii. Small animals kept outdoors shall be limited to five, unless the resident obtains a hobby kennel license from King County Animal Control.

iii. Structures for the keeping of small animals outdoors such as aviaries, apiaries, kennels, runs, cages, etc., shall be set back from property lines a minimum of 10 feet.

b. Large Animals.

i. Large animals are limited to one per each one-half acre of property.

ii. Enclosures or structures for the housing of large animals shall be set back from property lines a minimum of 20 feet.

iii. Large animals not kept within enclosures shall be restricted to roaming areas which are set back a minimum of 10 feet from property lines.

iv. The keeping of large animals on properties containing streams, wetlands, shorelines or other protected water sources shall be in compliance with critical area requirements.

11. Any conditional use in the multiple use zone shall be considered a permitted use if submitted and approved with the original Multiple Use Master Permit application. Any conditional use proposed as an amendment to a Multiple Use Master Permit will require a Conditional Use Permit review.

12. Single-family detached development in Multifamily zones (R-8 through R-24) shall be subject to the development standards applicable to single-family detached development in the R-6 zone.

13. Single-family and townhouse residential developments are allowed as accessory uses in the PRO zones:

a. When utilizing less than 50 percent of the amount of land area dedicated toward the primary recreational use.

b. At a maximum density of one dwelling unit per gross acre.

c. Subject to the development standards set forth in Chapter 18.40 MVMC for single-family development in the R-4 zone.

14. Density may be calculated at the rate of 0.5 dwelling units per senior assisted housing unit. To qualify for this density calculation, and as a condition of development permit approval, the applicant must record with the King County Assessor a covenant that runs with the land stating that the building(s) will be used for senior assisted living housing. This covenant shall not be released without the express written approval of the City of Maple Valley. Prior to releasing the covenant, the City shall determine that the intended use of the property meets density requirements for the current zoning of the property.

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**Section 4.** Section 18.30.040 of the Maple Valley Municipal Code is hereby amended as follows:

**18.30.040 Allowed uses by zoning district – Commercial.**

A. Table.

USE	ZONING DISTRICT												
	R-4/6	R-8	R-12	R-18/24	O	NB <sup>4</sup> .8,21	CB <sup>9</sup>	MU <sub>5</sub>	BP	PUB	PRO	MPC <sub>9</sub>	SC
Adult Entertainment / Facility									P <sup>1</sup>				P <sup>1</sup>
Family Child Care Home	P	P	P	P	P		P	P				M	
Car Wash						C <sup>20</sup>			P <sup>13</sup>			M	P <sup>13</sup>
Child Day Care/ Adult Day Care	C	C	C	C	P	P	P	P	A <sup>6</sup>			M	
Eating/ Drinking Establishment					A <sup>3</sup>	P	P	P <sup>24</sup>	A <sup>6</sup>		A <sup>23</sup>	M	P
Fueling Station – Retail						C <sup>19</sup>			P <sup>7,14</sup>			M	P <sup>14,25</sup>
Fueling Station – Commercial									P <sup>7,15</sup>				P <sup>15</sup>
Funeral Home							P	P				M	P
Hotel/Motel					P		P	P					P
Medical/ Dental Clinic					P	P	P	P	P <sup>6</sup>			M	P
Veterinary Clinic					P	P <sup>18</sup>	P	P	P <sup>6</sup>			M	P
Self-Storage							C		P			M	P
Office/ Bank/ Financial Institution					P	P	P	P	A <sup>23</sup>			M	P
Graphics/ Reproduction					P <sup>6</sup>	P	P	P <sup>11</sup>	P			M	P
Personal Services					P <sup>6</sup>	P	P	P	A <sup>6</sup>			M	P

Health Clubs, Fitness Centers, Spas					P <sup>6</sup>	P <sup>6</sup>	P	P	P		A <sup>22</sup>	M	P
Retail – General						P <sup>8</sup>	P	P <sup>10</sup>	A <sup>12</sup>		A <sup>22</sup>	M	P
Retail – Vehicle Sales/ Rental									P				P
Theater/ Bowling Alley/ Arcade							P	P	C			M	P
Vehicle Repair – Major									P <sup>16</sup>				P
Vehicle Repair – Minor									P <sup>17</sup>			M	P

**B. Specific Requirements.**

1. Adult uses are subject to the following conditions:
  - a. No adult use shall be located nearer than 600 feet from any other adult use;
  - b. No adult use shall be located nearer than 600 feet from any public or private school, church, public park, day care center or residential use or zoning district;
  - c. Distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located to the nearest point of the parcel or property of the land from which the proposed use is to be separated.
2. Reserved.
3. Allowed as an accessory use, intended primarily for the use of employees of a principally permitted use. Eating and drinking establishments cannot exceed 10 percent of gross leasable floor area (GLFA) of the building in which they are located.
4. Drive-through windows/facilities are subject to the following:
  - a. Limited to drugstores and banks or accessory to a food and beverage use providing in-store service with at least 500 square feet and not more than 2,000 square feet of gross floor area in the Neighborhood Business zone.
  - b. One drive-through facility is allowed per contiguous NB zoning district that contains a minimum of 10,000 square feet of GLFA.
  - c. In the event that a property proposed for a drive-through facility lacks the 10,000-square-foot GLFA, the property owner shall enter into a written agreement with the adjacent property owner to utilize the adjacent property's GLFA to obtain the required square footage.
  - d. Drive-through facilities must be used for purposes consistent with the allowed use (e.g., drive-through ATM machines are allowed only in conjunction with a bank).
5. Subject to Multiple Use Master Permit requirements.
6. May occupy no more than 20 percent of the GLFA of the building in which located.
7. A 25-foot setback is required from gas pumps to property lines.

8. No individual use in the Neighborhood Business zone may exceed 10,000 square feet in gross floor area unless through incentives defined in MVMC 18.70.070. The maximum GFA with incentives shall be 15,000 square feet for a single use.

9. The maximum size for an individual use in the Community Business zone is 200,000 square feet. The maximum size for an individual use in the Master Planned Community zone is 100,000 square feet. Any individual use exceeding 60,000 square feet in gross floor area is considered a large commercial use and is subject to, and must comply with, the large commercial use requirements contained within MVMC 18.40.150.

10. One retail structure is permitted up to 60,000 square feet in building footprint area, provided any footprint over 40,000 square feet is single-story. An additional retail structure is permitted up to 40,000 square feet in building footprint area, provided any footprint over 25,000 square feet is single-story. All other retail structures are limited to a maximum building footprint area of 25,000 square feet. An additional 5,000 square feet of building footprint area may be earned for each retail structure through the amenity incentive system.

11. Graphics/reproduction uses will not produce excessive noise, dust, odors, light and glare, heavy vehicular traffic, or contaminants released to the environment.

12. General retail may occupy no more than 10 percent of the GLFA of the primary use to which the accessory use is related. More than one accessory retail use is permitted, provided the cumulative size of several accessory retail uses is limited to 10 percent of the GLFA of the primary use.

13. Car washes are limited to the South BP and SC zoning districts.

14. Retail fueling stations are limited to the South BP and SC zoning districts.

15. Commercial fueling stations are limited to the SC zoning district.

16. Major vehicle repair facilities are not allowed to front on State highways.

17. Minor vehicle repair is limited to the Central and South BP zoning districts.

18. Subject to the following:

a. Limited to small animals.

b. No burning of refuse or cremation of dead animals is allowed.

c. The portion of the building or structure in which animals are kept or treated shall be soundproofed to comply with noise levels defined in WAC 173-60-040.

d. All run areas shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material.

19. Limited to four dispensers (eight fueling points). Propane and natural gas storage tanks may be located outside and above ground. All above ground storage tanks shall be screened.

20. Subject to the following:

a. Allowed only as an accessory use to fueling station – retail.

b. Limited to tunnel car washes.

c. Hours of operation are limited to 7:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 10:00 p.m. on weekends.

21. Prior to opening for business, the applicant must establish that the facility complies with Chapter 173-60 WAC, Maximum Environmental Sound Levels.

22. All nonresidential accessory uses may occupy no more than 10 percent of the amount of land area dedicated toward the primary use to which the accessory use is related. More than one accessory use is permitted, provided the cumulative size of several accessory uses is limited to 10 percent of the land area of the primary use.

23. Limited to a maximum gross floor area equal to no more than 10 percent of the area of the lot on which the building or buildings are located, up to a maximum of 20,000 square feet.

24. Drive-through facilities are not allowed for food service uses, including coffee. Accessible, walk-up facilities are allowed.

25. a. The fueling station shall be a minimum of 150 feet from any major arterial if more than eight petroleum fueling points.  
 b. The fueling station shall include a minimum of four electrical vehicle charging stations pursuant to City EV standards if there are more than eight petroleum fueling points.  
 c. The fueling station is allowed a maximum of six petroleum dispensers (12 fueling points).  
 d. Internal and up-lit illumination of the canopy and pumps is prohibited.  
 e. Lighting on the underside of the canopy shall be full cut off with a maximum of 25 foot-candles and shielded if required to prevent glare and light trespass.  
 f. Signage conforming to Chapter 18.50 MVMC may be located on the canopy.  
 g. The Fueling station shall conform to the design standards contained in 18.70.040

**Section 5.** Section 18.30.050 of the Maple Valley Municipal Code is hereby amended as follows:

**18.30.050 Allowed uses by zoning district – Business Park.**

A. Table.

USE	ZONING DISTRICT												
	R-4/6	R-8	R-12	R-18/24	O	NB	CB	MU <sup>2</sup>	BP	PUB	PRO	MPC	SC
Construction Material Sales							P <sup>1</sup>		P				P
Lumberyard							P <sup>1</sup>		P				P
Heavy Equipment Sales/ Storage									P				P
Food Processing/ Packaging									P				P
Hazardous Waste Disposal									C				C
Nursery/ Landscape Materials	C <sup>4</sup>					A <sup>1</sup>	P <sup>1</sup>	P <sup>4</sup>	P	A <sup>1</sup>	A <sup>1</sup>	M <sup>4</sup>	P
Light Manufacturing								P <sup>3</sup>	P				P
Mineral Extraction/ Processing									C				
Printing/ Publishing									P				P

Warehouse/ Distribution									P				P
Welding/ Fabrication									P				P
Winery/ Brewery						A	A/C	A	P			M	P

**B. Specific Requirements.**

1. In conjunction with a permitted commercial, public or recreational use.
2. Subject to Multiple Use Master Permit requirements.
3. For purposes of this chapter, limited light manufacturing means the creation, assembly and/or packaging for redistribution or resale of goods routinely associated with the permitted use. Such light manufacturing uses will not produce excessive noise, dust, odors, light and glare, heavy vehicular traffic, or contaminants released to the environment.
4. Nursery use in Single-Family and MPC zones are limited to the growing and sale of nursery stock and related materials. The storage or sale of bulk landscaping materials such as rock, dirt, and bark is prohibited in Single-Family and MPC zones.

**Section 6.** Section 18.30.060 of the Maple Valley Municipal Code is hereby amended as follows:

**18.30.060 Allowed uses by zoning district – Community services and institutions.**

A. Table.

USE	ZONING DISTRICT												
	R-4/6	R-8	R-12	R-18/24	O	NB <sup>6,7</sup>	CB <sup>8</sup>	MU 2,5	BP	PUB	PRO	MPC	SC
Religious Institution	C	C	C	C	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>	A <sup>11</sup>	A <sup>11</sup>	C <sup>10</sup>	C <sup>10</sup>
City Hall					P		P	P <sup>9</sup>		P		P	P
Courthouse/ Jail							P	P <sup>9</sup>		C			C
Community College/Vocational					C		C	C	P	P <sup>1</sup>	C <sup>1</sup>	M	P
Community/ Senior Center			C	C		C <sup>10</sup>	C	C <sup>10</sup>		P <sup>1</sup>	P <sup>1</sup>	C <sup>10</sup>	P
Elementary School	C	C	C	C				C		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Fire Station								P		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Junior High/ High School			C	C				C		P <sup>1</sup>	P <sup>1</sup>	M	
Hospital								C		P <sup>1</sup>		M	P
Correctional Facility									C	C			C
Recreational Use								P	P	P	P	P	P
Library	C	C	C	C	C			P		P	P	P	P

Museum								P		P	P	M	P
Public Park, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Park, Active	C	C	C	C	P	P	P	C	P	P <sup>1</sup>	P	P	P
Performing Arts Center				C				P		P <sup>1</sup>	P	M	P
Public Transit Facilities							C	C	P	P <sup>1</sup>	A <sup>13</sup>	P <sup>1</sup>	P
Utilities, Major or Regional	C	C	C	C	P <sup>3</sup>		P <sup>4</sup>	P <sup>3</sup>	P	P	P	C	P
Utilities, Minor or Local	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Public Works and Road Maintenance Facilities	C	C	C	C	C	C	C	C	P	P	C	P	P

**B. Specific Requirements.**

1. Requires master plan approval.
2. Subject to Multiple Use Master Permit requirements.
3. No storage yard or outdoor storage allowed.
4. Storage yard or outdoor storage allowed with a Conditional Use Permit.
5. Any conditional use in the Multiple Use zone shall be considered a permitted use if submitted with the original Multiple Use Master Permit application. Any conditional use proposed as an amendment to a Multiple Use Master Permit will require a Conditional Use Permit review.
6. Drive-through windows/facilities are limited to drugstores and banks or accessory to a food and beverage use providing in-store service with at least 500 square feet and not more than 2,000 square feet of gross floor area in the Neighborhood Business zone. One drive-through facility is allowed per contiguous NB zoning district that contains a minimum of 10,000 square feet of GLFA.
7. No individual use in the Neighborhood Business zone may exceed 10,000 square feet in gross floor area unless through incentives defined in MVMC 18.70.070. The maximum GFA with incentives shall be 15,000 square feet for a single use.
8. No individual use in the Community Business zone may exceed 60,000 square feet in gross floor area.
9. City Hall/courthouse uses can be considered as office uses for purposes of determining the land use area mix requirements.
10. Religious institutions/community/senior centers with a GFA of less than 2,000 square feet or planned under an approved development subject to the MPC section of MVMC 18.120, do not require a Conditional Use Permit.
11. Religious institutions may be permitted accessory to an existing or allowed PUB use, but must be contained within the structures dedicated toward the primary PUB use and may not occupy separate detached facilities.
12. Must be in association with an allowed PUB or PRO use and occupy no more than 10 percent of land area dedicated to the overall primary use.

13. All nonresidential accessory uses may occupy no more than 10 percent of the amount of land area dedicated toward the primary use to which the accessory use is related. More than one accessory use is permitted, provided the cumulative size of several accessory uses is limited to 10 percent of the land area of the primary use.

**Section 7.** Section 18.40.040 of the Maple Valley Municipal Code is hereby amended as follows:

**18.40.040 Densities and dimensions – Commercial, Office and Business Park zones.**

A. Table.

Density and Dimensional Standards	Zones								
	Office	Neighborhood Business	Community Business	Multiple Use	Business Park	Public	Park Recreational Open Space	Master Planned Community	Service Commercial
Maximum Density	12 du/ac <sup>1</sup>	12 du/ac <sup>1</sup>	12 du/ac <sup>1</sup>	12 du/ac <sup>7</sup>	N/A	N/A	N/A	N/A <sup>10</sup>	N/A
Minimum Street Setback <sup>5,9</sup>	10 feet	10 feet <sup>2</sup>	10 feet <sup>2</sup>	10 feet <sup>8</sup>	25 feet	20 feet	20 feet	N/A <sup>10</sup>	10 feet <sup>2</sup>
Minimum Interior Setback <sup>5</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet	20 feet	N/A <sup>10</sup>	20 feet <sup>3</sup>
Maximum Height <sup>6</sup>	45 feet	35 feet	35 feet	45 feet <sup>4</sup>	35 feet	35 feet	35 feet	65 feet <sup>10</sup>	45 feet <sup>11</sup>
Maximum Impervious Surface Coverage	80%	80%	80%	80%	80%	80%	80%	70%	80%

B. Specific Requirements.

1. These densities are allowed only in conjunction with a permitted principal use and not for stand-alone residential development.
2. Service station pump islands shall be placed no closer than 25 feet from the right-of-way.

3. This setback is required only from property lines abutting Residential zones. No interior setback is required from property lines in Commercial zones that abut nonresidential zones. Building Code and Fire Code setback or building separation requirements may apply.
4. Structures, or those portions of structures, within 50 feet of property lines adjoining Residential zones shall not exceed 35 feet in height. An additional 10 feet of building height may be earned through the amenity incentive system, for a total of 55 feet for buildings greater than 100 feet from property lines adjoining Residential zones.
5. Projections may extend into required setbacks as follows:
  - a. Fireplace structures, bay or garden windows, enclosed stair landings, closets, utility meters and vaults or similar architectural features may project into any setback, provided such projections are:
    - i. Limited to two per facade;
    - ii. Not wider than 10 feet; and
    - iii. Not more than 18 inches into an interior setback or 24 inches into a street setback.
  - b. Uncovered porches and decks which exceed 18 inches above the finished grade may project 18 inches into interior setbacks and five feet into the street setback.
  - c. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line.
  - d. Eaves may not project more than 18 inches into an interior setback or 24 inches into a street setback.
6. The maximum height allowed may be increased pursuant to incentives in MVMC 18.40.130(J)(9).
7. Transfer of residential density is allowed, up to four units per acre, from portions of a “multiple use” site dedicated to open space uses, and also from other community service uses that do not have a residential component. Residential development may not exceed 16 dwelling units per acre.
8. The street setback in a “multiple use” site is zero for commercial buildings, except a 20-foot setback applies along the Maple Valley Highway frontage.
9. Street setbacks may be reduced or modified in accordance with the commercial design standards in MVMC 18.70.030.
10. Refer to MVMC 18.120.080(B) for density, setback and height standards.

11. Structures, or those portions of structures, within 50 feet of property lines adjoining Residential zones shall not exceed 35 feet in height.

**Section 8.** Section 18.40.130 of the Maple Valley Municipal Code is hereby amended as follows:

**18.40.130 Landscaping and tree retention.**

A. Purpose. The purpose of this section is to:

1. Provide minimum standards for landscaping in order to maintain and protect property values, preserve significant native vegetation, particularly along major transportation corridors, and enhance the general appearance of the City.
2. Encourage creative landscaping designs that utilize native vegetative species, drought-tolerant species, and retain natural vegetation, in order to reduce the impact of development on the water resources of the City.
3. Respond to State-level mandates for action in such areas as water conservation, energy conservation, enhancement of water quality, and improvement of air quality.
4. Reflect City planning goals, urban design standards, and ecological awareness.
5. Provide an appropriate amount and quality of landscaping related to all land use in the City.
6. Establish a minimum level of regulation that reflects the purposes of this code.
7. Provide for design flexibility.

B. Applicability. These provisions shall apply to all development applications in the City, with the exception of individual single-family residential and minor or local utility infrastructure; provided, that when the installation of minor and local utility infrastructure requires the removal of significant trees, those trees shall be replaced on a one-to-one basis with trees meeting the requirements of subsection (J)(19) of this section.

C. Landscape Plan Approval.

1. Except as set forth in subsection (B) of this section, no permit shall be issued to erect, construct or undertake any development project resulting in a new structure or expanding the footprint of an existing structure without prior approval of a landscape plan by the City.
2. Required landscape plans shall be prepared by a landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington.

D. General Landscaping Requirements – All Zones.

1. All portions of a lot not used for buildings, future buildings, parking, storage or accessory uses, and proposed landscaped areas shall be retained in a “native” or predeveloped state or restored to such state with appropriate enhanced plantings as determined by the Director.
2. Slopes in areas that have been landscaped with lawn shall generally be a three-to-one ratio or less, width to height (horizontal to vertical), to assist in maintenance and to allow irrigation systems to function efficiently.
3. Type III landscaping, defined in subsection (E)(3) of this section, shall be placed outside of sight-obscuring fences abutting public rights-of-way and/or access easements.
4. With the exception of lawn areas, at least 50 percent of new landscaping materials (i.e., trees, shrubs and groundcover) shall consist of drought-tolerant species. All developments are required to include native Pacific Northwest and drought-tolerant plant materials for all projects.
5. Deciduous trees shall have a caliper of at least one and one-half inches at the time of planting measured four and one-half feet above the root ball or root.
6. Evergreen trees shall be a minimum six feet in height measured from treetop to the ground at the time of planting.
7. Shrubs shall be a minimum of 12 to 24 inches in height (measured from top of shrub to the ground) at the time of planting.
8. Groundcover shall be planted and spaced to result in total coverage of a landscaped area within three years of planting.
9. Areas planted with grass/lawn shall:
  - a. Constitute no more than 40 percent of landscaped areas; provided, there shall be an exception for biofiltration swales; and
  - b. Be a minimum of five feet wide at the smallest dimension.
10. Grass and required landscaping areas shall contain at least three inches of compacted topsoil at finish grade.
11. Existing clay or sandy soils where landscaping is to be installed shall be augmented with an organic supplement.
12. Landscape areas shall be covered with at least three inches of mulch to minimize evaporation.
13. Mulch shall be used in conjunction with landscaping in all planting areas to assist vegetative growth and maintenance or to visually complement plant material, except that undisturbed native

vegetation need not be mulched. Nonvegetative material shall not be an allowable substitute for plant material.

