

Introduced by: **CYNTHIA SULLIVAN**

Proposed No.: 91-729

10870

ORDINANCE NO. _____

AN ORDINANCE relating to zoning; adopting a new Zoning Code for unincorporated King County; establishing rules for transition from the old code to the new Zoning Code for unincorporated King County; adding a new title 21A to the King County Code.

FINDINGS:

1. King County is experiencing rapid growth, both in its cities and in unincorporated areas. This growth requires technically up-to-date regulation of land development to protect the public health, safety and general welfare.

2. In 1985 King County adopted a new Comprehensive Plan, via Ordinance 7178. Ordinance 7178 also included a legal requirement that King County's land use regulations be consistent with the Comprehensive Plan and community plans.

3. In 1990 the Legislature adopted House Bill 2929, enacting state-wide planning goals and mandatory planning requirements for local governments. These goals and requirements include consistency of plans with state-wide goals, consistency of land use regulations with land use plans, and concurrency of necessary public facilities and services with development. This ordinance adopts such land use regulations for use in the future in applying the zoning designations established in this ordinance to specific properties, consistent with the county's land use plans.

4. The existing zoning code, Title 21 of the King County Code, was adopted originally in 1963 as Resolution 25789. Since that time, it has been subject to over 180 amendments. These amendments include the creation of more than 12 new zones; implementation of major policies relative to environmental protection and adequacy of schools and roads; and piecemeal changes to uses permitted in zones. Major de facto changes to the provisions and standards of the zoning code have occurred also through special conditions placed on properties through community plans and area zoning.

5. The cumulative effect of these amendments to the Zoning Code and the property-specific special conditions has been to create potential ambiguities and conflicts within the Code, which make it difficult to apply effectively and predictably.

6. The process for public review, and comment on the 1993 Zoning Code has been open and extensive. Prior to transmittal to the council by the executive, a draft of the proposed code was circulated for public comment; four public workshops were conducted; and executive staff attended meetings with over 30 interested groups to gather their comments. In response to public comment, the proposed code was extensively redrafted before being transmitted to the council.

7. After transmittal to the council, the proposed code was reviewed by the Zoning Code Technical Advisory Committee, the Growth Management, Housing and Environment Committee and was extensively redrafted in response to public comment and discussion. Four public workshops were held prior to the public hearing to provide additional opportunity for public questions and comments.

8. The various zone classifications and development standards set forth in the 1993 Zoning Code are intended to implement the policies and land use designations of the Comprehensive Plan, and of both adopted and pending community plans.

9. Conversion from the existing code's zone classifications to those of the 1993 Zoning Code will not raise significant land use policy issues or unduly burden property owners. Each zone classification of the existing code has a functional equivalent in the new code, and the rules for transition to the 1993 Zoning Code set forth in this ordinance will ensure consistent and equitable application of the new zone classifications.

10. It is the legislative judgment of the King County council that the standards set forth in the 1993 Zoning Code and the rules for transition to the new code, plus the amendments to other King County Titles contained in companion Proposed Ordinance No. 91-730, are the minimum necessary to accomplish the purposes of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1.

Pursuant to the requirement of King County Charter Section 880, there is adopted Title 21A of the "King County code" as compiled by the King county council. K.C.C. Chapter 21A.61A of the code is hereby transferred to Title 27. K.C.C. sections 21A.61.060, .070 are hereby transferred to Title 20.

SECTION 2.

Zoning code adopted. Under the provisions of Article XI, Section 11 of the Washington State Constitution and Article 2, Section 220.20 of the King County Charter, the zoning code attached to this ordinance, which is referred to hereinafter as the 1993 Zoning Code, is adopted and declared to be the zoning code for King County until amended, repealed or superseded, subject to the provisions of Section 3. This code shall be compiled in Title 21A.

SECTION 3.

Application of the 1993 Zoning Code. A. The 1993 Zoning Code shall apply to a specific property when, after the effective date of this ordinance, the zoning map with respect to such property is amended pursuant to:

- 1. an individual quasi-judicial zone reclassification;
- 2. county-wide zoning conversion process set out in Section 5; or
- 3. community planning area zoning proposals accompanying plan updates or amendment studies.

B. Any reclassification requests or proposals for application of area or countywide zoning initiated after the effective date of this ordinance shall use the new zone classifications adopted in the 1993 Zoning Code.

SECTION 4.

Transition to new code. A. During the time that a zoning map or parts thereof are being developed and adopted pursuant to this section, Resolution No. 25789 as amended shall remain in full force and effect with regard to a specific piece of property until such time as a zoning map or parts thereof applying the zone designations established in the 1993 zoning code to the property in question are adopted.

B. Upon the adoption of a zoning map or parts thereof pursuant to the 1993 Zoning Code, Resolution 25789 and all other zoning resolutions, amendments and zoning maps adopted pursuant thereto are deemed to be no longer in effect for the subject property; provided, however, that the repeal shall be limited to the area within the boundaries of the map or parts thereof adopted pursuant to this title.

SECTION 5.

Area zoning conversion guidelines. A. The council directs the department to prepare proposed new zoning maps applying the 1993 King County Zoning code and transmit within ten months of the effective date of this ordinance for council review and adoption.

B. The department shall use the table set forth in subsection C and the guidelines of this section in preparing an ordinance or ordinances to convert each area zoning document to the 1993 Zoning Code, so as to continue implementation of adopted community plans and convert old zone designations to new ones in a consistent manner. The provisions of this section also shall apply to conversion of the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

C. Conversion table. The following conversion table and criteria contained therein shall be used by the department in converting the zoning maps adopted pursuant to Resolution 25789 to the 1993 Zoning Code:

RESOLUTION 25789 ZONING MAP SYMBOLS	1993 ZONING CODE MAP SYMBOLS	ADDITIONAL CRITERIA
F	F	
FR	F or RA	Use zone most consistent with the comprehensive plan .
A, A-10	A-10	
A-35	A-35	
Q-M	M	
AR-2.5	RA-2.5	
AR-5	RA-5	
AR-10	RA-10	
GR-5, GR-2.5, G-5	UR	Only in designated urban areas
G	RA	In areas not designated urban
SE, S-C	R-1	Only in designated urban areas
SR/RS15000, SR/RS9600	RA	In areas not designated urban
SR7200, RS7200	R-1	
SR5000, RS5000	R-4	
RMHP	R-6	
RD3600, RT3600	R-8	
RM2400, RT2400	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RT, RM1800, RT1800	R-12	
RM900	R-18	
RM 900 P	R-24	Apply zoning closest to community plan land use designations
B-N, BR-N	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-C, BR-C	O or R-48	
C-G	NB or RB	For all business zones, use zone most consistent with the comprehensive plan and community plan designation and actual scale of business area
M-L, M-P, M-H	CB or RB	
	RB	
	I	

D. **Unclassified Use Permit Mining Operations.** In addition to the conversions set out in the table in subsection C, all sites legally operating pursuant to an unclassified use permit for mining operations shall be zoned M (Mineral).

E. **Resolution of map conflicts.** In cases of ambiguity or conflict between a community plan map designation and the zone classification applied under the old code, the department shall use the following guidelines and procedures in recommending new zones:

1. As a general rule, the zoning designation applied shall be that which is most likely to have been applied to implement the community plan if the 1993 zoning code designations had been available;

2. If the application of the guidelines in this subsection leads the department to propose applying a zone classification from the 1993 Zoning Code that is not functionally equivalent to a classification from the old code as defined in the table in subsection C, the department shall notify the owner of the property proposed for reclassification no later than the council introduction date of the ordinance amending said property, and the property owner may request a change in the area zoning in a manner consistent with the procedures used for council review of a community plan and area zoning.

F. **Area-wide P-suffix development conditions.** The department shall review all area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution 25789, and recommend legislation removing all such conditions which have been replaced adequately by standards adopted in the 1993 zoning code from the area zoning documents. Any such P-suffix conditions which establish standards that are not adequately addressed by this code shall be recommended to be included directly in the 1993 zoning code.

G. **Site-specific development conditions.** Approval conditions for previous zone reclassifications, planned unit developments, unclassified permits, and P-suffix conditions applied to individual properties in land use actions pursuant to Resolution 25789, should be recommended for retention only where they address conditions unique to a particular property and not addressed by the standards in the 1993 Zoning Code.

H. For area zoning documents being converted to the 1993 Zoning Code without amendments to their respective community plan maps and policies, only requests for zone changes which meet one of the following criteria shall be considered during either the department or council review process:

1. as provided in subsection E;
2. when an applicant can demonstrate that the department's proposal incorrectly implements an adopted community plan map designation or policy in converting existing zoning to a new zone classification; or
3. the site is the subject of an application for a Master Planned Development or Urban Planned Development, and conversion to the 1993 Zoning Code is requested as part of such application. Rezoning of such sites shall conform as closely as possible to the table set out in subsection C.

Requests which do not meet one of these criteria shall be treated as quasi-judicial reclassification requests which must be formally applied for according to the process provided for such requests.

I. **Bear Creek MPD's.** The following transition provisions shall apply to the Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1. An applicant may either continue to utilize the procedural provisions of the BCCP or may utilize the procedural provisions of K.C.C. 21A.39.

2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-Development Applications previously submitted for the Blakely Ridge MPD and the Northridge MPD are deemed the equivalent of and accepted as complete applications for "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area Zoning (page 140) shall remain in effect for purposes of considering the UPD applications, under either the BCCP or K.C.C. 21A.39

4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone designations of the 1993 zoning code. The zoning and potential zoning adopted in the BCCP shall remain in effect until rezones applying the 1993 zoning code designations are approved.

5. The Novelty Hill Master Plan sites and urban designation adopted and delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be considered "UPD Special District Overlays" and "UPD boundary delineations" for purposes of applying K.C.C. 21A.38.020, .070(B) (1), (2) and K.C.C. 21A.39.020.

SECTION 6.

Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 7.

The department is hereby authorized after the date of the adoption of this ordinance to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title, provided that the adopted provisions of the code shall control over such drawings.

SECTION 8.

Periodic review. The department shall submit an annual written report to the council detailing issues relating to the implementation of the 1993 King County Zoning Code and recommending amendments to address those issues.

SECTION 9.

Chapter 21A.16 (Tree Retention and Landscaping) shall be effective as part of the 1993 Zoning Code only if at the time of the adoption of the first area zoning map conversion a new landscaping chapter has not been adopted, in which case chapter 21A.16 will apply in that area until a revised chapter is adopted.

SECTION 10.

TABLE OF CONTENTS

PAGE NUMBER

K.C.C. 21A.02 AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION	9
K.C.C. 21A.04 ZONES, MAPS AND DESIGNATIONS	13
K.C.C. 21A.06 TECHNICAL TERMS AND LAND USE DEFINITIONS	19
K.C.C. 21A.08 PERMITTED USES	61
K.C.C. 21A.12 DEVELOPMENT STANDARDS - DENSITY AND DIMENSIONS	83
K.C.C. 21A.14 DEVELOPMENT STANDARDS - DESIGN REQUIREMENTS	93
K.C.C. 21A.16 DEVELOPMENT STANDARDS - TREE RETENTION AND LANDSCAPING	103
K.C.C. 21A.18 DEVELOPMENT STANDARDS - PARKING AND CIRCULATION	111
K.C.C. 21A.20 DEVELOPMENT STANDARDS - SIGNS	125
K.C.C. 21A.22 DEVELOPMENT STANDARDS - MINERAL EXTRACTION	135
K.C.C. 21A.24 DEVELOPMENT STANDARDS - SENSITIVE AREAS	139
K.C.C. 21A.26 DEVELOPMENT STANDARDS - COMMUNICATION FACILITIES	163
K.C.C. 21A.28 DEVELOPMENT STANDARDS - ADEQUATE PUBLIC FACILITIES AND SERVICES	173
K.C.C. 21A.30 DEVELOPMENT STANDARDS - ANIMALS, HOME OCCUPATION, HOME INDUSTRY	181
K.C.C. 21A.32 GENERAL PROVISIONS - NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES	187
K.C.C. 21A.34 GENERAL PROVISIONS - RESIDENTIAL DENSITY INCENTIVES	193
K.C.C. 21A.36 GENERAL PROVISIONS - TRANSFER OF DENSITY CREDITS	203
K.C.C. 21A.38 GENERAL PROVISIONS - PROPERTY - SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS	207
K.C.C. 21A.39 URBAN PLANNED DEVELOPMENTS	213
K.C.C. 21A.40 APPLICATION REQUIREMENTS/NOTICE METHODS	219
K.C.C. 21A.42 REVIEW PROCEDURES/NOTICE REQUIREMENTS	223
K.C.C. 21A.44 DECISION CRITERIA	227
K.C.C. 21A.50 ENFORCEMENT	231

