Title 21
ZONING

Chapters:

21.02 Purpose and Name
21.04 Definitions
21.06 Classifications, Maps and Boundaries
21.08 RS Single-family Dwelling Classification
21.09 Mobile Homes and Mobile Home Parks
21.10 RD-3600 Low Density Multiple Dwelling Classification
21.12 RM-2400 Medium Density Multiple Dwelling Classification
21.14 RM-1800 High Density Multiple Dwelling Classification
21.16 RM-900 Maximum Density Multiple Dwelling-Restricted Service Classification
21.17 RT Residential Townhouse Classification
21.18 S-E Suburban Estate Classification
21.19 SC Suburban Cluster Classification
21.20 S-R Suburban-residential Classification
21.20A RMHP Residential Mobile Home Park Classification
21.21 GR Growth Reserve Classification
21.21A A-R Classification - Rural Area
21.22 A Agricultural Classification
21.23 A-10 and A-35 Agricultural Classification
21.24 G General Classification
21.25 G-5 General-Five Acres Classification
21.26 B-N Neighborhood Business Classification
21.27 BR-N Mixed Business-Residential Use, Neighborhood Scale Classification
21.28 B-C Community Business Classification
21.29 BR-C Mixed Business-Residential Use, Community Scale Classification
21.30 C-G General Commercial Classification
21.31 Commercial Development Site Approval
21.32 M-L Light Manufacturing Classification
21.34 M-P Manufacturing Park Classification
21.36 M-H Heavy Manufacturing Classification
21.37 F-Forest Resource Classification
21.38 F-R Forestry and Recreation Classification
21.40 F-P Floodplain Classification
21.42 Q-M Quarrying and Mining Classification
21.43 AOU Airport Open Use Classification
21.44 Unclassified Uses
21.46 General Use Provisions, Conditions and Exceptions
21.48 General Provisions-Height, Yards, Area and Open Spaces
21.49 Road Adequacy Standards
21.50 General Provisions-Loading Areas and Off-street Parking
21.51 General Provisions-Landscaping and Screening
21.52 General Provisions-Nonconforming Buildings and Uses

CROSS-REFERENCES: For provisions regarding off-street parking facilities, see Ch. 16.74 of this code. For provisions regarding nondelinquent property tax payment, see Ch. 4.68 of this code.

21.53 General Provisions-Signs and Billboards
21.54 Special Control Areas and Flood Hazard Areas
21.55 Flood Control Zone Permit Program
21.56 Planned Unit Development
21.58 Variances and Conditional Use Permits
21.60 Amendments, Unclassified Use Permits, Planned Unit Developments and Appeals
21.61 Development Impact on Public School Facilities
21.61A School Mitigation Standards
21.62 Procedures, Fees, Hearings and Notices
21.64 Interpretation of Code
21.66 Revocation, Expiration of Permits
21.68 Permits, Licenses and Enforcement
21.69 Enforcement
21.70 Repeal-Enactment
21.80 Non-Ionizing Electromagnetic Radiation (NIER) Communication Facilities

---

CROSS-REFERENCES: For provisions regarding off-street parking facilities, see Ch. 16.74 of this code.

Chapter 21.02
PURPOSE AND NAME

Sections:

21.02.010 Purpose.
21.02.020 Name of code.

21.02.010 Purpose. An official land use control for the county of King, state of Washington, is adopted and established to serve the public health, safety and general welfare and to provide the economic and social and aesthetic advantages resulting from an orderly planned use of land resources and represents one means of carrying out the general purposes set forth and defined in the comprehensive plan of King County. (Res. 25789 § 100, 1963).

21.02.020 Name of code. This title shall be known as "The Zoning Code." (Res. 25789 § 101, 1963).

Chapter 21.04
DEFINITIONS

Sections:

21.04.005 Accessory.
21.04.010 Accessory living quarters.
21.04.012 Adjacent.
21.04.015 Adjustor.
21.04.017 Administrative office, public.
21.04.019 Adult daycare.
21.04.020 Adult use establishment.
21.04.025 Agricultural crops.
21.04.030 Agricultural products.
21.04.035 Agriculture.
21.04.040 Airport, heliport or aircraft landing strip.
21.04.045 Alley.
21.04.047 Alteration.
21.04.050 Amendment.
21.04.055 Animal, small.
21.04.060 Antiques, and antique shop.
21.04.065 Apartment.
21.04.070 Apartment hotel.
21.04.075 Apartment house.
21.04.077 Applicant.
21.04.080 Area zoning.
21.04.085 Automobile, boat and trailer sales area.
21.04.090 Automobile rental.
21.04.095 Automobile wrecker.
21.04.100 Automobile wrecking.
21.04.105 Automobile wrecking yard.
21.04.107 Base flood.
21.04.108 Base flood elevation.
21.04.110 Basement.
21.04.115 Bed and breakfast guesthouse.
21.04.120 Beehive.
21.04.122 Billboard.
21.04.123 Billboard face.
21.04.124 Biologist.

21.04.125 Block.
21.04.130 Boardinghouse.
21.04.135 Boathouse, private.
21.04.140 Boathouse, public.
21.04.143 Bond.
21.04.144 Buffer.
21.04.145 Building.
21.04.150 Building envelope.
21.04.155 Building height.
21.04.160 Building, main.
21.04.163 Building setback line.
21.04.165 Building site.
21.04.170 Bungalow court.
21.04.175 Business or commerce.
21.04.180 Camp, public.
21.04.182 Canopy.
21.04.185 Category.
21.04.190 Cellar.
21.04.195 Cemetery.
21.04.200 Church.
21.04.205 Class III landslide hazard areas.
21.04.210 Class III seismic hazard areas.
21.04.215 Classification.
21.04.217 Clearing.
21.04.220 Club.
21.04.225 Coal mine hazard areas.
21.04.227 Commercial development project.
21.04.230 Combustible.
21.04.236 Communication facilities.
21.04.237 Compensatory storage.
21.04.240 Conditional use.
21.04.245 Conditional use permit.
21.04.250 Conforming building.
21.04.255 Conforming use.
21.04.257 Consolidation.
21.04.260 Cottage industry.
21.04.265 Council.
21.04.270 Court.
21.04.272 Critical drainage area.
21.04.273 Critical facilities.
21.04.275 Dairy.
21.04.280 Day nursery.
21.04.285 Department.
21.04.290 Developed recreation.
21.04.291 Development proposal.
21.04.292 Development proposal site.
21.04.295 Dispersed recreation.
21.04.297 Division.
21.04.298 Drop box facility.
21.04.300 Dump.
21.04.305 Dwelling.
21.04.310 Dwellings, types of.
21.04.315 Dwelling unit.
21.04.317 Earth station.

21.04.320 Educational facility.
21.04.325 Educational institution.
21.04.326 Effective radiated power.
21.04.327 Enhancement.
21.04.330 Entirely enclosed building or structure.
21.04.335 Equipment, heavy duty.
21.04.340 Erected.
21.04.343 Erosion.
21.04.345 Erosion hazard areas.
21.04.350 Examiner.
21.04.355 Explosive.
21.04.360 Factory-built housing.
21.04.365 Factory-built commercial structures and commercial coaches.
21.04.370 Family.
21.04.375 Farm store.
21.04.380 Farmhouse.
21.04.385 Fence.
21.04.390 Fire escape.
21.04.395 First permitted.
21.04.400 Fish-bearing waters.
21.04.405 Five acres.
21.04.410 Flammable.
21.04.412 Flood hazard areas.
21.04.414 Flood insurance rate map.
21.04.416 Flood insurance study.
21.04.418 Flood-proofing.
21.04.419 Flood protection elevation.
21.04.425 Floor area.
21.04.430 Forest land.
21.04.435 Forest practice.
21.04.440 Forest product.
21.04.445 Foster home, twenty-four hour care.
21.04.450 Foster family day care home.
21.04.455 Garage, private.
21.04.460 Garage, public.
21.04.462 Geologist.
21.04.463 Geotechnical engineer.
21.04.465 Grade.
21.04.467 Grading.
21.04.469 Grazed wet meadows.
21.04.470 Home occupation.
21.04.475 Horticultural nursery.
21.04.480 Hospital.
21.04.485 Hospital, mental (including hospital for treatment of alcoholics).
21.04.490 Hospital or clinic, small animal.
21.04.495 Hotel.
21.04.500 Household moving center.
21.04.505 Junk dealer.
21.04.510 Household moving rental truck.
21.04.512 Interim recycling facility.
21.04.513 Interim recycling facility.
21.04.515 Junkyard.
21.04.520 Kennel.
21.04.525 Kennel, hobby.

21.04.530 Kitchen.
21.04.531 Landslide.
21.04.532 Landslide hazard areas.
21.04.534 Light equipment.
21.04.535 Lighter uses (antithesis of heavier uses).
21.04.540 Livestock.
21.04.545 Loading space.
21.04.550 Lodginghouse.
21.04.555 Lot.
21.04.560 Lot area and dimensions.
21.04.561 Lot averaging.
21.04.563 Lot clustering.
21.04.565 Lot lines.
21.04.570 Lot types.
21.04.572 Lowest floor.
21.04.575 Manager.
21.04.580 Medical-dental building or buildings.
21.04.585 Medical-dental clinic.
21.04.590 Mineral Extraction.
21.04.595 Minerals.
21.04.597 Mitigation.
21.04.600 Mobile home.
21.04.605 Mobile home park.
21.04.607 Monitoring.
21.04.610 Motel.
21.04.612 Native vegetation.
21.04.614 Non-ionizing electromagnetic radiation (NIER).
21.04.615 Nonconforming building.
21.04.619 Nonconforming use.
21.04.620 Normal rainfall.
21.04.621 Noxious Weed.
21.04.622 Off-premise directional sign.
21.04.623 On-premise sign.
21.04.625 Open space, required.
21.04.630 Ordinance.
21.04.632 Ordinary high water mark.
21.04.645 Park, public.
21.04.650 Parking area, private.
21.04.655 Parking area, public.
21.04.660 Parking space.
21.04.665 Pasture.
21.04.670 Person.
21.04.675 Pet shop.
21.04.677 Plant associations of infrequent occurrence.
21.04.680 Primary processing.
21.04.685 Principal use.
21.04.690 Professional offices.
21.04.693 Public agency.
21.04.695 Public utility.
21.04.697 Radio.
21.04.698 Reasonable Use.
21.04.700 Reclassification.

21.04.705 Recorded.
21.04.710 Recreational area or community club house, noncommercial.
21.04.715 Recreational area, commercial.
21.04.720 Recreational vehicle, camping trailer, travel trailer, motor home and truck camper.
21.04.725 Recreational vehicle park.
21.04.730 Recreation room, family room or rumpus room.
21.04.732 Regional retention/detention facility.
21.04.735 Residence.
21.04.737 Residential zones.
21.04.740 Rest home, convalescent home, guest home, home for the aged.
21.04.742 Restoration.
21.04.745 Retaining wall.
21.04.746 Retention/detention facility.
21.04.747 Retirement home.
21.04.750 Roof.
21.04.752 Salmonid.
21.04.755 Sanitarium.
21.04.760 Schools, elementary, junior high and high.
21.04.765 Secondhand stores.
21.04.766 Seismic hazard areas.
21.04.767 Self-service storage facility.
21.04.770 Senior citizen apartment.
21.04.775 Sensitive areas.
21.04.776 Sensitive area review.
21.04.777 Sensitive areas setback area.
21.04.778 Sensitive area tract.
21.04.780 Service station, automobile.
21.04.785 Sign.
21.04.787 Sleeping unit.
21.04.790 Space.
21.04.792 Specialized instruction school.
21.04.795 Specified sexual activities.
21.04.797 Sports club.
21.04.800 Stable, private.
21.04.805 Stable, public.
21.04.810 Stable, rental.
21.04.815 Stand.
21.04.817 Steep slope hazard areas.
21.04.820 Story.
21.04.823 Streams.
21.04.825 Street.
21.04.830 Street line.
21.04.835 Street, side.
21.04.840 Structure.
21.04.845 Structural alterations.
21.04.850 Substandard lot.
21.04.855 Support system.
21.04.860 Theater.
21.04.865 Theater, drive-in.
21.04.867 Tightline to a sewer.
21.04.870 To place.
21.04.875 Townhouse.
21.04.880 Trailer, automobile commercial.
21.04.885 Transit park and ride lot.
21.04.886 Transmission equipment.
21.04.887 Transmission structures.

21.04.888 Transmitter building.
21.04.890 Twenty acres.
21.04.895 Unclassified use.
21.04.900 Unclassified use permit.
21.04.905 Unlisted uses.
21.04.910 Use.
21.04.915 Variance.
21.04.916 Vegetation.
21.04.917 Violation.
21.04.918 Volcanic hazard areas.
21.04.919 Water dependent use.
21.04.920 Wetlands.
21.04.921 Wetland edge.
21.04.922 Winery.
21.04.923 Wetland functions.
21.04.924 Wetpond.
21.04.925 Yard.
21.04.930 Yards, types and measurements.
21.04.935 Yard, rear line of required front.
21.04.937 Yard waste processing facility.
21.04.940 Zone.

21.04.005 Accessory. "Accessory" means a use, a building or structure, part of a building or other structure, which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building. (Res. 25789 § 200, 1963).

21.04.010 Accessory living quarters. "Accessory living quarters" means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. (Ord. 6458 § 2, 1983: Res. 25789 § 201, 1963).

21.04.012 Adjacent. "Adjacent" means, for the purposes of sensitive areas, within 500 feet of a sensitive area. (Ord. 9614 § 18, 1990).

21.04.015 Adjustor. "Adjustor" means the manager of building and land development division designee appointed as zoning adjustor in accordance with Section 20.28.020. (Ord. 1161 § 2, 1972).

21.04.017 Administrative office, public. "Administrative office, public" means school or governmental offices and the district support facilities and amenities associated with them, but excluding outdoor storage. (Ord. 9711 § 1, 1990).

21.04.019 Adult daycare. "Adult daycare" means an establishment for the group daycare of non-resident adults. (Ord. 11113 § 8, 1993).

21.04.020 Adult use establishment. "Adult use establishment" means an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panorams, peep shows, or topless or nude dancing. (Ord. 9915 § 7, 1991).

21.04.025 Agricultural crops. "Agricultural crops" means the products of agriculture which includes fruits, vegetables, grains, seed, feed, flowers, ornamental and flood bearing plants and trees, as well as animal products. (Ord. 7655 § 1, 1986).

21.04.030 Agricultural products. "Agricultural products" means those items resulting from the practice of agriculture, which include but are not limited to crops and animal products such as eggs, milk, and mean. (Ord. 7655 § 2, 1986).

21.04.035 Agriculture. "Agriculture" means the science or art of cultivating the soil, growing crops or raising livestock. This may be accomplished by open field growing or the propagation of stock within greenhouse or hothouse structures. For livestock, this may be accomplished by pasturing or containment within structures. (Ord. 7655 § 3, 1986).

21.04.040 Airport, heliport or aircraft land strip. "Airport", "heliport" or "aircraft landing strip" means any runway, landing area or other facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft spaces, but not including manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith. The State of Washington definition of landing strip, basic utility airport, general utility airport, seaplane base, heliport and basic transport airport are incorporated herein by reference. (Ord. 7655 § 16, 1986: Res. 25789 § 202, 1963).

21.04.045 Alley. "Alley" means a public thoroughfare or may which affords only a secondary means of access to abutting property> (Res. 25789 § 203, 1963).

21.04.047 Alteration. "Alteration" means any human-induced action which adversely impacts the existing condition of a sensitive area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants excepting stormwater; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that adversely impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities. (Ord. 9614 § 19, 1990).

21.04.050 Amendment. "Amendment" means a change in the wording, context or substance of this title, adoption of a zoning map hereunder, a change in the zone boundaries upon zoning maps adopted hereunder, or the adoption of a planned unit development. (Res. 25789 § 204, 1963).

21.04.055 Animal, small. "Small animal" means any animal other than livestock or animals considered to be predatory or wild. Small animal includes, but is not limited to, fowl of all kinds, fur bearing animals, bees, pets, or any other similar animal which is kept outside the owner's residence all or part of the time. Animals normally considered to be predatory or wild, shall be considered small animals when they are taken into captivity for the purpose of breeding, domestication, training, hunting, or exhibition. (Ord. 7655 § 4, 1986: Res. 215789 § 205, 1963).

21.04.060 Antiques, and antique shop. "Antiques" means any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has an age recognized by the United States government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise. (Res. 25789 § 206, 1963).

21.04.065 Apartment. "Apartment" means a room, or a suite of two or more rooms in a multiple dwelling or in any other building not a single-family dwelling or a two-family dwelling occupied or suitable for occupancy as a dwelling unit for one family. (Res. 25789 § 207, 1963).

21.04.070 Apartment hotel. "Apartment hotel" means a building or a portion of a building containing dwelling units and six or more hotel rooms or suites. (Res. 25789 § 208, 1963).

21.04.075 Apartment house. "Apartment house" means a building or a portion of a building, designed for occupancy by three or more families living separately from each other and containing three or more dwelling units. (Res. 25789 § 209, 1963).

21.04.077 Applicant. "Applicant" means any person or business entity which applies for a development proposal, permit or approval subject to review under the sensitive areas code. (Ord. 9614 § 20, 1990).

21.04.080 Area zoning. "Area zoning" means the procedures initiated by King County which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, deals with natural homogeneous communities, distinctive geographic areas and other types of districts having unified interests within the county. Area zoning, unlike a reclassification, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the county's current land use policy in zoning map form. (Ord. 1161 § 3, 1972).

21.04.085 Automobile, boat and trailer sales area. "Automobile, boat and trailer sales area" means an open area, other than a street, used for the display and sale of new or used automobiles or the sale or rental of boats or trailers, and where no repair work is done except minor incidental repair of automobiles, boats or trailers to be displayed, sold or rented on the premises. (Ord. 2821 § 1, 1976: Res. 25789 § 210, 1963).

21.04.090 Automobile rental. "Automobile rental" means an open area, or building, used for the parking and rental of automobiles, and where no repair work is done except minor incidental repair of automobiles to be rented on the premises. (Ord. 2821 § 2, 1976: Res. 25789 (part), 1963).

21.04.095 Automobile wrecker. "Automobile wrecker" means any person, corporation or enterprise engaged in automobile wrecking. (Res. 25789 § 211, 1963).

21.04.100 Automobile wrecking. "Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. (Res. 25789 § 212, 1963).

21.04.105 Automobile wrecking yard.* "Automobile wrecking yard" means any premises devoted to automobile wrecking. (Res. 25789 § 213, 1963).

21.04.107 Base flood. "Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year. It is also referred to as the "100 - year flood." The base flood is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by King County, in which case these future flow projections shall be used. In areas where the Flood Insurance Study includes detailed base flood calculations, those calculations may be used until projections of future flows are completed and approved by King County. (Ord. 9614 § 21, 1990).

21.04.108 Base flood elevation. "Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the National Geodetic Vertical Datum of 1929. (Ord. 9614 § 22, 1990).

21.04.110 Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling. A basement, when designed for or occupied for business or industrial purposes, or for dwelling purposes (recreational room or family room excepted) shall be considered a story. (Res. 25789 § 214, 1963).

21.04.115 Bed and breakfast guesthouse. "Bed and breakfast guesthouse" means a dwelling unit or accessory building within which rooms are available for paying guests. (Ord. 6458 § 1, 1983).

21.04.120 Beehive. "Beehive" means a structure designed to contain one colony of honey bees (apis mellifera). (Ord. 3129 § 1, 1977).

21.04.122 Billboard. "Billboard" means a sign used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located, but not including off-premise directional signs as defined in K.C.C. 21.04.622 or temporary real estate signs. The term "billboard" shall be taken to include both the structural framework which supports a billboard and any billboard faces attached thereto. (Ord. 8529 § 7, 1988).

21.04.123 Billboard face. "Billboard face" means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing preprinted poster panels or by painting copy on location. Billboard faces shall be classified in two categories. "Type I billboard face" shall mean a billboard face not exceeding a height of fourteen feet or a width of forty-eight feet. "Type II billboard face" shall mean a billboard face not exceeding a height of twelve feet or a width of twenty-four feet. Type I billboard faces may also include temporary and irregularly shaped extensions, called "cut out extensions", subject to the area and duration limitations of Chapter 21.53, Signs and Billboards. (Ord. 8529 § 8, 1988).

---

*[For provisions regarding junk motor vehicles, see K.C.C. Chapter 23.10.]

21.04.124 Biologist. "Biologist" means a person who has earned a degree in biological sciences from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing biologist. (Ord. 9614 § 23, 1990).

21.04.125 Block. "Block" means all property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, terminus or dead-end street, or city boundary line. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Res. 25789 § 215, 1963).

21.04.130 Boardinghouse. "Boardinghouse" means the same as lodging house, but where meals (with or without lodging) are provided for compensation for not more than ten persons other than the family. Boardinghouse shall not include rest homes or convalescent homes. (Res. 25789 § 217, 1963).

21.04.135 Boat house, private. "Private boat house" means an accessory building, or portion of building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises. (Res. 25789 § 218, 1963).

21.04.140 Boat house, public. "Public boat house" means a boat house other than a private boat house, used for the care, repair or storage of boats, or where such boats are kept for remuneration, hire or sale. (Res. 25789 § 219, 1963).

21.04.143 Bond. "Bond" means a surety bond, cash deposit, escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to, or required by, the manager to guarantee work is in compliance with all applicable county requirements. (Ord. 7990 § 36, 1987).

21.04.144 Buffer. "Buffer" means a designated area adjacent to and a part of a steep slope or landslide hazard area which protects slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk; or a designated area adjacent to and a part of a stream or wetland that is an integral part of the stream or wetland ecosystem. (Ord. 9614 § 24, 1990).

21.04.145 Building. "Building" means any structure having a roof. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term "building" means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed. (Ord. 2392 § 1, 1975: Res. 25789 § 220, 1963).

21.04.150 Building envelope. "Building envelope" means the area of a lot that delineates the limits of where a building may be placed on the lot. For purposes of the commercial site development permit, the building envelope may also include parking areas provided there is no conflict with permit conditions relating to site configuration. (Ord. 11016 § 18, 1993).

21.04.155 Building height. "Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (Res. 25789 § 222, 1963).

21.04.160 Building, main. "Main building" means the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group houses, each such permissible building or other structure on a lot or building site as defined by this title shall be construed as comprising a main building or structure. (Res. 25789 § 223, 1963).

21.04.163 Building setback line. "Building setback line" means a line which establishes a definite point beyond which the foundation of a building shall not extend. (Ord. 9614 § 25, 1990).

21.04.165 Building site. "Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this title, whether the area so devoted is comprised of one lot, a combination of lots, or combination of lots and fractions of lots. (Res. 25789 § 224, 1963).

21.04.170 Bungalow court. "Bungalow court" means a group of three or more detached one-story, one-family or two-family dwellings located upon a single lot or building site, together with all open spaces required by this title. (Res. 25789 § 225, 1963).

21.04.175 Business or commerce. "Business" or "commerce" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services. (Res. 25789 § 226, 1963).

21.04.180 Camp, public. "Public camp" means any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits. (Res. 25789 § 227, 1963).

21.04.182 Canopy. "Canopy" means the highest layer of vegetation within a forest community. (Ord. 9614 § 26, 1990).

21.04.185 Category. "Category" means a broad generic group of types of uses such as agriculture, residential, business, commercial, manufacturing and others, and which are further refined into classifications distinguished principally by the degree of intensity of use. (Res. 25789 § 228, 1963).

21.04.190 Cellar. "Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from grade to the next ceiling above it. (Res. 25789 § 229, 1963).

21.04.195 Cemetery. "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Res. 25789 § 230, 1963).

21.04.200 Church. "Church" means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a one-family dwelling unit and residences on site for nuns and clergy, but excluding facilities for training of religious orders. (Res. 25789 § 231, 1963).

21.04.205 Class III landslide hazard areas. "Class III landslide hazard areas" means those areas of King County subject to a severe risk of landslide, due to the combination of: A. slopes greater than fifteen (15) percent; and B. impermeable subsurface material (typically silt and clay) sometimes interbedded with permeable subsurface material (predominantly wet sand and gravel) between the top and base (foot) elevations; and C. characterized by springs or seeping groundwater during the wet season (November to February). These areas include both active and currently inactive slides. (Ord. 4365 § 4, 1979).

21.04.210 Class III seismic hazard areas. "Class III seismic hazard areas" means those areas of King County subject to severe risk of earthquake damage due to soils of low density, due to poorly drained or impervious alluvium, due to highly saturated organic material, or due to slopes greater than fifteen (15) percent, excluding those Alderwood gravelly sandy loam (AgD) soils located on slopes less than twenty-five (25) percent overlying thick sequences of Vashon till. (Ord. 4365 § 5, 1979).

21.04.215 Classification. "Classification" means a refined identification of uses which, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in a zone. A classification as the term is employed in this title, includes provisions, conditions and requirements related to the permissible location of permitted uses. (Res. 25789 § 232, 1963).

21.04.217 Clearing. "Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, or chemical, or any other means. (Ord. 9614 § 27, 1990).

21.04.220 Club. "Club" means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. (Res. 25789 § 233, 1963).

21.04.225 Coal mine hazard areas. "Coal mine hazard areas" means those areas of King County directly underlain by or adjacent to or affected by abandoned coal mine workings such as adits, tunnels, drifts, and air shafts. (Ord. 9614 § 28, 1990: Ord. 4365 § 3, 1979).

21.04.227 Commercial development project. "Commercial development project" means all construction, structures and alteration of a site other than for single family residences and residential accessory structures. (Ord. 11016 § 19, 1993).

21.04.230 Combustible. "Combustible" means any mixture, substance, or compound which is susceptible of spontaneous combustion, or which is flammable. (Res. 25789 § 234, 1963).

21.04.236 Communication facilities. A. "Communication facility" means a site developed primarily for the transfer of voice or data through radio transmissions. Such sites typically require the construction of transmission structures to which transmission equipment is attached or in which such equipment is housed.

B. "Communication facility - major" means a communication facility for transmission of:

1. UHF and VHF television signals; or
2. FM or AM radio signals.

C. "Communication facility - minor" means a communication facility for transmission and/or reception of:

1. two-way and/or citizen band (CB) radio signals;
2. point-to-point microwave signals;
3. cellular radio signals;
4. signals through FM radio translators; or
5. signals through FM radio boosters under 10 watts effective radiated power (ERP). (Ord. 10021 §§ 22-24, 1991).

21.04.237 Compensatory storage. "Compensatory storage" means new, excavated storage volume equivalent to any flood storage capacity which has been or would be eliminated by filling or grading within the flood fringe. Equivalent shall mean that the storage removed shall be replaced by equal volume between corresponding one foot contour intervals that are hydraulically connected to the floodway through their entire depth. (Ord. 9614 § 29, 1990).

21.04.240 Conditional use. "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the zoning adjustor and the granting of a conditional use permit imposing such design and performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities. (Ord. 1161 § 5, 1972).

21.04.245 Conditional use permit. "Conditional use permit" means the documented evidence of authority granted by the board of adjustment to locate a conditional use at a particular location. (Res. 25789 § 237, 1963).

21.04.250 Conforming building. "Conforming building" means:

A. In the "R," "S," and "A" zones, a building which is considered to be a residential building by the King County building code, and other buildings designed to accommodate uses permitted in these zones and which buildings also conform to the requirements of this title in the matter of use, height, yards and area coverage, and which do not contain more than the number of dwelling units prescribed for the zone in which such buildings are located.

B. In the "B" zones, a building which is considered under the King County building code as a building designed to accommodate uses permitted in the business zones. (Res. 25789 § 238, 1963).

21.04.255 Conforming use. "Conforming use" means an activity the nature and type of which is permitted in the zone in which the property on which it is established is located. (Res. 25789 § 239, 1963).

21.04.257 Consolidation. "Consolidation" means the relocation to a consolidated transmission structure of the main transmit antennas of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1500 foot radius of the center of the consolidated transmission structure to support their main transmit antennas. (Ord. 10021 § 25, 1991).

21.04.260 Cottage industry. "Cottage Industry" means any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling, by members of the family residing in the dwelling and up to three additional unrelated people. (Ord. 5527 § 1, 1981).

21.04.265 Council. "Council" means the King County council. (Ord. 1161 § 4, 1972).

21.04.270 Court. "Court" means any portion of the interior of a lot or building site which is fully or partially surrounded by buildings or other structures and which is not a required yard or open space. (Res. 25789 § 240, 1963).

21.04.272 Critical drainage area. "Critical drainage area" means an area which has been formally determined by the department of public works surface water management division to require more restrictive regulation than county-wide standards afford, in order to mitigate severe flooding, drainage, erosion or sedimentation problems, which have resulted or will result from the cumulative impacts of development and urbanization. (Ord. 9614 § 30, 1990).

21.04.273 Critical facilities. "Critical facilities" means those facilities necessary to protect the public health, safety and welfare which are defined under the occupancy categories of Essential Facilities, Hazardous Facilities and Special Occupancy Structures in the Uniform Building Code, Table No. 23-K (1988). These facilities include but are not limited to schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing homes. Critical facilities also include sites of hazardous materials storage or production. (Ord. 9614 § 31, 1990).

21.04.275 Dairy. "Dairy" means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained. (Res. 25789 § 241, 1963).

21.04.280 Day nursery. "Day nursery" means any type of group child day care program, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens when not a part of a public or parochial school, and programs covering after-school care for school children; provided any such "day nursery" is licensed by the state or county and conducted in accordance with state and local requirements. (Res. 25789 § 242, 1963).

21.04.285 Department. "Department" means the King County department of planning and community development. (Ord. 1162 § 6, 1972).

21.04.290 Developed recreation. "Developed recreation" means recreational use of sites featuring substantial improvements and capital investment in facilities such as downhill ski runs, chair lifts, artificial skating rinks, restaurants or snack bars, or campgrounds with utility buildings or hookups. (Ord. 7655 § 5, 1986).

21.04.291 Development proposal. "Development proposal" means any of the activities relating to the use and/or development of land requiring a permit or approval from King County as set out in K.C.C. 21.54.020. (Ord. 9614 § 32, 1990).

21.04.292 Development proposal site. "Development proposal site" means, for purposes of the sensitive areas code, the legal boundaries of the parcel or parcels of land for which an applicant has applied for authority from King County to carry out a development proposal. (Ord. 9614 § 33, 1990).

21.04.295 Dispersed recreation. "Dispersed recreation" means recreational use outside of developed recreation areas. This use includes primitive campsites and such activities as hiking, horseback riding, backpacking, hunting, fishing, snowmobiling, and cross-country skiing. (Ord. 7655 § 6, 1986).

21.04.297 Division. "Division" means the building and land development division of the parks, planning and resources department. (Ord. 7990 § 37, 1987).

21.04.298 Drop box facility. "Drop box facility" means a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. (Ord. 11156 § 1, 1993)

21.04.300 Dump. "Dump" means an open area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, but not including transfer stations. (Res. 25789 § 243, 1963).

21.04.305 Dwelling. "Dwelling" means a building designed exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or motel units having no kitchens. Factory built housing and mobile homes are dwellings when they meet state requirements under RCW Chapter 43.22 and are so certified by the state. (Ord. 2392 § 2, 1975: Res. 25789 § 244, 1963).

21.04.310 Dwellings, types of. A. Dwelling, Group. "Group dwelling" means more than two separate buildings, each containing one or more dwelling units.

B. Dwelling, One-family. "One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

C. Dwelling, Two-family (Duplex). "Two-family dwelling or duplex" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

D. Dwelling, Multiple. "Multiple dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

E. Dwelling, Townhouse. "Townhouse dwelling" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot side lines.

F. Dwelling, Accessory. "Accessory dwelling" means a separate, complete housekeeping unit contained within the structure of a one-family dwelling

including additions thereto. (Ord. 6098 § 1, 1982: Ord. 4689 § 1, 1980: Res. 25789 § 245, 1963).

21.04.315 Dwelling unit. "Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A bachelor apartment constitutes a dwelling unit within the meaning of this title. (Res. 25789 § 246, 1963).

21.04.317 Earth station. "Earth station" means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antenna(e). (Ord. 10021 § 26, 1991).

21.04.320 Educational facility. "Educational facility" means a site developed primarily for instructional or fellowship purposes including the buildings designed for those purposes and the support facilities and amenities associated with them. This use includes conference centers, camps and schools. (Ord. 7655 § 7, 1986).

21.04.325 Educational institution. "Educational institution" means elementary, junior high, high schools, junior colleges, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required by the Education Code of the state of Washington. (Res. 25789 § 247, 1963).

21.04.326 Effective radiated power. "Effective radiated power" means the product of the antenna power input and the numerical equal antenna power gain. (Ord. 10021 § 27, 1991).

21.04.327 Enhancement. "Enhancement" means an action which increases the functions and values of a stream, wetland, or other sensitive area. (Ord. 9614 § 34, 1990).

21.04.330 Entirely enclosed building or structure. "Entirely enclosed building or structure" means a building or structure so designed and constructed that all exterior walls of the building or structure shall be solid from the ground to the roof line and containing no openings except for windows and doors which are so designed that they may be closed. (Res. 25789 § 248, 1963).

21.04.335 Equipment, heavy duty. "Heavy duty equipment" means high-capacity mechanical devices for moving earth or other materials, mobile power units, including, but not limited to, carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, caterpillars, concrete mixers and conveyors, harvesters, combines or other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. (Res. 25789 § 249, 1963).

21.04.340 Erected. "Erected" means the construction of any building or structure, or the structural alteration of a building or structure the result of which would be to change the exterior walls or roof or to increase the square foot floor area of the interior of the building or structure. (Res. 25789 § 250, 1963).

21.04.343 Erosion. "Erosion" means the process in which soil particles are mobilized and transported by natural agents such as wind, rain splash, frost action or stream flow. (Ord. 9614 § 35, 1990).

21.04.345 Erosion hazard areas. "Erosion hazard areas" means those areas of King County containing soils which, according to the USDA Soil Conservation Service, the Snoqualmie Pass Area Soil Survey dated 1990, King County Soils Survey dated 1973, and any subsequent revisions or additions thereto, may experience severe to very severe erosion hazard. This group of soils includes but are not limited to the following when they occur on slopes of 15% or greater: Alderwood gravelly sandy loam (AgD), Alderwood-Kitsap (AkF), Beausite gravelly sandy loam (BeD and BeF), Kitsap silt loam (KpD), Ovall gravelly sandy loam (OvD and OvF), Ragnar fine sandy loam (RaD), Ragnar-Indianola Association (RdE); any occurrence of River Wash (Rh), or Coastal Beaches (Cb). (Ord. 9614 § 36, 1990: Ord. 4365 § 2, 1979).

21.04.350 Examiner. "Examiner" means the zoning and subdivision examiner as established by Article 5, Ordinance 00263. (Ord. 1161 § 7, 1972).

21.04.355 Explosive. "Explosive" means any mixture, substance or compound having properties of such a character that alone, or in combination or contiguity with other substance or compounds, may decompose suddenly and generate sufficient heat, gas or pressure to produce rapid flaming combustion or administer a destructive blow to surrounding objects. (Res. 25789 § 251, 1963).

21.04.360 Factory-built housing. "Factory-built housing" means any structure designed primarily for human habitation other than a mobile home, which is prefabricated or assembled at a place other than a building site, in accordance with the provisions of RCW Chapter 43.22. Factory-built housing is located and installed in the same manner as conventional housing, except to the extent that construction standards are regulated by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development. (Ord. 5317 § 1 (5), 1981).

21.04.365 Factory-built commercial structures and commercial coaches. "Factory-built commercial structures" and "commercial coaches" means any structure designed or used for human occupancy for industrial, educational, assembly, professional or any commercial purposes; which is either entirely or substantially prefabricated or assembled at a place other than a building site. (Ord. 5317 § 1 (6), 1981).

21.04.370 Family. "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than eight persons who are not related by blood or marriage, excluding employees, living together in a dwelling unit. For the purpose of this definition, minors living with parent shall not be counted as part of the maximum number of residents. (Ord. 9886, 1991: Res. 25789 § 252, 1963).

21.04.375 Farm store. "Farm store" means a structure used only for the sale of agricultural products. (Ord. 7655 § 8, 1986).

21.04.380 Farmhouse. "Farmhouse" means a one-family dwelling which is the primary dwelling on a building site on farmland, as defined in Section 26.04.020 H. (Ord. 5061 § 2, 1980: Res. 25789 (part), 1963).

21.04.385 Fence. "Fence" means a masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls. (Res. 25789 § 253, 1963).

21.04.390 Fire escape. "Fire escape" means an auxiliary facility for emergency escape from a building as defined or designated by the King County building code. (Res. 25789 § 254, 1963).

21.04.395 First permitted. The term "first permitted" refers to the most restricted zone in which a particular use is indicated as a permissible use. (Res. 25789 § 255, 1963).

21.04.400 Fish-bearing waters. "Fish-bearing waters" means lakes, rivers and streams in King County which are used in the life cycles of anadromous fish, including salmon, steelhead, trout and Dolly Varden, based on data compiled by the Washington State Department of Fisheries and other agencies with appropriate expertise. (Ord. 4365 § 7, 1979).

21.04.405 Five acres. "Five acres" means five acres or one one-hundred-twenty-eighth of the section in which the property is located. (Ord. 6070 § 2, 1982: Ord. 4303 § 10, 1979).

21.04.410 Flammable. "Flammable" means any mixture, substance or compound which will emit a flammable vapor at a temperature at or below three hundred degrees Fahrenheit when tested in a Teglibue open cup tester; if a liquid, then one having a flashpoint below two hundred degrees Fahrenheit and having a vapor pressure not exceeding forty pounds per square inch (absolute) at one hundred degrees Fahrenheit. (Res. 25789 § 256, 1963).

21.04.412 Flood hazard areas. "Flood hazard areas" means those areas of King County subject to inundation by the base flood. These include, but are not limited to streams, lakes, wetlands, and closed depressions. A flood hazard area consists of the following components which shall be determined by King County

after obtaining, reviewing, and utilizing base flood elevation and available floodway data.

A. Floodplain. "Floodplain" means the total area subject to inundation by the base flood.

B. Flood fringe. "Flood fringe" means that portion of the floodplain outside of the zero-rise floodway which is covered by floodwaters during the base flood; it is generally associated with standing water rather than rapidly flowing water.

C. Federal Emergency Management Agency Floodway. "Federal Emergency Management Agency (FEMA) floodway" means the channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.

D. Zero-rise Floodway. "Zero-rise floodway" means the channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood heights. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the Federal Emergency Management Agency floodway, but would always include the FEMA floodway. The boundaries of the 100-year floodplain as shown on the Flood Insurance Study are considered the boundaries of the zero-rise floodway unless otherwise delineated by a special sensitive areas study. (Ord. 9614 § 37, 1990).

21.04.414 Flood Insurance Rate Map. "Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated some areas of flood hazard. (Ord. 9614 § 38, 1990).

21.04.416 Flood Insurance Study. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration which includes flood profiles and the Flood Insurance Rate Map. (Ord. 9614 § 39, 1990).

21.04.418 Flood-proofing. "Flood-proofing" means adaptations that will provide that a structure is substantially impermeable to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads including the impacts of buoyancy. (Ord. 9614 § 40, 1990).

21.04.419 Flood protection elevation. "Flood protection elevation" means an elevation that is one foot above the base flood elevation. (Ord. 9614 § 41, 1990).

21.04.425 Floor area. "Floor area" means a total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles. (Res. 25789 § 257, 1963).

21.04.430 Forest land. "Forest land" means all land which is designated as a forest production district by the King County comprehensive plan and is classified F on the zoning map. (Ord. 7655 § 9, 1986).

21.04.435 Forest practice. "Forest practice" means any activity regulated by the Washington Department of Natural Resources in WAC 222 for which a forest practice permit is required, together with:

A. Processing of forest products;
B. Yarding, log storage and scaling stations;
C. Fire prevention, detection and suppression; and,
D. Slash burning or removal. (Ord. 7655 § 10, 1986).

21.04.440 Forest product. "Forest product" means goods produced, extracted, consumed, gathered or harvested from a forest including trees, wood chips, logs, vegetation, water, fish, dispersed recreation and wildlife.

"Forest product" also means any service provided by the structure or function of a forest ecosystem including storm water or snowpack retention, improvement of air or water quality, groundwater or aquifer recharge or buffering from noise or glare. (Ord. 7655 § 11, 1986).

21.04.445 Foster home, twenty-four hour care. A "twenty-four hour foster care home" means a dwelling occupied by a family who, for compensation or otherwise, accepts and cares for not more than six children as full-time residents as a part of the family as defined herein and which children are assigned by authorized public authorities. (Res. 25789 § 258, 1963).

21.04.450 Foster family day care home. "Foster family day care home" means a residence licensed by authorized public authorities, to be used to care for not more than six children by the day, with or without compensation. A "foster family day care home" may be considered to include a day nursery conducted on a half-day basis, when such home is licensed by authorized public authorities, provided the number of children cared for at any one time shall not exceed six. (Res. 25789 § 259, 1963).

21.04.455 Garage, private. "Private garage" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings. (Res. 25789 § 260, 1963).

21.04.460 Garage, public. "Public garage" means a building other than a private garage, used for the care, repair or storage of automobiles, or where such vehicles are kept for remuneration, hire or sale. (Res. 25789 § 261, 1963).

21.04.462 Geologist. "Geologist" means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist. (Ord. 9614 § 42, 1990).

21.04.463 Geotechnical engineer. "Geotechnical engineer" means a practicing, geotechnical/civil engineer licensed as a professional Civil Engineer with the State of Washington who has at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation. (Ord. 9614 § 43, 1990).

21.04.465 Grade. "Grade" means the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level. (Res. 25789 § 262, 1963).

21.04.467 Grading. "Grading" means any excavation, filling, removing of the duff layer or any combination thereof. (Ord. 9614 § 44, 1990).

21.04.469 Grazed wet meadows. "Grazed wet meadows" means palustrine emergent wetlands, typically having up to six inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed canary grass, spike rushes, bulrushes, sedges, and rushes. During the growing season, the soil is often saturated but not covered with water. Grazed wet meadows frequently have been or are being used for livestock activities. (Ord. 9614 § 45, 1990).

21.04.470 Home Occupation. "Home occupation" means any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling, by a member or members of the family residing in the dwelling. (Ord. 5526 § 1, 1981).

21.04.475 Horticultural nursery. "Horticultural nursery" means an area for the cultivation and propagation of trees, shrubs and plants which are grown for transplanting. This can be accomplished in open ground or in pots and containers either outdoors or within structures. A horticultural nursery does not involve retail sales unless specifically permitted by the zone. (Ord. 7655 § 13, 1986).

21.04.480 Hospital. "Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post-surgical treatment of mental cases. (Res. 25789 § 263, 1963).

21.04.485 Hospital, mental (including hospital for treatment of alcoholics). "Mental hospital" means an institution licensed by state agencies under the provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders, and alcoholics. Establishments limiting services to juveniles below the age of five years and establishments housing and caring for cases of cerebral palsy are not considered mental hospitals. (Res. 25789 § 264, 1963).

21.04.490 Hospital or clinic, small animal. "Small animal hospital or clinic" means an establishment in which veterinary medical services, clipping, bathing and similar services are rendered to dogs, cats and other small animals and domestic pets, not including kennels. (Res. 25789 § 265, 1963).

21.04.495 Hotel. "Hotel" means a building in which there are six or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite, and in which building may be included one apartment for use of the resident manager, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint. (Res. 25789 § 266, 1963).

21.04.500 Household Moving Center. A business specializing exclusively in the rental of household moving rental trucks and utility rental trailers, in the sale and rental of other products and services directly related to do-it-yourself moving, including the temporary storage of personal belongings, and involving the rental, display, minor maintenance and/or storage for rental purposes of such vehicles on an open, hard surface lot. (Ord. 5806 § 1, 1981).

21.04.505 Junk dealer. "Junk dealer" means and includes any person or enterprise having a fixed place of business in the county and engaged in conducting, managing or carrying on the business, either wholesale or retail, of buying, selling or otherwise dealing in any old rags, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk. (Res. 25789 § 267, 1963).

21.04.510 Household moving rental truck. "Household moving rental truck" means a motor vehicle which is offered for rent without a driver, used for the do-it-yourself movement of personal household goods by private individuals on a short term basis, having only two axles, and equipped with a fully-enclosed van body of no more than 22 feet in length measured at the vehicle chassis. (Ord. 5806 § 1, 1981).

21.04.512 Interim recycling facility. "Interim recycling facility" means a site or establishment, which is not located at the final disposal site, engaged in collection or treatment of recyclable materials and including drop boxes, yard waste processing facilities, and collection, separation and shipment of glass, metal, paper or other recyclables to others who will re-use them or use them to manufacture new products. (Ord. 10408 § 1, 1992).

21.04.513 Interim recycling facility. "Interim recycling facility" means a site or establishment engaged in the collection or treatment of recyclable materials, which is not the final disposal site, and including:

A. Drop boxes;

B. Source-separated organic waste processing facilities;

C. Collection, separation, and shipment of glass, metal, paper, or other recyclables. (Ord. 11156 § 2, 1993).

21.04.515 Junkyard. "Junkyard" means any premises devoted wholly or in part to the storage, buying or selling or otherwise handling or dealing in old rags, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk. (Res. 25789 § 268, 1963).

21.04.520 Kennel. "Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months. (Res. 25789 § 269, 1963).

21.04.525 Kennel, hobby. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult small animals are bred and/or kept for hunting, training and exhibition for organized shows, field, working and/or obedience trials, or for the enjoyment of an identifiable species. (Ord. 1617 § 1, 1973).

21.04.530 Kitchen. "Kitchen" means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food. (Res. 25789 § 270, 1963).

21.04.531 Landslide. "Landslide" means episodic downslope movement of a mass of soil or rock, and includes snow avalanches. (Ord. 9614 § 46, 1990).

21.04.532 Landslide hazard areas. "Landslide hazard areas" means those areas of King County subject to a severe risk of landslide. They include the following areas:

A. Any area with a combination of:

1. Slopes greater than 15 percent; and

2. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel); and,

3. Springs or ground water seepage.

B. Any area which has shown movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch.

C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action.

D. Any area which shows evidence of, or is at risk from snow avalanches.

E. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments. (Ord. 9614 § 47, 1990).

21.04.534 Light equipment. "Light equipment" means such construction machinery as chain saws, wheelbarrows, post-hole diggers and all hand-held tools. (Ord. 9614 § 48, 1990).

21.04.535 Lighter uses (antithesis of heavier uses). "Lighter uses" means uses involving performance standards having less detrimental effect upon surrounding properties and uses in the same or other classifications than do uses first permitted in the next succeeding classification in terms of nuisance, hazard, generation of traffic and volume of traffic, both passenger and freight, and which uses make less demand upon public services such as electricity, gas, sewers and streets. Where residential uses are involved, "lighter uses" means less permitted population density, possibly greater required yards, open spaces and floor area within dwellings that is permitted or required in the next succeeding residential classification. (Res. 25789 § 271, 1963).

21.04.540 Livestock. "Livestock" means animals kept either in open fields or structures for training, boarding, home use, sales, or increase. Livestock includes cattle, hogs, sheep, goats, horses, llamas, and other large grazing animals, but does not include small, wild or predatory animals. (Ord. 7655 § 12, 1986: Ord. 3462 § 1, 1977: Res. 25789 § 272, 1963).

21.04.545 Loading space. "Loading space" means an on-site space or berth on the same lot or site with the buildings or use served, such space to serve for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers. (Res. 25789 § 273, 1963).

21.04.550 Lodginghouse. "Lodginghouse" means a dwelling unit within which not more than five guest rooms are devoted to accommodating not more than ten persons other than members of the family, but wherein meals for guests shall be neither provided or permitted. A lodging house containing guest rooms numbering six or more shall be considered a hotel. (Res. 25789 § 274, 1963).

21.04.555 Lot. "Lot" means a building site that is described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township and range which has direct legal access to a street or has access to a street over an easement approved by the county. (Ord. 11016 § 16, 1993: Res. 25789 § 275, 1963).

21.04.560 Lot area and dimensions. A. Lot Area. "Lot area" means the total horizontal area within the boundary lines of a lot including, in addition, up to fifty feet but not more than one-half of the right-of-way of any perimeter public or private street whenever the total area exceeds two acres, provided that such right-of-way shall not comprise more than thirty percent of the required lot area of the zone.

B. Lot Depth. "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot front line, for purposes of this section shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot side lines of the lot with the lot front line.

C. Lot Width. "Lot width" means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line. (Ord. 6070 § 1, 1982: Res. 25789 § 276, 1963).

21.04.561 Lot averaging. "Lot averaging" means the numerical averaging of lot areas to determine compliance with the minimum lot area requirements of this title. (Ord. 8642 § 6, 1988).

21.04.563 Lot clustering. "Lot clustering" means the process of crediting areas in common or public ownership to the area in lots in determining compliance with the minimum lot area requirements of this title. (Ord. 8642 § 7, 1988).

21.04.565 Lot lines. A. Lot Front Line. "Lot front line" means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot and reverse corner lot, the lot front line shall be the line separating the narrowest street frontage of the lot from the street. In case of corner lots or reverse corner lots having equal frontages, that property line the prolongation of which creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner or

B. Lot Rear Line. "Lot rear line" means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or goreshaped lot a line ten feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;

2. In the case of a trapezoidal lot the rear line of which is not parallel to the front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;

3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, the angles shall be employed for determining the lot rear line in the same manner as prescribed for a triangular lot;

4. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

C. Lot Side Line. "Lot side line" means any lot boundary line not a lot front line or a lot rear line. (Res. 25789 § 277, 1963).

21.04.570 Lot types. A. Corner Lot. "Corner lot" means a lot situated at the intersection of two or more streets, the street frontage of which lot form an angle not greater than one hundred twenty-eight degrees, and not less than

forty-five degrees.

B. Interior Lot. "Interior lot" means a lot other than a corner lot or a reverse corner lot.

C. Key Lot. "Key lot" means the first lot to the rear of a reverse corner lot and whether or not separated by any alley.

D. Reverse Corner Lot. "Reverse corner lot" means a corner lot the side street line of which is substantially a continuation of the lot front line of the lot upon which the rear of the corner lot abuts.

E. Through Lot. "Through lot" means a lot having frontage on two streets, including a lot at the intersection of two streets when the street sides of such lot form an internal angle of less than forty-five degrees. Corner lots and reverse corner lots as defined in this section are not through lots.

F. Transitional Lot. "Transitional lot" means a residentially classified lot a side line of which forms a common boundary with contiguous property classified for either a higher density residential use or commercial or industrial uses. (Res. 25789 § 278, 1963).

21.04.572 Lowest floor. "Lowest floor" means the lowest enclosed area, including the basement, of a structure. An area used solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided, however, that any such enclosed area meets all of the structural requirements of the flood hazard protection and alteration standards. (Ord. 9614 § 49, 1990).

21.04.575 Manager. "Manager" means the manager of the division of building and land development or his designee. (Ord. 5317 § 1 (9), 1981).

21.04.580 Medical-dental building or buildings. "Medical-dental building or buildings" means a building or group of buildings designed for the use of, and occupied and used by, physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state of Washington, including medical clinics; and including the installation and use of therapeutic equipment, X-ray equipment or laboratories, chemical, biochemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories including facilities for the making of dentures on prescription; pharmacies limited to the retail dispensing of pharmaceuticals and sick room supplies (but not room or orthopedic equipment or furniture), provided there shall be no exterior display windows or signs pertaining to such accessory uses other than a directory sign. (Res. 25789 § 279, 1963).

21.04.585 Medical-dental clinic. "Medical-dental clinic" means an establishment for treatment of outpatients, and providing no overnight care for patients. (Res. 25789 § 280, 1963).

21.04.590 Mineral Extraction. "Mineral extraction" or "mineral extraction operations" means the commercial extraction or recovery of minerals by:

A. Quarrying, mining, and the extraction of sand, gravel, rock, silica, peat, clay and other natural deposits; or

B. Surface extraction of coal, metallic and non-metallic minerals and the surface uses associated with subsurface extraction. (Ord. 7655 § 18, 1986).

21.04.595 Minerals. "Minerals" means sand, gravel, rock, silica, peat, earth, clay, metallic and non-metallic minerals, coal and other natural deposits. (Ord. 7655 § 17, 1986).

21.04.597 Mitigation. "Mitigation" means the use of any or all of the following actions that are listed in descending order of preference:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area;

D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;

E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments;

F. Monitoring the impact and taking appropriate corrective measures. (Ord. 9614 § 50, 1990).

21.04.600 Mobile home. "Mobile home" means factory assembled structure with the necessary service connections and made so as to be readily movable on its own running gear and designed to be used as a dwelling unit. (Ord. 5317 § 1(3), 1981).

21.04.605 Mobile home park. "Mobile home park" means a parcel of land, three (3) acres or more, designed and improved to accommodate two (2) or more mobile homes. Spaces are typically leased, and leases generally extend for thirty (30) days or more. (Ord. 5317 § 1(4), 1981).

21.04.607 Monitoring. "Monitoring" means evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data. (Ord. 9614 § 51, 1990).

21.04.610 Motel. "Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and the word includes tourist courts, motor courts, automobile courts, automobile camps and motor lodges. A unit in a motel having kitchen facilities constitutes a dwelling unit and shall be subject to all of the provisions and requirements of this title governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone. (Res. 25789 § 281, 1963).

21.04.612 Native vegetation. "Native vegetation" means vegetation comprised of plant species which are indigenous to the Puget Sound region and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds. (Ord. 9614 § 52, 1990).

21.04.614 Non-ionizing electromagnetic radiation (NIER). "Non-ionizing electromagnetic radiation" means electromagnetic radiation of low photon energy unable to cause ionization. (Ord. 10021 § 28, 1991).

21.04.615 Nonconforming building. "Nonconforming building" means a building, or portion thereof, which was lawfully erected or altered and maintained but which, because of the application of this title, no longer conforms to the regulations of the zone in which it is located as defined by this title. (Res. 25789 § 282, 1963).

21.04.619 Nonconforming use. "Nonconforming use" means a use which was lawfully established and maintained but which, because of the application of this title, no longer conforms to the use regulations of the zone in which it is located as defined by this title. (Res. 25789 § 283, 1963).

21.04.620 Normal rainfall. "Normal rainfall" means that rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded at the Seattle-Tacoma International Airport. (Ord. 9614 § 53, 1990).

21.04.621 Noxious weed. "Noxious Weed" means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices (see Chapter 17.10 RCW). The state noxious weed list in Chapter 16-750 WAC is the officially adopted list of noxious weeds by the state noxious weed control board. (Ord. 9614 § 54, 1990).

21.04.622 Off-premise directional sign. "Off-premise directional sign" means a sign not exceeding twelve square feet in area used to direct pedestrian or vehicular traffic to a facility, service or business located on other premises within one quarter (1/4) mile of the sign. (Ord. 8529 § 10, 1988).

