

Issaquah Title 18 Update

18.508, 18.510, and 18.516 Accessory and Temporary Uses and Sustainable Micro-Infrastructure

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Chapter 18.508 Accessory Uses and Structures

18.508.010 Intent

A. The intent of the standards is to:

i The following intent statement adapted from Redmond's Code 21.08.230.A Purpose - Accessory Structures.

1. Provide the opportunity to add structures supportive of the principal use;

i The following intent statement is new based on the purpose for 18.07.110 Accessory structures – Uninhabitable

2. Maintain a compatible form and intensity with surrounding properties in residential areas;

i The following intent statement is new based on the purpose for 18.07.540 Private outdoor retail display/sidewalk sales

3. Ensure accessory uses do not adversely affect neighboring uses through noise and visual impacts.

18.508.020 Applicability

- A. The standards in this Chapter IMC 18.508 apply to all specified accessory uses and structures permitted according to the Table of Permitted Uses. Except that,
 1. Retaining walls are regulated under 18.810.100, Forested Hillside Preservation
 2. Accessory Dwelling Units are regulated separately per 18.400.120.
- B. To be considered as an accessory use, the use must meet all the following criteria:
 1. The use is on the same lot as a principal or primary use;
 2. The use has similar or consistent impacts as the principal use; and
 3. The use is subordinate or dependent on the principal use. For example, a greenhouse in a residential neighborhood.

18.508.030 Accessory Structures

i This section adapts 18.07.110, Accessory structures - Uninhabitable

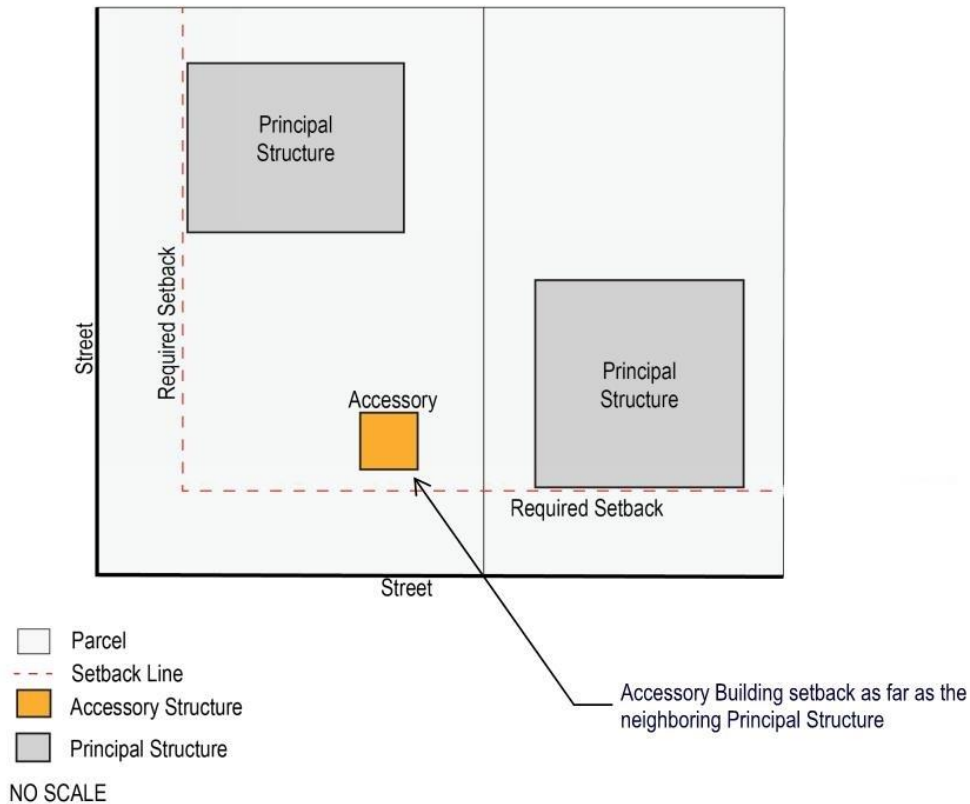
- A. Applicability. This section applies to structures accessory to a principal use. Examples include:
 1. Utility sheds/buildings and greenhouses;
 2. Permanent mechanical equipment, such air conditioner units, air compressors, and heat pumps;
 3. Minor elements such as decks, porches, patios, walkways, and ramps; and
- B. General standards for all accessory structures:
 1. Accessory structures may not be located in or on a public utility or access easement.
 2. Accessory structures must comply with required setbacks, unless specifically excepted below.
 3. Accessory structures may not be located in a front setback area.
- C. Sheds, Greenhouses, and other Accessory Buildings.

