

**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE NO. O-13-536**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING  
CHAPTER 18.10, GENERAL, OF THE MAPLE VALLEY MUNICIPAL CODE,  
PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND  
PROVIDING FOR CORRECTIONS.**

WHEREAS, in 2000, the City Council approved Ordinance O-00-129, adopting King County Title 23, Code Compliance; and

WHEREAS, the City Council desires to adopt code compliance provisions within the Maple Valley Municipal Code and has adopted Ordinance O-13-536 to accomplish that objective; and

WHEREAS, upon staff recommendation, a provision to address code enforcement should be added to Chapter 18.10, General within Title 18, Development Regulations;

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

**Section 1.** Chapter 18.10, General, of the Maple Valley Municipal Code is hereby amended, as follows:

**Sections:**

- 18.10.010 Purpose of Development Code.
- 18.10.020 Interpretations of this Code.
- 18.10.030 Variances and conditional uses.
- 18.10.040 Establishment of districts.
- 18.10.050 Official Zoning Map.
- 18.10.060 Interpretation of district boundaries.
- 18.10.070 Administrative rules.
- 18.10.080 Severability.
- 18.10.090 Conflict.
- 18.10.100 Assurance of discontinuation.
- 18.10.110 City not liable.
- 18.10.120 Enforcement

A. In adopting this Development Code, the City recognizes that there is a continuing need to regulate the use of land to promote the public health, safety, and general welfare. The City recognizes the opportunities to retain a small town environment without unreasonably restricting private enterprise or initiative and further to encourage high quality development without unduly high public or private expenditures for development.

B. The Development Code, in order to obtain the greatest benefits from the opportunities that exist in the City, has been prepared in accordance with the following principles:

1. The code is based on the City's comprehensive plan with respect to the general pattern of future land uses and the principles of future development expressed in said plan.
2. The code recognizes the importance to the community of all legitimate uses of land. The code further recognizes the need of all such uses to be protected from other uses that are unrelated or incompatible. Thus, each district is exclusive with respect to every other zoning district in the code. For example, the Business Park district is protected from encroachment by residential uses as firmly as Residential districts are protected from Business Park uses.
3. Development standards are based on the best-accepted contemporary practice, rather than on past practices. Contemporary practice recognizes the need for more flexible regulation than in the past, with more administrative discretion concerning land development decisions. Design review of development plans is required in Commercial and Multifamily districts to obtain well designed and properly integrated developments.
4. Uses which would adversely affect adjoining uses or the public welfare, unless regulated in a particular way and meeting established standards and criteria, may be allowed as conditional uses subject to review by the Hearing Examiner.

**18.10.020 Interpretations of this code.**

A. Criteria. The Community Development Director or designee may, acting on his or her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The interpretations shall be based on:

1. The defined or the common meaning, as applicable, of the words in the provision;
2. The general purpose of the provision as expressed in the provision; and
3. The logical or likely meaning of the provision viewed in relation to other provisions of the Development Code and applicable portions of the comprehensive plan.

B. Effect. An interpretation of this code will be enforced as if it is part of this code.

C. Formal Interpretations. A formal interpretation shall be decided using Process 2 and shall be appealable to the Hearing Examiner. Formal interpretations may be requested as part of the review for a development project. In these cases, an appeal of a formal interpretation shall be combined with an open record hearing on the development project when such consolidation would result in a more efficient permit process. In other cases, an appeal of a formal interpretation may be conducted as an interlocutory appeal before a decision on a Development Permit is made. A formal interpretation shall not be subject to an additional appeal period when later applied to a development project.

D. Informal Interpretations. Informal interpretations may be issued by letter or memo. No appeal process is provided. A person wishing to appeal an informal code interpretation must request a formal interpretation using Process 2; provided, that where an informal interpretation has been relied upon by the department in making a decision or recommendation on a project, that informal interpretation may be challenged at any open record predecision hearing or raised as an appeal issue on the development project.

E. Availability. All formal interpretations of this code must be made in writing describing how the interpretation meets the criteria listed above and are subject to the public notice and appeal provisions of Process 2. These interpretations, filed sequentially, will be made available for public inspection and copying at the Department of Community Development during regular business hours. (Ord. O-99-109 § 1).

#### **18.10.030 Variances and conditional uses.**

A. The City shall enforce the provisions, including any conditions or restrictions, of a variance, permit decision, or approval issued under this code as if those provisions are part of this code.

B. Under the provisions of this section, the City may void, withdraw or modify any variance, permit, decision or discretionary approval granted or issued under this code when the conditions of subsection (D) of this section are found.