14. Landscaping and fencing shall not violate the sight distance safety requirements at street intersections and points of ingress/egress for the development.

15. All tree types shall be spaced appropriately for the compatibility of the planting area and the canopy and root characteristics of the tree.

16. All permanent lawn or sod areas shall have permanent irrigation systems.

17. Foundation landscaping is encouraged to minimize impacts of the scale, bulk and height of structures.

18. All loading areas shall be fully screened from public rights-of-way or nonindustrial/manufacturing uses with Type I landscaping.

19. Use of products made from post-consumer waste is encouraged whenever possible.

20. Walkways, decorative paving, fountains, benches, picnic tables and other features or amenities are encouraged in landscaping areas. These features are in addition to the landscaping requirement, not in lieu of such requirement.

#### E. Landscaping Types.

##### 1. Type I – Solid Screen.

a. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible land uses. This landscaping is typically found between residential and incompatible nonresidential land use zones (e.g., Business Park and Residential, etc.), and around outdoor storage yards, service yards, loading areas, mechanical or electrical equipment, utility installations, trash receptacles, etc.

b. Description. Type I landscaping shall consist of evergreen trees planted no more than 20 feet on center in a triangular pattern; shrubs and groundcover, which will provide a 100 percent sight-obscuring screen within three years from the time of planting; or a combination of approximately 75 percent evergreen and 25 percent deciduous trees (with an allowable five percent variance), planted no more than 20 feet on center in a triangular pattern, with shrubs, and groundcover backed by a sight-obscuring fence. Shrub and groundcover spacing shall be appropriate for the species type, and consistent with the intent of this section.

##### 2. Type II – Visual Screen.

a. Purpose. Type II landscaping is intended to create a visual separation that may be less than sight-obscuring between incompatible land use zones. This landscaping is typically found between Commercial and Business Park zones; High Density Multifamily and Single-Family

Residential zones; Commercial/Office and Residential zones; and to screen Business Park uses from the street.

b. Description. Type II landscaping shall be evergreen or a combination of approximately 60 percent evergreen and 40 percent deciduous trees, with an allowable five percent variance, planted no more than 20 feet on center in a triangular pattern, interspersed with large shrubs and groundcover. A sight-obscuring fence may be required if it is determined by the City that such a fence is necessary to reduce site-specific adverse impacts to the adjacent land use. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

### 3. Type III – Visual Buffer.

a. Purpose. Type III landscaping is intended to provide partial visual separation of uses from streets, and between compatible uses so as to soften the appearance of parking areas and building elevations.

b. Description. Type III landscaping shall be a mixture of evergreen and deciduous trees planted no more than 30 feet on center in a triangular pattern and interspersed with shrubs and groundcover. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

### 4. Type IV – Open Area Landscaping.

a. Purpose. Type IV landscaping is primarily intended to provide visual relief and shading while maintaining clear sight lines, and is typically used within parking areas.

b. Description. Type IV landscaping shall consist of trees planted with supporting shrubs and groundcover. Shrubs shall be pruned at 40 inches in height, and the lowest tree branches shall be pruned to keep an approximate eight-foot clearance from the ground. Tree, shrub, and groundcover spacing shall be appropriate for the species type and the intent of this section. See subsection (G) of this section for location of Type IV landscaping.

## F. Landscaping Requirements by Zoning District.

### 1. Multifamily Residential, R-8 – R-24.

a. Type III landscaping of a minimum width of 10 feet shall be provided along all perimeter lot lines, except as provided in subsection (F)(1)(b) of this section.

b. Type I landscaping of a minimum width of 10 feet shall be provided along the perimeter abutting single-family zones (R-4 through R-6).

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

### 2. Office, O.

- a. Type III landscaping of a minimum width of not less than 10 feet shall be provided along all property lines abutting public rights-of-way and access easements.
- b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of property abutting a Residential zoning district.
- c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

### 3. Multiple Use, MU.

- a. Reserved.
- b. Reserved.
- c. Reserved.

### 4. Community Business, CB and Service Commercial, SC.

- a. Type III landscaping of a minimum width of 10 feet shall be provided along all properties abutting public rights-of-way and ingress/egress easements.
- b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of property abutting a Residential zoning district.
- c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

### 5. Neighborhood Business, NB.

- a. Type III landscaping of a minimum width of 10 feet shall be provided along the perimeter of parking areas abutting public rights-of-way.
- b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of the property abutting a Residential zoning district.
- c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

### 6. Business Park, BP.

- a. Type II landscaping of a minimum width of 20 feet shall be provided along all property lines abutting public rights-of-way and access easements. An additional five feet of Type II landscaping is required on all Business Park zoned sites north of Lake Wilderness that abut the Cedar River Pipeline Trail and the Lake Wilderness Trail. Reference to this condition is made by placing a “/c” next to the Business Park zoning designation of the zoning map (BP/c).

b. Type I landscaping of a minimum width of 25 feet shall be provided along the perimeter of the property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

7. Public/Open Space, P/OS. Landscaping requirements are to be determined by the City on a project-by-project basis dependent on the proposed use and surrounding zoning districts.

8. Master Planned Community, MPC – Perimeter Landscape Buffers.

a. The applicant must demonstrate the ability to provide a Type I landscape buffer as defined in MVMC [18.40.130](#) of at least 20 feet in width along the perimeter of the MPC boundary wherever:

i. The applicant proposes to locate a use other than that allowed within a single-family residential zone; and

ii. Such use is within 50 feet of the MPC boundary; and

iii. Adjacent to a single-family or PUB zoning district not separated from the MPC site by a public right-of-way.

b. The applicant must demonstrate the ability to provide a Type III landscape buffer of at least 10 feet in width along the perimeter of the MPC boundary wherever it abuts an existing public right-of-way.

G. Parking Lot Landscaping.

1. Purpose. The purpose of this section is to mitigate adverse impacts created by parking lots which include noise, glare and increased heat, and to improve the physical appearance of parking lots.

2. Type IV Landscaping. Type IV landscaping shall be provided within surface parking areas as follows:

a. All new Commercial, Business Park, Multiple Use, Public/Open Space, MPC and multifamily developments with parking for five or more vehicles, and subdivisions or PUDs with common parking areas for five or more vehicles, shall provide 25 square feet per parking stall.

b. Landscaping along driveways and at building entrances may be counted toward the Type IV landscaping requirement, even if not fully within the parking area.

c. Landscape Islands. Landscape islands shall be a minimum size of 100 square feet, and a minimum width of six feet at the narrowest point. At least one tree shall be planted in each

landscape island. Islands shall be provided at the following locations: at the end of all rows of parking, and between loading doors or maneuvering areas and parking areas or stalls.

i. Any remaining required landscaping shall be dispersed throughout the interior parking area to create shade, reduce the visual impact of the parking lot, and meet applicable design requirements and guidelines.

ii. Deciduous trees are preferred for landscape islands within interior vehicle use areas.

iii. Lawn shall not be permitted in landscape islands less than 200 square feet in size and shall be used only as an accessory planting material to required trees, shrubs, and groundcover.

d. Curbing. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based upon appropriate surface water considerations, other structural barriers may be substituted for curbing, such as concrete wheel stops.

e. Parking Areas/Screening for Rights-of-Way.

i. Parking areas adjacent to public rights-of-way shall incorporate berms at least three feet in height within perimeter landscape areas. Alternatively, the Director may allow the addition of shrub plantings to the required perimeter landscape type, and/or the provision of architectural features of appropriate height with trees, shrubs and groundcover, in a number sufficient to act as an efficient substitute for the three-foot berm. Any such substitution must reduce the visual impact of parking areas and screen the automobiles from public view; provided, that vehicle display areas at automobile sales lots need not be fully screened.

ii. Parking adjacent to Residential zones shall reduce the visual impact of parking areas and buffer dwelling units from light, glare, and other environmental intrusions by providing Type I landscaping within required perimeter landscape areas.

f. Vehicular Overhang.

i. Vehicular overhang into any landscaping area shall not exceed two feet.

ii. No plant material greater than 12 inches in height shall be located within two feet of the curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

H. Performance and Maintenance Standards.

1. Performance.

a. All required landscaping shall be installed prior to final inspection or the issuance of a Certificate of Occupancy (CO), except as provided in subsection (H)(1)(d) of this section.

b. When landscaping is required pursuant to this code, an inspection shall be performed to verify that the landscaping has been installed pursuant to the standards of this code.

c. Upon completion of the landscaping work, the City shall inspect the installation upon request by the applicant.

d. A Temporary Certificate of Occupancy may be issued prior to completion of required landscaping, provided the following criteria are met:

i. An applicant or property owner files a written request with the City prior to a final inspection;

ii. The request shall explain why factors either beyond the applicant's control, or which would create a significant hardship, prevent the installation of the required landscaping prior to issuance of the CO;

iii. The property owner has demonstrated a good faith effort to complete all required landscaping;

iv. The applicant files a performance security in the form of an assignment of savings with the Department in an amount equal to 150 percent of the cost of completing the landscaping work;

v. The applicant files a consent to access form signed by the property owner allowing a City-hired landscaping contractor access to the property to complete the landscaping work in the event of a default by the applicant.

e. The time period extension for completion of the landscaping shall not exceed 90 days after issuance of a Temporary Certificate of Occupancy.

f. Failure to complete landscape installation by an established 90-day extension date shall constitute cause for retrieval of funds by the City from the assigned savings account in order to have the landscaping completed by a City-hired landscaping contractor.

## 2. Maintenance.

a. Continual maintenance of planted areas shall be the responsibility of the property owner.

b. All portions of any irrigation system shall be continuously maintained in a working condition.

c. The property owner shall also maintain all other aspects of landscaped areas including the removal of trash and debris.

I. Landscape Modification Provisions. The following alternative landscape options may be allowed, subject to approval by the Director, if they accomplish equal or better levels of screening and if they provide an equal or better visual result:

1. The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

- a. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and
  - b. The landscape materials are incorporated elsewhere on site;
2. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;
  3. The width of any required perimeter landscaping may be averaged along any individual property line, provided the minimum width is not less than five feet and the landscape area and materials are incorporated elsewhere on site;
  4. The width of the perimeter landscaping may be reduced up to 10 percent when a development retains 10 percent of significant trees or 10 significant trees per acre on site, whichever is greater;
  5. The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities, would render application of this chapter ineffective or result in scenic view obstruction.

#### J. Tree Retention and Replacement.

1. Purpose. The purpose of this section is to preserve and enhance the valuable natural resources and aesthetic character and image of Maple Valley. The intent is to provide incentives for retaining existing trees, to discourage unnecessary clearing and disturbance of land, and to maintain tree-lined corridors along the major arterials.

#### 2. Definitions.

- a. "Coverage" is defined as the ratio of the dripline area to the lot area expressed as a percentage.
- b. "Dripline area" is the area under the outermost circumference of branches of the tree.
- c. "Landmark significant tree" is defined as any significant tree other than alder or cottonwood that is (i) at least 24 inches in diameter at four and one-half feet from grade, or (ii) of specimen quality, i.e., large, well shaped, and healthy for the species.
- d. "Large nursery stock" is defined as commercially grown material available at the time of planting that is required to be moved by hydraulic spade and is a minimum size of at least four inches in diameter measured four and one-half feet above grade.
- e. "Live crown ratio" is the proportion of length of main stem supporting live branches to the height of the tree.
- f. "Planted significant tree" is defined as any of a number of species of trees, defined herein, planted in a landscaping area of sufficient size to support a trunk size at maturity growth of at

least 12 inches in diameter following the minimum standards for planted significant trees in this section.

g. “Qualified professional” is defined as an individual who through any combination of knowledge, experience, education, and training demonstrates a professional level of understanding in tree care, arboricultural sciences and urban forestry. Qualified professionals must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Qualified professionals may include licensed landscape architects, certified consulting arborists, certified arborists, and certified foresters.

h. “Retained significant tree” is defined as an existing significant tree that is designated for retention in a Tree Preservation and/or Protection Plan and used for demonstrating compliance with canopy coverage requirements or incentives.

i. “Retained tree” is defined as an existing tree designated for retention, excluding cottonwood and alders, that is less than 12 inches in diameter measured four and one-half feet above grade, but greater than six feet tall if evergreen, or two inches in diameter if deciduous, and located in a landscaping area of sufficient size to support a trunk size at maturity growth of at least 12 inches in diameter following the minimum standards for planted significant trees in this section. Retained trees must have a live crown ratio of greater than or equal to 50 percent.

j. “Significant tree” is defined as an existing evergreen or deciduous tree, excluding cottonwoods and alders, that is at least 12 inches in diameter measured four and one-half feet above grade and in good health.

k. “Tree Protection Area (TPA)” is the land area intended to be set aside with limitations running with the title of the land that prevent activities that will harm the tree or trees within that area.

3. Applicability. There shall be no cutting of significant trees – retained, planted, or landmark – without prior authorization from the Director of Community Development unless specifically exempted herein. The provisions of this section apply to all new developments, subdivisions, site redevelopments, or clearing and grading activity on sites two or more acres in size. Development or installation of utilities and other public facilities also is subject to these provisions whether on private or public property or public right-of-way. The requirements and regulations pertaining to trees located in critical areas and related buffers shall be subject to the requirements for protection of critical areas contained in Chapter [18.60](#) MVMC.

4. Permits Required. Unless specifically exempted herein, application for and prior approval of a Clearing and Grading Permit is required for cutting or removal of any significant tree. To the extent possible, review of a Clearing and Grading Permit shall be integrated into review of any other permit or land use approval required for a proposal, in order to minimize review time required for conformance with this subsection (J).

5. Exemptions. The provisions of this section shall not apply to the following circumstances:

- a. Cutting or removal of significant trees on existing single-family lots of two acres or less, provided such trees are not subject to a Tree Retention Plan or Tree Protection Area;
- b. Removal of any tree with obvious flaws or disease, or one that is judged to be hazardous by a qualified professional at the owner's expense;
- c. Removal of any tree during an emergency. No limitation on tree removal shall exist during storm conditions when imminent danger exists from trees falling on structures, children's play areas, or where clear hazard to life is apparent;
- d. On existing single-family lots: removal of any existing tree judged to be a hazard or any tree within one and one-half tree lengths of an existing or proposed permitted building on site. A planted significant tree may be required by the Director as a replacement.

6. Timber Management under Forest Practices Act. Applicants for Forest Practice Permits (Class IV – General Permit) for the conversion of forested sites to developed sites are also required to apply for appropriate permits through the City, and are subject to the provisions of this subsection (J). For all other Forest Practice Permits (Class II, III, or IV – Special Permit) issued by the DNR for the purpose of commercial timber operations, no Clearing and Grading Permit application is required, but no Development Permits will be issued for six years following tree removal under such DNR permit.

7. Application Requires Tree Retention Plan. All development or redevelopment proposals subject to this section that are not specifically exempt shall include a Tree Retention Plan at the time of application for any required Development Permit. Preparation and submittal of the Plan shall conform to specifications provided by the Director. Tree Retention Plans may be prepared by a qualified professional. An owner may submit for a Clearing and Grading Permit without having a qualified professional prepare a significant Tree Retention Plan, provided the plan clearly locates the trees and provides sufficient information for City staff to review the proposal as determined by the Director. The Tree Retention Plan shall analyze:

- a. The number of trees and canopy coverage calculation of trees existing on the site;
- b. The location and species type of existing significant trees or clusters of trees within and adjacent to the proposed area to be cleared and/or graded, including utility corridors;
- c. The species type, size, location, and spot elevation at the base of any landmark tree within the site, unless the requirement is waived by the Director;
- d. Critical areas; and
- e. Areas not proposed for clearing or grading, provided such areas do not require a specific survey location of trees.

8. Canopy Coverage Calculation Requirements and Tree Retention Guidelines.

a. A canopy coverage calculation shall be prepared by the applicant for the proposal. The canopy coverage calculation may be merged with the Tree Retention Plan and/or landscaping plan for the proposal. The canopy coverage calculation shall show retention and planting of trees at mature canopy coverage of the total site area to equal or exceed: 10 percent for commercial developments within the CB, SC, NB, O, BP, MPC and MU zones meeting the landscape requirements contained in subsection (F) of this section, and 20 percent for all other developments, calculated as follows:

i. Retained landmark trees shall be calculated at 1,650 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;

ii. Retained significant trees shall be calculated at 1,100 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;

iii. Retained trees shall be calculated at 900 square feet each, regardless of canopy coverage or dripline area;

iv. Planted significant trees meeting the minimum planting standard (subsections (J)(19)(b) and (c) of this section) shall be calculated at 300 square feet each;

v. Planted significant trees exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 50 percent shall be calculated at 550 square feet each; and

vi. Planted significant trees meeting the definition of large nursery stock and exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 100 percent shall be calculated at 750 square feet each.

b. For the purposes of meeting the minimum required canopy coverage calculation, trees shall be retained pursuant to the following unranked guidelines, except where determined to be exempt or to constitute a hazard by a qualified professional pursuant to subsection (J)(5) of this section:

i. All trees within critical areas or critical area buffers;

ii. Landmark significant trees, unless a 25 percent canopy coverage calculation is achieved;

iii. Retained trees within the required perimeter landscape buffer width or building setback, whichever is greater;

iv. Retained trees inside the site within an area no less than 20 feet of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements;

v. Trees within required open space; and

vi. For subdivisions during site development, all trees that are not within cut or fill areas, parking areas or streets, utility corridors, site development requirements imposed by the City, or 20 feet

distant of any proposed structure, provided permanent Tree Protection Areas are not mandated within single-family lots.

c. Where demonstrated that a site cannot achieve the minimum canopy coverage through retention pursuant to subsection (J)(8)(b) of this section, planted significant trees may be utilized in Tree Protection Areas pursuant to the following guidelines in order of preference where applicable:

i. Inside the site within a distance of 20 feet or greater of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements. At least 25 percent of replanted trees along these arterial corridors must consist of large nursery stock;

ii. Within required perimeter buffers or setback areas;

iii. Within designated recreation and/or open space areas;

iv. Within critical areas or critical area buffers; and

v. Any other locations within the development site.

9. Incentive for Retention of Existing Trees and Increased Canopy Coverage. For development proposals subject to tree retention requirements in any zone, and where the proposal contains greater than 15 percent canopy coverage by retained existing trees; provided, that trees retained in protected critical areas or related buffers may not apply towards the required percentages, the following incentives are available individually or in combination:

a. For any retained landmark tree, the actual dripline area of the tree may be credited toward open space or recreational space requirements irrespective of tree location; or

b. For retained significant trees in excess of 15 percent canopy coverage, one additional dwelling unit is permitted for each additional 10 retained significant trees on the total site; or

c. Additional building height of 10 feet is permitted up to a maximum height of 45 feet; provided, trees must be retained proximate to the proposed building location(s).

d. If any tree that is saved in conjunction with these bonus provisions is lost in the future for whatever reason, it shall be replaced with large nursery stock approved by the Director.

10. Phased Development Plans. For redevelopment and/or phased new development sites, the Director may approve a partial Tree Retention Plan that is applicable only to a phase of development or redevelopment. A Plan based on phased development does not require a full amount of required trees per acre for each phase individually, provided the Plan for the entire development or proposal meets, or will meet, requirements; provided, however, no incentives may be approved for early phases of construction that rely on trees to be retained in future phases

unless the significant Tree Retention Plan is recorded such that future phases are bound by the Plan.

11. Alternative Landscape Option. At the Director's sole discretion, the Director may approve an alternative landscape option for a high-quality landscape design containing native and ornamental species of landscape materials on sites where the proponent demonstrates to the satisfaction of the Director that planting trees at the required canopy coverage would not be feasible given the proposed use of the property, and/or would require planting at a density that would probably require removal of trees in the future due to the ultimate size of required species.

a. The proponent must show that the alternative landscape plan is of a better quality compared to a plan that would meet the requirements in the above subsections, and retains significant trees or provides planted significant trees in accordance with the following:

i. Existing trees in critical areas and critical area buffers must be retained and/or augmented with trees as appropriate;

ii. Existing trees in required perimeter landscape buffers must be preserved;

iii. Street trees are provided on streets adjacent to the site;

iv. Perimeter buffer areas without existing significant trees include planted significant trees;

v. Significant trees are provided around any open stormwater detention or pollution control ponding or swale areas;

vi. Significant tree equivalents are provided internally to parking lot areas;

vii. Significant trees are planted adjacent to the structure(s);

viii. Street trees are planted within the development; and

ix. Street trees are planted in cul-de-sac islands as applicable.

b. Alternative landscape plans must emphasize native plant material and large-scale shrub and small tree species, such as vine maple, as well as ornamental material appropriate and complementary to the proposed use of the site.