The following additional standards apply to accessory buildings:

 1. Accessory buildings exceeding 200 square feet in floor area require a Building Permit.
 2. The height of a detached accessory building in residential zones may not exceed one story and may not exceed 15 feet.
 3. Location. An accessory building:
 - a. Must be located a minimum of six feet from the principal structure;

- b. An accessory building located on a corner lot must be setback from the street at least as far as any primary structure of an adjacent property, as shown in Figure 18.508.030.C.

Figure 18.508.030.C Accessory Building on a Corner Lot



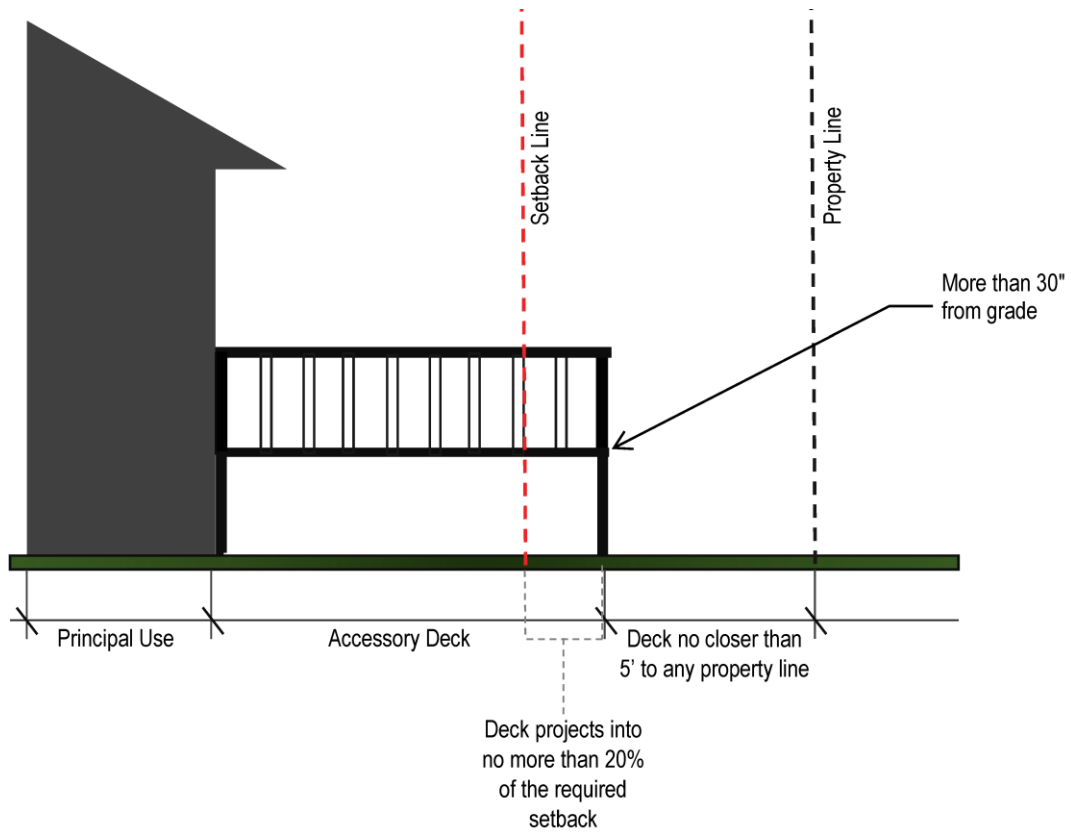
- i** Removed statement on impervious surfaces--duplicative with Form and Intensity.
- i** Retaining wall and rockery standards from 18.07.110, Accessory structures - uninhabitable, migrated to Terrain Management