21.04.623 On premise sign. "On premise sign" means a sign which carries advertisement incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted at, services rendered, goods sold or produced on the premises, or name of the person, firm or corporation occupying the premises. (Ord. 8529 § 9, 1988).

21.04.625 Open space, required. "Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different classifications contained herein, to be maintained between buildings, between wings of a building as common area to be available for use by the persons specified in a planned unit development or multiple-lot subdivision, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky, except for specific permitted uses and structures. (Ord. 6643 § 1, 1984: Res. 33880 (part), 1967: Res. 25789 § 284, 1963).

21.04.630 Ordinance. "Ordinance" means a legislative enactment by the council. (Ord. 1161 § 8, 1972).

21.04.632 Ordinary high water mark. "Ordinary high water mark" means the mark that will be found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature. (Ord. 9614 § 55, 1990).

21.04.645 Park, public. "Public park" means a site under the control of the King County division of parks, planning and natural resources, or any federal, state or local government agency, and designated or developed for recreational use by the public. Subject to the use regulations of the using agency, recreational uses may include but are not limited to indoor facilities such as museums, swimming pools and skating rinks, and outdoor facilities such as athletic fields, playgrounds, fishing areas, and areas and trails for hikers, equestrians, bicyclists, or off-road recreational vehicle users. (Ord. 3148 § 7, 1977).

21.04.650 Parking area, private. "Private parking area" means an open area other than a street, alley or other public property, limited to the parking of automobiles of occupants or employees of a dwelling, hotel, motel, apartment hotel, apartment house, boardinghouse or lodginghouse to which these facilities are appurtenant. (Res. 25789 § 287, 1963).

21.04.655 Parking area, public. "Public parking area" means an open area other than a street, alley or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of more than four automobiles. (Res. 25789 § 288, 1963).

21.04.660 Parking space. "Parking space" means an area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle. (Res. 25789 § 289, 1963).

21.04.665 Pasture. "Pasture" means an area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock. (Res. 25789 § 290, 1963).

21.04.670 Person. "Person" means and includes an individual, firm, copartnership, association or corporation, governmental agency or political subdivision. (Res. 25789 § 291, 1963).

21.04.675 Pet shop. "Pet shop" means an establishment dealing in buying and selling small animals and birds such as are customarily or occasionally harbored in domestic establishments as pets, such as fish, dogs, cats, parrots, canaries and other song and decorative birds, monkeys, hamsters and similar animals, but specifically excluding dangerous animals or dangerous or poisonous or constricting reptiles, provided no boarding or veterinarian services are rendered excepting bathing and clipping of dogs and cats. (Res. 25789 § 292, 1963).

21.04.677 Plant associations of infrequent occurrence. "Plant associations of infrequent occurrence" means one or more plant species on a landform type which because of the rarity of the habitat or the species involved or both, or for other botanical or environmental reasons, do not often occur in King County. (Ord. 9614 § 56, 1990).

21.04.680 Primary processing. "Primary processing" of forest products means the use of powered equipment such as chippers, stud mills or other similar methods of initial treatment of a forest product in order to enable its shipment to secondary processors. (Ord. 7655 § 14, 1986).

21.04.685 Principal use. "Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. (Res. 25789 § 293, 1963).

21.04.690 Professional offices. "Professional offices" means an office maintained and used as a place of business by individuals in licensed professions and other generally recognized professions which utilize training or knowledge in the mental disciplines as distinguished from occupations primarily oriented to manual skills or the handling of commodities. (Ord. 1199 § 2, 1972: Res. 25789 § 294, 1963).

21.04.693 Public agency. "Public agency" means any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, and local service districts; any agency of the State of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the Federal government. (Ord. 9614 § 57, 1990).

21.04.695 Public utility. "Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight. (Res. 25789 § 295, 1963).

21.04.697 Radio. "Radio" means a generic term referring to the transmission of an electromagnetic signal through space. (Ord. 10021 § 29, 1991).

21.04.698 Reasonable Use. "Reasonable Use" is a legal concept that has been articulated by federal and state courts in regulatory takings cases. (Ord. 9614 § 58, 1990).

21.04.700 Reclassification. "Reclassification" means a change in the zoning classification by procedures initiated by an individual or group of individuals who during the intervals between area zoning map adoptions, wish to petition for a change in the zoning classification which currently applies to their individual properties. (Ord. 1161 § 9, 1972).

21.04.705 Recorded. "Recorded" means, unless otherwise stated, filed of record with the division of records and elections of King County. (Res. 25789 § 298, 1963).

21.04.710 Recreational area or community club house, noncommercial. "Recreational area or community club house, noncommercial" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within the area. (Res. 25789 § 299, 1963).

21.04.715 Recreational area, commercial. "Commercial recreational area" means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee. (Res. 25789 § 299.01, 1963).

21.04.720 Recreational vehicle, camping trailer, travel trailer, motor home and truck camper. "Recreational vehicle," "camping trailer," "travel trailer," "motor home" and "truck camper" mean vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, being of such size or weight as not to require a special highway movement permit. (Ord. 5317 § 1 (1), 1981).

21.04.725 Recreational vehicle park. "Recreational vehicle park" means a parcel of land designed and improved to accommodate two or more recreational vehicles on a temporary basis. Spaces are typically rented for overnight use, not to exceed one hundred and eighty days. (Ord. 5317 § 1 (2), 1981).

21.04.730 Recreation room, family room or rumpus room. "Recreation room," "family room" or "rumpus room" means a room or an area within a dwelling, or in a building accessory to a dwelling, designed, equipped or used as a recreation room, including but not limited to games, music, refreshments and facilities for serving, and similar general utility purposes, but which room shall not be used as a separate dwelling unit. (Res. 25789 § 299.02, 1963).

21.04.732 Regional retention/detention facility. "Regional retention/detention facility" means a surface water control structure proposed by the surface water management division or a project proponent to be installed in or adjacent to a stream or wetland of a basin or subbasin. (Ord. 9614 § 59, 1990).

21.04.735 Residence. "Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure. (Res. 25789 § 299.03, 1963).

21.04.737 Residential zones. "Residential zones" means the following zone classifications within unincorporated King County: RS, RD-3600, RMHP, RM2400, RM1800, RM-900, RT, S-E, SC, S-R, GR, A-R, G, G-5 and any zones within incorporated areas which permit predominantly residential and associated uses. (Ord. 9915 § 8, 1991).

21.04.740 Rest home, convalescent home, guest home, home for the aged. "Rest home," "convalescent home," "guest home" and "home for the aged," means a home operated similarly to a boardinghouse but not restricted to any number of guests or guest rooms and the operator of which is licensed by the state or county to give special care and supervision to his or her charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, but in which homes are performed no surgery or maternity treatments such as are customarily provided in sanitariums or hospitals. (Ord. 10471, 1992: Res. 25789 § 299.04, 1963).

21.04.742 Restoration. "Restoration" means the actions to return a stream, wetland or other sensitive area to a state in which its stability, functions and values approach its unaltered state as closely as possible. (Ord. 9614 § 60, 1990).

21.04.745 Retaining wall. "Retaining wall" means any wall used to resist the lateral displacement of any material. (Res. 25789 § 299.05, 1963).

21.04.746 Retention/detention facility. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system. (Ord. 9614 § 61, 1990).

21.04.747 Retirement home. "Retirement home" means a building or group of buildings designed for the occupancy of three or more families, living semi-independently from each other, and containing only sleeping units with common kitchen, dining, and recreation facilities, provided a retirement home may contain one or more dwelling units for resident staff only. (Ord. 9179 § 2, 1989).

21.04.750 Roof. "Roof" means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the buildings or structure. An open work covering shall not be considered a roof if the upper horizontal surface area of the component solid portions thereof measured on the horizontal plane do not exceed twenty percent of the area of the covering. (Res. 25789 § 299.06, 1963).

21.04.752 Salmonid. "Salmonid" means a member of the fish family salmonidae. In King County these include chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead and cutthroat salmon; brown trout; Brook and Dolly Varden char, kokenee, and whitefish. (Ord. 9614 § 62, 1990).

21.04.755 Sanitarium. "Sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state agencies under provisions of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post surgical treatment of mental cases. (Res. 25789 § 299.07, 1963).

21.04.760 Schools, elementary, junior high and high. "Elementary schools," "junior high schools" and "high schools" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington to be taught in the public and parochial schools. (Res. 25789 § 299.08, 1963).

21.04.765 Secondhand stores. "Secondhand store" means any retail establishment in which the principal portion of the articles, commodities or merchandise handled, offered for sale, or sold on the premises are not new. "Secondhand stores" shall not be considered as including antique stores or pawnshops. (Res. 25789 § 299.09, 1963).

21.04.766 Seismic hazard areas. "Seismic hazard areas" means those areas of King County subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 9614 § 63, 1990).

21.04.767 Self-service storage facility. "Self-service storage facility" means a building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individual units. (Ord. 8099 § 1, 1987).

21.04.770 Senior citizen apartment. "Senior citizen apartment" means a room, or a suite of two or more rooms in a duplex or multi-family structure for which occupancy of the structure has been limited to persons age sixty-two or older by covenant or deed restriction in which King County is granted enforcement authority. (Ord. 5830 § 1, 1982).

21.04.775 Sensitive areas. "Sensitive areas" means those areas of King County which are subject to natural hazards and of those lands which support unique, fragile, or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which, in their natural state carry, hold or purify water. Sensitive areas include erosion hazard areas, coal mine hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, volcanic hazard areas, wetlands, streams, flood hazard areas, and the adjoining protective buffers necessary to protect the public health, safety and welfare, each as defined in this title. (Ord. 9614 § 64, 1990: Ord. 4365 § 1, 1979).

21.04.776 Sensitive Area Review. "Sensitive Area Review" means the evaluation performed by King County as part of its review of an application for a permit or approval to ensure that impacts to sensitive areas have been addressed where appropriate. (Ord. 9614 § 65, 1990).

21.04.777 Sensitive areas setback area. "Sensitive areas setback area" means the area delineated on a development proposal site for a building permit or grading and clearing permit which contains wetlands, streams, steep slopes hazard areas, landslide hazard areas and required buffers. (Ord. 9614 § 66, 1990).

21.04.778 Sensitive area tract. "Sensitive area tract" means a separate tract that is created to protect the sensitive area and its buffer, whose ownership is assured as provided in K.C.C. 21.54.110 of this title. (Ord. 9614 § 67, 1990).

21.04.780 Service station, automobile. "Automobile service station" means an occupancy which provides for:

A. The servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automobile washing by hand (except as otherwise provided herein); waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories;

B. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, sparkplugs, voltage regulators, water and fuel pumps, water hoses and wiring. (Ord. 1199 § 3, 1972: Res. 25789 § 299.10, 1963).

21.04.785 Sign. "Sign" means any visual communication device, structure or fixture, including supporting and component parts, which is visible from any right-of-way and is intended or used to identify a building, use, business or event, or to promote the sale of a product, goods or service, using graphics, letters, figures, symbols, trademarks, pennants, moving or fluttering devices or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user are not considered signs, nor are official notices or informational materials erected and maintained in the discharge of any governmental function. (Ord. 8529 § 11, 1988).

21.04.787 Sleeping unit. "Sleeping unit" means one or more rooms designed for the occupancy of one family for living or sleeping purposes and containing only supplemental kitchen facilities. Primary on-site kitchen facilities and meal preparation shall be limited to centrally located kitchen and dining areas. All rooms comprising a sleeping unit shall have access through an interior door to other parts of the unit. (Ord. 9179 § 3, 1989).

21.04.790 Space. "Space" means an area of land within a mobile home park or recreational vehicle park described by the park owner for purposes of lease or rental to accommodate one mobile home or recreational vehicle and its accessory structures. (Ord. 5317 § 1(7), 1981).

21.04.792 Specialized instruction school. "Specialized instruction school" is a school providing specialized instruction in areas including, but not limited to, art, dance, music, cooking and driving. A specialized instruction school is distinguished from institutions such as vocational-technical schools in that it does not provide a full range of courses. (Ord. 8017 § 1, 1987).

21.04.795 Specified sexual activities. "Specified sexual activities" means:

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

B. Acts of human masturbation, sexual intercourse or sodomy;

C. Erotic fondling, touching or display of human genitalia, pubic region, or buttock or female breast. (Ord. 2986 § 2(c), 1976).

21.04.797 Sports club. "Sports club" means an enterprise providing entertainment and recreation, including but not limited to health clubs, physical fitness centers, and sports and recreation clubs. (Ord. 11277 § 1, 1994).

21.04.800 Stable, private. "Private stable" means a detached accessory building in which horses or other beasts of burden are kept, and in which no horses are kept for hire. (Ord. 3462 § 2, 1977: Res. 25789 § 299.12, 1963).

21.04.805 Stable, public. "Public stable" means a building or group of buildings in which horses or other beasts of burden are kept for commercial boarding, training, riding lessons, breeding or auction, which may have a covered riding arena of not more than twenty thousand square feet. Establishments with larger arenas are considered "commercial recreation areas" as defined in this chapter. The square footage limitation established herein applies only to the riding area in a covered arena and not to any stabling areas that may exist in the same building or other buildings. (Ord. 7655 § 15, 1986: Ord. 3462 § 3, 1977: Res. 25789 § 299.13, 1963).

21.04.810 Stable, rental. "Rental stable" means a public stable in which horses or other beasts of burden are kept for hire as well as boarding, training, riding lessons or breeding. (Ord. 3462 § 4, 1977).

21.04.815 Stand. "Stand" means a structure for the display and sale of products with no space for customers within the structure itself. (Res. 25789 § 299.14, 1963).

21.04.817 Steep slope hazard areas. "Steep slope hazard areas" means any ground that rises at an inclination of 40% or more within a vertical elevation change of at least ten feet (a vertical rise of ten feet or more for every twenty-five feet of horizontal distance). A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

A. Toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40% from slopes equal to or in excess of 40%. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

B. Top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40% from slopes equal to or in excess of 40%. Where no distinct break in slope exists, the top of slope shall be the uppermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet. (Ord. 9614 § 68, 1990).

21.04.820 Story. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story. (Res. 25789 § 299.15, 1963).

21.04.823 Streams. "Streams" means those areas of King County where surface waters produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmonids or used to convey streams naturally occurring prior to construction in such watercourse. Streams are further categorized as follows:

A. Class 1 streams. "Class 1 streams" means those streams inventoried as "Shorelines of the State" under King County's Shoreline Master Program, K.C.C. Title 25, pursuant to RCW Chapter 90.58.

B. Class 2 streams. "Class 2 streams" means those streams smaller than Class 1 streams that flow year around during years of normal rainfall or those that are used by salmonids.

C. Class 3 streams. "Class 3 streams" means those streams that are intermittent or ephemeral during years of normal rainfall and are not used by salmonids. (Ord. 9614 § 69, 1990).

21.04.825 Street. "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property. (Res. 25789 § 299.16, 1963).

21.04.830 Street line. "Street line" means the boundary line between a street and the abutting property. (Res. 25789 § 299.17, 1963).

21.04.835 Street, side. "Side street" means a street which is adjacent to a corner lot or reverse corner lot and which extends in the general direction of the line determining the depth of the corner or reverse corner lot. (Res. 25789 § 299.18, 1963).

21.04.840 Structure. "Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet in height, or paved areas. (Res. 25789 § 299.19, 1963).

21.04.845 Structural alterations. "Structural alterations" means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the interior dimensions of the building or structure, or increase in floor space. (Res. 25789 § 299.20, 1963).

21.04.850 Substandard lot. "Substandard lot" means a lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title. (Ord. 2735 § 1, 1975: Res. 25789 (part), 1963).

21.04.855 Support system. "Support system" means a combination of footers, piers, caps, shims and stabilizing devices (anchoring equipment), or foundations, capable of supporting a mobile home and securing it to the ground. (Ord. 5317 § 1(8), 1981).

21.04.860 Theater. "Theater" means an establishment providing entertainment through the showing of motion picture films. (Ord. 2986 § 2(a), 1976).

21.04.865 Theater, drive-in. "Drive-in theater" means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen. (Res. 25789 § 299.21, 1963).

21.04.867 Tightline to a sewer. "Tightline to a sewer" means a sewer trunk line designed and intended specifically to serve a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place but only to the facility or place it is extended to. It may occur outside the Local Service Area for sewers, but does not amend the Local Service Area. (Ord. 10525 § 2, 1992: Ord. 10485 § 2, 1992).

21.04.870 To place. The verb "to place" and any of its variants as applied to advertising displays and outdoor advertising structures includes maintaining, erecting, constructing, posting, painting, printing, nailing, glueing or otherwise fastening, affixing or making visible in any manner whatsoever. (Res. 25789 § 299.22, 1963).

21.04.875 Townhouse. For a definition of townhouse, see subsection E. of Section 21.04.310 Dwellings, types of.

21.04.880 Trailer, automobile commercial. "Automobile commercial trailer" means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property. (Res. 25789 § 299.24, 1963).

21.04.885 Transit park and ride lot. "Transit park and ride lot" means a parking lot, whether publicly or privately owned, providing vehicle parking and passenger and vehicular circulation specifically for the purpose of access to a metropolitan public transportation system as defined in RCW 35.58.020(14). (Ord. 6207 § 1, 1982).

21.04.886 Transmission equipment. "Transmission equipment" means equipment such as antennae and satellite or point-to-point microwave dishes which transmit or receive radio signals. (Ord. 10021 § 30, 1991).

21.04.887 Transmission structures. A. "Transmission structure" means a structure constructed on the ground or on top of another structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna(e). The term does not include brackets, platforms, or other apparatus which mount transmission equipment on transmission structures, buildings, or other structures.

B. "Consolidated transmission structure" means a single transmission structure which is designed to support the main transmit antennas for two or more FCC broadcast licensees. (Ord. 10021 §§ 32-33, 1991).

21.04.888 Transmitter building. "Transmitter building" means a building used to contain transmission equipment. (Ord. 10021 § 31, 1991).

21.04.890 Twenty acres. "Twenty acres" means twenty acres, or one thirty-second of the section of land in which the property is situated. (Ord. 6070 § 3, 1982: Ord. 4306 § 14, 1979).

21.04.895 Unclassified use. "Unclassified use" means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone as set forth in this title. (Res. 25789 § 299.26, 1963).

21.04.900 Unclassified use permit. "Unclassified use permit" means a limiting authority granted by the county and the documented evidence thereof to locate an unclassified use at a particular location, and which limiting authority is required to apply or modify the controls stipulated in this title. (Res. 25789 § 299.27, 1963).

*[Editor's Note: This section was added to reflect the provisions of Ordinance 4689.]

21.04.905 Unlisted uses. "Unlisted uses" means uses which are not specifically named as permitted in any use classification contained within this title. (Res. 25789 § 299.28, 1963).

21.04.910 Use. "Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted. (Res. 25789 § 299.29, 1963).

21.04.915 Variance. "Variance" means an adjustment in the application of the regulations of a zoning ordinance to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived, as a result of the imposition of the zoning regulations, of privileges commonly enjoyed by other properties in the same vicinity and zone. The adjustment in the application of the regulations shall remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same code restrictions. (Ord. 9614 § 70, 1990: Ord. 1161 § 10, 1972).

21.04.916 Vegetation. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. (Ord. 9614 § 71, 1990).

21.04.917 Violation. "Violation" means the violation of any provision of this chapter or of the administrative rules promulgated thereunder, or of any permit, approval or stop work order or any other order issued pursuant thereto. (Ord. 9614 § 72, 1990).

21.04.918 Volcanic hazard areas. "Volcanic hazard areas" means those areas of King County subject to inundation by mudflows, lahars, or related flooding resulting from volcanic activity on Mount Rainier. The hazard area shall be delineated based on recurrence of an event equal in magnitude to the prehistoric electron mudflow. (Ord. 9614 § 73, 1990).

21.04.919 Water dependent use. "Water dependent use" means a principal use which can only exist when the land/water interface provides biological or physical conditions necessary for the use. (Ord. 9614 § 74, 1990).

21.04.920 Wetlands. "Wetlands" means those areas of King County that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Army Corps of Engineers Regulation CFR 328.3 (1988). Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as other documentation of the previous existence of wetland vegetation such as aerial photographs.

A. Class 1 wetlands. "Class 1 wetlands" means wetlands assigned the Unique/Outstanding #1 rating in the King County Wetlands Inventory, 1983; or which meet any of the following criteria:

1. The presence of species listed by the federal government or state as endangered, or threatened, or the presence of critical or outstanding actual habitat for those species;

2. Wetlands having 40% to 60% permanent open water in dispersed patches with two or more classes of vegetation;

3. Wetlands equal to or greater than ten acres in size and having three or more wetland classes, one of which is open water; or

4. The presence of plant associations of infrequent occurrence.

B. Class 2 wetlands. "Class 2 wetlands" means wetlands assigned the Significant #2 rating in the King County Wetlands Inventory, 1983; or any wetlands which meet any of the following criteria:

1. Wetlands greater than one acre in size;

2. Wetlands equal to or less than one acre in size and having three or more wetland classes;

3. Wetlands equal to or less than one acre that have a forested wetland class;

4. The presence of heron rookeries or raptor nesting trees.

C. Class 3 wetland. "Class 3 wetland" means wetlands assigned the Lesser Concern #3 rating in the King County Wetlands Inventory, 1983, or uninventoried wetlands that are equal to or less than one acre in size and that have two or fewer wetland classes.

For the purposes of this section, the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (Cowardin et al, 1979) contains the descriptions of wetland classes and subclasses. (Ord. 9614 § 75, 1990: Ord. 4365 § 6, 1979).

21.04.921 Wetland edge. "Wetland edge" means the line delineating the outer edge of a wetland established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service. (Ord. 9614 § 76, 1990).

21.04.922 Winery. Winery shall mean any building or structure devoted to the manufacture, processing, storage, distribution, or sales of viticultural products including accessory uses such as offices, grounds maintenance, and parking as well as visitor services customarily associated with wineries. Such services may include recreational, retail and restaurant and community service oriented public concert events. (Ord. 8167 § 1, 1987).

21.04.923 Wetland functions. "Wetland functions" are natural processes performed by wetlands and include functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial or avian species, maintaining the availability and quality of water such as purifying water, acting as recharge and discharge areas for groundwater aquifers and moderating surface water and storm water flows as well as performing other functions including but not limited to those set out in U.S. Army Corps of Engineers regulations at 33 C.F.R. Section 320.4(b)(2)(1988). (Ord. 9614 § 77, 1990).

21.04.924 Wetpond. "Wetpond" means an artificial water body dug as a part of a surface water management system. (Ord. 9614 § 78, 1990).

21.04.925 Yard. "Yard" means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this title. (Res. 25789 § 299.31, 1963).

21.04.930 Yards, types and measurements. A. FRONT YARD. "Front yard" means an area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance therefrom equal to the required front yard depth as prescribed in each classification. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line.

B. SIDE YARD. "Side yard" means an open area measured from the lot side line toward the center of the lot and extending from the rear line of the required front yard, or from the lot front line if there be no required front yard, toward the lot rear line to a point measuring two-thirds of the depth of the lot, except that on the side street side of corner lots and reverse corner lots the required side yard shall extend to the rear line of the lot. The width of the side yard shall be measured horizontally from, and be parallel to the lot side line from which it is measured. (Res. 25789 § 299.32, 1963).

21.04.935 Yard, rear line of required front. "Rear line of the required front yard" means a line parallel to the lot front line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot. (Res. 25789 § 299.33, 1963).

21.04.937 Yard waste processing facility. "Yard waste processing facility" means a site where yard and garden wastes, including wood and landclearing debris, are processed into new products such as soil amendments and wood chips. (Ord. 11156 § 3, 1993).

21.04.940 Zone. "Zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title. (Res. 25789 § 299.34, 1963).

Chapter 21.06
CLASSIFICATIONS, MAPS AND BOUNDARIES

Sections:

21.06.010 Purpose of classifications.
21.06.020 Names of classifications.
21.06.030 Degree of restrictiveness.
21.06.040 Establishment of zones by map.
21.06.050 Division of zoning map.
21.06.060 Parts of zoning map.
21.06.070 Changes in boundaries.
21.06.080 Uncertainty of boundaries.
21.06.090 Unclassified property.
21.06.100 Classification of rights-of-way.
21.06.110 Lot area requirement symbol.
21.06.120 Limitation of land use.

21.06.010 Purpose of classifications. The basic purpose of this title is to classify uses and to regulate the location of such uses in such manner as to group as nearly as possible those uses which are mutually compatible, and to protect each such group of uses from the intrusion of incompatible uses which would damage the security and stability of land and improvements and which would also prevent the greatest practical convenience and service to the citizens of King County. It is also recognized that intrusion of uses in one zone upon uses in another lighter zone may also result from effects reaching across boundary lines separating contiguous zones due to noise, smoke, equipment, open air activity or other features. To further accomplish the goal of compatibility, varying degrees of regulations are established for certain uses in the business, commercial and industrial classifications when such uses are contiguous to lighter zones. A further purpose of this title is to make it possible for King County to efficiently and economically design, install and operate physical public service facilities in terms of type, size and capacity, including streets, sewers, drains, schools and other public buildings, to adequately and permanently meet the ultimate requirements as determined by a defined intensity and type of land use; to require an orderly arrangement of essential related facilities with particular reference to the movement of people and goods, including the traffic pattern and well-located and well-designed off-street parking areas and, through the medium of the zoning map which is a part of this title, to establish the geographical location and boundaries of the zones to which the different classifications will apply.

A further purpose of this title is to establish required minimum lot areas, yards and open spaces as a means of providing a suitable environment for living, business and industry, and to maintain reasonable population densities and reasonable intensities of land use, all for the general purpose of conserving public health, safety, morals, convenience and general welfare. (Res. 25789 § 300, 1963).

21.06.020 Names of classifications. In order to accomplish the purpose of this title, the following use classifications are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population, such classifications to be known as follows:

RS Single-family dwelling classification; three area districts establishing lot minimum area of fifteen thousand; ninety-six hundred; and seventy-two hundred square feet

RD-3,600 Two-family (duplex) dwelling classification
RM-2,400 Medium density multiple dwelling classification
RM-1,800 High density multiple dwelling classification
RM-900 Maximum density multiple dwelling restricted service classification
S-E Suburban estate classification
SC Suburban cluster classification
S-R Suburban residential classification
GR Growth reserve classification
A Agricultural classification
G General classification
G-5 General-Five acres classification
B-N Neighborhood business classification
B-C Community business classification
C-G General commercial classification
M-L Light manufacturing classification
M-P Manufacturing park classification
M-H Heavy manufacturing classification
F-R Forestry and recreation classification
F-P Flood plain classification
Q-M Quarrying and mining classification
P Site plan approval requirement symbol. Whenever the letter "P" follows the indicated zone classification on the zoning map, development in that area may proceed only after obtaining site plan approval as provided in Sections 21.46.150 through 21.46.200
Residential townhouse classification
Areas enclosed with a heavy dashed line on the zoning map indicate potential zones as provided in Sections 21.46.060 and 21.46.070.

(Ord. 4689 § 2, 1980; Ord. 4306 § § 1, 8, 1979; Ord. 4303 § 1, 1979; Ord. 2423 § 1, 1975; Res. 25789 § 301, 1963).

21.06.030 Degree of restrictiveness. In the different major categories of use classifications established by this title, the "R" category is considered the most restrictive and other major categories are less restrictive in the following sequence: "S," "A," "G," "B," "C," and "M." Although the elements of required minimum lot areas and open spaces are involved in varying degrees in determining the position of uses in the scale of restrictiveness, the characteristics of uses as set forth in the various individual classifications are the primary criteria. Therefore, in applying these considerations, and even though the required minimum lot areas and open spaces are greater than those required in the "R" category of classifications, the uses permitted in the "S" and "A" categories of classifications are considered to be less restrictive than are those classifications in the "R" category. In the "B," "C" and "M" categories of classifications the uses permitted actually determine the sequence of restrictiveness. To further distinguish the degree of restrictiveness in the various major categories of classifications within which there is more than one classification, the sequence is as follows:

A. In the "R" classifications that classification which establishes the lowest population density and requires the highest standards of lot area, yards and open spaces is considered to be the most restrictive, and the uses permitted in such classification are considered to be the lightest and most restricted. The RS classification and the uses permitted therein are considered to be the lightest and most restrictive, and in this classification there is a further distinction in terms of required minimum lot area and open spaces which establish a degree of less restrictiveness in the following sequence - RS-15,000, RS-9,600

and RS-7,200, the numeral suffix referring to required minimum lot areas. As greater population density is permitted by classification, the uses permitted are considered to be heavier and less restrictive in the following sequence - RD-3,600, RM-2,400, RM-1,800 and RM-900. In the RD and RM classifications the numeral suffix refers to required lot area per dwelling unit.

B. In the "B" and "C" classifications that classification which establishes the most stringent performance standards is considered to be the lightest and most restrictive classification, and the uses permitted in such classification are considered to be the lightest and most restrictive business uses. In the business and commercial classifications set forth in this title the B-N classification and the uses permitted therein are the lightest and most restricted, and the classifications become heavier and less restrictive in the following sequence - B-C and C-G.

C. In the "M" classifications the M-L classification and the uses permitted therein are considered to be the lightest and most restricted use-wise and the M-H classification the least restricted. The M-P classification use-wise is the same as the M-L classification but by reason of more stringent performance standards is considered more restrictive than the M-L classification. (Res. 25789 § 302, 1963).

21.06.040 Establishment of zones by map. The location and boundaries of the various zones as defined herein are such as are shown and delineated on the zoning map or parts thereof adopted under this title. The transition from the provisions of Resolution 18801 where zoning maps have been adopted thereunder shall be as set forth in Section 21.70.010 of this title. Areas not contained in zoning maps adopted under this title or in zoning maps adopted under Resolution 18801 shall be and are hereby declared to be regulated by Section 3.02 of Resolution 18801. (Res. 25789 § 303, 1963).

21.06.050 Division of zoning map. The zoning map may, for convenience be divided into parts and each such part may, for purposes of more readily identifying locations therein, be subdivided into units, and such parts and units may be separately employed for identification purposes when adopting or amending the zoning map or for any official reference to the zoning map. (Res. 25789 § 304, 1963).

21.06.060 Parts of zoning map. For purposes of conforming to the provisions of RCW 36.70, (Chapter 201, L 1959) and particularly RCW 36.70.740 thereof, and in consideration of practical means for identifying portions of the zoning map as set forth in Section 21.06.050 herein the "parts" of the zoning map therein referred to are declared to be the westerly one-half of the easterly one-half, as the case may be, of the sections in the various townships and ranges as established by the United States Geodetic Surveys. (Res. 25789 § 305, 1963).

21.06.070 Changes in boundaries. Changes in the boundaries of the zones shall be made by resolution adopting an amended zoning map, or part of said map, or unit of a part of said zoning map, and when so adopted said amended maps, or parts or units of parts, shall become a part of this title. (Res. 25789 § 306, 1963).

21.06.080 Uncertainty of boundaries. Where uncertainty exists as to the boundaries of any zone shown upon the zoning map or any part or unit thereof, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street or alley lines or lot lines, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property, and where a zone boundary divides such property, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.

C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.

D. Where a lot subdivided and recorded subsequent to the zoning of the area in which it is located becomes so placed that it is unequally bisected longitudinally by the boundary lines of different zones or area districts, the zone or area district boundary shall be considered as following the lot lines of the lot in such manner as to place the lot wholly in that zone classification or area district which applies to the major portion of the lot.

E. Where property abuts a lake, river or body of water, the use classification shall extend to the inner harbor line and where no harbor line exists, to a line which the Army Engineers would define as the line of navigability.

F. Where a lot is equally bisected longitudinally by a zone or area district boundary line, the total lot shall acquire the most restrictive use classification and the highest area requirement of the two zone classifications or area districts involved.

G. Where a lot is bisected by the boundary line between two zones or area districts and such boundary line parallels or approximately parallels the street on which such lot fronts, the total area of such bisected lot shall acquire the same zone classification or area district requirement as the front portion of the lot. This provision shall not apply to through lots. (Res. 25789 § 307, 1963).

21.06.090 Unclassified property. Any property which, for any reason other than the fact that it is a right-of-way of a street, alley, or railroad, is located within an adopted part of the zoning map but is not designated as being classified in any of the classifications established hereby, shall be deemed to be classified RS-15,000. (Res. 25789 § 308, 1963).

21.06.100 Classification of rights-of-way. Areas of streets or alleys and railroad rights-of-way, other than such as are designated on the zoning map as being classified in one of the zones provided in this title, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for street purposes as defined by law, and in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operating devices, the movement of rolling stock, public utility lines and facilities accessory to and used directly for the delivery, distribution or rendering of services to bordering land uses. (Res. 25789 § 309, 1963).

21.06.110 Lot area requirement symbol. In the RS zone where a number follows the indicated zone classification on the zoning map such number shall indicate which of the minimum lot areas, yards and open spaces required in the zone applies to the properties involved. (Res. 25789 § 310, 1963).

21.06.120 Limitation of land use. Except as provided in this title, no building or structure shall be erected, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose except as hereinafter specifically provided and allowed in the zone in which such

building, land or use is located.

Public parking areas, loading spaces and the access thereto shall not be located on R or S zoned land unless specifically permitted or permitted in conjunction with a permitted use in the R or S zone. (Res. 30152 (part), 1965: Res. 25789 § 311, 1963).

Chapter 21.08
RS SINGLE-FAMILY DWELLING CLASSIFICATION

Sections:

21.08.010 Purpose of classification.
21.08.020 Permitted uses-Primary residential.
21.08.030 Permitted uses-Accessory residential.
21.08.040 Permitted uses-Primary nonresidential.
21.08.050 Permitted uses-Accessory nonresidential.
21.08.060 Conditional uses.
21.08.062 Administrative conditional uses.
21.08.070 Utilities.
21.08.080 Lot area.
21.08.100 Lot width.
21.08.110 Front yard.
21.08.120 Side yards.
21.08.130 Height.
21.08.140 Permissible lot coverage.
21.08.150 Placement of buildings and structures.
21.08.160 Limitations on use.
21.08.170 Homeowner's Association contract.
21.08.180 Lot based standards.

21.08.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to create a living environment of the highest standards for single-family dwellings. Other related uses contributing directly to a complete living environment are considered compatible and therefore also permitted. A further related consideration is to make it possible more efficiently and economically to design, install and maintain all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Res. 25789 § 400, 1963).

21.08.020 Permitted uses - Primary residential. In an RS zone, the following residential uses only are permitted, subject to the off-street parking requirements and the general provisions and exceptions set forth in this title, beginning with K.C.C. 21.46, and subject to the provisions of the King County shoreline management master program where applicable:

A. A one-family dwelling;

B. A two-family dwelling when the lot or building site upon which it is located has a side line abutting a lot or lots classified for RM-2400, RM-1800, RM-900, B, C or M purposes, whether or not an alley intervenes. In no case shall the property used for such two-family dwelling consist of more than one lot or exceed a width of ninety feet, whichever is the least, nor be used to a depth greater than the extent to which the side property line is common with property classified for such heavier uses;

C. Planned unit developments, as provided in Chapter 21.56;

D. A townhouse dwelling within a multiple lot subdivision or short subdivision, subject to the following conditions:

1. The area of each townhouse lot may be reduced below the minimum required by the zone, but the average lot area of the subdivision or short subdivision in which the townhouses are located must meet the minimum requirement, using the lot averaging provisions of K.C.C. 21.08.080,

2. In addition to meeting all design, setback and site improvement requirements of the RT zone, proposed townhouse developments in an RS zone shall:

a. Provide two off-street parking spaces per dwelling, one of which must be enclosed or capable of being fully enclosed in conformance with normal yard requirements, or as modified pursuant to K.C.C. 21.48.270

b. A row of townhouse dwellings in an RS zone shall be no more than one hundred twenty feet long across its frontage without an intervening segment of side yards or common open space

c. Any lot at the end of a row of townhouse lots which is adjacent to a lot developed with a detached single-family dwelling shall have the same front yard setback as the detached dwelling, and shall have a minimum side yard of five feet. If the side of the townhouse structure is more than fifty feet long, an additional five feet of side yard per story shall be provided. When a townhouse lot is also a reverse corner lot, an additional ten feet of side yard shall be provided,

3. When townhouses are proposed for an RS zoned area already platted into legal lots, the area must be resubdivided to meet the requirements of this section,

4. In order to assure correct placement of buildings, construction of foundation forms, but no other structural elements, of townhouse dwellings or other residential structures with walls touching lot lines may commence prior to final plat or short plat approval, provided:

a. The proposed subdivision or short subdivision has received preliminary approval, all conditions have been met, and bonds are posted for improvements

b. Partial or complete construction of foundations shall not relieve the subdivider from, nor impair county enforcement of, conditions of subdivision or short subdivision approval

c. No lots may be sold in violation of the state subdivision act, RCW 58.17. (Ord. 6067 § 1, 1982: Ord. 4687 § 1, 1980: Ord. 3144 § 2, 1977).

21.08.030 Permitted uses - Accessory residential. The following accessory uses only are permitted in an RS zone when a residential use as permitted in K.C.C. 21.08.020 has been established on the subject property:

A. Accessory living quarters;

B. Accessory dwelling, provided:

1. The accessory unit is within the same building as the principal residence,

2. The accessory unit floor area does not exceed fifty percent of the combined total area of the principal residence and the accessory unit,

3. The house must be owner-occupied,

4. The principal residence and the accessory unit, and occupancy thereof, must comply with K.C.C. Chapter 16.04,

5. Garage space may be converted only if the same number of covered parking spaces are provided elsewhere on the property,

6. One off-street parking space in addition to that required for a single family dwelling shall be provided,

7. The total number of people who may occupy principal residence and the accessory unit, together, shall not exceed the number of people who may occupy a one-family dwelling;

C. Accessory structures, including storage buildings, and private garages designed to accommodate not more than four cars;

D. Except as provided in K.C.C. Title 11 for those holding a Hobby Kennel or Cattery license, Special Hobby Kennel license, or Private Animal Placement Permit, small animals (household pets) not to exceed three in any combination thereof, when kept on the same lot as the residence of the owners of such pets;

E. Lodgers, limited to two;

F. Private docks (one only per dwelling unit) and mooring facilities for the sole use of occupants of the premises to accommodate private noncommercial pleasure craft. Docks and moorings shall be accessory to the primary use on the property to which they are contiguous, provided:

1. Structures shall conform to the applicable provisions of the Shoreline Management Master Program,

2. No part of the structure shall extend more than sixteen feet above the mean high water level,

3. No structure shall be located closer to a property side line, or property side line extended, than fifteen feet, except that docks may abut property lines for the common use of adjacent property owners, when mutually agreed to by the property owners in a contract recorded with the King County division of records and elections, of which a copy must accompany an application for a building permit,

4. The total area of moorage shall not exceed six hundred square feet,

5. Covered moorage shall abut upon the natural shoreline,

6. Such structure shall not have a width greater than fifty percent of the width of the lot at the natural shoreline upon which it is located,

7. Any boat using such moorage shall not be used as a place of residence when so moored;

G. Foster family day care home, twenty-four hours;

H. Greenhouse, private and noncommercial, for propagation and culture only, with no sales from the premises permitted;

I. Communication facility pursuant to the provisions of K.C.C. 21.80.020 - 21.80.190;

J. Swimming pools and other recreational facilities for the sole use of occupants of premises and their guests;

K. Day nurseries, provided:

1. A maximum of twelve children are cared for in any twenty-four hour period, provided further that the facility shall conform to the occupancy requirements of Chapter 8 of the Uniform Building Code as adopted by King County whenever more than six children are cared for at one time.

2. Outdoor play areas shall be provided with a minimum of seventy-five square feet in area for each child using the area at one time, and shall be completely enclosed by a solid barrier such as a berm, wall or fence, with no openings except for gates, and having a minimum height of six feet, to minimize visual and noise impacts and prevent trespassing on adjacent residentially classified properties.

3. Play equipment shall not be located closer than twenty feet to any property lines.

4. The hours of operation may be restricted to assure compatibility with surrounding development;

L. Home occupation; provided the home occupation:

1. Is carried on exclusively by a member or members of a family residing in the dwelling unit,

2. Is clearly incidental and secondary to the use of the property for dwelling purposes with the floor area devoted to the home occupation not exceeding twenty percent of the living area of the dwelling unit,

3. Has no display or sign not already permitted in the zone, except that a home occupation which is conducted by a person who is medically certified as permanently disabled, and which is located on a state highway, may have a sign no larger than 24 square feet,

4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property,

5. Does not require truck delivery or pickup, nor the installation of heavy equipment, large power tools or power sources not common to a residential dwelling,

6. Does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area,

7. Does not create a level of parking demand beyond that which is normal to a residential area,

8. Does not include automobile, truck or heavy equipment repair, body work or painting; nor parking or storage of heavy equipment including trucks of over one-ton load capacity; nor storage of building materials such as lumber, plasterboard, pipe, paint and the like, for use on other premises;

9. All sales shall be an incidental use;

M. One nameplate not exceeding two square feet in area containing the name of the occupant of the premises;

N. Aircraft hangar, provided:

1. No aircraft sales, service, repair, charter or rental shall be permitted on the premises; nor shall storage of any aircraft on the premises for such purposes be permitted.

2. Only one single or twin-engined noncommercial aircraft (excluding helicopters) shall be accommodated on the premises.

3. No aviation fuel except that contained in the tank or tanks of the aircraft itself shall be stored on the premises.

4. No hangar shall be allowed except on lots which abut, or have a legal access which is not a county right-of-way to a landing field in conformance with K.C.C. Chapter 21.44.

5. No hangar constructed pursuant to this section shall exceed twenty feet in height above average grade, nor have a gross area exceeding three thousand square feet;

O. Beehives, limited to four, provided:

1. Colonies shall be maintained in movable-frame hives at all times.

2. Adequate space shall be maintained in each hive to prevent overcrowding and swarming.

3. Colonies shall be requeened following any swarming or aggressive behavior.

4. All colonies shall be registered with the county agricultural extension agent prior to April 1st of each year; state registration form is acceptable for use with the county.

5. Hives shall not be located within twenty-five feet of any property line, except:

a. When situated eight feet or more above adjacent ground level; or

b. When situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height parallel to any property line

within twenty-five feet of the hive and extending at least twenty feet beyond the hive in both directions.

6. Bees living in trees, buildings, or any other space except in movable-frame hives; abandoned colonies; or diseased bees constitute a public nuisance, and shall be abated as set forth in K.C.C. 21.69.

7. Lots containing more than fifteen thousand square feet, but less than thirty-five thousand square feet of area may have up to sixteen beehives.

8. Lots containing thirty-five thousand square feet or more shall be limited to fifty beehives.

P. Specialized instruction schools, provided:

1. Instructional courses are limited to a maximum of four students per session.

2. Parking, beyond that required for residential uses on the site, shall be provided as in K.C.C. 21.50.040, Parking spaces required. (Ord. 10809 § 8, 1993: Ord. 10021 § 34, 1991: Ord. 8017 § 2, 1987: Ord. 6766, 1984: Ord. 6098 § 2, 1982: Ord. 5674 § 1, 1981: Ord. 5526 § 2, 1981: Ord. 5317 § 4, 1981: Ord. 4786 § 1, 1980: Ord. 3633 § 1, 1978: Ord. 3144 § 3, 1977).

21.08.040 Permitted uses - Primary nonresidential. The following nonresidential uses only are permitted outright in an RS zone, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and subject to the provisions of the King County shoreline management master program where applicable:

A. Art galleries and museums, when located in a public park or on a public or private school site;

B. Cemeteries which were legally in existence prior to the effective date of the adoption of this title;

C. Churches, providing the following conditions are conformed to:

1. All buildings and structures on the site shall not cover more than forty percent of the area of the site.

2. Buildings and structures on the site shall not be closer than thirty feet to any property line, except that a detached one-family dwelling on such site need conform only to the yard requirements and required distance between buildings as prescribed for residences by this chapter.

3. The height limits of the RS classification shall apply, except that the height shall be measured to the mean height of the roof.

4. On interior lots, the required side yards may be used to provide off-street parking areas and on corner lots the interior side yards may be similarly used. Under no circumstances may the required front yard or the side yard on the side street be used for off-street parking.

5. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.

6. Church sites shall abut and be accessible from at least one public street having two moving traffic lanes and a dedicated width that will permit not less than a thirty-six-foot roadway.

7. The following signs only are permitted:

a. One sign area, lighted or unlighted, on the outside wall of the main building and parallel thereto, having an area not greater than forty square feet;

b. A detached sign having an area of not more than twenty square feet and on which both faces may be utilized, such being securely mounted on the ground on supports and the top of which sign shall be not more than six feet above the natural level of the ground upon which it rests. On corner and reverse corner lots one such sign may be placed facing each street;

c. A detached readerboard sign having an area no greater than fifty square feet, lighted or unlighted, and on which both faces may be utilized.

8. For purposes of determining conformance to the foregoing conditions and the parking requirements, a plot plan showing ultimate location and use of all buildings, location of signs, location and amount of off-street parking areas, location and adequacy of ingress to and egress from parking areas, landscaping and sketches to scale showing the building elevations and floorspace to be devoted to seating or assembly purposes, shall be filed with and approved by the building and land development division prior to the issuance of any building permit and thereafter the issuance of any building permits shall be governed by and conform to the approved plot plan. If later, a modified plot plan is submitted, the modified plan shall conform to the conditions and requirements of this title or any amendments in effect at the time the modified plan is submitted;

D. Golf courses, private or public, including clubhouse, accessory driving range, pitch and putt courses, provided:

1. All buildings or structures shall maintain a distance of not less than fifty feet from any property boundary line and from any street boundary line.

2. No required yard or open space on the premises may be used to provide parking spaces for cars or vehicles.

3. Where property devoted to these purposes is bounded by a street, then on any street property line no entrance-exit facilities for automobiles shall be located closer than one hundred feet from a street intersection;

E. Libraries, publicly operated;

F. Parks, publicly owned and operated, provided:

1. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted.

2. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

3. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street;

G. Schools, elementary, junior high and high, and junior colleges, public, private or parochial; provided the following conditions are conformed to:

1. No less than the following minimum site areas shall be provided:

a. For elementary schools, five acres,

b. For junior high schools, ten acres,

c. For senior high schools, fifteen acres,

d. For junior colleges, twenty acres.

2. All buildings and structures shall maintain a distance not less than thirty feet from any property line.

3. All buildings, including accessory buildings and structures, shall not cover more than forty percent of the area of the site.

4. The following signs only are permitted:

a. One sign, lighted or unlighted, on the outside wall of the main building and parallel thereto, having an area not greater than forty square feet,

b. A detached sign, lighted or unlighted, totalling not more than twenty square feet and on which both faces may be utilized, such sign being securely mounted on the ground and the top of which sign shall be not more than six feet above natural grade. On corner and reverse corner lots one such sign may be placed facing each street;

c. A detached readerboard sign having an area no greater than fifty square feet, lighted or unlighted, and on which both faces may be utilized.

H. The reuse of closed public school facilities that are retained in the ownership of the school district, provided:

1. If any new structures are constructed or if existing structures are modified, the total site area devoted to structures shall not exceed forty percent.

2. Prior to conversion, the school district shall:

a. Give notice of intent to reuse the facility and hold a hearing for the purposes of advising the neighborhood of the proposed reuse and receiving comments. Notice of the public hearing shall follow the procedures described in K.C.C. 21.62.070.

b. Develop a plan for the reuse of the facility which includes a list of the uses of conversion and conditions, a site plan showing the existing conditions, any proposed structural modifications, existing and proposed parking and access abutting right-of-way width and street and sidewalk improvements, fire access, existing vegetation and proposed landscaping, signs, and exterior lighting. A certificate of water availability shall be attached to the site plan.

c. Prepare an application which includes all written comments submitted and a verbatim transcript of all oral comments at the public hearing, addresses citizen concerns with conditions or limitations, and presents the site plan.

d. Submit the application and site plan to the manager of the building and land development division (BALD).

3. The manager of BALD shall either approve, approve with conditions or reject with cause the district's application and site plan based on compliance with applicable rules and regulations. The manager may hold a public hearing if he deems that it is appropriate. The manager's decision may be appealed to the zoning and subdivision examiner as set forth in K.C.C. 20.24. The manager's decision may be revoked or modified if the examiner determines it is clearly erroneous.

4. Once an application and site plan is approved by BALD and then accepted by the district through school board resolution, it shall be the basis for reviewing all building permits and change of occupancy permits for the facility. BALD shall determine compliance with the approved plan before issuing such permits.

5. The list of eligible uses shall be limited to the following:

a. Those uses permitted in Sections 21.08.040 and 21.08.050 of this chapter subject to the conditions set forth in those sections in which case a school district does not have to go through the conversion process for closed public school facilities, and;

b. Community cultural activities, including theater and dance rehearsal or instructional halls for the performing arts. Performing arts theaters shall locate only in senior high schools;

c. Public health clinic with no overnight stay;

d. Administrative offices of civic, social service, governmental and religious organizations;

e. Non-profit agencies providing community services and goods delivery;

f. Community fund raising activities;

g. Community and senior citizens center;

h. Children's programs such as preschool, co-op nursery;

i. Recreation programs and athletic activities;

j. Maintenance caretaker residence;

k. Dwelling units at the density permitted by the underlying zoning designation;

l. Cafeteria services (limited to building users and programs for the elderly);

m. Professional offices limited to twenty percent of the net usable floor space of the school facility;

n. Convalescent homes;

o. Nursing homes;

p. Storage of materials and equipment within the building by educational, community service and governmental agencies;

q. Emergency shelters for families only;

r. College/University;

s. Arts and crafts vocation and trade schools;

t. Adult community school and business school;

u. Specialized instruction schools.

6. Parking shall be provided as follows:

a. The school district shall develop a parking plan designating parking areas and driveways for all building users and tenants;

b. The total number of off-street parking spaces to be provided for all building users shall be calculated based on the provisions set forth in K.C.C. 21.50. Building use shall be limited to the amount of available parking;

c. Lease agreements negotiated between the tenants and the school district shall stipulate the use of on-site parking facilities.

7. Right-of-way dedication and street improvements shall be provided pursuant to K.C.C. 14.28, 19.26.310 and 21.48.110. The county road engineer shall determine necessary access and shall recommend any needed street and sidewalk improvements.

8. All uses in converted school buildings shall conform to the building and fire code and meet the necessary standards relating to separation, sprinklers and building requirements.

9. Signs shall be permitted according to the following standards and shall not be placed in any yard or required open space:

a. Up to two signs of no more than forty square feet each may be located on the site to identify the facility and tenants. If the signs are illuminated, they shall be shielded so that direct rays from the light do not impact surrounding properties;

b. Up to three additional signs of no more than fifteen square feet each may be placed around the site to identify the facility and parking;

c. Signs of five square feet or less may be placed to direct users to on-site parking;

d. Flashing and neon signs are not permitted;

e. Signs may be freestanding but shall be no taller than five feet;

f. No tenant shall have any sign in the window identifying their occupancy.

10. The property shall be managed, operated and maintained to preserve the peace and character of the surrounding neighbors. The hours of operation may be restricted.

I. Signs, only the following (except as provided for churches and schools):

1. One nameplate not exceeding two square feet in area containing the name of the occupant of the premises,

2. One unlighted sign not exceeding six square feet in area pertaining to the sale, lease or hire of only the particular building, property or premises upon which displayed (including a vacant lot or parcel),

3. An unlighted permanent community identification sign in connection with a subdivision or planned unit development provided:

a. A maximum of two signs shall be permitted per subdivision or planned unit development.

b. Each sign shall not exceed forty-two inches in height.

c. Each sign shall not exceed twenty square feet in area.

d. Each sign shall be residential in character.

e. Each sign shall not reduce sight distance at intersections.

f. Each sign may be located in a tract separate from residential lots, on a landscaping or other easement, or on county right-of-way with the approval of the department of public works. In no event shall the county assume maintenance or liability responsibility for such signs;

J. Unclassified uses, as provided in Chapter 21.44.

K. Day nurseries and adult daycare, provided:

1. A maximum of twelve children or adults are cared for in any twenty-four hour period, provided further that the facility shall conform to the occupancy requirements of Chapter 8 of the Uniform Building Code as adopted by King County whenever more than six children or adults are cared for at one time.

2. A minimum of two off-street parking spaces shall be required which shall not be located within any required yards.

3. Buildings, structures and landscaping shall be of a character which is appropriate for the area.

4. For day nurseries, outdoor play areas shall be provided with a minimum of seventy-five square feet in area for each child using the area at one time, and shall be completely enclosed by a solid barrier such as a berm, wall or fence, with no openings except for gates, and having a minimum height of six feet, to minimize visual and noise impacts and prevent trespassing on adjacent residentially classified properties.

5. For day nurseries, play equipment shall not be located closer than twenty feet to any property lines.

6. The hours of operation may be restricted to assure compatibility with surrounding neighborhood.

L. Propane and compressed natural gas bulk storage facilities from which gas is distributed only by piping directly to individual users. (Ord. 11113 § 1, 1993: Ord. 10879 § 1, 1993: Ord. 8017 § 3, 1987: Ord. 7801, 1986: Ord. 7246 § 1, 1985: Ord. 6123, 1982: Ord. 5674 § 2, 1981: Ord. 5002 § 1, 1980: Ord. 3144 § 4, 1977).

21.08.050 Permitted uses - Accessory nonresidential. The following accessory uses only are permitted in an RS zone when a nonresidential use as permitted in Section 21.08.040 has been established on the subject property:

A. Day nurseries accessory to a public or private school or a church, with no more than fifty children, under six years of age, cared for at one time;

B. Commuter parking lots for users of carpools or other recognized ride-sharing programs, provided:

1. Such parking lots are existing parking lots for churches, schools, or other permitted nonresidential uses which have capacity in excess of legal parking requirements which are available during working hours;

2. Such parking lots are located on sites adjacent to a designated arterial which has been improved to a standard acceptable to the department of public works;

3. Such parking lots must have controlled vehicle access and egress approved by the department of public works; and

4. Use of such parking lots is part of a county-sponsored or county-approved carpool or ride-sharing program. (Ord. 3608 § 1, 1978: Ord. 3144 § 5, 1977).

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

A. Recreational facilities, community noncommercial, including clubhouse facilities, provided:

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

2. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

3. The site shall be located upon, or have adequate access to a public thoroughfare.

B. Boat moorages for pleasure craft only in connection with community and noncommercial recreational facilities as set forth in this section, whether the moorage is publicly or privately owned; provided:

1. No boat sales, service, repair, boat charter or rental shall be permitted on the premises.

2. The deck of any pier shall be no more than five feet above high water level.

3. Onshore toilet facilities shall be provided.

4. Boats using such moorage facilities shall not be used as a place of residence.

5. No overhead wiring shall be permitted on piers or floats except within covered moorage structures.

6. All covered structures over water shall abut upon the shore and be at least forty feet apart when placed side by side. When covered structures are placed end to end or side to end, one of the structures shall abut upon the shore, and the structures shall be at least fifteen feet apart.