12. Utility and Street Easements and Rights-of-Way.

a. For installation or maintenance of major overhead and major underground utilities, such as electrical transmission lines, water or sewer mains or stormwater lines, no tree retention or planting requirements shall be imposed within the easement or right-of-way area.

b. For installation or maintenance of minor overhead and underground utilities, including overhead power distribution lines, water or sewer mains, or stormwater lines, no number of trees

per acre of land shall apply for the easement or right-of-way area; provided, however, for each significant tree removed due to installation or maintenance of lines, one planted significant tree is required. The Director shall give consideration to the approval of planted species so as not to create future conflicts with the overhead or underground utilities.

c. For private properties with easements for overhead utilities, no tree retention or significant tree equivalent planting requirements shall apply for the private land area affected by the utility easement.

d. For public and private road construction and maintenance within the right-of-way or grading easements, no tree retention requirement shall apply; provided, retained trees within and along the right-of-way of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors shall be accommodated and provided as a requirement of the design engineering for and maintenance of the road.

13. Decision Criteria. The Director shall review the application for a tree retention plan and/or Clearing and Grading Permit and approve the permit, deny the permit, or approve the permit with conditions based on the following criteria:

a. The site design implements the intent of this subsection (J); and

b. The Tree Retention Plan conforms to the specific requirements of this subsection (J); and

c. The proposal complies with and conforms to all standards and requirements of the underlying permit, if such permit is in addition to the Clearing and Grading Permit.

14. Tree Retention Plan Recording Required. For all nonexempt development and redevelopment sites (except for trees planted or retained within platted single-family residential lots), the Tree Retention Plan shall show Tree Protection Areas (TPAs). Upon approval of the Tree Retention Plan, the plan shall be recorded together with the following restriction upon the land:

Trees indicated on this property within Tree Protection Areas are to be preserved for environmental, aesthetic, and other purposes. No activities are allowed within the Tree Protection Area that could damage or harm the tree, such as storage of material, disposal of drainage, or filling or grading. Tree removal, or site work or landscaping resulting in the loss of a tree, is subject to fines and tree replacement requirements by order of the City of Maple Valley.

15. Tree Retention Standards.

a. Site Design Standards.

i. To qualify as an existing retained tree, a minimum of two-thirds of the dripline area shall be a no disturbance area, and shall be undisturbed by grading, soil disturbance, impervious surfacing, storage of materials, or activity that may compact the soil surface, such as pedestrian use.

ii. Any work within the one-third of the dripline area shall be planned to be done by hand and by methods least disruptive to the tree.

iii. For retained trees where the grade in the vicinity of the tree will be either raised or lowered such that surface or subsurface water flow to the tree will be altered, specific provisions for additional irrigation or drainage shall be included in the tree protection notes and details.

iv. Tree retention details, including protection notes and fencing or staking installation details, shall be included on the applicable site development plans, and reviewed and approved by the Director prior to approval of the Tree Retention Plan.

b. Construction Standards.

i. Tree protection details, dripline fencing, and no disturbance areas shall be part of all construction plans issued for permit.

ii. All dripline areas of retained trees shall be located in the field and confirmed by a City Inspector prior to commencement of construction.

iii. Work within dripline areas specifically authorized by approved construction plans shall be done separately from mechanized mass clearing and grading of the site and shall be fenced to exclude the area from mechanized clearing or grading. Methods for work within such areas shall be detailed on the clearing and grading plans, civil engineering plans, utility plans and landscape plans as may be needed to clarify the methods and responsibilities for construction within the dripline area.

iv. Dripline areas shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent.

16. Maintenance Standards. Maintenance in the form of irrigation, fertilization, clearing of vines and other requirements necessary to assure survival of the retained and planted significant trees is required on the private property in perpetuity. The City may inspect and order maintenance at any time. The property owner is responsible for the replacement of any required trees or approved landscape material due to loss or disease after an initial maintenance period of one year. The developer is responsible for replacement of any dead or dying material within the initial maintenance period of one year or until released. An assurance device for the initial maintenance period is required in one of the following forms:

a. A signed maintenance contract for a minimum period of one year from the time of occupancy that includes replacement of any dead or dying material observed at the end of one year; or

b. A maintenance security in the form of an assigned savings deposit statement from a financial institution in the amount of 20 percent of the landscape installation contract. The security device shall state it may be released after one year only by the City after inspection of the site and replacement of materials as ordered.

17. Contractor Requirements. The contractor shall sign a statement on the significant Tree Retention Plan acknowledging the requirements of the plan prior to commencement of construction. Proof of signature shall be shown to the City at or before the preconstruction meeting. The acknowledgement statement shall provide that the contractor is aware of the tree preservation and retention requirements shown on the plans and in this subsection (J); that it is the responsibility of the contractor to preserve the trees if field conditions show additional measures to assure the survival of the trees may be necessary and to alert the City Inspector to those conditions; and that the contractor is jointly responsible with the developer for any restitution required due to damage to or loss of trees as a result of the construction activities.

18. Preconstruction Meeting. Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting with the City Inspector shall be held on site with the permittee and contractor. The project site shall be marked in the field as follows:

- a. Limits of clearing and grading;
- b. Location of tree protection fencing;
- c. Delineation of any critical areas and critical area buffers;
- d. Individual trees to be retained;
- e. Property lines.

19. Planting Standards.

a. Planted significant trees shall be a mix of species approved by the Director for the specific application or proposal. A minimum of 60 percent of the planted significant trees shall be native evergreen coniferous species. Species allowable for planting significant trees shall be selected from the following two lists at a ratio of no less than 70 percent from List 1, and no more than 30 percent from List 2:

List 1:

Western Red Cedar (native evergreen coniferous)

Douglas Fir (native evergreen coniferous)

Western Hemlock (native evergreen coniferous)

Alaskan Yellow Cedar

Port Orford Cedar (native evergreen coniferous)

Norway Spruce

Sitka Spruce (native evergreen coniferous)  
Incense Cedar (native evergreen coniferous)  
Lodgepole Pine (native evergreen coniferous)  
Ponderosa Pine (native evergreen coniferous)  
Western White Pine (native evergreen coniferous)  
Giant Sequoia (native evergreen coniferous)  
Big Leaf Maple  
Norway Maple, both rounded and columnar forms  
Red Maple, both rounded and columnar forms  
Other native species as approved by the Director

List 2:

Birch “Jacquemontii”

Sweetgum

Honeylocust

Hornbeam

Marshal Seedless Ash

Summit Ash

Flowering Pear

Pin Oak

Other nonnative ornamental species as approved by the Director

b. Evergreen coniferous trees shall be six feet in height from the top of the root ball, and balled and burlapped in healthy condition at time of planting. Alternatively, trees that are four or more inches in diameter measured at four and one-half feet from planting grade may be transplanted from on site; provided, that an approved method directed by a qualified professional is used. Pruned or sheared evergreen trees intended for Christmas tree use are not acceptable if the leader has been cut.

c. Deciduous trees, evergreen broadleaved trees, or deciduous coniferous trees shall be a minimum two inches in diameter measured four feet above planting ground level, and with the lowest branch no lower than four feet from grade.

d. Staking, soil amendments, and planting details shall be specified by a qualified professional.

e. Planting areas and no disturbance areas shall be free from structures or impervious surfaces a minimum of seven feet in radius from the point the tree is planted, or as designed by a qualified professional to support a minimum size at maturity of 12 inches of trunk diameter measured four and one-half feet above planting ground level. Such designs shall contain a statement signed by the designer estimating the mature size of the tree in the planter area provided.

20. Loss and Replacement. Loss of any retained tree due to wind, disease, or other natural causes shall be replaced by one planted significant tree. Damage to a retained landmark tree shall be documented by a qualified professional at the expense of the owner, and the recommendations of the qualified professional regarding repair or replacement shall be followed. The existing planting area may be used if the tree is replaced in the same location. If the tree is relocated, the standards for a planted significant tree shall be followed and the Tree Retention Plan modified accordingly.

21. Enforcement. Any violation of this chapter shall be enforced through the City of Maple Valley Enforcement Code, which is represented by King County Code Title 23 adopted by reference by the City of Maple Valley. In addition to any applicable penalties set forth in KCC 23.32.010, the penalty for the removal of any tree in violation of this chapter shall be up to \$1,000 per tree in addition to any required planting or mitigation. Nothing herein shall preclude the City from seeking redress, including abatement and the cost thereof, through any lawful means, including the initiation of any suit in law or in equity, and the City shall be entitled to recover all reasonable costs and attorney's fees incurred as a result of bringing such action.

#### K. Stormwater Pond Landscaping Standards.

1. Purpose. The purpose of this standard is to improve water quality for the protection of endangered species and reduce maintenance costs for stormwater facilities located in residential developments and make them attractive amenities within the neighborhood and the City.

2. Applicability. These provisions shall apply to all development applications within the City, with the exception of individual single-family residential.

3. Landscape Plan Approval. A landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington, shall prepare required landscape plans.

4. Guidelines and Design Requirements. An evergreen environment of trees and groundcover will be developed surrounding the water quality and settlement elements of the stormwater pond in compliance with the following guidelines and design standards:

- a. The entire area within the drainage facility above the 10-year storm event elevations, outside the water quality and settlement elements, shall be planted with trees and groundcover.
  - b. The number of trees required within the drainage facility shall be calculated by dividing the perimeter distance of the storm drainage tract by 30.
  - c. Trees to be planted within the drainage facility shall be a mix of sizes and species comprised approximately of 80 percent evergreen and 20 percent deciduous trees.
  - d. Placement of trees within the drainage facility shall be grouped in clusters around the drainage facility to provide view corridors into the pond on all sides and not to impair traffic sight distance.
  - e. Groundcover is to be planted in all bed areas above the 10-year storm event elevation and shall be spaced such that all areas will be covered within five years.
  - f. Settlement and infiltration cells of the drainage facility shall be planted with a wildflower mix up to the 10-year storm event elevations. This does not include wet cells.
  - g. Mulch will be provided in all bed areas above the 10-year storm event elevation to assist vegetative growth and maintenance.
  - h. Wet ponds and stormwater wetlands shall be planted in accordance with the City-adopted surface water manual.
5. Maintenance of the landscaping in the drainage facility shall be the responsibility of the developer or homeowners' association for two years following facility acceptance by the City of Maple Valley. This includes but is not limited to watering, maintenance, replacement and grooming of all plantings.

**Section 9.** Section 18.50.010 of the Maple Valley Municipal Code is hereby amended as follows:

**18.50.010 Signs.**

A. Scope and Purpose. This chapter establishes regulations governing the installation, alteration, relocation, maintenance, use and removal of all signs in the City. It is recognized that the business person's right to identify their business contributes to the economic well being of the community, however, that right should be exercised in a way as to bring benefit to the business person without affecting the welfare of the public. In general, this City takes the view that signs should be scaled to the building and property frontage to which the sign is related. The purpose of these regulations is to accomplish the following:

1. To encourage commercial communication that is responsive to the needs of the public in locating a business establishment by identification, address, product and/or service information;

2. To protect business sites from the loss of prominence and reduced effectiveness of individual signs resulting from unregulated number, size, and location of signs;
3. To enhance the visual character and identity of the City;
4. To reduce clutter and visual distraction;
5. To ensure that signs in the City do not adversely affect traffic safety by obstructing vehicle sight distance, interfering with official traffic signs, signals and devices, and unduly directing a driver's attention away from the demands of safe driving; and
6. To protect the public health, safety, and welfare by regulating the placement, removal, installation, maintenance, size, and location of signs.

B. Definitions. The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "A-frame or A-board sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.
2. "Abandoned or dilapidated sign" means any sign remaining in place that has not been maintained appropriately, as defined in subsection (G) of this section or if the activity conducted on the subject property ceases for 180 consecutive days. For the purpose of this section, "dilapidated" shall mean a condition of decay, deterioration or partial ruin especially through neglect or misuse.
3. "Administrator" means the Director of Community Development or his/her designated representative.
4. "Animated sign or display" means a sign or display that uses movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method; except for the scrolling of a static message or scene onto or off a sign board in one direction per message.
5. "Awning or canopy sign" means a sign on the vertical surface or flap that is printed on, painted on, or attached to an awning or canopy.
6. "Balloon" means a decorative inflatable device, into which a gas (typically helium) is inserted in order to cause it to rise or float in the atmosphere. (See also "Inflatable advertising device.")
7. "Banner" means a sign made of fabric or any nonrigid material with no enclosing framework.
8. "Billboard" means a permanent off-site outdoor advertising sign containing a message, commercial or otherwise, unrelated to any use or activity on the subject property on which the sign is located, but not including civic event signs, government signs, or instructional signs.

9. "Building-mounted sign" means any sign attached to the face of a building including without limitation wall signs, marquee signs, under canopy signs and projecting signs.

10. "Buildout" indicates the time when all lots are sold in a subdivision or buildings are completed and a certificate of occupation is issued for other types of development.

11. "Bulletin board" means a permanent sign box attached to a building facade containing no permanent advertising copy and designed to conform to the requirements of subsection (I)(4)(f) and (g) of this section.

12. "Canopy Sign." See "Awning or canopy sign."

13. "Center identification sign" means a building-mounted or freestanding sign that identifies the name and/or logo of a development containing more than one office, retail, institutional or Business Park use or tenant and which may separately identify the tenants.

14. "Changeable copy sign (other than electronic changeable message sign)" means a sign whose informational content can be changed or altered (without changing or altering the sign frame, sign supports or electrical parts) by manual or mechanical means.

15. "City" means the City of Maple Valley unless the context clearly indicates otherwise.

16. "Clearview zone" means the definition set forth in MVMC 18.40.090 for sight distance requirements.

17. "Code Enforcement Officer" means the City Building Official or his/her designee.

18. "Community service event or civic event" means an event (such as "Maple Valley Days") or other City sponsored or endorsed event, festival, concert, fun run and/or meeting.

19. "Construction sign" means a temporary sign identifying a construction project including, but not limited to, a planned new commercial or residential building, and may include the project lender, architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

20. "Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

21. "Directional sign, on-site" means a sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking, exit or entrance signs).

22. "Drive-through business sign" means any sign intended to give information on a product selection and pricing as used in drive-through business, such as a menu sign, but not primarily intended to advertise the business.

23. "Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

24. "Electronic changeable message sign" means an electronically activated sign whose message content or display, either whole or in part, may be changed by means of electrical, electronic or computerized programming. A sign or portion of a sign on which the message or display is an electronic indication of fuel price shall be considered an electronic changeable message sign. A sign on which the sole message or display is an electronic indication of time and/or temperature shall be considered an electronic changeable message sign. Drive-through business/menu signs are not considered electronic changeable message signs.

25. "Exposed building face" means the building exterior wall of a single occupant building or the building exterior wall of an individual tenant's leased space in a multi-tenant complex, including the vertical distance between the eaves and ridge of a pitched roof above it, used for sign area calculation for building-mounted signs.

26. "Facade" means the entire building front including the parapet.

27. "Festoons, pennants, or blinking lights" means a string of ribbons, tinsel, small flags, pinwheels, or similar items that attract attention through movement, reflection, or illumination.

28. "Flag" means any piece of cloth of individual size, color and design used as a symbol, signal, emblem or for decoration.

29. "Flashing sign" means a sign of which any portion of it changes light intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination, with a display that appears for less than one and one-half consecutive seconds.

30. "Freestanding sign" means a sign supported permanently upon the ground by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," and "monument signs."

31. "Frontage" means the length of the property line along any public right-of-way on which it borders.

32. "Frontage, building" means the length of an outside building wall on a public right-of-way.

33. "Fuel price sign" means a sign or portion of a sign displaying only the price of fuel for motorized vehicles or equipment. The portion of a freestanding sign that displays corporate identity or text unrelated to the price of fuel is not a fuel price sign and is subject to sign permit requirements.

34. "Garage or yard sale sign" means a temporary sign announcing an event, use or condition of personal concern to the sign user, including but not limited to "garage sale," "yard sale" or "lost animal" signs.

35. "Government sign" means any temporary or permanent sign erected and maintained by any city, public utility, county, state, or federal government for designation of or direction to any school, hospital, historical site, property, or facility, including without limitation traffic signs, directional signs, warning signs, informational signs, and signs displaying a public service message.
36. "Graffiti" means the inscription of symbols, words, or pictures by painting, spray painting or other means of defacing public or private property.
37. "Height (of a sign)" means the vertical distance measured from the highest point of the sign face to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
38. "Holographic sign or display" means any sign or display that creates a three-dimensional image through projection.
39. "Human sign" means a sign that is worn (including costumes) or held by a human for commercial advertising or promotion purposes.
40. "Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
41. "Identification sign (residential)" means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
42. "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
43. "Incidental sign" means a small sign, emblem, or decal informing the public of goods, facilities or services available on the premises (e.g., a credit card sign or a sign indicating hours of business).
44. "Inflatable advertising device" means an advertising device that is inflated by some means and used to attract attention, advertise, promote, market or display goods and/or services. These devices include large single displays or a display of smaller balloons connected in some fashion to create a larger display.
45. "Instructional sign" means a sign which designates public information including, without limitation, public restroom signs, public telephone signs, exit signs and hours of operation signs.
46. "Kiosk" means a freestanding sign, which may have a round shape or which may have two or more faces, and which is used to provide directions, advertising or general information.
47. "Maintenance" means the cleaning, painting and minor repair of a sign in a manner that does not alter the basic copy, design or structure of the sign.

48. "Marquee sign" means any sign attached to or supported by a marquee, which is a permanent roof-like projecting structure attached to a building.

49. "Monument sign" means a freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials compatible with the materials of the primary structure on the subject property.

50. "Moving sign" means any sign that uses movement, by either natural or mechanical means, or change of lighting, either natural or artificial, to depict action to create a special effect or scene; or signs that rotate or have a part(s) that moves or revolves (except the movement of the hands of a clock).

51. "Multi-tenant complex" means a commercial development containing two or more uses or businesses.

52. "Mural" means a design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a business, product, service, or activity.

53. "Nameplate" means a nonilluminated building-mounted identification sign giving only the name, address, and/or occupation of an occupant or group of occupants of the building.

54. "Neon (outline tubing) sign" means a sign consisting of glass tubing, filled with neon gas, or other similar gas, which glows when electric current is sent through it.

55. "Nonconforming sign, legal" means any sign that was legally in existence on December 13, 1999, or the effective date of these sign regulations, but does not comply with these sign regulations or any other ordinances as adopted by the City of Maple Valley.

56. "Obsolete sign" means a sign that advertises a product that is no longer made, a business that is no longer in operation or an activity or event that has already occurred, except for historical signs or markers.

57. "Off-site sign or off-premises sign" means a sign relating, through its message and content, to a business activity, use, product, or service not available on the subject property on which the sign is located.

58. "On-site sign" means a sign which contains only advertising strictly applicable to a lawful use of the subject property on which the sign is located, including without limitation signs indicating the business transacted, principal services rendered, and goods sold or produced on the subject property, or name of the business and name of the person occupying the subject property.

59. "Pedestal sign" means a "freestanding sign" supported permanently upon the ground by one or more solid bases, which base or bases shall be equal to at least 50 percent of the sign area.

60. "Person" means any individual, corporation, association, firm, partnership, or other legal entity.

61. "Point of purchase display" means advertising of a retail item accompanying its display (e.g., an advertisement on a product dispenser, tire display, etc.).
62. "Pole or pylon sign" means a "freestanding sign" supported permanently upon the ground by poles or braces and not attached to any building.
63. "Political sign" means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with a local, state, or national election or referendum.
64. "Portable sign" means a temporary sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
65. "Projecting sign" means a sign, other than a flat wall sign, which is attached to and projects from, a building wall or other structure not specifically designed to support the sign.
66. "Public right-of-way" means land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic, or land privately owned, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic, so long as such privately owned land has been constructed in compliance with all applicable laws and standards for a public right-of-way.
67. "Public Uses." For the purpose of the sign code, "public uses" shall mean publicly owned or funded facilities including but not limited to public schools, libraries, City Hall, community centers, museums, fire stations and performing arts centers. Religious institutions and grange halls are excluded from this definition.
68. "Real estate, off-site sign" means a portable or temporary sign announcing the proposed sale of property other than the property upon which the sign is located and providing directions to the subject property.
69. "Real estate, on-site sign" means a sign placed on the subject property and announcing the sale or rental of the subject property.
70. "Religious institution" means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the Federal Internal Revenue Service.
71. "Roof sign" means any sign erected above the eaves or on the roof of a building or structure.
72. "Scrolling displays" means the vertical movement of a static message or display on an electronic changeable message sign.
73. "Sign" means any device, structure, fixture, or placard that uses colors, words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of: (a) providing information or directions; or (b) identifying or advertising any place, establishment, product, good, or service and includes all supports, braces, guys and anchors associated with such sign.