C. The City, as the applicant, shall use the same process to determine if a variance, permit, decision or discretionary approval should be voided as it used to grant the variance, permit, decision or discretionary approval.

D. The City may void, withdraw or modify a variance, permit, decision, or discretionary approval only if it finds that:

1. There have been repeated violations of any aspect, including conditions or restrictions, of the variance, permit, decision or discretionary approval; and

2. The detriment caused by the violations clearly outweighs any public benefit of the variance, permit, decision, or discretionary approval.

E. If the City voids a variance, permit, decision, or discretionary approval, the City will apply and enforce the provisions of this code on the subject property, as if the variance, permit, decision, or discretionary approval had never been granted. (Ord. O-99-109 § 1).

#### **18.10.040 Establishment of districts.**

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

<b>Zoning District</b>	<b>Map Designation</b>
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

**18.10.050 Official Zoning Map.**

A. The designation, location and boundaries of the various districts are shown on the Official Zoning Map. Said Official Zoning Map is hereby adopted and made part of this code.

B. The Official Zoning Map shall be on file in the City Clerk’s office. Said map shall be identified by the signature of the City Clerk and City Attorney and bear the title, “City of Maple Valley Official Zoning Map.”

C. In addition to the Official Zoning Map, there may be a display zoning map which may be used to generally indicate the various districts, but not to locate precise boundaries.

D. If changes are made in the district boundaries or other matters portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map after the amendment has been approved by the City Council. Each amendment shall be filed as part of the official zoning record.

E. All property not otherwise classified on the Official Zoning Map shall be treated as follows:

1. All property not otherwise classified on the Official Zoning Map is hereby placed in an interim zone. Such an interim zone shall be governed by the provisions applicable to the Residential R-4 zoning district. Upon being made aware of property in the interim zoning designation, the Community Development Department shall commence all necessary steps to zone such property.

2. Upon annexation of property, zoning of such property shall be designated consistent with the Comprehensive Plan of the City or other officially adopted designation.

#### **18.10.060 Interpretation of district boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following City limits.

D. Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries as approximately following the center lines of streams, canals, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (E) above, the Community Development Director shall interpret the district boundaries. These interpretations shall be made in writing with written notice to abutting property owners and with appropriate findings related to the district line interpretation.

H. Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance codified in this title, the City may permit the extension of the regulation for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

#### **18.10.070 Administrative rules.**

The Director may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter.

#### **18.10.080 Severability.**

If a provision of this title or its applicability to any person or circumstance is held invalid the remainder of the provisions of this title or the application of the provision to other persons or circumstances shall not be affected.

#### **18.10.090 Conflict.**

A. Public Provisions. The regulations described in this code are not intended to interfere with or abrogate any other City ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations, or any other City ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Private Provisions. The regulations described in this code are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. The City shall not be responsible for enforcement of maintenance of any such private provisions.

#### **18.10.100 Assurance of discontinuation.**

In enforcement of this code, the City may accept an assurance of discontinuance of any act or practice deemed in violation of this code from any person engaging in, or who has engaged in, the act or practice. Any such assurance shall be in writing and filed and may be subject to the approval of the superior or district court or the Hearing Examiner. A violation of the assurance constitutes prima facie proof of a violation of this code.

#### **18.10.110 City not liable.**

A. Notwithstanding any language used in this code and enacted herein or heretofore, it is not the intent of this code to create a duty and/or cause of action running to any individual or identifiable person but rather any duty is intended to run only to the general public.

B. It is expressly the purpose of this code to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or a group of persons who will or should be especially protected or benefited by the terms of this code.

C. It is the specific intent of this code that no provision or term used in this code is intended to impose any duty whatsoever upon the City or any of its officers or employees for whom the implementation or enforcement of this code is discretionary and not mandatory.

D. Nothing contained in this code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of a plat to comply with the provisions of this code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this code by its officers, employees or agents.

**18.10.120 Enforcement**

A. Violations of the terms and provisions of Title 18 shall be enforced as a civil code violation pursuant to the applicable provisions of Title 4 MVMC.

B. Any person who violates or fails to comply with any term or provision of this title shall be deemed to have committed a civil code violation. Each day of violation shall be a separate violation. Any person found to have committed a civil code violation shall be assessed a monetary penalty as set forth in Chapter 4.70 MVMC, Fines and Penalties, and may be subject to other costs, fees and remedies as set forth in the applicable chapters of Title 4 MVMC.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MAY, 2013.

---

William T. Allison, Mayor

ATTEST:

---

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

---

Patricia Taraday, City Attorney

Date of Publication: May 21, 2013

Effective Date: May 25, 2013