

April 7, 1998

Introduced by: JANE HAGUE
CHRISTOPHER VANCE

96-703sub.doc/rb

Proposed No.: 96-703

ORDINANCE NO. **13130**

AN ORDINANCE relating to zoning; amending and clarifying provisions for the re-establishment, modification or expansion of nonconformances; clarifying the review processes and criteria for modifications and expansions of uses allowed under prior land use permits; adding new sections to K.C.C. 21A.32 and 21A.42; and repealing Ordinance 10870, Sections 540 and 542 through 546, and K.C.C. 21A.32.030 and 21A.32.050 through 21A.32.090.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Sections 540 and 542 through 546, and K.C.C. 21A.32.030 and 21A.32.050 through 21A.32.090 are each hereby repealed.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. 21A.32 a new section to read as follows:

Nonconformance - creation, continuation, and forfeiture of nonconformance status. Once created pursuant to K.C.C. 21A.06.800, a nonconformance may be continued in a manner consistent with the provisions of this chapter. However, nonconformance status is forfeited if the nonconformance is discontinued beyond the provisions of Section 3 of this ordinance. Once nonconformance status is forfeited, the nonconformance shall not be re-established.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. 21A.32 a new section to read as follows:

1 Nonconformance - re-establishment of discontinued nonconforming use, or damaged
2 or destroyed nonconforming structure or site improvement. A nonconforming use which has
3 been discontinued or a nonconforming structure or site improvement which has been damaged
4 or destroyed, may be re-established or reconstructed if:

5 A. The nonconforming use, structure, or site improvement which previously existed is
6 not expanded;

7 B. A new nonconformance is not created; and

8 C. The use has not been discontinued for more than 12 months prior to its re-
9 establishment, or the nonconforming structure or site improvement is reconstructed pursuant
10 to a complete permit application submitted to the department within 12 months of the
11 occurrence of damage or destruction.

12 NEW SECTION. SECTION 4. There is hereby added to K.C.C. 21A.32 a new
13 section to read as follows:

14 Nonconformance - modifications to nonconforming use, structure, or site
15 improvement. Modifications to a nonconforming use, structure, or site improvement may be
16 reviewed and approved by the department pursuant to the code compliance review process of
17 K.C.C. 21A.42.010 provided that:

18 A. The modification does not expand any existing nonconformance; and

19 B. The modification does not create a new type of nonconformance.

20 NEW SECTION. SECTION 5. A new section is hereby added to K.C.C. 21A.32 to
21 read as follows:

1 Nonconformance - expansions of nonconforming uses, structures, or site
2 improvements. A nonconforming use, structure, or site improvement may be expanded as
3 follows:

4 A. The department may review and approve, pursuant to the code compliance process
5 of K.C.C. 21A.42.010, an expansion of a nonconformance provided that:

6 1. The expansion shall conform to all other provisions of this title, except that the
7 extent of the project-wide nonconformance in each of the following may be increased up to 10
8 percent:

- 9 a. building square footage,
- 10 b. impervious surface,
- 11 c. parking, or
- 12 d. building height.

13 2. No subsequent expansion of the same nonconformance shall be approved under this
14 subsection if the cumulative amount of such expansion exceeds the percentage prescribed in
15 subsection A.1.

16 B. A special use permit shall be required for expansions of a nonconformance within a
17 development authorized by an existing special use or unclassified use permit if the expansions
18 are not consistent with the provisions of subsection A.

19 C. A conditional use permit shall be required for expansions of a nonconformance:

20 1. within a development authorized by an existing planned unit development
21 approval, or

22 2. not consistent with the provisions of subsections A and B of this section.

1 D. No expansion shall be approved that would allow for urban growth outside the
2 urban growth area, in conflict with King County Comprehensive Plan rural and natural
3 resource policies and constitute impermissible urban growth outside an urban growth area.

4 NEW SECTION. SECTION 6. There is hereby added to K.C.C. 21A.32 a new
5 section to read as follows:

6 Nonconformance - required findings. Modifications or expansions approved by the
7 department shall be based on written findings that the proposed:

8 Modification or expansion of a nonconformance located within a development
9 governed by an existing conditional use permit, special use permit, unclassified use permit, or
10 planned unit development shall provide the same level of protection for and compatibility
11 with adjacent land uses as the original land use permit approval.