74. "Sign area" means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or text is to be placed, excluding sign structure, architectural embellishments and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or text; provided, however, that individual letters, numbers or symbols using a canopy, awning or wall as the background, without added decoration or change in the canopy, awning or wall, have sign area calculated by measuring the perimeter enclosing each letter, number or symbol and totaling the square footage of these perimeters.

75. "Sign face" means the area of a sign on which the graphics, letters, figures, symbols, trademark or text is placed.

76. "Simulation of traffic signs" means any sign using the words "stop," "look," or "danger," or any other words, symbols, characters, color or shape in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.

77. "Snipe sign" means a sign or poster placed on trees, fences, light posts, or utility poles, except those posted by a government or public utility.

78. "Temporary sign" means a sign constructed and intended for short-term use.

79. "Tenant directory sign" means a sign for listing the tenants or occupants of a multi-tenant building or center.

80. "Time and temperature sign" means any sign that displays the current time and temperature, without any commercial messages.

81. "Traveling displays" means the horizontal movement of a static message or display on an electronic changeable message sign.

82. "Under canopy sign" means any sign intended generally to attract pedestrian traffic, suspended beneath a canopy or marquee, which is at a 90-degree right angle to the adjacent exposed building face and which contains no commercial messages other than the name of the business.

83. "Vehicle sign" means any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease, or rental of the vehicle or trailer and excluding signs which identify a firm or its principal product on a vehicle operated during the normal course of business.

84. "Wall sign" means either a sign applied with paint or similar substance on the surface of a wall or a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges.

85. "Warning sign" means any sign which is intended to warn persons of prohibited activities such as "no trespassing," "no hunting," and "no dumping."

86. "Window sign" means any sign affixed to the inside of a window and intended to be viewed from the exterior of the structure.

### C. Permits.

1. Permit Requirements. No sign governed by the provisions of this code shall be erected, moved, enlarged, altered or relocated by any person without a permit issued by the City unless such sign is expressly excluded from this permitting requirement pursuant to subsection (C)(3) of this section. An applicant shall pay the permit fees set forth in the City's fee schedule except that, in cases where a legal nonconforming sign is being voluntarily replaced by a sign that conforms to the current sign regulations, permit fees shall be waived by the Community Development Department. No new permit is required for signs which have valid, existing permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated. Signs which, on the date of adoption of this code, have permits but do not conform to this code's requirements may be eligible for characterization as nonconforming signs.

2. Permit Applications. Applications for permits shall be made on the forms provided by the City of Maple Valley Community Development Department.

### 3. Permit Exceptions.

a. Maintenance and Operation. A sign permit is not required for maintenance of a sign or for operation of a changeable copy sign and/or an electronic changeable message sign.

b. Exempt Signs. A sign permit is not required for the following signs:

i. Address identification with numbers and letters not more than 10 inches in height.

ii. Barber poles.

iii. A change to center identification signs or tenant directory signs when the change is of an individual tenant's identification on an existing sign. This exemption includes copy changes to conforming signs that do not involve enlarging the sign or structurally altering the sign.

iv. Construction signs; provided, such signs are limited to two signs per project and each sign does not exceed 32 square feet per sign face and 12 feet in height. Construction signs for the project, commercial and residential, shall not be displayed prior to issuance of a building permit and shall be removed prior to buildout or the issuance of a certificate of occupancy for the project.

v. Content identification for separate purpose devices such as phone booths, product dispensers, recycling containers, collection containers, gas pumps, etc., indicating only the contents or purpose of the device.

vi. Directional signs, on-site. Each sign shall not exceed four square feet in sign area if the directional sign is indicating one direction and shall not exceed eight square feet in sign area if

such sign is indicating more than one direction. Center or complex names or logos shall comprise not more than 20 percent of the total sign area.

vii. Drive-through business sign. Signs shall be limited in number to two per business, and limited to locations abutting the drive-through lane. Signs shall not exceed five feet in height, and shall not exceed 45 square feet per sign face. Menu sign lettering, logos and photos shall be limited in size for viewing from the drive-through lane only.

viii. Flags of any nation, government, educational institution, or noncommercial organization. One flag containing the name or corporate logo of a business. Decorative flags without corporate logos or other forms of advertising are also excluded from permit requirements. Decorative flags must be spaced a minimum of 50 feet apart. Each flag may be a maximum of 20 square feet.

ix. Fuel price signs. Signs shall be located on the property where fuel is sold, shall be limited to one monument sign per street frontage, not to exceed five feet in height, and sign area shall not exceed 20 square feet per sign face. The portion of a freestanding sign that displays corporate identity or text unrelated to the price of fuel is not a fuel price sign and is subject to sign permit requirements. Electronic changeable fuel price signs are prohibited.

x. Government signs. The City must approve the location, number and the content of such signs.

xi. Gravestones or other memorial displays associated with cemeteries or mausoleums.

xii. Historical site plaques and signs integral to a historic building or site.

xiii. Holiday decorations and/or decorative lights displayed in conjunction with recognized holidays.

xiv. Incidental signs attached to a structure or building, providing that the total of all such signs per use or business shall not exceed two square feet.

xv. Instructional signs.

xvi. Integral design features when such features are an essential part of the architecture of a building (including religious symbols) and when such features do not represent a product, service, or registered trademark.

xvii. Interior signs located completely within a building or structure and not intended to be visible from outside the structure, exclusive of window signs.

xviii. Nameplates not to exceed two square feet per sign face, and permanently affixed to the building in which the tenant is located.

xix. Nonblinking small strings of lights, which are part of decoration to be used in association with landscaped areas and trees.

xx. Political signs. For additional requirements refer to subsection (E)(1) of this section.

xxi. Garage and yard sale signs. The sign may be an off-premises sign and shall be limited to eight square feet per sign face and five feet in height; the sign must be immediately removed at the end of an event. The sign must contain the address of the event or advertiser, and there shall be no more than six such signs advertising an event. Garage sale and yard sale signs that do not conform to the above are subject to temporary sign permit requirements.

xxii. Real estate signs.

(A) Off-site – Individual property or residences. The number of off-site A-frame real estate signs shall be limited to four per property, per agent; provided, however, that there shall be a minimum separation of 200 lineal feet between such signs. Exceptions to the 200-foot separation are allowed when a directional turn is required at distances less than 200 feet. The area of such signs shall be no greater than six square feet per sign face. All off-site real estate signs must be removed each day at the conclusion of the open house or other sales event and are permitted only between sunrise and sunset when the seller or the agent is in attendance at the subject property.

(B) On-site. The number of on-site real estate signs shall be limited to one per agent per street frontage or public entrance if no street frontage exists. For dwelling units, the area of the sign shall be no greater than six square feet per sign face. For other uses and developments, the size shall not exceed 32 square feet per sign face. All on-site real estate signs must be removed when the sale closes, or in the case of a rental or lease, when the tenant takes possession.

xxiii. Religious institution signs.

(A) Off-site. The number of off-site religious institution signs shall be limited to two per organization. The area of such signs shall be no greater than six square feet per sign face. All off-site religious institution signs must be removed each day at the conclusion of the service or event.

(B) On-site. The number of on-site religious institution signs shall be limited to one per public entrance. The area of the sign shall be no greater than six square feet per sign face. All on-site religious institution signs must be removed each day at the conclusion of the service or event.

xxiv. Signs required by law. Signs required by law meeting the current design standards of Washington State, the Uniform Building Code and the Uniform Sign Code.

xxv. Under canopy signs not exceeding the width of the canopy and eight square feet in size and provided that a minimum separation exists between such signs equal to 20 lineal feet or the distance between the building entrance or entrances for each business to which the sign relates, whichever is less.

xxvi. Warning signs.

xxvii. Window signs – Internal. Up to 20 percent of window area.

D. Prohibited Signs. The following signs or displays are prohibited in all zones within the City. Prohibited signs are subject to removal by the City at the owner or user's expense. Confiscated signs are destroyed after seven days. Owners may recover their signs within that time period by paying a fine prescribed in the fee schedule.

1. Abandoned, obsolete or dilapidated signs;
2. A-frame or A-board signs, except for civic event or community service signs subject to a temporary sign permit, off-site real estate signs, religious institution and garage sale and yard sale signs, as allowed in subsection (C)(3)(b)(xxi), (xxii) and (xxiii) of this section;
3. Animated signs or displays;
4. Banners, except as expressly allowed as temporary signage pursuant to subsection (E) of this section;
5. Billboards and all other types of off-premises signs, except as expressly permitted in subsection (C)(3)(b)(xxi), (xxii) and (xxiii) of this section;
6. Electronic changeable message signs, except for temporary signs required by government agencies for road and street repairs, and similar activities. This prohibition includes, but is not necessarily limited to, signs which include animation, flashing, traveling, or scrolling messages or displays;
7. Flashing signs or displays;
8. Graffiti;
9. Holographic signs or displays;
10. Inflatable advertising devices, except as expressly allowed as temporary signage pursuant to subsection (E) of this section;
11. Balloons for commercial purposes except as expressly permitted in subsection (E) of this section;
12. Moving signs;
13. Signs that obstruct or interfere with free access to or egress from a required exit from a building or structure or along a pedestrian or vehicular route;
14. Festoons, pennants, or blinking lights;
15. Portable signs, except as expressly allowed in subsection (E) of this section;
16. Real estate signs advertising properties or developments located outside the City;

17. Any sign in a public right-of-way except "government signs," political signs, or signs for City endorsed civic events or community service events;

18. Roof signs;

19. Scrolling displays;

20. Simulations of traffic signs;

21. Snipe signs;

22. Traveling displays; and

23. Vehicle signs including any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease, or rental of the vehicle or trailer and excluding signs which identify a firm or its principal product on a vehicle operated during the normal course of business.

E. Temporary Signs. Temporary signs are not allowed to continually advertise goods, services, political messages or events on a site; permanent signs shall be used for such purposes. No temporary signage is allowed in public right-of-way except for government signs or signs for City endorsed civic events or community service events. The following regulations shall apply to all signs intended to be displayed for a limited time only:

1. Permits Required. All temporary signs, except political signs, and civic event or community signs, require a Temporary Sign Permit issued by the City of Maple Valley Community Development Department. Forms as provided by the Department shall be used. A Temporary Sign Permit fee in accordance with the current fee ordinance shall accompany all Temporary Sign Permit applications.

2. Political Signs. Political signs shall be allowed in all zones. Such signs shall not exceed eight square feet in area and shall not exceed 42 inches in height; provided, that these restrictions shall not apply to lawfully established billboards. Political signs shall be removed within 10 days after the election; provided, that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election. The City may immediately remove political signs established in violation of this subsection.

3. Special Sale Signs. Special sale or promotional signs are limited to banner signs only. Special sale or promotional signs, designed to advertise or promote, for short time frames, specific events, merchandise and/or prices, shall be permitted in all zones; provided, that such signs are displayed no more than 90 days in any 12-month period. All such signs must be attached to the facade, wall or window of the building occupied by the business conducting the sale or event advertised, or affixed to posts securely anchored to the ground on the premises. No business shall have more than two signs for each facade or wall of the building to which they are attached, or two banner signs affixed to posts. The total sign size shall not exceed 50 percent of the size of the allowed building-mounted sign or 50 percent of the size of the allowed freestanding sign.

4. Civic Event or Community Service Event Signs. Civic event or community service event signs may include banners, temporary portable signs, inflatable advertising devices and searchlights. Civic event or community service event signs may be placed up to 30 days in advance of the event and must be removed within five days of the close of the event.

5. Grand Opening Signs. Grand opening signs (which includes business name changes) may include banners, searchlights, inflatable advertising devices and portable reader board signs.

Search lights, inflatable advertising devices and portable reader board signs are limited to a maximum of five days. Banners are limited to a total of 14 days. Grand opening signs allowed shall be in addition to the 90 day time frame identified in subsection (E)(3) of this section, Special Sale Signs.

6. Bulletin Board. A business may install a permanent bulletin board in addition to permanent wall signage. The bulletin board shall not exceed 50 percent of the total allowed permanent wall sign area; provided, each tenant is allowed a minimum of 15 square feet; and further provided, the maximum size of a bulletin board shall not exceed 32 square feet. Temporary signage may be placed at any time within the confines of the bulletin board. An initial permit is required for the installation of the bulletin board, but no subsequent permits are required for placement of temporary signage therein.

7. Human Signs. Human signs as defined in subsection (B)(39) are considered a temporary sign and are subject to permit requirements. Human signs are limited to five days in a 12-month period per property, location or business. Human signs are not allowed in the public right-of-way.

8. Development Directional Signs and Flags. New residential developments inside the City of Maple Valley shall be allowed to place three off-site directional signs. The area of such signs shall be limited to 16 square feet per sign face and 32 square feet total per sign and shall be removed at buildout. Decorative flags for new developments containing corporate logos or the name of the development are allowed on-site. Decorative flags must be spaced a minimum of 50 feet apart and shall be removed at buildout.

F. Legal Nonconforming Signs – Loss of Legal Nonconforming Status. A nonconforming sign shall immediately lose its legal nonconforming designation if:

1. The sign is structurally altered in any way or the gross floor area of any structure that houses or supports the use with which the legal nonconforming sign is associated is increased;
2. The applicant is making any change, alteration or performing work other than normal maintenance to any structure that houses or supports the use with which the nonconforming sign is associated and the fair market value of those changes, alterations or other work exceeds 25 percent of the assessed value of the structure as determined by the King County Assessor;

3. The subject property containing the sign is abandoned for 90 or more consecutive days or the activity conducted on the subject property related to the legal nonconforming sign(s) ceases for 180 consecutive days; or

4. The applicant is making changes, alterations or performing any work to the legal nonconforming sign other than regular and normal maintenance. Prohibited sign alterations include relocating or replacing the sign; provided, however, that replacing any individual tenant's identification sign in either a center identification sign which separately identifies the tenants or in a tenant directory sign shall not result in the loss of such sign's legal nonconforming status;

5. Signs that have not been maintained and meet the definition of "abandoned sign" in subsection (B) of this section;

6. Any legal nonconforming sign for a business or use undergoes a name change, or a sign has 20 percent or more of the text (except billboards, changeable copy signs, and tenant directory signs) or structure changed. Such signs shall be immediately brought into compliance with current sign regulations;

7. Any legal nonconforming sign that is damaged in excess of 50 percent of the current replacement value of the sign. Such sign shall be immediately brought into conformance with current sign regulations.

#### G. Sign Regulations – All Zoning Districts.

1. Applicability. The regulations of this section shall apply in all zoning districts and to all signs governed by this code, subject to the specific regulations of each zoning district.

2. Structural Requirements. The applicable provisions of MVMC Title 15, Building and Construction, shall govern the structure and installation of all signs within the City.

3. Maintenance. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean, and attractive condition.

4. Illumination. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the light intensity or brightness shall not adversely affect surrounding or facing properties or adversely affect safe vision of operators of vehicles moving on private or public roads, highways, or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way. Light shall not shine upon nor reflect into residential structures.

5. Landscaping. At the time of installation, all freestanding signs shall include landscaping and curbing around the base of the sign to prevent vehicles from hitting the sign structure and to improve the overall visual appearance of the structure. Landscaping shall be in proportion to the size and height of the signs, with a minimum of one square foot of landscaping for each square foot of sign area, up to a maximum of 64 square feet per sign, and shall be maintained throughout the life of the sign.

6. Combined Sign Package. Businesses on split-zoned lots or on different, but abutting, lots may combine their signage. Abutting lots include lots separated by a vehicular access easement or tract. In such cases, the lot frontage and other measurements used to determine sign dimensions shall be taken from the combined frontage or other relevant measurements of the split-zoned or abutting parcels. The zoning at the location of the proposed sign shall control which sign requirements apply. The provisions for multi-tenant complexes shall control sign height and sign area for freestanding signs.

7. Decorative Mounting Structures. Decorative mounting structures or framework with no commercial content may be used around a sign and may add up to 24 inches to the width and height allowed pursuant to subsection (H) of this section.

8. Permission of Property Owner. Permission of the property owner is required for placement of all signage. Documentation shall be required for permit application.

#### H. Regulations by Zoning District.

1. Residential Zoning Districts. The following regulations shall apply to all residentially zoned property within the City and properties designated residential or public use within a Master Planned Community zone:

##### a. Residential Development Signs.

i. Multifamily Complex Identification Sign. Multifamily residential developments shall be permitted two monument identification signs per entrance. The identification signs shall not exceed 32 square feet per entrance, shall not exceed a height of six feet and shall not be internally illuminated. Sign location is limited to the on-site entrances of the development.

ii. Subdivision Identification Signs. Residential subdivisions shall be permitted two monument identification signs per entrance. The identification signs shall not exceed 32 square feet per entrance, shall not exceed a height of six feet and shall not be internally illuminated. Sign location is limited to the on-site entrances of the development.

##### b. Commercial and Institutional Signs.

i. Legally nonconforming and conditionally permitted commercial and institutional uses shall each be permitted one monument sign for each street frontage providing direct vehicle access to the site. Sign location is limited to the on-site entrances of the development. The sign area shall not exceed 64 square feet for the total of all faces and no one sign face shall exceed 32 square feet. The height for monument signs shall not exceed six feet.

ii. Public uses as defined in subsection (B)(67) of this section. One changeable copy pylon sign is allowed in addition to the commercial and institutional sign described in subsection (H)(1)(b) of this section. The changeable copy sign area shall not exceed 50 square feet for the total of all faces and no one face shall exceed 25 square feet. For sites with frontage greater than 150 feet on a public street one square foot of additional sign area shall be allowed for each 10 feet of

frontage over and above 150 feet, up to a maximum of 100 square feet with no one face exceeding 50 square feet. Changeable copy signs are limited to 12 feet in height.

Sign Regulations – Residential Zoning Districts				
Sign Provision	Multifamily Complex	Single-Family Subdivision	Commercial/ Institutional	Public Uses
Number and Type	2 monument signs per entrance	2 monument signs per entrance	1 monument sign per street frontage providing direct vehicular access	Same as Commercial/ Institutional, PLUS 1 changeable copy pylon sign
Maximum Sign Area	32 SF/entrance	32 SF/entrance	64 square feet total, 32 SF/face	Pylon sign 50 SF total, 25 SF/face. If frontage > 150 feet, 1 SF additional sign area /10 feet frontage above 150 feet, up to 100 SF total, 50 SF/face.
Height	6 feet	6 feet	6 feet	12 feet (pylon sign)

2. Commercial (CB, NB, SC), MPC and Business Park Zoning Districts. The following regulations shall apply to all commercial and Business Park zoned property within the City:

a. Sign Types. Freestanding and building-mounted sign types are allowed in MPC, Commercial and Business Park (NB, CB, SC and BP) zoning districts.

b. Sign Height. The height of a freestanding sign shall be calculated at the rate of 0.5 feet in sign height for every five lineal feet of frontage on a public right-of-way; provided however, that sign height shall be calculated at the rate of one foot in sign height for every five lineal feet of frontage on a public right-of-way for any multi-tenant complex; and provided, further, that such sign in no case shall exceed a maximum height of 12 feet. Every applicant is entitled to a minimum height of five feet. The height of a building-mounted sign shall be limited so as not to project above the roofline of the exposed building face to which the sign is attached.

c. Sign Area – Freestanding Signs. For any multi-tenant complex, the sign area allowed shall be calculated at the rate of two square feet per lineal foot of frontage on a public right-of-way not to exceed a maximum sign area of 128 square feet for the total of all sign faces with no one face exceeding 64 square feet. For other uses, allowed sign area shall be calculated at the rate of one square foot per lineal foot of frontage on a public right-of-way not to exceed a maximum sign area of 80 square feet for the total of all sign faces with no one sign face exceeding 40 square feet.

Notwithstanding the foregoing sign area calculations, every applicant is entitled to a minimum sign area of 50 square feet for the total of all faces with no one sign face exceeding 25 square feet.

d. Sign Area – Building-Mounted Signs. The total sign area of a building-mounted sign for all businesses or tenants, excluding under canopy signs, shall not exceed 15 percent of the exposed building face to which they are attached; provided, however, that no individual sign shall exceed 120 square feet and every applicant is entitled to a minimum sign area of 30 square feet.

e. Number and Location of Signs. A property in a MPC, Commercial or Business Park zoning district may have one freestanding sign per frontage on a public right-of-way, as defined by subsection (B)(66) of this section, providing direct vehicular access. For businesses having frontage on two or more streets, the location of the freestanding sign is limited to the street providing direct vehicular access. In instances where distance, topography or visual obstructions interfere with signage, the freestanding sign shall contain limited directional information or symbols, and may be located on the street frontage not providing direct vehicular access. If the visual obstruction is later removed the sign must be relocated to the entrance providing vehicular access. This provision does not allow additional signage. Building-mounted signs are limited to two per business or tenant.

f. Illumination. Signs in the MPC, Commercial and Business Park zoning districts may be internally illuminated except in situations where the MPC, Commercial or Business Park sign would create spillover lighting on a residential zoning district or residential use. In such cases, signs may only be illuminated with indirect lighting. Illumination must be in accordance with the provisions of subsection (G)(4) of this section.

