

6/25/80

Introduced by GARY GRANT

Proposed No. 80-382

ORDINANCE NO. 5138

AN ORDINANCE relating to zoning; creating a new zone classification known as BR-N (Mixed Business-Residential Use, Neighborhood Scale); adding neighborhood scale mixed business-residential uses as a conditional use in the Neighborhood Business (B-N) classification, and amending Resolution No. 25789, Sections 1300, 1301, and K.C.C. 21.26.010 and 21.26.020.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Classification created. There is hereby created the BR-N (Mixed Business-Residential Use, Neighborhood Scale) zone classification.

NEW SECTION. SECTION 2. Purpose of classification. The purpose of this classification and its application is to provide for the location of mixed commercial (i.e., retail and office) and residential use projects, for increased diversity in opportunities for desirable housing, and increased vitality of neighborhood business areas. Further, it is the purpose of this title to implement Comprehensive Plan policies and community plans which allow and encourage the development of such mixed use projects at the neighborhood scale.

NEW SECTION. SECTION 3. Permitted Uses - Primary and Accessory Residential. The following residential uses only are permitted in the BR-N zone, subject to the off-street parking and landscaping requirements and other general provisions and exceptions as set forth in this title beginning with Chapter 21.46, except where modified by this Chapter.

(1) Multiple dwelling units;

(2) Accessory residential uses, excluding beehives, as provided in Section 21.08.025;

(3) Retirement home, as provided in Section 21.12.020.

NEW SECTION. SECTION 4. Permitted uses - Commercial and Non-Residential.

The following commercial and non-residential uses are permitted in the BR-N zone, subject to the off-street parking and landscaping requirements and other general provisions and exceptions as set forth in this title beginning with Chapter 21.46, except where modified by this Chapter.

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2 (1) Retail sales of food and commodities, which involve only inci-
3 dential and limited fabrication and assembly, and excluding auto service
4 stations, repair or sale of heavy equipment, boats, tires and motor
5 vehicles, sale of alcohol for on-premises consumption except in a
6 restaurant with a Class A or Class C license from the Washington State
7 Liquor Board, sale of gasoline or other fuels, theaters, playhouses and
8 other recreation or entertainment uses, and car washes.

9 (2) Business offices and any type of use rendering professional or
10 personal services to individuals, such as real estate or insurance broker-
11 ages, consultants, medical or dental clinics and repair of jewelry, eye-
12 glasses, clothing, household appliances and tools, and excluding vehicle or
13 tool rentals, public parking lots, on-premises recreation or entertainment,
14 pet sales and veterinary clinics

15 (3) Public utilities, subject to the provisions of Section 21.08.045.

16 NEW SECTION. SECTION 5. Limitations on use. Every use locating
17 in the BR-N zone shall be subject to the following further conditions and
18 limitations.

19 (1) Residential uses are not permitted as separate projects. They
20 must be developed in combination with commercial uses;

21 (2) Retail business and office uses shall occupy the floors below any
22 residential portion of mixed use development in order to preserve quiet
23 and privacy for the residents above.

24 (3) Residential uses in any neighborhood mixed use development
25 shall not occupy the ground floor;

26 (4) In order to provide direct pedestrian access, all commercial uses
27 must front directly on an adjacent sidewalk, or on a front or side yard
28 from which motor vehicles are excluded;

29 (5) Any commercial use in a neighborhood mixed use development
30 must have characteristics and impacts similar to those listed in Section 4 of
31 this ordinance, in order to be compatible with a desirable residential living
32 environment. It is not possible to enumerate all permissible potential
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1 commercial uses currently in existence or that might evolve through tech-
2 nological or economic change; therefore, proposed uses not explicitly listed
3 in this chapter will be judged by King County by their similarity to listed
4 uses and their consistency with the intent of the Comprehensive Plan and
5 this chapter;

6 (6) Storage shall be limited to accessory storage of commodities sold
7 at retail on the premises;

8 (7) All uses shall be conducted wholly indoors except:

9 (a) growing stock in connection with horticultural nurseries,
10 where the stock is in open ground, pots or containers;

11 (b) required accessory parking and loading areas;

12 (c) moorage for private pleasure boats;

13 (d) public utility installations;

14 (e) seasonal outdoor seating for restaurants.

15 (8) Only the following signs are permitted, subject to the following
16 limitations:

17 (a) No blinking, flashing or moving signs are permitted;

18 (b) One permanent, single-faced sign not exceeding twelve
19 square feet in area for identification of the premises;

20 (c) One permanent sign, flush mounted or painted on the
21 building, for each commercial use within the mixed use development and to
22 be contained within the frontage of the space occupied by the individual
23 use.

24 (d) One temporary double-faced sign not exceeding twelve
25 square feet in area advertising the rental, lease or sale of the premises on
26 which it is displayed.

27 NEW SECTION. SECTION 6. Lot area per dwelling unit. In a BR-N
28 zone, the lot area shall be not less than two thousand four hundred
29 square feet per dwelling unit.

30 NEW SECTION. SECTION 7. Permissible floor area. The maximum
31 permitted floor area to be contained in all buildings on a lot or project site
32 in the BR-N zone shall not exceed one and one-half times the square foot
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1 area of the buildable portion of the site upon which the building(s) are
2 located, except that projects which enclose all required parking may build
3 two times the buildable square foot area of the site.