7. No covered structures over water shall be permitted to extend out from shore a distance greater than fifty percent of the maximum permitted distance from shore of a pier on the subject premises, but in no case a distance of more than fifty feet from shore.

8. No pier, including finger piers, shall occupy more than ten percent of the water area of any lot upon which the same is built, nor shall the total area of covered structures over water occupy more than twenty percent of the water area of such lot.

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

10. The roofs of covered moorage shall contain no more than seventy-two hundred square feet of area in any one unit, and such roofs shall not be supported directly by extended piling.

11. Side walls on covered structures shall not exceed fifty percent of the area of any three sides and shall be of rigid or semirigid material and shall cover from external view all roof bracing.

C. Day nurseries and adult daycare when more than twelve children or adults are to be cared for at one time, subject to the following provisions which the zoning adjustor may waive or modify when circumstances warrant:

1. A minimum site area of 7,200 square feet is required for thirteen children or adults, and an additional 400 square feet of site area is required for each additional child or adult to be cared for.

2. The facility shall conform to the occupancy requirements of Chapter 8 of the Uniform Building Code as adopted by King County.

3. Direct access to a designated and developed arterial street shall be required.

4. A minimum of one off-street parking space for each ten children or adults cared for plus one for each employee on duty shall be required, provided no parking shall be located within required yards.

5. Buildings, structures and landscaping shall be of a character which is appropriate for the area.

6. For day nurseries, outdoor play areas shall be provided with a minimum of seventy-five square feet in area for each child using the area at one time, and shall be completely enclosed by a solid barrier such as a berm, wall or fence, with no openings except for gates, and having a minimum height of six feet, to minimize visual and noise impacts and prevent trespassing on adjacent residentially classified properties.

7. For day nurseries, play equipment shall not be located closer than twenty feet to any property lines.

8. The hours of operation may be restricted to assure compatibility with surrounding development.

9. One sign not exceeding two square feet in area is permitted.

D. Seaplane hangars, provided:

1. No aircraft sales, service, repair, charter or rental shall be permitted on the premises, nor shall storage of any aircraft on the premises for such purposes be permitted.

2. Only one single-engined or twin-engined private noncommercial seaplane (excluding helicopters) shall be accommodated on the premises.

3. No aviation fuel except that contained in the tank or tanks of the seaplane itself shall be stored on the premises.

4. Seaplane hangars shall conform to all applicable zoning and shoreline management regulations governing moorage facilities and covered boathouses.

5. No landing field or other facility for landbased aircraft shall be allowed, except as an unclassified use in conformance with Chapter 21.44.

E. Administrative Office, Public.

1. Any building or structure shall maintain a distance of not less than twenty feet from any abutting R, S or G classified property.

2. The site shall be located upon or have adequate access to a public thoroughfare.

3. Buildings, parking and other structures shall be screened from any abutting R, S or G classified property with a Type I Landscape Buffer.

F. Communication facility subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 11113 § 2, 1993: Ord. 10021 § 35, 1991: Ord 9711 § 2, 1990: Ord. 5674 § 3, 1981: Ord. 5570 § 2, 1981: Ord. 5002 § 2, 1980: Ord. 3144 § 6, 1977).

21.08.062 Administrative conditional uses. In an RS zone the following conditional uses only are permitted subject to the administrative approval of the zoning adjustor as set forth in Chapter 21.58, and subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and the provisions of the King County shoreline management master program, where applicable:

A. The reuse of nonresidential structures or other developed facilities which were built in the zone for permitted uses such as schools, fire stations, libraries or recreational facilities when no longer needed for their intended purpose provided any new construction or expansion of a use is limited to the setback, coverage and height requirements of the underlying zone classification. In no instance shall more than fifty percent of the total area in existing buildings be demolished to accommodate the allowed uses. Reuse of such buildings shall be further limited to the following activities:

1. Those uses enumerated in Section 21.08.060 of this chapter, subject to the conditions set forth in those sections.

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

3. The storage of governmental records.

4. Retirement home, provided:

a. The site is within one quarter mile walking distance from public transportation which operates both peak hour and offpeak hour service on a daily basis.

b. The lot area per each dwelling unit and each sleeping unit shall not be less than two thousand four hundred square feet.

c. The amount of off-street parking required shall not be less than one parking space per four sleeping and dwelling units and one parking space per employee.

d. At least one person occupying a sleeping unit shall be sixty-two years or older.

5. Rest homes, nursing and convalescent homes, provided:

a. The site is convenient to public transportation.

b. The accommodations and number of persons cared for conform to applicable state and local regulations.

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

7. Schools, private or parochial.

8. School administrative offices.

Any subsequent change of use to other uses permitted by this section shall require the issuance of a new administrative conditional use permit.

B. Water storage reservoirs, tanks, or standpipes located above ground subject to the minimum standards set forth for public utility facilities in K.C.C. 21.08.070. (Ord. 10914 § 1, 1993: Ord. 9179 § 1, 1989: Ord. 8805, 1989: Ord. 8318, 1987: Ord. 7246 § 2, 1985: Ord. 5973 § 1, 1982: Ord. 5570 § 1, 1981: Ord. 5002 § 2, 1980: Ord. 3144 § 6, 1977).

21.08.070 Utilities.* Public utilities shall be permitted in an RS zone as follows, subject to the provisions of the King County shoreline management master program where applicable, except that public utility facilities permitted by Section 21.46.140 shall not be affected by this section:

A. Public utility facilities necessary for the transmission and distribution of services for the area when the facilities are located underground below the natural grade of the site; provided, however, that surface-mounted transformers, telephone terminals and metering devices less than five feet in height required in connection with underground services are permitted above ground.

B. Public utility facilities, such as telephone exchanges, sewage or water pumping stations, electrical distribution substations, necessary for the distribution of services, are permitted above ground, but not including business offices, warehousing, storage buildings or yards, service yards, sewage treatment plants or bulk gas storage (except as permitted in K.C.C. 21.08.040) or the like, subject to the following minimum standards:

1. Any equipment or structure except architectural screens and fences shall observe a setback of one foot for each one foot the equipment or structure rises above the grade, but in no case less than twenty feet from any property line.

2. When security fences are used, they shall be supplemented with base plantings of evergreen shrubs or trees, or climbing evergreen material on the fences or wood slats woven into the fence so as to minimize the industrial character of such fences.

3. An appropriate area surrounding the installation shall be landscaped and maintained with paving, shrubs and ground cover consistent with surrounding residential standards.

4. When the facility includes bulky structures such as water towers or standpipes, the landscaping shall include trees, either natural or planted, of such size as will partially screen and effectively break up the massive appearance of such structures.

(*See also K.C.C. 21.46.140).

5. Landscaping shall be planted according to accepted practice in good soil and maintained in good condition at all times. Landscaping shall be planted as a yard improvement at or before the time of completion of the first structure or within a reasonable time thereafter, considering weather and planting conditions.

6. The permissible sound level measured at any common property line with R, S or G classified property shall normally not exceed sixty decibels when measured on the A scale by a Type 1 or Type 2 sound level meter as specified in American National Standards Institute Specification S 1.4-1971.

7. Site plans, elevation and landscape plans shall be submitted and approved by the department of development and environmental services prior to the issuance of a building permit. The department of development and environmental services may require the posting of a surety bond guaranteeing to the county the installation and improvement of the site in accordance with the approved screening and landscape plans in an amount estimated to be equal to the cost of such screening and landscaping.

C. Communication facility subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 10879 § 2, 1993: Ord. 10021 § 36, 1991: Ord. 5973 § 2, 1982: Ord. 3144 § 7, 1977).

21.08.080 Lot area. A. In recognition of the variations in topographical conformation and geographical relationships of portions of King County and the advantages that can attach to living conditions, including considerations of health, safety and general welfare and the amenities of living which naturally relate to the areas devoted to residential and related purposes, there are established in the RS classification four minimum required lot areas required as set forth herein and, as to location, are identified on the zoning map by the designations RS-15,000, RS-9600, RS-7200 and RS-5000:

1. The minimum required area of a lot in an area designated as RS-15,000 shall be fifteen thousand square feet.

2. The minimum required area of a lot in an area designated as RS-9600 shall be nine thousand six hundred square feet.

3. The minimum required area of a lot in an area designated as RS-7200 shall be seven thousand two hundred square feet.

4. The minimum required area of a lot in an area designated as RS-5000 shall be five thousand square feet.

B. In multiple-lot subdivisions and short subdivisions approved subsequent to the effective date of this title, the minimum lot area shall be deemed to have been met if the area in lots plus the area designated for permanent open space or recreational uses and all on-site area to be utilized for streets, divided by the total number of lots, is not less than the minimum lot area requirement of the zone in which the property is located as identified on the zoning map. The inclusion of publicly or privately owned streets, roadways, or roadway easements shall not be included in the lot area for land under shoreline jurisdiction.

C. Subdivisions or short subdivisions in which lot size averaging, lot clustering or the flexible setback provisions of K.C.C. 21.48 are used shall meet the following criteria:

1. All building lots must be capable of meeting off-street parking requirements and be capable of accommodating residences which meet sewerage disposal and building code requirements. No more than one hundred thirty-five percent of the minimum required lot area may be credited to any oversized lot when calculating average lot area, and no oversized lot used for lot averaging may be further subdivided;

2. A maximum of thirty-five percent of the lot area may be credited from compensating right-of-way, except for corner lots where a maximum of twenty-five percent may be credited however, in no instance shall a density set by an adopted community plan be exceeded as a result of crediting right-of-way to lot area.

3. Common open space areas may not be computed to include any submerged land unless part of a planned unit development as provided in Chapter 21.56;

4. At least fifty percent of the common open space area must be usable for active recreation (i.e. have a slope of not more than five percent), free of hazardous conditions, and dry (i.e. above the one-hundred-year floodplain) unless it consists of a valuable natural feature, preservation of which is consistent with adopted county policies;

5. Open space or recreation may be accepted for dedication to King County at the county's option and only if the property's size and features meet adopted King County open space and park acquisition standards, or may be owned in undivided interest by the residents of the subdivision, who shall be responsible for any required maintenance. In either case, the subdivider shall remove or eliminate all hazardous conditions such as construction debris, dead trees or abandoned mine workings within the designated area prior to final plat approval. If the property is being dedicated, the parks division may require additional improvements.

6. When adjacent dwelling units are attached, the aggregate structures' design and location with respect to yards and common open space shall be consistent with established neighborhood character and scale;

7. If site contours permit, lots must allow potential orientation of building for maximum winter solar heat gain, and minimum obstruction of other buildings' solar access;

8. The building and land development division may require typical plot plans and building elevations prior to final plat or short plat approval, and may condition the location and design of structures to accomplish the purposes of this section;

9. Slight variations from the requirements of this subsection may be authorized by the director when not inconsistent with their intent and purpose.

D. All normal lot area and lot dimension requirements shall apply to lots proposed to be created through a subdivision or short subdivision unless King County determines that a proposed modification of normal requirements through lot size averaging or lot clustering or the flexible setback provisions of K.C.C. 21.48 is consistent with the purposes of this title and county subdivision regulations, and the criteria set forth in this section. King County shall deny or modify any proposed variation from normal lot area and lot dimension requirements within a subdivision or short subdivision as necessary to accomplish the purposes of this section, and to minimize adverse impacts on adjacent properties.

E. In the case of a permitted transitional two-family dwelling, the lot area per dwelling unit shall be not less than one-half of the minimum required area of the lot. If a lot has less than seven thousand two hundred square feet, the lot area per dwelling unit for a transitional use shall be not less than three thousand square feet. (Ord. 8642 § 1, 1988: Ord. 4667 § 1, 1979: Ord. 3144 § 8(part), 1977: Ord. 1887 § 1, 1974: Res. 36163 (part), 1968: Res. 25789 § 402, 1963).

21.08.100 Lot width. Every lot in an RS zone shall maintain a width of not less than the following:

A. The minimum width of a lot in an area designated as RS-15,000-eighty feet;

B. The minimum width of a lot in an area designated as RS-9600-seventy feet;

C. The minimum width of a lot in an area designated as RS-7200-sixty feet;

D. The minimum width of a lot in an area designated as RS-5000-forty feet. (Ord. 4667 § 3, 1979: Ord. 3144 § 8 (part), 1977: Res. 25789 § 405, 1963).

21.08.110 Front yard. Every lot in an RS zone shall have front yards with a depth of not less than twenty feet, except on key lots and transitional lots this depth may be reduced to fifteen feet. (Ord. 3144 § 8(part), 1977: Res. 25789 § 405, 1963).

21.08.120 Side yards. In an RS zone every lot shall have a side yard on each side of the lot, which side yard shall have a width of not less than five feet. (Ord. 3144 § 8(part), 1977: Res. 25789 § 406, 1963).

21.08.130 Height. In an RS zone no residential building or structure shall exceed a height of thirty feet. Any other building or structure may exceed such height limit; provided each required side yard and open space is increased one additional foot in width for each additional foot in height such building or structure exceeds thirty feet; and provided, further, that a site occupied by a building or structure having a height greater than thirty feet shall have no property alienated from such site which would reduce the yards and open spaces required or provided to compensate for the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based. In no case, however, may a building or structure exceed a height of fifty feet, except for church steeples and the like as provided in Section 21.48.030. If a parcel contains an area two or more times, but not more than four times, the minimum required lot area for the area district in which the property is located as identified on the zoning map, then the portion of the parcel committed to the building site, including the additional yards and open spaces provided to compensate for the greater height of buildings, shall be accurately defined as a separate lot by means set forth in the subdivision code for platting or dividing property. (Ord. 3144 § 8(part), 1977: Res. 25789 § 407, 1963).

21.08.140 Permissible lot coverage. A. Except as otherwise provided for schools and churches, all buildings, including accessory buildings and structures, but not including any open areas used to provide parking spaces or private swimming pools, shall not cover more than thirty-five percent of the

area of the lot. In the case of churches and schools, the limitation of lot coverage shall pertain to buildings and structures only and does not include open air parking areas.

B. In subdivisions or short subdivisions where lot size averaging, lot clustering or the flexible setback requirements of K.C.C. 21.48.270 are used, residential lot coverage shall be limited to thirty-five percent of the minimum lot area of the zone classification, except that the lot coverage provisions of the RT zone shall apply to lots developed with townhouses. (Ord. 6067 § 2, 1982: Ord. 4667 § 4, 1979: Ord. 3144 § 8(part), 1977; Res. 25789 § 408, 1963).

21.08.150 Placement of buildings and structures. Placement of buildings and structures on any lots in an RS zone shall conform to the following:

A. Interior lots shall conform to the following:

1. Any building any portion of which contains a dwelling unit or accessory living quarters shall observe a distance from any lot side line and rear property line of five feet.

2. The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than ten feet.

3. On the rear third of a lot, accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided not less than ten feet of the lot rear line shall be free and clear of buildings; and provided, further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of the alley.

B. Corner lots and reverse corner lots shall conform to the following:

1. Any building containing a dwelling unit or accessory living quarters shall observe a distance from any lot side line and the lot rear line of five feet.

2. The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than ten feet.

3. On the rear third of a corner lot, accessory buildings not containing accessory living quarters may be built on the lot interior side line and the lot rear line; provided, if the lot rears upon any alley, a garage with a vehicular entrance from the alley shall maintain a distance not less than fifteen feet from the centerline of such alley.

4. On the rear third of a reverse corner lot, accessory buildings not containing accessory living quarters may be built to the lot interior sideline, but no building shall be erected closer to the lot rear line than five feet unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than fifteen feet from the centerline of the alley.

5. In all cases, the width of the required side yard on the side street side shall be observed. (Ord. 3144 § 8 (part), 1977; Res. 25789 § 409, 1963).

21.08.160 Limitations on use. Every dwelling unit located in an RS zone shall be subject to the following conditions and limitations:

A. All foundations shall be as provided in the King County building code. Dwellings designed to be supported on piers shall be fully skirted in a

manner harmonious with the structure. Cantilever structures extending over four feet above grade may be exempted from the skirting requirement.

B. All structures must obtain a King County building permit, or, in the case of mobile homes, a mobile home permit in accordance with the provisions of Chapter 21.09

C. Only one single-family residence is permitted on each lot. (Ord. 5317 § 5, 1981: Ord. 3144 § 8 (part), 1977; Ord. 2392 § 6, 1975: Res. 25789 Art. 4 (part), 1963).

21.08.170 Homeowner's Association Contract. It is not the intent of this section to supersede any provision made in any covenant or Homeowner's Association contract which was promulgated prior to the effective date of this section. (Ord. 6098 § 3, 1982).

21.08.180 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.09
MOBILE HOMES AND MOBILE HOME PARKS

Sections:

21.09.010 General Provisions.
21.09.020 Location.
21.09.030 Standards.
21.09.040 Installation Permits and Procedures.
21.09.050 Enforcement and Inspection.

21.09.010 General Provisions. A. Purpose. The purpose of this title is to provide for the location and regulation of mobile homes, mobile home parks and recreational vehicle parks; allowing temporary placement of mobile homes under certain conditions; establishing standards for the placement of

individual mobile homes and accessory structures; establishing standards for the creation of mobile home parks and recreational vehicle parks; establishing review procedures of applications for permits for mobile homes, mobile home parks and recreational vehicle parks; setting fees for permits and inspections; providing for conformance to standards and conditions of approval; establishing standards for the installation of factory-built commercial structures and commercial coaches; and providing for inspection and enforcement.

B. Application of title. This title shall apply to all mobile homes, accessory structures, and factory-built commercial structures and commercial coaches to be installed, and all mobile home parks and recreational vehicle parks or expansions thereof to be created after the effective date of the ordinance codified in this title.

C. Grandfather clause. Mobile homes, accessory structures, factory-built commercial structures and commercial coaches, and parks installed or created prior to the effective date of the ordinance codified in this title shall be subject to the conditions of any final PUD approval and/or applicable ordinances, including setbacks, in effect at the time such approvals were granted, whichever applies. (Ord. 5316 § § 2, 3(A) and (B), 1981.)

21.09.020 Location*. A. Individual mobile homes - Permitted where. Except as provided in subsection B, an individual mobile home is permitted to be located subject to the issuance of a mobile home permit, as follows:

1. On any legal lot in an R, S, G, A or F-R zone;

2. In a mobile home park approved by the Building and Land Development Division or grandfathered by this title;

3. As caretaker's quarters as permitted in this title.

B. Individual mobile homes - Temporary placement. An individual mobile home may be located on a temporary basis subject to the issuance of a mobile home permit as follows:

1. Applicants who are in the process of building a dwelling may apply for a temporary use permit, for a period not to exceed twelve months, which may be renewed for good cause, to locate a mobile home on the building lot during the course of construction of the dwelling provided.

2. Such permit shall not be issued after a building permit (for the building) has been obtained.

3. The mobile home shall be removed from the lot upon the expiration of the temporary permit or when the permanent dwelling is occupied (whichever occurs first).

4. In cases of hardship the manager of the Building and Land Development Division may permit a mobile home to be temporarily placed on a legal lot of fifteen thousand square feet or more, in an R, S, A or G zone already occupied by a dwelling, through issuance of a temporary use permit, provided:

a. The applicant can demonstrate to the manager's satisfaction that it is necessary to establish accessory living quarters to accommodate an individual(s) requiring daily care, as established by a physician's certification;

b. The manager shall notify all residents within three hundred feet of the subject property advising such residents of the requested action and soliciting comments, to be considered in establishing conditions to avoid adverse impacts on the neighborhood;

*(See also K.C.C. 21.46.130)

c. The manager may deny the request or approve it subject to such conditions deemed necessary to protect neighboring uses and properties from adverse impacts;

d. The mobile home and all other structures on the lot shall meet the minimum yard, height, building placement and lot coverage provisions of the applicable zone;

e. The mobile home shall be removed when justification for its use terminates;

f. The temporary use permit shall be subject to annual renewal, at which time the manager shall review and certify the justification for the use.

5. Mobile homes used on a temporary basis must satisfy the standards set forth in Chapter 21.09.030.

6. Upon satisfactory termination of the temporary use, the mobile home unit and all appurtenances thereto shall be removed by the permittee.

C. Mobile home parks. Mobile home parks are permitted to be located in the RMHP, RD and any RM zone subject to site plan approval by the Building and Land Development Division, as provided in Chapter 21.09.040.

D. Recreation vehicle parks. Recreation vehicle parks are permitted to be located in any BC or CG zone subject to site plan approval by the Building and Land Development Division as provided in Chapter 21.09.040, or in any zone except R or S zones subject to issuance of a conditional use permit as provided in Chapter 21.58 of this code.

E. Factory-built commercial structures and commercial coaches. Factory-built commercial structures and commercial coaches shall be located, installed and used in the same manner as conventional commercial structures, except to the extent that construction standards are regulated by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development. (Ord. 5316 § 4, 1981).

21.09.030 Standards. A. Individual mobile homes. All mobile homes subject to this title shall comply with following requirements:

1. The mobile home shall be approved by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development and have the appropriate insignia affixed to the unit, in accordance with the provisions of RCW 43.22. Those mobile homes not bearing the appropriate insignia are subject to the additional requirements set forth in K.C.C. 21.09.030.B.

2. The support system and stabilizing devices for any mobile home shall be designed and installed in accordance with the specifications set forth by the manufacturer, except that the support system and stabilizing devices shall be designed and installed in accordance with the specifications set forth in Part 4, American National Standards Institute (ANSI) A119.3 - 1975, "Standard for the Installation of Mobile Homes," or standards promulgated by the state if such standards are more stringent, for any mobile home to be installed under the following circumstances:

a. On land identified as a sensitive area as designated by K.C.C. 21.04.274;

b. When more than one-fourth of the area of a mobile home is installed such that the bottom of the frame members are more than three feet above ground level;

c. When the manufacturer's installation instructions are not available, except that requirements for stabilizing devices may be waived when subdivisions a. or b. of this subsection do not apply.

3. All mobile homes supported on piers shall be fully skirted in a manner harmonious with the structure.

4. All mobile homes must have water supply and sewage disposal approved by the health department.

5. Mobile homes located outside of a mobile home park shall be subject to the setback and lot coverage provisions of the zone in which located. If internal setbacks are not indicated or are not clear, for those parks approved prior to the effective date of this chapter, the prevailing setbacks in effect in the park shall be applied to the installation of mobile homes within those parks after the effective date of this chapter. Mobile homes placed in mobile home parks are subject to the setback limitations set forth in the approved site plan or PUD for the park.

6. Electrical service connections shall meet Washington State Department of Labor and Industries standards.

B. Noninsignia mobile homes. All individual mobile homes to be located within King County that do not have an insignia of approval from the Washington State Department of Labor and Industries, or the U.S. Department of Housing and Urban Development and for which the owner can demonstrate proof of residency within King County before the effective date of this chapter; shall to the extent feasible be inspected by the department of development and environmental services for the following liveability standards before they may be moved to a new location or before they may be occupied by nonowner residents:

1. The unit must have safe, operable heating facilities.

2. The unit must be equipped with a water closet, lavatory, bathtub or shower, and kitchen sink; be provided with hot and cold running water; and all facilities shall be installed and maintained in a safe and sanitary condition.

3. All electrical service entrance conductors, service equipment, switches, lighting outlets, power outlets and appliances shall be maintained in a safe manner.

4. The structure must be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

5. All openable windows and doors must be in operable condition to provide for adequate natural ventilation and emergency exit.

6. An operable smoke detector shall be installed within the unit.

7. The unit shall be structurally sound with no apparent hazardous condition in floors, walls, ceilings and roofs.

8. The unit must be well maintained, free of debris and infestation of insects, vermin or rodents.

9. The unit may not be located closer than seventy-five feet to any property line or structure unless the unit is served by water mains and fire hydrants which meet the required minimum fire flows for new residential plats as set forth in K.C.C. 17.08.

10. DDES shall include a statement on its inspection form that the inspection does not constitute a warranty that the unit is safe or livable.

C. Accessory structures.

1. Any accessory structures in excess of one hundred and twenty square feet of floor area or roof area as appropriate shall be subject to the provisions of the Uniform Building Code as adopted in King County, and a building permit shall be required before construction or installation.

2. Separation between accessory structures and other structures shall be as set forth in the applicable zone classification, or as set forth in K.C.C. 21.09.030E when located in a mobile home park; except that carports, awnings and decks may be placed adjacent to the mobile home, provided:

a. The structure must be self-supporting and may be attached to the mobile home. When attached for purposes of support it must be documented by a registered architect, or civil or structural engineer or mobile home manufacturer that the mobile home is capable of supporting the potential additional loading of the structure;

b. A carport or awning must be open on three sides, except that an accessory structure may be located under a carport or awning provided not more than twenty feet of the total opening length is effectively obstructed by the structure;

c. If the carport or awning is constructed of combustible materials:

(1) it must be located at least ten feet from structures other than the mobile home to which it is attached;

(2) the carport roof area shall not extend over or otherwise cover any bedroom windows;

(3) no accessory structures other than decks, porches, stairs or ramps shall be permitted under the roof area.

D. Recreational vehicle parks. Recreational vehicle parks shall be subject to the following conditions and limitations:

1. The minimum site area shall be three acres.

2. The maximum length of stay of any unit shall be one hundred and eighty days.

3. Landscaping shall be provided around the perimeter of the site as set forth for B and C zones in K.C.C. 21.51.

4. There shall be a minimum of ten feet of separation maintained between all recreational vehicle pads.

5. One off-street parking stall shall be provided for each designated recreational vehicle space.

6. The following facilities shall be provided in accordance with rules and regulations promulgated by the director of the health department:

a. Laundry facilities;

b. Toilets;

c. Bathing facilities;

d. Garbage disposal facilities.

7. A minimum of five percent of the site shall be provided for recreational activity for the occupants of the park. The area shall be exclusive of the required perimeter buffer area, centrally located and of such grade and surface to be suitable for active recreation.

8. Internal circulatory roads shall provide access to each space and shall have a minimum driving surface of twenty-two feet in width and shall be constructed with a road base and surface in accordance with the adopted King County road standards for local access streets.

9. Access to the site shall be over a county or state maintained road improved to King County standards as determined by the department of public works.

10. Pedestrian walkways shall be provided to the service building(s), recreational activities and adjacent public street(s). Walkways shall be of a hard, durable, all-weather surface and a minimum width of four feet.

11. Surface water runoff shall be controlled in accordance with K.C.C. 9.04.

12. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.

13. All public streets abutting the site shall be improved to King

County standards in accordance with the adopted road standards for the type of roads involved as designated in the Interim Transportation Plan, Focus 1990.

14. Water supply and sewage disposal shall be provided subject to the approval of the health department in accordance with applicable state and King County board of health rules and regulations.

15. Water supply shall be provided subject to the approval of the King County fire marshal pursuant to K.C.C. 17.08.

16. Electrical service connections shall meet Washington State Department of Labor and Industries standards.

E. Mobile home parks. Except as modified pursuant to the alternative design standards outlined in paragraph F, mobile home parks developed or enlarged after the effective date of the ordinance codified in this chapter shall be designed and developed in accordance with the following conditions and limitations:

1. The minimum site area of a mobile home park shall be three acres.

2. Landscaping shall be provided around the perimeter of the site as set forth for mobile home parks in K.C.C. 21.51.

3. Two and one-half off-street parking stalls shall be provided for each mobile home. The required parking may be located adjacent to the unit in either a side-by-side or tandem arrangement or in common parking areas within the park.

4. A minimum of five percent of the site shall be set aside and maintained for recreational activity for the occupants of the park. The manager may reduce the minimum to three percent of the site if substantial and appropriate recreational facilities (such as a recreational building, swimming pool, or tennis courts) are provided. The area shall be exclusive of the required perimeter buffer, centrally located, and of such grade and surface to be suitable for active recreation.

5. Internal circulatory roads shall provide access to each mobile home space and shall have a minimum driving surface of twenty-two feet in width and shall be constructed with a road base and surface in accordance with the adopted King County road standards for local access streets.

6. Access to the site shall be over a county or state maintained road improved to King County standards as determined by the department of public works.

7. Pedestrian walkways shall be provided throughout the park to enable access from each space to the recreational area and to an adjacent street. A portion of the road surface may be reserved for walkways provided the roadway width is widened accordingly. Walkways shall be of a hard, durable all-weather surface and a minimum width of four feet.

8. There shall be a minimum of ten feet of separation maintained between all mobile homes on the site. Accessory structures may be located no closer than:

a. ten feet to mobile homes on adjacent spaces;

b. five feet to accessory structures of mobile homes on adjacent spaces;

c. five feet to the mobile home or other accessory structures on the same space, except that separation may be reduced to three feet when the affected structures are constructed of noncombustible materials.

9. Surface water runoff shall be controlled in accordance with K.C.C. 9.04.

10. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.

11. All public streets abutting the site shall be improved to King

County standards in accordance with the adopted road standards for the classification of road involved, as designated in the Interim Transportation Plan, Focus 1990.

12. Water supply shall be provided subject to the approval of the King County fire marshal pursuant to K.C.C. 17.08.

13. Water supply and sewage disposal shall be provided subject to the approval of the Health Department in accordance with applicable state and King County board of health rules and regulations.

14. Garbage disposal facilities shall be provided in accordance with applicable King County board of health rules and regulations, and subject to approval of the health department.

15. Electrical service connections shall meet Washington State Department of Labor and Industries standards.

F. Mobile home parks - Alternative design standards. As an alternative to the building separation and internal street standards in paragraph E.:

1. Building separation requirements or setbacks between mobile homes and accessory structures on adjacent spaces may be modified, provided:

a. The common walls meet the fire protection standards set forth in the Uniform Building code and the standards set forth in the Uniform Fire Code for duplexes, multifamily and condominium developments, as applicable; and

b. Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for structures, fences and yards;

2. Private streets may be used with a minimum driving surface of 22 feet in width, provided:

a. The streets comply in all other respects with the road standards;

b. All required parking is located off-street; and

c. Such streets shall not:

(1.) directly connect two or more points of vehicular access to the park; or

(2.) serve over 100 dwelling units within the park.

G. Factory-built commercial structures and commercial coaches-installation requirements.

1. A commercial building permit must be obtained for any factory-built commercial structure or commercial coach. A mobile home shall not be used for commercial purposes.

2. The following criteria must be satisfied for the permanent installation of a factory-built commercial structure or commercial coach before a commercial building permit can be issued:

a. The appropriate insignia of the Washington State Department of Labor and Industries of the U.S. Department of Housing and Urban Development must be affixed to the unit. If the unit is lacking the appropriate insignia it must satisfy the structural, mechanical, electrical and plumbing requirements of the Uniform Building, Mechanical and other applicable codes as adopted in King County for conventional commercial structures.

b. The foundation, entry/exit stairs or ramps, and all accessory structures shall be designed and installed in accordance with the provisions of the Uniform Building Code as adopted in King County.

c. All submittal requirements of the department of development and environmental services for a commercial building permit must be satisfied. Occupancy of the structure shall not be permitted before inspection and approval.

3. The temporary installation of factory-built commercial structures

and commercial coaches may be permitted for a period not to exceed one year, provided the criteria of subsection B are satisfied. The support system recommended by the manufacturer, or designed by a professional structural engineer registered by the state, may be substituted for a foundation designed in accordance with the provisions of the Uniform Building Code as adopted in King County, subject to the approval of the department of development and environmental services. (Ord. 11228 § 1, 1994: Ord. 6644, 1984: Ord. 6347 § 2, 1983: Ord. 6068, 1982: Ord. 5316 § 5, 1981).

21.09.040* Installation permits and procedures. A. Installation permit - Mobile home. Any installation of a mobile home as permitted in this title shall require the approval of a mobile home permit by the department of development and environmental services. The permit shall expire one year after date of issuance. A permit may be renewed for a maximum of one year upon request of the applicant, provided such requests are made within fifteen days of the date of expiration of the original permit. The following must be submitted with an application for a mobile home permit, except that when the mobile home is to be located in an approved mobile home park, sub-paragraphs 1d, 1e, 3, 4 and 5 shall not apply:

1. Two copies of a site plan drawn to scale, showing:
   a. North arrow and scale,
   b. Location and dimensions of all property lines or leased areas, and easements,
   c. Proposed location of mobile home and/or accessory structure(s) on the site or space,
   d. Distances from the mobile home and accessory structure(s) to property lines,
   e. Approximate surface elevation at each corner of the site,
   f. Location of parking spaces,
   g. Name or number of street on which site or space is located,
   h. Location of septic tank and drainfield, if sewers are not available,
   i. Location of well or other water source, if public water supply is not available;
2. A description of the mobile home, including:
   a. Model number,
   b. Washington State and/or H.U.D. ID number,
   c. Name of manufacturer and year of manufacture;
3. One copy of the percolation test approved by the health department or a certificate of sewer availability from the servicing sewer district;
4. A certificate of water availability from a water purveyor or other satisfactory demonstration of water availability;
5. Three copies of the legal description of the lot and proof that the lot was created legally;

*See also 21.46.130

6. Two copies of plans showing proposed foundation system, if more than one-fourth of the floor area of the mobile home, as measured from the bottom of the main frame members, will be more than three feet above the existing ground level, or when any supporting piers exceed sixty inches in height;

7. A State Contractors or Mobile Home Dealers Registration Card, or photocopy of same;

8. Such other information as necessary to establish compliance with applicable laws and regulations;

9. Mobile homes shall not be permanently occupied for more than forty-five days prior to issuance of a certificate of occupancy by the department of development and environmental services.

B. Installation permit - Accessory structures. The construction or installation of an accessory structure(s) in excess of one hundred square feet of floor area or roof area, as appropriate, shall require the approval of abuilding permit by the department of development and environmental services If an application for approval of an accessory structure(s) is submitted together with an application for a mobile home permit, one application and site plan may be used for the two requests; and if the accessory structure(s) is (are) less than six hundred square feet in area, the fee for the accessory structure shall be waived. Two copies of a site plan drawn to scale must be submitted with an application for a building permit for an accessory structure, showing:

1. North arrow and scale;

2. Location and dimensions of all property lines or leased areas and easements;

3. Proposed location of accessory structure(s) on the site or space;

4. Location of other structures on the site or space, and location of other structures on adjacent spaces within a mobile home park;

5. Approximate surface elevation at each corner of the site or space, except when the accessory structure is to be located within an approved mobile home park;

6. Location of parking space;

7. Name or number of street on which site or space is located;

8. Location of septic tank and drainfield, if sewers are not available;

9. Three copies of the legal description of the site and proof that the site was created legally (this shall not apply to leased spaces in a mobile home park).

C. Mobile home or recreational vehicle park - Site plan approval. All new mobile home parks, expansions to existing parks and recreational vehicle parks as permitted by this chapter, shall be subject to site plan approval by the department of development and environmental services in accordance with the standards set forth in chapter 21.09.030. Eight copies of a site plan shall be submitted to the department of development and environmenal services. Any site plan approved by the department pursuant to this chapter shall expire if all site plan improvements are not installed within three years following the date of approval; provided that approval shall be extended for one additional year upon request of the applicant made prior to the otherwise applicable expiration date. Expiration periods set forth herein shall retroactively apply to all mobile home site plans approved within three years prior to the effective date of this section. In the event that any such previous mobile home site plan approval and associated permit were terminated based upon an expiration period inconsistent with that clarified herein, such

termination shall be deemed to be without effect, and the approval shall remain valid for effective periods contained in this section, which shall be calculated from the prior date of approval.

D. Mobile home or recreational vehicle park - Site plan contents. The site plan shall be accurately drawn using a convenient engineering scale, and include the following:

1. Name, address and phone number of the owner and operator;

2. Address and legal description of the site;

3. Area of the site;

4. The number of mobile homes or recreation vehicles to be accommodated;

5. A marker showing direction of north;

6. A vicinity map (drawn to approximately one inch to two thousand feet scale) showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries;

7. Location, identification and dimensions of all property lines, streets, alleys and easements: indicate condition of all public rights-of-way and submit verification of right to utilize easements as proposed;

8. Original and proposed topography at maximum five foot contour intervals and preservation measures for fills and cut slopes (e.g., retaining walls, rockeries, plantings, etc.);

9. Existing vegetation in general: identify all evergreen trees greater than eight inches in diameter and all deciduous trees greater than twelve inches in diameter as measured four feet above ground level, if proposed to be removed;

10. Proposed plantings: include location, size and species of all proposed plantings, planting medium and method of maintenance until plants are established. Cost estimates for the installation of plants and one year's maintenance must also be included. To insure legibility of the plot plan, a separate landscape plan may be submitted showing original and proposed contours;

11. The proposed location of all mobile homes, recreational vehicles and accessory structures: identification of leasable spaces may be substituted if typical space layouts are shown for each type of mobile home or recreational vehicle to be accommodated. Potential accessory structures or maximum allowable accessory structure areas should be shown for purposes of checking setbacks and computing lot coverage;

12. All existing and proposed buildings with projections and roof overhangs: buildings scheduled for demolition or removal are to be indicated on the plan. Separate building permit applications must be made for service buildings designed to satisfy the requirements of Chapter 21.09.030 (in accordance with the provisions of the Uniform Building Code as adopted by King County);

13. The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street channelization and type of surfaces;

14. The location and intended use of outdoor storage areas;

15. The location and intended use of recreational areas and facilities;

16. The location and type of proposed fencing or walls, with a typical section illustrated;

17. The location, size and type of all proposed signs;

18. The location, type and wattage of all outdoor lighting, with typical standards illustrated;

19. The location of all water mains, valves and fire hydrants (See Chapter 17.08 for regulations pertaining to fire flow and supply);

20. Such other information as deemed necessary by the manager in order to determine compliance with applicable statutes, ordinances and regulations.

E. Mobile home or recreational vehicle park - Information additional to site plans. The following additional information must be submitted with the site plan:

1. Proof of sewer availability or submission of site percolation data approved by the health department;

2. Proof of availability of adequate water supply;

3. Proof of availability of electrical service;

4. Four copies of drainage drawings; to satisfy the requirements of Chapter 20.50;

5. Bonds, or other acceptable security, may be required by the manager for drainage controls, street and parking lot improvements, and landscaping, to be posted at the time of site plan approval.

F. Mobile home or recreational vehicle park - Approval of operation required. It is unlawful for any person to operate any mobile home park or recreational vehicle park in King County without the approval of the director of the department of public health. The director shall approve plans for all new construction and for alterations to existing parks pursuant to applicable rules and regulations of the Department. The director is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these rules and regulations, and shall have free access to such premises at reasonable times for the purpose of inspection.

G. Mobile home or recreational vehicle park - Site Plan issuance - Site preparation. Site preparation, installation of utilities, street construction, landscaping and other site development shall be performed only in accordance with an approved site plan for the mobile home park or recreational vehicle park, and shall not commence prior to issuance of an approved site plan.

[Editor's Note: The following paragraph (adopted by Ordinance 5316) was not repealed by Ordinance 11339 which adopted the immediately preceding language.]

Mobile home or recreational vehicle park - Permit issuance -. Site preparation, installation of utilities, street construction, landscaping and other site development shall be performed only in accordance with the plans approved in conjunction with the issuance of a permit for a mobile home park or recreational vehicle park, and shall not commence prior to permit issuance. Except for a caretaker's use, no mobile homes or recreational vehicles shall be allowed in the park until all construction has been completed and inspected and approved by the department of development and environmental service; or upon authorization by the manager, a specified number of units may be permitted when it is demonstrated to the manager's satisfaction that all required improvements that are not completed are bonded and will be completed within a reasonable amount of time, not to exceed six months.

H. Factory-built commercial structures and commercial coaches - Installation permit required. The installation and use of a factory-built commercial structure or commercial coach shall require the approval of a building permit by the department of development and environmental services, in accordance with the procedures set forth by the manager for a commercial building permit. Occupancy of the structure shall not be permitted before inspection and final approval. (Ord. 11339 § 1, 1994: Ord. 6257 § 10, 1982: Ord. 5997 § 1, 2, 1982: Ord. 5911 § 4, 1982: Ord. 5789 § 1, 1981: Ord. 5316 § 6, 1981).

21.09.050 Enforcement and Inspection. A. Authority. The manager shall have the authority to enforce the standards set forth in this title, the applicable rules and regulations referenced in this title and the conditions attached to issuance of all permits for mobile homes, factory-built commercial structures and commercial coaches, mobile home parks and recreational vehicle parks, against the responsible persons, pursuant to Title 23. The manager shall be responsible for inspecting all phases of construction and development of approved parks to assure adherence to all requirements set forth in this title and conditions attached to any permits issued by the building and land development division in conjunction with a park. The manager may utilize the inspection services and recommendations of the department of public works and the department of health in determining compliance and enforcing all requirements and conditions, provided that inspection of roads, sidewalks, curbing, curbs and gutters, paving, parking areas, drainage, erosion and sedimentation control associated with mobile home or recreational vehicle park permits shall be performed by the building and land development division.

B. Administrative rules and policies - Council approval. Initial administrative rules or policies that may be applied by the manager in conjunction with this chapter shall only be approved by the King County council after a public hearing on said administrative rules and policies. (Ord. 5911 § 5, 1982: Ord. 5316 § 1981).

Chapter 21.10
RD-3600
LOW DENSITY MULTIPLE DWELLING CLASSIFICATION

Sections:

21.10.010 Purpose of classification.
21.10.020 Permitted uses.
21.10.030 Lot area.
21.10.040 Lot area per dwelling unit.
21.10.050 Lot width.
21.10.060 Front yard.
21.10.070 Side yards.
21.10.080 Height.
21.10.090 Permissible lot coverage.
21.10.100 Placement of buildings.
21.10.120 Lot based standards.

21.10.010 Purpose of classification. The principle objective and purpose to be served by this classification and its application is to permit a limited increase in population density in those areas to which this classification applies by permitting low density multiple dwellings and duplexes, while, at the same time, by means of the standards and requirements set forth herein, maintaining a desirable family living environment by establishing a minimum lot area and yards and open spaces. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet the needs resulting from a defined intensity of land use. (Ord. 5552 § 1, 1981: Res. 25789 § 500, 1963).

21.10.020 Permitted uses. In an RD-3600 zone, only the following uses are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46.

A. Any use permitted in an RS zone; provided all such uses shall conform to the conditions set forth for each in the RS classification, except that for dwellings the yards and open spaces required by this classification shall apply;

B. A duplex, or a two-family dwelling. If only a single-family dwelling exists on a lot on the effective date of this title,* any additional dwelling unit shall be attached to and made a part of the building containing the existing dwelling unit;

C. Senior citizen apartments, provided:

1. The use shall be within one-quarter mile of public transportation, including van pools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway;

2. The number of off-street parking spaces shall not be less than one parking space per dwelling unit;

3. There shall be no more than one bedroom per dwelling unit.

D. Multiple-dwelling units, provided that:

1. No structure shall exceed one hundred twenty feet on its longest side.

2. Structures over fifty feet in length shall have a minimum of a five foot cumulative variation in the front facade a minimum of every fifty feet.

E. Accessory buildings, structures and uses, including but not limited to the following:

1. Accessory buildings, structures and uses as set forth in the RS classification, and under the same conditions set forth for each therein, except that where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling unit, and an accessory boathouse or hangar shall be limited to accommodating not more than one private noncommercial pleasure craft for each dwelling unit on the premises,

2. If only a single-family dwelling exists on the lot, not more than four lodgers are permitted. If two or more dwelling units exist on the lot, not more than two lodgers per dwelling unit are permitted;

F. Signs, as follows:

1. Nameplates not exceeding two square feet in area containing the name of the occupant of the premises,

2. One unlighted sign not exceeding six square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed,

3. One unlighted identification sign not more than twelve square feet in area, provided such sign shall not extend into any required yard or open space on the lot or site;

G. Uses on transitional lots - one dwelling unit for each two thousand four hundred square feet of lot area when the lot or building site upon which such units are located has a side line abutting a lot or lots classified for RM-1800, RM-900, B, C or M purposes whether or not an alley intervenes, but in no case shall the property used for such transitional use consist of more than one lot or be more than ninety feet in width, whichever is the least nor be used to a depth greater than the extent to which the side property line is common with property classified for such heavier uses;

H. Mobile home parks as provided in Chapter 21.09;

I. Planned unit development as provided in Chapter 21.56;

J. Unclassified uses as provided in Chapter 21.44. (Ord. 6356 § 1, 1983: Ord. 5830 § 2, 1982: Ord. 5674 § 4, 1981: Ord. 5552 § 2, 1981: Ord. 5317 § 6, 1981: Ord. 1013 §§ 3, 4, 1971; Res. 25789 § 501, 1963).

21.10.030 **Lot area.** The minimum required area of a lot in an RD-3600 zone

[*See Section 21.70.010.]

shall be seven thousand two hundred square feet, except that the minimum lot area in the RD-3600 zone may be reduced to any size less than seven thousand two hundred square feet to market townhouse subdivisions or similar developments, provided:

A. A subdivision or short subdivision is submitted and approved pursuant to the flexible yard and lot dimension provisions of Section 21.48.270 of this Title;

B. The density of development is consistent with the lot area per dwelling unit requirements of Section 21.10.040;

C. The foundations of proposed structures in subdivisions with lot areas of less than seven thousand two hundred square feet may at the discretion of the Manager be required to be completed before the final plat, or divisions thereof, can be approved and recorded. (Ord. 6356 § 2, 1983: Ord. 5552 § 3, 1981: Res. 25789 § 502, 1963).

21.10.040 Lot area per dwelling unit. A. In an RD-3600 zone the lot area per dwelling unit shall be not less than three thousand six hundred square feet. Determination of the allowable number of dwellings on a site as specified in this subsection shall be computed by dividing the minimum lot area per dwelling unit required into the area of the site including all area utilized for public or private streets, except that area on the perimeter of the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way.

B. In multiple lot subdivisions approved prior to the effective date of this ordinance where lots contain an area less than seven thousand two hundred square feet but not less than six thousand four hundred square feet, the lot area per dwelling unit shall be one-half of the area of the lot. In the case of a permitted transitional use, the lot area per dwelling unit shall be not less than two thousand four hundred square feet. (Ord. 5552 § 4, 1981: Res. 25789 § 503, 1963).

21.10.050 Lot width. Every lot in an RD-3600 zone shall have a width of not less than sixty feet. (Res. 25789 § 504, 1963).

21.10.060 Front yard. Every lot in an RD-3600 zone shall have a front yard with a depth of not less than twenty feet except on key lots and transitional lots this depth may be reduced to fifteen feet. (Res. 25789 § 505, 1963).

21.10.070. Side yards. In an RD-3600 zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than five feet. (Res. 25789 § 506, 1963).

21.10.080 Height. In an RD-3600 zone no residential building or structure shall exceed a height of thirty feet. Any other building or structure may exceed such height provided each required side yard and open space is increased one additional foot in width for each additional foot in height such building or structure exceeds thirty feet, and provided further that a site occupied by a building or structure having a height greater than thirty feet shall have no property alienated from such site which would reduce the yards and open spaces required or provided to compensate for the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based. In no case, however, may a building or structure exceed a height of fifty feet except for church steeples and the like. If a parcel contains an area two or more times, but not more than four times, the minimum required lot area, then the portion of the parcel committed to the building site, including the additional yards and open spaces compensating for the greater height of buildings, shall be accurately defined as a separate lot by means as set forth in the subdivision code for platting or dividing property. (Res. 25789 § 507, 1963).

21.10.090 Permissible lot coverage. Except for churches and schools which shall conform to the lot coverage limitations set forth for each in the RS classification, all buildings, including accessory buildings and structures but not including any open areas used to provide parking spaces and private swimming pools on residential lots, shall not cover more than thirty-five percent of the area of the lot. In the case of a permitted transitional use, the maximum permitted lot coverage shall be fifty percent of the area of the lot. (Res. 25789 § 508, 1963).

21.10.100 Placement of buildings. Placement of buildings on any lot shall conform to the following:

A. Interior lots:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the rear property line,

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet,

3. On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot lines and the lot rear line, provided not less than ten feet of the lot rear line shall be free and clear of buildings and provided further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of the alley;

B. Corner lots and reverse corner lots:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the lot rear line.

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet.

3. On the rear third of a corner lot, accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line; provided, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance not less than fifteen feet from the centerline of such alley.

4. On the rear third of a reverse corner lot, accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer to the lot rear line than five feet unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than fifteen feet from the centerline of the alley.

5. In all cases, the width of the required side yard on the side street side shall be observed.

C. Structures containing four or more dwellings shall be spaced a minimum of thirty feet from any other buildings on the same site, except that the manager may increase or decrease the building spacing in accordance with the principles for building spacing in planned unit developments set forth in Section 21.56.130(C), and provided that any decreases in building spacing do not increase the apparent size of two or more adjacent structures from abutting RS, S or G classified properties. (Ord. 5552 § 5, 1981: Res. 25789 § 509, 1963).

21.10.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.12
RM-2400
MEDIUM DENSITY MULTIPLE DWELLING CLASSIFICATION

Sections:

21.12.010 Purpose of classification.
21.12.020 Permitted uses.
21.12.030 Lot area.
21.12.040 Lot area per dwelling unit.
21.12.050 Lot width.
21.12.060 Front yard.
21.12.070 Side yards.
21.12.080 Height.
21.12.090 Permissible lot coverage.
21.12.100 Placement of buildings.
21.12.120 Lot based standards.

21.12.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to establish areas permitting a greater population density than is allowed in more restrictive classifications and at the same time maintain a residential environment consistent with such greater population density. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Res. 25789 § 600, 1963).

21.12.020 Permitted uses. In an RM-2400 zone only the following uses are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46.

A. Any use permitted in the RD-3600 classification; provided all such uses shall conform to the conditions set forth in the classification in which they are first permitted, except that for dwellings, including senior citizen apartments, the yards, open spaces and lot coverage established by this classification shall apply;

B. Multiple-dwelling units;

C. Day nurseries and adult daycare, provided:

1. Buildings, structures and play equipment areas shall not be closer than twenty feet to any property line,

2. For day nurseries, the play area shall be completely enclosed to a minimum height of six feet with a solid wall or fence,

3. A minimum of three off-street parking spaces plus one parking space for each employee shall be provided,

4. One stationary, nonflashing sign not exceeding sixteen square feet in area shall be permitted;

D. Accessory uses, buildings and structures as set forth in the RS and RD-3600 classification and subject to conditions set forth for each therein;

E. Signs, as follows:

1. Nameplates not exceeding two square feet in area containing the name of the occupant of the premises,

2. One identification sign not exceeding twelve square feet in area; provided such sign shall not extend into any required yard or open space on the lot or site,

3. One unlighted sign not exceeding six square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

F. Retirement home, provided:

1. The use shall be within one-quarter mile of public transportation, including van pools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway.

2. The lot area per each sleeping unit and each dwelling unit shall not be less than twelve hundred square feet,

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

G. Medical-dental clinic as defined in Section 21.04.240, subject to the issuance of a conditional use permit, provided:

1. The architectural design, scale and building materials shall be residential in character and compatible with surrounding uses.

2. No buildings may exceed thirty feet in height.

3. The site shall be functionally convenient to a developed secondary arterial.

4. One sign only, unlighted and residential in character, shall be allowed, not to exceed sixteen square feet in area per face, two faces only being permitted.

5. Any right-of-way needed for street improvements shall be dedicated as required by the King County department of public works, prior to issuance of any building permit on the site.

6. The adjustor may impose any additional conditions relating to building setback, screening, landscaping, street improvements, internal circulation and building placement necessary to insure compatibility with the surrounding area, or to mitigate adverse impacts on the surrounding area;

H. Uses on transitional lots, one dwelling unit for each one thousand eight hundred square feet of lot area when the lot or building site upon which it is located has a side line abutting a lot or lots classified for RM-900, B, C or M purposes, whether or not an alley intervenes. In no case shall the property used for such transitional use consist of more than one lot or exceed a width of ninety feet, whichever is the least, nor be used to a depth greater than the

extent to which the side property line is common with property classified for such heavier uses;

I. Planned unit development as provided in Chapter 21.56;

J. Unclassified use as provided in Chapter 21.44. (Ord. 11113 § 3, 1993: Ord. 10914 § 2, 1993: Ord. 10528 § 1, 1992: Ord. 6050, 1982: Ord. 5830 § 3, 1982: Ord. 5317 § 7, 1981: Ord. 5002 § 3, 1980: Ord. 3145 § 1, 1977: Ord. 1013 § 5, 1971; Res. 35256 (part), 1968: Res. 25789 § 601, 1963).

21.12.030 Lot area. The minimum required area of a lot in an RM-2400 zone shall be seven thousand two hundred square feet; except that the minimum lot area in the RM-2400 zone may be reduced to any size less than seven thousand two hundred square feet to market townhouse subdivisions or similar developments, provided:

A. A subdivision or short subdivision is submitted and approved pursuant to the provisions of Section 21.48.270 of this Title, and

B. The density of development is consistent with the lot area per dwelling unit requirements of Section 21.12.040,

C. The foundations of proposed structures in subdivisions with lot areas of less than seven thousand two hundred square feet may at the discretion of the manager be required to be completed before the final plat, or divisions thereof, can be approved and recorded. (Ord. 7092 § 1, 1985: Ord. 5552 § 6, 1981: Res. 25789 § 602, 1963).

21.12.040 Lot area per dwelling unit. A. In an RM-2400 zone, the lot area per dwelling unit shall be not less than two thousand four hundred square feet. Determination of the allowable number of dwellings on a site as specified in this subsection shall be computed by dividing the minimum lot area per dwelling unit required into the area of the site including all area utilized for public or private streets, except that area on the perimeter of the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way.

B. In multiple-lot subdivisions approved prior to the effective date of this ordinance where lots contain an area less than seven thousand two hundred square feet, but not less than six thousand four hundred square feet, the lot area per dwelling unit shall be not less than one-third of the area of the lot. Where a lot contains more than seven thousand two hundred square feet of area, there may be one dwelling unit for each two thousand four hundred square feet of lot area in excess of seven thousand two hundred square feet of area. In the case of a permitted transitional use, the lot area per dwelling unit shall be not less than eighteen hundred square feet. (Ord. 5552 § 7, 1981: Res. 25789 § 603, 1963).

21.12.050 Lot width. Every lot in an RM-2400 zone shall have a width of not less than sixty feet. (Res. 25789 § 604, 1963).

21.12.060 Front yard. Every lot in an RM-2400 zone shall have a front yard with a depth of not less than twenty feet. In the case of key lots and permitted transitional lots, the required front yard depth shall be not less than fifteen feet. (Res. 25789 § 605, 1963).

21.12.070 Side yards. In an RM-2400 zone, every lot shall have a side yard on each side of the lot, which side yard shall have a width of not less than five feet. (Res. 25789 § 606, 1963).