Sign Regulations – Commercial (CB, NB, SC), MPC and Business Park Zoning Districts			
Sign Type	Maximum Height	Maximum Sign Area	Number of Signs
Freestanding	12 feet	Single tenant: 1 SF per LF of street frontage, not to exceed 80 SF total, 40 SF/face  Multiple tenant: 2 SF per LF of frontage, not to exceed 128 SF total, 64 SF/face	1 per street frontage
Building-Mounted	Top of roof-line	15% of exposed building face to which the sign is attached, up to 120 SF	2 per business or tenant

3. Office Zoning District. The following shall apply to all office zoned properties in the City:

a. Sign Types. Freestanding and building-mounted sign types are allowed in the Office zoning district.

b. Sign Height. The maximum height of a freestanding sign shall be six feet. The height of a building-mounted sign shall be limited such that it does not project above the roofline of the exposed building face to which the sign is attached.

c. Sign Area – Freestanding Signs. Sign area allowed shall be calculated at the rate of one square foot per lineal foot of frontage on a public right-of-way not to exceed a maximum sign area of 80 square feet for the total of all sign faces with no one sign face exceeding 40 square feet.

Notwithstanding the foregoing sign area calculations, every applicant is entitled to a minimum sign area of 50 square feet for the total of all faces with no one sign face exceeding 25 square feet.

d. Sign Area – Building-Mounted Signs. The total sign area of a building-mounted sign for each business or tenant, excluding under canopy signs, shall not exceed 15 percent of the exposed building face to which it is attached; provided, however, that no individual sign shall exceed 120 square feet and every applicant is entitled to a minimum sign area of 30 square feet.

e. Number of Signs. A property in an Office zoning district may have one freestanding sign per frontage on a public right-of-way. Building-mounted signs are limited to two per business or tenant. Tenant directory signs are limited to one sign per frontage on a public right-of-way.

f. Illumination. All signs in the Office zoning district may only be illuminated with indirect lighting. Illumination must be in accordance with subsection (G)(4) of this section.

Sign Regulations – Office Zoning Districts			
Sign Type	Maximum Height	Maximum Area	Number
Freestanding	6 feet	1SF per LF of frontage, up to 80 SF total, 40 SF/face	1 per street frontage
Building-Mounted	Top of roof line	15% of the exposed building face to which sign is related, up to 120 SF	2 per business or tenant

4. Multiple Use Zoning District. Regulations governing signs in the Multiple Use zoning district may be found in MVMC 18.110.050 and are subject to the conditions of a Multiple Use Master Permits.

5. Public/Open Space Zoning District. Signs in the Public/Open Space zoning district shall meet the applicable standards for signs in residential zoning districts, found in subsection (H)(1) of this section.

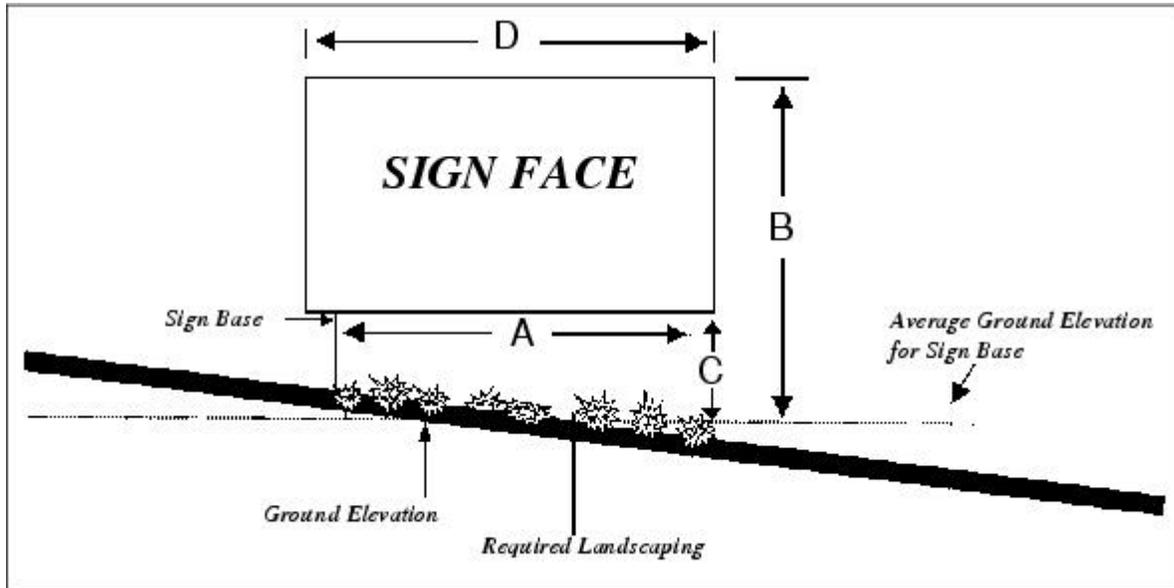
I. Construction Standards.

1. Structural Components. To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

2. Sign Setback Requirements. The required setback from the property lines for all signs six feet or less in height shall be zero feet. Signs greater than six feet in height shall be set back from the property line not less than six feet in all zones. No sign shall be placed so as to interfere with required sight triangles or which creates a safety hazard.

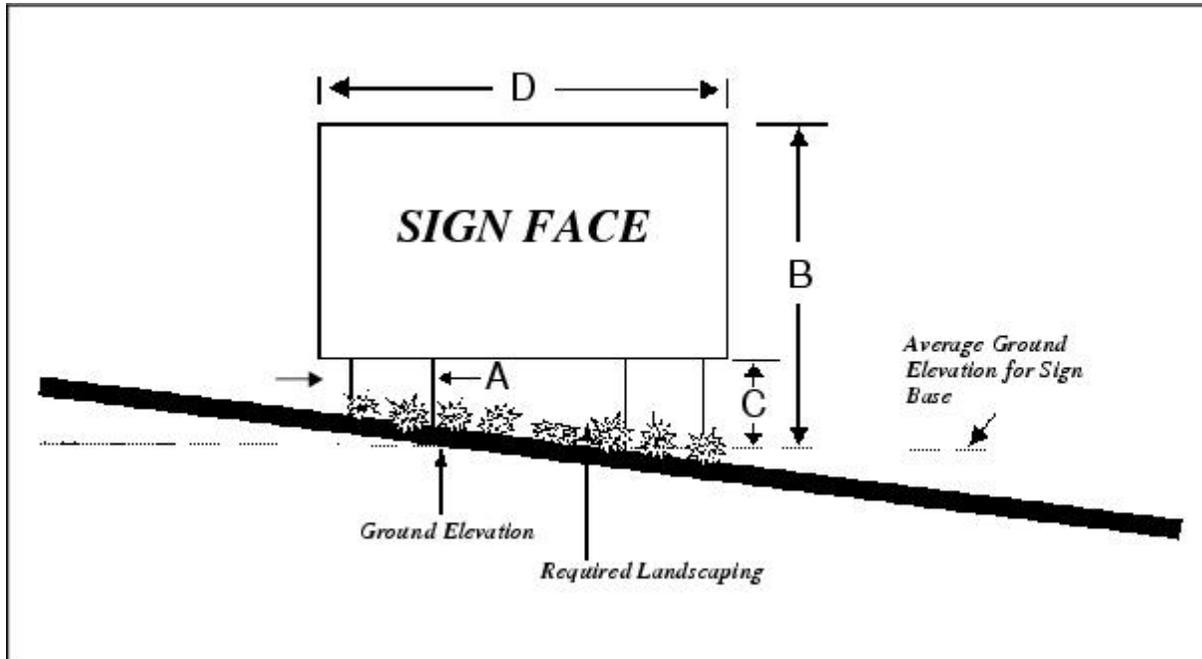
3. Dimensional and Design Standards. The following drawings illustrate the dimensional standards for pedestal, pylon and monument signs:

a. Pedestal Sign.



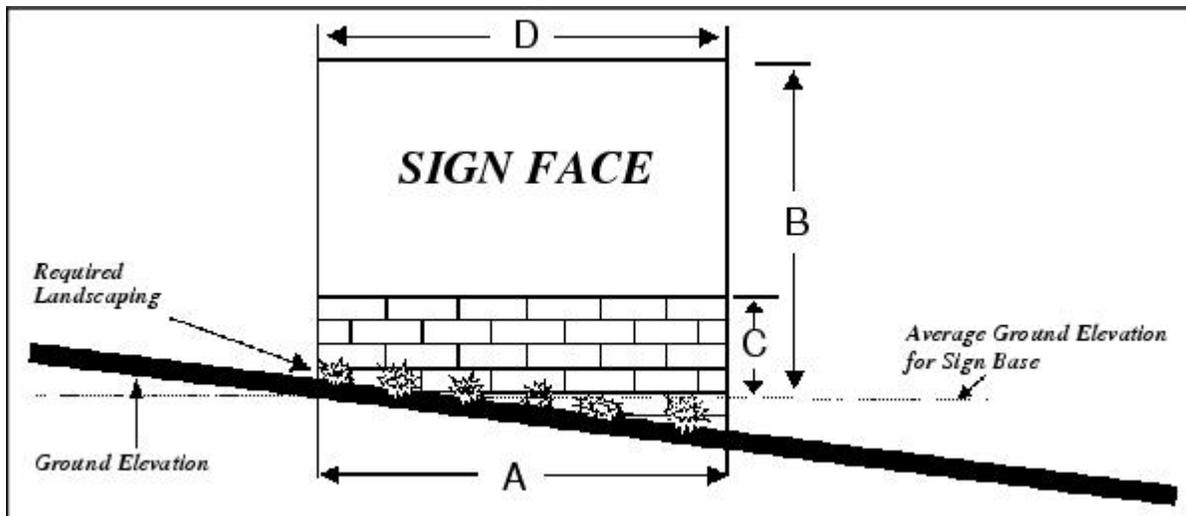
$A > 50\%$  of  $B$  and  $A > 50\%$  of  $D$ ,  $B$  = Height of Sign,  $C > 20\%$  of  $B$ ,  $D$  = Width of Sign

b. Pole or Pylon Sign.



$A > 20\%$  of  $B$ ,  $B$  = Height of Sign,  $C > 20\%$  of  $B$ ,  $D$  = Width of Sign

c. Monument Sign.



$A = 100\%$  of  $D$ ,  $B$  = Height of Sign,  $C > 20\%$  of  $A$ ,  $D$  = Width of Sign

4. Design Criteria.

a. Sign Base. The base of the sign must be constructed from landscape materials such as brick, stucco, stonework, textured wood, tile or textured concrete or materials that are harmonious with the character of the primary structures on the subject property and subject to the Community

Development Director's approval. No visible gap shall be allowed between the sign base of a monument or pedestal sign and the finished grade.

b. Sign Face. The color, shape, material, lettering and other architectural details of the sign face must be harmonious with the character of the primary structure.

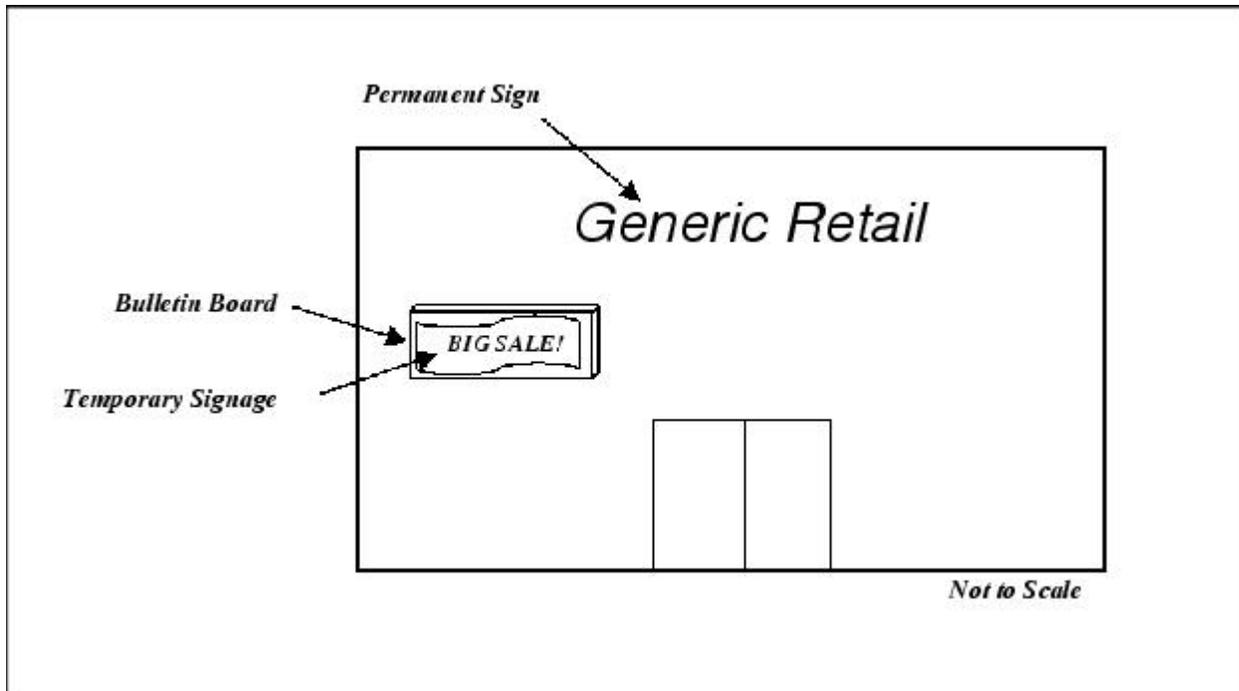
c. Minor Deviations. The Community Development Director may approve minor deviations from the dimensional standards for signs, except for maximum sign height, if he or she concludes that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.

d. Location. No sign shall be located so as to physically obstruct any door or exit from a building. No sign shall be located so as to be hazardous to a motorist's or pedestrian's ingress to or egress from buildings or parking areas. No sign shall be located within the clearview zone.

e. Landscaping Around Freestanding Signs. To improve the overall appearance of the sign and to reduce the risk of motor vehicles hitting the sign or supports of the sign, an area adjacent to the base of each freestanding sign must be landscaped equal to the sign area; provided, however, that the City will not require more than 128 square feet of landscaped area. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers or decorative framing, subject to approval by the Community Development Department.

f. Bulletin Board. Bulletin board construction must be of durable material that is harmonious with the character of the building upon which it is to be placed. The entire sign face must be enclosed within a transparent case constructed from weatherproof material.

g. Example of Bulletin Board.



#### J. Variance from Sign Code.

1. Scope. This section establishes the procedure and criteria the City will use in making a decision upon an application for a variance from the provisions of the sign code.

2. Required Review Process. The City will review and decide upon applications for a variance to any of the provisions of this code using Process 2 (as described in Chapter 18.100 MVMC).

3. Criteria. A variance to any provision(s) of this code may be granted only if appropriate findings are made relative to all of the following:

a. The literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of unique or unusual conditions pertaining to the specific building, parcel or subject property;

b. A sign package consistent with the provisions of this article would not provide the use or the business with effective signage;

c. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located;

d. The variance is not granted for the convenience of the applicant or for the convenience of regional or national businesses that wish to use a standard sign;

e. The special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property or a self-induced hardship; and

f. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is located.

4. Conditions and Restrictions. As part of any approval of a request for a variance under this section, the City may impose any conditions, limitations or restrictions it considers appropriate under the circumstances. This may include, but is not limited to, requiring that the owner of the subject property sign a covenant or other written document to be filed with the county to run with the property by which, at a time certain or upon specific events, the signs on the subject property would be brought into compliance with all applicable City regulations then in effect.

**Section 10.** Section 18.70.020 of the Maple Valley Municipal Code is hereby amended as follows:

**18.70.020 Applicability.**

A. The design guidelines shall be implemented in the following manner:

1. The design standards shall apply to all new construction in CB, NB, O, R-12, R-18, R-24, MU, MPC, SC and BP zones; they shall also apply to nonresidential buildings in all zones throughout the City; they shall also apply in the R-8 zone for townhouse developments with a total of five or more dwelling units in one or more structures; they shall also apply in the P/OS, R-1, R-4, and R-6 zones, but only to nonresidential structures.

a. Publicly owned buildings and structures used for public purposes do not trigger the requirements of this section when all of the following criteria are met:

i. The building or structure is no more than 2,000 square feet in total size;

ii. The building or structure is a single story and does not exceed a height of more than 20 feet;

iii. The building or structure is visually obstructed by existing or proposed screening, buildings, vegetation or distance from adjacent sites, streets and the public right-of-way; and

iv. The building or structure complies with all other necessary requirements of the development regulations and building codes.

b. The Department of Community Development shall have the authority to approve, approve with conditions, or deny an exemption from the requirements of this section as a Process 1 decision for buildings and structures not used for commercial purposes within the PUB and PRO zones, such as bus stops, picnic shelters, storage buildings, restroom facilities, and similar buildings, and structures within designated community recreation areas. An exemption may be granted only when all the following criteria are met:

i. The building or structure is no more than 400 square feet;

ii. The building or structure is a single story no more than 20 feet in height;

iii. The building or structure is visually obstructed by existing or proposed screening, buildings, vegetation or distance from adjacent sites, streets and the public right-of-way; and

iv. The building or structure complies with all other necessary requirements of the development regulations and building codes.

2. The design standards shall apply to buildings within the MU and MPC zones, except for residential developments of less than five units; however, variation may occur when specifically addressed as part of a Multiple Use Master Permit developed and approved pursuant to MVMC [18.110.050](#) or as part of an MPC project approval pursuant to Chapter [18.120](#) MVMC.

3. For all existing structures in the zones as noted in subsection (A)(1) of this section with exterior improvements/additions less than 50 percent of the replacement value of the structure, then only that applicable portion of the structure and associated site improvements shall comply.

4. For all existing structures in the zones as noted in subsection (A)(1) of this section with exterior remodels greater than 50 percent of the replacement value of the structure in any three-year period, then the standards apply to the entire structure and associated site improvements.

B. Interior remodeling or interior tenant improvements do not trigger the requirements of this section. Only those improvements to the exterior of an existing structure, including exterior mounted mechanical equipment, must meet applicable design standards and requirements.

**Section 11.** Section 18.70.030 of the Maple Valley Municipal Code is hereby amended as follows:

### **18.70.030 Site design guidelines and requirements.**

#### **A. Site Planning – Connectivity.**

1. Goal. Provide safe and efficient pedestrian and vehicular connections to existing neighborhoods, commercial areas, public services, and transit. Discourage new development that precludes the opportunity to provide future pedestrian and vehicular connections.

## 2. Guidelines and Requirements.

a. Wherever possible, developments shall provide interior automobile and pedestrian connections to adjacent properties through the development of appropriate street frontage, and use of cross access easements, common driveways, shared internal roadways and parking lots, and similar techniques. Where connections are not possible, site design shall not preclude possible future connections.

b. Where the adjacent property is vacant or developed and does not provide adequate connections, the configuration and layout of the proposed development shall provide the opportunity for future connections to the satisfaction of the Director.

c. Where demonstrated that vehicular and/or pedestrian connections between adjacent properties are impractical (such as: topography, environmental, or unusual lot configuration), unnecessary or undesirable (such as where uses are not compatible), developments shall provide at least 10 feet of Type III landscaping, as defined in MVMC [18.40.130](#), along the applicable side where no vehicular and/or pedestrian connections are provided.

d. Where abutting developed land provides road stub-outs, easements, or other methods to provide the opportunity for future road connections, the interior network of new development shall be designed to utilize these connections.

e. Avoid dead-end streets to the extent possible.

## B. Site Planning – Building/Sidewalk Relationship.

1. Goal. Provide for interesting and walkable streets, provide attractive building facades, reduce the impact of large parking lots on the streetscape, enhance the overall design and layout of developments, retain and enhance the wooded character of Maple Valley.

## 2. Guidelines and Requirements.

a. Provide an appropriate building/sidewalk relationship based on the combination of zoning and the classification of street or streets fronting on the property.

