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8 ORDINANCE NO. 2986

9 AN ORDINANCE related to uses permitted in the B-C and C-G  
10 Zones; defining and restricting the operation of adult theaters  
11 within 500 feet of an "R" or "S" Zone, or within 500 feet of or  
12 within the same structure as any other theater during the opera-  
13 tion of such theater; amending Resolution 25789, Section 1401  
14 and 1501, Resolution No. 30152 (part), Resolution 32847 (part),  
15 King County Code 21.04, King County Code 21.28.020 and King  
16 County Code 21.30.020.

17 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

18 SECTION 1. Purpose. The purpose and objective of this ordinance is to  
19 preserve the family-oriented character of B-C and C-G Zones immediately  
20 adjacent to single family and suburban residential zones. Recognizing that  
21 children are influenced by their environment and that certain uses are incom-  
22 pitible with child-oriented neighborhoods, this ordinance seeks to restrict  
23 adult theaters locationally and to separate incompatible entertainment uses in  
24 the general vicinity of family activity.

25 SECTION 2. The following definitions are added to KCC 21.04:

26 a. Theater. "Theater" shall mean an establishment providing  
27 entertainment through the showing of motion picture films.

28 b. Adult theater. "Adult theater" shall mean any theater while that  
29 theater is providing entertainment through the showing of motion pictures films pre-  
30 dominantly distinguished or characterized by their emphasis on matter expli-  
31 citly depicting specified sexual activities as defined in this chapter.

c. Specified Sexual Activities. "Specified sexual activities" shall  
mean:

- 1. Human genitalia in a state of sexual stimulation or arousal;

1           2. Acts of human masturbation, sexual intercourse or sodomy;

2           3. Erotic fondling, touching or display of human genitalia, pubic  
3 region, or buttock or female breast.

4           SECTION 3. Resolution 30152 (part), Resolution 25789, Section 1401, and  
5 K.C.C. 21.28.020, are each amended to read as follows:

6           Any of the following types of uses which can meet the following standards  
7 are permitted and allowed by this classification subject to the limitations set  
8 forth herein:

9           (1) Any on-premises retail enterprise dispensing food or commodities  
10 (but not including automobiles, trailers, boats and heavy-duty equipment),  
11 and which may involve only incidental and limited fabrication or assembly of  
12 commodities;

13           (2) Business offices and any type of use rendering professional  
14 services or personal services to the individual;

15           (3) Hospitals, except mental and alcoholic hospitals;

16           (4) Hotels and motels, except apartment hotels;

17           (5) Enterprises providing entertainment and recreation; provided  
18 however, that the operation of an adult theater shall be prohibited within  
19 500 feet of any "R" or "S" zone and, provided further, that adult theaters shall  
20 not be operated concurrently within 500 feet of, nor within the same structure as,  
21 the operation of any other theater.

22           (6) Lodges, private clubs and fraternal societies;

23           (7) Moorages for private pleasure craft;

24           (8) Mortuaries;

25           (9) Any public utility installation relating directly to the distribution  
26 of services including switching and transmission stations, but not including  
27 warehouses, service yards or the like unless otherwise permitted by this title;

28           (10) Public off-street parking facilities, whether publicly or privately  
29 owned and operated, provided any area so used shall not be used for a vehicle,  
30 trailer or boat sales area or for the accessory storage of such vehicles;

31           (11) Churches;

1 (12) Public office buildings, art galleries, museums, libraries,  
2 police and fire stations;

3 (13) Signs, without limitation as to size and the number, and outdoor  
4 advertising structures;

5 (14) Planned unit developments as provided in Chapter 21.56.

6 SECTION 4. Ordinance 1789, Sections 2 and 3, Ordinance 1617, Section 2,  
7 Ordinance 1389, Section 1, Resolution 33159, Resolution 25789, Section 2202 and  
8 King County Code 21.44.030, are hereby amended to read as follows:

9 Conditional Use permit. The following uses may locate subject to the issuance  
10 of a conditional use permit processed as provided in Chapter 21.58.

11 (1) Cemeteries, provided:

12 (a) No building shall be located closer than one hundred feet from  
13 any boundary line;

14 (b) A protective fence and a landscaped strip of evergreen trees  
15 and shrubs at least ten feet in width shall be installed on all common boundary  
16 lines with "R" or "S" zoned property.

17 (2) Columbariums, crematories and mausoleums, provided these uses  
18 are specifically excluded from all "R" zones unless inside a cemetery.

19 (3) Commercial establishments or enterprises involving large  
20 assemblages of people or automobiles as follows, provided these uses are  
21 specifically excluded from all "R", "S-E" and "F-R" zones:

22 (a) Amusement parks

23 (b) Boxing and wrestling arenas

24 (c) Ball parks

25 (d) Fairgrounds and rodeos

26 (e) Golf driving ranges

27 (f) Labor camps (transient)

28 (g) Drive-in theater; provided, that no adult theater shall be operated  
29 within 500 feet of an "R" or "S" Zone or at a drive-in theater as defined in King  
30 County Code 21.04.640 whose screen may be viewed from a public right-of-way  
31 or an "R" or "S" Zone.