21.12.080 Height. In an RM-2400 zone, no residential building or structure shall exceed a height of thirty feet. Any other building or structure may

exceed such height limit; provided each required side yard and open space is increased one additional foot in width for each additional foot in height such building or structure exceeds thirty feet; provided, further, that a site occupied by a building or structure having a height greater than thirty feet shall have no property alienated from such site which would reduce the yards and open spaces required or provided to compensate for the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based. In no case, however, may a building or structure exceed a height of fifty feet, except for church steeples and the like as provided in Section 21.48.030. If a parcel contains an area two or more times, but not more than four times, the minimum required lot area for the area district in which the property is located as identified on the zoning map, then the portion of the parcel committed to the building site, including the additional yards and open spaces provided to compensate for the greater height of buildings, shall be accurately defined as a separate lot by means set forth in the subdivision code for platting or dividing property. (Res. 30152 (part), 1965: Res. 25789 § 607, 1963).

21.12.090 Permissible lot coverage. All buildings, including accessory buildings and structures, but not including private swimming pools or any open areas used to provide parking on residential lots shall not cover more than fifty percent of the area of the lot. (Res. 25789 § 608, 1963).

21.12.100 Placement of buildings. Placement of buildings on any lot shall conform to the following:

A. Interior lots shall conform to the following:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the rear property line,

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet,

3. On the rear third of a lot, accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided not less than ten feet of the lot rear line shall be free and clear of buildings; and provided further, if the lot rears upon any alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of the alley;

B. Corner lots and reverse corner lots shall conform to the following:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the lot rear line,

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet,

3. On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line, provided if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of such alley,

4. On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line of any abutting lot to the rear unless an alley intervenes, in which case

accessory buildings may be built to the rear line unless the accessory building be a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than fifteen feet from the centerline of the alley,

5. In all cases the width of the required side yard on the side street side shall be observed. (Res. 25789 § 609, 1963).

21.12.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.14
RM-1800
HIGH DENSITY MULTIPLE DWELLING CLASSIFICATION

Sections:

21.14.010 Purpose of classification.
21.14.020 Permitted uses.
21.14.030 Lot area.
21.14.040 Lot area per dwelling unit.
21.14.050 Lot width.
21.14.060 Front yard.
21.14.070 Side yards.
21.14.080 Height.
21.14.090 Permissible lot coverage.
21.14.100 Placement of buildings.
21.14.120 Lot based standards.

21.14.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to establish areas permitting a greater population density than is allowed in more restrictive classifications and to permit the providing of accommodations for those who desire to live in a residential atmosphere without the necessity to individually maintain a dwelling unit. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Res. 25789 § 700, 1963).

21.14.020 Permitted uses. In an RM-1800 zone only the following uses are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46.

A. Any use permitted in an RM-2400 zone, provided all such uses shall conform to the conditions set forth in the zone in which they are first permitted, except that for dwellings, including senior citizen apartments, the yards, open spaces and lot coverage permitted by this classification shall apply;

B. Accessory uses, buildings and structures set forth in the RS classification except that where more than one dwelling unit is located on the premises private garages shall be limited to accommodating not more than two cars

for each dwelling unit, and a boathouse or hangar shall be limited to accommodating not more than one private noncommercial pleasure craft for each dwelling unit on the premises;

C. Boarding and lodging houses;

D. Fraternity and sorority houses;

E. Multiple dwelling units;

F. Open air public parking areas for the parking of automobiles without monetary charge except when operated by, or for, a public parking authority, when the property upon which it is located in an RM-1800 zone abuts upon a lot zoned for B, C or M purposes whether or not an alley intervenes, provided:

1. Access to such parking lot shall be only from the business or industrial zoned property it is intended to serve, or from an alley if there be one;

2. The parking area shall be developed as required by Chapter 16.74, Off-Street Parking Plans and Specifications, and no such area shall be used for an automobile, trailer or boat sales or for the accessory storage of such vehicles.

G. Rest homes, nursing and convalescent homes, provided:

1. All buildings and structures shall maintain a distance not less than twenty feet from any lot in an R zone;

2. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto;

3. That the health department shall have approved all provisions for drainage and sanitation.

H. A retirement home, provided:

1. The use shall be within one-quarter mile of public transportation, including van pools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway;

2. The lot area per each sleeping unit and each dwelling unit shall not be less than nine hundred square feet;

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

I. Signs, as follows:

1. One identification sign not exceeding two square feet in area containing the name of the occupant of the premises;

2. One single-faced identification sign not exceeding sixteen square feet in area for multiple dwellings and other permitted uses; provided such sign shall not be located in any required yard or open space on the premises, and if the sign is lighted, it shall be stationary and nonflashing;

3. One double-faced sign or two single-faced signs, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

J. Uses on transitional lots - one dwelling unit for each nine hundred square feet of lot area when the lot or building site upon which it is located has a side line abutting a lot or lots classified B, C or M, whether or not an alley intervenes. In no case shall the property used for such transitional use consist of more than one lot or exceed a width of ninety feet, whichever is the least, nor be used to a depth greater than the extent to which the side property line is common with property classified for such heavier uses;

K. Planned unit development as provided in Chapter 21.56;

L. Unclassified uses as provided in Chapter 21.44;

M. Self-service storage facilities, subject to a conditional use permit which shall address site development, design and buffering issues, provided that the zoning adjustor determines that:

1. This use shall occur on sites which:

a. abut, or are in close proximity to B, C or M classified properties, whether or not an alley or utility right of way intervenes;

b. do not result in the isolation of existing or potential residential uses between the site and B, C or M classified properties.

2. The building height does not exceed the limit of the most restrictive adjacently zoned property;

3. No lot shall be less than one acre or greater than three acres;

4. Landscaping provisions set forth in K.C.C. 21.51 shall be adhered to, provided that K.C.C. 21.51.030A is supplemented as follows:

a. Where the site shares a common boundary with any residential classified properties, Type I landscaping as defined in K.C.C. 21.51 shall be planted at a ten foot depth and an eight foot height; and where such sites are also separated from B, C, or M classified sites by an alley, utility right-of-way, subaccess, minor access, multiple-dwelling, business, or industrial access street, the site shall be landscaped as a use permitted in the B or C zones.

b. Additional landscaping or building setbacks from residential properties may be required where sites are separated from B, C, or M classified properties by subcollector, neighborhood collector or arterial streets in order to offset the lost separation of uses provided by such streets;

5. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

6. The use of the property shall be limited to dead storage. Activities such as the servicing or repair of motor vehicles, boats, trailers, lawnmowers or similar equipment is prohibited;

7. No outdoor storage is permitted;

8. No storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is permitted;

9. No residential occupancy of the storage units is permitted;

10. No business activity other than the rental of storage units is permitted;

11. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval;

12. The zoning adjustor shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers of the facility. (Ord. 10914 § 3, 1993: Ord. 10528 § 2, 1992: Ord. 8143, 1987: Ord. 7976, 1987: Ord. 5830 § 4, 1982: Ord. 5002 § 4, 1980: Res. 35256 (part), 1968: Res. 25789 § 701, 1963).

21.14.030 Lot area. The minimum required area of a lot in an RM-1800 zone shall be seven thousand two hundred square feet; except that the minimum lot area in the RM-1800 zone may be reduced to any size less than seven thousand two hundred square feet to market townhouse subdivisions or similar developments, provided:

A. A subdivision or short subdivision is submitted and approved pursuant to the provisions of Section 21.48.270 of this Title; and

B. The density of development is consistent with the lot area per dwelling unit requirements of Section 21.14.040;

C. The foundations of proposed structures in subdivisions with lot areas of less than seven thousand two hundred square feet may at the discretion of the manager be required to be completed before the final plat, or divisions thereof, can be approved and recorded. (Ord. 7092 § 2, 1985: Ord. 5552 § 8, 1981: Res. 25789 § 702, 1963).

21.14.040 Lot area per dwelling unit. A. In an RM-1800 zone the lot area per dwelling unit shall be not less than eighteen hundred square feet. Where a lot contains more than seven thousand two hundred square feet of area, there may be one dwelling unit for each eighteen hundred square feet of lot area in excess of seven thousand two hundred square feet of area.

B. Determination of the allowable number of dwellings on a site as specified in this subsection shall be computed by dividing the minimum lot area per dwelling unit required into the area of the site including all area utilized for public or private streets, except that area on the perimeter of the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way. (Ord. 5552 § 9, 1981: Res. 25789 § 703, 1963).

21.14.050 Lot width. In an RM-1800 zone every lot shall have a width of not less than sixty feet. (Res. 25789 § 704, 1963).

21.14.060 Front yard. In an RM-1800 zone every lot shall have a front yard with a depth not less than twenty feet. In the case of key lots and lots which side upon commercially or industrially classified property, the required front yard depth shall be not less than fifteen feet. (Res. 25789 § 705, 1963).

21.14.070 Side yards. In an RM-1800 zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than five feet. (Res. 25789 § 706, 1963).

21.14.080 Height. In an RM-1800 zone no building or structure shall exceed a height of thirty-five feet unless, so far as any building or structure exceeding such height is concerned, each required side yard and open space is increased one additional foot in width for each additional foot in height such building or structure exceeds thirty-five feet in height. A site occupied by a building or structure having a height greater than thirty-five feet shall have no property alienated from such site which would reduce the yards and open spaces required or provided to compensate for the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based. If a parcel contains an area two or more times, but not more than four times, the minimum required lot area, then the portion of the parcel committed to the building site, including the additional yards and open spaces compensating for the greater height of buildings, shall be accurately defined as a separate lot by means set forth in the subdivision code for platting and subdividing property. (Res. 25789 § 707, 1963).

21.14.090 Permissible lot coverage. If a dwelling, rest home, nursing home or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or

any open areas used to provide parking space, shall not cover more than fifty percent of the area of the lot. If a dwelling or rest home, nursing home or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. (Res. 25789 § 708, 1963).

21.14.100 Placement of buildings. Placement of buildings on any lot in an RM-1800 zone shall conform to the following:

A. Interior lots:

1. Any building any portion of which contains one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the lot rear line;

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet;

3. On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line, provided not less than ten feet of the lot rear line shall be free and clear of all buildings, and provided further, if the lot rears upon any alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of the alley.

B. Corner lots and reverse corner lots:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the rear property line;

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet;

3. On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line, provided if the lot rears upon any alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of such alley;

4. On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line of any abutting lot to the rear unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building be a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than fifteen feet from the centerline of the alley;

5. In all cases the width of the required side yard on the side street side shall be observed. (Res. 25789 § 709, 1963).

21.14.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.16
RM-900
MAXIMUM DENSITY MULTIPLE DWELLING-RESTRICTED SERVICE CLASSIFICATION

Sections:

21.16.010 Purpose of classification.
21.16.020 Permitted uses.
21.16.030 Lot area.
21.16.040 Lot area per dwelling unit.
21.16.050 Lot width.
21.16.060 Front yard.
21.16.070 Side yard.
21.16.080 Height.
21.16.090 Permissible floor area.
21.16.100 Permissible lot coverage.
21.16.110 Placement of buildings.
21.16.120 Lot based standards.

21.16.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to establish areas permitting the maximum population density and which also permits uses other than residential, such as medical, dental and social services and shelter, all for human beings. The uses permitted in this classification relate conveniently and consistently in terms of traffic generated, demands upon public service facilities and impact upon each other. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. (Res. 25789 § 800, 1963).

21.16.020 Permitted uses. In an RM-900 zone the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements, landscaping requirements, and general provisions and exceptions set forth in this title beginning with Chapter 21.46.

A. Any use permitted in an RM-1800 zone, provided all such uses shall conform to the conditions set forth in the zone in which they are first permitted except that for dwellings, senior citizen apartments, rest homes, nursing homes and convalescent homes, the yards, open spaces and lot coverage permitted by this classification shall apply;

B. Accessory uses, buildings and structures as set forth in the RS classification except that where more than one dwelling unit is located on the premises private garages shall be limited to accommodating not more than two cars for each dwelling unit and a boathouse shall be limited to accommodating not more than one private noncommercial pleasure craft for each dwelling unit on the premises;

C. Apartment hotels;

D. Hospitals, except mental and alcoholic, provided all buildings and structures shall maintain a distance of not less than forty-five feet from the property front line and not less than twenty feet from any R classified property;

E. Hotels, provided:

1. Restaurants, cocktail lounges and specialty shops are permitted accessory uses provided the floor area devoted to such uses shall not exceed twenty percent of the total floor area and entry to such uses shall be from within the main building;

2. All buildings and structures shall maintain a distance of not less than twenty feet from any lot in an R zone.

F. Motels, provided:

1. Restaurants, cocktail lounges and specialty shops are permitted accessory uses provided the floor area devoted to such uses shall not exceed twenty percent of the total floor area and entry to such uses shall be from within the main building.

2. All buildings and structures shall maintain a distance of not less than twenty feet from any lot in an R zone.

G. Private clubs and fraternal societies, except those the chief activity of which is a service customarily carried on as a business, provided all buildings and structures shall maintain a distance not less than twenty feet from any lot in an R zone;

H. Professional offices and medical-dental buildings and clinics as defined in this title, provided all buildings and structures shall maintain a distance not less than twenty feet from any lot in an RS, S or G zone;

I. Retirement home, provided:

1. The use shall be within one-quarter mile of public transportation, including vanpools whether public or private, or neighborhood shopping, which shall be accessible by sidewalk or walkway,

2. The lot area per each sleeping unit and each dwelling unit shall not be less than four hundred fifty square feet,

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

J. Sanitariums, provided all buildings and structures shall maintain a distance not less than twenty feet from any lot in an R zone;

K. Signs, as follows:

1. One identification sign not exceeding two square feet in area containing the name of the occupant of the premises,

2. One double-faced or one single-faced identification sign not exceeding sixteen square feet per face for multiple dwellings and other permitted structures provided such sign shall not be located in any required yard or open space on the premises, and if the sign is lighted it shall be stationary and nonflashing,

3. One double-faced sign or two single-faced signs, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

L. Mobile home parks as provided in Chapter 21.09;

M. Planned unit development as provided in Chapter 21.56;

N. Unclassified uses as provided in Chapter 21.44.

O. Mortuaries, provided a conditional use permit has been granted and provided all buildings and structures shall maintain a distance not less than twenty feet from any lot in an R zone,

P. Uses rendering governmental, social or personal services to the individual; business offices and banks; provided:

1. The use must be located on a road developed to at least the secondary arterial standards of King County,

2. The use shall not include the sale or handling of commodities except when accessory to and incidental to the service provided,

3. All buildings and structures shall maintain a distance not less than twenty feet from any lot in an RS, S or G zone,

4. The uses do not have, within the building or on the premises, warehouse space or storage space for machinery, equipment or materials;

Q. Private parking area for employees of establishments located in a B, C or M zone, provided:

1. The parking area serves B, C or M uses adjoining or directly across a street or alley from such parking area,

2. Access to such parking area shall only be from the business or industrial zoned property it is intended to serve, or from the alley or street which intervenes,

3. The parking area shall be developed as required by Chapter 16.74, Off-Street Parking Facilities, and no such area shall be used for an automobile, trailer or boat sales area or for the accessory storage of such vehicles.

R. Research and testing laboratories, provided:

1. Such laboratory shall be accessory to a professional office directly related to the operation and administration of the laboratory,

2. The floor area devoted to such use shall not exceed one thousand square feet,

3. No radioactive substances other than those commonly used in the function and operation of X-ray equipment shall be permitted on premises,

4. All testing and storage of materials, supplies and equipment shall be within enclosed buildings,

5. Noise levels from machines located in such laboratories shall not exceed eighty decibels,

6. No medical or research experimentation on live animals shall be permitted on premises.

S. Cafeteria and delicatessen food services, provided:

1. Such food service shall be located on a site designated and limited to office park development,

2. Such food service shall be accessory to and contained within a building as developed for offices,

3. The floor area devoted to such use shall not exceed one thousand square feet or three percent of the building, whichever is less,

4. No entrances directly from the street or parking lot to such establishment shall be allowed,

5. No sign from such establishment shall be visible from the outside of any building, and

6. The hours of operation shall be no later than those of the office park development. (Ord. 10914 § 4, 1993: Ord. 10528 § 3, 1992: Ord. 9329, 1990: Ord. 5830 § 5, 1982: Ord. 5317 § 8, 1981: Ord. 5002 § 5, 1980: Ord. 4337 § 1, 1979: Ord. 1995 § 1, 1974: Ord. 1936 § 1, 1974: Ord. 1927 § 1, 1974: Ord. 1102 §§ 1, 2, 1972: Ord. 1013 § 6, 1971: Res. 35256 (part), 1968: Res. 30152 (part), 1965: Res. 25789 § 801, 1963).

21.16.030 Lot area. The minimum required area of a lot in an RM-900 zone shall be seven thousand two hundred square feet; except that the minimum lot area in the RM-900 zone may be reduced to any size less than seven thousand two hundred square feet to market townhouse subdivisions or similar developments, provided:

A. A subdivision or short subdivision is submitted and approved pursuant to the provisions of Section 21.48.270 of this Title, and

B. The density of development is consistent with the lot area per dwelling unit requirements of Section 21.16.040,

C. The foundations of proposed structures in subdivisions with lot areas of less than seven thousand two hundred square feet may at the discretion of the manager be required to be completed before the final plat, or divisions thereof, can be approved and recorded. (Ord. 7092 § 3, 1985: Ord. 5552 § 10, 1981: Res. 25789 § 802, 1963).

21.16.040 Lot area per dwelling unit. A. In an RM-900 zone, the lot area per dwelling unit shall not be: less than nine hundred square feet.

B. Determination of the allowable number of dwellings on a site as specified in this subsection shall be computed by dividing the minimum lot area per dwelling unit required into the area of the site including all area utilized for public or private streets, except that area on the perimeter of

the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way. (Ord. 5552 § 11, 1981: Ord. 3265 § 1, 1977: Ord. 3095 § 1, 1977).

21.16.050 Lot width. In an RM-900 zone, every lot shall have a width of not less than sixty feet. (Res. 25789 § 804, 1963).

21.16.060 Front yard. In an RM-900 zone, every lot shall have a front yard with a depth not less than twenty feet. In the case of key lots and lots which side upon commercially or industrially classified property, the required front yard depth shall be not less than fifteen feet. (Res. 25789 § 805, 1963).

21.16.070 Side yards. In an RM-900 zone, every lot shall have a side yard on each side of the lot, which side yard shall have a width of not less than five feet. (Res. 25789 § 806, 1963).

21.16.080 Height. In an RM-900 zone, no building or structure shall exceed a height of thirty-five feet unless so far as any building or structure exceeding such height is concerned each required side yard and open space is increased one additional foot in width for each additional foot in height such building or structure exceeds thirty-five feet in height. A site occupied by a building or structure having a height greater than thirty-five feet shall have no property alienated from such site which would reduce the yards and open spaces required or provided to compensate for the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based. If a parcel contains an area two or more times, but not more than four times, the minimum required lot area, then the portion of the parcel committed to the building site, including the additional yards and open spaces compensating for the greater height of buildings shall be accurately defined as a separate lot by means as set forth in the subdivision code for platting or dividing property. (Res. 25789 § 807, 1963).

21.16.090 Permissible floor area. The total permissible floor area to be contained within all buildings on a lot or building site shall not exceed two times the square foot area of the lot. This restriction does not apply to dwelling units when they constitute the only use on the lot. (Res. 25789 § 808, 1963).

21.16.100 Permissible lot coverage. If a dwelling, rest home, nursing home or convalescent home is involved, all buildings, including accessory buildings and structures, but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than sixty percent of the area of the lot. If a dwelling, rest home, nursing home or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. (Res. 25789 § 809, 1963).

21.16.110 Placement of buildings. A. Interior lots:

1. Any building any portion of which contains one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the lot rear line,

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet,

3. On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line, provided not less than ten feet of the lot rear line shall be free and clear of all buildings, and provided further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet from the centerline of the alley;

B. Corner lots and reverse corner lots:

1. Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the rear property line,

2. The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than ten feet,

3. On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line, provided if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance not less than fifteen feet from the centerline of such alley,

4. On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line of any abutting lot to the rear unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building be a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than fifteen feet from the centerline of the alley,

5. In all cases the width of the required side yard on the side street side shall be observed. (Res. 25789 § 810, 1963).

21.16.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.17
RT RESIDENTIAL TOWNHOUSE CLASSIFICATION

Sections:

21.17.010 Purpose.
21.17.020 Permitted uses.
21.17.030 Lot area per dwelling unit.
21.17.040 Forms of townhouse occupancy and conveyance.
21.17.050 Lot width and parking requirements.
21.17.060 Front, rear and side yards.
21.17.070 Height restrictions.
21.17.080 Lot coverage requirements.
21.17.090 Site improvement and design standards.
21.17.120 Lot based standards.

21.17.010 Purpose. The purposes of the RT classification and its application are:

A. To provide a well-designed mix of attached and detached single-family

dwellings of different styles, sizes and prices in locations appropriate for urban densities;

B. To provide housing at scales and densities offering private open space and other amenities, and promoting efficient use of land and energy;

C. To provide a flexible tool for development of physically suitable skipped-over or under-used lands in urban areas without adversely affecting adjacent development;

D. To provide design standards which recognize the special characteristics of townhouses, thereby insuring their high quality as residences, and their compatibility with a variety of urban settings and uses;

E. To allow accessory uses and complementary nonresidential uses compatible with residential communities;

F. To insure adequate site improvements, public facilities and services to support permitted uses and densities;

G. To define permitted uses and densities to allow advance planning for, and efficient use of, urban public services;

H. Use of the RT zone shall be limited to:

1. Areas in or near existing or designated urban centers which are within a local service area as designated by the sewerage general plan, which are served by adequate roads and public water supply, and which have a high level of such public services as public transit, schools, parks, fire and policy protection and solid waste collection, or activity centers in outlying areas which are within a local service area as designated by the sewerage general plan and served by adequate water supply, roads and other public services; and

2. Sites which are predominantly free of sensitive areas posing potential hazards to development or having important environmental features, such as unstable slopes, wetlands and floodplains. (Ord. 4689 § 3, 1980).

21.17.020 Permitted uses. The following uses are permitted in an RT zone:

A. One or more townhouse dwellings as provided in Section 21.17.040 of this chapter;

B. A detached single-family dwelling, subject to the yard and lot coverage requirements of Chapter 21.08;

C. Accessory residential uses, excluding beehives, as provided in Section 21.08.030;

D. Primary and accessory nonresidential uses, as provided in Sections 21.08.040 and 21.08.050;

E. Conditional uses, as follows, subject to Section 21.08.060, Chapter 21.58 and the Shoreline Management Master Program where applicable:

1. Community noncommercial recreational facilities,

2. Boat moorages for pleasure craft only, in connection with community noncommercial recreational facilities,

3. Adult daycare and day nurseries,

4. Senior Citizen apartments, as provided in KCC 21.10.020 C.

5. Reuse of nonresidential buildings as provided in Section 21.08.062E.;

F. Utilities as provided in Section 21.08.070;

G. Unclassified uses, as provided in Chapter 21.44. (Ord. 11113 § 4, 1993: Ord. 5830 § 6, 1982: Ord. 4689 § 4, 1980).

21.17.030 Lot area per dwelling unit. A. In order to carry out the purposes of the comprehensive plan and this chapter, a range of townhouse densities will be allowed in the RT zone, to be applied and identified on the zoning map in accordance with the policies of the comprehensive plan and the criteria set forth in this section. The lot area per dwelling unit in the RT zone shall range from a maximum of one dwelling unit per three thousand six hundred square feet to a minimum of one dwelling unit per one thousand six

hundred square feet, in accordance with the applicable policies of the comprehensive plan, and community plan, if any.

When the RT zone is applied to specific properties, either by the zoning and subdivision examiner pursuant to Chapter 20.24 or by area zoning as defined in Section 20.08.030, a density suffix reflecting minimum allowable lot size and conditions of approval imposed by the examiner and all applicable density policies of the comprehensive plan and community plan shall be added to the RT designation on the zoning map to govern the zoning and subdivision examiner and the department of development and environmental services in reviewing subsequent proposed townhouse subdivisions or developments.

B. Determination of the allowable number of dwellings on a site as specified in this subsection shall be computed by dividing the minimum lot area required into the area of the site including all area utilized for public or private streets, except that area on the perimeter of the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way.

C. In an RT zone the minimum lot area per dwelling unit requirement shall be deemed to have been met if the average lot area per dwelling, or the total area of all lots plus the area designated by condominium covenant, plat restriction, or dedication to King County for permanent open space or recreational uses divided by the total number of lots is not less than the minimum lot area requirements as determined by the density suffix. Said open space or recreation area may be accepted for dedication to King County at the county's option and only if the property's size and features meet adopted King County open space and park acquisition standards, or may be owned in undivided interest by residents of the subdivision or condominium, who shall be responsible for any required maintenance. In either case, the developer shall remove or eliminate all hazardous conditions such as construction debris, dead trees or abandoned mine workings within the designated area prior to occupancy of the development. If the property is being dedicated, the parks division may require additional improvements. (Ord. 5331 § 1, 1981: Ord. 4689 § 5, 1980).

21.17.040 Forms of townhouse occupancy and conveyance. A. The RT classification is designed as a flexible tool to meet the needs of a variety of housing consumers and producers. Therefore, townhouse developments may be built for renter occupancy of units on a site under one ownership, owner occupancy of units on a commonly owned site through condominium agreements pursuant to Chapter 64.32 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through subdivision or short subdivision pursuant to Chapter 58.17 RCW. The requirements of this chapter apply regardless of the form of occupancy or ownership; the terms "lot" and "unit" are therefore interchangeable, depending on whether the site of a proposed townhouse development is to be subdivided or remain under one ownership. Similarly, "lot lines" shall connote common walls and the exterior boundaries of private open space attached to each unit when no subdivision or short subdivision is used. Townhouse condominium developments proposed with setback variations pursuant to K.C.C. 21.48.270 must be approved by means of a short subdivision.

B. Construction of townhouse dwellings intended for separate conveyance through subdivision or short subdivision may commence prior to final plat or short plat approval, provided:

1. The proposed subdivision or short subdivision has received preliminary approval;

2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair county enforcement of, conditions of subdivision or short subdivision approval;

3. Units are not sold in violation of the state subdivision act, RCW 58.17.

C. No subdivision or short subdivision of a site containing previously constructed townhouse dwellings shall be allowed unless all common walls meet building code and fire code requirements for separately owned dwellings. (Ord. 6067 § 3, 1982: Ord. 4689 § 6, 1980).

21.17.050 Lot width and parking requirements. A. Every lot in an RT zone shall be wide enough to meet off-street parking requirements, side yard and building code requirements.

Every dwelling unit in an RT zone shall have one off-street parking space, which shall be enclosed or capable of being fully enclosed in conformance with normal yard requirements, or as modified pursuant to Section 21.48.270; and additional parking, either on-street or off-street, shall be provided within the development at a ratio of one-half stall per dwelling unit. (Ord. 5331 § 2, 1981: Ord. 4689 § 7, 1980).

21.17.060 Front, rear and side yards. A. Every lot in an RT zone shall have a front yard of not less than twenty feet and a rear yard of not less than twenty-five feet; provided, when two or more townhouses are being developed on adjacent lots, front and rear yards may be varied by not more than ten feet in order to give individual identity and privacy to the units, as long as the average of all front yards is not less than twenty feet and each lot has a total of forty-five feet of front and rear yards.

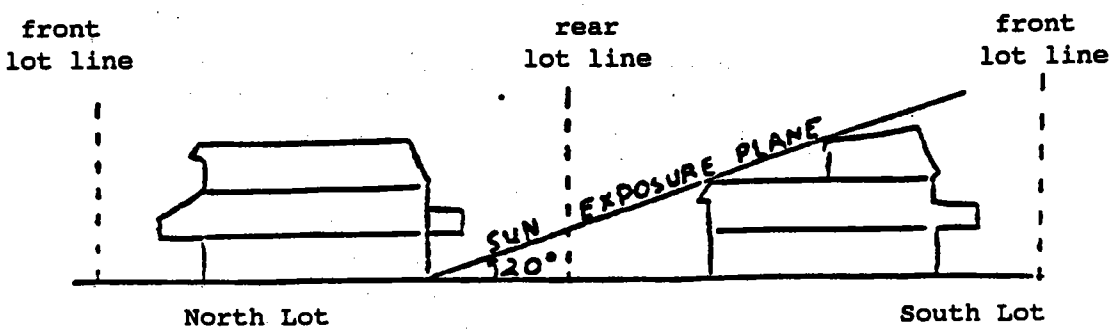
B. Every townhouse at each end of a group of attached units shall maintain a side yard of not less than five feet.

C. Front and rear yards may be varied more than allowed by subsection A., pursuant to the provisions of Ordinance 4304 and K.C.C. 21.48, provided that permissible lot coverage is not exceeded.

D. In multiple lot subdivisions and short subdivisions, a plot plan of the entire row of lots in which a unit is located shall be provided by the builder to show compliance with the front yard requirements of this section and with the variation requirements of subsection C. of Section 21.17.090. (Ord. 4689 § 8, 1980).

21.17.070 Height restrictions. A. In an RT zone no residential building shall exceed a height of thirty feet. Other structures may exceed such height limit provided they conform to the provisions of Sections 21.08.130 and 21.48.030.

B. When residential lots are arranged back-to-back, with rear lot lines running within 45° of east and west, the height of structures on the rear half of the southern lots shall be limited to a height which together with combined rear yards, and alley if any, allows a winter sun exposure plane of 20° to reach the base of the northern structures, as shown in the following diagram:



(Ord. 5331 § 3, 1981: Ord. 4689 § 9, 1980).

21.17.080 Lot coverage requirements. A. In an RT zone, all townhouse and accessory structures shall not cover more than fifty percent of the lot.

B. Patios, driveways and walkways shall not increase the total lot coverage to more than sixty-five percent of a lot, unless paved with perforated concrete blocks or other permeable material approved by the department of public works.

C. In an RT zone, churches, schools and other nonresidential structures shall conform to the bulk and lot coverage provisions of Sections 21.08.040 and 21.08.140 and 21.17.090. (Ord. 5331 § 4, 1981).

21.17.090 Site improvement and design standards. In conditioning townhouse development approval, whether by subdivision or short subdivision review or by building permit review when the site remains commonly owned the following shall be required, subject to administrative discretion when appropriate:

A. Street Improvements. All streets and alleys, whether public or private, shall be designed and constructed in accordance with the adopted King County road standards codified in K.C.C. 19.20.

B. Drainage Controls. Surface water runoff shall be controlled in accordance with standards set forth in K.C.C. 9.04.

C. Landscaping. Landscaping shall be installed in accordance with the provisions set forth in K.C.C. 21.51. In addition, street trees, a minimum of ten feet tall or with a minimum trunk diameter of one and one-half inches, shall be planted not greater than thirty feet on-center. All trees shall be chosen and maintained in accordance with the provisions of K.C.C. 21.51. The manager may waive or reduce this requirement when existing trees on the site can achieve substantially the same effect.

D. Sidewalks or Walkways. Sidewalks or walkways shall be provided which:

1. Are durable and serviceable;
2. Provide direct access to each unit;
3. Are functionally and safely convenient to any community facilities or recreational areas within the site, and to public streets and sidewalks adjacent to the site;
4. Are sufficiently wide to accommodate the projected use; and
5. Are separated from vehicular traffic by curbs, vegetation or other acceptable means.

E. Orientation. The overall development plan for the site and orientation of individual units should reflect consideration of the microclimate of the site, by orientation to sun, shade and wind for increased energy efficiency of the development and for maximum comfort of the residents.

F. Privacy. Each unit shall have reasonable visual and acoustical privacy; and opportunities for viewing of public areas and accessways should be considered in designing the development. Private, semiprivate and public areas should be clearly delineated by means of walls, fences, berms, landscaping or other acceptable means.

G. Bulk and Setback Variation. Groups of townhouses with three or more units attached to each other, whether being conveyed together or separately shall have at least a five-foot variation in the front facade on at least every third unit, or a five-foot "fin" extension of each common wall into the front yard, to help provide privacy and identity for each unit. In multiple lot subdivisions or short subdivisions, a plot plan of the entire row in which each unit is located shall be provided by the builder to show compliance with this requirement. (Ord. 6067 § 4, 1982: Ord. 5331 § 5, 1981).

21.17.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.18
S-E
SUBURBAN ESTATE CLASSIFICATION

Sections:

21.18.010 Purpose of classification.
21.18.020 Permitted uses.
21.18.030 Lot area.
21.18.050 Lot width.
21.18.080 Height.
21.18.090 Permissible lot coverage.
21.18.100 Placement of structures and uses.
21.18.120 Lot based standards.

21.18.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to provide areas permitting uses and activities more rural in character than practical in the more concentrated urban areas and, at the same time, establishing and maintaining a living environment of high standard for single-family residential use. As a means to this end, substantial lot areas and yards and open spaces are required. (Res. 25789 § 900, 1963).

21.18.020 Permitted uses. In an S-E zone the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements and the general provisions and exceptions set forth in this title beginning with Chapter 21.46:

A. Any use permitted in the RS classification under the same conditions set forth in such classification, except that the lot area, yard and open space requirements set forth in this classification shall apply.

B. Agricultural crops, provided no retail sales of products are permitted on the premises for parcels less than one acre.

C. Marketing of agricultural products, dairy products, arts and crafts and small animals not raised or produced on site, provided:

1. Any structure, building, or farm stand used for the sale of such products shall not exceed 6500 square feet in size.

2. The site shall have direct access to an arterial.

3. The site shall be located within 800 feet of a city with a population in excess of 28,000.

4. The sales area or structure shall not be located closer than 800 feet to any off-site residence.

5. The use shall be subject to site plan approval pursuant to K.C.C. 21.46.150 through 21.46.200.

6. Operations shall be permitted daily, except during the period of October through April, when operations shall be limited to Saturdays, Sundays and holidays.

7. Hours of operation shall be 7:00 a.m. to 9:00 p.m.

D. Accessory buildings and uses, including the following:

1. Private stables, provided such buildings or structures shall not be located closer than thirty-five feet to any boundary line or closer than forty-five feet to any building containing a dwelling unit or accessory living

quarters on the same premises; and provided further, that there shall be no open-air storage of manure, hay, straw, shavings or similar organic material closer than thirty-five feet to any property boundary line or closer than forty-five feet to any dwelling unit or accessory living quarters on the same premises;

2. Greenhouses provided no retail sales are permitted on the premises for parcels of less than one acre;

3. Marketing of agricultural products produced on-site or on immediately adjacent properties, provided the site on which the stand is located is one acre or larger, and only one stand to be used for such purposes, and such stand shall not have more than three hundred square feet of floor area, and shall not be located in any required yard or open space;

E. Livestock, provided:

1. No more than one horse, cow, steer, or swine or five sheep, llamas, alpacas or goats, excluding sucklings, for each one-half acre of the total site area shall be permitted except there shall be no limit on horses kept in a public stable.

2. Fee boarding of other's livestock shall be accessory to a residence on the subject property and the total number of animals, including those owned by the occupants of the premises shall not exceed one horse, cow, steer, or swine or five sheep, llamas, alpacas or goats for each one-half acre of the site.

3. Any building, pen or structure used to house, confine or feed such animals shall not be located closer than thirty-five feet to any boundary property line nor closer than forty-five to any building containing a dwelling unit or accessory living quarters on the same premises.

4. Swine shall be permitted only on a site with a minimum area of three acres which shall not be further subdivided, and any building, pen or structure used to house, confine or feed swine shall not be located closer than one hundred feet to any property line nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

F. Public stables, on a minimum of ten acres, provided:

1. Any stable, arena, or barn shall be located no closer than seventy-five feet to any boundary property line or closer than forty-five feet to any building containing a dwelling unit on the same premises (however, one barn or stable building may contain a caretaker's accessory living quarters).

2. Any corrals or exercise yards shall maintain a distance of not less than thirty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises.

3. There shall be no open-air storage of manure, hay, straw, shavings or similar organic material closer than thirty-five feet to any property line or closer than forty-five feet to any dwelling unit or accessory living quarters.

4. When a parking area is located adjacent to any property line, a ten-foot strip adjacent to such property line shall be landscaped with evergreen shrubs, bushes or trees, which shall be maintained at a height of not less than five feet. Said landscaping shall be planted according to accepted practice and maintained in good condition at all times. Existing vegetation on the site may be used to help meet this requirement, provided that it is a part of a site plan approved by the building and land development division and is maintained in good condition along with any required new plantings.

5. Any outside area lighting shall be installed in such a way as to prevent glare from affecting adjacent streets and residences.

6. One unlighted sign, up to sixteen square feet in size, shall be permitted.

G. Raising of poultry, chicken, squab and rabbits, provided:

1. No more than thirty in total of such fowl or animals per acre may be kept on the premises.

2. Any birds kept on the premises shall be confined within an aviary.

3. Any building, pen, aviary or structure used to house or contain such fowl and animals shall not be located closer than thirty-five feet to any boundary property line of the premises, or closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

H. Raising of hamsters, nutria and chinchilla for commercial purposes provided:

1. No more than one hundred of such animals per acre may be kept on the premises.

2. Any buildings, pens, cages or structures used to contain or house such animals shall not be located closer than thirty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

I. Sign, as follows:

1. One unlighted identification sign not exceeding two square feet in area containing the name of the occupant of the premises;

2. One unlighted double-faced sign not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

J. Any other use permitted in an A zone and subject to the same restrictions, provided that the subject property must be at least ten acres in size, and may not be subdivided if the subdivision will result in the use being on a site under ten acres in size, and excluding the following uses:

1. Food processing plants and facilities, and feed, seed and fertilizer sales;

2. On-site processing of harvested forest products;

3. Housing facilities to accommodate agricultural employees.

K. Rental stables, subject to a conditional use permit, provided:

The site must be large enough to contain the riding area or trail system.

L. Planned unit development as provided in Chapter 21.56.

M. Unclassified uses as provided in Chapter 21.44. (Ord. 10190 § 1, 1991: Ord. 7559, 1986: Ord. 3678 § 1, 1978: Ord. 3462 § 5, 1977: Ord. 1013 § § 7 and 8, 1971: Res. 33159 (part), 1967: Res. 25789 § 901, 1963).

21.18.030 Lot area. A. The minimum required area of a lot in an S-E zone shall be thirty-five thousand (35,000) square feet, subject to the provisions of this title placing further limitations on any use permitted within the zone.

B. In multiple lot subdivisions, the minimum required area of individual lots may be reduced, upon compliance with the provisions, methods and standards contained in the RS classification in Chapter 21.08 pertaining to lot size averaging, lot clustering and flexible setbacks, provided that lot clustering in areas designated rural in the King County Comprehensive Plan shall comply with

the rural lot clustering criteria of King County Code 21.21A.080 C. However, for those subdivisions utilizing individual septic systems and not located within a King County approved local sewer service area, a lot shall not contain less area than that required by the Seattle-King County department of public health pursuant to its rules and regulations for on-site sewage disposal systems. In any multiple lot subdivision where lot clustering is used, site improvement requirements including, but not limited to, right-of-way dedications, easements, drainage control facilities, road construction standards, fire flow standards and other utility requirements set by the county may be based upon the density of the clustered lots, exclusive of areas designated for permanent open space or recreational uses. (Ord. 8558 § 1, 1988: Res. 33159 (part), 1967: Res. 25789 § 902, 1963).

21.18.050 Lot width. A. Except as provided in subsection B, the minimum required lot width in an S-E zone shall be one hundred thirty-five (135) feet.

B. In multiple lot subdivisions where lot size averaging or lot clustering is used, the minimum required width of individual lots may be reduced as follows:

1. for lots having an area of less than seven thousand two hundred (7,200) square feet, the minimum required lot width shall be forty (40) feet;

2. for lots having an area of at least seven thousand two hundred (7,200) square feet, but less than nine thousand six hundred (9,600) square feet, the minimum required lot width shall be sixty (60) feet;

3. for lots having an area of at least nine thousand six hundred (9,600) square feet, but less than fifteen thousand (15,000) square feet, the minimum required lot width shall be seventy (70) feet, and

4. for lots having an area of at least fifteen thousand (15,000) square feet, but less than thirty-five thousand (35,000) square feet, the minimum required lot width shall be eighty (80) feet. (Ord. 8558 § 2, 1988).

21.18.080 Height. A. Except as provided in subsection B, no residential or residential accessory structure shall exceed a height of thirty-five (35) feet.

B. The following structures may exceed a height of thirty-five (35) feet if each required side, front and rear yard is increased one (1) foot in width for each one (1) foot in height exceeding thirty-five (35) feet:

1. any residential or residential accessory structure allowed by conditional or unclassified use permit to exceed a height of thirty-five (35) feet;

2. any residential or residential accessory structure provided for in K.C.C. 21.48.030;

3. any agricultural structure containing an accessory living quarters; and

4. any nonresidential structure. (Ord. 8558 § 3, 1988: Res. 25789 § 907, 1963).

21.18.090 Permissible lot coverage. All structures, including accessory structures and any areas used to provide parking space, shall not cover more than thirty-five (35) percent of the area of the lot. (Ord. 8558 § 4, 1988: Res. 25789 § 908, 1963).

21.18.100 Placement of structures and uses. A. Except as provided in subsection B, K.C.C. 21.18.020 and any other provisions of this title placing further limitations on any use permitted within an S-E zone,

1. the distance between any structure and the front lot line shall be not less than twenty (20) feet; and

2. the distance between any structure and the side and rear lot lines shall be not less than ten (10) feet, except that a greater distance may be required as a condition of a conditional or unclassified use permit.

B. On the rear third of a lot, accessory structures, which are not accessory living quarters or stables, may be built to the side lot lines not abutting any street and to the rear lot lines, if

1. a distance of at least fifteen (15) feet is maintained between any garage, which has a vehicular entrance from an alley, and the centerline of the alley; and

2. no structure is built closer than ten (10) feet to the rear lot line of a reverse corner lot, unless such rear lot line abuts an alley. (Ord. 8558 § 5, 1988: Res. 25789 § 909, 1963).

21.18.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.19
SC SUBURBAN CLUSTER CLASSIFICATION

Sections:

21.19.010 Purpose of classification.
21.19.020 Permitted uses.
21.19.030 Lot area and lot area per dwelling unit.
21.19.040 Lot dimensions, coverage, height limits, yards and open spaces.
21.19.050 Densities in multiple lot subdivisions.
21.19.120 Lot based standards.

21.19.010 Purpose of classification. The purposes of this classification are: to provide areas permitting uses and activities more rural in character than practical in the more concentrated urban areas; to establish and maintain a living environment of high standard for single-family residential use by requiring low density and substantial common open space within subdivisions; to protect environmentally sensitive areas; and to reserve large tracts of land for possible future urban or suburban growth. Use of this classification is appropriate in residential areas with a long-term low-density character, whether or not such areas are served by public sewers. (Ord. 4306 § 9, 1979).

21.19.020 Permitted uses. The permitted uses in any SC zone shall be those set forth in Section 21.18.020, provided lots within a multiple lot subdivision or short subdivision which contain less than thirty-five thousand feet shall be restricted to those primary and accessory residential uses permitted in the RS classification. (Ord. 4306 § 10, 1979).

21.19.030 Lot area and lot area per dwelling unit. The minimum lot area and lot area per dwelling unit shall be ten acres, except in multiple lot subdivisions and short subdivisions, as provided in Section 21.19.050. (Ord. 4306 § 11, 1979).

21.19.040 Lot dimensions, coverage, height limits, yards and open spaces.

A. For parcels in an SC zone containing over five acres, lot dimensions, height limits, yards and open spaces shall be those set forth in Chapter 21.22, except in multiple lot subdivisions and short subdivisions;

B. For parcels in an SC zone containing five acres or less, lot dimensions, height limits, yards and open spaces shall be those set forth in Chapter 21.18, except in multiple lot subdivisions and short subdivisions;

C. For lots within a multiple lot subdivision or short subdivision, the lot dimensions, coverage, height limits, yards and open spaces shall be the nearest comparable standards in the RS classification, as set forth in Sections 21.08.100 through 21.08.150, depending on actual lot area.

D. The minimum lot area shall be sufficient to meet on-site sewage disposal requirements; provided, that if public sewers are available the minimum lot size shall be ninety-six hundred square feet. (Ord. 4306 § 12, 1979).

21.19.050 Densities in multiple lot subdivisions. In an SC zone, on parcels containing five acres or more, an average density of one dwelling unit per one acre of site area shall be allowed in conjunction with lot clustering, subject to the following conditions:

A. Fifty percent or more of the site being subdivided or short subdivided is reserved, either for permanent open space, or for possible future resubdivision pursuant to the "reserve tract" provisions of Section 21.21.060; provided, that the SC classification on the property may be changed through the hearing examiner process set forth in Chapter 20.24. Permanently dedicated open space shall be required and shall include any coal mine hazard area, Class III landslide hazard area or wetland, as defined in Chapter 21.04,

when such areas are present on the site of the proposed subdivision, except to the extent that development is approved on such sensitive areas pursuant to Ordinance 4365. The subdivider shall indicate which option (permanent open space or reserve tract) is preferred when applying for a subdivision or short subdivision; however, King County shall determine which option best fulfills the purposes of this chapter and the comprehensive plan, including the park acquisition and development policies adopted by Section 20.12.050.

B. In order to use the reserve tract option, the topography, natural features, and site shape of the proposed reserve tract must permit a present and potential future subdivision pattern which will allow efficient future conversion of the reserve tract, or a portion thereof, to urban or suburban uses when and if called for by the comprehensive plan community plan.

C. If fifty percent of the site is designated as a reserve tract, the county may: 1. set neighborhood open space dedications, right-of-way dedications, drainage and site improvement requirements to serve the entire site at its ultimate developed density if found to be necessary for the public health and safety, or 2. set such requirements for that portion of the property which is being divided into building lots while under the SC classification.

D. In an SC zone, a density of one dwelling per acre shall be permitted without lot clustering when the parcel proposed to be subdivided or short subdivided contains less than five acres; provided, that if said parcel contains a coal mine hazard area, Class III landslide hazard area, or wetland, clustering shall be required to the extent necessary to avoid including such areas within any building lot, except to the extent that development is approved on such sensitive areas pursuant to Ordinance 4365. (Ord. 4306 § 13, 1979).

21.19.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.20
S-R
SUBURBAN-RESIDENTIAL CLASSIFICATION

Sections:

21.20.010 Purpose of classification.
21.20.020 Permitted uses-Suburban residential.
21.20.030 Permitted uses-Suburban agricultural.
21.20.040 Permitted uses-Agricultural.
21.20.050 Lot area.
21.20.070 Lot width.
21.20.080 Front yard.
21.20.090 Height.
21.20.100 Permissible lot coverage.
21.20.110 Placement of buildings.
21.20.120 Lot based standards.

21.20.010 Purpose of classification. The principal objective and purpose to be served by this classification and its application is to provide for the orderly transition of areas presently largely suburban in character but which are rapidly becoming urbanized. Within areas classified S-R residences may locate in combination with generally small-scale and intensive agricultural pursuits on

a commercial basis. Because such agricultural type uses require larger sites than those normally acceptable in urban areas, and because of the difficulty of assembling numerous small parcels for future urban development, the minimum size of sites is kept large for rural purposes until development occurs. This classification is intended to apply to areas in a transitional stage, and which are changing, or are expected to change, in character in the light of increasing need for urban development. (Res. 25789 § 1000, 1963).

21.20.020 Permitted uses - Suburban residential. In an S-R zone the following residential uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking requirements, landscaping requirements, and the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and the provisions of the King County shoreline management master program where applicable:

A. Any use permitted in the RS and SE classifications; provided, however, that on lots having an area of less than thirty-five thousand square feet, only those uses permitted in the RS classification are allowed, and on those lots having more than thirty-five thousand square feet but less than five acres only those uses permitted in the SE classification are allowed; provided further, that townhouses are permitted only within a planned unit development. One-family dwellings shall be subject to the limitations of use section of the RS classification.

B. Signs, as follows:

1. One unlighted identification sign not exceeding two square feet in area containing the name of the occupant of the premises;

2. One sign not exceeding twelve square feet in area for identification of premises (excluding home occupations); or advertising produce sold upon the premises, provided such sign shall not be located in any required yard or open space on the premises;

3. One unlighted double-faced sign not exceeding six square feet in area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

C. Swimming, tennis, yacht and country clubs, and recreational fields (noncommercial) but not including amusement devices for hire, subject to a conditional use permit, provided:

1. Any building or structure on the premises shall maintain a distance of not less than thirty-five feet from any exterior boundary line which is a common property line with R or S classified property and from any street boundary lines,

2. No required yard or open space on the premises may be used to provided parking space for cars or vehicles,

3. Where property devoted to these purposes is bounded by a street, then on any street property line no entrance-exit facilities for automobiles shall be located closer than one hundred feet to a street intersection;

D. Specialized instruction schools provided:

1. The site shall have a minimum lot size of 2 1/2 acres.

2. The specific standards set forth in K.C.C. 21.44.030 R. are met.

E. Planned unit developments as provided in Chapter 21.56;

F. Unclassified uses as provided in Chapter 21.44. (Ord. 8017 § 4, 1987: Ord. 5002 § 6, 1980: Ord. 4666 § 1, 1979: Ord. 3677 § 2, 1977).

21.20.030 Permitted uses - Suburban agricultural. In an S-R zone the following uses only are permitted on a minimum lot size of five acres or more and as hereinafter specifically provided and allowed by this chapter, subject to the off-street parking and loading requirements and the general provisions and exceptions in this title beginning with Chapter 21.46, and the provisions of the King County shoreline management master program where applicable:

A. Agricultural crops;

B. Fishing ponds (commercial), but excluding restaurants;

C. Forest crops, growing and harvesting;

D. Horticultural nurseries;

E. Small animal farms, including mink and fox farms; provided any building, pen, cage or structure used to contain, house, confine or feed such animals shall not be located closer than one hundred fifty feet to any building containing a dwelling unit or accessory living quarters on the same premises;

F. Small animal hospital and clinic, provided the portion of the building or structure in which animals are kept or treated is sound-proofed; all run areas are completely surrounded by an eight-foot solid wall; the animal runs shall be surfaced with concrete or other impervious materials; there shall be no burning of refuse or dead animals on the premises; drainage shall be away from adjoining properties;

G. Marketing of produce raised on the premises or immediately adjacent properties; provided only one stand to be used for such purposes is permitted on the premises, and such stand shall not contain more than three hundred square feet of floor area, and shall not be located in any required yard or open space on the premises;

H. Livestock, provided:

1. Not more than one horse, cow, steer, or swine or five sheep, llamas, alpacas or goats, excluding sucklings, for each one-half acre of the total site shall be permitted; except there shall be no limit on the number of horses kept in a public stable,

2. Any building, pen or structure used to house, confine or feed such animals shall not be located closer than seventy-five feet and in the case of swine no closer than one hundred feet to any boundary property line nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises,

3. Fee boarding of other's livestock shall be accessory to a residence on the subject property, and the total number of animals, including those owned by the occupants of the premises, shall not exceed one horse, cow, steer or swine or five sheep, llamas, alpacas or goats for each one-half acre of the site;

I. Slaughtering and dressing of animals or fowl raised on the premises, accessory to a residence; provided any building, structure or area used for such purposes shall not be closer than seventy-five feet to any boundary property line of the premises, or closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises. (Ord. 10190 § 2, 1991: Ord. 3677 § 3, 1978).

21.20.040 Permitted uses - Agricultural. Permitted uses shall be as follows:

A. Public stables on a minimum of ten acres, provided:

1. Any stable, arena, or barn shall not be located closer than seventy-five feet to any boundary property line or to any building containing a dwelling unit or accessory living quarters on the same premises;

2. Any corrals, exercise yards or rings shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises;

3. Any open-air storage of manure, hay, straw, shavings or similar organic materials shall maintain a distance of not less than seventy-five feet from any boundary property line, and a distance of not less than forty-five

feet from any building containing a dwelling unit or accessory living quarters on the same premises;

B. Any other use permitted outright in an A zone and subject to the same restrictions; provided, that the subject property must be at least ten acres in size, and may not be subdivided if the subdivision will result in the use being on a site under ten acres in size, and excluding the following uses:

1. Food processing plants and facilities and feed, seed and fertilizer sales;

2. On-site processing of harvested forest products;

3. Housing facilities to accommodate agricultural employees. (Ord. 3677 § 4, 1978).

21.20.050 Lot area. The minimum required area of a lot in an S-R zone shall be five acres, provided in multiple lot subdivisions approved subsequent to the effective date of this title:[1]

A. The minimum required area may be reduced to seven thousand two hundred square feet or nine thousand six hundred square feet when:

1. All lots are served by public sewers;

2. All lots are served by public water;

3. All lots are served by paved streets with curbs, sidewalks, and underground storm drainage consistent with KCC Title 19.

B. The minimum required lot area may be reduced to fifteen thousand square feet when:

1. All lots are served by public or private water;

2. All lots are served by an approved sewage disposal system;

3. All lots are served by paved streets and walkways consistent with KCC Title 19.

C. The minimum required lot area may be reduced to thirty-five thousand square feet when:

1. All lots are served by public or private water;

2. All lots are served by an approved sewage disposal system.

D. The provisions, methods and standards contained in the R-S classifications under Chapter 21.08 of this title pertaining to meeting minimum lot area requirements shall also apply to comparable subdivisions permitted under this section; provided that, in no case for those proposed subdivisions utilizing individual septic systems and not located within a King County approved local sewer service area shall a lot contain less than eighty percent of the area required under subsections A. through C. of this section.

E. In S-R zoned areas for which there is an adopted community plan, the minimum required lot area per dwelling unit for multiple-lot subdivisions, short subdivisions, or planned unit developments may be reduced from five acres when consistent with a community plan density policy, as defined herein, and with the standards in subsections A. through D. of this section, whichever requires the larger lot size. For purposes of this section, "community plan density policy" means a density depicted on a community plan land use map or in a community plan text.

F. In S-R zoned areas for which there is a community plan, properties may have a density suffix, indicating which lot sizes are consistent with applicable density policies, imposed on them through the area zoning process to govern the zoning and subdivision examiner and building and land

[1] [See Section 21.70.010.]

development division in applying community plan density policies. (Ord. 8040, 1987: Ord. 5516 § 1, 1981: Ord. 4666 § 2, 1979: Ord. 3788 § 1, 1978: Res. 25789 § 1002, 1963).

21.20.070 Lot width. In an S-R zone every lot shall have a width of not less than three hundred thirty feet unless such lot is a part of approved subdivision as provided in Section 21.20.050 of this chapter, in which case lots having an area less than nine thousand six hundred square feet shall have a width not less than sixty feet; lots having an area of nine thousand six hundred square feet but less than thirty-five thousand square feet shall have a width not less than seventy feet; lots having an area less than five acres but not less than thirty-five thousand square feet shall have a width not less than one hundred thirty-five feet. (Res. 25789 § 1004, 1963).

21.20.080 Front yard. In an S-R zone every lot shall have a front yard having a depth of not less than thirty feet, unless such lot is a part of an approved subdivision as provided in Section 21.20.050 of this chapter in which case a lot having an area less than thirty-five thousand square feet may have a front yard not less than twenty feet in depth. (Res. 25789 § 1005, 1963).