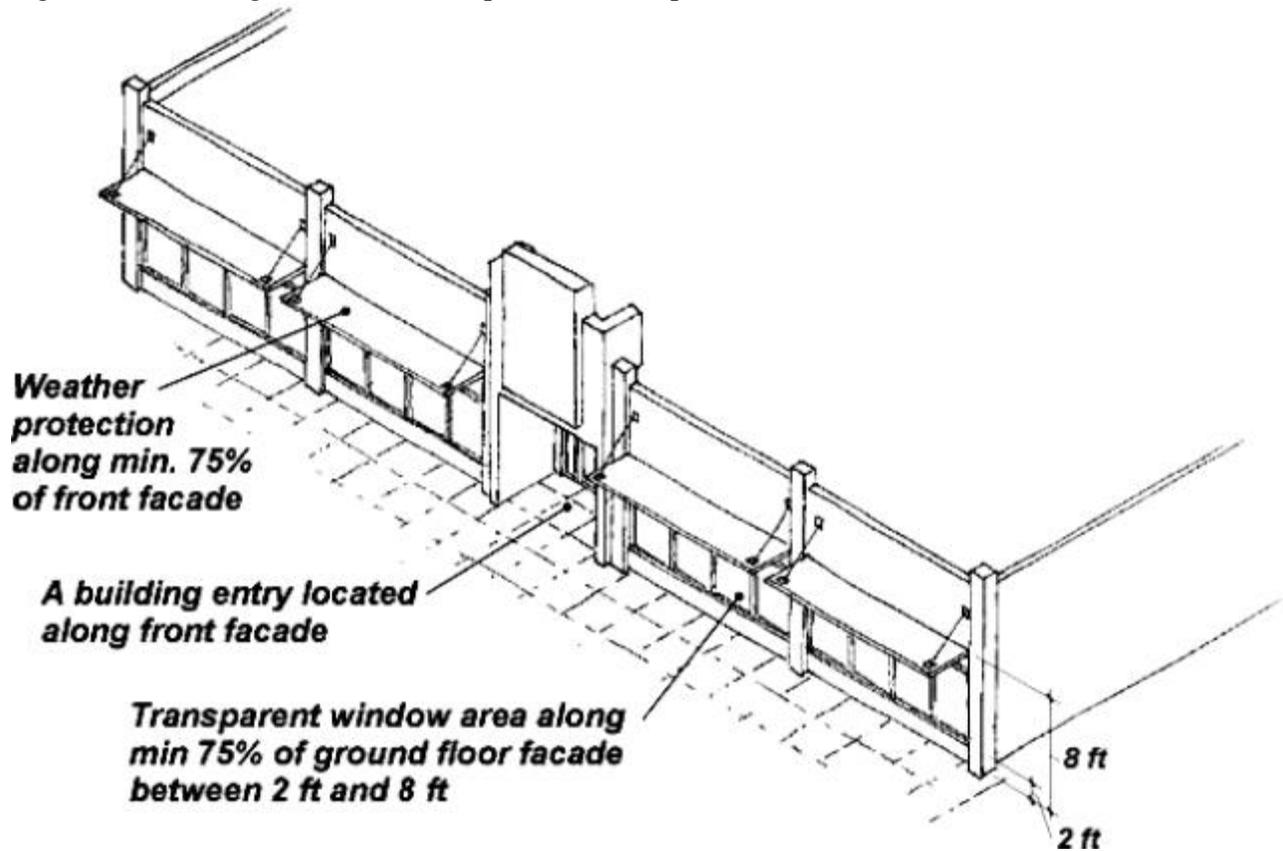
b. To qualify as a “pedestrian-oriented building facade,” the following conditions must be met:

i. Transparent window area or window displays along a minimum of 75 percent of the ground floor facade between a height of two feet to eight feet above the ground;

ii. A building entry must be facing the street; and

iii. Weather protection at least four and one-half feet wide along at least 75 percent of the facade width.

Figure 1. Illustrating the minimum requirements for pedestrian-oriented facades.



c. Table 1 shows the street classification system by zoning and applies the building/sidewalk relationship that must be constructed in the various situations.

Table 1. Required Building/Sidewalk Relationship per Applicable Zoning and Classification of Street Fronting on the Property.				
Street Classification				
Applicable Zone	ARTERIAL STREETS(1)	BUSINESS ACCESS STREETS(1)	BUSINESS CONNECTORS(1)	TWO OR MORE DIFFERENT STREET CLASSIFICATIONS(1)
CB/NB/MU/MPC/SC	Pedestrian-oriented building facade(2)  Or  20-foot landscape buffer(3) if more than 2	Pedestrian-oriented building facade(2)  Or  20-foot landscape buffer(3) if more than 2	Pedestrian-oriented building facade(2)  Or  6-foot buffer with Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area	Meet applicable requirements for all streets

	rows parking  Or  10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade or 2 rows or less of parking in front of the building	rows parking  Or  10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade or 2 rows or less of parking in front of the building		
O	20-foot landscape buffer(3)  Or  Pedestrian-oriented building facade  Or  10-foot buffer with Type III landscaping(4) if nonpedestrian-oriented building facade	10-foot buffer with Type III landscaping(4)  Or  Pedestrian-oriented building facade	6-foot buffer with Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area  Or  Pedestrian-oriented building facade	Meet applicable requirements for all streets
R-8/12/18/24	20-foot buffer with Type III landscaping(4)	10-foot buffer with Type III landscaping(4)	6-foot buffer with Type IV landscaping(4)	Meet applicable requirements for all streets
BP	Pedestrian-oriented building facade	Pedestrian-oriented building facade	Pedestrian-oriented building facade  Or  6-foot buffer with	Meet applicable requirements for all streets

	Or 20-foot buffer with Type II landscaping(4)	Or 10-foot buffer with Type II landscaping(4)	Type IV landscaping(4) if nonpedestrian-oriented building facade or parking area	
All Other Zones(5)	Landscape buffer	Landscape buffer	N/A	Meet applicable requirements for all streets

Table Notes: (1) Options listed first in the columns are preferred.

(2) Except for entrance lobbies, residential uses are prohibited on the ground floor.

(3) Twenty-foot landscaping buffer requirements are described in MVMC [18.70.030\(B\)\(3\)\(a\)\(i\)\(B\)](#) for both arterial and business access streets.

(4) Type II, III, and IV landscaping requirements are defined in MVMC [18.40.130](#).

(5) Applies to all nonresidential buildings.

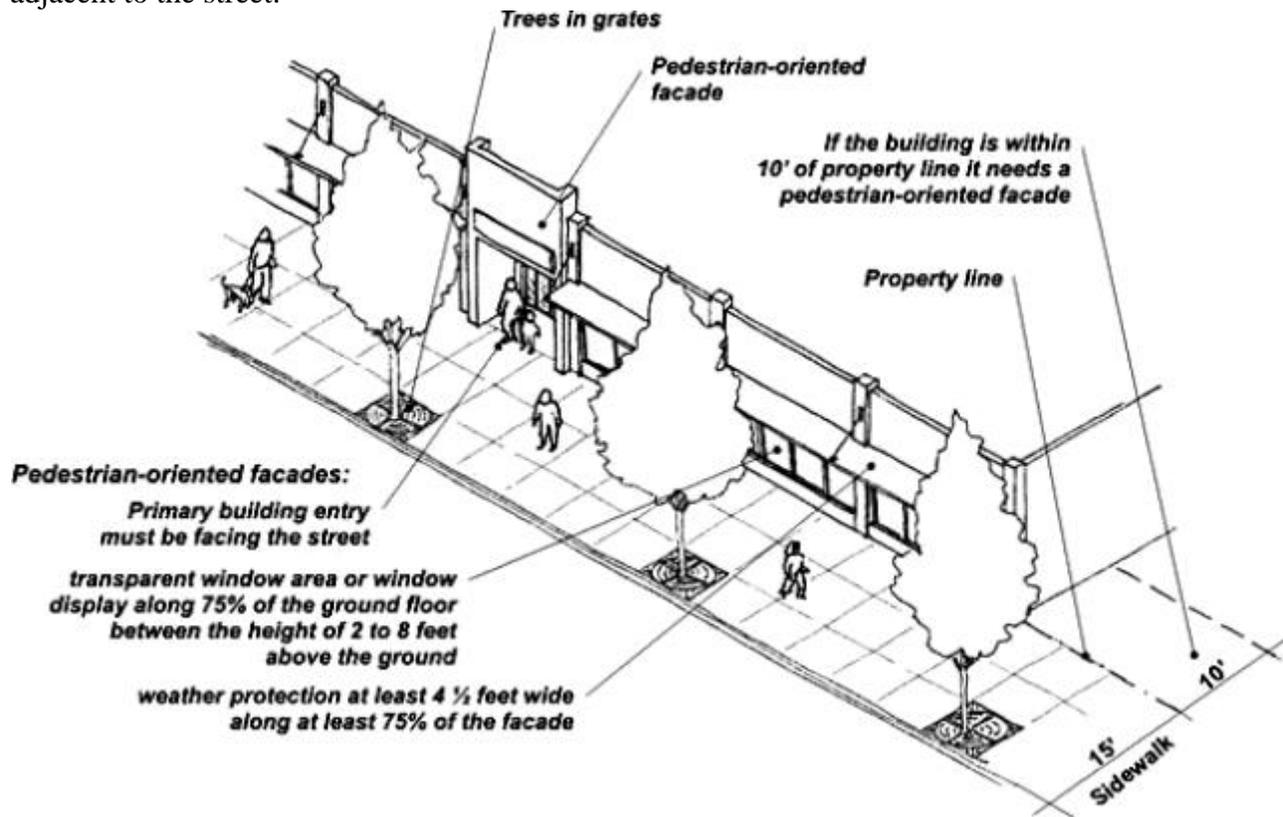
### 3. Street Types and Building/Sidewalk Relationship Standards.

a. Arterial Streets. These include two categories of arterials: principal arterial streets and minor arterial streets. These are streets that accommodate a relatively high volume of traffic and do not have on-street parking, thereby requiring a buffer for pedestrians. Also, these streets are important to the look of Maple Valley, but may not have the volume of pedestrian activity that other connector streets have.

i. Properties adjacent to arterial streets shall adhere to the following standards unless the Director determines that they prevent viable site development:

(A) Buildings in the CB, NB, MU, O, MPC, SC and BP zones can be located within 10 feet of the street right-of-way if they present a “pedestrian-oriented building facade” to the street (see Figure 2 for illustration).

Figure 2. Illustrating site development option (1) with a pedestrian-oriented building facade adjacent to the street.



(B) For developments in the CB, NB, MU, MPC, SC and O zones, where a parking lot with more than two rows of parking, or equivalent depth of parking, is shown between the building and the arterial street (see Figures 3 and 4 for illustrations), one of the two landscape buffers below shall be provided:

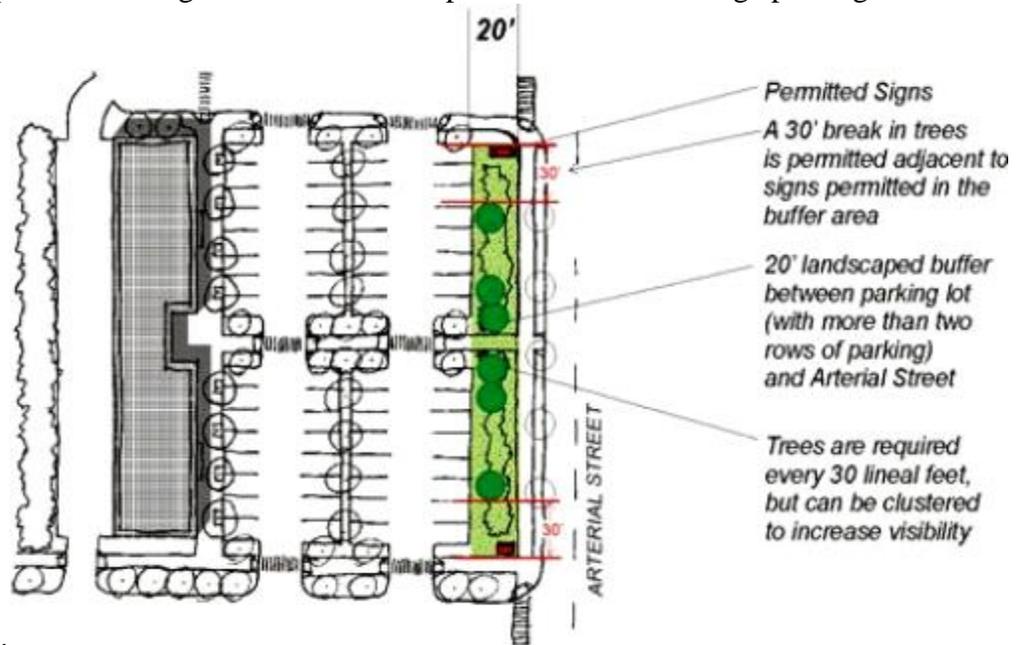
(1) A 20-foot-wide landscape buffer planted per the following:

(a) Trees at an average rate of one tree per 30 lineal feet of street frontage. Permitted tree species are those that reach a mature height of at least 35 feet. To increase visibility, the trees can be clustered and/or staggered. A 30-foot break in the required tree coverage is permitted adjacent to permitted signage.

(b) Shrubs at a rate of one shrub per 20 square feet of landscaped area. Shrubs shall be at least 16 inches tall at planting and have a mature height between three and four feet.

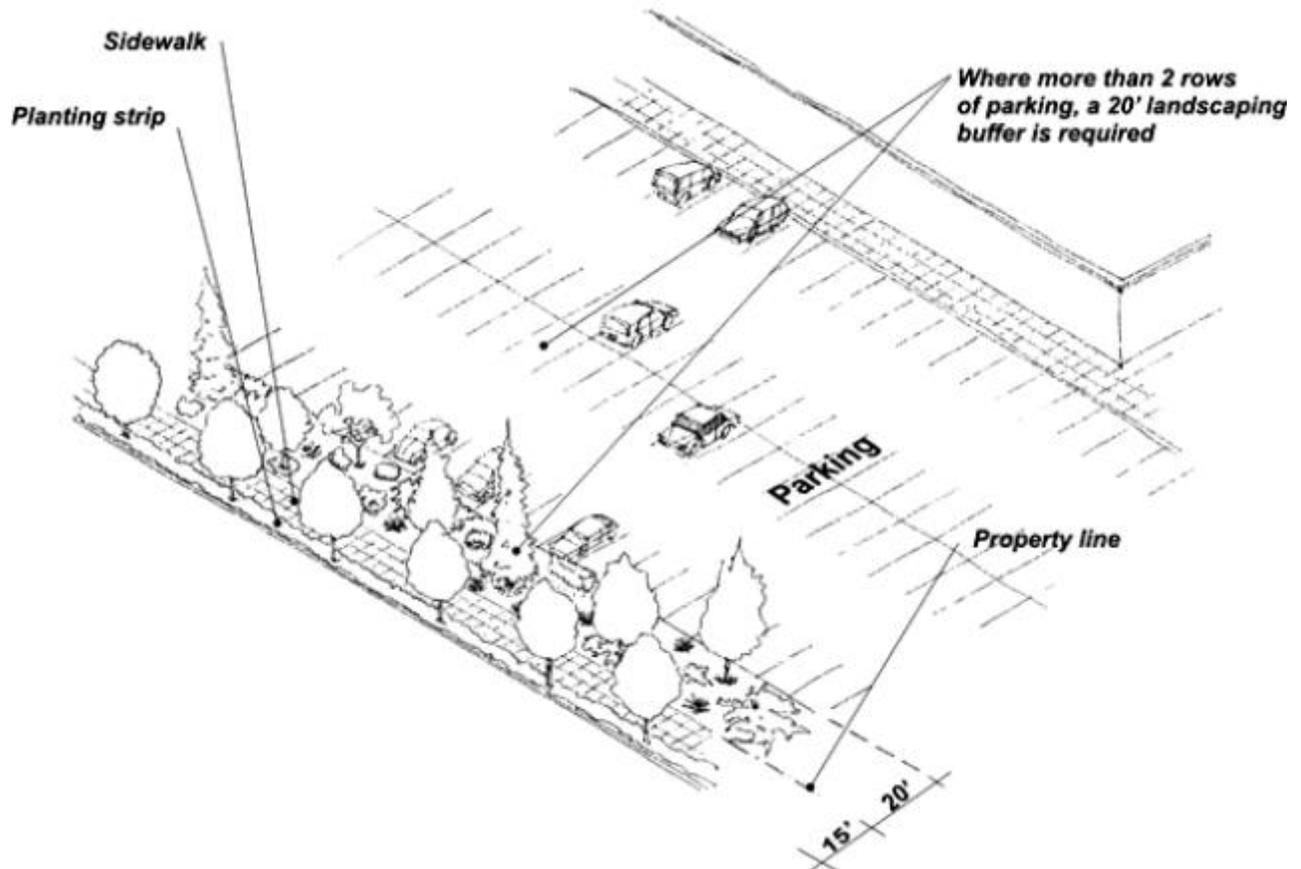
(c) Ground cover shall be planted in sufficient quantities to provide at least 70 percent coverage of the landscaped area within three years of installation.

Figure 3. Site plan illustrating the 20-foot landscaped buffer between large parking lots and



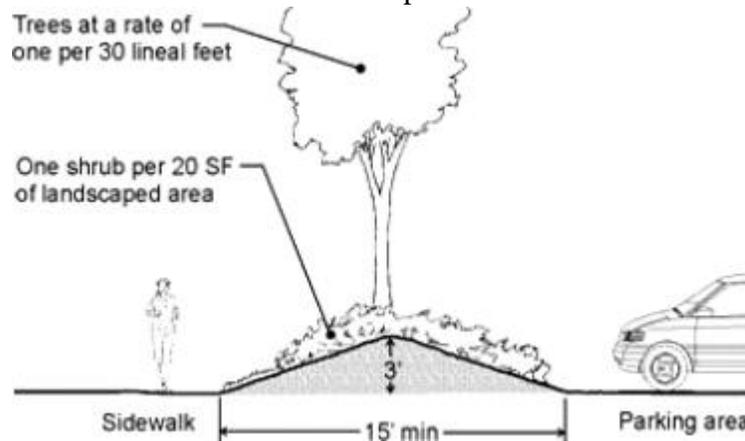
arterial streets.

Figure 4. Sketch illustrating the 20-foot landscaped buffer between large parking lots and arterial streets.



(2) A 15-foot landscape buffer with a three-foot-high berm provided within the buffer area. Trees, shrubs and groundcover requirements are the same as in subsection (B)(3)(a)(i)(B)(1) of this section. See Figure 5 for illustration.

Figure 5. The landscape buffer between parking lots and arterial streets may be reduced to 15 feet if a three-foot-tall berm is provided.



(C) Where buildings in the CB, NB, MU, MPC, SC and O zones have two or less rows of parking between them and the street frontage, a 10-foot buffer of Type III landscaping is required between the street and the parking area (see Figure 6 for illustration). Type III landscaping requirements are defined in MVMC [18.40.130](#).

Figure 6. Illustrating the requirement for a 10-foot buffer of Type III landscaping between the street and a parking lot featuring no more than two rows of parking.