12 NEW SECTION. SECTION 7. There is hereby added to K.C.C. 21A.42 a new
13 section to read as follows:

14 Modifications and expansions of uses or developments authorized by existing land use
15 permits - permits defined. For the purposes of this chapter, a land use permit shall mean a
16 conditional use permit, special use permit, unclassified use permit, or planned unit
17 development.

18 NEW SECTION. SECTION 8. There is hereby added to K.C.C. 21A.42 a new
19 section to read as follows:

20 Modifications or expansions of uses or developments authorized by existing land use
21 permits - when use now permitted outright. Proposed modifications or expansions to a use
22 or development authorized by an existing land use permit shall not require an amendment to

1 the existing land use permit if the use is now permitted outright in the zone district in which it
2 is located and shall not require findings pursuant to Section 9 of this ordinance.

3 NEW SECTION. SECTION 9. There is hereby added to K.C.C. 21A.42 a new
4 section to read as follows:

5 Modifications or expansions of uses authorized by existing land use permits - required
6 findings. Modifications or expansions approved by the department shall be based on written
7 findings that the proposed modifications or expansions provide the same level of protection
8 for and compatibility with adjacent land uses as the original land use permit.

9 NEW SECTION. SECTION 10. There is hereby added to K.C.C. 21A.42 a new
10 section to read as follows:

11 Modifications and expansions - use or development authorized by an existing planned
12 unit development approval. Modifications and expansions of uses or developments
13 authorized by an existing planned unit development approval shall be subject to the following
14 provisions.

15 A. Any approved modification or expansion shall be recorded.

16 B. Modifications to building location and/or dimensions shall be reviewed pursuant to
17 the code compliance process of K.C.C. 21A.42.010 only when:

- 18 1. no buildings are located closer to the nearest property line(s), and
- 19 2. no increase in square footage of buildings is proposed.

20 C. Modifications beyond those permitted in subsection B and all expansions, shall be
21 subject to the approval of a conditional use permit.

22 NEW SECTION. SECTION 11. There is hereby added to K.C.C. 21A.42 a new
23 section to read as follows:

1 Modifications and expansions - uses or development authorized by existing
2 conditional use, special use, or unclassified use permits.

3 A. The department may review and approve, pursuant to the code compliance process
4 of K.C.C. 21A.42.010, an expansion of a use or development authorized by an existing
5 conditional use, special use or unclassified use permit provided that:

6 1. The expansion shall conform to all provisions of this title and the original land use
7 permit, except that the project-wide amount of each of the following may be increased up to
8 10 percent:

- 9 a. building square footage,
- 10 b. impervious surface,
- 11 c. parking, or
- 12 d. building height.

13 2. No subsequent expansions shall be approved under this subsection if the
14 cumulative amount of such expansion exceeds the percentage prescribed in subsection A.1.

15 B. A conditional use permit shall be required for expansions within a use or
16 development authorized by an existing conditional use permit if the expansions are not
17 consistent with the provisions of subsection A.

18 C. A special use permit shall be required for expansions within a use or development
19 authorized by an existing special use or unclassified use permit, if the expansions to either
20 permit are not consistent with the provisions of subsection A.

21 D. This section shall not apply to modifications or expansions of telecommunication
22 facilities, the provision for which are set forth in K.C.C. 21A.26.140 or to modifications or
23 expansions of nonconformances, the provisions for which are set forth in K.C.C. 21A.32.00.

1 NEW SECTION. SECTION 12. There is hereby added to K.C.C. 21A.32 a new
2 section to read as follows:

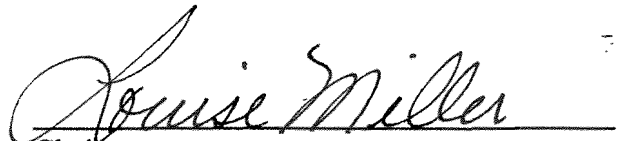
3 Nonconformance - residences. Any residence nonconforming relative to use may be
4 expanded, after review and approval through the code compliance process set forth in K.C.C.
5 21A.42.010, subject to all other applicable codes besides those set forth in this chapter for
6 nonconformances

7 INTRODUCED AND READ for the first time this 16th day of


8 September, 19 96.

9 PASSED by a vote of 12 to 0 this 4th day of may, 19 98.


10 KING COUNTY COUNCIL
11 KING COUNTY, WASHINGTON

12 
13 Chair

14 ATTEST:

15 
16 Clerk of the Council

17 APPROVED this 13 day of May, 19 98

18 
19 King County Executive

20 Attachments: None