10870

04/28/93

- 8 -

**CHAPTER 21A.02 AUTHORITY, PURPOSE, INTERPRETATION AND
ADMINISTRATION**

SECTIONS:

21A.02.010	Title
21A.02.020	Authority to adopt code
21A.02.030	Purpose
21A.02.040	Conformity with this title required
21A.02.050	Minimum requirements
21A.02.060	Interpretation: General
21A.02.070	Interpretation: Standard industrial classification
21A.02.080	Interpretation: Zoning maps
21A.02.090	Administration and review authority
21A.02.100	Severability
21A.02.110	Classification of rights-of-way

SECTION 11.

21A.02.010 Title. This title shall be known as the King County Zoning Code, hereinafter referred to as "this title".

SECTION 12.

21A.02.020 Authority to adopt code. The King County Zoning Code is adopted by King County ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution; and Article 2, Section 220.20 of the King County Charter.

SECTION 13.

21A.02.030 Purpose. The general purposes of this title are:

- A. To encourage land use decision making in accordance with the public interest and applicable laws of the State of Washington.
- B. To protect the general public health, safety, and welfare;
- C. To implement the King County Comprehensive Plan's policies and objectives through land use regulations;
- D. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- E. To provide for adequate public facilities and services in conjunction with development; and
- F. To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

SECTION 14.

21A.02.040 Conformity with this title required.

- A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
- B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and Title 19, Subdivisions.
- C. All land uses and development authorized by this title shall comply with all other regulations and requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other county regulations, the more restrictive requirements shall apply.
- D. Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

SECTION 15.

21A.02.050 Minimum requirements. In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title.

SECTION 16.

21A.02.060 Interpretation: General. A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in K.C.C. 21A.08 shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.

SECTION 17.

21A.02.070 Interpretation: Standard industrial classification. A. All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared by United States Office of Management and Budget which is hereby adopted by reference. The (SIC) is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones.

B. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.

C. An asterisk (*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this title. The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC.

D. The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in K.C.C. 21A.04, by considering the following factors:

1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone; and
3. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

SECTION 18.

21A.02.080 Interpretation: Zoning maps. Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

- A. Where boundaries are indicated as parallelling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non road-related uses by adjacent property owners, if allowed in the right-of-way shall meet the same zoning requirements regulating the property owners lot;
- B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;
- C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and
- D. If none of the rules of interpretation described in subparagraphs A. through C. apply, then the zoning boundary shall be determined by map scaling.

SECTION 19.

21A.02.090 Administration and review authority. A. The examiner shall have authority to hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals, as set forth in K.C.C. 20.42.

B. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, and renewals of permits for mineral extraction and processing, unless a public hearing is required as set forth in K.C.C. 21A.42, in which case this authority shall be exercised by the adjustor.

C. The department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in K.C.C. 21A.42.

D. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations of this title, pursuant to K.C.C 2.98.

SECTION 20.

21A.02.100 Severability. Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

SECTION 21.

21A.02.110 Classification of right-of-way. A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys, or railroads shall be considered unclassified.

B. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.

C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

D. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.

10870