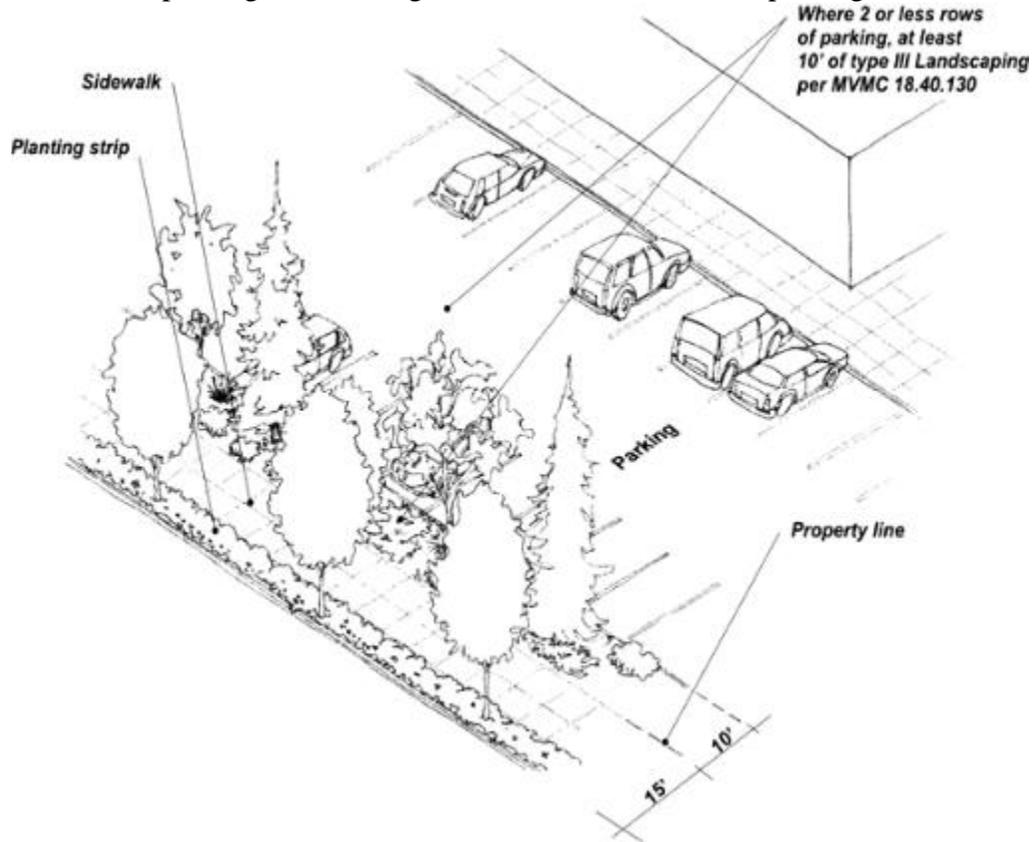
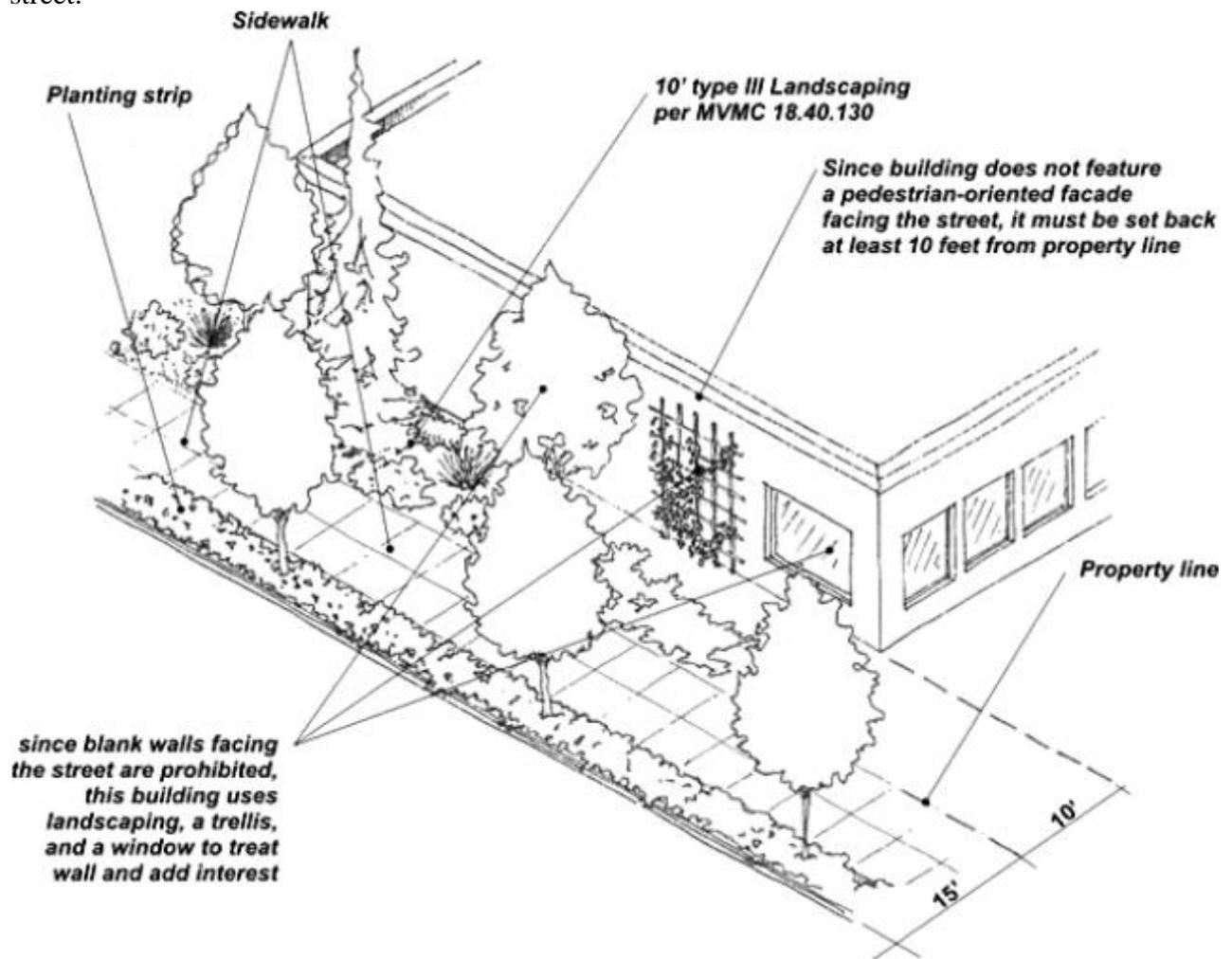


Figure 7. Illustrating the requirement for a 10-foot buffer of Type III landscaping between the street and any building that does not contain a pedestrian-oriented building facade facing the

street.



(D) The 10-foot buffer of Type III landscaping described in MVMC [18.40.130](#) is also required between the street and any building that does not contain a pedestrian-oriented building facade facing the street (see Figure 7 for illustration).

(E) For developments within the BP zone, a 20-foot buffer of Type II landscaping is required adjacent to the street unless a building with a “pedestrian-oriented building facade” is sited within 20 feet of the adjacent arterial street. Type II landscaping requirements are defined in MVMC [18.40.130](#).

(F) Building entries must have direct access to the public sidewalk (entries may be on the side of buildings and connected by a pedestrian pathway).

(G) If the public sidewalk is less than eight feet wide, set the building back sufficiently to provide at least eight feet of uninterrupted walking surface.

b. Business Access Streets. These are all other commercial streets that are public and not classified as arterials. These are local streets for adjacent commercial and business use and

access. These streets carry less traffic, may have on-street parking and are typically important pedestrian routes.

i. Development fronting on business access streets must conform to Table 1 and the requirements below unless the Director determines that they prevent a viable site development.

(A) If the public sidewalk is less than eight feet wide, set the building back sufficiently to provide at least eight feet of uninterrupted walking surface.

(B) Buildings in the CB, NB, MU, MPC, O, SC and BP zones can be located within 10 feet of the street right-of-way if they present a “pedestrian-oriented building facade” to the street (see Figure 2 for illustration).

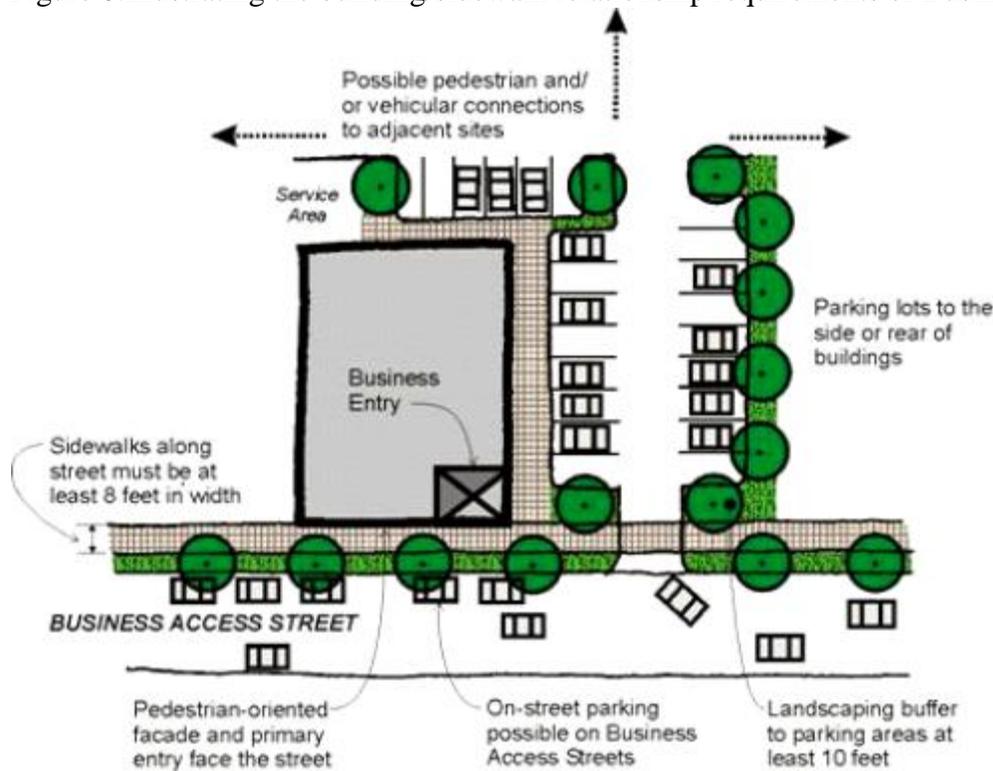
(C) For developments in the CB, NB, MPC, SC and MU zones, where a parking lot with more than two rows of parking, or equivalent depth of parking, is shown between the building and the business access street, one of the two landscape buffers detailed in subsection (B)(3)(a)(i)(B) of this section shall be provided (see Figures 3 through 5 for illustrations).

(D) Where buildings in the CB, NB, MU, MPC, SC and O zones have two or less rows of parking between them and the street frontage, a 10-foot buffer of Type III landscaping is required between the street and the parking area (see Figures 6 and 8 for illustrations).

(E) A 10-foot buffer of Type III landscaping described in MVMC [18.40.130](#) is also required between the street and any building in the CB, NB, MU, MPC, SC and O zones that does not contain a pedestrian-oriented building facade facing the street (see Figure 7 for illustration).

ii. Where properties are adjacent to more than one street, refer to Table 1 for requirements or preferences depending upon applicable zoning.

Figure 8. Illustrating the building/sidewalk relationship requirements of Business Access Streets.



c. Business Connectors. These are not streets in the technical sense, but are important cross connectors from one business to the next for vehicles and pedestrians. They may connect parking areas for businesses and in some cases provide access or sole access to a tenant or tenants.

i. Development fronting on a business connector must conform to Table 1 and the requirements below unless the Director determines that they prevent a viable site development. Additional requirements:

(A) Buildings can be located within 10 feet of the street if they present a “pedestrian-oriented building facade” to the street. To qualify for this option, only “pedestrian-oriented space” or landscaping can be placed between the building and the street.

(B) If parking is desired between the building and the business connector, a buffer at least six feet in width of Type IV landscaping as required in MVMC [18.40.130](#) is needed.

(C) Developments shall provide pedestrian walkways on at least one side of the connector.

(D) Developments shall provide safe pedestrian access across the connector at least every 150 feet and be coordinated with required parking lot pathways.

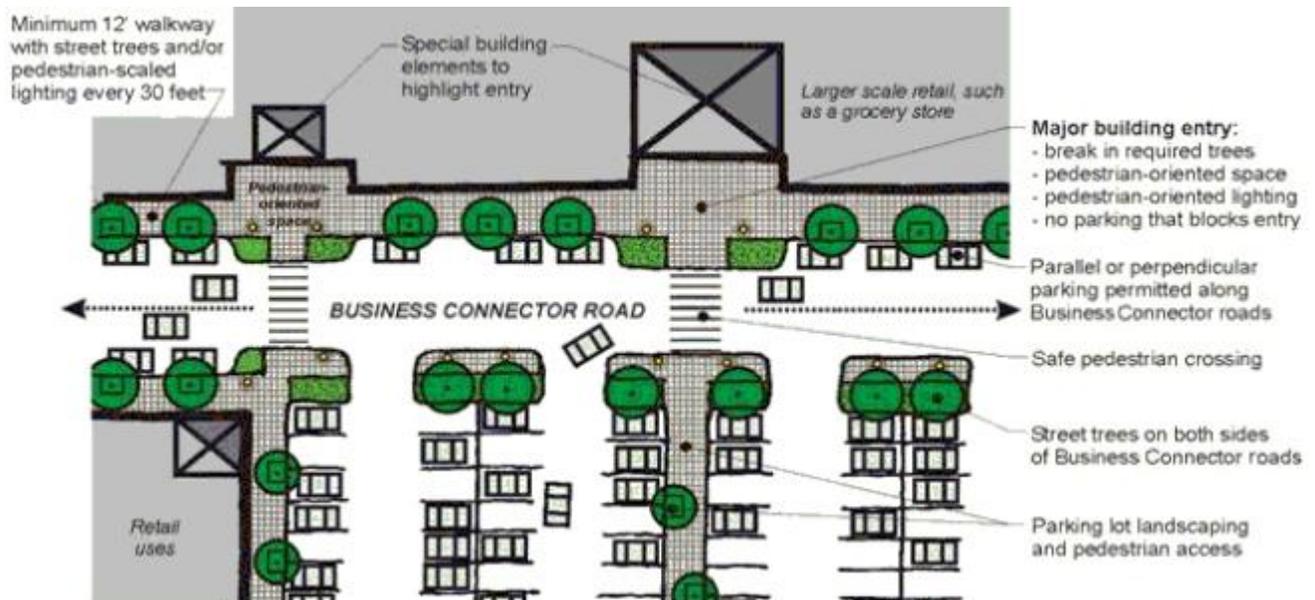
(E) Developments shall provide street trees on both sides of the connector.

(F) Parallel, angled, or perpendicular parking is permitted on one or both sides of the connector.

(G) All buildings fronting on a Business Connector road in the CB, MU, MPC, SC and NB zones with facades longer than 100 feet shall provide a minimum 12-foot walkway along the primary facade of the building(s). The walkway shall include an eight-foot minimum unobstructed walking surface and street trees per MVMC [18.40.130](#) placed no more than 30 feet on center. As an alternative to some of the required street trees, developments can provide pedestrian-scaled light fixtures at the same spacing and no taller than 14 feet in height. However, no less than one tree per 60 lineal feet of the required 12-foot walkway shall be required. To increase business visibility and accessibility, the Director will allow breaks in the required tree coverage adjacent to major building entries.

(H) Where properties are adjacent to more than one street, refer to Table 1 for requirements or preferences depending upon applicable zoning.

Figure 9. Illustrating the building/sidewalk relationship requirements of Business Connector roads.



#### 4. Multifamily Development and Building/Sidewalk Relationship Standards.

a. All multifamily developments shall adhere to the following standards unless the Director determines that they prevent viable site development. Where multifamily developments front on a designated arterial street, business access street or business connector, they must also meet those requirements as provided in Table 1 and subsection (B)(3) of this section, Street Types and Building/Sidewalk Relationship Standards. If there is a conflict between any requirements or guidelines, the Director shall decide which requirements or guidelines apply.

i. Parking areas should be located behind or under buildings and accessed from alley-type driveways. No more than 30 percent of the street frontage shall be occupied by parking lots. If parking is provided under the building, habitable building space shall be provided where the building fronts the sidewalk. If driveway access from streets is necessary, minimum-width driveways meeting the fire access standards shall be used.

ii. Locate parking lots so that they do not impose on the ground floor units' privacy. If this is not feasible, locate buildings so they are far enough apart that adequate landscaping can be planted to provide privacy.

iii. Each building shall have direct pedestrian access from the main street fronting the building and from the back where the parking is located.

iv. Another alternative may be to orient the buildings into U-shaped courtyards where the front door/main entry into the building is from a front courtyard. Access to the courtyard from the rear parking area shall be through a well lighted breezeway or stairway. This alternative will work where projects abut an arterial or major collector street where the quality of living could be enhanced with buildings facing into the courtyard. The buildings would still be located between the street and the parking lot.

v. Front and side yards which abut a street shall be visually open to the street. Where fences or walls are necessary to reduce noise, provide buffers, create private yards or provide security, provide one or more of the following options to maintain a pedestrian scale along the street:

(A) Provide art (mosaic, mural, decorative masonry pattern, sculpture, relief, etc.) over at least 50 percent of the blank wall surface.

(B) Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height.

(C) Employ different textures, colors, or materials (including landscape materials) to break up the wall's surface.

(D) Provide special lighting, a horizontal trellis, or other pedestrian-oriented feature that breaks up the size of the blank wall's surface and adds visual interest.

vi. If fencing is required, repeat the use of building facade materials on fence columns and/or stringers.

### C. Site Planning – Relationship to Surrounding Properties and Uses.

1. Goal. Enhance connectivity between uses, when desirable and practical. New development should be sensitive to adjacent uses. Protect and enhance a wooded character.

#### 2. Guidelines and Requirements.

a. Developments shall provide landscaping buffers per Table 2 and MVMC [18.40.130](#) to minimize visual impacts of incompatible uses. Where substantial existing vegetation is in place in the required buffer areas, the Director may waive the required landscaping as long as the existing vegetation achieves site planning goals.

b. Developments shall retain significant trees per MVMC [18.40.130](#) to retain the wooded character and emphasize a natural setting.

c. Developments shall be configured to enhance vehicular and pedestrian connections between compatible uses per subsection (A) of this section, Site Planning – Connectivity.

Table 2. Required Landscape Buffer Widths and Types(1) for Developments for Side and Rear Yards.						
Zoning of Applicable Property (Buffer Must Occur Within)						
		CB/NB/SC	BP	O	MU	R-8 to R-24
Zoning of Adjacent Property	CB/NB/SC	–	10-foot buffer Type III	–	–	10-foot buffer Type III
	BP	–	–	10-foot buffer Type III	10-foot buffer Type III	10-foot buffer Type III
	O	10-foot buffer Type III	15-foot buffer Type II	–	10-foot buffer Type III	10-foot buffer Type III
	MU	10-foot buffer Type III	20-foot buffer Type II	–	–	10-foot buffer Type III
	R-8 to R-24	20-foot buffer Type I	25-foot buffer Type I	20-foot buffer Type I	15-foot buffer Type III	10-foot buffer Type III
	P/O	10-foot buffer Type III	20-foot buffer Type II	10-foot buffer Type III	15-foot buffer Type III	10-foot buffer Type III
	R-1 to R-6	20-foot buffer Type I	25-foot buffer Type I	20-foot buffer Type I	20-foot buffer Type I	10-foot buffer Type I

Notes: (1) Landscaping types are defined in MVMC [18.40.130](#).

(2) Nonresidential developments in the P/O or R zones must use the above standards applicable to the R-8 zone or those standards established through the Conditional Use Permit, whichever are greater.

(3) Landscape buffers in the MU zone may be modified through the approved Multiple Use Master Permit. Landscape buffers in the MPC zone may be modified through the master planned community project approval pursuant to Chapter [18.120](#) MVMC.

D. Site Planning – Pedestrian Elements.

1. Goal. To improve the pedestrian environment by making it easier, safer and more comfortable to walk between businesses, to the street sidewalk, to transit stops, and through parking lots. Pedestrian facilities such as sidewalks, crosswalks and bus shelters should connect all modes of transportation. Provide the pedestrian, disabled person and transit user with a safe and clear path to the entry door of a building and maintain safe pedestrian routes across busy streets by a variety of means, including signalized intersections at cross streets and distinctively marked crosswalks where feasible. Provide safe and continuous pedestrian access in commercial areas making them more accessible and convenient by allowing people to walk between businesses and to safely walk and bike to commercial nodes from adjacent residential areas. Use the architectural elements of a building and landscaping to highlight and define the entrance, enhance the visual character of buildings, and improve the pedestrian environment.

2. General Pedestrian Access – Guidelines and Requirements. All pedestrian walkways must correspond with federal, State and local codes for barrier-free access, and the Americans with Disabilities Act. Excluded from this requirement would be trails in on-site greenbelts or undeveloped natural areas.

3. On-Site Pedestrian Circulation – Guidelines and Requirements.

a. Provide pedestrian pathways per Table 3.