21.20.090 Height. A. In an S-R zone no building or structure shall exceed a height of thirty feet, except as provided in subsection B or as set forth in K.C.C. 21.48.030.

B. Structures may exceed a height of thirty (30) feet if each required side, front and rear yard is increased one (1) foot in width for each one (1) foot in height exceeding thirty (30) feet, provided that in no case shall a structure exceed a height of seventy-five (75) feet. (Ord. 11284 § 1, 1994: Ord. 10121 § 1, 1991: Res. 25789 § 1006, 1963).

21.20.100 Permissible lot coverage. In an S-R zone all buildings and structures, including accessory buildings and structures and any areas used to provide parking space for residential uses, shall not cover more than thirty-five percent of the area of the lot. (Res. 25789 § 1007, 1963).

21.20.110 Placement of buildings. Placement of buildings and structures on any lot in S-R zone shall conform to the following:

A. Lots containing an area less than nine thousand six hundred square feet, when such lots are a part of an approved subdivision, shall maintain side yards, open space and distance between buildings as set forth in the RS-7200 classification;

B. Lots containing an area of nine thousand six hundred square feet, when such lots are a part of a recorded subdivision plat, shall maintain the side yards, open spaces and distance between buildings as set forth in the RS-9,600 classification;

C. On lots containing an area of thirty-five thousand square feet or more any building or structure, whether it be the main building or structure, or whether it be an accessory building or structure, shall maintain the side yards, open spaces and distance between buildings as set forth in the S-E classification. Where a greater distance is required as a condition to the establishment of a permitted building or use, such greater distance shall prevail. (Res. 25789 § 1008, 1963).

21.20.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.20A
RMHP RESIDENTIAL MOBILE HOME PARK CLASSIFICATION

Sections:

21.20A.010 Purpose of classification.
21.20A.020 Location.
21.20A.030 Permitted uses.
21.20A.040 Density.
21.20A.050 Limitations.
21.20A.070 Area coverage.

21.20A.010 Purpose of classification. The purposes of the RMHP classification and its application area are:

A. To provide a suitable living environment within a park-like atmosphere for families residing in mobile homes;

B. To encourage variety in housing styles within areas otherwise designated for single-family residential development by permitting mobile home parks at the approximate density allowed in the surrounding area;

C. To permit flexibility in the placement of mobile homes on a site in order to minimize costs associated with development of roads, utilities, walkways, and parking facilities, while providing adequate common and private open space. (Ord. 5318 § 1, 1981).

21.20A.020 Location. The RMHP classification shall be applied only in areas:

A. Which are within a local service area as designated by the sewerage general plan, and which are served by adequate roads and public water supply;

B. Which have a high level of such public services as public transit, schools, fire and police protection, and solid waste disposal;

C. Which are predominantly free of natural features posing potential problems for development, or having important environmental features such as steep slopes, unstable soils, wetlands or floodplains. (Ord. 5318 § 2, 1981).

21.20A.030 Permitted uses. In an RMHP zone the following uses are permitted:

A. Mobile home parks;

B. Mobile homes, located only within an approved mobile home park;

C. Accessory structures, as provided in Chapter 21.08;

D. Recreational facilities, located within and primarily for use of residents of an approved mobile home park;

E. Recreational vehicle and boat storage facilities, located within and limited to use by residents of an approved mobile home park only:

F. Home occupation, as provided in Section 21.08.030L.;

G. Signs, as provided in Section 21.08.040I.;

H. Day nurseries and adult daycare, as provided in Section 21.08.040J.

I. Propane and compressed natural gas bulk storage facilities from which gas is distributed only by piping directly to invidudual users. (Ord. 11113 § 5, 1993: Ord. 10879 § 3, 1993: Ord. 5318 § 3, 1981).

21.20A.040 Density. The number of mobile homes permitted in a mobile home park shall not exceed one and one-half times the surrounding single-family neighborhood density or nine units per gross acre whichever is less. In reclassifying property to RMHP, the county council may limit density

further to assure compatibility with the surrounding residential area or avoid overloading public utilities or services. (Ord. 5318 § 4, 1981).

21.20A.050 Limitations. A. All mobile home parks located within the RMHP classification shall be designed and developed in accordance with the standards and procedures set forth in Chapter 21.09, subject to approval by the building and land development division.

B. Every mobile home located in this classification shall comply with the standards and permit requirements set forth in Chapter 21.09.

C. Any accessory structure in excess of one hundred twenty square feet of floor area or roof area shall be subject to the provisions of the Uniform Building Code as adopted in King County, and a building permit shall be required before construction or installation. (Ord. 5318 § 5, 1981).

21.20A.070 Area coverage. All structures, including mobile homes, accessory structures, offices, clubhouses and service buildings, but not including private streets, any open areas used to provide parking spaces or swimming pools, shall not cover more than fifty percent of the total site area of the mobile home park. (Ord. 5318 § 7, 1981).

Chapter 21.21
GR GROWTH RESERVE CLASSIFICATION

Sections:

21.21.010 Purpose of classification.
21.21.020 Permitted uses.
21.21.030 Lot area and lot area per dwelling unit.
21.21.040 Lot dimensions, coverage, height limits, yards and open spaces.
21.21.050 Densities in multiple lot subdivisions.
21.21.060 Reserve tract provisions.
21.21.120 Lot based standards.

21.21.010 Purpose of classification. The purposes of this classification are: to implement comprehensive and community plans which call for a low residential density to prevent premature urban development in areas without adequate roads, schools, utilities, and other public facilities and services, while allowing reasonable uses of property; to reserve large tracts of land suitable for possible future urban or suburban growth; to maintain the rural character of reserve areas by allowing compatible open space, recreational and agricultural uses; to permit limited residential growth contiguous to existing supporting public facilities; and, to preserve environmentally sensitive areas. A further purpose of this classification is to prevent the establishment of uses and subdivision patterns which may foreclose significant future alternatives and prevent efficient later development at urban or suburban densities. (Ord. 4306 § 2, 1979).

21.21.020 Permitted uses. The permitted uses in any GR zone shall be those set forth in K.C.C. 21.25 under the same conditions set forth in K.C.C. 21.25.020. (Ord. 10775 § 1, 1993: Ord. 6643 § 2, 1984).

21.21.030 Lot area and lot area per dwelling unit. The minimum lot area shall be twenty acres, except as follows:

A. On sites containing ten acres or more, accessory housing facilities to accommodate agricultural employees, as provided in Section 21.21.020;

B. In multiple lot subdivisions and short subdivisions, higher densities

may be allowed consistent with the comprehensive plan and subject to the lot clustering provisions of this chapter;

C. Any substandard lot may be used for any use permitted in this classification, subject to the limitations of the use. (Ord. 10775 § 2, 1993: Ord. 4306 § 4, 1979).

21.21.040 Lot dimensions, coverage, height limits, yards and open spaces.

A. For parcels in a GR zone containing over five acres, lot dimensions, height limits, yards and open spaces shall be those set forth in Chapter 21.20;

B. For parcels in a GR zone containing five acres or less, lot dimensions, height limits, yards and open spaces shall be those set forth in Chapter 21.18, except in multiple lot subdivisions and short subdivisions;

C. For lots in multiple lot subdivisions and short subdivisions created pursuant to the lot clustering requirements contained in KCC 21.21.050, the lot dimensions, coverage, height limits, and yards shall be the nearest comparable standards in the RS classification, as set forth in KCC 21.08.100 through 21.08.150, depending on actual lot size. (Ord. 6643 § 3, 1984: Ord. 4306 § 5, 1979).

21.21.050 Densities in multiple lot subdivisions. In order to carry out the purposes of the comprehensive plan and this chapter, particularly the reservation of large tracts of land for possible future growth and the promotion of efficient land use patterns, two different densities in multiple lot subdivisions and short subdivisions will be allowed, to be identified and applied on the zoning map with the designations GR-2.5 and GR-5.

A. In a GR-2.5 zone, parcels containing two acres or more but less than five acres on or before the effective date of the application of this classification may be short subdivided to create one additional lot; provided, that both resulting lots are of sufficient area to meet on-site sewage disposal requirements; and provided, further, that neither lot shall be further subdivided while retaining the GR-2.5 classification;

B. In a GR-2.5 zone, on parcels containing five acres or more, an average density of one dwelling unit per two and one-half acres of site area may be allowed in conjunction with lot clustering, subject to the following conditions:

1. Sixty-five percent or more of the site being subdivided or short subdivided is reserved for open space and possible future resubdivision pursuant to the "reserve tract" provisions of this chapter,

2. The topography, natural features, and site shape permit a present and potential future subdivision pattern which will allow efficient future conversion of the reserve tract, or a portion thereof, to urban or suburban uses when and if called for by the comprehensive plan or community plan;

C. In a GR-5 zone, parcels containing two acres or more but less than ten acres on or before the effective date of the application of this classification may be short subdivided to create one additional lot; provided, that both resulting lots are of sufficient area to meet on-site sewage disposal requirements, and provided further that neither lot shall be further subdivided while retaining the GR-5 classification;

D. In a GR-5 zone an average density of one dwelling unit per five acres of site area may be allowed as follows:

1. On parcels containing ten acres or more when developed in conjunction with lot clustering, subject to the following conditions:

a. Seventy-five percent or more of the site being subdivided or short subdivided is reserved for open space and possible future resubdivision pursuant to the "reserve tract" provisions of this chapter,

b. The topography, natural features, and site shape of the reserve tract permit a present and potential future subdivision pattern which will allow efficient future conversion of the reserve tract, or a portion thereof, to urban or suburban uses and densities in areas designated growth reserve by the comprehensive plan or community plan; or

2. On parcels of 20 acres or less created on or before the effective date of the application of this subsection (January 28, 1984), by subdivision or short subdivision into lots of five acres or larger, provided the applicant can demonstrate how the property may be further subdivided into smaller lots to accommodate urban or suburban densities, in areas designated growth reserve by the comprehensive plan or community plan. King County may require an arrangement of lots and streets to facilitate future resubdivision, a plat restriction which specifies building locations or imposes additional setbacks to guarantee that future street right-of-way expansion can be accomplished without infringing on the yard requirement of the zone, and may require the setting aside of future rights-of-way, using the "Tract X" set forth in Appendix D, codified in KCC 11.26.490.

E. In any GR zone, all coal mine hazard areas, Class III landslide hazard areas, and wetlands, as defined in KCC 21.04, shall be included within the reserve tract as provided by this chapter, and shall be dedicated or reserved to King County or another appropriate community or public body as permanent open space, except to the extent that development is approved on such sensitive areas pursuant to KCC 20.44, 21.04 and 21.54.

F. In any GR zone, the minimum lot size of the building sites shall be sufficient to meet on-site sewage disposal requirements. Lot dimensions, coverage and height limits, yards and open spaces shall conform to the requirements of the nearest comparable RS or S zone based on the size of the building lots or to the provisions of KCC 21.21.040;

G. In any subdivision or short subdivision within a GR zone, open space and right-of-way dedications, easements, drainage control facilities, and site improvement requirements may be set by the county to serve only that portion of the site containing building lots, or any improvements allowed in a reserve tract. (Ord. 6643 § 4, 1984: Ord. 4306 § 6, 1979).

21.21.060 Reserve tract provisions. A. For the purposes of this chapter, "reserve tract" means that portion of a proposed subdivision or short subdivision in a GR zone which is designated for potential future resubdivision subject to the restrictions of this section. After a site is initially divided pursuant to this chapter, the reserve tract may be retained by the subdivider, conveyed to residents of the subdivisions, or conveyed to a third party. Regardless of who owns the reserve tract, all restrictions set forth in this chapter shall apply to it.

B. All reserve tracts created through subdivision or short subdivision in a GR zone shall be subject to the following restrictions:

1. On reserve tracts one primary dwelling, which must be included in overall density calculations for the subdivision or short subdivision, shall be permitted, plus those uses enumerated in KCC 21.21.020.

2. The reserve tract shall not be further subdivided while containing the GR classification. The reserve tract may be proposed for resubdivision only after the site is reclassified in an area zoning process as defined in Section 20.08.030. Every reserve tract created through this chapter shall be eligible for review and consideration for urban or suburban uses when a new or revised community plan for the area in which the reserve tract is situated is

being proposed, or every ten years from the date of designation of a reserve area through use of this classification;

3. Coal mine hazard areas, Class III landslide hazard areas and wetlands, as defined in Chapter 21.04, within a designated reserve tract shall not be disturbed or altered through vegetation removal, excavation, filling, building or other improvements except with the approval by the building and land development division of a site plan, and only for the purposes of removing a nuisance or hazard to life or property, recreation, or enhancement of fisheries or wildlife habitat.

C. All restrictions on a reserve tract, and the purpose of the reserve tract as stated in subsection A. of this section, shall be shown on the face of the plat or short plat, and shall be communicated clearly and in writing to all purchasers and prospective purchasers of building lots or reserve tracts in subdivisions or short subdivisions in a GR zone;

D. Any proposed new subdivision or short subdivision of a reserve tract after its reclassification from GR shall comply with all applicable policies and regulations in effect at the time the proposed new subdivision or short subdivision is reviewed. The building lots created by the original subdivision or short subdivision under the GR classification in which said reserve tract is located shall be included in computing all then-current technical requirements, including but not limited to open space, street improvements and drainage, unless the original subdivision or short subdivision made adequate provision for meeting such requirements as provided in KCC 21.21.050 G. (Ord. 6643 § 5, 1984: Ord. 4306 § 7, 1979).

21.21.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.21A
A-R CLASSIFICATION - RURAL AREA

Sections:

21.21A.010 Purpose.
21.21A.020 Permitted uses - Primary and accessory residential.
21.21A.030 Permitted uses - Agricultural and forestry.
21.21A.040 Permitted uses - Nonresidential.
21.21A.050 Permitted uses - Conditional.
21.21A.060 Signs.
21.21A.070 Lot area and lot area per dwelling unit.
21.21A.080 Rural lot clustering provisions.
21.21A.090 Cluster density provisions.
21.21A.100 Lot dimensions, coverage, height limits, and yards.
21.21A.110 Severability.
21.21A.120 Lot based standards.

21.21A.010 Purpose. Purpose of classification. A. The purpose of the A-R classification is to provide a tool for implementing comprehensive and community plans which call for an area-wide long-term rural character and a level of roads, schools, utilities, and other public facilities and services consistent with rural needs, while allowing residential and tourism, recreation and resource-based uses which do not disrupt rural uses of property, such as forestry and compatible agricultural activities. To further these purposes, residential densities and permitted uses are limited to those able to be supported adequately by rural service levels; densities and uses

also are limited to minimize conflicts with rural and natural resource-based uses; and increased setbacks or buffering are provided adjacent to designated forestry or mining zones or approved mineral extraction operations.

B. The A-R classification is intended to be applied to lands within rural areas designated by the comprehensive plan. While the comprehensive plan calls for a normal rural residential density of one dwelling per five acres, the plan recognizes a range of densities is appropriate to provide diverse housing choices and to recognize existing natural and man-made conditions. Therefore the A-R zone provides a classification permitting a density of one dwelling per two-and-a-half acres in rural areas where development already exceeds one dwelling per five acres and soils can absorb the cumulative impacts of on-site sewage disposal of higher densities without damage to water resources, and a classification limiting density to one dwelling per ten acres for limited use in rural areas where additional buffering is required specifically to protect adjacent agriculture, forestry or mining uses, or where necessary to protect area-wide natural features such as steep slopes or high aquifer-recharge areas which severely constrain development. (Ord. 7661 § 1, 1986).

21.21A.020 Permitted uses - Primary and accessory residential. In an A-R zone, the following residential uses only are permitted:

A. A one-family dwelling and accessory buildings and uses;

B. A rural lot cluster development when approved pursuant to sections 21.21A.070 - .090.

C. Home occupations, provided the home occupation:

1. Is clearly accessory to the use of the premises for residential purposes and shall not require interior building space of more than twenty percent of the finished living area of the primary residence;

2. Has no display or sign not permitted in the zone;

3. Does not require the installation of heavy equipment, large power tools or power sources not common to a rural area;

4. Does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to a rural area;

5. Does not involve use of hazardous materials for which the uniform fire code would require a permit;

6. Does not create a level of parking demand beyond that normally generated by uses permitted in the A-R zone; and

7. On-site sales shall be incidental to the main purpose of the home occupation;

8. Occasional and temporary employees may be permitted by an administrative conditional use permit issued for a cottage industry.

D. One accessory dwelling, either in the same building with the primary residence or in a separate structure, and otherwise subject to the provisions of K.C.C. 21.08.030B, and provided the allowable density of the zone is not exceeded;

E. Any accessory use other an enumerated above, as set forth in K.C.C. 21.08.030, subject to the provisions contained therein. (Ord. 7661 § 2, 1986).

21.21A.030 Permitted uses - Agricultural and forestry. The following agricultural and forestry uses only are permitted:

A. Growing and harvesting agricultural crops, and the structures necessary for these activities;

B. Raising of livestock and small animals other than mink in pastures or

structures, provided:

1. No more than one horse, cow, swine, or other large grazing animal, or five sheep, llamas, alpacas or goats, not counting sucklings, for each one-half acre of the total site area shall be permitted on parcels of ten acres or smaller;

2. Any barn, pen or other covered structure used to house, confine or feed livestock or small animals, except mink, shall not be located closer than one-hundred feet to any well supplying water for human consumption. Open-air storage of manure, hay or other organic material shall also observe this setback;

3. Mink farms shall be limited to parcels with a minimum of ten acres which shall not be further subdivided unless the use is discontinued, and further provided any barn, pen or other covered structure used to contain, house, confine or feed mink shall not be located closer than one hundred-and-fifty feet to any property line or well supplying water used for human consumption.

4. Beehives, subject to the provisions of K.C.C. 21.08.030, except there shall be no limit on the number of hives on parcels of five acres or larger;

C. Processing of agricultural products and livestock raised on the premises including the slaughtering and dressing of animals, when accessory to a residence; provided any building, structure or area used for such purposes shall not be closer than seventy-five feet to any property line unless a greater setback is required by K.C.C. 21.21A.100, and:

1. The number of employees in addition to members of the family residing in the principal residence shall be limited to three, unless the site is ten acres or more in size;

2. The sewage disposal and water supply are approved by the Seattle-King County department of public health;

3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons.

D. Horticultural nursery;

E. Marketing of agricultural and horticultural products raised on the premises in one or more farm stands, provided:

1. The total area for farm stands, not including storage areas, shall not exceed five hundred square feet of floor area;

2. No stand shall be located within any required setback;

3. If the property's vehicular access is directly from an arterial or highway, then four off-street parking places shall be provided;

F. Accessory housing in separate structures at a maximum density of one accessory dwelling unit per ten acres, to accommodate agricultural or forestry workers and their families employed on the premises, provided:

1. These facilities are only permitted on holdings containing ten acres or more;

2. These facilities shall not be rented or leased to individuals other than agricultural or forestry workers and their immediate families;

3. The sewage disposal and water supply are approved by the Seattle-King County department of public health;

G. Public and rental stables, on a minimum of ten acres, provided any stable, barn, covered or uncovered arena, corral, or exercise yard shall maintain a distance of not less than one-hundred feet from any well supplying

water for human consumption;

H. Forest practices except:

1. Secondary processing of forest products;

2. Storage of fuels, explosives and chemicals;

3. Fuelwood and log storage yards larger than two acres;

I. Burning of slash and logging residues when authorized by a burning permit issued by the Washington State Department of Natural Resources;

J. Primary processing of forest products grown on-site using only portable equipment;

K. Disposal of residues of primary processing;

L. Storage and maintenance of resident-owned equipment required for permitted uses;

M. Removal, harvesting or retailing of vegetation such as fuelwood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms, subject to the limitations of the chapter on farm stands.

N. Forestry, agricultural and natural resource research;

O. Wildlife and fish propagation and management including any associated buildings, facilities or improvements;

P. Dispersed recreation and outdoor recreation facilities such as primitive campsites, trails, trail heads and warming huts (but excluding recreational vehicle parks and developed campsites with utility hookups);

Q. Other uses necessary for the commercial production of forest products compatible with rural residential development, as determined by the manager of the building and land development division. (Ord. 10190 § 3, 1991: Ord. 7661 § 3, 1986).

21.21A.040 Permitted uses - Nonresidential. The following nonresidential uses only are permitted in an A-R zone:

A. Bed and breakfast guesthouse, provided:

1. The bed and breakfast guesthouse operation shall be located only on the premises of the principal residence of the operator;

2. The guesthouse operation shall not use more than fifty percent of the floor area of the principal residence;

3. One off-street parking space shall be provided for each guestroom plus the required off-street parking spaces for the principal dwelling. This parking area shall not be located within any required setback. Landscaping may be required by the division to screen parking areas from the view of adjacent properties and from public roads;

4. The wastewater disposal facility and the domestic water supply serving the guesthouse shall be approved by the Seattle-King County department of public health prior to the use permit being issued;

5. The number of persons accommodated per night shall not exceed five except that a structure which satisfies the standards of the uniform building code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night;

6. Service of meals shall be to registered guests only;

B. Public utility facilities such as telephone exchanges, water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for the distribution and transmission of services for the area or which require location in the area;

C. Libraries and parks, publicly owned, subject to the provisions of K.C.C. 21.08.040 F.;

D. Day nurseries and adult daycare subject to the provisions of K.C.C. 21.08.040;

E. Reuse of closed school facilities subject to the provisions of K.C.C. 21.08.040;

F. Specialized instruction schools provided:

1. The site shall have a minimum lot size of 2 1/2 acres.

2. The specific standards set forth in K.C.C. 21.44.030 R. are met.

G. Unclassified uses subject to the provisions of K.C.C. 21.44, when consistent with the purpose of the zone.

H. Propane and compressed natural gas bulk storage facilities from which gas is distributed only by piping directly to individual users.

I. Elementary schools, provided that no such schools shall be allowed if they require public sewers to be extended outside a Local Service Area unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school may be used. (Ord. 11395 § 1, 1994: Ord. 11113 § 6, 1993: Ord. 10879 § 4, 1993: Ord. 8017 § 5, 1987: Ord. 7661 § 4, 1986).

21.21A.050 Permitted uses - Conditional. The following conditional uses only are permitted in an A-R zone:

A. Cottage industries, subject to an administrative conditional use permit, provided:

1. The site shall have a minimum lot size of five acres, or else a conditional use permit with public hearing shall be required;

2. The cottage industry shall be accessory to the use of the premises for residential purposes and shall not require interior building space of more than seventy-five percent of the finished living area of the primary residence;

3. The business must be owned and operated by the full-time residents on the subject property;

4. Only those buildings or areas specifically approved by the zoning adjustor shall be used to conduct the business;

5. The following uses shall not be allowed:

a. Any activity which might result in excessive noise, smoke, dust, odors, heat or glare, or traffic beyond that which is common to a rural area. The proposed use shall conform to the maximum permissible rural sound levels under K.C.C. 12.88. The county may require an applicant to provide sound level tests demonstrating such conformance;

b. Use or manufacture of products or operations which are dangerous in terms of risk of fire, explosion, or hazardous emissions;

c. Any other use which would disrupt the character of permitted rural uses subject to the review of the zoning adjustor;

6. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and county roads;

7. Any display or sign shall be subject to the review of the zoning adjustor;

8. On-site sales shall be incidental to the main purpose of the cottage industry;

9. The allowable size of equipment used by the cottage industry shall be subject to the review of the zoning adjustor;

B. Stores for retail sales of feed, seed, fertilizers, fencing materials, agricultural raingear or such other supplies that are directly related to the day-to-day support of agricultural production and specifically excluding powered equipment and related implements, trailers and related implements, and items of apparel; provided the following minimum conditions are conformed to:

1. The number of employees involved and the physical scale is such that there is no substantial traffic involved and the building intensity and character is consistent with the surroundings;

2. Off-street parking is provided equivalent to one parking space for each two-hundred square feet of floor area;

3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons;

C. Processing of agricultural products and livestock, including wineries, canneries, and the slaughtering and dressing of animals; provided any building, structure or area used for such purposes shall be not closer than seventy-five feet to any property line unless a greater setback is required by K.C.C. 21.21A.100, and:

1. The number of employees involved and the physical scale is such that the building intensity and character is consistent with the surroundings;

2. The sewage disposal and water supply are approved by the Seattle-King County department of public health;

3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in flood area required by law for health and safety reasons.

D. Animal hospitals and clinics, subject to an administrative conditional use permit, provided the portion of the building or structure in which animals are kept or treated is sound-proofed; all run areas are completely surrounded by an eight-foot solid wall; the animal runs shall be surfaced with concrete or other impervious material; and there shall be no burning of refuse or dead animals on the premises;

E. Commercial use of buildings listed on the national register as an historic site or designated as a King County landmark, provided:

1. Gross floor area of the building additions or new buildings required for the conversion shall not exceed twenty percent of the gross floor area of the historic or landmark buildings;

2. Any construction required for conversion which affects significant features of the property protected pursuant to Ordinance 4828 and K.C.C. 20.62 shall require certification of appropriateness from the King County landmarks commission;

F. Resource-based commercial recreation facilities such as golf courses and destination resorts, in locations where impacts on the environment, adjacent land use and resource management can be adequately controlled, and where adequate public facilities and services can be provided;

G. Hydroelectric facilities, as follows:

1. Hydroelectric projects with the following characteristics shall be permitted subject to a conditional use permit. All other projects shall require an unclassified use permit. Regardless of the process involved, all hydro-electric projects shall meet the standards specified in subsection H.2. of this section.

a. If the project uses a new diversion structure, it shall have a height no greater than eight feet (measured from the streambed), or at normal maximum water surface area it shall not impound more than three surface acres of water;

b. has no active storage;

c. does not increase the maximum water surface area at any existing dam or diversion;

d. maintains an exceedance flow of no greater than 50 percent in mainstream reach;

e. requires for transmission one mile or less of new right-of-way which contains a line of 115 kV capacity or less;

f. does not require more than one mile of permanent new access road; and

g. is located above an anadromous fish barrier.

2. Project Development Standards:

a. The project will have an acceptable level of impacts on anadromous and resident fish species, as demonstrated by project approval from the Washington State Departments of Fisheries and Game, National Marine and Fisheries Service, U.S. Fish and Wildlife Service, and tribes on the Federal Energy Regulatory Commission's service list;

b. will not create an erosion hazard;

c. will mitigate any visual impacts through the use of landscape and distance buffers;

d. the hydrologic, ecological, and aesthetic functions of natural stream corridors will be preserved, protected, or enhanced; and

e. will preserve or enhance multiple use of the site including, but not limited to, public access, fishing, and recreational uses.

H. Middle schools, junior high schools or high schools, provided that no such schools shall be allowed if they require public sewers to be extended outside a Local Service Area unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school may be used.

I. Churches, provided that no such churches shall be allowed if they require public sewers to be extended outside a Local Service Area.

J. Other conditional uses as provided in Chapter 21.44, excluding:

1. Columbariums, crematoriums and mausoleums;

2. Commercial establishments and enterprises as defined by K.C.C. 21.44.030C;

3. Hospitals of all types;

4. Utility district offices, unless sharing facilities with a fire station;

5. Colleges and universities.

K. Interim recycling facilities when located on and operated in conjunction with a site containing a public facility such as a school or fire station. (Ord. 11395 § 2, 1994: Ord. 10525 § 1, 1992: Ord. 10485 § 1, 1991: Ord. 10408 § 2, 1992: Ord. 9773 § 1, 1991: Ord. 9419, 1990: Ord. 9191, 1989: Ord. 7661 § 5, 1986).

21.21A.060 Signs. Signs are permitted, subject to the following conditions: A. One nameplate sign containing the name of the occupant of the premises, not exceeding two square feet;

B. Signage for permitted uses, not exceeding thirty-two square feet in total area, provided no sign shall be located in any required yard or open space on the premises if higher than six feet from ground level; signs may be lit but shall not have blinking or moving elements;

C. One unlighted double-faced sign, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. (Ord. 7661 § 6, 1986).

21.21A.070 Lot area and lot area per dwelling unit. A. There are established in the A-R classification three minimum required lot areas, which as to their locations, shall be identified on the zoning map by the designations A-R 10, A-R 5, and A-R 2.5:

1. The minimum required area of a lot in an area designated A-R 10 shall be ten acres;

2. The minimum required area of a lot in an area designated A-R 5 shall be five acres;

3. The minimum required area of a lot in an area designated A-R 2.5

shall be two and one-half acres; provided, the A-$ 2.5 classification shall be applied through a community plan and area zoning process as defined in K.C.C. 21.04.080;

B. In multiple lot subdivisions and short subdivisions the area of individual lots may be reduced, subject to the rural lot clustering requirements contained in K.C.C. 21.21A.080, provided the average of the area in lots plus the area within the subdivision or short subdivision designated as a rural open tract 21.04.080; divided by the total number of lots is not less than the minimum lot area requirement of the zone in which the property is located. No submerged land shall be included in a subdivision or short subdivision in computing allowed density. All building lots must be capable of meeting health department requirements for long-term on-site sewage disposal, or be served by an approved community disposal system. A public water supply shall be provided, and be approved by the health department, when any lot in the subdivision or short subdivision contains less than five acres. The area of individual lots also may be reduced provided the average size of all lots meets the requirements of the zone, no more than one hundred thirty-five percent of the minimum required lot area may be credited to any oversized lot when calculating average lot area, and no oversized lot used for lot averaging may be further subdivided.

C. For lots created adjacent to lands zoned A, F or Q-M or an approved mineral extraction operation, a notation shall be placed on the face of the final plat or short plat, and included in documents of conveyance and any recorded covenants. The notation shall state that the parcel may be subject to noise, dust, smoke, visual impacts and odors resulting from harvesting, planting fertilization, pest control, mineral extraction and processing associated with permitted agricultural or forest or mineral extraction practices. The notation shall further state these practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as a public nuisance.

D. For lots adjacent to lands zoned A-R and used for agriculture, forestry, or mineral extraction approved pursuant to an unclassified use permit, the notation set forth in subsection C of this section may be imposed when necessary to protect the resource use. (Ord. 7661 § 7, 1986).

21.21A.080 Rural lot clustering provisions. A. For the purposes of this chapter, "rural open tract" means that portion of a proposed subdivision or short subdivision in a A-R zone which is designated for permanent open space, consistent with the definition specified in K.C.C. 21.04.625, as a result of a rural lot clustering. After a site is initially divided pursuant to this chapter, the rural open tract may be retained by the subdivider, conveyed to residents of the subdivision, dedicated to a public agency, or conveyed to a third party. Regardless of who owns the rural open tract it shall not be resubdivided, and all other provisions set forth in this chapter shall apply to it.

B. On rural open tracts one primary dwelling, which must be included in overall density calculations for the subdivision or short subdivision, shall be permitted, plus all accessory residential, agricultural and forestry uses permitted in the zone, and excluding unclassified uses.

C. Subdivisions or short subdivisions in which lot clustering is used shall meet the following criteria:

1. No more than eight lots of less than two and one-half acres shall be allowed in a cluster. Clusters containing lots smaller than two and one-half acres, whether in the same or adjacent subdivisions or short subdivisions, shall be separated by an intervening open space buffer or public

right-of-way which King County determines is of sufficient size to preserve rural character and uses;

2. The building and land development division may condition the location and setback of structures to accomplish the purposes of this chapter;

3. Smaller lot sizes or increased densities within clusters shall be limited or denied if they require public facilities and services beyond those normally required by non-clustered development at the density otherwise allowed in the zone. (Ord. 7661 § 8, 1986).

21.21A.090 Cluster density provisions. Within the A-R 5 classification, increases in density may be authorized by the council pursuant to subsection A of this section, as part of its action on a subdivision to A-R 2.5 provided that density in dwelling units shall not exceed one dwelling per two and one-half acres based on the gross area of the site. The provisions of this section shall only be available for properties located in planning areas which have community plans or plan revisions adopted after the effective date of this chapter.

A. An applicant may request increases in density as a part of a subdivision on sites which meet all the following standards:

1. Compliance with a density bonus system established pursuant to subsection B of this section;

2. The scale of the development (lot sizes, size of cluster, density within a cluster, total number of lots, etc.) is limited, to preserve and enhance the rural character and uses in the area;

3. Permanent open space for rural uses such as pastures, woodlots, wildlife preserves, or public open spaces, is included;

4. Permanent open space to buffer rural uses and protect resource lands is included;

5. Public review of the proposed project is a part of the process;

6. Any proposed on-site sewage disposal system, including community systems, can be provided without cumulative adverse impacts to ground and surface water;

7. A public water supply is provided;

8. Resulting impacts on facilities and services due to the increased density would not require new off-site facilities and services beyond those required by development at densities otherwise allowed in rural areas; and

9. Development rights for land not utilized in building site lots be conveyed to King County.

B. A community plan may establish a density bonus system for incremental increase in density for rural lot clustering. Such system shall be based on public benefits specified in the community plan and shall identify geographic areas where, for specific reasons, bonuses for rural lot clustering should be permitted. The areas and the reasons for their identification shall be indicated on the community plan map, or by specific criteria. Any criteria, the specific public benefits and associated density bonuses shall be established in the community plan document; provided that bonus points shall not be allowed for any benefits that are required by subsection A of this section, or other county or state laws, statutes or regulations.

C. The council recognizes that identified public benefits and associated density bonuses may vary by community plan. However, any system should include open space benefits such as the following: permanent preservation of a portion of a site for agriculture or forestry; preservation of identified unique/outstanding or significant wetlands; preservation of areas which serve as a buffer to protect resource lands; preservation of historic landmarks; provision of public access to shorelines; and preservation of areas which will provide significant community or regional open space. Public benefits may

also include provision of special facilities or services either on-site or off-site, and preservation of off-site areas that serve the same purposes as the rural open tract. Transfers of benefits between planning areas may be allowed when expressly authorized in the applicable community plan.

D. The owner of a parcel eligible for increased density may choose to subdivide or short subdivide the parcel at the density normally permitted in the applicable A-R classification. (Ord. 9455, 1990; Ord. 7661 § 9, 1986).

21.21A.100 Lot dimensions, coverage, height limits, and yards. A. In A-R zone, no building lot shall be created which has a depth-to-width ratio greater than four-to-one;

B. In A-R zone, the lot coverage, height limits and yards shall be as follows:

1. All buildings and structures, plus any paved driving or parking areas shall not cover more than thirty-five percent of the area of the lot;

2. No building or structure shall exceed thirty-five feet in height, except agricultural structures and structures allowed by conditional or unclassified use permits;

3. All buildings and structures, unless other specified, shall maintain a distance of thirty-five feet from any property line, except one-hundred feet shall be required for all new principal residences constructed on lots created after the effective date of this chapter abutting A-35, F or Q-M zone or approved mineral extraction operation. The required one-hundred foot setback may be reduced by a recorded easement on the abutting resource lands.

4. When subdividing or short subdividing parcels within the A-R zone, lot configuration and access shall be designed to minimize conflicts with uses on adjacent A, F and Q-M zones and approved mineral extraction operations.

C. Any substandard lot may be used for any use permitted in this classification, subject to the limitations of the use. (Ord. 7661 § 10, 1986).

21.21A.110 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being herein expressly declared that the ordinance codified in this chapter and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases are declared invalid or unconstitutional. (Ord. 7661 § 11, 1986).

21.21A.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.22
A - AGRICULTURAL CLASSIFICATION

Sections:

21.22.010 Purpose of classification.
21.22.020 Permitted uses - Agricultural.
21.22.030 Permitted uses - Nonagricultural.
21.22.040 Lot area.
21.22.060 Lot width.
21.22.070 Front yard.
21.22.080 Height.
21.22.090 Permissible lot coverage.
21.22.100 Placement of buildings.
21.22.120 Lot based standards.

21.22.010 Purpose of classification. In recognition of the fact that well-located and well-composed agricultural land is a major natural resource that cannot be made nor increased and which type of land is the source of essential foodstuffs and fibers and recognizing that other lands within King County in terms of location, geological formation and chemical and organic composition, are almost useless for agricultural purposes but well suited for most types of urban development, it is deemed essential to preserve the irreplaceable agricultural land as far as is reasonable and encourage its use for agriculture. The purpose of this classification and its application therefor is to accomplish this objective by discouraging the encroachment of urban type development by establishing a high minimum area standard and permitting only such uses as relate to agricultural production or are similar thereto. (Res. 25789 § 1100, 1963).

21.22.020 Permitted uses - Agricultural. In an A zone, the following agricultural uses only are permitted and as hereinafter provided and allowed by this chapter, if located on a legal lot, subject to the off-street parking requirements, loading and unloading area requirements, the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and subject to the provisions of the King County shoreline management master program where applicable:

A. Barns, silos and other structures necessary for sound farming and ranching practices;

B. Beehives, without limit on number, provided:

1. Colonies shall be maintained in movable-frame hives at all times,

2. Adequate space shall be maintained in each hive to prevent overcrowding and swarming,

3. Colonies shall be requeened following any swarming or aggressive behavior,

4. All colonies shall be registered with the county agricultural extension agent prior to April 1st of each year,

5. Hives shall not be located within twenty-five feet of any property line except:

a. When situated eight feet or more above adjacent ground level or

b. When situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height to any property line within twenty-five feet of the hive and extending at least twenty feet beyond the hive in both directions;

C. Agricultural crops and open field growing;

D. Dairies, livestock, poultry and small animals, provided:

1. Any building, pen, milking shed, cage, aviary, animal run, or area used to contain, house or feed such animals or fowl, other than railroad loading pens, shall not be located closer than seventy-five feet to any boundary property line of the premises or any building containing a dwelling unit or accessory living quarters on the same premises,

2. Any open-air storage of manure, hay, straw, shavings or similar organic materials shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises;

E. Forest products;

1. growing and harvesting,

2. processing of locally harvested trees, except those grown on site using portable equipment subject to a conditional use permit. The zoning adjustor may set a maximum period of operation.

F. Public and private stables; provided:

1. Any stable or barn shall not be located closer than seventy-five feet to any boundary property line, nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises,

2. Any corrals, exercise yards or arenas shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises,

3. One unlighted sign, up to sixteen square feet in size, shall be permitted;

G. Pasturing and grazing;

H. Greenhouses. (Ord. 6651 § 1, 1984: Ord. 5974 § 1, 1982: Ord. 3594 § 2, 1978).

21.22.030 Permitted uses - Nonagricultural. In an A zone, the following nonagricultural and conditional uses only are permitted and as hereinafter specifically provided and allowed by this chapter, if located on a legal lot, subject to the off-street parking requirements, loading and unloading requirements, landscaping requirements, the general provisions and exceptions set forth in this title beginning with Chapter 21.46, and subject to the provisions of the King County shoreline management master program where applicable:

A. A one-family dwelling and accessory buildings and uses; provided, that if the dwelling is factory-built housing or a mobile home, it must be certified by the State of Washington, and if the dwelling is a mobile home, it must also meet on-site requirements contained in K.C.C. 21.09;

B. Housing facilities to accommodate agricultural employees and their families employed by the owner of the premises; provided such facilities are permitted only on holdings containing ten acres or more; and provided further, that such housing facilities shall be considered accessory to the main dwelling but shall conform to the provisions of this classification pertaining to required yards and open spaces for dwellings;

C. Marketing of agricultural and dairy products raised on the premises; provided only one stand shall be permitted on the premises and such stand shall not contain more than five hundred square feet of floor area and shall not be located in any required yard or open space on the premises;

D. Public utility facilities such as telephone exchanges, sewage or water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for the distribution and transmission of services for the area including accessory microwave transmission facilities and towers;

E. Schools and churches;

F. Recreational facilities, community noncommercial, including clubhouse facilities, shall be permitted as conditional uses, provided:

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

2. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from premises upon which a dwelling unit is located,

3. The site shall be located upon or have adequate access to a secondary arterial;

G. Signs as follows:

1. One single-faced unlighted identification sign not exceeding twelve square feet in area; provided, such sign shall not be located in any required yard or open space on the premises,

2. One unlighted double-faced sign, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

H. Unclassified uses as provided in Chapter 21.44, consistent with the purpose of this chapter as stated in Section 21.22.010, and excluding airports and heliports;

I. Plants for processing agricultural and dairy products, and retail sales of feed, seed, fertilizers, fencing materials, apparel, or such other supplies that are directly related to the agricultural production, and specifically excluding powered equipment and related implements, trailers and related implements; and all uses are subject to the issuance of a conditional use permit; provided the following minimum conditions are conformed to:

1. The number of employees involved and the physical scale is such that there is no substantial traffic involved and the building intensity and character is consistent with the surroundings,

2. There are adequate facilities provided to handle sewage and water needs and the processes do not violate air or water pollution standards,

3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons;

J. Home occupations; provided the home occupation:

1. Is carried on exclusively by a member or members of a family residing in the main dwelling unit on the premises,

2. Is clearly incidental and secondary to the use of the property for agricultural purposes,

3. Has no display or sign not already permitted in the zone.

4. Has no outside storage nor other exterior indication of the home occupation or variation from character of the area,

5. Does not require truck delivery or pickup, nor the installation of heavy equipment, large power tools or power sources not common to an agricultural area,

6. Does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to an agricultural area,

7. Does not create a level of parking demand beyond that which is normal to an agricultural area, and

8. All sales shall be an incidental use.

K. Communication facility subject to K.C.C. 21.80.020 - 21.80.190; and

L. Interim recycling facility limited to:

1. Drop box facilities located on and operated in conjunction with a public facility such as a school or fire station, or

2. Source-separated organic waste processing. (Ord. 11156 § 4, 1993: Ord. 10021 § 37, 1991: Ord. 8141, 1987: Ord. 7031, 1984: Ord. 6651 § 2, 1984: Ord. 5526 § 3, 1981: Ord. 5317 § 9, 1981: Ord. 5002 § 7, 1980: Ord. 3594 § 3, 1978).

21.22.040 Lot area. The minimum required area of a lot in an A zone shall be ten acres. (Res. 25789 § 1102, 1963).

21.22.060 Lot width. In an A zone, every lot shall have a width of not less than three hundred thirty feet. (Res. 25789 § 1104, 1963).

21.22.070 Front yard. In an A zone, every lot shall have a front yard with a depth not less than thirty feet. (Res. 25789 § 1105, 1963).

21.22.080 Height. In an A zone, no building shall exceed a height of thirty-five feet, except that barns and other specialized structures used for agricultural purposes may exceed the height limit. (Res. 25789 § 1106, 1963).

21.22.090 Permissible lot coverage. In an A zone, all buildings, including accessory buildings and structures and any areas used to provide parking space for residential uses, shall not cover more than sixty percent of the area of the lot. (Res. 25789 § 1107, 1963).

21.22.100 Placement of buildings. Placement of buildings and structures on any lot in an A zone shall conform to the following:

A. Any building or structure, whether it is a main building or structure, or whether it is an accessory building or structure, shall observe a distance of not less than ten feet from any side or rear property line. Where a greater distance is required as a condition to the establishment of a permitted building or use, such greater distance shall prevail.

B. The distance between a building containing a dwelling unit or accessory living quarters and any other buildings or structures on the same lot shall be not less than twenty feet. Where a greater distance is required as a condition to the establishment of a permitted use, such greater distance shall prevail. (Res. 25789 § 1108, 1963).

21.22.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.23
A-10 AND A-35 AGRICULTURAL CLASSIFICATION

Sections:

21.23.010 Purpose of classification.
21.23.020 Permitted uses.
21.23.030 Unclassified uses.
21.23.040 Conditional uses.
21.23.050 Signs.
21.23.060 Lot area and lot area per dwelling unit.
21.23.070 Lot clustering provisions.
21.23.080 Lot dimensions.
21.23.090 Height of structures.
21.23.100 Permissible lot coverage.
21.23.110 Placement of building structures and uses.
21.23.120 Lot based standards.

21.23.010 Purpose of classification. Productive farmland is an irreplaceable and limited natural resource in King County. Other lands within King County in terms of location, geological formation and chemical and organic composition are not well suited to agricultural uses. King County, therefore, finds it essential to preserve agricultural land and encourage its use for agriculture. The purpose of this classification and its application is to accomplish this objective by permitting primarily such uses as relate to agricultural production and establishing a high minimum lot area standard which will retain parcels large enough to manage for agriculture, while discouraging nonagricultural development. This zone is applied generally to lands within agricultural production districts designated by the comprehensive plan. (Ord. 7636 § 1, 1986).

21.23.020 Permitted uses. In an A-10 or A-35 zone, the following uses only are permitted:

A. Growing and harvesting agricultural crops, as well as the structures necessary for these activities, which includes structures for propagation, equipment, supplies and storage;

B. Keeping and raising of livestock and small animals, including all kinds

of stables regardless of size but, not including commercial kennels;

C. Processing of agricultural products, provided the products are raised on-site;

D. Marketing of agricultural products raised on the premises, provided that the square footage for a farm stand not including storage areas shall not exceed five hundred square feet of floor area, and customer parking is provided on-site;

E. Housing for one family and accessory buildings and uses as enumerated in K.C.C. 21.08.030;

F. Accessory housing in separate structures to accommodate agricultural workers and their families employed on the premises, provided:

1. Such facilities are only permitted on holdings containing ten acres or more;

2. These housing facilities shall not be rented or leased to the public at large;

3. The sewage disposal and water supply are approved by the department of public health;

4. These housing facilities are accessory to the main dwelling and cannot be subdivided and made into a primary dwelling;

5. Only one accessory dwelling unit is permitted on parcels between ten and twenty acres in size. Two accessory dwelling units are permitted on parcels in excess of twenty acres;

G. Home occupations, provided;

1. The home occupation is clearly incidental and secondary to the use of property for agricultural purposes;

2. The home occupation has no display or sign not already permitted in the zone;

3. The home occupation has no outside storage nor other exterior indication of the home occupation or variation from character of the area;

4. The home occupation does not require the installation of heavy equipment, large power tools or power sources not common to an agricultural area;

5. The home occupation does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to an agricultural area;

6. The home occupation does not create a level of parking demand beyond that which is normal to an agricultural area;

7. On-site sales shall be incidental to the main purpose of the home occupation;

8. The home occupation does not involve the use of any type of hazardous materials for which the Uniform Fire Code would require the issuance of a permit;

9. Any required sewer or water permits are obtained from Seattle-King County department of public health.

10. Occasional and temporary employees may be permitted by an administrative conditional use permit issued for a cottage industry.

H. Agricultural research farms.

I. Communication facility subject to K.C.C. 21.80.020 - 21.80.190; and

J. Interim recycling facility limited to:

1. Drop box facilities located on and operated in conjunction with a public facility such as a school or fire station, or

2. Source-separated organic waste processing. (Ord. 11156 § 5, 1993: Ord. 10021 § 38, 1991: Ord. 7636 § 2, 1986).

21.23.030 Unclassified uses. Only the following unclassified uses may locate in an agricultural classification pursuant to the issuance of an unclassified use permit as provided in Chapter 21.60:

A. Jail farms or honor farms, publicly owned and used for rehabilitation of prisoners;

B. Booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto of public utilities or utilities operated by mutual agencies, provided the applicant demonstrates that the proposed use should be sited in an agricultural area. Distribution mains are permitted without an unclassified use permit;

C. A farm store in excess of 2500 square feet, subject to all of the provisions for a conditional use permit for a farm store; and

D. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 10021 § 39, 1991: Ord. 7636 § 3, 1986).

21.23.040 Conditional uses. The following conditional uses only may locate in an agricultural classification pursuant to the issuance of a conditional use permit as provided in Chapter 21.58:

A. Marketing, through a farm store, of agricultural products raised on and off premises, provided the following minimum standards are met:

1. The retail sales floor area of the farm store shall not exceed 2,500 square feet;

2. No more than 40 percent of the average annual gross sales of agricultural products sold through the store over a five year period shall be derived from products not grown or produced in King County. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

3. Sales through a farm store shall be limited to the sale of agricultural products and plants only;

4. Storage areas in excess of the retail sales area may be included in the farm store structure or in any accessory building;

5. Parking areas shall be provided at the ratio of one stall per 200 square feet of retail space;

6. Hours of operation shall be limited to the hours from 7:00 a.m. to 9:00 p.m. during the months of May through September and 7:00 a.m. to 7:00 p.m. during the months of October through April. Outside lighting is permitted, provided no off-site glare is allowed;

7. Noncontiguous lands within King County may be assembled by an individual farmer or group of farmers for the purposes of establishing a source of local products to be sold in a farm store on one of the properties.

B. Commercial use of buildings listed on the National Register as an historic site or designated as a King County landmark, provided:

1. Gross floor area of the building additions or new buildings involved in the conversion shall not exceed twenty percent of the gross floor area of the historic or landmark buildings;

2. Any construction required for conversion which affects significant features of the property protected pursuant to Ordinance 4828 and K.C.C. 20.62 shall require certification of appropriateness from the King County landmarks commission;

C. Communication facility subject to K.C.C. 21.80.020 - 21.80.190.

D. Cottage industries, provided the following conditions are conformed to:

1. The cottage industry shall be incidental to the use of the property for agricultural purposes and shall be less than fifty percent of the living

area of the main dwelling. This fifty percent square footage limitation includes outdoor assembly and storage areas but not required parking areas:

2. The following uses shall not be allowed:

a. Any activity which might result in excessive noise, smoke, dust, odors, heat or glare beyond that which is common to an agricultural area. The proposed use shall conform to the maximum permissible sound levels under K.C.C. Chapter 12.88. The zoning adjustor may require an applicant to provide sound level tests demonstrating such conformance;

b. Use or manufacture of products or operations which are dangerous in terms of risk of fire, explosion, or hazardous emissions;

c. Any other use deemed incompatible with an agricultural area, subject to the review of the zoning adjustor;

3. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and county roads;

4. Increased setbacks or additional screening may be established by the zoning adjustor to ensure that any proposed structure is compatible with the surrounding residential or agricultural area;

5. Any required sewer and water permits are obtained from Seattle-King County department of public health;

6. All sales directly from the premises shall be an incidental use;

7. The allowable size of equipment used by the cottage industry shall be subject to the review of the zoning adjustor;

E. Bed and breakfast guesthouse provided:

1. The bed and breakfast guesthouse operations shall be located only on the premises of the permanent residence of the operator(s);

2. The guesthouse operation shall be compatible with the agricultural character of the area;

3. One off-street parking space shall be provided for each guestroom plus the required off-street parking spaces for the dwelling. This parking area shall not be located within any required yard. Landscaping may be required to screen parking areas from the view of adjacent properties and from public roads;

4. Serving meals to paying guests shall be limited to overnight lodgers;

5. The wastewater disposal facility and the domestic water supply serving the guesthouse shall be subject to the approval of the Seattle-King County department of public health;

6. Approval of any food service facilities must be obtained from the Seattle-King County department of public health.

7. The number of persons accommodated per night shall not exceed five except that a structure which satisfies the standards of the Uniform Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night;

F. Public parks, provided the parks are designed to prevent trespass to adjacent farms through appropriate screening, barriers and other means;

G. Fire stations, provided that the use is shown to be necessary in this zone. (Ord. 10021 § 40, 1991: Ord. 7636 § 4, 1986).

21.23.050 Signs. Signs are permitted, subject to the following conditions;

A. One nameplate sign containing the name of the occupant of the premises, not exceeding two square feet;

B. Signage for permitted use, not exceeding thirty-two square feet in total area, provided such sign shall not be located in any required yard or open space on the premises if higher than six feet from ground level; such signage may be lit but shall not have blinking or moving elements;

C. One unlighted double-faced sign, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. (Ord. 7636 § 5, 1986).

21.23.060 Lot area and lot area per dwelling unit. A. There are established two minimum required lot areas which as to their location shall be identified on the zoning map by the designations A-35 and A-10, as follows:

1. The minimum required lot area in an A-35 zone shall be thirty-five acres;

2. The minimum required lot area in an A-10 zone shall be ten acres.

B. Any substandard lot may be used for any use permitted in this classification, subject to the limitations of the use.

C. The area of individual lots also may be reduced without lot clustering provided the average size of all lots meets the requirements of the zone. No more than one hundred thirty-five percent of the minimum required lot area may be credited to any oversized lot when calculating average lot area, and no oversized lot used for lot averaging shall be further subdivided. Lot averaging shall not be permitted if public facilities and services are needed beyond those normally required by full-sized lots in the zone;

D. In multiple lot subdivisions and short subdivision the area of individual lots may be reduced, subject to the lot clustering requirements contained in Section 21.23.070, provided the average of the area in lots plus the area within the subdivision or short subdivision designated as an open tract divided by the total number of lots is not less than the minimum lot area requirement of the zone in which the property is located.

E. All building lots must be capable of meeting health department requirements for long-term, on-site sewage disposal, or be served by an approved public or community disposal system. A public water supply shall be provided and be approved by the health department, when any lot in the subdivision or short subdivision contains less than five acres. (Ord. 7636 § 6, 1986).

21.23.070 Lot clustering provisions. A. For the purposes of this chapter, "open tract" means that portion of a proposed subdivision or short subdivision in an A zone which is designated for permanent open space, consistent with the definition specified in K.C.C. 21.04.216, as a result of lot clustering. After a site is initially divided pursuant to this chapter, the open tract may be retained by the subdivider, conveyed to residents of other lots, or conveyed to a third party. Regardless of who owns the open tract, it shall not be subdivided, and all other provisions set forth in this chapter shall apply to it.

B. On open tracts, one primary dwelling, which must be included in overall density calculations for the subdivision or short subdivision, shall be permitted, plus all accessory residential, agricultural and forestry uses permitted in the zone, and excluding unclassified uses.

C. Subdivisions or short subdivisions in which lot clustering is used shall meet the following criteria:

1. No more than eight lots of less than ten acres shall be allowed in a cluster. Clusters containing lots smaller than ten acres, whether in the same or adjacent subdivisions or short subdivisions, shall be separated by an intervening open space buffer or public right-of-way.

2. In no case shall any new lot be less than 35,000 square feet;

3. No open tract or oversize lot used to compute density shall be further subdivided;

4. The building and land development division may condition the location and design of structures to accomplish the purposes of this chapter;

5. Clustering shall not be permitted if public facilities and services are needed beyond those normally required by non-clustered development at the density otherwise allowed in the zone. (Ord. 7636 § 7, 1986).

21.23.080 Lot dimensions. In both the A-10 and A-35 zones, no building lot shall be created which has a depth-to-width ratio greater than four-to-one. (Ord. 7636 § 8, 1986).

21.23.090 Height of structures. In any A zone, no residential building shall exceed a height of thirty-five feet, except that agricultural and permitted specialized structures may exceed this height limit. For structures in excess of 35 feet, there shall be one-foot setback from property lines for each foot of height in excess of 35 feet; provided, telecommunication facilities are exempted. (Ord. 10086 § 8, 1991; Ord. 7636 § 9, 1986).

21.23.100 Permissible lot coverage. All buildings, including accessory buildings and structures and any area used to provided parking space, shall not cover more than thirty-five percent of the lot where the lot is less than one acre in size; not more than twenty-five percent of the lot where the lot is greater than one acre but less than five acres in size; not more than fifteen percent of the lot where the lot is greater than five acres but less than ten acres in size; and not more than ten percent of the lot where the lot is larger than ten acres in size. (Ord. 7636 § 10, 1986).