1 (h) Race tracks, drag strips, motorcycle hills and Go-Kart tracks

2 (i) Stadiums

3 (4) Educational institutions not otherwise permitted.

4 (5) Fire stations, including spaces for municipal offices and utility  
5 district offices, when located in any "R", "S" or "A" zone, provided the follow-  
6 ing conditions are conformed to:

7 (a) All buildings and structures shall maintain a distance of not  
8 less than twenty feet from any property line that is a common property line  
9 with "R" zoned property; and

10 (b) Any building from which fire fighting equipment emerges onto  
11 a street shall maintain a distance of thirty-five feet from such street;

12 (c) Open storage shall be prohibited;

13 (d) Overnight parking and maintenance of municipal or utility  
14 vehicles shall be within an enclosed structure which is compatible in size  
15 and design with the surrounding area.

16 (6) Hospitals, mental and alcoholic, provided they are specifically  
17 excluded from all "RS," "RD," "RM-2400," "RM-1800" and "S" zones.

18 (7) Institutions for training of religious orders.

19 (8) Kennels, provided that the minimum site area is five acres and  
20 that the buildings housing such use and animal runs shall not be closer than  
21 one hundred fifty feet to any boundary property line of the premises and that  
22 they are specifically excluded from all "R" zones. The zoning adjustor may  
23 require such additional setback, fencing, screening or soundproofing re-  
24 quirements as it deems necessary to ensure the compatibility of the kennel  
25 with surrounding development.

26 (9) Radio, microwave or television transmitters, towers and  
27 appurtenances.

28 (10) Recreational areas, commercial, including yacht clubs, beach  
29 clubs, tennis clubs, parks, ski areas, marinas and similar activities.

30 (11) Universities and colleges, including dormitories and fraternity  
31 and sorority houses when on campus.

1 (12) Hobby kennels , provided the following conditions are conformed

2 to:

3 (a) The number of animals permitted shall be established by the  
4 zoning adjustor based on such factors as animals size , type and characteristics  
5 or the breed and the amount of lot area; provided, that the maximum number  
6 shall not exceed ten where the lot area contains 35,000 square feet or more  
7 and the maximum number shall not exceed five where the lot area is less than  
8 35,000 square feet;

9 (b) All open air run areas shall be completely surrounded by a six  
10 foot fence set back at least twenty feet from all property lines;

11 (c) No commercial signs or other appearances advertising kennel  
12 are permitted on the property;

13 (d) The adjustor shall consider the review and recommendations  
14 of the division of animal control and division of building;

15 (e) The adjustor may require additional setback, fencing, screening  
16 or soundproofing requirements as he deems necessary to insure the compati-  
17 bility of the hobby kennel with surrounding development;

18 Provided further, should the division of animal control, in the course  
19 of enforcing the provisions of Chapter 11.04, observe violations of the condi-  
20 tional use permit, they shall notify in writing the division of building of such  
21 violation; and the division of building shall petition the zoning adjustor to  
22 initiate proceedings to revoke a conditional use permit for a hobby kennel in  
23 accordance with K.C.C. 21.66.

24 (13) Commercial establishments or enterprises involving open  
25 recreational uses of land as follows , provided these uses are specifically  
26 excluded from all "R" and "S" zones:

27 (a) Campgrounds:

28 (b) Camps such as boy scout, girl scout, church, Y.W.C.A.,  
29 Y.M.C.A. and similar types;

30 (c) Recreational camps and resorts;

31 (d) Outdoor stage theaters.

1 (14) Hunting and fishing camps, gun clubs and rifle and pistol  
2 ranges, provided these uses are specifically excluded from all "R" and "S"  
3 zones, and provided further, the following conditions are conformed to:

4 (a) All installations shall be located at such a distance from adjoining  
5 property lines as will protect abutting property from hazard, noise or dust;  
6 provided, that a minimum distance of fifty feet shall be maintained;

7 (b) Firing ranges shall be designed so as to prevent stray or  
8 ricocheting bullets or pellets from leaving the property;

9 (c) Plans submitted with the application shall, at a minimum, show  
10 location of all buildings, parking areas and access points; safety features of  
11 the firing range; provisions for reducing noise produced on the firing line;  
12 elevations of the range showing target area, backdrops or butts; and location  
13 of buildings on adjoining properties.

14 SECTION 5. Severability. If any provision of this ordinance or its ap-  
15 plication to any person or circumstance is held invalid, the remainder of this  
16 ordinance or the application of the provision to other persons or circumstances  
17 shall not be affected.

18 INTRODUCED AND READ for the first time this 20<sup>th</sup> day  
19 of September, 1976.

20 PASSED at a regular meeting of the King County Council this 22<sup>nd</sup> day  
21 of November, 1976.

22 KING COUNTY COUNCIL  
23 KING COUNTY, WASHINGTON

24 David Mooney  
Chairman

25 ATTEST:

26 Beverly M. Owens  
27 Clerk of the Council

28 APPROVED this 23<sup>d</sup> day of November, 1976.

29 John D. Spelman  
30 King County Executive