D. Decks, Porches, Patios, Walkways and Other Minor Accessory Structures.

The following additional standards apply to minor accessory structures such as decks, porches, walkways, patios, and ramps:

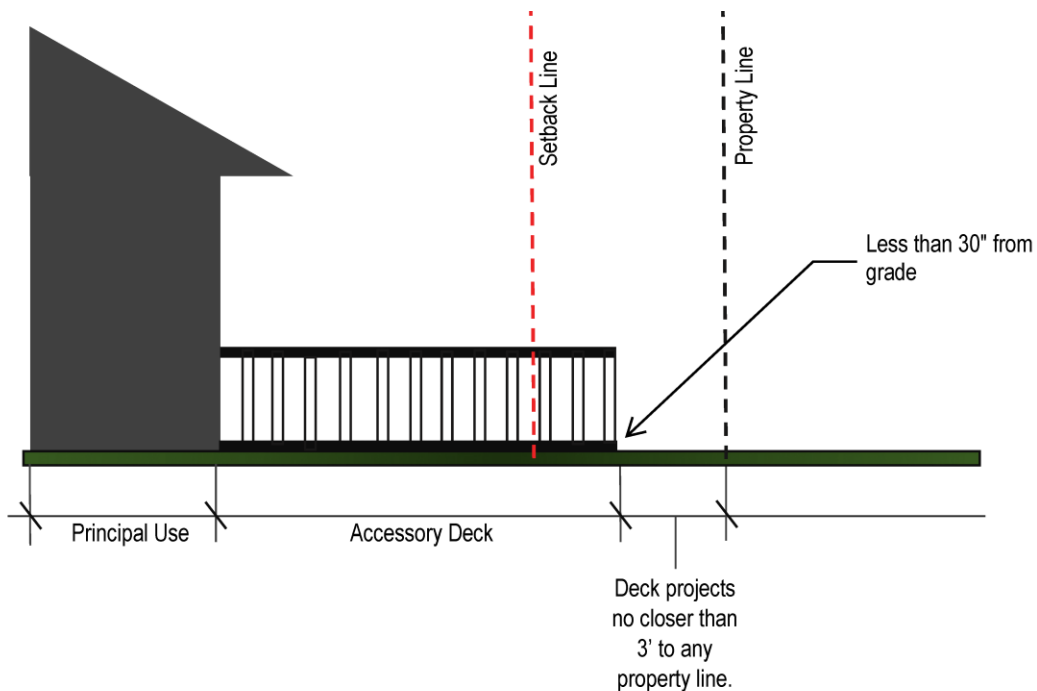
1. Structures with a floor height 30 inches or more above finished grade must obtain a Building Permit;
2. A minor accessory structure must comply with required setbacks, except that:
 - a. A structure with a height of 30 inches or more above finished grade may extend into a side or rear setback up to 20% of the required linear distance, but no closer than five feet from any property line, as shown in Figure 18.508.030.D.2.a;

Figure 18.508.030.D.2.a Minor Accessory Structure Located in Setback: Greater than 30 inches Above Grade



- b. A structure with a height of less than 30 inches above finished grade may extend into a side or rear setback, but no closer than three feet from any property line, as shown in Figure 18508.030.D.b.; and,

Figure 18.508.030.D.2.b Minor Accessory Structures Located in Setback: Less than 30 inches Above Grade



- c. Ramps required for barrier free access may extend into required setbacks but must be limited to the extent necessary to meet the Building Code requirements.

18.508.040 Heliports.

i The following standards have been adapted from 18.07.560 Heliports. Provisions that were duplicative or redundant from required [FAA standards](#) were removed. These include existing standards on approach/departure paths and helipad surface dimensions and material.