Table 3. Required Pedestrian Pathways.			
<b>Pedestrian Pathways</b>	<b>Unobstructed Width</b>	<b>Applicable Code Section(s) for More Pathway Details</b>	<b>Landscaping and Design Features and Applicable Code Section(s)</b>
Arterials	8 feet	MVMC <a href="#">18.70.030(B)(3)(a)</a> , Arterial Streets	7-foot planting strip or street trees in grates between street and sidewalk
Business Access Streets	8 feet	MVMC <a href="#">18.70.030(B)(3)(b)</a> , Business Access Streets	7-foot planting strip or street trees in grates, where possible, between street and sidewalk
Business Connectors	8 feet(1)	MVMC <a href="#">18.70.030(B)(3)(c)</a> , Business Connectors	Trees, shrubs, and groundcover per MVMC <a href="#">18.40.130</a> , particularly in subsection (G), Parking Lot Landscaping
Walkways along the primary facades of buildings longer than 100 feet in the CB/NB/SC zones	8 feet	MVMC <a href="#">18.70.030(D)(3)(e)</a> , pedestrian elements	Street trees in grates
Walkways along the	6 feet(2)	MVMC <a href="#">18.70.035(G)</a> ,	Trees, shrubs, and

primary facades of buildings less than 100 feet in the CB/NB/SC zones		blank walls	groundcover per MVMC <a href="#">18.40.130</a> and <a href="#">18.70.035</a> (G), blank walls
Pathways to building entries from street	8 feet(1)	MVMC <a href="#">18.70.030</a> (D)(3)(b), pedestrian elements	Trees and shrubs; also see MVMC <a href="#">18.40.130</a> (G), Parking Lot Landscaping
Pathways through parking lots (required every 150 feet)	8 feet	MVMC <a href="#">18.70.030</a> (D)(3)(d), pedestrian elements	Trees, shrubs, and groundcover per MVMC <a href="#">18.40.130</a> , particularly in subsection (G), Parking Lot Landscaping
Pathways connecting buildings within individual development	8 feet(1)	MVMC <a href="#">18.70.030</a> (D)(3)(c), pedestrian elements	Trees, shrubs, and groundcover per MVMC <a href="#">18.40.130</a> , particularly in subsection (G), Parking Lot Landscaping
Pathways connecting compatible developments on different sites	6 feet(1)	MVMC <a href="#">18.70.030</a> (D)(5), pedestrian paths to adjacent uses and transit facilities	Trees, shrubs, and groundcover per MVMC <a href="#">18.40.130</a> , particularly in subsection (G), Parking Lot Landscaping
Pathway connecting from business or multifamily to trail	6 feet(1)	MVMC <a href="#">18.70.030</a> (D)(5), pedestrian paths to adjacent uses and transit facilities	Trees, shrubs, and groundcover per MVMC <a href="#">18.40.130</a>

Notes: (1) The Director may require wider pathways where significant pathway use is anticipated. An eight-foot pathway, which accommodates three persons walking abreast, will be required for major routes. Pathways that are expected to accommodate more than 1,000 persons per hour should be at least 12 feet in width, which will accommodate four persons walking abreast.

(2) The Director may allow landscaped areas in place of the walkway where it is demonstrated that a walkway along the facade is not necessary.

b. Provide paved pedestrian path from the street sidewalk to the main entry of all buildings. Where a use fronts two streets, access shall be provided from the road closest to the main entrance, preferably from both streets. Buildings with entries not facing the street should have a clear and obvious pedestrian accessway from the street to the entry.

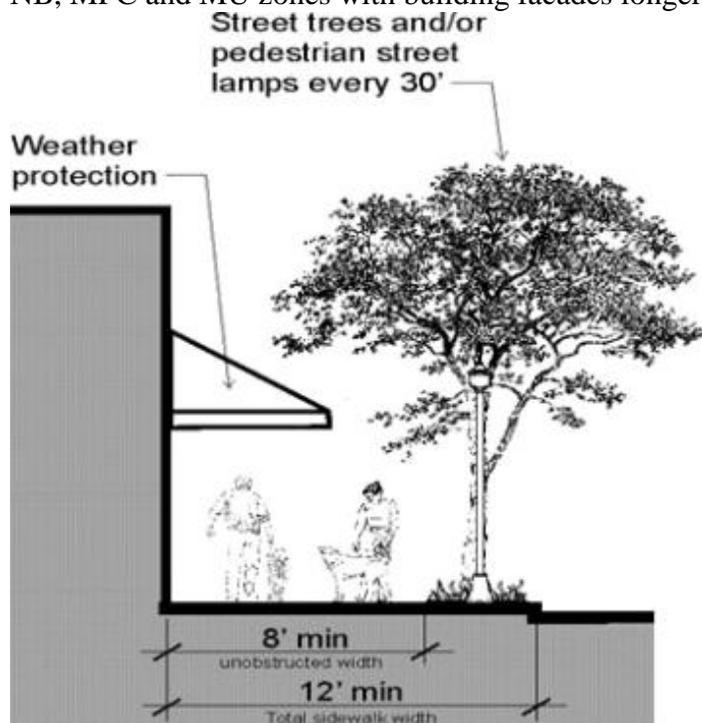
c. Provide pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site.

d. Provide pathways through parking lots. A paved walkway or sidewalk must be provided for safe walking areas through parking lots greater than 150 feet long (measured either parallel or perpendicular to the street front). Walkways shall be provided every four parking rows and a distance of less than 150 feet shall be maintained between paths. Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material which may be raised above the vehicular pavement. Speed bumps may not be used to satisfy this requirement.

e. All applicable buildings in the CB, NB, MPC, SC and MU zones with facades longer than 100 feet and not located adjacent to a public street must provide a minimum 12-foot walkway along the primary facades of all buildings. The walkway shall include an eight-foot minimum unobstructed walking surface and street trees per MVMC [18.40.130](#) placed no more than 30 feet on center. As an alternative to some of the required street trees, developments can provide pedestrian-scaled light fixtures at the same spacing and no taller than 14 feet in height. However, no less than one tree per 60 lineal feet of the required 12-foot walkway shall be required. To increase business visibility and accessibility, the Director will allow breaks in the required tree coverage adjacent to major building entries.

f. Access and stacking lanes for drive-through services and/or drop-off areas shall not pass over required or designated sidewalks or pedestrian paths or walkways.

Figure 10. Illustrating the required walkway along the primary facades of buildings in the CB, NB, MPC and MU zones with building facades longer than 100 feet.



#### 4. Pedestrian Amenities – Guidelines and Requirements.

a. All nonresidential development, excluding Business Park developments, shall provide at least one of the following pedestrian amenities near the sidewalk or required walkway:

i. Pedestrian furniture such as seating space, drinking fountains, and decorative garbage receptacles.

ii. Perimeter landscaping in addition to that required in MVMC [18.40.130](#).

iii. Artwork.

iv. Space for covered transit stop with seating.

v. Special window display areas consisting of a minimum 25 percent of the required window area of the front facade.

vi. Decorative screen wall, trellis or other building or site feature.

vii. Other element that encourages pedestrian activities as approved by the Director.

b. Provide pedestrian weather protection.

i. All development in the CB, MPC, SC and NB districts shall provide pedestrian weather protection at least four and one-half feet wide along 75 percent of the building's front face where a pedestrian walkway is present. The weather protection may be in the form of awnings, marquees, canopies or building overhangs.

ii. Canopies or awnings shall not be higher than 15 feet above the ground elevation at the highest point nor lower than eight feet at the lowest point.

iii. The color, material and configuration of the pedestrian coverings shall be as approved by the Director. Coverings with visible corrugated metal or corrugated fiberglass are not permitted. Fabric and rigid metal awnings are acceptable if they meet the applicable standards. All lettering and graphics on pedestrian coverings must conform to the City of Maple Valley's sign code.

5. Pedestrian Paths to Adjacent Uses and Transit Facilities – Guidelines and Requirements.

a. All developments shall provide interior automobile and pedestrian connections to adjacent properties per subsection (A) of this section, Site Planning – Connectivity.

b. Where possible, provide steps and ramps across retaining walls and slopes in accordance with Maple Valley City ordinances.

c. Gates should be provided to breach fences if they impede pedestrian movement to shopping and other common activities, including to transit.

d. Where a fence, wall or landscaped area separates a sidewalk from a multifamily building or one multifamily development from another, pedestrian breaks and/or crossings shall be placed at frequent intervals.

e. Adjacent landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.

f. In consultation with the appropriate transit agency, where appropriate, integrate transit stops into the development of adjacent site improvements. This may be done by providing extra space for waiting areas, incorporating bus pull-outs or stops into the site's circulation scheme and/or providing a walkway (preferably covered) directly from the transit stop into the project's entrance. Pavement for expanded waiting areas and connecting walkways may be located within required setbacks and may count as landscape areas. To act as an incentive, parking requirements may be reduced if convenient connections to transit are provided.

g. Encourage pedestrian paths from all transit stops through commercial areas to residential areas within 1,200 feet of the site.

h. Multifamily developers shall consult with the appropriate transit agency to determine whether the site is, will, or could be served by transit, and with the school district to see whether it is served by school bus. If the site is located on an existing or future transit or school bus route, the multifamily walkway network shall provide convenient pedestrian access to the nearest transit stop.

i. Easements for pedestrian access shall be recorded for the benefit of the City to facilitate the future extension of these paths as adjoining properties are improved.

#### 6. Pedestrian Areas at Building Entries – Guidelines and Requirements.

a. Developments should avoid locating parking in such a way that interferes with visibility and access of major building entries.

b. The primary public entries of all buildings shall be enhanced by two or more of the following:

i. Provide at least 200 square feet of landscaping at or near the entry.

ii. Provide bicycle racks or pedestrian facilities, such as benches, kiosks, special paving, etc.

iii. Provide a trellis, canopy, porch, arbor or other building element that incorporates landscaping.

iv. Provide special pedestrian-scaled lighting.

v. Provide adjacent window displays.

vi. Provide building ornamentation such as mosaic tile, relief sculpture, ornamental wood or metal trim, etc.

vii. Provide artwork or special pedestrian-scaled signs.

#### E. Site Planning – Open Space Elements.

1. Goal. To provide a variety of pedestrian-oriented areas to attract shoppers to commercial areas and enrich the pedestrian environment. To create gathering spaces for the community. Provide usable open space in a multifamily development for all the residents of the development. (Refer to each zoning district for specific open space requirements.)

#### 2. Guidelines and Requirements.

a. To qualify as a “pedestrian-oriented space,” an area must have:

i. Pedestrian access to the abutting structures from the street, connector or a nonvehicular courtyard.

ii. Paved walking surfaces of either concrete or approved unit paving.

iii. On-site or building-mounted lighting.

iv. At least three feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space.

b. The following features are encouraged in “pedestrian-oriented space” and may be required by the Director:

i. Spaces should be positioned in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.

ii. Provide “pedestrian-oriented building facades” on some or all buildings facing the space.

iii. Movable seating.

c. The following features are prohibited within “pedestrian-oriented space”:

i. Asphalt or gravel pavement.

ii. Adjacent unscreened parking lots or parking areas not separated through the use of curbing, landscape areas, elevation, decorative walls or other components creating a physical separation.

iii. Adjacent chain link fences.

iv. Adjacent “blank walls.”

v. Adjacent dumpsters or service areas.

vi. Outdoor storage or retail sales that do not contribute to the pedestrian environment.

d. All developments in the CB, NB, O, MPC, SC and MU districts must provide “pedestrian-oriented space” per Table 4. For the purposes of this section, all required walkways per Table 3, when applicable, shall not count as pedestrian-oriented space. However, the Director may allow those portions of walkways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

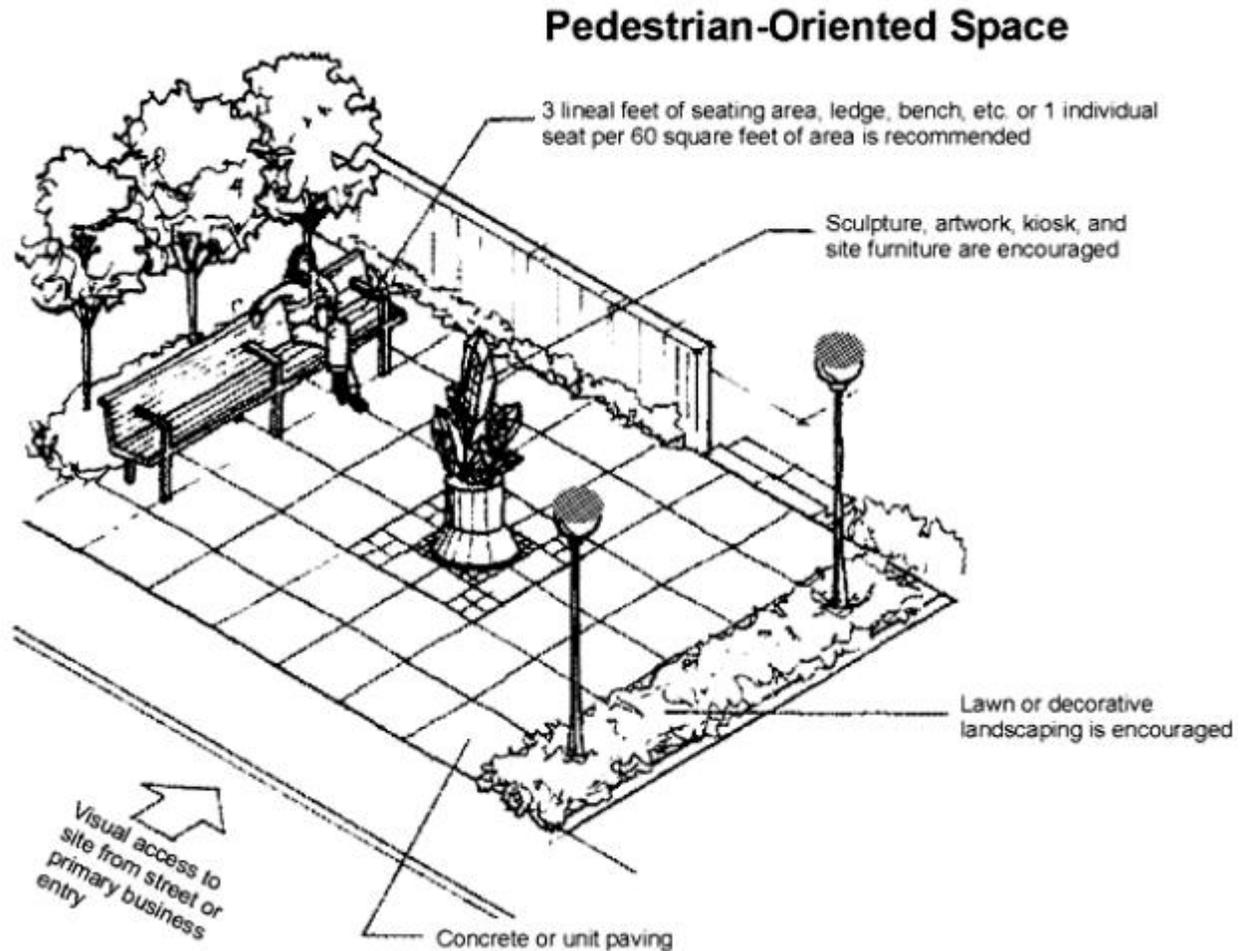
Table 4. Required Pedestrian-Oriented Space for Developments in the CB, NB, O, MPC, SC and MU Districts.

<b>Building Footprint (square feet)</b>	<b>Minimum Pedestrian-Oriented Space</b>
Less than 10,000 square feet	1 square foot/100 square feet building footprint
10,000 – 25,000 square feet	1.25 square feet/100 square feet building footprint
25,000 – 60,000 square feet	1.5 square feet/100 square feet building footprint
More than 60,000 square feet	1.75 square feet/100 square feet building footprint
More than 100,000 square feet	2 square feet/100 square feet building footprint

e. Children’s play areas shall be clearly visible between and from the multifamily buildings.

f. Open spaces within multifamily developments shall connect with multifamily buildings, parking areas, and adjacent neighborhoods.

Figure 11. Illustrating pedestrian-oriented space guidelines and requirements.



#### F. Site Planning – Street Corner Elements.

1. Goal. To enhance the appearance of highly visible sites. To upgrade the character and identity of Maple Valley.

#### 2. Guidelines and Requirements.

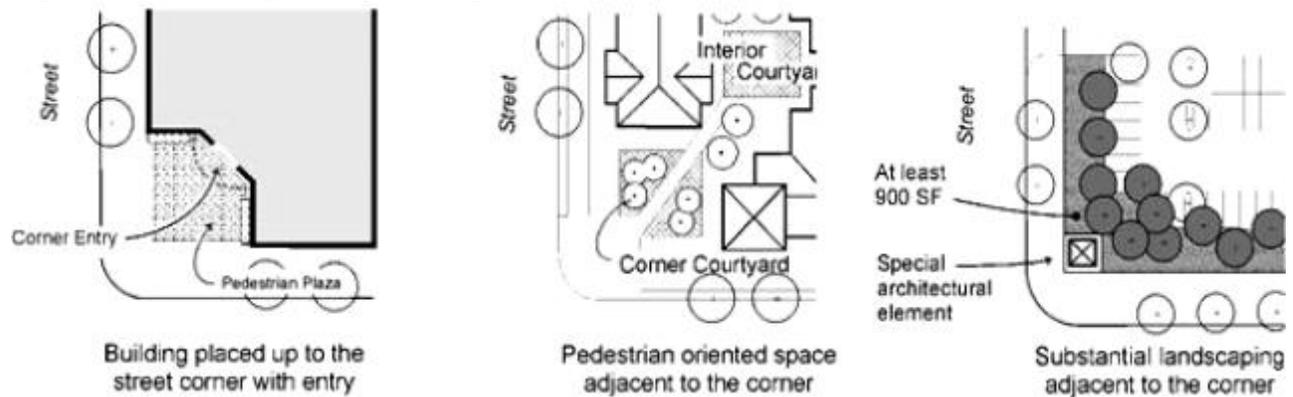
a. All applicable development proposals for sites at street corners containing one or more arterial streets or two or more business collector streets must include at least one of the design treatments described below.

i. Locate a building towards the street corner (within 15 feet of the corner property line). Buildings located here must feature cropped or cut-out corners with “pedestrian-oriented building facades” and “pedestrian-oriented space.” Corner buildings are encouraged to include a special architectural element, such as a raised roofline, towers, or an extended parapet, along the most visible views of the structure.

ii. Provide a “pedestrian-oriented space” at the corner leading directly to a building entry or entries. The space may include a special architectural element such as a trellis to add identity or demarcation of the area.

iii. Install substantial landscaping (at least 30 feet by 30 feet or 900 square feet of ground surface area with trees, shrubs, and/or groundcover). The space may include a special architectural element such as a trellis to add identity or demarcation of the area. Such an architectural element may have a sign incorporated into it in addition to any other such signage permitted under MVMC [18.50.010](#) (as long as such sign does not identify an individual business or businesses).

Figure 12. Illustrating street corner options.



**Section 12.** Section 18.110.020 of the Maple Valley Municipal Code is hereby amended as follows:

**18.110.020 Design review.**

A. Purpose and Applicability. The purpose of this chapter is to set forth the procedures and approval criteria for reviewing design review applications. Design review is the mechanism by which the City ensures the design guidelines of Chapter 18.70 MVMC are met. This chapter applies to each application for new construction or exterior remodels in the CB, NB, MPC, MU, O, SC, R-8 (for townhouse development of five or more units), R-12, R-18/24, BP, and P/OS zones if the Community Design Guidelines and requirements apply. In the P/OS zone, the commercial design standards apply.

B. Procedure for Reviewing Design Review Applications. The Department of Community Development shall have authority to consider and decide design review applications using Process 2, except when the application is consolidated with a Process 3 or Process 4 application. When design review is consolidated with a Process 3 or 4 application, the higher level decision making process shall control. If Process 2 is used, the decision of the Department is appealable to the Hearing Examiner, whose decision is the final City decision (with optional right of reconsideration). The Hearing Examiner’s decision on a design review appeal is only appealable to superior court.

C. Design Review Decision Criteria. The Department of Community Development may grant a design review approval, or grant the application as modified by conditions, when the following conditions are met:

1. The proposal is consistent with the comprehensive plan;
2. The proposal addresses all applicable design guidelines, criteria or requirements of this code in a manner that generally fulfills their purpose and intent. Minor modifications to the design standards may be allowed by the Director where the standards conflict and where a flexible interpretation will allow compliance with the intent of the conflicting requirements;
3. The proposal is compatible with and responds appropriately to the intended character of the site and surrounding property, including appearance, scale, pedestrian and vehicular access, quality of materials, and physical characteristics of the site;
4. The proposal will be served by adequate public facilities, including but not limited to streets, fire protection, water, sewer, and drainage utilities.

D. Revisions to Design Review Approvals. A design review approval may be revised by using a new application reviewed under Process 2, or for small additions and minor revisions or minor new construction a limited amendment may be applied for. The Director may approve a limited amendment for a design review application using Process 1 if the following criteria are met.

1. The amendment maintains the design intent or purpose of the original proposal;
2. The amendment does not change vehicular access points or increase anticipated peak hour vehicle trips by more than five percent;
3. The site area is not expanded and gross floor area is not increased by more than five percent;
4. The amendment results in no major adverse environmental or land use impacts;
5. All conditions of the prior approval are met.

E. Design and site development review approvals shall terminate five years from the effective date of approval. The approval of the design and site development review may be extended for up to one year at the discretion of the Community Development Director upon written notification filed with the City at any time before the five-year approval period has expired, provided substantial construction or alteration has occurred as of the date of request for extension as characterized by the adopted Building Codes.

**Section 13. Severability.** If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 14. Effective Date.** A summary of this ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

**Section 15. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON  
ON THIS 26<sup>th</sup> DAY OF MARCH, 2012.

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William T. Allision, Mayor

ATTEST:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Christy A. Todd, City Attorney

Date of Publication:

Effective Date: