

1 June 8, 1981

Introduced by: GARY GRANT
Proposed Ordinance No.: 81-407

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5 ORDINANCE NO. 5570

6 AN ORDINANCE relating to zoning; adding a new
7 section to KCC 21.08 permitting the reuse of
8 nonresidential buildings in residential zones
9 subject to an administrative conditional use
10 permit; modifying the conditional use permit
11 process to allow administrative decisions
12 without a public hearing for certain uses;
13 amending Ordinance 5002, Section 2 Ordinance
14 3144, Section 6 and KCC 21.08.040; amending
15 Resolution 25789, Sections 2804, 2808 and
16 2809, Ordinance 4462, Section 17 and KCC
17 21.58.050, 21.58.100 and 21.58.110; and amend-
18 ing Ordinance 5002, Section 16, Ordinance
19 4461, Section 2 and KCC 20.24.080.

20 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

21 NEW SECTION. SECTION 1. There is added to KCC 21.08 a new
22 section to read as follows:

23 Administrative conditional uses. In an RS zone the follow-
24 ing conditional uses only are permitted subject to the admini-
25 strative approval of the zoning adjustor as set forth in Chapter
26 21.58, and subject to the off-street parking requirements, land-
27 scaping requirements, and the general provisions and exceptions
28 set forth in this title beginning with Chapter 21.46, and the
29 provisions of the King County shoreline management master pro-
30 gram, where applicable:

31 The reuse of nonresidential buildings which were built in
32 the zone for permitted uses such as public or private schools,
33 fire stations, libraries or recreational facilities when no
longer needed for their intended purpose provided no extension,
exterior modification or expansion is proposed, for the follow-
ing activities:

A. Those uses enumerated in Section 21.08.040 of this
chapter, subject to the conditions set forth in those sections.

1 B. Uses rendering governmental services, or nonprofit
2 social services to the individual.

3 C. The storage of governmental records.

4 D. Retirement home, provided:

5 1. The site is convenient to public transportation.

6 2. The lot area per dwelling unit shall not be less than
7 two thousand four hundred square feet.

8 3. The amount of off-street parking required shall not be
9 less than one parking space per four dwelling units.

10 E. Rest homes, nursing and convalescent homes, provided:

11 1. The site is convenient to public transportation.

12 2. The accommodations and number of persons cared for
13 conform to applicable state and local regulations.

14 F. Hospitals, on school sites only, which abut an arterial
15 street improved to King County standards.

16 G. Schools, private or parochial.

17 H. School administrative offices.

18 SECTION 2. Ordinance 5002, Section 2, Ordinance 3144,
19 Section 6 and KCC 21.08.040 are each hereby amended to read as
20 follows:

21 Conditional uses. In an RS zone the following conditional
22 uses only are permitted, subject to the restrictions of this
23 section, the off-street parking requirements, landscaping re-
24 quirements, and the general provisions and exceptions set forth
25 in this title beginning with Chapter 21.46, Chapter 21.58, and
26 the provisions of the King County shoreline management master
27 program, where applicable:

28 ~~((+))~~ A. Recreational facilities, community noncommercial,
29 including clubhouse facilities, provided:

30 ~~((+))~~ 1. Any building or structure on the site shall
31 maintain a distance not less than twenty-five feet from any
32 abutting R, S or G classified property.

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1 (~~(B)~~) 2. Any lights provided to illuminate any build-
2 ing or recreational area shall be so arranged as to reflect the
3 light away from any premises upon which a dwelling unit is locat-
4 ed.

5 (~~(E)~~) 3. The site shall be located upon, or have ade-
6 quate access to a public thoroughfare.

7 (~~(2)~~) B. Boat moorages for pleasure craft only in con-
8 nection with community and noncommercial recreational facilities
9 as set forth in this section, whether the moorage is publicly or
10 privately owned; provided:

11 (~~(A)~~) 1. No boat sales, service, repair, boat-charter
12 or rental shall be permitted on the premises.

13 (~~(B)~~) 2. The deck of any pier shall be no more than
14 five feet above high water level.

15 (~~(E)~~) 3. Onshore toilet facilities shall be provided.

16 (~~(D)~~) 4. Boats using such moorage facilities shall not
17 be used as a place of residence.

18 (~~(E)~~) 5. No overhead wiring shall be permitted on piers
19 or floats except within covered moorage structures.

20 (~~(F)~~) 6. All covered structures over water shall abut
21 upon the shore and be at least forty feet apart when placed side
22 by side. When covered structures are placed end to end or side
23 to end, one of the structures shall abut upon the shore, and the
24 structures shall be at least fifteen feet apart.

25 (~~(G)~~) 7. No covered structures over water shall be per-
26 mitted to extend out from shore a distance greater than fifty
27 percent of the maximum permitted distance from shore of a pier
28 on the subject premises, but in no case a distance of more than
29 fifty feet from shore.

30 (~~(H)~~) 8. No pier, including finger piers, shall occupy
31 more than ten percent of the water area of any lot upon which
32 the same is built, nor shall the total area of covered structures
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1 over water occupy more than twenty percent of the water area of
2 such lot.

3 ((+I+)) 9. All covered structures over water under one
4 ownership shall be built in a uniform manner and design and no
5 point in the roof of such structure shall be higher than sixteen
6 feet above high water in fresh water and no floating moorage
7 located in fresh or tidal water shall have a structure higher
8 than sixteen feet from the water line.

9 ((+J+)) 10. The roofs of covered moorage shall contain
10 no more than seven thousand two hundred square feet of area in
11 any one unit, and such roofs shall not be supported directly by
12 extending piling.

13 ((+K+)) 11. Side walls on covered structures shall not
14 exceed fifty percent of the area of any three sides and shall be
15 rigid or semirigid material and shall cover from external view
16 all roof bracing.

17 ((+L+)) C. Day nurseries; provided:

18 ((+A+)) 1. The building site contains a minimum of
19 thirty-five thousand square feet and at least two hundred square
20 feet of site area for each child cared for.

21 ((+B+)) 2. Buildings, structures and play equipment shall
22 not be closer than thirty feet to any property lines except as
23 provided in subdivision ((+6+)) 7.

24 ((+E+)) 3. Any play area shall be completely enclosed by
25 a solid wall or fence not less than five feet nor more than six
26 feet in height.

27 ((+D+)) 4. A minimum of three off-street parking spaces
28 plus one for each employee on duty shall be provided.

29 ((+E+)) 5. One stationary, nonflashing sign not exceed-
30 ing sixteen square feet in area shall be permitted.

31 ((+F+)) 6. Building design, site plans and landscaping
32 shall be of a character which is appropriate for the area.

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1 ~~((E))~~ 7. Buildings and structures may be allowed to
2 reduce side and rear yards to a minimum of five feet from a side
3 or rear lot line when such reduction is compatible with adjacent
4 uses and properties. In approving such reductions, the zoning
5 adjuster shall impose such additional screening, landscaping and
6 fencing requirements as are necessary to protect neighboring
7 uses and properties from adverse impacts.

8 ~~((H))~~ 8. The site shall have direct access from a street
9 designated and developed at least as a collector arterial. In
10 addition, day nurseries proposed to care for over one hundred
11 children also shall be functionally convenient to a designated
12 and developed secondary arterial.

13 ~~((4))~~ D. Seaplane hangars, provided:

14 ~~((A))~~ 1. No aircraft sales, service, repair, charter or
15 rental shall be permitted on the premises, nor shall storage of
16 any aircraft on the premises for such purposes be permitted.

17 ~~((B))~~ 2. Only one single-engined or twin-engined pri-
18 vate noncommercial seaplane (excluding helicopters) shall be
19 accommodated on the premises.

20 ~~((E))~~ 3. No aviation fuel except that contained in the
21 tank or tanks of the seaplane itself shall be stored on the pre-
22 mises.

23 ~~((D))~~ 4. Seaplane hangars shall conform to all appli-
24 cable zoning and shoreline management regulations governing
25 moorage facilities and covered boathouses.

26 ~~((E))~~ 5. No landing field or other facility for land-
27 based aircraft shall be allowed, except as an unclassified use
28 in conformance with Chapter 21.44.

29 ~~((5)---Nonresidential-buildings-which-were-built-in-the-~~
30 ~~zone-for-permitted-uses-such-as-public-or-private-schools,-fire--~~
31 ~~stations,-libraries-or-recreation-facilities-may,-when-no-longer~~
32 ~~needed-for-their-intended-purpose,-be-reused-without-extension,~~

1 exterior-modification-or-expansion-for-the-following-activities:-

2 (A)--Retirement-home,-provided-

3 (i)--The-site-shall-be-convenient-to-public-transportation-

4 (ii)--The-lot-area-per-dwelling-unit-shall-not-be-less-than

5 two-thousand-four-hundred-square-feet.

6 (iii)--The-amount-of-off-street-parking-required-shall-not

7 be-less-than-one-parking-space-per-four-dwelling-units-

8 (B)--Rest-homes,-nursing-and-convalescent-homes,-provided-

9 (i)--All-buildings-and-structures-shall-maintain-a-distance

10 not-less-than-twenty-feet-from-any-lot-developed-with-a-residence-

11 (ii)--The-use-shall-be-convenient-to-public-transportation-

12 (iii)--The-lot-area-per-dwelling-unit-shall-not-be-less

13 that-two-thousand-four-hundred-square-feet-

14 (iv)--The-amount-of-off-street-parking-required-shall-not

15 be-less-than-one-parking-space-per-four-dwelling-units-

16 (C)--Uses-rendering-governmental-social-services-to-the

17 individual,-provided-

18 (i)--The-site-shall-abut-a-road-developed-to-at-least-the

19 secondary-arterial-standards-of-King-County-

20 (ii)--The-use-shall-not-include-the-sale-or-handling-of-com-

21 modities-

22 (D)--Hospitals,-on-school-sites-only,-provided-

23 (i)--The-site-shall-abut-a-road-developed-to-at-least-the

24 secondary-arterial-standards-of-King-County-

25 (ii)--All-buildings-and-structures-shall-be-at-least-twenty

26 feet-from-any-property-line-

27 (iii)--No-expansion-of-the-use-via-new-construction-on-the

28 site-shall-be-allowed---Interiors-of-structures-existing-at-the

29 time-the-use-is-established-may-be-remodelled-

30 (E)--These-uses-enumerated-in-subsections-(1)-and-(3)-of

31 this-section,-subject-to-the-conditions-set-forth-in-these-sub-

32 sections-))

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1 SECTION 3. Resolution 25789, Section 2804 and KCC 21.58.050
2 are each hereby amended to read as follows:

3 Notice (~~((and-hearing-on-application-for-variance-or-conditional-use-permit))~~). A. Upon the filing of an application for
4 a variance, an administrative conditional use permit, or a conditional
5 use permit by a property owner, or by a lessee, which
6 application sets forth fully the grounds for, and the facts
7 deemed to justify the granting of the ((variance-or-conditional
8 use-permit,)) requested action, the adjustor shall give notice
9 of a public hearing or, in the case of an application for an
10 administrative conditional use permit, notice of the filing of
11 the application as provided for notice of public hearings in
12 Chapter 21.62 ((of-a-public-hearing)) to consider the matter.

13 B. Written comments and materials relating to proposals for
14 administrative conditional use permits must be submitted to the
15 Division within twenty-five days of notice or posting to be
16 considered by the adjustor.

17 SECTION 4. Ordinance 4462, Section 17, Resolution 25789,
18 Section 2808 and KCC 21.58.100 are each hereby amended to read
19 as follows:
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21 Appeal - Examiner's authority. A. For appeals from deci-
22 sions of the zoning adjustor on conditional use permits or
23 variances. The examiner's consideration shall be based upon the
24 record developed before the zoning adjustor only. If, after
25 examination of the written appeal and the record, the examiner
26 determines that:

27 ~~((+1))~~ 1. A material error in fact or procedure may
28 exist in the record, the examiner shall remand the proceeding to
29 the zoning adjustor for reconsideration; or

30 ~~((+2))~~ 2. The decision of the zoning adjustor is arbitrary and capricious or is based upon an erroneous conclusion,
31 the examiner may reverse or affirm, wholly or in part, or may
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1 modify the order, requirement, decision or determination appealed
2 from.

3 B. For appeals from decisions of the zoning adjustor on
4 administrative conditional use permits the examiner shall con-
5 duct a public hearing and render a decision as set forth in
6 Chapter 20.24 of this code.

7 SECTION 5. Resolution 25789, Section 2809 and KCC 21.58.110
8 are each hereby amended to read as follows:

9 Adjustor shall announce findings and decisions. Not more
10 than forty days after termination of the proceedings of the public
11 hearing on a variance or conditional use permit, or after notice
12 is given of the filing of an application for an administrative
13 conditional use permit the adjustor shall announce its findings
14 and decision; provided that the adjustor may delay a decision for
15 administrative purposes when additional information is needed.

16 If a variance , administrative conditional use permit, or condi-
17 tional use permit is granted, the record shall show such condi-
18 tions and limitations as the adjustor may impose.

19 SECTION 6. Ordinance 5002, Section 16, Ordinance 4461,
20 Section 2 and KCC 20.24.080 are each hereby amended to read as
21 follows:

22 Final decisions by the examiner. ~~((a))~~ A. The examiner
23 shall receive and examine available information, conduct public
24 hearings and prepare records and reports thereof, and issue final
25 decisions based upon findings and conclusions in the following
26 cases:

27 ~~((1))~~ 1. Appeals from the decisions of the administrator
28 for short subdivisions;

29 ~~((2))~~ 2. Appeals from threshold determinations con-
30 cerning actions not subject to council approval;

31 ~~((3))~~ 3. Appeals from notices and orders issued pur-
32 suant to Title 23 of this code or the Rules and Regulations VII

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1 of the King County Department of Public Health;

2 ((+4)) 4. Appeals from decisions of the Department of
3 Public Works regarding permits or licenses in flood hazard areas
4 pursuant to Section 21.54.090;

5 ((+5)) 5. Appeals from conditions imposed on final
6 approvals of subdivisions receiving extensions pursuant to Section
7 19.28.050(e) or (f);

8 ((+6)) 6. Appeals from decisions of the zoning adjutor
9 on administrative conditional use permits, conditional use per-
10 mits or variances;

11 ((+7)) 7. Appeals from decisions regarding site plan
12 approvals pursuant to Section 21.46.180 and pursuant to Ordi-
13 nance 4122;

14 ((+8)) 8. Appeals from decisions regarding the abate-
15 ment of nonconforming uses;

16 ((+9)) 9. Applications for shoreline substantial devel-
17 opment permits when combined with other land use applications
18 pursuant to Section 25.32.080;

19 ((+10)) 10. Appeals from decisions regarding modificatio
20 of landscaping requirements pursuant to Section 21.51.050;

21 ((+11)) 11. Other applications or appeals which the
22 council may prescribe by ordinance.

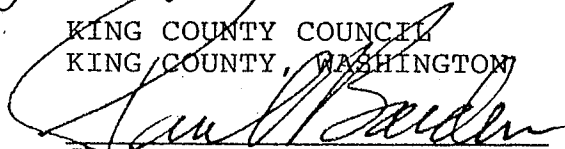
23 ((+b)) B. The examiner's decision may be to grant or deny
24 the application or appeal, or the examiner may grant the appli-
25 cation or appeal with such conditions, modifications and
26 restrictions as the examiner finds necessary to make the appli-
27 cation or appeal compatible with the environment and carry out
28 applicable state laws and regulations and the regulations,
29 policies, objectives and goals of the comprehensive plan, the
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community plans, the sewerage general plan, the zoning code,
the subdivision code and other official laws, policies and ob-
jectives of King County.

INTRODUCED AND READ for the first time this 15th day
of June 1981.

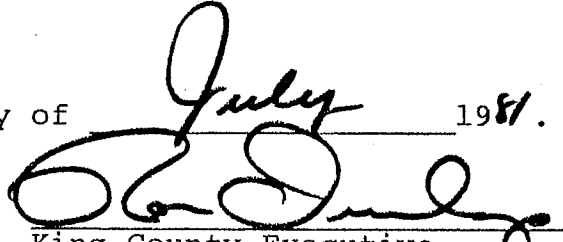
PASSED this 13th day of July 1981.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chairman

ATTEST:

 DEPUTY
Clerk of the Council

APPROVED this 23rd day of July 1981.


King County Executive