- A. The following standards apply to all heliports, including hospital transport or business/public use transport, as an accessory use.
 - 1. These requirements may only be modified in special circumstances upon written technical evaluation and recommendation of the nearest Federal Aviation Administration (FAA) Airport District Office, or Washington State Department of Transportation, Division of Aeronautics Office.

i The following section has been adapted from existing code on impacts and from Bellevue's code, 20.20.450, which has clearer standards on the City's authority for permitting.

B. General Review Standards

- 1. To limit noise impacts, the City may impose conditions restricting the type of aircraft permitted to land at an approved heliport, and conditions which limit the number of daily takeoffs and landings and hours of operation.
- 2. The City may impose a periodic review requirement on heliport approvals in order to consider imposing additional conditions to mitigate adverse impacts from new aircraft technology.

C. Heliport Location and Design

- 1. All applications to construct a heliport must include the results of the appropriate FAA review. A determination of negative impact on navigable airspace by the FAA will result in denial of a City Land Use Permit unless the applicant agrees to comply with the recommendations to mitigate such impacts. The mitigating measures must be made conditions of the City's Land Use Permit;
- 2. The facility must participate in a voluntary noise reduction program, such as Fly Neighborly;
- 3. A heliport site must have flight path access directly to the interstate highway system which does not require flight over any residentially zoned properties;
- 4. Approach and departure paths must be obstruction free and environmentally critical areas may not be adversely affected. In addition, flight paths and altitude requirements are required to minimize noise and echoing within Central Issaquah and Olde Town;
- 5. Heliport landing areas must be at least 1.5 times the overall length of the largest helicopter expected to use the facility;
- 6. Obstructions, natural or manmade, may not be within the heliport primary surface, heliport approach surfaces, or heliport transition surfaces;
- 7. Access to heliport landing areas, except water surfaces, must be controlled by physical restraints. If fences, walls, or parapets are used for access control, the minimum height must be 42 inches; and
- 8. All approaches to helicopter operation areas will have conspicuous signs notifying approaching persons.

- D. Public use heliports must be marked in accordance with FAA recommendations and must follow the following stricter regulations :

1. Traffic patterns must be over freeway paths only, with limited hours of operation – use at night, if permitted, must be limited;
2. Overflying provisions;
3. Noise control (for immediate areas, Central Issaquah and Olde Town);
4. Altitude restrictions that do not permit low flying over the City, except over freeway paths;

18.510 Temporary Uses and Structures

18.510.010 Intent

i The intent section is new.

- A. The standards in this section intend to enable economic and ephemeral uses that enhance the public realm and pedestrian-oriented businesses, while ensuring neighboring uses are not adversely impacted.

18.510.020 Applicability

- A. The standards in this Chapter IMC 18.510 apply to:
 1. A use that is temporary, lasting between one to 180 days ; and
 2. A structure that is placed or constructed on a site on a temporary basis, between one day and 180 days .
- B. A temporary use or structure may be an accessory or non-accessory use. In addition to the standards in this section, a temporary accessory use or structure must also meet applicable standards in IMC 18.508 Accessory Uses and Structures.
- C. Permits and licenses may be required per IMC 18.200.XXX, Temporary and Special Use Permits.

18.510.030 Temporary Structures or Uses.

i This section has been adapted from 18.07.570 Temporary commercial buildings, structures or uses.

- A. Applicability. This section applies to temporary uses or structures, both as an accessory and non-accessory. Examples include:
 1. An outdoor retail display as an accessory to an existing retail shop or use;
 2. Seasonal stands, such as operations selling Christmas trees;
 3. A mobile food truck, trailer, or cart, operating within a public right-of-way or on a private lot; and,
 4. A temporary trailer or staging area for construction projects.
- B. General standards applicable to all temporary structures or uses:
 1. The location of the building, structure or use on the sidewalk or near the store front must meet barrier-free requirements;
 2. Non-accessory vending stands are not permitted in the Cultural and Business District (CBD).
 3. The building, structure, or use must receive a City Business License which states the exact date the temporary building, structure, or use is removed or ends, per IMC 5.02, Business License;
 4. Permanent fencing, walls, or other structures that hinder removal of the structure from the site are not allowed;

5. The building, structure, or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;
6. The building, structure, or use location on the sidewalk or near a storefront maintains at least four feet of unobstructed sidewalk between the building/structure and the sidewalk edge for pedestrian movement;
7. The use must follow the time limits in Table 18.510.030.A, Table of Temporary Use Time Limits. A use that exceeds these time limits is considered a principal or permanent use and must receive the required approvals per the Tables of Permitted Uses, 18.402.