21.23.110 Placement of building structures and uses. A. Any building or structure shall observe a distance of not less than ten feet from any side or rear property line. Where a greater distance is required as a condition by the establishment of a permitted conditional or unclassified building or use, such greater distance shall prevail;

B. Any pen, milking shed, cage, aviary, animal run or structure to contain, house or feed livestock, other than railroad loading pens, shall not be located closer than thirty-five feet to any property line;

C. Open air storage of manure, hay straw, shavings or similar organic materials shall maintain a distance of not less than thirty-five feet from any property line.

D. Residential and nonanimal permitted structures within any A zone shall observe a thirty-foot front yard setback. (Ord. 7636 § 11, 1986).

21.23.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.24
G GENERAL CLASSIFICATION

Sections:

21.24.010 Purpose of classification.
21.24.020 Permitted uses.
21.24.030 Lot area.
21.24.050 Lot width.
21.24.090 Height.
21.24.100 Permissible lot coverage.
21.24.110 Placement of structures and uses.
21.24.120 Lot based standards.

21.24.010 Purpose of classification. The purpose and objective of this classification is to regulate the use of land in areas which have not yet been subject to intensive urban development, thus preventing the premature establishment of urban land uses in these areas without proper and sufficient roads, utilities and government services. A further purpose of this classification is to prevent the establishment of uses which later may be incompatible in areas best suited for other uses. The standards and requirements set forth in this chapter are considered to be the minimum necessary to accomplish this purpose. (Ord. 385 § 1 (part), 1970: Res. 25789 § 1200, 1963).

21.24.020 Permitted uses. A. Except for planned unit developments, the following uses are permitted in a G zone, subject to the lot area requirements of K.C.C. 21.24.030 and the general provisions and exceptions set forth in this title, beginning with Chapter 21.46, and any limitations on the use:

1. any use permitted in the RS classification;
2. any use permitted in the S-E or S-R classification; and
3. any use permitted in the A, A-R, A-10 or A-35 classification.

B. Any unclassified use, as provided in Chapter 21.44 of this title, may locate in a G zone, when consistent with the purpose of the zone. (Ord. 8559 § 1, 1988).

21.24.030 Lot area. A. The minimum required area of a lot in G zone shall be thirty-five thousand (35,000) square feet, except that:

1. for uses permitted in the S-R or A-R classification, but not permitted in the S-E classification, the minimum required area of a lot shall be five (5) acres;

2. for uses permitted in the A, A-10 or A-35 classification, but not permitted in the S-R or A-R classification, the minimum required area of a lot shall be ten (10) acres; and

3. for uses subject to further limitations provided in this title, such further limitations shall apply,

B. In multiple lot subdivisions, the minimum required area of individual lots may be reduced, upon compliance with the provisions, methods and standards contained in the RS classification in Chapter 21.08 pertaining to lot size averaging, lot clustering and flexible setbacks, provided that lot clustering in areas designated rural in the King County Comprehensive Plan shall comply with the rural lot cluster criteria of King County Code 21.21A. 080C. However, for those subdivisions utilizing individual septic systems and not located within a King County approved local sewer service area, a lot shall not contain less area than that required by the Seattle-King County department of public health pursuant to its rules and regulations for on-site

sewage disposal systems. In any multiple lot subdivision where lot clustering is used, site improvement requirements including, but not limited to, right-of-way dedications, easements, drainage control facilities, road construction standards, fire flow standards and other utility requirements set by the county may be based upon the density of the clustered lots, exclusive of areas designated for permanent open space or recreational uses. (Ord. 8559 § 2, 1988: Ord. 385 § 1 (part), 1970: Res. 25789 § 1202, 1963).

21.24.050 Lot width. A. Except as provided in subsections B, C and D, the minimum required lot width in a G zone shall be one hundred thirty-five (135) feet.

B. Every lot containing uses permitted in the S-R or A-R classification, but not permitted in the S-E classification, shall have a minimum lot width of three hundred thirty (330) feet.

C. Every lot containing uses permitted in the A, A-10 or A-35 classification, but not permitted in the S-R or A-R classification, shall have a maximum allowed depth-to-width ratio of four-to-one (4-1).

D. In multiple lot subdivisions where lot size averaging or lot clustering is used, the minimum required width of individual lots may be reduced as follows:

1. for lots having an area of less than seven thousand two hundred (7,200) square feet, the minimum required lot width shall be forty (40) feet;

2. for lots having an area of at least seven thousand two hundred (7,200) square feet, but less than nine thousand six hundred (9,600) square feet, the minimum required lot width shall be sixty (60) feet;

3. for lots having an area of at least nine thousand six hundred (9,600) square feet, but less than fifteen thousand (15,000) square feet, the minimum required lot width shall be seventy (70) feet; and

4. for lots having an area of at least fifteen thousand (15,000) square feet, but less than thirty-five thousand (35,000) square feet, the minimum required lot width shall be eighty (80) feet. (Ord. 8559 § 3, 1988: Ord. 385 § 1 (part), 1970: Res. 25789 § 1204, 1963).

21.24.090 Height. A. Except as provided in subsection B, no residential structure shall exceed a height of thirty-five (35) feet.

B. All other structures may exceed a height of thirty-five (35) feet if each required side, front and rear yard is increased one (1) foot in width for each one (1) foot in height exceeding thirty-five (35) feet, provided, no structure shall exceed a height of fifty (50) feet except as set forth in K.C.C. 21.48.030. (Ord. 8559 § 6, 1988).

21.24.100 Permissible lot coverage. All structures, including accessory structures and any areas used to provide parking space, shall not cover more than thirty-five (35) percent of the area of the lot. (Ord. 8559 § 7, 1988).

21.24.110 Placement of structures and uses. A. All lots having an area of less than five (5) acres shall maintain the side, rear and front yards, open spaces and distance between buildings, structures and uses as set forth in the S-E classification.

B. All lots having an area of less than ten (10) acres but at least five (5) acres shall maintain the side, rear and front yards, open spaces and distance between buildings, structures and uses as set forth in the A-R classification.

C. All lots containing an area of at least ten (10) acres shall maintain the side, rear and front yards, open spaces and distance between buildings, structures and uses as set forth in the A-10 and A-35 classifications. (Ord. 8559 § 5, 1988).

21.24.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.25
G-5 GENERAL-FIVE ACRES CLASSIFICATION

Sections:

21.25.010 Purpose of classification.
21.25.020 Permitted uses.
21.25.030 Lot area and lot area per dwelling unit.
21.25.040 Lot dimension, coverage, height limits, and yards.
21.25.050 Rural open tract provisions.
21.25.080 Additional subdivision requirements.
21.25.120 Lot based standards.

21.25.010 Purpose of classification. The purposes of this classification are: to provide a tool for implementing comprehensive and community plans which call for an area-wide rural character and a low residential density to prevent premature urban development in areas without adequate roads, schools, utilities, and other public facilities and services, while allowing reasonable uses of property such as small farms, timber management and compatible residential agricultural activities; and to preserve environmentally sensitive areas. (Ord. 6642 § 1, 1984: Ord. 4303 § 2, 1979).

21.25.020 Permitted uses. In a G-5 zone, the following uses only are permitted, subject to the off-street parking requirements and other general provisions and exceptions set forth in this title beginning with Chapter 21.46:

A. A one-family dwelling and accessory buildings and uses; provided, that if the dwelling is a factory built unit or a mobile home, it must be certified by the State of Washington, and if the dwelling is a mobile home, it must also meet on-site permit requirements contained in K.C.C. 21.09 as now or hereafter amended;

B. On parcels having an area of 35,000 square feet or greater but less than five acres the following uses are permitted:

1. Agricultural crops,

2. Accessory buildings and uses, including the following:

a. Private stables, provided such buildings or structures shall not be located closer than thirty-five feet to any boundary line or closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises; and provided further, that there shall be no open-air storage of manure, hay, straw, shavings or similar organic material closer than thirty-five feet to any property boundary line or closer than forty-five feet to any dwelling unit or accessory living quarters on the same premises;

b. Green houses provided no retail sales are permitted on the premises for parcels of less than one acre;

c. Marketing of agricultural products produced on-site or on immediately adjacent properties, provided only one stand is to be used for such purposes, and such stand shall not have more than three hundred square feet of floor area, and shall not be located in any required yard or open space;

3. Livestock, provided:

a. No more than one horse, cow, steer, or swine or five sheep, llamas, alpacas or goats, not counting sucklings, for each one-half acre of the total site area shall be permitted.

b. Fee boarding of other's livestock shall be accessory to a residence on the subject property and the total number of animals, including those owned by the occupants of the premises shall not exceed one horse, cow, steer, or swine or five sheep, llamas, alpacas or goats for each one-half acre of the site.

c. Any building, pen or structure used to house, confine or feed such animals shall not be located closer than thirty-five feet to any boundary property line nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

d. Swine shall be permitted only on a site with a minimum area of three acres which shall not be further subdivided, and any building, pen or structure used to house, confine or feed swine shall not be located closer than one hundred feet to any property line nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

4. Raising of poultry, chicken, squab and rabbits, provided:

a. No more than thirty in total of such fowl or animals per acre may be kept on the premises.

b. Any birds kept on the premises shall be confined within an aviary.

c. Any building, pen, aviary or structure used to house or contain such fowl and animals shall not be located closer than thirty-five feet to any boundary property line of the premises, or closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

5. Raising of hamsters, nutria and chinchilla for commercial purposes provided:

a. No more than one hundred of such animals per acre may be kept on the premises.

b. Any buildings, pens, cages or structures used to contain or house such animals shall not be located closer than thirty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

6. Signs, as follows:

a. One unlighted identification sign not exceeding two square feet in area containing the name of the occupant of the premises;

b. One unlighted double-faced sign not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

7. Rental stables, subject to a conditional use permit, provided the site must be large enough to contain the riding area or trail system.

C. On parcels having 5 acres or more but less than 10 acres all of the uses permitted in K.C.C. 21.25.020B plus the following uses:

1. Fishing ponds (commercial), but excluding restaurants;

2. Forest crops, growing and harvesting;

3. Horticultural nurseries;

4. Small animal farms, including mink and fox farms; provided any building, pen, cage or structure used to contain, house, confine or feed such animals shall not be located closer than one hundred fifty feet to any building containing a dwelling unit or accessory living quarters on the same premises;

5. Small animal hospitals and clinics, provided the portion of the building or structure in which animals are kept or treated is sound-proofed; all run areas are completely surrounded by an eight-foot solid wall; the animal runs shall be surfaced with concrete or other impervious materials; there shall be no burning of refuse or dead animals on the premises; drainage shall be away from adjoining properties;

6. Slaughtering and dressing of animals or fowl raised on the premises, accessory to a residence; provided any building, structure or area used for such purposes shall not be closer than seventy-five feet to any boundary property line of the premises, or closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises.

D. On parcels having 10 acres or more, all of the uses permitted in K.C.C. 21.25.020B and C plus the following structures and uses are permitted:

1. Barns, silos and other structures necessary for farming and ranching practices, provided said structures shall not be located closer than seventy-five feet to any boundary property line of the premises or any building containing a dwelling unit or accessory living quarters on the same premises;

2. Beehives, without limit on number, provided:

a. Colonies shall be maintained in movable-frame hives at all times,

b. Adequate space shall be maintained in each hive to prevent overcrowding and swarming,

c. Colonies shall be requeened following any swarming or aggressive behavior,

d. All colonies shall be registered with the county agricultural extension agent prior to April 1st of each year,

e. Hives shall not be located within twenty-five feet of any property line except:

(1) When situated eight feet or more above adjacent ground level or

(2) When situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height to any property line within twenty-five feet of the hive and extending at least twenty feet beyond the hive in both directions;

3. Dairies, livestock, poultry and small animals, provided:

a. Any building, pen, milking shed, cage, aviary, animal run, or area used to contain, house or feed such animals or fowl, other than railroad loading pens, shall not be located closer than seventy-five feet to any boundary property line of the premises or any building containing a dwelling unit or accessory living quarters on the same premises,

b. Any open-air storage of manure, hay, straw, shavings or similar organic materials shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises;

4. Forest products, growing and harvesting, including processing of locally harvested crops using portable equipment;

5. Public and private stables; provided:

a. Any stable or barn shall not be located closer than seventy-five feet to any boundary property line, nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises,

b. Any corrals, exercise yards or arenas shall maintain a distance of not less than thirty-five feet from any boundary property line and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises,

c. One unlighted sign, up to sixteen square feet in size, shall be permitted;

6. Pasturing and grazing;

7. Housing facilities to accommodate agricultural employees and their families employed by the owner of the premises; provided such facilities are permitted only on holdings containing ten acres or more; and provided further, that such housing facilities shall be considered accessory to the main dwelling but shall conform to the provision of this classification pertaining to required yards and open spaces for dwellings;

8. Marketing of agricultural and dairy products raised on the premises; provided only one stand shall be permitted on the premises and such stand shall not contain more than five hundred square feet of floor area and shall not be located in any required yard or open space on the premises;

9. Retail sales of feed, seed or fertilizers, and plants for processing agricultural and dairy products, both subject to the issuance of a conditional use permit; provided the following minimum conditions are conformed to:

a. The number of employees involved and the physical scale is such that there is no substantial traffic involved and the building intensity and character is consistent with the surroundings,

b. There are adequate facilities provided to handle sewer and water needs and the processes do not violate air or water pollution standards,

c. The use is not located within a one hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons:

10. Home occupations; provided the home occupation:

a. Is carried on exclusively by a member or members of a family residing in the main dwelling unit on the premises,

b. Is clearly incidental and secondary to the use of the property for agricultural purposes,

c. Has no display or sign not already permitted in the zone,

d. Has no outside storage nor other exterior indication of the home occupation or variation from character of the area,

e. Does not require truck delivery or pickup, nor the installation of heavy equipment, large power tools or power sources not common to an agricultural area,

f. Does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to an agricultural area,

g. Does not create a level of parking demand beyond that which is normal to an agricultural area, and

h. All sales shall be an incidental use.

E. Public utility facilities such as telephone exchanges, water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for the distribution and transmission of services for the area including accessory microwave transmission facilities and towers;

F. Schools and churches;

G. Libraries and parks, publicly owned and operated, subject to the provisions of K.C.C. 21.08.040F;

H. Any accessory use set forth in K.C.C. 21.08.030 and K.C.C. 21.08.050, subject to the provisions contained therein;

I. Recreational facilities, community noncommercial, including clubhouse facilities, subject to the issuance of a conditional use permit, provided:

1. Any building, structure, or parking area on the site shall maintain a distance not less than twenty-five feet from any abutting R, S or G classified property.

2. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

3. The site shall be located upon, or have adequate access to a public thoroughfare.

J. Specialized instruction schools provided:

1. The lot shall have a minimum lot size of 2 1/2 acres.

2. The specific standards set forth in K.C.C. 21.44.030 R. are met.

K. Unclassified uses as provided in Chapter 21.44, only when consistent with the purpose of this chapter and excluding commercial establishments and enterprises as defined by K.C.C. 21.44.030C.

L. Communication facility subject to K.C.C. 21.80.020 - 21.80.190.

M. Propane and compressed natural gas bulk storage facilities from which gas is distributed only by piping directly to individual users.

N. Subject to an administrative conditional use permit, the reuse of nonresidential structures or other developed facilities which were built in the zone for permitted uses such as schools, fire stations, libraries or recreational facilities when no longer needed for their intended purpose provided any new construction or expansion of a use is limited to the setback, coverage and height requirements of the underlying zone classification. In no instance shall more than fifty percent of the total area in existing buildings be demolished to accommodate the allowed uses. Reuse of such buildings shall be further limited to uses rendering governmental services, or nonprofit social services. (Ord. 10929, 1993: Ord. 10879 § 5, 1993: Ord. 10190 § 4, 1991: Ord. 10021 § 41, 1991: Ord. 8017 § 6, 1987: Ord. 6642 § 2, 1984: Ord. 4303 § 3, 1979).

21.25.030 Lot area and lot area per dwelling unit. The minimum lot area and lot area per dwelling unit shall be five acres, except that:

A. On sites containing ten acres or more, accessory housing facilities to accommodate agricultural employees are permitted, as provided in K.C.C. 21.25.020;

B. In a G-5 zone, parcels containing two acres or more but less than ten acres on or before the effective date of the application of this classification may be short subdivided to create one additional lot, provided, that both resulting lots are of sufficient area to meet on-site sewage disposal requirements; and provided further, that neither lot shall be further subdivided while retaining the G-5 classification.

C. In multiple lot subdivisions and short subdivisions the lot area may be reduced subject to the rural lot clustering requirements contained in K.C.C. 21.25.080. (Ord. 6642 § 3, 1984: Ord. 5283 § 2, 1981: Ord. 4303 § 4, 1979).

21.25.040 Lot dimension, coverage, height limits, and yards. A. In a G-5 zone, no building lot shall be created which has a depth to width ratio greater than four-to-one;

B. For parcels in a G-5 zone containing over five acres, lot dimensions, coverage, height limits and yards shall be those set forth in KCC 21.20.

C. For parcels in a G-5 zone containing five acres or less, lot dimensions, coverage, height limits, and yards shall be those set forth in K.C.C. 21.18, except in multiple lot subdivisions and short subdivisions;

D. For lots in multiple lot subdivisions and short subdivisions, created pursuant to the rural lot clustering requirements contained in K.C.C. 21.25.080, the lot dimensions, coverage, height limits, and yards shall be the nearest comparable standards in the RS classification, as set forth in KCC 21.08.100 through 21.08.150, depending on actual lot size. (Ord. 6642 § 4, 1984).

21.25.050 Rural open tract provisions. A. For the purposes of this chapter, "rural open tract" means that portion of a proposed subdivision or short subdivision in a G-5 zone which is designated for permanent open space, consistent with the definition specified in KCC 21.04.216, as a result of rural lot clustering. After a site is initially divided pursuant to this chapter, the rural open tract may be retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party. Regardless of who owns the rural open tract, all restrictions set forth in this chapter shall apply to it.

B. On rural open tracts one primary dwelling, which must be included in overall density calculations for the subdivision or short subdivision, shall be permitted, plus all other uses permitted in K.C.C. 21.25.020 subject to the following limitations: schools, churches, libraries, fire stations and unclassified uses shall be limited to serve the subdivision or short subdivision; however, facilities and uses intended to serve customers outside the subject subdivision or short subdivision may be permitted if such facilities and uses are visually screened from surrounding uses consistent with the standards of KCC 21.08.070, and if such facilities and uses occupy no more than five percent of the rural open tract. (Ord. 6642 § 6, 1984).

21.25.080 Additional subdivision requirements. In order to carry out the purposes of this chapter, the following additional requirements shall be observed in all subdivisions and short subdivisions located in a G-5 zone:

A. In order to allow efficient later resubdivision and development at urban or suburban densities if called for by the comprehensive or community plan, King County may require an arrangement of lots and streets to facilitate future resubdivision, a plat restriction which specifies building locations or imposes additional setbacks to guarantee that future street right-of-way expansion can be accomplished without infringing on the yard requirement of the zone, and may require the setting aside of future rights-of-way, using the "Tract X" form set forth in Appendix D, codified in KCC 19.26.500.

B. In a G-5 zone, no five acre lot shall be further subdivided while containing the G-5 classification except as provided for in KCC 21.25.030B. Such five acre lots may be proposed for resubdivision only after they are reclassified in an area zoning process as defined in KCC 20.08.030. A new area zoning process is not required to activate a potential zone designated through a previously adopted area zoning study.

Every property zoned G-5 shall be eligible for review and consideration for urban or suburban uses when a new or revised community plan for the area in which the property is situated is being proposed, or every ten years from the date the property is classified G-5, whichever comes first.

C. On parcels 10 acres or greater in size, rural lot clustering may be utilized in multiple lot subdivisions and short subdivisions where consistent with adopted community plans subject to the following lot clustering requirements:

1. Individual lot area may be reduced if a rural open tract, equivalent in size to the total reduced lot area within the subdivision or short subdivision, is provided consistent with the rural open tract provisions contained in K.C.C. 21.25.050.

2. No more than eight contiguous lots of less than five acres shall be allowed.

3. In any subdivision or short subdivision within a G-5 zone, site improvement requirements including right-of-way dedications, easements, drainage control facilities, road construction standards, fireflow standards, and other utility requirements may be set by the county based on the density of the developed portion of the site, and any development specifically authorized in a rural open tract.

4. Lot clustering may be limited by the county to an amount that can be adequately served by a rural level of public and private facilities and services.

5. The layout of building lots, placement of open space, and proposed road patterns shall be reviewed by the county to be consistent with the provisions and purposes of this zone classification and to assure that an adequate neighborhood circulation pattern is feasible. Modification to proposed designs may be required by the county to accomplish these objectives. (Ord. 6642 § 5, 1984: Ord. 4303 § 6, 1979).

21.25.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.26
B-N NEIGHBORHOOD BUSINESS CLASSIFICATION

Sections:

21.26.010 Purpose of classification.
21.26.020 Permitted uses.
21.26.030 Limitations on uses.
21.26.040 Permitted floor area.
21.26.050 Permitted height.
21.26.060 Required open spaces.
21.26.120 Lot based standards.

21.26.010 Purpose of classification. The purpose of this classification and its application is to provide for the location of and grouping of uses which are considered compatible uses having common performance standards in that they represent on-premises retail enterprises and involve only incidental and limited fabrication or assembly of commodities, or comprise a type of enterprise dispensing commodities, or providing professional services, or providing personal services to the individual. These services are intended to provide local

facilities to serve the every day needs of the neighborhood area. To meet this need will require that the facilities permitted in this classification shall locate adjacent to residential areas on access streets directly serving such residential areas. By establishing limitations upon building height and floor space as set forth in this classification, it is further the objective to maintain a limited intensity of land use compatible with serving the neighborhood residential areas, rather than on a community-wide basis. A further purpose of this classification and its application is to permit the more efficient and economical design and installation of all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. Public utility installations, being governed by circumstances related to geographical area to be served, are also permitted in this classification. A further 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 chapter to implement comprehensive plan policies and community plans which allow and encourage the development of such mixed use projects at the neighborhood scale. (Ord. 5138 § 11, 1980: Res. 25789 § 1300, 1963).

21.26.020 Permitted uses. Any of the following types of uses which can meet the following standards are permitted and allowed by this classification, subject to the limitations set forth herein provided that the operation of an adult use establishment shall be prohibited:

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

B. Business offices and any type of use rendering professional services or personal services to the individual, provided:

1. The service does not involve keeping the person receiving the service overnight on the premises,

2. The service does not include selling alcoholic beverages for on-premises consumption unless accessory to restaurant,

3. The service does not involve in whole or in part the providing of recreation, recreational facilities or entertainment other than moorage for private pleasure craft,

4. The professional service does not include kennels;

C. Any public utility installation relating directly to local distribution of services including switching and transmission stations but not including warehouses, service yards or the like unless otherwise permitted by this title;

D. 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;

E. Churches;

F. Public office buildings, art galleries, museums, libraries, police and fire stations;

G. 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;

H. Specialized instruction schools;

I. Small animal hospitals or clinics, provided:

1. The incidental boarding of animals under treatment only is allowed,

2. The portion of the building in which the animals are treated or boarded is sound-proofed, and

3. There will be no burning of refuse or dead animals on the premises.

J. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190; and

K. Interim recycling facility provided that, with the exception of collection and temporary storage of recyclable materials at drop box facilities, all processing and storage of materials shall be within enclosed buildings and further provided that yard waste processing is not permitted. (Ord. 11156 § 6, 1993: Ord. 10021 § 42, 1991: Ord. 9915 § 2, 1991: Ord. 9173, 1989: Ord. 8017 § 7, 1987: Ord. 5138 § 12, 1980: Res. 25789 § 1301, 1963).

21.26.030 Limitations on uses. Every use locating in a B-N zone shall be subject to the following further conditions and limitations:

A. All uses shall conform to the general provisions and exceptions, off-street parking requirements and loading area requirements, and landscaping requirements set forth beginning with Chapter 21.46 and all parking lots, parking areas and loading areas shall be surfaced, screened, developed and maintained as required by Chapter 16.74 of this code;

B. All uses shall be conducted wholly within an entirely enclosed building except:

1. Automobile service stations,
2. Public utility installations,
3. Growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers,
4. Moorages for private pleasure craft,
5. Parking and loading areas,
6. Public off-street parking lots,
7. Automatic car wash,
8. Self-operated car wash, and
9. Drop box facility.

C. Any areas used as set forth in subsection B of this section, except horticultural nurseries, moorages and public utility installations, shall be improved and maintained as required for off-street parking areas in Chapter 16.74;

D. In the case of automobile service stations, the leading edge of the pump islands shall not be closer than fifteen feet to any street property line;

E. All products made incident to a permitted use which are manufactured, processed or treated on the premises shall be sold on the premises only and at retail only, and not more than three persons may be employed in the manufacturing, processing or treatment of products, except that this limitation shall not apply to restaurants,

F. Any repairing done on the premises shall be incidental only and limited to custom repairing of the types of merchandise sold on the premises at retail; the floor area devoted to such repairing shall not exceed twenty percent of the total floor area occupied by the particular enterprise of which it is a part, except that the limitations of this paragraph shall not apply to shoe, radio, television or other small household appliance repair service;

G. No used or secondhand articles, materials, or equipment unless accessory to the primary activity may be sold, offered for sale, or stored on the premises except paintings, objects of art or antiques as defined in this title;

H. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises;

I. All operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of lighting, noise, steam, odor, fumes, gases, smoke, vibration, hazard or other causes, and any use which produces odor, fumes (toxic or nontoxic), gases, airborne solids or other atmospheric contaminants shall be allowed to locate only if conforming in every

respect to the rules and regulations established by an applicable and qualified public agency;

J. No dwelling units, whether single-family, two-family or multiples are permitted in the B-N zone, except as allowed in connection with a church or except a dwelling unit for a caretaker or resident owner of a permitted use, or except as allowed in conjunction with a neighborhood scale mixed use business-residential use as set forth in K.C.C. 21.26.020;

K. Only the following signs are permitted, subject to the following limitations:

1. No blinking or flashing signs are permitted;

2. One single-faced identification sign not exceeding twelve square feet in area for the identification of the premises;

3. One sign not exceeding fifty square feet of area which sign shall be used exclusively to advertise a business conducted, services rendered or goods sold upon the premises, or any other lawful activity conducted upon such premises, provided signs flush mounted or painted on the face of a building that do not extend above or beyond said face shall not be limited as to area;

4. One unlighted double-faced sign not exceeding twelve square feet or area per face pertaining only to the rental, lease or sale of the premises upon which it is displayed.

L. In the case of automatic car washes and self-operated car washes, the facility must be served by sanitary sewers. (Ord. 11156 § 7, 1993: Ord. 6576 § 1, 1983: Ord. 5002 § 8, 1980: Ord. 1089 § 1, 1972: Res. 25789 § 1302, 1963).

21.26.040 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot or site in a B-N zone shall not exceed the square foot area of the lot or site upon which the building or buildings are located. (Res. 25789 § 1303, 1963).

21.26.050 Permitted height. In a B-N zone no building or structure shall exceed a height of thirty-five feet. (Res. 25789 § 1304, 1963).

21.26.060 Required open spaces. Additional open spaces, both as to amount and location or the premises may be required in connection with a variance or planned unit development to apply the established requirements of this and related codes pertaining to such subjects as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, ingress and egress as related to marginal traffic pattern, vision clearance (traffic), drainage and lighting. (Res. 25789 § 1305, 1963).

21.26.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.27
BR-N MIXED BUSINESS-RESIDENTIAL USE, NEIGHBORHOOD SCALE CLASSIFICATION

Sections:

21.27.010 Classification created.
21.27.020 Purpose of classification.
21.27.030 Permitted uses - Primary and accessory residential.
21.27.040 Permitted uses - Commercial and nonresidential.
21.27.050 Limitations on use.
21.27.060 Lot area per dwelling unit.
21.27.070 Permissible floor area.
21.27.080 Lot width.
21.27.090 Height, yard and open spaces.
21.27.100 Off-street parking requirements.
21.27.120 Lot based standards.

21.27.010 Classification created. There is created the BR-N (mixed business-residential use, neighborhood scale) zone classification. (Ord. 5138 § 1, 1980).

21.27.020 Purpose of classification. The purpose of the BR-N 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. (Ord. 5138 § 2, 1980).

21.27.030 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:

A. Multiple dwelling units;

B. Accessory residential uses, excluding beehives, as provided in Section 21.08.030;

C. Retirement home, as provided in Section 21.12.020. (Ord. 5138 § 3, 1980).

21.27.040 Permitted uses - Commercial and nonresidential. The following commercial and nonresidential 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 provided, that the operation of an adult use establishment shall be prohibited:

A. Retail sales of food and commodities, which involve only incidental and limited fabrication and assembly, and excluding auto service stations, repair or sale of heavy equipment, boats, tires and motor vehicles, sale of alcohol for on-premises consumption except in a restaurant with a Class A or Class C license from the Washington State Liquor Board, sale of gasoline or other fuels, theaters, playhouses and other recreation or entertainment uses, and carwashes;

B. Business offices and any type of use rendering professional or personal services to individuals, such as real estate or insurance brokerages, consultants, medical or dental clinics and repair of jewelry, eyeglasses, clothing, household appliances and tools, and excluding vehicle or tool rentals, public parking lots, on-premises recreation or entertainment, pet sales and veterinary clinics;

C. Public utilities, subject to the provisions of Section 21.08.070;

D. Publicly owned off-street parking facilities less than two acres in size located on any island surrounded by saltwater.

E. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190; and

F. Interim recycling facility provided that, with the exception of collection and temporary storage of recyclable materials at drop box facilities, all processing and storage of materials shall be within enclosed buildings and further provided that yard waste processing is not permitted. (Ord. 11156 § 8, 1993: Ord. 10021 § 43, 1991: Ord. 9915 § 3, 1991: Ord. 6979 § 1, 1984: Ord. 5138 § 4, 1980).

21.27.050 Limitations on use. Every use locating in the BR-N zone shall be subject to the following further conditions and limitations:

A. Residential uses are not permitted as separate projects, they must be developed in combination with commercial uses;

B. Retail business and office uses shall occupy the floors below any residential portion of mixed use development in order to preserve quiet and privacy for the residents above;

C. Residential uses in any neighborhood mixed use development shall not occupy the ground floor;

D. In order to provide direct pedestrian access, all commercial uses must front directly on an adjacent sidewalk, or on a front or side yard from which motor vehicles are excluded;

E. Any commercial use in a neighborhood mixed use development must have characteristics and impacts similar to those listed in Section 21.27.040, in order to be compatible with a desirable residential living environment. It is not possible to enumerate all permissible potential commercial uses currently in existence or that might evolve through technological or economic change; therefore, proposed uses not explicitly listed in this chapter will be judged by King County by their similarity to listed uses and their consistency with the intent of the comprehensive plan and this chapter;

F. Storage shall be limited to accessory storage of commodities sold at retail on the premises;

G. All uses shall be conducted wholly indoors except:

1. Growing stock in connection with horticultural nurseries, where the stock is in open ground, pots or containers;

2. Required accessory parking and loading areas;

3. Moorage for private pleasure boats;

4. Public utility installations;

5. Seasonal outdoor seating for restaurants.

6. Public off-street parking permitted pursuant to K.C.C. 21.27.040 D; and

7. Drop box facility.

H. Only the following signs are permitted, subject to the following limitations:

1. No blinking, flashing or moving signs are permitted;

2. One permanent, single-faced sign not exceeding twelve square feet in area for identification of the premises;

3. One permanent sign, flush-mounted or painted on the building, for each commercial use within the mixed use development and to be contained within the frontage of the space occupied by the individual use.

4. One temporary double-faced sign not exceeding twelve square feet in area advertising the rental, lease or sale of the premises on which it is displayed. (Ord. 11156 § 9, 1993: Ord. 6979 § 2, 1984: Ord. 5138 § 5, 1980).

21.27.060 Lot area per dwelling unit. In a BR-N zone, the lot area shall be not less than two thousand four hundred square feet per dwelling unit. (Ord. 5138 § 6, 1980).

21.27.070 Permissible floor area. The maximum permitted floor area to be contained in all buildings on a lot or project site in the BR-N zone shall not exceed one and one-half times the square foot area of the buildable portion of the site upon which the building(s) area located, except that projects which enclose all required parking may build two times the buildable square foot area of the site. (Ord. 5138 § 7, 1980).

21.27.080 Lot width. The minimum lot width in a BR-N zone shall be sixty feet. (Ord. 5138 § 8, 1980).

21.27.090 Height, yard and open spaces. A. No maximum height is imposed in the BR-N zone, but when a building exceeds thirty-five feet in height the portion of the building above thirty-five feet shall set back one foot from each property line for each foot of height; provided, the manager of the Building and Land Development Division may approve or require variations from this requirement in order to preserve views from nearby properties or to preserve valuable natural features on the site.

B. No setbacks are required outright in the BR-N zone; however, the general provisions in Chapter 21.51 on landscaping will result in setbacks to accommodate required landscaping.

C. Additional specific requirements for yards and open spaces or height restrictions may be imposed when the BR-N classification is applied to properties through the site plan approval process set forth beginning with Section 21.46.150, in order to accomplish the purposes of this chapter, to ensure safe and convenient pedestrian and vehicular circulation, view protection, proper drainage control, protection of environmentally sensitive areas, and implementation of all other applicable comprehensive plan policies and community plans. (Ord. 5138 § 9, 1980).

21.27.100 Off-street parking requirements. In a BR-N zone: A. One and one-half off-street parking spaces shall be provided for each residential unit, of which one per unit is reserved exclusively for residents, except that this requirement may be reduced to one exclusive space per residential unit plus one additional parking space per three residential units, provided that all exclusively residential parking is enclosed or underground, that the additional parking is shared with the commercial uses, and that the site is within one thousand feet of a public transit route. Recreational vehicle storage shall not be permitted in mixed use projects.

B. One off-street parking space for every four hundred square feet of commercial floor area shall be provided, except that this requirement may be reduced to one space per eight hundred square feet if the site is within one thousand feet of a public parking area available for use by the general public (as opposed to being accessory to an adjacent on-site use) and within one thousand feet of a public transit route. (Ord. 5138 § 10, 1980).

21.27.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.28
B-C COMMUNITY BUSINESS CLASSIFICATION

Sections:

21.28.010 Purpose of classification.
21.28.020 Permitted uses.
21.28.030 Limitations on uses.
21.28.040 Permitted floor area.
21.28.050 Permitted height.
21.28.060 Required open spaces.
21.28.120 Lot based standards.

21.28.010 Purpose of classification. The purpose of this classification and its application is to provide for the location of and grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail businesses involving only incidental and limited fabrication or assembly of commodities, or establishments providing recreation, entertainment and business activities in general. It is the further objective, by establishing a maximum permissible floor space and not limiting the height of buildings, and by excluding uses relying on outdoor sales, displays or storage, to intentionally concentrate a maximum variety of facilities within the areas to which this classification is applied as a contribution to the convenience of shoppers and patrons on a community-wide basis as distinguished from neighborhood areas. Public utility installations, being governed by circumstances related to geographical areas to be served, are permitted in areas to which this classification applies. A further 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 community business areas. Further, it is the purpose of this chapter to implement comprehensive plan policies and community plans which encourage and allow the development of such mixed use projects at the community scale. (Ord. 5137 § 11, 1980: Res. 25789 § 1400, 1963).

21.28.020 Permitted uses. Any of the following types of uses which can meet the following standards are permitted and allowed by this classification subject to the limitations set forth in this section provided, that the operation of an adult use establishment shall be prohibited within six hundred sixty feet of any residential zone regardless of jurisdiction and, provided further, that no adult use establishment shall be operated concurrently within six hundred sixty feet of, nor within the same structure as any other adult use establishment, and provided further that no adult use establishment shall be located within six hundred sixty feet of schools, licensed daycare centers, public parks, community centers, public libraries or churches which conduct religious or educational classes for minors.

A. Any on-premises retail enterprise dispensing food or commodities which may involve only incidental and limited fabrication or assembly of commodities including bulk retail businesses with on-site storage and limited wholesale sales;

B. Business offices which may include limited fabrication, assembly and repair of electronic components and devices and any type of use rendering professional services or personal services to the individual;

C. Hospitals, except mental and alcoholic hospitals;

D. Hotels and motels, except apartment hotels;

E. Enterprises providing entertainment and recreation; provided, however, that the operation of an adult use establishment shall be prohibited within six hundred and sixty feet of any residential zone regardless of jurisdiction and, provided further, that adult use establishments shall not be operated concurrently within six hundred and sixty feet of, nor within the same structure as, the operation of any other adult use establishment, and provided further that no adult use establishment shall be located within six hundred sixty feet of schools, licensed daycare centers, public parks, community centers or public libraries or churches which conduct religious or educational classes for minors;

F. Lodges, private clubs and fraternal societies;

G. Moorages for private pleasure craft;

H. Mortuaries;

I. Any public utility installation relating directly to the distribution of services including switching and transmission stations, but not including warehouses, service yards or the like unless otherwise permitted by this title;

J. 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 unless otherwise permitted by this title;

K. Automobile rental;

L. Churches;

M. Public office buildings, art galleries, museums, libraries, police and fire stations;

N. On-premise signs without limitation as to size and the number, off-premise directional signs, and billboards subject to the provisions of Chapter 21.53, Signs and Billboards;

O. Recreational vehicle parks as provided in Chapter 21.09;

P. Household moving truck rental or trailer rental as an accessory use to an automobile service station only, provided that:

1. Not more than four trucks and eight trailers shall be permitted on a station site,

2. Whenever such uses are proposed at an existing station which has a common boundary with R or S classified property, the landscaping provisions set forth in Chapter 21.51 must be adhered to at least for that boundary;

Q. Community scale mixed use business-residential developments subject to a conditional use permit, and subject to the provisions and conditions governing mixed use developments in the BR-C zone;

R. Specialized instruction schools;

S. Self-service storage facilities, provided that:

1. The use of property shall be limited to dead storage. Activities such as the servicing or repair of motor vehicles, boats, trailers, lawnmowers or similar equipment is prohibited,

2. No storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is permitted,

3. No residential occupancy of the storage units is permitted,

4. No business activity may be conducted within the individual storage units,

5. A manager shall be on the site at all times that the lessees have access to the storage units.

T. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190; and

U. Interim recycling facility provided that, with the exception of collection and temporary storage of recyclable materials at drop box facilities, all processing and storage of materials shall be within enclosed buildings and further provided that yard waste processing is not permitted. (Ord. 11156 § 10, 1993: Ord. 10880 § 1, 1993: Ord. 10578 § 1, 1992: Ord. 10021 § 44, 1991: Ord. 9915 § 4, 1991: Ord. 8529 § 12, 1988: Ord. 8099 § 2, 1987: Ord. 8017 § 8, 1987: Ord. 6099 § 1, 2, 1982: Ord. 5806 § 2, 1981: Ord. 5317 § 11, 1981: Ord. 5137 § 12, 1980: Ord. 2486 § 3, 1976: Ord. 2821 § 3, 1976: Res. 30152 (part), 1965: Res. 25789 § 1401, 1963).

21.28.030 Limitations on uses. Every use locating in a B-C zone shall be subject to the following further conditions and limitations:

A. All uses shall conform to the general provisions and exceptions, off-street parking requirements, loading area requirements, landscaping requirements and sign and billboard requirements set forth in this title beginning with Chapter 21.46 and all parking lots and parking areas and loading areas shall be surfaced, screened, developed and maintained as required by Chapter 16.74;

B. All uses shall be conducted wholly within an entirely enclosed building except:

1. Automobile service stations,
2. Restaurants,
3. Public utility installations,
4. Meter and control stations of a public utility,
5. Moorage for private pleasure craft,
6. Signs and billboards,
7. Parking lots and parking and loading areas,
8. Growing stock in connection with horticultural nurseries whether the stock is in open ground, pots or containers,
9. Automatic car wash;
10. Self-operated car wash;
11. Recreational vehicle parks;
12. On-site display of commodities during business hours by retail enterprises dispensing commodities, provided that all storage of the displayed commodities during non-business hours shall be on-site and wholly within an entirely enclosed building; and
13. Drop box facility.

C. Any areas used as set forth in paragraph B of this section, except public utility installations, moorages, signs and billboards shall be improved and maintained as required for off-street parking areas in Chapter 16.74;

D. In the case of automobile service stations, the leading edge of the pump islands shall not be closer than fifteen feet to any street property line;

E. All products made incident to a permitted use which are manufactured, processed or treated on the premises shall be sold only on the premises and only at retail;

F. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed thirty percent of the total floor area occupied by the particular enterprise, except that the limitations of this paragraph shall not apply to shoe, radio, television or other small household appliance repair service;

G. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises. The limitations of this paragraph shall not apply to self-service storage facilities;

H. No dwelling units, whether single-family, two-family or multiple-family, are permitted in a B-C zone except as allowed in connection with a church or except a dwelling unit for a resident owner, caretaker, or manager of a permitted use, or except as allowed in conjunction with a community scale mixed use business residential use as set forth in K.C.C. 21.28.020;

I. Use of cleaning agents shall be limited to nonflammable and explosive fluids with a flash point above one hundred thirty-eight and five-tenths degrees Fahrenheit in a closed safety cleaning system;

J. Any building or structures or portion thereof used to house animals in connection with small animal hospitals and clinics shall be sound-proofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties;

K. All operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of lighting, noise, odor, fumes, gases, smoke, steam, vibration, hazard or other causes, and any use the operation of which produces odor, fumes (toxic or nontoxic), gases, air-borne solids or other atmospheric contaminants shall be allowed to locate only if conforming in every respect to any rules and regulations established by an applicable and qualified public agency;

L. In the case of automatic car washes and self-operated car washes, the facility must be served by sanitary sewers. (Ord. 11364 § 1, 1994: Ord. 11156 § 11, 1993: Ord. 10880 § 2, 1993: Ord. 8529 § 13, 1988: Ord. 8099 § 3, 1987: Ord. 6576 § 2, 1983: Ord. 5317 § 12, 1981: Ord. 5002 § 9, 1980: Ord. 1087 § 2, 1972; Res. 30152 (part), 1965: Res. 25789 § 1402, 1963).

21.28.040 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot in a B-C zone shall not exceed three times the area of the lot. (Res. 25789 § 1403, 1963).

21.28.050 Permitted height. No maximum height is imposed, but when a structure exceeds thirty-five feet in height, the structure shall set back one foot from each side property line and the rear property line for each one foot such structure exceeds thirty-five feet in height; provided, telecommunication facilities are exempted. (Ord. 10086 § 1, 1991: Ord. 8529 § 14, 1988: Res. 25789 § 1404, 1963).

21.28.060 Required open spaces. Additional open spaces, both as to amount and location on the premises may be required in connection with a variance or planned unit development to apply the established requirements of

this and related codes pertaining to such subjects as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, ingress and egress as related to marginal traffic pattern, vision clearance (traffic), drainage and lighting. (Res. 25789 § 1405, 1963).

21.28.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.29
BR-C MIXED BUSINESS-RESIDENTIAL USE, COMMUNITY SCALE CLASSIFICATION

Sections:

21.29.010 Classification created.
21.29.020 Purpose of classification.
21.29.030 Permitted uses - Primary and accessory residential.
21.29.040 Permitted uses - Commercial and nonresidential.
21.29.050 Limitation on uses.
21.29.060 Lot area per dwelling unit.
21.29.070 Permissible floor area.
21.29.080 Off-street parking requirements.
21.29.090 Lot width.
21.29.100 Height, yards and open spaces.
21.29.120 Lot based standards.

21.29.010 Classification created. There is created the BR-C (mixed business-residential use, community scale) zone classification. (Ord. 5137 § 1, 1980).

21.29.020 Purpose of classification. The purpose of the BR-C 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 community business areas. Further, it is the purpose of this title to implement comprehensive plan policies and community plans which encourage and allow the development of such mixed use projects at the community scale. (Ord. 5137 § 2, 1980).

21.29.030 Permitted uses - Primary and accessory residential. The following residential uses only are permitted in the BR-C 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.

A. Multiple dwelling units;

B. Accessory residential uses, excluding beehives, as provided in Section 21.08.030;

C. Retirement homes, as provided in Section 21.16.020;

D. Day nurseries and adult daycare, as provided in Section 21.08.060 C. (Ord. 11113 § 7, 1993: Ord. 5137 § 3, 1980).

21.29.040 Permitted uses - Commercial and nonresidential. The following commercial and nonresidential uses are permitted in the BR-C 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:

A. Any use permitted in the BR-N zone;

B. Enterprises providing entertainment and recreation, excluding gambling and adult use establishments;

C. Sale of alcohol for on-premises consumption;

D. Public office buildings, art galleries, museums and libraries;

E. Auction houses, excluding vehicles and livestock. (Ord. 9915 § 5, 1991: Ord. 5137 § 4, 1980).

21.29.050 Limitation on uses. Every use locating in the BR-C zone shall be subject to the following further conditions and limitations:

A. Every commercial or nonresidential use except public utilities may be combined with residential uses in the same structure or on the same site, provided that any development without a residential use shall be subject to a site plan approval per K.C.C. 21.46.160 through .200.

B. Commercial and nonresidential uses shall occupy the floors below the residential portion of mixed use developments in order to preserve quiet and privacy for the residents above when both residential and nonresidential uses occupy the same structure.

C. Residential uses in community mixed use developments may occupy the ground floor of buildings which front on R zoned property or are separated by at least ten feet from the surrounding business area by the other structures or landscaping within the same projects.

D. Commercial or nonresidential activities shall never exceed one-third of the total gross floor area of the structure project if a community mixed use development is constructed.

E. In order to provide direct pedestrian access, all commercial uses must front directly on an adjacent sidewalk, or on a front or side yard from which motor vehicles are excluded.

F. Any commercial use in a community mixed use development must have characteristics and impacts similar to those listed in Section 21.29.040, in order to be compatible with a desirable residential living environment. It is not possible to enumerate all permissible potential commercial uses currently in existence or that might evolve through technological or economic change; therefore, proposed commercial uses not explicitly listed in this chapter will be judged by King County by their similarity to listed uses and their consistency with the intent of the comprehensive plan and this chapter.

G. Storage shall be limited to accessory storage of commodities sold at retail on the premises.

H. All uses shall be conducted wholly indoors except:

1. Growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers;

2. Required accessory parking and loading areas;

3. Moorage for private pleasure boats;

4. Public utility installations;

5. Seasonal outdoor seating for restaurants.

I. Signs shall be subject to the limitations of the BR-N classification. (Ord. 9141, 1989: Ord. 5137 § 5, 1980).

21.29.060 Lot area per dwelling unit. In a BR-C zone, the lot area shall be not less than nine hundred feet per dwelling, except that mixed use developments which meet all of the following conditions may reduce lot area

per dwelling to four hundred fifty square feet:

A. All required parking must be enclosed or underground;

B. Thirty percent of the total site area must be permanent usable public space, at least half of which must be at ground level. Ground level public space may be outdoors or enclosed as an interior mall. All such spaces must be open to the general public during business hours of the commercial activities in the project;

C. The site meets all comprehensive plan policies and criteria for location of the highest densities of multifamily dwellings. (Ord. 5137 § 6, 1980).

21.29.070 Permissible floor area. The maximum permitted floor area to be contained within all buildings on a lot or site in the BR-C zone shall not exceed two times the square foot area of the buildable portion of the lot, except that projects which totally enclose all required parking may be permitted to build six times the square foot area of the buildable portion of the lot. (Ord. 5137 § 7, 1980).

21.29.080 Off-street parking requirements. In the BR-C zone: A. One and one-half off-street parking spaces shall be provided for each residential unit, of which one per unit is reserved exclusively for residents, except that this requirement may be reduced to one exclusive space per residential unit plus one additional space per three residential units provided that all exclusively residential parking is enclosed or underground, that the additional parking is shared with the nonresidential uses, and that the site is within one thousand feet of a public transit route. Recreational vehicle storage shall not be permitted in mixed use projects.

B. One off-street parking space for every three hundred square feet of commercial or nonresidential floor area shall be provided, except that this requirement may be reduced to one space per six hundred square feet of floor area for retail or office uses, excluding restaurants, taverns, bars, recreation and entertainment, if the site is within one thousand feet of a public parking area available for use by the general public (as opposed to being accessory to an adjacent on-site use) and within one thousand feet of a public transit route. (Ord. 5137 § 8, 1980).

21.29.090 Lot width. The minimum lot width in a BR-C zone shall be sixty feet. (Ord. 5137 § 9, 1980).

21.29.100 Height, yards and open spaces. A. No height limits or setbacks are imposed outright in the BR-C zone; however, the general provisions in Chapter 21.51 on landscaping will result in setbacks to accommodate required landscaping.

B. Additional specific requirements for yards and open spaces or height restrictions may be imposed when the BR-C classification is applied to properties through the site plan approval process set forth beginning with Section 21.46.150, in order to accomplish the purposes of this chapter, to ensure safe and convenient pedestrian and vehicular circulation, view protection, proper drainage control, protection of environmentally sensitive areas, and implementation of all other applicable adopted comprehensive plan policies and community plans. (Ord. 5137 § 10, 1980).

21.29.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.30
C-G GENERAL COMMERCIAL CLASSIFICATION

Sections:

21.30.010 Purpose of classification.
21.30.020 Permitted uses - Retail sales and services.
21.30.030 Permitted uses - Assembly, fabrication and heavy repair.
21.30.040 Permitted uses - Wholesale, distribution and storage.
21.30.050 Permitted uses - Accessory and restricted.
21.30.060 Limitations on permitted uses.
21.30.070 Permitted floor area.
21.30.080 Permitted height.
21.30.120 Lot based standards.

21.30.010 Purpose of classification. The purpose of this classification and its application is to provide for the location of the grouping of enterprises which may involve some on-premises retail service but with the outside activities and display or fabrication, assembling and service features, including manufacturing and processing in limited degree and which uses, if permitted to locate in strictly on-premises retail and service areas, would introduce factors of heavy trucking and handling of materials that destroy the maximum service and attraction of strictly retail areas. The uses enumerated in this classification are considered as having common or similar performance standards in that:

A. They are heavier in type than those uses permitted in the strictly business classifications and yet are measurably lighter uses than those first permitted in the industrial classifications;

B. They do not attract nor depend upon individual and personal patron contact on the premises to the same degree as do uses in strictly retail and service areas but, rather, represent in part enterprises whose services are either performed away from the premises and throughout the metropolitan area or enterprises in which the manufacturing, assembling, processing or treating of products is not accessory or limited to products sold on the premises only as is required in retail and service areas;

C. They can more advantageously use the standard lot and street pattern than can strictly industrial uses;

D. They involve a greater handling of materials and commodities and more trucking than uses permitted in a strictly retail area, but do not require large sites nor involve as much handling of materials and commodities or heavy trucking as uses first permitted in strictly industrial areas;

E. They are not as detrimentally affected by dispersal or separation from adjoining uses as are enterprises which are retail in nature and which need to be located in compact areas for convenience patron access;

F. They do not normally involve as intensive use of land as uses comprising retail shopping areas;

G. They frequently involve activities carried on outside of buildings;

H. By reason of technological processes, equipment, materials used, outside activities or size or volume of products, a given type of enterprise may, under various names, represent extremes that necessitate different classification. For this reason a clearer identification of uses permitted in this classification is accomplished by naming typical uses to further indicate the type and grouping of uses allowed, as well as by establishing performance standards. (Res. 25789 § 1500, 1963).

21.30.020 Permitted uses - Retail sales and service. In a C-G zone the following retail sales and services uses are permitted:

A. Any use permitted in the B-N and B-C classification, except:

1. Private clubs, fraternal societies, fraternities, sororities and lodges, except those the chief activity of which is a service customarily carried on as a business; however, any use permitted to locate in a B-C zone which is subject to restrictions as to location with reference to schools, parks and playgrounds and any use requiring a conditional use permit shall be subject to the same restrictions and limitations in the classification;

B. Ambulance service;

C. Auction houses or stores, but excluding vehicles and livestock;

D. Automobile carwash establishments;

E. Automobile sales, new and used;

F. Automobile trailer sales, new and used;

G. Blueprinting and photostating;

H. Boat sales, new and used;

I. Building materials stores and yards, retail only;

J. Furniture repair and upholstery;

K. Glass staining and leading studios;

L. Saw and mower sharpening.

M. Household moving centers, including minor maintenance and repair of vehicles when conducted in an entirely enclosed building. (Ord. 7897 § 1, 1986: Ord. 5806 § 3, 1981: Ord. 5002 § 10, 1980: Ord. 3293 § 2, 1977).

21.30.030 Permitted uses - Assembly, fabrication and heavy repair. In a C-G zone the following assembly, fabrication and heavy repair uses are permitted:

A. Assembly of appliances, such as:

1. Electronic instruments and devices,

2. Radios, phonographs and televisions, including manufacture of small parts such as coils;

B. Boat building for craft not exceeding forty-eight feet in length;

C. Boat repairing;

D. Book binding;

E. Cabinet shop or carpenter shop;

F. Ceramic products, manufacture of, including figurines (but not including bricks, drain, building or conduit tile), using only previously pulverized clay and batch kilns as distinguished from shuttle, tunnel or beehive kilns, and such batch kilns shall not exceed a total capacity of one hundred thirty cubic feet;

G. Electric or neon sign manufacturing, servicing and repairing;

H. Glass edging, beveling and silvering in connection with the sale of mirrors and glass decorated furniture;

I. Household appliance and tool repair;

J. Kitchen and laundry appliance repair, provided any outside storage areas are screened with a solid wall or view-obscuring fence or hedge not less than six feet in height;

K. Laboratories;

L. Machine shop, with no automatic screw machine, or punch press over five tons;

M. Paint shop (painting contractor);

N. Printing establishments;

O. Plumbing shops;

P. Tire rebuilding, recapping and retreading. (Ord. 3293 § 3, 1977).

21.30.040 Permitted uses - Wholesaling, distribution and storage. In a C-G zone the following wholesaling, distribution and storage uses are permitted:

A. Wholesale business and accessory storage;

B. Distribution centers for home deliveries (storage and loading of retail delivery trucks from underground fuel storage);

C. Frozen food or cold storage lockers;

D. Garages, public parking (including auto repair and storage when in an entirely enclosed building);

E. Automobile impound yards for the temporary storage of damaged, abandoned or otherwise impounded automobiles; provided, that:

1. The automobile storage area shall be enclosed by a solid wall or view-obscuring fence of at least six feet in height, which shall be landscaped with a minimum of five-foot wide planting strip and such landscaping as may be necessary to minimize adverse impact on neighboring properties,

2. Automobile wrecking, automobile wrecking yards, or the use of stored automobiles for spare parts, shall be prohibited;

F. Kennels, commercial, provided all run areas shall be completely surrounded by an eight-foot solid wall or fence;

G. Moorage, commercial, including boat repairing, subject to the applicable regulations of the shoreline management master program;

H. Parcel service delivery;

I. Storage and handling of household goods; and

J. Interim recycling facility. (Ord. 11156 § 12, 1993: Ord. 3293 § 4, 1977).

21.30.050 Permitted uses - Accessory and restricted. In a C-G zone, the following accessory and restricted uses are permitted:

A. Accessory buildings and uses customarily incidental to any of the uses permitted in this chapter when located on the same site with the main building;

B. Recreational vehicle parks as provided in Chapter 21.09;

C. Planned unit development as provided in Chapter 21.56;

D. Unclassified use as provided in Chapter 21.44. (Ord. 5317 § 13, 1981: Ord. 5002 § 11, 1980: Ord. 3292 § 5, 1977).

21.30.060 Limitations on permitted uses. Every use permitted shall be subject to the following conditions and limitations:

A. All uses shall conform to the general provisions and exceptions and the off-street parking requirements, loading area requirements, and landscaping requirements set forth in this title beginning with Chapter 21.46;

B. In the case of automobile service stations, the leading edge of the pump islands shall not be closer than fifteen feet to any street property line. (Ord. 5002 § 12, 1980: Res. 25789 § 1502, 1963).