4 NEW SECTION. SECTION 8. Lot width. The minimum lot width in a
5 BR-N zone shall be sixty feet.

6 NEW SECTION. SECTION 9. Height, yard and open spaces.

7 (1) No maximum height is imposed, but when a building exceeds
8 thirty-five feet in height the portion of the building above thirty-five feet
9 shall set back one foot from each property line for each foot of height;
10 provided, the Manager of the Building and Land Development Division may
11 approve or require variations from this requirement in order to preserve
12 views from nearby properties or to preserve valuable natural features on
13 the site.

14 (2) No setbacks are required outright in the BR-N zone; however,
15 the general provisions in Chapter 21. . . on landscaping will result in
16 setbacks to accommodate required landscaping;

17 (3) Additional specific requirements for yards and open spaces or
18 height restrictions may be imposed when the BR-N classification is applied
19 to properties through the site plan approval process set forth beginning
20 with Section 21.46.150, in order to accomplish the purposes of this Chap-
21 ter, to ensure safe and convenient pedestrian and vehicular circulation,
22 view protection, proper drainage control, protection of environmentally
23 sensitive areas, and implementation of all other applicable Comprehensive
24 Plan policies and community plans.

25 NEW SECTION. SECTION 10. Off-street parking.

26 (1) One and one-half off-street parking spaces shall be provided for
27 each residential unit, of which one per unit is reserved exclusively for
28 residents, except that this requirement may be reduced to one exclusive
29 space per residential unit plus one additional parking space per three
30 residential units, provided that all exclusively residential parking is en-
31 closed or underground, that the additional parking is shared with the
32 commercial uses, and that the site is within one thousand feet of a public
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1 transit route. Recreational vehicle storage shall not be permitted in mixed
2 use projects.

3 (2) One off-street parking space for every four-hundred square feet
4 of commercial floor area shall be provided, except that this requirement
5 may be reduced to one space per eight-hundred square feet if the site is
6 within one thousand feet of a public parking area available for use by the
7 general public (as opposed to being accessory to an adjacent on-site use)
8 and within one thousand feet of a public transit route.

9 SECTION 11. Resolution 25789, Section 1300 and K.C.C. 21.26.010
10 are each hereby amended as follows.

11 PURPOSE OF B-N CLASSIFICATION. The purpose of this classifica-
12 tion and its application is to provide for the location of and grouping of
13 uses which are considered compatible uses having common performance
14 standards in that they represent on-premises retail enterprises and involve
15 only incidental and limited fabrication or assembly of commodities, or
16 comprise a type of enterprise dispensing commodities, or providing pro-
17 fessional services, or providing personal services to the individual. These
18 services are intended to provide local facilities to serve the every day
19 needs of the neighborhood area. To meet this need will require that the
20 facilities permitted in this classification shall locate adjacent to residential
21 areas on access streets directly serving such residential areas. By
22 establishing limitations upon building height and floor space as set forth in
23 this classification, it is further the objective to maintain a limited intensity
24 of land use compatible with serving the neighborhood residential areas,
25 rather than on a community-wide basis. A further purpose of this classi-
26 fication and its application is to permit the more efficient and economical
27 design and installation of all physical public service facilities in terms of
28 size and capacity to adequately and permanently meet needs resulting from
29 a defined intensity of land use. Public utility installations, being
30 governed by circumstances related to geographical area to be served, are
31 also permitted in this classification.
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1 A further purpose of this classification and its application is to pro-
2 vide for the location of mixed commercial (i.e., retail and office) and resi-
3 dential use projects, for increased diversity in opportunities for desirable
4 housing, and increased vitality of neighborhood business areas. Further,
5 it is the purpose of this chapter to implement Comprehensive Plan policies
6 and community plans which allow and encourage the development of such
7 mixed use projects at the neighborhood scale.

8 SECTION 12. Resolution 25789, Section 1301 and K.C.C. 21.26.020
9 are each hereby amended as follows:

10 PERMITTED USES. Any of the following types of uses which can
11 meet the following standards are permitted and allowed by this classifica-
12 tion, subject to the limitations set forth herein:

13 (1) Any on-premises retail enterprise dispensing food or commodities
14 (but not including automobiles, boats, trailers and heavy-duty equipment)
15 and which may involve only incidental and limited fabrication or assembly
16 of commodities.

17 (2) Business offices and any type of use rendering professional
18 services or personal services to the individual, provided:

19 (a) The service does not involve keeping the person receiving
20 the service overnight on the premises,

21 (b) The service does not include selling alcoholic beverages for
22 on-premise consumption unless accessory to restaurant.

23 (c) The services does not involve in whole or in part the
24 providing of recreation, recreational facilities or entertainment other than
25 moorage for private pleasure craft,

26 (d) The professional service does not include kennels or small
27 animal hospitals or clinics;

28 (3) Any public utility installation relating directly to local distribu-
29 tion of services including switching and transmission stations but not
30 including warehouses, service yards or the like unless otherwise permitted
31 by this title;

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

(5) Churches;

~~((6) -- Planned unit development as provided Chapter 21.56 --)~~

~~((7))~~ (6) Public office buildings, art galleries, museums, libraries, police and fire stations.

(7) Neighborhood scale mixed use business-residential uses subject to a conditional use permit, and subject to the provisions and conditions governing mixed use developments in the BR-N zone.

INTRODUCED AND READ for the first time this 28th day of April, 1980.

PASSED this 6th day of October, 1980.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Bill Reams
Chairman

ATTEST:

Dorothy M. Quinn DEPUTY
Clerk of the Council

APPROVED this 14th day of October, 1980.

[Signature]
King County Executive