Table 18.510.030.A Table of Temporary Use Time Limits

Temporary Use	Duration (days)	Development Standards Reference
Non-Accessory Retail Sales Examples: seasonal stands and pop-up retail	60	18.510.040.B
Accessory Retail Sales During Business Hours Examples: sidewalk displays, tent sales	60	18.510.040.B; 18.510.040.F
Mobile Retail in the right-of-way Examples: food trucks	7	18.510.040.B; 18.510.040.D
Mobile Retail on private property Example: food trucks	60	18.510.040.B; 18.510.040.E

18.510.040 Temporary Retail Sales Standards

i This standard is a new section, with standards adapted from 18.07.530, Accessory vending stands, 18.07.540, Private outdoor retail display/sidewalk sales. Standards from the City of Edmonds and Lacey were also included related to mobile retail, such as food trucks.

i A standard from 18.07.570--Temporary Commercial Buildings, structures, and uses--was removed since it conflicted with other standards within the code, and seemingly prohibit outdoor displays and food trucks. "Outdoor Display: A temporary building, structure or use shall not include outdoor display for retail sales unless that use is a seasonal agricultural vendor such as a produce stand or a Christmas tree stand"

- A. The standards in this section intend to:
 1. Ensure accessible sidewalks and rights-of-way while providing opportunities for retail that enhance the public realm;
 2. Enhance the opportunities for local business development through food trucks and temporary retail uses, including pop-up retail;
- B. Applicability. The standards in this section apply to temporary retail sales, including food and non-food sales lasting from one to 60 days in operations. Retail uses that exceed the time limits for their type are considered a primary use and must receive the required approvals per the Tables of Permitted Uses, 18.402.
 1. The following types of sales are exempt from this section:

i Following exemptions to the standards are new. The second exemption intends to exempt youth lemonade stands, Girl Scout Cookies, and other similar uses from the standards.

- a. Mobile food and retail sales, such as ice cream trucks and mobile convenience stores that move constantly from place-to-place and do not remain for longer than one hour in the same location. For such mobile sales and retail, see IMC 5.06, Solicitor's License.
- b. Informal temporary food and drink sales, such as children's lemonade stands or fundraisers, that are not required to obtain a Business License per IMC 5.02.070, Exemptions and 5.02.080 Fees – Fee waivers.

i The following standards adapted from 18.07.530 Accessory vending stands.

C. Temporary Retail Sales.

1. Standards for All Temporary Retail Uses.

- a. Maximum Size.
- b. The maximum permissible size for any nonmotorized mobile vending units:
 - (1) A temporary sidewalk retail sales location may not exceed 30 square feet;
 - (2) Public right-of-way locations may not exceed 50 square feet; and,
 - (3) A nonmotorized temporary retail sales location may not exceed 10 feet in length.

i The following standards on hawking and size was adapted from the City of Edmond's standard 4.12.055.N, Street Vendor Requirements. IMC 5.06, Solicitor's License has a similar standard, but that does not apply to standards in this section.

2. Prohibited. No mechanical audio or noise making devices and no hawking is allowed with any temporary retail use. Hawking is the loud, repeated oral solicitation of business by the vendor or an assistant.

i Section D.1 is new to provide an administrative solution to zoning not extending into the right-of-way.

D. Non-accessory, Temporary Retail in the Right-of-Way

1. A retail use within the right-of-way is only allowed in a location where the zoning of the site directly adjacent to that right-of-way permits temporary vending or retail stands.
2. The use may not exceed the duration established in Table 18.510.030.A, Table of Temporary Use Time Limits.

i The following standards on Insurance is new and was adapted from the City of Lacey Code, 16.70 Street Merchants.

