

[Chapter 17C.370](#) Existing Neighborhood Commercial Structures in Residential Zones

[Section 17C.370.030](#) Procedure

- A. Planning Director Administrative or Hearing Examiner Decision.
 1. Establishing a use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in [chapter 17G.060 SMC](#). A Type III application is required for projects that have a floor area of three thousand square feet or more, including building additions, and for any non-residential project on a site that does not have frontage on a designated arterial (principal, minor, or collector). For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.
 2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in [SMC 17G.060.040](#) is required before an application may be submitted.
- D. Decision criteria are found in [SMC 17G.060.170](#) and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
 - Sale or leasing of:
 - a. motorized consumer vehicles,

- b. fire arms,
 - c. weapons,
 - d. marijuana.
2. Uses Allowed:
- a. Office uses found in [SMC 17C.190.250](#);
 - b. Retail sales and service uses found in [SMC 17C.190.270](#); and
 - c. Uses allowed within the RMF zone found in [SMC 17C.110.100](#).

F. Development and operation standards in addition to the base zone:

1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of [chapter 17C.190 SMC](#), which may be converted under [SMC 17C.320.060](#).
2. Reserved.
3. The site must be located within the RA, RSF, RTF, RMF, or RHD zones.
4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards, except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by [SMC 17C.200.030](#) shall be required for any structural expansion or provision of additional off-street parking.
5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in [chapter 17C.230 SMC](#) Parking and Loading for a Neighborhood Retail Zone (NR).
6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
7. Drive through facilities are prohibited.
8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.

9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards ~~for the CC4 zones~~ [in SMC 17C.240.150, Table 17C.240-1](#) shall apply. ~~Temporary outdoor signage is prohibited except that one sandwich board sign is permitted.~~ If ~~the a~~ sandwich board sign is erected in the public right-of-way it must be consistent with ~~SMC 17C.240.240~~ [SMC 17C.240.244](#).
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with [SMC 17C.220](#) Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals.
- The decisions of the planning director may be appealed to the hearing examiner as provided for in [SMC 17G.060.210](#) and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in [SMC 17G.060.210](#).

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