21.30.070 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot in a C-G zone shall not exceed three and one-half times the square foot area of the lot. (Res. 25789 § 1503, 1963).

21.30.080 Permitted height. No maximum height is imposed, but when a structure exceeds thirty-five feet in height, the structure shall set back one foot from each side and rear property line for each one foot such structure exceeds thirty-five feet in height; provided, telecommunication facilities are exempted. (Ord. 10086 § 2, 1991: Ord. 8529 § 15, 1988: Res. 25789 § 1504, 1963).

21.30.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.31
COMMERCIAL DEVELOPMENT SITE APPROVAL

Sections:

21.31.010 Purpose.
21.31.020 Applicability.
21.31.030 Permit application.
21.31.040 Notice of application.
21.31.050 Public comments.
21.31.060 Application of development standards.
21.31.070 Approval.
21.31.080 Bonds and securities.
21.31.090 Decision final unless appealed.
21.31.100 Limitation of permit approval.
21.31.110 Modification to an approved permit.
21.31.120 Administrative rules.
21.31.200 Severability.

21.31.010 Purpose. The purpose of this chapter is to establish an optional comprehensive site review process of proposed commercial development resulting in a permit which can combine any or all of the following:

A. Site development requirements specified prior to building and/or grading permit applications.

B. Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lots lines.

C. Site development coordination and project phasing occurring over a period of years.

D. Evaluation of commercially and industrially zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application. (Ord. 11016 § 1, 1993).

21.31.020 Applicability. A. An application for commercial site development permit may be submitted for commercial development projects on sites consisting of one (1) or more contiguous lots legally created and zoned to permit the proposed uses.

B. A commercial site development permit is separate from and does not replace other required permits such as conditional use permits or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits. (Ord. 11016 § 2, 1993).

21.31.030 Permit application. A. Before submitting a commercial site development application, an applicant shall have a pre-application conference with King County department of development and environmental services staff.

B. An application for a commercial site development permit may be considered simultaneously with other applications. A commercial site development application which includes a proposal for dividing commercially or industrially zoned property as provided in RCW 58.17.035 must be accompanied by an application for a binding site plan permit.

C. A commercial site development permit shall be considered under the zoning and other land use control ordinances in effect at the time a fully completed application is filed with the department. An application shall be considered complete once the department determines that the application contains the following materials and information:

1. A completed application form provided by the department, signed by all property owners or their agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to RCW 43.21C, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management; K.C.C. 14.42, Road Standards; K.C.C. Title 17, Fire Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title 21, Zoning; Title 25, Shoreline Management; administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King county board of health rules and regulation; county approved utility comprehensive plans; conformity with applicable P-suffix conditions and private restrictions and covenants which are in effect at the time of application.

2. A proposed site plan prepared in a form prescribed by the director. At a minimum, the proposed site plan shall include:

a. the location and size of all proposed lots and structures including elevations, floor plans as known, and maximum square footage (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the building envelopes),

b. all proposed uses,

c. the location of proposed open space including any required landscaped areas,

d. the location and identification of critical areas;

e. the layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and required fire department access roadways (firelanes),

f. the number and location of proposed parking spaces on and off the site,

g. a drainage plan which will accommodate the maximum proposed square footage of impervious surface and the maximum proposed square footage of impervious surface exposed to vehicular use, subject to the requirements of the King County Surface Water Design Manual, adopted by rule under the procedures specified in K.C.C. 2.98.

h. the location and size of utility trunk lines serving the site,

i. the location and size of water bodies and drainage features, both natural and manmade.

j. a grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to five-foot contours, unless smaller contour intervals are otherwise required by the King County Code or rules and regulations promulgated thereunder,

k. a layout of sewers and the proposed water distribution system including fire hydrant locations, and

3. A completed environmental checklist, if required by K.C.C. 20.44;

4. A downstream drainage analysis or any other requirement specified in the King County Surface Water Design Manual or K.C.C. 9.04;

5. All covenant, easements, maintenance agreements or other documents regarding mutual use of parking and access;

6. A Certificate of Sewer Availability or site percolation data approved by the Seattle-King County department of public health; or for schools located in rural areas, a letter indicating compliance with the tightline sewer provisions in the zoning code;

7. A current Certificate of Water Availability;

8. A fire district receipt, pursuant to K.C.C. 17.04.010;

9. Copies of all easements, deed restrictions or other encumbrances restricting the use of the site;

10. A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;

11. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

12. A list of other development permits or permit applications filed for the same site; and

13. The payment of fees.

D. The department shall screen the commercial site development permit application for completeness and shall notify the applicant of any deficiencies or certify that the application is complete.

E. The applicant shall submit any additional information or documents which may be required by the director for the purpose of processing the commercial site development permit. Additional information sought after the application has been certified as complete will not affect the completeness of the application but may affect the time required to process the application.

F. The director may waive specific submittal requirements determined to be unnecessary for review of the application. (Ord. 11016 § 3, 1993).

21.31.040 Notice of application. A. After a complete commercial site development permit application is submitted to the department, the department shall send written notice of the application by first class mail to the following:

1. Owners of property located with 500 feet of the site, provided such area shall be expanded as necessary to ensure that notice be mailed to at least twenty (20) different property owners;

2. Any other person requesting notice;

3. Any city located within three (3) miles of any boundary of the site;

4. Any city with a utility which is intended to serve the site; and

5. The state department of transportation, if any part of the site adjoins a state right-of-way.

6. Any agency or community group which the department may identify as having an interest in the proposal.

B. The applicant shall post notice of the commercial site development permit application on the subject property in a conspicuous place likely to be seen by persons passing the property. The department may require more than one (10) notice board when a site does not abut a public road or in any other instance when the department deems additional boards to be necessary. Posting shall occur for at least fifteen days and meet the dimensions and form prescribed in K.C.C. 19.26.070.

C. The department may also use any other method of notice deemed appropriate for the purpose of informing interested parties of commercial site development permit, including but not limited to publishing notification of the proposed action in local or community newspapers.

D. The notice of application shall include, but not be limited to the following:

1. The name and total area of the site;

2. A plot plan;

3. The proposed and/or existing use of the site;

4. The applicant's name;

5. A legal description of the site;

6. A general location description of the site in nonlegal language; and

7. An invitation to submit written comments together with the last date comments will be considered. (Ord. 11016 § 4, 1993).

21.31.050 Public comments. All public comments shall be in writing and signed, shall reference the proposed commercial site development permit application, and shall include the full name, address and telephone number of the person commenting. All comments shall be received within the designated comment period. The designated comment period shall commence on the day following publication or posting of the application notice and shall terminate at 4:30 p.m. on the fifteenth (15th) day thereafter. If the department determines that application notice shall be published as well as posted, the department shall make every attempt to have the comment periods run concurrently. If, however, more than one method of notification is used, the termination date shall be calculated from the last notification date. If the fifteenth (15th) day is a non-work day for the county, the designated comment period shall cease at 4:30 p.m. on the next county work day immediately following the fifteenth (15th) day. (Ord. 11016 § 5, 1993).

21.31.060 Application of development standards. An application for commercial site development permit shall be reviewed pursuant to RCW 43.21C, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management; K.C.C. 14.42, Road Standards; K.C.C. Chapter 16.82, Grading; K.C.C. Title 17, Fire Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title 21, Zoning; Title 25, Shoreline Management; administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of health rules and regulations; county approved utility comprehensive plans; conformity with applicable P-suffix conditions.

Lot-based standards, such as internal circulation, landscaping signage and setback requirements, are typically applied to each individual lot within the site. However, the director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot-based regulations shall not be waived altogether.

The director may modify lot-based or lot line requirements contained within the building fire and other similar uniform codes adopted by the county, provided the site is being reviewed concurrently with a binding site plan application. (Ord. 11016 § 6, 1993).

21.31.070 Approval. A. The director may approve, deny, or approve with conditions an application for a commercial site development. The decision shall be based on the following factors:

1. Conformity with adopted county and state rules and regulations in effect on the date the complete application was filed, including but not limited to those listed above in K.C.C. 21.31.060.

2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title.

B. Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered.

C. Approval of the proposed commercial site development shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes listed in K.C.C. 16.04 and 17.04 regulating construction.

D. The director shall mail a copy of the decision to the applicant and any other person who has presented written comment to the department. (Ord. 11016 § 7, 1993).

21.31.080 Bonds and securities. Performance bonds or other appropriate securities (including letters of credit and set aside letters) may be required to assure that development occurs according to the approved plan. (Ord. 11016 § 8, 1993).

21.31.090 Decision final unless appealed. A. The decision of the director shall be final unless appealed to the zoning and subdivision examiner within ten calendar days from the date of issuance of decision pursuant to K.C.C. 20.24B. (Ord. 11016 § 9, 1993).

21.31.100 Limitation of permit approval. A. A commercial site development permit approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the director; and fails to have all valid building permits issued within four years of the commercial site development permit approval date; or

B. A commercial site development permit approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan. (Ord. 11016 § 10, 1993).

21.31.110 Modification to an approved permit. A subsequent building permit application may contain minor modifications to an approved commercial site development plan provided a modification: does not increase the building floor area by more than 10%; does not increase the number of dwelling units; does not increase the total impervious surface area, provided that, relocatable facilities for schools shall be exempt from this restriction; does not result in an insufficient amount of parking and/or loading; does not locate buildings outside an approved building envelope, provided that, relocatable facilities for schools shall be exempt from this restriction; does not change the number of ingress and egress points to the site; does not significantly increase the traffic impacts of peak hour trips to and from the site; does not significantly increase the quantity of imported or exported materials or increase the area of site disturbance. Modifications which exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application. (Ord 11016 § 11, 1993).

21.31.120 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11016 § 12, 1993).

21.31.200 Severability. If a provision of this chapter or its applicability to any person or circumstance is held invalid, the remainder of the provisions of this chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 11016 § 25, 1993).

Chapter 21.32
M-L LIGHT MANUFACTURING CLASSIFICATION

Sections:

21.32.010 Purpose of classification.
21.32.020 Permitted uses.
21.32.030 Limitations on permitted uses.
21.32.040 Permitted floor area.
21.32.050 Permitted height.
21.32.060 Required open spaces.
21.32.120 Lot based standards.

21.32.010 Purpose of classification. The purpose of this classification and its application is to provide for the location of and grouping of industrial activities and uses involving the processing, handling and creating of products, and research and technological processes, all as distinguished from major fabrication, and uses which are largely devoid of nuisance factors, hazard or exceptional demands upon public facilities and services. A further purpose is to apply zoning protection to the industries so located by prohibiting the intrusion of residential and institutional uses and all commercial enterprise, except those which serve as accessory to the needs and convenience of such industries, thus establishing a pattern of land use advantageous to the specialized needs of the uses permitted in this classification. (Res. 25789 § 1600, 1963).

21.32.020 Permitted uses. The following uses only are permitted and specifically provided and allowed by this chapter provided, that the operation of an adult use establishment shall be prohibited within six hundred sixty feet of any residential zone regardless of jurisdiction and, provided further, that no adult use establishment shall be operated concurrently within six hundred sixty feet of, nor within the same structure as any other adult use establishment, and provided further that no adult use establishment shall be located within six hundred sixty feet of schools, licensed daycare centers, public parks, community centers, public libraries or churches which conduct religious or educational classes for minors:

A. Any use first permitted in the C-G classification provided however a dwelling shall be permitted on the same lot or site on which an industrial use is located when the dwelling is used exclusively by a caretaker or superintendent of such enterprise and his family;

B. On-premise signs, off-premise directional signs, and billboards subject to the provisions of Chapter 21.53, Signs and Billboards;

C. Automobile body and fender works when operated and maintained wholly within an entirely enclosed building;

D. Automobile assembly plant, when contained within a wholly enclosed building;

E. Automobile painting, provided all painting, sanding and baking shall be conducted wholly within an enclosed building;

F. Automotive service stations;

G. Bag cleaning and conditioning;

H. Bakeries, wholesale;

I. Banks;

J. Battery manufacture and rebuilding;

K. Bleaching and dyeing plants;

L. Blueprinting and photostating;

M. Boat building and repairing for boats not exceeding one hundred ten feet in length;

N. Bottling plants;
O. Broom and brush manufacture;
P. Building materials storage yards;
Q. Carpet and rug cleaning plants;
R. Ceramic products, manufacture of wall and floor tile and related small tile products, but not including bricks, drain, building or conduit tile;
S. Clothes cleaning or clothes dyeing plants;
T. Contractor's storage yards;
U. Cosmetics, manufacture of;
V. Creameries and dairy products manufacture;
W. Die casting;
X. Distributing plants (jobbers);
Y. Dog pounds;
Z. Electrical appliances, manufacture and assembly of;
AA. Electric neon sign manufacturing;
BB. Electro-plating, silver, chrome, copper;
CC. Feed and fuel yards;
DD. Freight terminals;
EE. Food products manufacture, storage, processing and packaging of, but not including the manufacturing and processing of lard, pickles, sauerkraut, sausage or vinegar;
FF. Garment manufacture;
GG. Hospitals, emergency only;
HH. Hotels and motels;
II. Ice manufacturing plant;
JJ. Laundries;
KK. Machine shops with a punch press up to twenty tons capacity, when contained wholly within an enclosed building and the building is not closer than three hundred feet to a residential or suburban zone; no drop hammer or drop forge is permitted;
LL. Manufacture, processing, treatment or assembly of articles from previously prepared materials such as bone, canvas, cellophane, cork, fibre, felt, fur, feathers, glass, leather, paper, metal, stone, wood, yarn, plastics and shell;
MM. Metal, manufacture and fabrication of products from (except major structural steel forms, boiler making and similar activities involving excessive noise, or major trucking in terms of over-standard dimensions per unit or over-standard dimensions of load);
NN. Parcel service delivery terminals;
OO. Parking lots, public provided any area so used shall be improved and maintained as required by Chapter 16.74 of this code;
PP. Pharmaceuticals, manufacturing, processing, packaging and storage of, including drugs, perfumes, toiletries and soap (cold mix only);
QQ. Plumbing supply yards;
RR. Prefabricated building, manufacture of (no concrete);
SS. Pipe line booster or pumping plant in connection with water, oil, petroleum, gas, gasoline or other petroleum products;
TT. Printing and printing ink manufacture;
UU. Public utility service facilities, yards or electric transmission substations;
VV. Restaurants, including cocktail lounges;
WW. Rubber, fabrication of products made from finished rubber;
XX. Self-service storage facilities;
YY. Storage of impounded and damaged cars, but no wrecking yards;
ZZ. Storage for transit and transportation equipment, except freight classification yards;

(A) Textile manufacture, processing or treatment;

(B) Tile, manufacture of wall and floor tile and related small tile products;

(C) Tobacco products, manufacture of;

(D) Truck repairing and rental;

(E) Upholstering;

(F) Vacuum metalization;

(G) Warehousing;

(H) Accessory buildings and uses customarily incident to any of the above uses, when located on the same site with the main building;

(I) Other similar industrial enterprises or businesses as set forth in Section 21.46.050 of this title;

(J) Planned unit development as provided in Chapter 21.56;

(K) Unclassified uses as provided in Chapter 21.44;

(L) Business and professional offices;

(M) Enterprises selling alcoholic beverages for on-premises consumption;

(N) Police and fire stations, including regional police pistol range training facilities provided:

1. The training must be conducted within an entirely enclosed building, and

2. Noise standards pursuant to K.C.C. 12.88.020 and K.C.C. 12.88.030 must be met;

(O) Interim use for agricultural crops, open field growing, pasturing and grazing on five acres or more, provided:

1. Buildings are not permitted,

2. Any pen or structure used to confine or feed livestock shall not be located closer than seventy-five feet and in the case of swine or goats no closer than one hundred fifty feet to any boundary property line nor closer than forty-five feet to any building containing a dwelling unit or accessory living quarters on the same premises,

3. Any pasturing or grazing shall be adequately fenced and shall maintain a distance of thirty-five feet from any boundary property line which is a common line with S-R or R zoned property when such property is developed,

4. The number of livestock shall not exceed that permitted in the S-R zone,

5. Any open-air storage of hay, straw, shavings or similar organic materials shall maintain a distance of not less than thirty-five feet from any boundary property line, and a distance of not less than forty-five feet from any building containing a dwelling unit or accessory living quarters on the same premises;

(P) Retail stores not to exceed three thousand square feet of gross floor area;

(Q) Specialized instruction schools;

(R) Churches and other houses of worship;

(S) Communication facility subject to K.C.C. 21.80.020 - 21.80.190;

(T) Breweries.

(U) Parks, publicly owned and operated, provided:

1. The park is abutting, intervening roads notwithstanding, an existing park on one or more sides.

2. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted.

3. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

4. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street. (Ord. 11265 § 1, 1994: Ord. 10664 § 1, 1992: Ord. 10021 § 45, 1991: Ord. 9915 § 6, 1991: Ord. 9321, 1990: Ord. 8529 § 16, 1988: Ord 8029, 1987: Ord. 8017 § 9, 1987: Ord. 7897 § 2, 1986: Ord. 7709 § 1, 1986: Ord. 1927 § 1, 1974: Res. 30152 (part), 1965: Res. 25789 § 1601, 1963).

21.32.030 Limitations on permitted uses. Every use permitted shall be subject to the following conditions and limitations:

A. All uses shall conform to the general provisions and exceptions and the off-street parking requirements, loading area requirements, and landscaping requirements set forth in this title beginning with Chapter 21.46.

B. Any use first permitted in this classification shall not locate closer than fifty feet to any boundary line of an R or S zone. Any other use permitted in this classification or an accessory or component portion of a use first permitted in this zone which, if considered separately would be permitted in a more restrictive zone, need maintain only such distance from a boundary line of an R or S zone as is prescribed by the zone in which such use is first permitted;

C. In the case of automobile service stations, the leading edge of the pump islands shall not be closer than fifteen feet to any street property line. (Ord. 5002 § 13, 1980: Res. 30152 (part), 1965: Res. 25789 § 1602, 1963).

21.32.040 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot in an ML zone shall not exceed two and one-half times the area of the lot. (Res. 25789 § 1603, 1963).

21.32.050 Permitted height. No maximum height is imposed, but when a structure exceeds forty-five feet in height, the structure shall set back one foot from each side and rear property line for each one foot such structure exceeds forty-five feet in height; provided, telecommunication facilities are exempted. (Ord. 10086 § 3, 1991: Ord. 8529 § 17, 1988: Res. 25789 § 1604, 1963).

21.32.060 Required open spaces. Additional open spaces, both as to amount and location on the premises may be required in connection with an unclassified use permit, variance or planned unit development. (Res. 25789 § 1605, 1963).

21.32.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.34
M-P MANUFACTURING PARK CLASSIFICATION

Sections:

21.34.010 Purpose of classification.
21.34.020 Permitted uses.
21.34.030 Limitations on permitted uses.
21.34.040 Standards of performance.
21.34.050 Permitted floor area.
21.34.060 Permitted height.
21.34.120 Lot based standards.

21.34.010 Purpose of classification. The purpose and objective of this classification and its application is to establish industrial areas of high operational development and environmental standards. The requirements of this classification are intended to provide standards of intensity of use and standards of external effects which will minimize traffic congestion, noise, glare, air and water pollution, fire and safety hazards. (Res. 25789 § 1700, 1963).

21.34.020 Permitted uses. The following uses only are permitted and as specifically provided by this chapter:

A. Any use permitted in the M-L classification.

B. Public utility facilities.

C. Accessory buildings and uses customarily incident to any of the above uses, when located on the same site with the main building.

D. Signs, provided the signs are used exclusively to advertise a business conducted, services rendered, goods produced or sold upon the premises, or any other lawful activity conducted upon such premises, or to identify permitted uses, provided if such sign is lighted it shall be stationary and nonflashing and shall not be located closer than twenty feet to any property line.

E. Other similar industrial enterprises or businesses after classification as set forth in Section 21.46.050 of this title.

F. Unclassified uses as provided in Chapter 21.44. (Res. 30152 (part), 1965: Res. 25789 § 1701, 1963).

21.34.030 Limitations on permitted uses. Every use permitted shall be subject to the following conditions and limitations:

A. All uses shall conform to the general provisions and exceptions and the off-street parking requirements, loading area requirements, and landscaping requirements set forth in this title beginning with Chapter 21.46.

B. No building or structure shall be located closer than twenty-five feet to any street property line.

C. There shall not be dumped, placed or allowed to remain on any property in an M-P zone any refuse, trash, rubbish or other waste material outside of a permanent building, except in nonflammable, covered or enclosed containers. (Ord. 5002 § 14, 1980: Res. 25789 § 1702 (1-7), 1963).

21.34.040 Standards of performance. The following standards of performance shall be conformed to:

A. Noise.

1. Maximum Allowable Nighttime Levels. The sound pressure level of noise radiated from any activity located in the M-P zone shall not exceed the decibel values given in the following table in any frequency band during the hours between eight p.m. and seven a.m. in any residential district.

Frequency Band in cycles/second	Sound Pressure Level in db re 0.0002 microbar
Below 75	72
75 - 150	59
150 - 300	52
300 - 600	46
600 - 1200	42
1200 - 2400	39
2400 - 4800	34
above - 4800	32

2. Maximum Allowable Daytime Levels. Noises originating from and due to normal daytime activities in the M-P zone shall conform to the levels shown in the foregoing table at least ninety percent of the time between the hours of seven a.m. and eight p.m.

3. Exceptions. None of the foregoing provisions shall apply to noises resulting from the operation of motor vehicles. Other exceptions are the occasional situations arising out of research and development work carried out in the M-P zone; the temporary construction, earth-moving, road-building and related activities necessary to development, improvement and maintenance of manufacturing park facilities, which shall be limited to the hours between seven a.m. and eight p.m. and noises incident to operations in areas surrounding an airport, heliport or landing field where such areas come under the M-P classification.

B. Smoke shall not be emitted from any source in a greater density of grey than that described as No. 1 on the Ringelmann Chart, except that visible grey smoke of a shade not darker than that described as No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any thirty minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

C. Dust, dirt, fly ash or airborne solids from any sources shall not be in a density greater than that described as No. 1 on the Ringelmann Chart.

D. Odors from gases or other odorous matter shall not be in such quantities as to be unreasonably offensive beyond the exterior property lines of the lot or site.

E. Toxic gases or matter shall not be emitted in quantities damaging to health, animals, vegetation or property or which can cause any excessive soiling beyond the exterior property lines of the lot or site.

F. Vibration from any machine, operation or process which exceeds three thousandths of one inch displacement or three tenths g peak acceleration, whichever is greater, as measured at any point outside the property lines of

the lot or site shall be prohibited. The above shall apply in the frequency range of zero to five thousand cycles per second. Shock absorbers or similar mounting shall be allowed to permit compliance with this specification.

G. Glare and heat from any source shall not be unreasonably objectionable beyond the exterior property lines of the lot or site.

H. Rail facilities or truck loading and unloading spaces shall not interfere with the use of required off-street parking areas.

I. A building site plan shall be filed and approved by the department prior to the issuance of any building permits and any permits issued shall be in conformance with the approved site plan. If the project requires the dedication or widening of streets, such openings or widenings shall be processed and adopted as prescribed by law prior to the issuance of any building permit. (Res. 25789 § 1702 (8), 1963).

21.34.050 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot in an M-P zone shall not exceed two and one-half times the buildable area of the lot. (Res. 25789 § 1703, 1963).

21.34.060 Permitted height. In an M-P zone no height limit is imposed, provided one additional foot of width is provided for each required open space on the periphery of the lot or site for each foot in height any structure on the premises exceeds forty-five feet; provided, telecommunication facilities are exempted. (Ord. 10086 § 4, 1991: Ord. 8529 § 18, 1988: Res. 25789 § 1704, 1963).

21.34.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.36
M-H HEAVY MANUFACTURING CLASSIFICATION

Sections:

21.36.010 Purpose of classification.
21.36.020 Permitted uses.
21.36.030 Uses permitted to locate after a conditional use permit has been granted.
21.36.040 Limitations on permitted uses.
21.36.050 Permitted floor area.
21.36.060 Permitted height.
21.36.070 Required open spaces.
21.36.120 Lot based standards.

21.36.010 Purpose of classification. The general purpose of this classification and its application is to provide for the location of and grouping of industrial enterprises and activities which possess common or similar characteristics and performance standards involving manufacturing, assembling, fabrication and processing, bulk handling of products, large amounts of storage and warehousing and heavy trucking and therefore normally require sites larger than the standard lot sizes. The grouping of such types of uses permits a pattern of land use, thoroughfares, public facilities and utilities, so designed as to cater advantageously to the specialized needs of such types of industrial uses. A further purpose of this classification is to apply zoning protection to

industries properly located by prohibiting the intrusion of residential and institutional uses and all business enterprises except those which serve as accessory to the needs and convenience of the permitted types of industrial enterprises. (Res. 25789 § 1800, 1963).

21.36.020 Permitted uses. The following uses only are permitted and as specifically provided and allowed by this chapter:

A. Any use permitted in the M-L classification

B. Acetylene gas manufacture

C. Acid manufacture, other than sulphurous, sulphuric, picric, nitric, hydrochloric, hydrofluoric and other similar acids

D. Aircraft factories

E. Alcohol manufacture

F. Ammonia or chlorine manufacture

G. Asbestos manufacture

H. Asphalt, manufacture, refining or batch plant

I. Blast furnace or coke oven

J. Boiler works

K. Brick tile or terra cotta manufacture or storage

L. Distilleries

M. Candle manufacturing (mechanical volume production)

N. Carbon manufacture

O. Cellulose materials manufacture

P. Chain and cable manufacture

Q. Charcoal manufacturing or pulverizing

R. Chemical manufacture

S. Concrete products manufacture and ready mix concrete

T. Creosote treatment or manufacture

U. Cupola or metal reduction furnace for aluminum, gold, silver and platinum

V. Disinfectants manufacture

X. Distillation of wood, coal or bones, or manufacture of any of their by-products.

Y. Drop hammer or drop forge

Z. Dry kilns

AA. Dye stuffs manufacture

BB. Emery cloth and sand paper manufacture

CC. Enameling

DD. Exterminators or insect poison manufacture

EE. Feed and cereal mills

FF. Fertilizer manufacture

GG. Fish smoking curing or canning

HH. Flour mills

II. Foundries

JJ. Galvanizing and lead plating, including heating and dipping

KK. Gas (illuminating or heating) manufacture or storage

LL. Glass or glass products manufacture

MM. Glue, sizes or gelatin manufacture

NN. Kelp reduction and the extraction of by-products

OO. Lamp black manufacture

PP. Livestock auction yards

QQ. Lubrication grease manufacture or oil compounding

RR. Log storage and moorage

SS. Machinery manufacture

TT. Match manufacture

UU. Meat packing plants

VV. Metal fabrication

XX. Nitrating process
YY. Oil cloth or linoleum manufacture
ZZ. Ore reduction
(A). Oxygen manufacture
(B). Paint, oil, shellac, turpentine or varnish manufacture
(C). Paper and paper box manufacture (not including pulp manufacture)
(D). Petroleum products, processing, refining and wholesale storage
(E). Plaster or wallboard manufacture
(F). Plastics manufacture
(G). Plywood manufacture
(H). Potash works
(I). Poultry slaughter and processing
(J). Power, light or steam plant (central station)
(K). Printing ink manufacture
(L). Public utility gas works
(M). Punch press
(N). Railroad yard or roundhouse
(O). Reclamation of iron, copper, tin, zinc and aluminum
(P). Reducing or refining of aluminum, copper, tin or zinc
(Q). Rock crusher
(R). Rolling or blooming mill
(S). Roofing material manufacture
(T). Rope manufacture
(U). Rubber, reclaiming or manufacture
(V). Salt works
(X). Sand blasting or cutting
(Y). Sauerkraut, lard, pickles, sausage or vinegar, the manufacture, storage, processing and packaging
(Z). Saw mills, shingle mills or lumber mills
(AA). Shoddy manufacture
(BB). Soap and soap compounds, manufacture of
(CC). Soda and cleaning compound manufacture
(DD). Steel fabrication plants
(EE). Starch, glucose or dextrine manufacture
(FF). Stone works, stoneware or earthenware manufacture
(GG). Sugar refining
(HH). Tanning, curing or storage of raw hides or skins
(II). Tar distillation or tar products manufacture
(JJ). Tobacco, manufacture of, including chewing tobacco
(KK). Stove or shoe polish manufacture
(LL). Vegetable oil manufacturing, refining or storage, but excluding fat rendering
(MM). Welding shops and sheet metal shops
(NN). Wood planing mills or wood working plant
(OO). Wool pulling or scouring
(PP). Yeast plant
(QQ). Accessory buildings and uses customarily incident to any of the above uses, when located on the same site with the main building
(RR). Other similar industrial enterprises or businesses after classification as set forth in Section 21.46.050 of this title.
(SS). Planned unit development as provided in Chapter 21.56.
(TT). Unclassified uses as provided in Chapter 21.44. (Ord. 10664 § 2, 1992: Res. 25789 § 1801, 1963).

21.36.030 Uses permitted to locate after a conditional use permit has been granted. Because of the considerations of smoke, fumes, dust, odor, vibration or hazard, the establishment or operation of the following uses in the M-H

zone shall be permitted only after a conditional use permit authorizing such use has been granted:

A. Acid, manufacture of sulphurous, sulphuric, picric, nitric, hydrochloric, hydrofluoric and other similar acids;

B. Cement manufacture;

C. Explosives, manufacture or storage;

D. Fat rendering;

E. Lime manufacture;

F. Pulp manufacture;

G. Slaughterhouses;

H. Stockyard;

I. Wrecking yards and storage of wrecked automobiles. (Res. 25789 § 1802, 1963).

21.36.040 Limitations on permitted uses. Every use permitted shall be subject to the following conditions and limitations:

A. All uses shall conform to the general provisions and exceptions and the off-street parking requirements and loading area requirements set forth in this title beginning with Chapter 21.46.

B. Any use first permitted in this classification shall not locate closer than fifty feet to any boundary line of an R or S zone. Any other use permitted in this classification or an accessory or component portion of a use first permitted in this zone which, if considered separately, would be permitted in a more restrictive zone, need maintain only such distance from a boundary line of an R or S zone as is prescribed by the zone in which such use is first permitted.

C. In the case of automobile service stations, the leading edge of the pump islands shall not be closer than fifteen feet to any street property line. (Res. 30152 (part), 1965: Res. 25785 § 1803, 1963).

21.36.050 Permitted floor area. The maximum permitted floor area to be contained in all buildings on a lot or site in an M-H zone shall not exceed two and one-half times the area of the lot or site. (Res. 25789 § 1804, 1963).

21.36.060 Permitted height. No maximum height is imposed, but when a structure exceeds forty-five feet in height, the structure shall set back one foot from each side and rear property line for each one foot such structure exceeds forty-five feet in height; provided, telecommunication facilities are exempted. (Ord. 10086 § 5, 1991: Ord. 8529 § 19, 1988: Res. 25789 § 1805, 1963).

21.36.070 Required open spaces. Additional open spaces, both as to amount and location on the premises, may be required in connection with a conditional use permit, unclassified use permit, variance or a planned unit development. (Res. 25789 § 1806, 1963).

21.36.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.37
F-FOREST RESOURCE CLASSIFICATION

Sections:

21.37.010 Purpose of classification.
21.37.020 Permitted forestry uses.
21.37.030 Permitted resource related resource uses.
21.37.040 Residential uses.
21.37.050 Conditional uses.
21.37.060 Unclassified uses.
21.37.070 Lot area.
21.37.080 Required setback.
21.37.090 Signs.
21.37.120 Lot based standards.

21.37.010 Purpose of classification. The purpose of the Forest Resource (F) classification and its application is to regulate land use on forest production districts designated by the comprehensive plan, to specifically determine the boundary of these districts by applying the F classification, to retain the forest land base, to conserve and protect the long-term productivity of forest lands, and to restrict uses unrelated to or incompatible with forestry so as to minimize conflicts with permitted forest resource uses. Application of the F classification to designated production districts will also conserve and protect municipal watersheds and fish and wildlife habitats. The classification is further intended to provide for public and private outdoor recreation uses, but only when compatible with management of forests for sustained production of forest products, or with sustained production of high quality water supplies.

King County, through the F classification and its areawide application, recognizes that the practice of commercial forestry benefits from contiguous areas where a combination of site, soil and climatic characteristics make it possible to sustain timber growth and harvests over time. While not every acre within a forest production district may have this set of environmental characteristics, and while not every acre within a forest production district may satisfy economic and/or management criteria for commercial forestry at all times, marginal sites which may occur within a forest production district should be included within the F classification and developed with uses which are compatible with forestry on adjacent lands. However, non-forest related residential, commercial and industrial activities which are incompatible with forestry are excluded to minimize the potential hazards of damage from fire, pollution and other land use conflicts. (Ord. 7675 § 1, 1986).

21.37.020 Permitted forestry uses. In an F zone, only the following forestry or forestry-related uses are permitted:

A. Forest practices;

B. Primary processing of forest products and disposal of non-usable residues of such processing;

C. Storage of explosives, fuels and chemicals used for forestry subject to all local, state, and federal regulations concerning same;

D. Storage and maintenance of equipment required by permitted uses;

E. Temporary shelter including tents, camping trailers, or other camping outfits, for security personnel or crews in connection with and for the duration of a forest practice or other temporary use permitted in an F zone, where on-site temporary shelter is needed for security or fire protection;

F. Forestry, environmental and natural resource research; and

G. Other uses necessary for the commercial production of forest products as determined by the manager of building and land development division. (Ord. 7675 § 2, 1986).

21.37.030 Permitted resource related resource uses. In an F zone, the following resource related uses only are permitted:

A. Growing and harvesting agricultural crops as well as the structures necessary for these activities, subject to the lot coverage and other provisions of the Agricultural zone and provided that agricultural crops sensitive to usual and normal use of herbicides are adequately buffered by the owner or operator from herbicide application on nearby forest lands.

B. Raising of livestock and small animals (including bees), subject to the lot coverage and the other provisions of the Agricultural zone;

C. Wildlife and fish propagation and management including any associated buildings, facilities or improvements;

D. Removal, harvesting or retailing of vegetation from forest lands such as fuelwood, cones, Christmas trees, salal, berries, ferns, greenery mistletoe, herbs, and mushrooms provided that retailing does not involve use of permanent structures or signs;

E. Dispersed recreation and outdoor recreation facilities such as primitive campsites, trails, trailheads and sno-parks, warming huts for climbers and cross-country skiers (excluding recreational vehicle parks and campsites with utility hookups);

F. Optical and radio telescopes and other astronomic observation facilities requiring isolation from artificial light sources and electromagnetic interference;

G. Seismic and other geological monitoring facilities requiring isolation from artificial vibration;

H. Municipal water collection, pumping, processing and transmission facilities provided they do not impound water by means of a dam;

I. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190; and

J. Interim recycling facility limited to:

1. Drop box facilities located on and operated in conjunction with a public facility such as a school or fire station, or

2. Source-separated organic waste processing. (Ord. 11156 § 13, 1993: Ord. 10021 § 46, 1991: Ord. 7675 § 3, 1986).

21.37.040 Residential uses. In a F zone, single family residences are permitted provided:

A. Water supply is available from a well or wells located within the boundaries of the property in question or from another source approved by the Seattle-King County health department. That approval shall be conditioned on evidence provided by the applicant that supplies are buffered from neighboring forest practices and that such use will not affect the ability of managers of adjacent and nearby forest lands to practice forestry;

B. Sewage shall be disposed in a system approved by the Seattle-King County health department;

C. Prior to issuance of any residential building permit in a F classification, the property owner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for the subject property:

"The subject property is located in an area designated by King County for forestry and other compatible uses. Noise, dust, smoke and odors result from

the harvesting, planting, fertilization and pest control associated with usual and normal forest or resource management practices, and as such, these normal and usual forestry practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as public nuisances."

D. The manager shall notify the owners of all adjacent forest lands advising them of the requested action and soliciting comments. Any comments received within 14 days from the date of transmittal shall be considered by the county. The manager retains the right to deny the request for cause or approve it subject to such conditions deemed necessary to retain the forest land base, to conserve and protect forest resources and to protect and maintain forest resource uses.

E. A fire protection plan for the subject property shall be reviewed and approved by the Washington Department of Natural Resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire which may originate from the residential use. This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

F. The use must not require public services other than those already existing, or completely funded by the owner or builder, or identified in an adopted public capital improvement program and scheduled for construction within 12 months. (Ord. 7675 § 4, 1986).

21.37.050 Conditional uses. Only the following uses are permitted subject to issuance of a conditional use permit pursuant to K.C.C. 21.58.

A. Campgrounds, hunting and fishing camps or other developed recreational uses, educational facilities and public agency training facilities provided:

1. Evidence is provided that the proposed use is forest land dependent, or that a remote site is necessary to accommodate a use that is beneficial to the public;

2. The use must not require public services other than those existing, or completely funded by the owner or builder, or identified in an adopted public capital improvement program and scheduled for construction within twelve months;

3. Water supply is available from a well or wells located within the boundaries of the property in question, or from another source approved by the Seattle-King County health department. That approval shall be conditioned on evidence provided by the applicant that supplies are buffered from neighboring forest practices and that such use will not affect the ability of managers of adjacent and nearby forest lands to practice forestry;

4. Sewage shall be disposed in a system approved by the Seattle-King County health department;

5. Prior to issuance of any building permit, the property owner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for the subject property:

"The subject property is located in an area designated by King County for forestry and other compatible uses. Noise, dust, smoke and odors result from the harvesting, planting, fertilization and pest control associated with usual

and normal forestry management practices, and as such, these normal and usual forestry practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as public nuisances."

6. A fire protection plan for the subject property shall be reviewed and approved by the Washington Department of Natural Resources with the concurrence of the fire marshal for each developed recreational or educational use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire which may originate from the use. This plan shall provide for setbacks from existing forestry uses, and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

B. Use of forest land for sawmills that go beyond primary processing;

C. Use of forest land for treatment of wastewater or application of sewage sludge (where not a forest practice regulated by the state).

D. Hydroelectric projects as follows:

1. Hydroelectric projects which address the environmental concerns expressed in subsection E.2. of this section shall be permitted. For hydroelectric projects which are subject to licensing by the Federal Energy Regulatory Commission, the county shall conduct a thorough evaluation with regard to the standards set forth in subsection E.2. and the standards set forth in K.C.C. 21.44 and 21.58, and shall provide its evaluation to the commission for the purpose of advising the commission of the county's conclusion.

2. Project Development Standards:

a. The project will not substantially adversely affect unique and significant wildlife habitat and anadromous and resident fish species, as demonstrated by project approval from the Washington State Departments of Fisheries and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service and tribes on the Federal Energy Regulatory Commission's service list;

b. will not create an erosion hazard;

c. will mitigate any on-site and off-site visual impacts through the use of landscape and distance buffers;

d. the hydrologic, ecological, and aesthetic functions of natural stream corridors will be preserved, protected, or enhanced;

e. will preserve or enhance multiple use of the site including, but not limited to, public access, fishing, and recreational uses; and

f. the applicant shall provide to the county those supporting documents needed by the county in making a timely decision on intervention in the federal energy regulatory commission licensing decision and shall fully cooperate with the county during pre-licensing study and consultation periods. (Ord. 10086 § 6, 1991: Ord. 7675 § 5, 1986).

21.37.060 Unclassified uses. Only the following unclassified uses are permitted in an F classification:

A. Aircraft landing strips for fixed-wing aircraft involved in forest practices and sport aviation, and emergency airports as defined in the Washington State Transportation Plan, but excluding basic and general utility facilities;

B. Exploration, commercial extraction and primary processing of oil, gas, or geothermal resources. A draft plan to restore the well field to forestry uses shall be submitted and reviewed for all mining operations;

C. Mineral extraction subject to the provisions set out in K.C.C. 21.44;

D. Water impoundments for the production of municipal and industrial water and their associated access, processing and transmission facilities;

E. Booster stations;

F. Sanitary landfills and inert waste and demolition waste disposal sites.

G. Public agency training facilities. (Ord. 11362 § 1, 1994: Ord. 7675 § 6, 1986).

21.37.070 Lot area. The minimum Prequired area of a lot in an F zone shall be eighty acres. Any existing parcel in the F zone that is less than eighty acres may be used for any use permitted in the zone. (Ord. 8642 § 2, 1988: Ord. 7675 § 7, 1986).

21.37.080 Required setback. In an F zone no building except a scaling station shall be located closer than one hundred feet to any property line. (Ord. 7675 § 8, 1986).

21.37.090 Signs. Signs shall not:

A. Be illuminated or contain blinking or moving elements;

B. Exceed thirty two square feet in area; or

C. Advertise any commercial products or services other than those produced or offered in the Forest Resource zone. (Ord. 7675 § 9, 1986).

21.37.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.38
F-R FORESTRY AND RECREATION CLASSIFICATION

Sections:

21.38.010 Purpose of classification.
21.38.020 Permitted uses.
21.38.030 Lot area.
21.38.040 Lot width.
21.38.050 Permitted height.
21.38.060 Required open space.
21.38.120 Lot based standards.

21.38.010 Purpose of classification. The object and purpose of this classification and its application is to allow the development of forest land for the sustained production of forest products and the development of compatible uses such as recreation. (Res. 25789 § 1900, 1963).

21.38.020 Permitted uses. In an F-R zone, the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter:

A. The growing and harvesting of forest products, the operation of sawmills, log storage yards, and activities and structures incidental to each;

B. Livestock grazing and agricultural buildings and structures incidental thereto, and beehives, as provided in Section 21.22.020;

C. Unclassified uses as provided in Chapter 21.44;

D. Game and fish management;

E. Dams, power plants, flowage areas, transmission lines and stations, together with necessary accessory building;

F. Harvesting of any wild crop such as marsh hay, ferns, moss and berries;

G. Single-family residence, trailer, private summer cottages and incidental service buildings; provided, that multiple-lot subdivisions of more than four lots shall require a planned unit development to assure environmental protection;

H. Riding academies;

I. Watersheds;

J. Planned unit developments;

K. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 10021 § 47, 1991: Ord. 9084, 1989).

21.38.030 Lot area. The minimum required area of a lot or building site area in an F-R zone shall be thirty-five thousand square feet. (Ord. 8642 § 3, 1988: Res. 25789 § 1902, 1963).

21.38.040 Lot width. Every lot or building site area in an F-R zone shall have a width of not less than one hundred thirty-five feet. (Res. 25789 § 1903, 1963).

21.38.050 Permitted height. In an F-R zone no building shall exceed a height of forty-five feet provided any portion of a building or structure exceeding forty-five feet in height shall be set back from each side property line and the rear property line one foot for each foot such building or structure exceeds a height of forty-five feet; provided, telecommunication facilities are exempted. (Ord. 10086 § 7, 1991: Res. 25789 § 1904, 1963).

21.38.060 Required open space. In an F-R zone no building shall be located closer than twenty feet to any property line or to a public roadway except such uses as scaling stations and watchmen's shacks. (Res. 25789 § 1905, 1963).

21.38.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.40
F-P FLOOD PLAIN CLASSIFICATION

Sections:

21.40.010 Purpose of classification.
21.40.020 Permitted uses.
21.40.030 Prohibited uses.
21.40.040 Lot area.
21.40.050 Restrictions on use of property.
21.40.120 Lot based standards.

21.40.010 Purpose of classification. All areas to which this classification is applied are by this title declared to be potentially hazardous to the public health, safety and general welfare unless conserved in substantially their native state. Such hazard may exist or arise by reason of topography, elevations, flood and inundation, surface erosion, earth or rock slides, accentuated water runoff, denuding of the natural land surface of vegetation ground cover, or by grading or otherwise altering the natural stability of the area. The purpose of this classification is primarily to serve the public health, safety and general welfare of the county and the region as a whole through limiting the use of the areas to which this classification is applied to only such purposes as will least upset the natural equilibrium of such areas. (Res. 25789 § 2000, 1963).

21.40.020 Permitted uses. In an F-P zone only the following uses are permitted:

A. Agricultural crops, open field growing and stock grazing;

B. Accessory buildings, including one dwelling unit solely for occupancy by a person in charge of the permissible enterprises on the premises and his family;

C. Forest products, growing and harvesting, including processing of locally harvested crops using portable equipment;

D. Parks and golf courses;

E. A trailer house on an individual lot or parcel of land, provided such trailer house remains mobile and provided further that a permit is obtained from the building department to insure compliance with the code as to yards and to local health department requirements. (Res. 33159 (part), 1967; Res. 25789 § 2001, 1963).

21.40.030 Prohibited uses. Any use involving buildings designed for or occupied for dwelling purposes (other than a dwelling unit as an accessory use as set forth in Section 21.40.020 of this chapter), public assembly, business establishments or for industrial purposes are specifically prohibited. (Res. 25789 § 2002, 1963).

21.40.040 Lot area. In an F-P zone, the minimum size of any lot or site shall be ten acres. (Ord. 8642 § 4, 1988: Res. 25789 § 2003, 1963).

21.40.050 Restrictions on use of property. Unless used in conformity with any rules and regulations established by an agency of government having jurisdiction, or by authority of an unclassified use permit granted pursuant to this title, there shall be no excavating or quarrying of any rock, sand, gravel or other material, nor shall any operation be permitted which will by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or creek, or that will catch or collect debris carried by water flowing in such areas. (Res. 25789 § 2004, 1963).

21.40.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.42
Q-M QUARRYING AND MINING CLASSIFICATION

Sections:

21.42.010 Purpose of classification.
21.42.020 Permitted uses.
21.42.030 Limitations on permitted uses.
21.42.040 Standards of performance.
21.42.050 Sound pressure.
21.42.060 Odors.
21.42.070 Toxic gasses and matter.
21.42.080 Dust and airborne solids.
21.42.090 Smoke.
21.42.100 Blasting and other activities producing ground vibration.
21.42.110 Stagnant water in excavations prohibited.
21.42.120 Land rehabilitation.
21.42.130 Lot area.
21.42.140 Permitted height.
21.42.150 Maximum floor area.
21.42.160 Required open spaces.
21.42.170 Lot based standards.

21.42.010 Purpose of classification. The objective and purpose of this classification and its application are to insure continued development of natural resources through inclusion of known deposits of minerals and materials within zones reserved for their development and production; to assure that undeveloped mineral and material resources will not be forever lost by prior development of the land for other purposes; and to allow for the necessary processing to convert such minerals and materials to marketable products. (Res. 25789 § 2100, 1963).

21.42.020 Permitted uses. In a Q-M zone the following uses only are permitted and as herein specifically provided and allowed by this chapter:

A. Quarrying and mining of minerals or materials, including, but not limited to, sand and gravel, rock, clay and peat;

B. The exploitation, primary reduction, treatment and processing of minerals or materials together with the necessary buildings, structures, apparatus or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete batching, asphalt mixing, brick, tile, terra cotta and concrete products manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products;

C. The growing and harvesting of forest products, the operation of sawmills and chippers and activities and structures incidental to each;

D. Agricultural crops, open field growing, stock grazing and the harvesting of any wild crop such as marsh hay, ferns, moss, berries, etc.;

E. Public utility facilities;

F. Dwellings used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family; and dwellings on the same premises which are being used for

agricultural purposes, which dwellings are occupied only by persons employed on the same premises and their immediate families.

G. Compost processing limited to the receiving and processing of lawn clippings, leaves, branches, limbs, stumps, scrap lumber, and salvaged wood which has not been chemically treated and other acceptable organic materials necessary for conversion into marketable recycling/composted products.

H. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 10021 § 48, 1991: Ord. 8468, 1988: Res. 25789 § 2101, 1963).

21.42.030 Limitations on permitted uses. Every use permitted shall be subject to the following conditions and limitations:

A. Road access to Q-M classified property developed for mining or quarrying of minerals or materials shall be controlled by means of a gate. A sign warning of hazardous conditions, if such exist, shall be affixed to the gate or placed in a conspicuous manner near the gate. If the Q-M classified property developed for mining or quarrying of minerals or materials has an exterior boundary line which is a common property line with developed R or S classified property, then a solid wall or fence not less than five feet in height shall be installed and maintained;

B. Mining and quarrying shall be permitted up to within ten feet of any property line other than Q-M classified property provided all provisions herein set forth are complied with and provided further that such mining or quarrying does not impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of Q-M classified property. Structures or buildings in a Q-M zone shall not be located closer than one hundred feet to an R or S property line, except where the common property line is so situated as to cause an elevation difference of fifty feet or more between Q-M and R or S property within said one hundred foot setback, and in such case the required on hundred foot setback may be reduced by the amount the slope distance exceeds the horizontal distance but in no event shall the structures or buildings be located closer than fifty feet to said common property line. Office buildings, scale facilities, equipment storage buildings, and other similar buildings or structures and stockpiles shall be excepted from this provision but shall not be located closer than twenty feet to an R or S property line;

C. All uses shall conform to the landscaping requirements set forth in Chapter 21.51 of this title. (Ord. 5002 § 15, 1980: Res. 25789 § 2102 (1 - 3), 1963).

21.42.040 Standards of performance. The following standards of performance set forth in Sections 21.42.050 through 21.42.110 inclusive, shall be conformed to. (Res. 25789 § 2102 (4 part), 1963).

21.42.050 Sound pressure. Maximum allowable daytime sound pressure levels as measured next to occupied buildings or structures situated on adjacent R or S property shall not exceed the following standards at least ninety percent of the time between the hours of five a.m. and ten p.m.

Sound Pressure Levels

Frequency band in cycles/second	Sound pressure level in decibels re 0.0002 microbar
25 - 300	80
300 -2400	70
Above 2400	60

Maximum allowable nighttime sound pressure levels as measured next to occupied buildings or structures situated on adjacent "R" or "S" property shall not exceed the following standards at least ninety percent of the time between the hours of ten p.m. and five a.m.

Sound Pressure Levels

Frequency band in cycles/second	Sound pressure level in decibels re 0.0002 microboar
25 - 300	70
300 - 2400	63
Above 2400	55

Sound pressure levels shall be measured by a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. (Res. 25789 § 2102 (4a), 1963).

21.42.060 Odors. Odors from gasses or other odorous matter shall not be emitted in quantities as to be unreasonably offensive beyond the exterior property lines of Q-M classified property. (Res. 25789 § 2101 (4b), 1963).

21.42.070 Toxic gasses and matter. Toxic gasses and matter shall not be emitted in quantities damaging to health, to animals, vegetation or property beyond the exterior property lines of Q-M classified property. (Res. 25789 § 2102 (4c), 1963).

21.42.080 Dust and airborne solids. Dust, dirt and fly ash or airborne solids from any source shall not be emitted in quantities as to adversely affect adjacent property. (Res. 25789 § 2102(d), 1963).

21.42.090 Smoke. Emmission of smoke from any source other than heat processing equipment shall not exceed a percentage smoke density (average smoke emission) of thirty percent except when building a new fire or when due to breakdowns of a temporary nature. Said percentage smoke density shall be measured in conformance with the methods set forth in the United States Bureau of Mines publication Information Circular 7118 entitled "Ringelmann Smoke Chart" edition of August, 1955. Continuous readings at appropriate time intervals of not less than thirty seconds shall be made and in no event shall the average smoke emission be calculated for a duration of less than sixty minutes. (Res. 25789 § 2102 (4e), 1963).

21.42.100 Blasting and other activities producing ground vibration. A. Vibration Limits. Blasting and all other activities shall be so conducted that ground vibrations measured next to structures or buildings situated on adjacent "R" or "S" property do not exceed the maximum amplitude of ground vibrations as related to frequencies of vibrations set forth in the following table:

Table of Frequency - Amplitude Relations

Frequency of Ground Motion in Cycles per Second	Maximum Amplitude of Ground Motion, in Inches
up to 10	not more than 0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

B. Energy Ratio. Where ground frequency and displacement characteristics in relation to known quantities of detonated explosives have been determined by instrumentation, using either an accelograph or a seismograph, the allowable quantity of explosives used in relation to distance may be established by the formula:

$$(50/D)^2C^2K = 1$$

where D = Distance from the blast in feet
C = Quantity of explosive detonated instantaneously in pounds
K = Ground transmission constant

The energy ratio thus determined shall not exceed one and all measurements shall be taken at the most critical location.

C. Special Explosives Quantity Limits. When ground characteristics for any specific blasting location have been determined by instrumentation, special explosives quantity limits for that location may be approved by the King County engineer, if said limits are computed and certified by a qualified vibration measurement specialist.

D. Allowable Quantities of Explosive. In the absence of approved methods of instrumentation to restrict vibration to the levels specified in the foregoing table, the quantity of explosives used in blasting shall not exceed the following:

Quantity-Distance Table

Distance from the blast area to the nearest building, neither mine or quarry owned nor mine or quarry leased in feet	Maximum quantity of explosives per shot for instaneous firing or per delay for delay firing, in pounds	
	Normal overburden	Abnormal overburden (1)
100 See Fn (2)	340 See Fn (3)	70 (See Fn (4)
200	420 See Fn (5)	78 (See Fn (6)
300	525	100
400	635	125
500	800	160
600	950	200
700	1175	245
800	1500	300
900	1830	360
1000	2250	430
1200	3500	610
1400	-	820
1600	-	1250
1800	-	1900
2000	-	3000

Footnote (1) Abnormal overburden is that which is unusually deep (more than fifty feet to bedrock), has a water table near the surface, or is so composed as to be spongy, flexible or reverberant.

Footnote (2) One hundred feet shall be the minimum allowable distance when approved missile protection methods are used.

Footnote (3) No more than ten pounds of explosive material shall be placed in any single charge.

Footnote (4) No more than five pounds of explosive material shall be placed in any single charge.

Footnote (5) No more than twenty pounds of explosive material shall be placed in any single charge.

Footnote (6) No more than eight pounds of explosive material shall be placed in any single charge. (Res. 25789 § 2102 (4f), 1963).