3. Insurance. If an area to be approved for a retail stand is City-owned, such as a sidewalk or street right-of-way, the applicant must obtain and retain public liability and property damage insurance coverage, naming the City as a co-insured, and must sign an agreement to indemnify and hold the City harmless. The following amounts of coverage are required:

i The following standards on bins and overnight were adapted from the City of Edmonds, 4.12.055

4. The vending site must be kept clean and orderly at all times, and the vendor must provide a refuse container, including compost and is encouraged to provide containers for recycling.
5. A vendor's inventory or sales equipment may not be left overnight upon any unenclosed portion of any lot or site within the city, nor upon any public street or right-of-way.

i The following time limits and applicability standards are new. The time limit was chosen to be consistent with other temporary use limits.

- E. Standards for Non-accessory, Temporary Retail on Private Property. The following standards apply to vendors on private property that do not have a principal building or structure. For example, a food truck parked on an empty lot or a private parking lot.
1. The use may not exceed the duration established in Table 18.510.030.A, Table of Temporary Use Time Limits.

i The following standard was adapted from the City of Edmonds code, 4.12, Peddlers, Solicitors, and Street Vendors

2. When located within a parking lot of a private location, the applicant must identify the location the mobile vending unit will be located and provide a circulation plan. The location and circulation plan requires approval by the city traffic engineer to ensure the vending unit will not interfere in any way with vehicular or pedestrian traffic or safety.
3. If a vendor occupies parking spaces, the site must still be able to comply with the parking requirements of IMC 18.608, Parking, excluding the parking space(s) occupied by the mobile vending unit.

i The following standards were adapted from 18.07.540, Private outdoor retail display/sidewalk sales and 18.07.570, Temporary commercial buildings, structures or uses

- F. Outdoor Accessory, Temporary Retail Uses. The following standards apply to sales that are accessory to a principal commercial use that occur outside in a non-permanent structure that can be moved or disassembled. Uses include outdoor retail display and/or a sidewalk sale accessory use to a permitted permanent use when the use provides economic opportunities for existing businesses while encouraging pedestrian activity in commercial areas.

i The following 60-day time limit is new, which is consistent with other temporary retail uses, and provides more specificity than the existing standard, "The limited duration of the outdoor retail display shall be established as a condition of approval of any applicable permits" in 18.07.540.b.7, Private outdoor retail display/sidewalk sales.

1. The use may not exceed the duration established in Table 18.510.030.A, Table of Temporary Use Time Limits.
2. Outdoor retail display and retail stands that are not accessory to a permanent permitted use are not allowed in the CBD, except for seasonal vending stands which are limited to Christmas tree stands and produce stands.

i The following standard migrated from the existing definition for "Vending stand, accessory", given it is a policy standard not a definition.

3. A permitted outdoor retail display or sidewalk sale must meet the following standards:
 - a. The outdoor retail display or sidewalk sale must be accessory to a permitted permanent commercial use;
 - b. Safe ingress and egress to businesses as well as to automobiles in on- and off-street parking, without impacting compliance with the Americans with Disabilities Act is maintained;
 - c. Safe visibility for transportation and pedestrian access must be maintained;
 - d. The display does not negatively impact public services and operation, nor create any hazardous features, including fire and emergency services, nor adversely affect the ability of the surrounding public facilities to be maintained; and
 - e. The limited duration of the outdoor retail display must be established as a condition of approval of any applicable permits.

18.510.050 Temporary Office Trailers and Staging Areas.

i The following intent statement is new.

- A. This section applies to structures such as temporary office trailers located on construction sites and temporary real estate sales offices. The standards intend to create opportunities for temporary structures to serve construction or business activities, while ensuring impacts are mitigated.

i The following standard has been adapted from 18.07.570 Temporary commercial buildings, structures or uses.

- B. General standards for temporary office trailers for construction and real estate activities.
 1. Location. A temporary office trailer is allowed only if it is directly associated with construction or sales of a new building or site development occurring on the same site or directly adjacent to the trailer's location.
 2. A temporary office trailer must:
 - a. Be located on the project site; and
 - b. Not require additional grading outside of the approved permit;

i The following standard adds new language for a time frame for trailers.

3. A temporary office trailer is limited to the duration of the construction.

i The following standard was consolidated from 18.07.570, Temporary commercial buildings, structures, or uses.

4. The temporary trailer or real estate sales office must be removed from the site prior to the issuance of a Certificate of Occupancy for the building or use.

F.

Chapter 18.516 Sustainable Micro-Infrastructure

i This is a new chapter based on code from 18.07.137 on Accessory Alternative Energy Systems and 18.07.110, Accessory structures.

18.516.010 Intent

i The following intent has been adapted from 18.07.137 Alternative energy systems.

- A. The intent of the standards in this section is to:
1. Promote clean energy production by citizens and businesses.
 2. Ensure that alternative energy structures are compatible with the principal structure and development on adjacent properties;
 3. Encourage alternative and sustainable energy systems while being mindful of the scale and size of surrounding uses and structures;
 4. Provide options to traditional energy use;
 5. Promote reduction of energy use within the City; and
 6. Provide opportunities for sustainable stormwater run-off and catchments systems on private property.

18.516.020 Applicability

- A. The standards in this section apply to:
1. Alternative energy uses as accessories to a principal use, such as a residential, commercial, or educational structure; and
 2. Rain and stormwater catchment systems on private property, such as rain barrels on a residential lot.
- B. Solar panels design and standards are regulated per 18.606.050, Sustainable Building Design Standards.

18.516.030 Alternative Energy Systems

- A. Alternative energy systems include such tools as solar, geothermal, and wind energy systems. These standards apply to micro-scale energy generation systems accessory to a principle use.
- B. All alternative energy systems must meet all of the following criteria:
1. Alternative energy systems may not be located within any building setback or required setback.
 2. Alternative energy system may only be installed after the applicant has provided evidence to the City of Issaquah that the utility company has been informed of the customer's intent to install an interconnected customer-owned power generation system. Off-grid systems are exempt from this requirement.
- C. Geothermal Energy Systems. The following standards apply to Geothermal alternative energy systems:

1. Location:
 - a. Geothermal alternative energy systems (geothermal systems) must be located entirely within the subject property, or within appropriate easements.
 - b. The heat-exchanger part of a geothermal system may be located within Lake Sammamish. No portion of a geothermal system may be located within a stream.
 2. Geothermal systems within the critical aquifer recharge area (CARA) must comply with all requirements of IMC 18.802.380 Critical aquifer recharge areas (CARAs). Vertical or deep-bore geothermal systems are not permitted within Class 1 CARAs.
 3. Open-loop geothermal systems are prohibited.
- D. Wind Energy. The following standards apply to wind alternative energy systems:
1. Wind alternative energy systems (wind turbines) are allowed as an educational demonstration project to determine how the use of small wind turbines may affect the demonstration project site, surrounding properties, and the city as a whole.
 2. Wind turbines may not be located in residential zones.

i Added "adjacent" to the following standard to clarify and resolve conflict between the previous standard and the following.

3. Wind turbine demonstration projects must be set back a minimum of 100 feet from the property line of any adjacent existing residential use.
4. The maximum diameter of rotor blades may not exceed 10 feet.
5. No part of a wind turbine may extend within 15 feet of the ground. Blades may not extend over parking areas, driveways, or sidewalks.

18.516.040 Residential Stormwater Catchment Systems

i This section was adapted from code from 18.07.110, Accessory structures

- A. Applicability. This section applies to the structural elements of rainwater catchment systems and other forms of micro-scale stormwater management accessory to a residential use.
- B. The following additional standards apply to rainwater catchment systems and associated elements:
1. A rainwater catchment system element may not extend into the front setback.
 2. A rainwater catchment system element with a height of less than 54 inches above from finished grade and which contains up to 600 gallons may extend into a side or rear setback up to 20% of the required linear distance, but no closer than three feet from the property line.
 3. A rainwater catchment system with a height greater than 54 inches above finished grade or which contains over 600 gallons must comply with all required setbacks.