21.42.110 Stagnant water in excavations prohibited. Mining and quarrying shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in excavations. (Res. 25789 § 2102 (4g), 1963).

21.42.120 Land rehabilitation. In order to insure a further use of land classified as Q-M subsequent to the removal of native minerals and materials, the following additional provisions covering land rehabilitation or reclamation shall be conformed to:

A. Upon the exhaustion of minerals or materials in the Q-M zone or upon the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus or appurtenances accessory to the quarrying or mining operation will be removed or otherwise dismantled to the satisfaction of the county engineer;

B. All excavations must either be made to a water-producing depth or back filled and graded. The excavations made to a water-producing depth shall be reclaimed in the following manner:

1. The depth of the excavation must not be less than two feet measured below the low-water mark;

2. All banks shall be sloped to the water line at a slope no steeper than one and one-half feet horizontal to one foot vertical;

3. All banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches or to a depth equal to that of the topsoil on land areas immediately surrounding if less than four inches;

4. Such topsoil as required by paragraph 3 above shall be planted with trees, shrubs, legumes or grasses to stabilize the banks against erosion and said flora shall be so selected as to be indigenous to the surrounding area;

5. In no event shall the term "water-producing depth" as herein used be construed to allow stagnant or standing water or collect or remain in the excavation;

6. The intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes;

C. Excavations not made to a water-producing depth shall be graded or back filled in the following manner:

1. Grading or back filling shall be made with nonnoxious, nonflammable, noncombustible solids;

2. The graded or back filled area shall not collect and permit stagnant water to remain therein;

3. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion;

4. Such graded or back filled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land areas immediately surrounding if less than four inches;

5. Such topsoil as required by paragraph 4 above shall be planted with trees, shrubs, legumes or grasses and said flora shall be so selected as to be indigenous to the surrounding area;

6. Excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the county engineer shall be constructed or installed if natural drainage is not possible;

D. In the instances where mineral or raw material resources are to be mined by open pit bench or quarry methods, reclamation shall be performed in the following manner:

1. The slope between successive benches shall not, in unconsolidated areas, be steeper than one and one-half feet horizontal to one foot vertical, and shall be treated as to sodding or surfacing and planting as those banks described in subsections C 4 and C 5; provided, that

where a consolidated material prevails between benches, no prescribed angle of slope will apply and no attempt need be made to resurface or plant over the consolidated material.

2. Waste or spoil piles shall either be leveled and area treated as to sodding or surfacing and planting as required in subsections C 4 and C 5 or returned to the excavations in accordance with good mining practice prior to sodding or surfacing and planting as specified in subsections C 4 and C 5.

3. Excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the county engineer shall be constructed or installed if natural drainage is not possible.

E. In the instances where down-dip strip mining is effected, reclamation shall be performed in the following manner:

1. The sides of the strip pit shall have no prescribed angle of slope except where such slope creates a hazardous condition, and in such case the pit sides shall be graded or the pit backfilled to establish a slope no steeper than one foot vertical to one foot horizontal. Where the slope permits, such area shall be sodded or surfaced and planted as specified in subsections C 4 and C 5. Waste or spoil piles shall either be leveled and the area treated as to sodding or surfacing and planting as specified in subsections C 4 and C 5 or returned to the strip pit in accordance with good mining practice prior to sodding or surfacing and planting as specified in subsections C 4 and C 5.

2. Strip pit operations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the county engineer shall be constructed or installed if natural drainage is not possible.

F. Placer mining operations shall be reclaimed in conformance with subsection C 3 only.

G. Underground mining operations shall not be left in a condition so as to be or become hazardous. Mine shafts, air courses, inclines, or horizontal workings temporarily unused or deserted shall be blocked by solid bulkheads constructed of concrete, wood or steel. A locked manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or horizontal workings are to be permanently abandoned in accordance with good mining practice, the collar or portal to such workings shall be completely blocked by permanent bulkheads constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or portal in such manner as to permanently fill the openings with rock of sufficient size to prohibit the reopening of the workings by natural movement of the collapsed rock by gravity down inclined workings. (Res. 25789 § 2103, 1963).

21.42.130 Lot area. The minimum required lot area of a Q-M zone shall be ten acres. (Ord. 8642 § 5, 1988; Res. 25789 § 2104, 1963).

21.42.140 Permitted height. No maximum height is imposed; provided any portion of a building or structure exceeding forty-five feet in height shall be set back from each property line one foot additional for each foot in height such building exceeds forty-five feet. (Res. 25789 § 2105, 1963).

21.42.150 Maximum floor area. The maximum floor area to be contained in all buildings in a Q-M zone shall not exceed the total area of the Q-M classified property. (Res. 25789 § 2106, 1963).

21.42.160 Required open spaces. In a Q-M zone no building or structure shall be located closer than twenty feet to property lines other than R or S zoned property or to a public right-of-way. (Res. 25789 § 2107, 1963).

21.42.170 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.43
AOU AIRPORT OPEN USE CLASSIFICATION

Sections:

21.43.010 Purpose.
21.43.020 Permitted uses.
21.43.030 Conditional uses.
21.43.040 Limitations on uses.
21.43.050 Lot area.
21.43.060 Permissible lot coverage.
21.43.120 Lot based standards.

21.43.010 Purpose. The principal purpose to be served by the airport open use (AOU) classification and its application is to permit economic uses and development of areas affected by major airports which are compatible with neighboring residential areas, designated open space areas, and airport clear zone requirements. (Ord. 3148 § 1, 1977).

21.43.020 Permitted uses. In the AOU zone, the following uses are permitted as specifically provided in this section, and allowed by this chapter, subject to the off-street parking requirements and the general provisions and exceptions set forth in this title beginning with Chapter 21.46:

A. Accessory buildings and uses customarily incidental to any of the uses permitted or conditionally permitted in this chapter, except dwelling units, when located on the same site as the principal use;

B. Signs; provided that:

1. No freestanding sign shall exceed fifty square feet per face, not to exceed two faces per sign.

2. Any sign shall be used exclusively to advertise a business conducted, services rendered, goods produced or sold upon the premises, or any other lawful activity conducted upon such premises, or to identify permitted uses.

3. One sign per permitted use shall be allowed when mounted flush with a permitted building, not above the roof line. Such signs shall not exceed fifty square feet.

4. Any lighted sign shall be stationary and nonflashing. Lights shall be directed groundward and shall not be arranged in a pattern which could be construed to resemble air traffic control lights.

5. No sign shall be located closer than twenty feet to any property line not abutting street.

6. No sign height shall exceed fifteen feet above grade level.

C. Public parks;

D. Agriculture crops and open field growing, including fiber crops, sod, grains, fruit and vegetable farming;

E. Horticultural nurseries and greenhouses for propagation and culture;

F. Forest nurseries;

G. Botanical gardens and arboretums;

H. Pasture and grazing; provided that:

1. Horses or livestock shall not exceed one per half acre.

2. There shall be erected and maintained a fence not less than five feet nor more than six feet in height, enclosing pasture or grazing areas.

3. Any pen or structure used to confine or feed livestock shall not be located closer than one hundred fifty feet to any boundary property line.

4. Any open-air storage of hay, straw, shavings or similar organic materials shall maintain a distance of not less than seventy-five feet from any boundary property line.

I. Cemeteries, provided that:

1. Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each five (5) seats in the chapel or nave;

2. All uses must be shielded from abutting properties and highways by Type 1 Landscaping screen as defined in K.C.C. 21.51.040. The landscaping screen shall have a minimum depth of 20 feet;

3. No structure shall be located closer than one hundred feet (100) feet from the external boundaries of the property. (Ord. 7903 § 1, 1987: Ord. 3148 § 2, 1977).

21.43.030 Conditional uses. A. On an AOU classified property which abuts or is separated by a public road from any R or S classified property, the following uses only are permitted, subject to the issuance of a conditional use permit as provided in this chapter, and subject to the off-street parking requirements and the general provisions and exceptions set forth in this title beginning with Chapter 21.46. If the AOU classified property does not abut R or S classified property, the uses set forth in this section shall be deemed permitted uses.

1. Commercial recreation, outdoor, including miniature golf, golf driving ranges, golf courses, pitch and putt courses, outdoor tennis courts, fishing ponds and riding stables and academies;

2. Public utility facilities, such as telephone exchanges, sewerage or water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for the distribution of services including business offices, warehousing, storage buildings or yards, or service yards;

3. Outdoor storage of equipment, automobiles, machinery and building materials; provided, that such areas abutting an S or R zone shall have a wall or sight-obscuring fence at least six feet high; and further provided that on-site commodity sales shall be prohibited;

4. Fire and police stations;

5. Warehousing;

6. Retail sales of agricultural and horticultural products grown on the premises. (Ord. 7903 § 2, 1987: Ord. 3148 § 3, 1977).

21.43.040 Limitations on uses. Every use permitted or conditionally permitted shall be subject to the following conditions and limitations.

A. No building or structure shall be located closer than twenty-five feet to any street property line or R or S property line.

B. A twenty-five-foot strip adjacent to such property line shall be appropriately landscaped and maintained. Parking areas may not be located within this landscaped area. This requirement does not apply to pasture and grazing, and agricultural crop uses.

C. Wherever a building site in an AOU zone has a common property line with R classified property or S classified property, on such common property line there shall be a twenty-five-foot setback and there shall be installed

and maintained a planting screen not less than twenty feet in width, and in such planting strip there shall be evergreen broadleaf or coniferous trees with such maturity and spacing as to form an effective visual barrier within two years. The trees shall cover the full depth of the required planting area and shall be planted with a minimum tree height of six feet. Said planting screen shall be planted according to accepted practice in good soil, irrigated as necessary and maintained in good condition at all times. Planting screens required in this section shall be planted as a yard improvement at or before the time of completion of the first building, or within a reasonable time thereafter, giving due consideration to planting conditions and additional improvements on each affected lot in the AOU zone, and shall be installed and maintained at the expense of the owner or lessee of such lot.

D. A cash performance bond may be required to assure installation and maintenance of landscaping required by this chapter.

E. There shall not be dumped, placed or allowed to remain on any property in an AOU zone any refuse, trash, rubbish, wrecked vehicles, building materials, or equipment, or other waste material outside of a permanent building, except in nonflammable, covered or enclosed containers.

F. No building or structure shall exceed thirty feet in height.

G. No electronic signals or smoke-producing uses which interfere with air traffic operations shall be permitted. (Ord. 3148 § 4, 1977).

21.43.050 Lot area. In an AOU zone, no new lot shall be permitted to be smaller than one acre. All uses permitted in the AOU classification shall be permitted on smaller lots when those lots are created before the subject property was classified AOU. (Ord. 3148 § 5, 1977).

21.43.060 Permissible lot coverage. The maximum ratio of buildings to land shall be one unit of ground coverage by building to five units of total land. For the purpose of interpreting this section, paved and gravelled areas shall not constitute ground coverage. (Ord. 3148 § 6, 1977).

21.43.120 Lot based standards. Lot based standards, including but not limited to, landscaping, signage and setback requirements may be applied to the entire site rather than to an individual lot within a site when approved by a valid Commercial Site Development Permit or a Binding Site Plan. (Ord. 11016 § 20, 1993).

Chapter 21.44
UNCLASSIFIED USES

Sections:

21.44.010 Purpose.
21.44.020 Unclassified use permits required.
21.44.030 Uses requiring conditional use permit.
21.44.040 Yard requirements.
21.44.050 Permitted height - Floor area - Area coverage.
21.44.060 Off-street parking and loading area requirements.

21.44.010 Purpose. All of the following uses described in this chapter, and all matters directly related thereto, are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various classifications herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a use permit. The purpose of a review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this title shall be served. Factors to be considered are as set forth in Section 21.46.050. (Res. 25789 § 2200, 1963).

21.44.020 Unclassified use permits required. Unless otherwise provided in this title, the following uses may locate only after the issuance of an unclassified use permit processed as provided in Chapter 21.60:

A. Airports and landing fields and heliports;

B. Correctional institutions;

C. Dumps, public or private, and commercial incinerators;

D. Hydroelectric generating plants;

E. Jail farms or honor farms, publicly-owned and used for rehabilitation of prisoners;

F. Quarrying and mining, including borrow pits to a depth of over three feet, the removal and processing of sand, gravel, rock, peat, black soil, other natural deposits and oil and gas exploratory drilling, together with necessary buildings, apparatus or appurtenances incident thereto, as well as the processing, for the purposes of recycling or composting, of organic matter limited to the receiving and processing of lawn clippings, leaves, branches, limbs, stumps, scrap lumber, and salvaged wood which has not been chemically treated and other acceptable organic materials necessary for conversion into marketable recycling/composted products, subject to the following exceptions and conditions:

1. Except for oil and gas exploratory drilling, no unclassified use permit is required for exploration of such materials in any zone,

2. No unclassified use permit is required for uses authorized by issuing temporary permits under the grading ordinance, Section 16.82.050B of this code,

3. All operations shall be subject to the limitations on permitted uses in the Q-M classification, Sections 21.42.020 through 21.42.030 and land rehabilitation provisions, Section 21.42.120,

4. In conjunction with quarrying and mining operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by the council. When the natural deposit has been depleted or the excavation is completed as prescribed by the permit, all allied operations shall terminate and all equipment and structures shall be removed. No such allied uses shall be permitted unless at least one of the major mineral constituents being processed is from the area covered by the permit,

5. Time limits may be imposed, at which time such operations shall terminate,

6. A bond shall be filed prior to the issuance of a grading permit guaranteeing to the county compliance with the provisions of this title in an amount determined by the director of the building and land development division but in no case less than one thousand dollar cash bond. The bond shall be continuously maintained until the requirements of the permit have been satisfied;

7. The processing of organic matter as permitted by this section, shall occur only in conjunction with an active quarrying or mining operation where the quarrying or mining is the primary use of the site. In no case shall the material-hauling traffic generated by the organic matter-processing operation exceed twenty-five percent of the total material-hauling traffic to and from the site. When the natural deposit has been depleted or the excavation is completed as prescribed by the permit, the organic matter-processing operation shall terminate and all equipment and structures shall be removed.

G. Booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto of public utilities or utilities operated by mutual agencies. These uses are excluded from the R-S zones and are permitted in the M-L, M-P and M-H zones without an unclassified use permit. Distribution mains are permitted in any zone without an unclassified use permit;

H. Public utility power-generating plants;

I. Refuse disposal sites, provided sanitary fill method is used;

J. Sewage treatment plants;

K. Sanitary fills - reclamation for public purpose by public agency;

L. Transfer stations (refuse and garbage) when operated by a public agency.

M. Public agency training facilities, including but not limited to academies for police or fire fighters, national guard training facilities, and vocational schools.

N. Transit park and ride lot, when operated by a public transit authority and when located in any R, S or G zone, provided:

1. The site has direct vehicular access to a designated arterial improved to King County standards.

2. Additional landscaping, screening, noise mitigation, access controls, signing restrictions, or conditions may be required to adequately accommodate pedestrians and bicyclists and ensure the compatibility of the transit park and ride lot with surrounding development.

O. Transit or school bus operating base, when operated by a public transit authority or a public school district and when located in a zone other than M-H zone, provided:

1. The site is of a minimum area of five acres;

2. The site has functional vehicular access to at least a designated major or secondary arterial improved to King County standards;

3. A protective fence or berm shall be installed on all property lines when adjacent to a residential zone.

4. All structures and buildings shall have a setback of fifty feet from any property lines where the adjoining property is vacant residential land or is developed with residential uses and shall meet the setback requirements of the applicable zone in all other cases.

5. Landscaping shall be provided in the setback area. Landscaping shall consist of a mix of predominantly evergreen trees including living trees, shrubs and ground plantings. Evergreen trees shall be a minimum height of four feet at the time of planting. Plantings shall be chosen and spaced so as to grow together within three years sufficient to obscure sight through the barrier;

6. Noise attenuating berms, walls or other structures may be provided in the setback area. The noise standards in Title 12 shall be considered to be minimum standards and shall be applied in determining appropriate noise mitigation methods.

7. Additional design, landscaping, screening, noise mitigation, access controls, site restrictions or other conditions beyond those established by county code or regulation and consistent with the State Environmental Policy Act may be required in order to adequately ensure the compatibility of the base with surrounding development.

P. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190. (Ord. 10338, 1992: Ord 10021 § 49, 1991: Ord. 9649, 1990: Ord. 7712 § 1, 1986: Ord. 6207 § 2, 1982: Ord. 5423 § 1, 1981: Ord. 1730 § 1, 1973).

21.44.030* Uses requiring conditional use permit. The following uses may locate subject to the issuance of a conditional use permit processed as provided in Chapter 21.58.

A. Cemeteries, provided:

1. No building shall be located closer than one hundred feet from any boundary line,

2. A protective fence and a landscaped strip of evergreen trees and shrubs at least ten feet in width shall be installed on all common boundary lines with R or S zoned property;

B. Columbariums, crematories and mausoleums, provided these uses are specifically excluded from all R zones unless inside a cemetery;

C. Commercial establishments or enterprises involving large assemblages of people or automobiles as follows, provided these uses are specifically excluded from all R, S-E and F-R zones:

*See also §§ 21.08.060, 21.08.062, 21.12.020(G), 21.16.020(O), 21.17.020(E), 21.20.020(C), 21.22.030(F), 21.22.030(I), 21.26.020(G), 21.30.020(A), 21.36.030, 21.43.030.

1. Amusement parks,
2. Boxing and wrestling arenas,
3. Ball parks,
4. Fairgrounds and rodeos,
5. Golf driving ranges,
6. Labor camps (transient),
7. Drive-in theater; provided, that no adult theater shall be operated within five hundred feet of an R or S zone or at a drive-in theater as defined in King County Code 21.04.310 whose screen may be viewed from a public right-of-way or an R or S zone,
8. Race tracks, drag strips, motorcycle hills and Go-Kart tracks,
9. Stadiums;
10. Auction facilities;

D. Educational institutions not otherwise permitted;

E. Fire stations, including spaces for municipal offices and utility district offices, when located in any R, S, G, or A zone, provided the following conditions are conformed to:

1. All buildings and structures shall maintain a distance of not less than twenty feet from any property line that is a common property line with R-zoned property,
2. Any building from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street,
3. Open storage shall be prohibited,
4. Overnight parking and maintenance of municipal or utility vehicles shall be within an enclosed structure which is compatible in size and design with the surrounding area;

F. Hospitals, mental and alcoholic, provided they are specifically excluded from all RS, RD, RM-2400, RM-1800 and S zones;

G. Institutions for training of religious orders;

H. Kennels, provided that the minimum site area is five acres and that the buildings housing such use and animal runs shall not be closer than one hundred fifty feet to any boundary property line of the premises and that they are specifically excluded from all R zones. The zoning adjustor may require such additional setback, fencing, screening or soundproofing requirements as it deems necessary to ensure the compatibility of the kennel with surrounding development;

I. Communication facility, subject to K.C.C. 21.80.020 - 21.80.190.

J. Recreational areas, commercial, including yacht clubs, beach clubs, tennis clubs, parks, ski areas, marinas and similar activities;

K. Universities and colleges, including dormitories and fraternity and sorority houses when on campus;

L. Commercial establishments or enterprises involving open recreational uses of land as follows, provided these uses are specifically excluded from all R and S zones:

1. Campgrounds,

2. Camps, such as boy scout, girl scout, church, YWCA, YMCA, and similar types,

3. Recreational camps and resorts,

4. Outdoor stage theaters,

5. Recreational vehicle parks as provided in Chapter 21.09;

M. Hunting and fishing camps, gun clubs and rifle, pistol, and archery ranges, provided these uses are specifically excluded from all R and S zones, and provided further, the following conditions are conformed to:

1. All new outdoor structures shall be located at such a distance from adjoining property lines as will protect abutting property from hazard, excessive sound or dust; provided, that a minimum distance of fifty feet shall be maintained,

2. Firing ranges shall be designed so as to prevent stray or ricocheting bullets, pellets, or arrows from leaving the range, or controlled safety zone,

3. Plans submitted with the application shall, at a minimum, show location of all buildings, parking areas and access points; safety features of the firing range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate location of buildings on adjoining properties.

4. In the CG, ML, MP, and MH zone, pistol, rifle and archery ranges shall be permitted only within enclosed structures,

5. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

a. installing ventilation systems which provide sufficient clean air in the user's breathing zone, and

b. adopting appropriate procedures and policies which monitor and control exposure time to airborne lead for individual users.

6. Prior to operation a shooting range license shall be issued by King County licensing and regulatory services division. All ranges shall be subject to the licensing provisions of K.C.C. Title 6.

N. Utility district offices. These uses are subject to the following exceptions and conditions:

1. Setbacks adequate to protect adjacent properties in the form of landscaped screening areas shall be required, provided that all buildings and structures shall maintain a distance of not less than twenty feet from any property line that is a common property line with an R or S zoned property,

2. Open storage shall be prohibited unless it can be demonstrated to the satisfaction of the zoning adjustor that screening or other visual designs can be effected which will be compatible with the surrounding area,

3. Overnight parking and maintenance of municipal or utility vehicles shall be within an enclosed structure,

4. All buildings and structures shall be compatible in size and design with surrounding area.

O. Commercial and/or multifamily residential use of buildings listed on the National Register as an historic site or designated as a King County landmark located in an R, S, G or A zone, provided:

1. Gross floor area of the building additions or new buildings required for the conversion shall not exceed twenty percent of the gross floor area of the historic or landmark buildings,

2. Conversions to multifamily use in the RS, RD, S, G and A zones shall not exceed one dwelling unit for each three thousand six hundred square feet of lot area,

3. Any construction required for conversion which affects significant features of the property protected pursuant to Ordinance 4828 and K.C.C. 20.62 shall require certification of appropriateness from the King County Landmark Commission.

P. Cottage Industries, only in the following zones: G-5, G, A, S-E, S-C, GR-5, and GR-2.5, provided the following conditions are conformed to:

1. The site shall have a minimum area of thirty-five thousand square feet and meet the lot size requirements of the applicable zone;

2. The cottage industry shall be incidental to the use of the property for dwelling purposes and shall be less than fifty percent of the living area of the dwelling. This fifty percent square footage limitation includes outdoor assembly and storage areas but not required parking areas;

3. The following uses shall not be allowed:

a. Any activity which might result in excessive noise, smoke, dust, odors, heat or glare beyond that which is common to a residential area. The proposed use shall conform to the maximum permissible sound levels under K.C.C. Chapter 12.88. The zoning adjustor may require an applicant to provide sound level tests demonstrating such conformance.

b. Use or manufacture of products or operations which are dangerous in terms of risk of fire, explosion, or hazardous emissions.

c. Any other use deemed incompatible with a residential and/or agricultural area, subject to the review of the zoning adjustor;

4. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and county roads;

5. Increased setbacks or additional screening may be established by the zoning adjustor to ensure that any proposed structure is compatible with the surrounding residential or agricultural area;

6. Required zoning setbacks may be increased subject to the review of the zoning adjustor for any activity which could potentially detract from a residential area but which is not deemed incompatible with the neighborhood. Such activities include but are not limited to: employee parking areas, loading zones, outdoor storage, and outdoor work areas;

7. Any display or sign shall be subject to the review of the zoning adjustor;

8. All sales shall be an incidental use;

9. The allowable size of equipment used by the cottage industry shall be subject to the review of the zoning adjustor.

Q. Bed and breakfast guesthouse, provided:

1. The bed and breakfast guesthouse operation shall be located only on the premises of the permanent residence of the operator(s).

2. The guesthouse operation shall be compatible with the residential character of the neighborhood.

3. Signs shall be limited to one single-faced or double-faced identification sign not to exceed six square feet in area in G, SE, GR, G-5, and A zones nor two square feet in area in any other zone. Signs shall not be allowed within required setbacks except when located in G, SE, GR, G-5, and A zones.

4. One off-street parking space shall be provided for each guestroom plus the required off-street parking spaces for the dwelling. This parking area shall not be located within any required yard. Landscaping may be required to screen parking areas from the view of adjacent properties and from public roads.

5. Serving meals to paying guests shall be limited to breakfast.

6. The wastewater disposal facility and the domestic water supply serving the guesthouse shall be subject to the approval of the Seattle-King County health department.

7. The number of persons accommodated per night shall not exceed five except that a structure which satisfies the standards of the Uniform Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

8. A change of use permit must be obtained from the department of development and environmental services.

R. Specialized instruction schools, provided they are excluded from the A, A10 and A35, F and FR zones where appropriate non-resource uses are set forth. Since the conditional use process is used to ensure the compatibility of this use with the surrounding neighborhood, specialized instruction schools are subject to the following provisions which the zoning adjustor may waive or modify when circumstances warrant:

1. Any building or structure on the site used for a school or its accessory use shall maintain a distance not less than twenty-five feet from any property line.

2. Non-residential parking excluding driveways shall be limited to a maximum of 2.5 percent of the site.

3. Parking, beyond that required for residential uses on the site, shall be provided as follows:

a. One space for each instructor and employee,

b. One space for every two students and/or spectators in attendance during an instructional session.

4. Landscaping shall be consistent with the requirements of K.C.C. 21.51.030E, except that when the parcel is greater than 35,000 square feet the requirements shall apply to that portion of the lot in which the school and any accessory uses are located rather than the perimeter of the site.

5. Signs shall be limited to one unlighted double-faced sign not exceeding six square feet of area per face pertaining only to the instructional and sales activities of the property upon which displayed.

6. Retail sales shall be allowed as an accessory use to a specialized instruction school provided:

a. The site has a minimum lot size of 2.5 acres.

b. Sales shall be limited to items related to the instructional courses.

c. Total floor area for retail sales shall be limited to two thousand square feet.

d. Additional parking for retail uses shall be provided as required in 21.50.040A.

7. Sale of prepared food shall be allowed as an accessory use to a specialized instruction school provided:

a. The site has minimum lot size of 2.5 acres.

b. This use is contained in the same structure as the school.

c. Floor area for this use shall be limited to one thousand square feet.

d. Additional parking shall be provided as required in 21.50.040A for commercial uses.

S. Wineries provided they are excluded from all R and S zones and the A, A-10, A-35, F, and QM zones, and further provided that:

1. All developed uses are located on a parcel or parcels of sufficient size to screen and buffer the on-site activities to be compatible with adjoining properties, and

2. The site shall have access sufficient so the traffic will not unduly impact surrounding residences.

3. Any public concert which is subject to the provisions of K.C.C. 6.52, must obtain the necessary permits as provided in that chapter. (Ord 11177 § 1, 1993: Ord. 10021 § 50, 1991: Ord. 8167 § 2, 1987: Ord. 8017 § 10, 1987: Ord. 6641, 1984: Ord. 6458 § 3, 1983: Ord. 5527 § 2, 1981: Ord. 5494 § 2, 1981: Ord. 5422 § 2, 1981: Ord. 5394 § 1, 1981: Ord. 5317 § 14, 1981: Ord. 4786 § 2, 1980: Ord. 2986 § 4, 1976: Ord. 1789 §§ 2, 3, 1973: Ord. 1617 § 2, 1973: Ord. 1389 § 1, 1972: Res. 33159, 1967: Res. 25789 § 2202, 1963).

21.44.040 Yard requirements. The requirements for front and side yards and open spaces applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additions are made with respect thereto. (Res. 25789 § 2203, 1963).

21.44.050 Permitted height - Floor area - Area coverage. The provisions applying to height, floor area and lot area coverage applicable to the particular zone in which any such use is proposed to be located shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additional limitations are made with respect thereto. (Res. 25789 § 2204, 1963).

21.44.060 Off-street parking and loading area requirements. The requirements for provision of off-street parking and loading areas applicable to the particular use shall prevail, unless in the findings and conditions recited in the action dealing with each such matter, specific additional requirements are made with respect thereto. (Res. 25789 § 2205, 1963).

Chapter 21.46
GENERAL USE PROVISIONS, CONDITIONS AND EXCEPTIONS

Sections:

21.46.010 Regulations subject to chapter.
21.46.020 Limitations on land use.
21.46.030 Individual lot or building site is unit of application.
21.46.040 If only one building on a lot or building site, it constitutes a main building.
21.46.050 Classification of unlisted uses and clarification of ambiguity.
21.46.060 Potential zones.
21.46.070 Reclassification of potentially zoned areas.
21.46.080 Official signs and notices not restricted.
21.46.090 Temporary construction buildings.
21.46.100 Temporary construction signs.
21.46.110 Temporary real estate office.
21.46.120 Temporary real estate signs.
21.46.130 Temporary use of trailer as residence.
21.46.140 Public utilities.
21.46.150 Site plan approval - Area designation symbol.
21.46.160 Site plan approval - Denial when - Bonds required when.
21.46.170 Site plan approval - Purpose.
21.46.180 Site plan approval - Appeals from decision.
21.46.190 Site plan approval - Plan conformance required.
21.46.200 Site plan approval - Plan contents.

21.46.010 Regulations subject to chapter. The foregoing regulations of this title pertaining to the several classifications shall be subject to the general provisions, conditions, exceptions and development and improvement standards contained in this chapter and title, and other general provisions and applicable standards contained in other titles, including but not limited to health and sanitation, water and sewer systems, roads and bridges, building and construction standards, fire code, enforcement, shoreline management, and agriculture and open space land. (Ord. 7544 § 2, 1986: Res. 25789 § 2300, 1963).

21.46.020 Limitations on land use. Except as provided in this chapter and Chapters 21.48, 21.50, 21.52 and 21.56, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the zone in which such building or land is located. (Res. 25789 § 2301, 1963).

21.46.030 Individual lot or building site is unit of application. Unless otherwise specifically stated in this title, an individual lot or building site as each is defined herein is intended to be the unit to which all of the provisions, requirements, permitted uses, yards and open spaces apply. (Res. 25789 § 2302, 1963).

21.46.040 If only one building on a lot or building site, it constitutes a main building. Any building which is the only building on a lot or building site is a main building unless otherwise authorized by variance. No accessory building or use is allowed on a lot or building site unless the primary use to which it is accessory exists on the same lot or building site. (Res. 25789 § 2303, 1963).

21.46.050 Classification of unlisted uses and clarification of ambiguity. In creating use classifications, the board has considered the characteristics of uses which make them comparable, compatible or similar. The council recognizes that it is not possible to enumerate and classify every use to which land may be devoted, either now or in the future, and that ambiguity may exist with reference to the appropriate and consistent classification of a use. Therefore:

A. When any known and identifiable use is not listed as a permissible use in any classification; or

B. When any use has now come into existence by reason of any technical development in the trades, sciences and equipment; or

C. When any use already listed in the classification which, because of any process, equipment or materials used, possesses different performance standards than those which are usually associated with the uses in the classification as presently classified and which, therefore, makes it reasonable that such a use should be placed in the more restrictive classification, it shall be the responsibility and duty of the planning department to ascertain all pertinent facts relating to any such use and make what it deems to be the appropriate recommendation for classification. Any proceedings under this section shall be processed as an amendment. (Res. 24789 § 2304, 1963).

21.46.060 Potential zones. Areas shown upon the zoning map enclosed within a heavy dashed line indicate approximate locations considered to be potentially suitable for uses permitted in the classification indicated by the symbol enclosed within a circle therein and provided such areas are initially designed or redesigned for such uses. The uncircumscribed symbols shown within such areas on the zoning map represent the classification of such properties until they are processed as set forth herein.

The designation of a potential zone is based upon a recognition of the impracticability of precisely zoning such property for the indicated future types of use until such lands are designed and planned for such use in detail so as to establish location and dimensions of any parking areas, building sites and similar features pertinent to zoning and possible location, dimensions and alignment of streets, alleys and other public facilities.

Such potential zones shall be shown on and be a part of the zoning map and may be adopted or amended in the manner prescribed for amendments. (Ord. 2577 § 1, 1975: Res. 25789 § 2305, 1963).

21.46.070 Reclassification of potentially zoned areas. The owner of an area defined on the zoning map as potentially zoned may initiate a change to the classification indicated by filing an application for an amendment in the manner prescribed in Chapter 21.56.

Hearings for the reclassification and planned unit development of the property shall be separately noted in the public notice, but may be held concurrently, and action on each shall be taken separately. (Ord. 2577 § 2, 1975: Res. 25789 § 2306, 1963).

21.46.080 Official signs and notices not restricted. Notwithstanding any other provisions of this title regulating the size, type and location of signs, the following signs are permitted to locate in any zone:

Signs used exclusively for:

A. Display of official notices used by any court, public body or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice;

B. Official directional, warning or informational purposes of a public or semipublic nature established and maintained by an official body. (Res. 25789 § 2307, 1963).

21.46.090 Temporary construction buildings. Temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with construction projects may be established and maintained during the progress of such construction on such projects, and shall be abated within thirty days after completion of the project, or thirty days after cessation of work. (Res. 25789 § 2308, 1963).

21.46.100 Temporary construction signs. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress and shall be abated within thirty days after completion of the project or thirty days after cessation of work. (Res. 25789 § 2309, 1963).

21.46.110 Temporary real estate office. One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the initial selling of property within the subdivision upon which the office is located. (Res. 25789 § 2310, 1963).

21.46.120 Temporary real estate signs. Two temporary real estate signs or billboards pertaining to the advertising of the intitial sale of property within the subdivision not to exceed fifty square feet in area per face, or one sign or billboard not to exceed an area of one hundred fifty square feet of face may be located on any new subdivision in any zone.

Temporary unlighted directional signs for new subdivisions when used for

identification and directional information only and limited to not more than thirty-two square feet in area per face may be located not more than five hundred feet from the junction of major or secondary arterials, expressways or freeway interchanges, provided that no two signs for any one subdivision shall be located closer than within five hundred feet of one another on the same street.

Building permits are required for these signs, the permit number and date issued shall appear on the face of the sign in letters or numbers not less than one inch in height. (Res. 33159 (part), 1967: Res. 25789 § 2311, 1963).

21.46.130 Temporary use of trailer as residence. After a building permit has been issued and a residence is in the process of being constructed, a trailer as defined herein may be located upon a site for the temporary use by the owner of such property as a residence for a period of six months, provided such trailer remains mobile and provided further that a permit is obtained from the building department to insure compliance with this code as to yards and to local health department requirements. In cases where substantial progress is shown on the construction of the residence and additional time is needed to complete the work, a permit may be renewed for one additional six-month period. Upon the expiration of the permit, the use of the trailer as a residence shall be discontinued. (Res. 25789 § 2312, 1963).

21.46.140 Public utilities. The provisions of this title shall not be construed to limit or interfere with the installation, maintenance and operation of streets, public utility pipe lines, electric or telephone transmission and distribution lines, poles, towers, and appurtenances or railroads (but not including switching yards or round houses) when located within the rights-of-way, easements, franchises, ownerships or license rights of such public utilities.

The minimum lot area and frontage provisions of this title shall not apply to public utility sites; the area and frontage need only be such as will accommodate the facilities in compliance with all other requirements herein. (Res. 25789 § 2313, 1963).

21.46.150 Site plan approval - Area designation symbol. Areas shown upon the zoning map with a use classification followed by the letter "P" indicate the area to be conditionally suitable for a use as indicated by the classification, provided such areas are designed and developed in accordance with guidelines, performance standards, permitted uses, or other requirements contained in the reclassification, area zoning, or the stated purpose of the classification.

Areas which are subject to site plan approval shall be shown on the zoning map by adding the symbol "P" after the use classification and may be adopted or amended in the manner prescribed for amendments. (Ord. 2744 § 1, 1976: Ord. 2423 § 2, 1975).

21.46.160 Site plan approval - Denial when - Bonds required when. The director of the Division of Land Use Management may approve site plans upon proper application. The director may deny an application if the site plan or characteristics of the intended use do not satisfy the criteria as determined during an area zoning, request for reclassification procedure or the stated purpose of the classification. The director may require performance bonds or other appropriate means to insure development will take place according to the approved plan. Building and other development permits shall be issued only in

compliance with the approved site plan. (Ord. 2423 § 3, 1975).

21.46.170 Site plan approval - Purpose. The requirement for site plan approval is based upon a recognition that development on the designated property may require special conditions to protect the public interest, such as dedication of right-of-way, street improvements, screening between land uses, signing controls, height regulations, permitted uses, performance standards, or other requirements or limitations to assure its compatibility with adjacent land uses as well as the community. (Ord. 2744 § 2, 1976: Ord. 2423 § 4, 1975).

21.46.180 Site plan approval - Appeals from decision. Any person aggrieved by the decision of the department regarding site plan approvals may appeal that decision to the zoning and subdivision examiner pursuant to Chapter 20.24. (Ord. 4462 § 12, 1979).

21.46.190 Site plan approval - Plan conformance required. No site plan shall be accepted for review unless it complies with the requirements stipulated in Sections 21.46.150 through 21.46.200 and such application requirments as may be prescribed by the director of Land Use Management. All conditions stipulated as a result of an area zoning process or zone reclassification shall be reflected and/or included in the site plan submittal. (Ord. 2423 § 6, 1975).

21.46.200 Site plan approval - Plan contents. The site plan shall be accurately drawn using a convenient engineering scale, showing the boundaries of the site; names and dimensions of all streets touching the site; the proposed location and dimensions of all buildings; existing and proposed topography; and shall include the following:

A. A landscape plan showing:

1. Significant existing vegetation,

2. Proposed landscaping including size and species at time of planting together with the existing vegetation to be retained, and

3. Details of any proposed fencing or screening. A wall or view-obscuring fence shall be provided around areas used for outside storage of materials, supplies, products and containers permitted within the buildable area of the property;

B. Drainage controls, driveway and parking surfaces, curbing and sidewalks;

C. Proposed or required dedication of right-of-way, widening of streets or improvements. Such dedications, widenings or improvements shall be processed as prescribed by law prior to the issuance of any building permit;

D. Signing designed in an aesthetically pleasing manner so as to be architecturally integrated with the size of the development and the surrounding environment.

E. A written explanation of consistency with required performance standards, permitted uses, or with other requirments or limitations which cannot be readily set forth in plan or map form. (Ord. 2744 § 3, 1976: Ord. 2423 § 7, 1975).

Chapter 21.48
GENERAL PROVISIONS-
HEIGHT, YARDS, AREA AND OPEN SPACES

Sections:

21.48.010 Regulations subject to chapter.
21.48.020 Height of buildings on through lots.
21.48.030 Height of structures and roof structures.
21.48.040 Height regulations around major airports.
21.48.050 Yards and open spaces.
21.48.060 Greater yard and open space requirements include minimum requirements.
21.48.070 Modification or adjustment of side yard requirements on consolidated lots or oversize building sites.
21.48.080 Yard requirements when more than one main building exists.
21.48.090 Method for determining modification of required front yard on steep lots.
21.48.100 Modification of required front yards where nonconformities exist.
21.48.110 Yard requirements for property abutting half-streets or streets designated by official control.
21.48.120 Measurement of front yards.
21.48.130 Vision clearance.
21.48.140 Permitted intrusions into required yards.
21.48.150 Location of swimming pools.
21.48.160 Location of wall, fence or hedge.
21.48.170 Required increase of side yard where multiple or row dwellings front upon a side yard.
21.48.180 Required increase of side yard where multiple or row dwellings dwellings rear upon a side yard.
21.48.190 Yard requirements on through lots.
21.48.200 Lot area not to be reduced.
21.48.210 Dividing an improved building site area prohibited.
21.48.220 Greater yards and open spaces not to be alienated.
21.48.230 Greater lot area may be required.
21.48.240 Substandard lot - Single.
21.48.250 Substandard lot - Two or more.
21.48.260 Use of lots or parcels containing more than minimum required lot area.
21.48.270 Flexible yard and lot dimension requirements in subdivisions and short subdivisions.

21.48.010 Regulations subject to chapter. The foregoing regulations of this title shall be subject to the general provisions, conditions and exceptions contained in this chapter. (Res. 25789 § 2400, 1963).

21.48.020 Height of buildings on through lots. On through lots divided by a zone boundary line, said line shall be considered a property boundary line for purposes of determining the permitted height on the building site. (Res. 25789 § 2401, 1963).

21.48.030 Height of structures and roof structures. Except as limited by Section 21.48.040 penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, church steeples and belfries, wireless mast, utility line towers and poles, and similar structures; silos, barns, windmills

and equipment used in harvesting agricultural and forest products may be erected above the height limits of this title; provided, however, no penthouses or roof structure, or any other space above the height limit prescribed for the zone in which the building or structure is located shall be allowed for the purpose of providing additional floor space. (Res. 35255 (part), 1968: Res. 25789 § 2402, 1963).

21.48.040 Height regulations around major airports. For the purpose of regulating heights within the vicinity of major airports, there are established and created certain height limitation zones which include all the land lying within the instrument approach zones, noninstrument approach zones, transition zones, horizontal zones and conical zones. Such areas may be shown and defined on an "Airport Height Map" which shall become a part of this ordinance by adoption of the council subject to the provisions of Chapters 21.60 and 21.62. No building or structure shall be erected, altered or maintained, nor shall any tree be allowed to grow to a height in excess of the height limit herein established in any of the several zones created by this section; provided, however, that this provision shall not prohibit the construction of or alteration of a building or sturcture to a height of thirty-five feet above the average finish grade of the lot.

Where an area is covered by more than one height limitation zone, the more restrictive limitations shall prevail.

Under the provisions of this section, the county adopts the two following airport height maps:

A. Airport Height Map: Seattle-Tacoma International Airport.

B. Airport Height Map: King County Airport (Boeing Field). (Res. 35255, 1968: Res. 25789 § 2402, 1, 1963).

21.48.050 Yards and open spaces. Except as may be otherwise provided in this title, every required yard and open space shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or open space on any lot or parcel shall be considered as providing a yard or open space on an adjoining lot or parcel whereon a building is to be erected. (Res. 25789 § 2403, 1963).

21.48.060 Greater yard and open space requirments include minimum requirements. Wherever in this title a particular use, or a building in connection with a particular use, is specifically required to maintain a distance from any boundary property line or other building or buildings on the site greater than the minimum standard required yard or open space set forth for the zone, such greater distance is intended to apply only to the particular building, buildings, or use involved and the standard required minimum yards and open spaces required for the zone (if any) shall be included as a part of the greater required distance or open space for the specified building, buildings or use. (Res. 25789 § 2404, 1963).

21.48.070 Modification or adjustment of side yard requirements on consolidated lots or oversize building sites. When the common property line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site and the yard spaces required by this title shall then not apply to such common property line. (Res. 25789 § 2405, 1963).

21.48.080 Yard requirements when more than one main building exists. Where two or more buildings are, by definition of this title, considered to be main buildings, then the front yard requirements shall apply only to the building closest to the lot front line. (Res. 25789 § 2406, 1963).

21.48.090 Method for determining modification of required front yard on steep lots. On any lot where the natural gradient or slopes, as measured from the lot front line along the centerline for the lot for a distance of sixty feet is in excess of thirty-five percent, then the required front yard may be reduced one foot for each one percent of gradient or slope in excess of thirty-five percent. (Res. 25789 § 2407, 1963).

21.48.100 Modification of required front yards where nonconformities exist. A. The depth of required front yards on unimproved lots may be modified when any of the following circumstances apply:

1. When the unimproved lot or lots are located between lots having nonconforming front yards;

2. When the unimproved lot or lots are located between a lot having a nonconforming front yard and a lot having a conforming front yard;

3. When the unimproved lot or lots are located between a lot having a nonconforming front yard and a vacant corner lot; and

4. Where a vacant corner lot or reverse corner lot adjoins a lot having a nonconforming front yard.

B. A nonconforming front yard shall be deemed to be an area between the lot front line and the portion of the main building closest to it, which area is less in depth than that defined by this title as constituting a required front yard. On a lot having a nonconforming front yard the degree of nonconformity to be credited in making the adjustment shall in no instance exceed sixty percent of the front yard depth required on the nonconforming lot, such percentage to be measured from the rear line of the required front lot, such percentage to be measured from the rear line of the required front yard on such lot toward the lot front line.

C. The rear line of the modified front yard on the unimproved lot or lots as referred to in the foregoing paragraph B shall be established in the following manner:

1. On lots having nonconforming front yards a point shall be established at the intersection of the line determining the depth of the lot with a line coincident with the front of the building causing the nonconforming condition;

2. On lots having conforming front yards or on a vacant corner lot, a point shall be established at the intersection of the line determining the depth of the lot with the rear line of the required front yard;

3. A straight line shall be drawn from such point of intersection on the lot with the nonconforming front yard across any intervening unimproved lot or lots to a point established on the next lot in either direction as set forth in paragraphs 2 and 3 above; and

4. The depth of the modified front yard on any lot traversed by the straight line defined in 3 above shall be established by the point where said straight line intersects the line constituting the depth of each such intervening lot.

D. When an unimproved corner lot or reverse corner lot adjoins a lot having a nonconforming front yard, the front yard on the corner lot or reverse corner lot may be the same as that on the adjoining lot, provided the

placement of the buildings does not interfere with the required vision clearance at the corner formed by the intersection of the streets. (Res. 25789 § 2408, 1963).

21.48.110 Yard requirements for property abutting half-streets or streets designated by official control. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the street were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width plus the width or depth of the yards required on the lot by this title, if any. This section applies to all zones.

Where an official control adopted pursuant to law includes plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of yards, where required by this title, shall be measured from the future street boundaries as determined by said official control. (Res. 25789 § 2409, 1963).

21.48.120 Measurement of front yards. Front yard requirements shall be measured from the property front line or the indicated edge of a street for which an official control exists, except as provided in Section 24.48.100. (Res. 25789 § 2410, 1963).

21.48.130 Vision clearance. A. All corner lots and reverse corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the lot front line and the side line separating the lot from the street, and the sides of the triangle forming the corner angle shall each be fifteen feet in length measured from the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points which are distant fifteen feet from the intersection of the lot front and side lines. Within the area comprising the triangle no tree, fence, shrub or other physical obstruction higher than forty-two inches above the established street grade shall be permitted.

B. On lots abutting fully developed urban streets, the manager may require modification or removal of structures or landscaping located in required front, rear or side yards, if such improvements prevent adequate driveway entering sight distance to roadways from an adjoining lot or lots, and if no reasonable driveway relocation alternative is feasible. (Ord. 8887, 1989: Res. 33880 (part), 1967: Res. 25789 § 2411, 1963).

21.48.140 Permitted intrusions into required yards. The following may project into required yards:

A. Fireplace structures, bay windows, garden windows, enclosed stair landings, closets, framed fireplace shafts or similar projections not wider than eight feet measured in the general direction of the wall of which it is a part - eighteen inches into any yard;

B. Uncovered porches and platforms which do not extend above the floor level of the first floor - eighteen inches into side yards and six feet into the front yard, provided they may extend three feet into the side yard when they do not exceed eighteen inches in height above the finished grade;

C. Planting boxes or masonry planters not exceeding forty-two inches in height in any required front yard;

D. Eaves shall not protrude more than eighteen inches into any minimum required yard. (Ord. 5972 § 1, 1982: Res. 33880 (part), 1967: Res. 25789 § 2412, 1963).

21.48.150 Location of swimming pools. In any zone, a swimming pool may not be located in any required front yard, nor closer than five feet to any property line or to any building on the same premises. (Res. 25789 § 2413, 1963).

21.48.160 Location of wall or fence. In any R, S and A zones a wall or fence is permitted under the following conditions:

A. Where a fence is located directly on the ground, the height of the fence shall be the vertical distance from the top board, rail or wire to the ground directly below the fence; where a masonry wall is used as a fence, the height shall be the vertical distance from the top surface of the wall to the ground on the high side of the wall;

B. In any zone a wall or fence not more than six feet in height may be located and maintained on any part of a lot; in any S or A zones, open mesh and wire fences not exceeding six feet in height may be located anywhere on the lot; provided where a lot rears upon an alley any such wall or fence along the lot rear line shall contain a gate affording access to the alley.

C. Where a retaining wall protecting a cut below the natural grade is located on the line separating lots or parcels, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed, and the top of the retaining wall shall be considered the bottom of the fence;

D. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a wall or fence and shall be measured from the ground on the low side, provided that in any event a protective fence not more than forty-two inches in height may be erected at the top of the retaining wall and any portion of such fence above the six foot maximum height shall be an open-work fence; an open-work fence means a fence in which the component solid portions are evenly distributed and constitute not more than fifty percent of the total surface area of the face of the fence;

E. Electric fences shall not be permitted in any R zone;

F. No fence shall be located in any public right-of-way;

G. Any fence exceeding a height of six feet, and any retaining wall exceeding a height of forty-eight inches shall require a building permit; the provisions and conditions of this section shall not apply to fences required by state law to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds. (Ord. 6069 § 1, 1982: Ord. 3292 § 1, 1977: Res. 25789 § 2424, 1963).

21.48.170 Required increase of side yard where multiple or row dwellings front upon a side yard. The minimum width of the side yard upon which multiple or row dwellings front shall be not less than ten feet. Open, unenclosed porches not extending above the floor level of the first floor may project a distance of not more than three feet into the side yard upon which such dwellings front. (Res. 25789 § 2415, 1963).

21.48.180 Required increase of side yard where multiple or row dwellings rear upon a side yard. Where multiple or row dwellings are arranged so that the rear of such dwellings abut upon a side yard, and such dwellings have openings onto such side yard used as secondary means of access to such dwellings, the required side yard to the rear of such dwellings shall be increased by one foot for each opening onto such side yard. (Res. 25789 § 2416, 1963).

21.48.190 Yard requirements on through lots. If a through lot is improved as one building site, the main building shall conform to the requirements of the zone of the frontage occupied by such main building, and in "R" and "S" zones no accessory building shall be located closer to either street than the distance constituting the required front yard on such street and required side yards shall extend the full depth of the lot.

If a through lot is divided by a zone boundary line, said line shall be considered a property boundary line for purposes of determining the required yards and open spaces. (Res. 25789 § 2417, 1963).

21.48.200 Lot area not to be reduced. The lot area of any lot recorded prior to the effective date of this title* shall not be so reduced or diminished that the area, width, yards or other open spaces shall be less than prescribed by this title* for the zone in which the property is located, nor shall the number of dwelling units be increased in any manner except in conformity with the regulations established by this title*. In multiple lot subdivisions recorded subsequent to the effective date of this title*, the minimum lot area requirement for each lot in the subdivision shall be deemed to have been conformed to if the average lot areas for all lots in the subdivision meet the minimum requirements set forth in the classification applying to the property. (Res. 25789 § 2418, 1963).

21.48.210 Dividing an improved building site area prohibited. When a single lot or parcel contains twice the minimum required lot area or more for the zone in which it is located, and the total area of the site has been used to compute the number of dwelling units to be located thereon, the building or buildings which contain dwelling unit shall be so located on the property as to cover, at least in part, any line that would represent a property line between two or more parcels that could result from an otherwise legal division of the original lot or parcel, and thereafter no property shall be alienated from the building site which would reduce the total required area of the site upon which the number of dwelling units located thereon was based. (Res. 25789 § 2419, 1963).

21.48.220 Greater yards and open spaces not to be alienated. Where a greater height of buildings has been accomplished by reason of providing increased yards or open spaces, no property may be alienated from the lot or building site which would reduce the yards or open spaces provided to compensate for the greater height of the building, nor which would reduce the total required minimum area of the site upon which area the permitted floor space contained in such building was based. (Res. 25789 § 2420, 1963).

21.48.230 Greater lot area may be required. Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a planned unit development as provided in this title. (Res. 25789 § 2421, 1963).

21.48.240 Substandard lot - Single. A. An owner of a single substandard lot may use such lot as follows:

1. A single-family residence may be located on a single substandard lot provided such use is permitted in the zone.

*[See Section 21.70.010.]

2. In two-family and multiple family zones, there may be one dwelling unit located on a single substandard lot for each unit of required minimum lot area per dwelling unit contained therein.

B. In every case, all other requirements of the zone shall be met except that:

1. Where a lot became substandard by a change from one residential classification to another, the yard requirements of the "RS" classification shall apply;

2. Where a lot became substandard by a change from a residential or forest and recreation zone to an agricultural or forest resource zone, the yard requirements of the previous classification shall apply. (Ord. 10457 § 1, 1992: Ord. 10339 § 1, 1992: Ord. 2735 § 2, 1976).

21.48.250 Substandard lot - Two or more. Two or more substandard lots under the same ownership as of the effective date of the ordinance codified in this title, which have common side lot lines and cannot individually satisfy the lot area and width requirements of the zone, shall only be used, divided, transferred, sold or ownership changed in combinations which produce building sites that satisfy the requirements of this section as follows:

A. A single family residence may be located on each single substandard lot: provided that in an F, AR or A zone, the lot contains at least twelve thousand five hundred square feet and is at least sixty feet in width. Lots of less than twelve thousand five hundred square feet in the F, AR and A zones may be used for single family residences only in combinations which equal or exceed twelve thousand five hundred square feet. In cases where all lots under a single contiguous ownership in an F, AR or A zone do not total at least twelve thousand five hundred square feet, only one single family residence may be located within the total contiguous ownership.

B. On substandard lots in two-family and multifamily zones, one dwelling unit may be erected for each unit of required minimum lot area per dwelling unit contained therein.

C. In all cases all other requirements of the zone shall be met, provided that setbacks may be adjusted consistent with the provisions of K.C.C. 21.48.240. (Ord. 10457 § 2, 1992: Ord. 10339 § 2, 1992: Ord. 2735 § 3, 1976).

21.48.260 Use of lots or parcels containing more than minimum required lot area. Except in the "A" zone, when a lot contains two or more times the minimum lot area required for the zone in which the lot is located, and the owner desires to use each unit of area equivalent to the minimum lot area as a separate building site, provided not more than four such units result, and no dedication of streets, alleys or other public ways are involved, such area units may be so utilized only after approval of the lot division as prescribed in the subdivision code (Title 19). When such units are thus defined, then all of the provisions of this title governing the use of a lot in the zone in which such property is located shall apply thereto. (Res. 25789 § 2424, 1963).

21.48.270 Flexible yard and lot dimension requirements in subdivisions and short subdivisions. In subdivisions and short subdivisions proposed to create residential building lots within any R, S or G zone, required front, rear and side yard requirements and lot dimensions may be varied from those required by the zone in which the proposed subdivision or short subdivision is situated, in

order to provide more optimal use of private or community open space, privacy, a more energy-efficient arrangement of structures, or to protect environmentally sensitive areas, provided:

A. Primary and accessory residential buildings, whether on the same lot or on adjacent lots, must either maintain a separation of not less than ten feet or share a common wall;

B. If a detached structure is proposed to be located within a normally required yard a ten-foot easement must be provided on the adjacent lot, said easement to be free of structures and other obstructions so as to allow painting, reroofing and other normal repair and maintenance of the structure's exterior. When structures are proposed to share a common wall on a lot boundary line, a plat covenant or condition of approval must be provided for necessary access to each adjacent lot to allow painting, reroofing and other normal repair and maintenance of each structure's exterior.

C. The preliminary and final plat or short plat must show the approximate size and location of all structures (i.e. building envelopes) proposed to be placed in an otherwise required yard or open space. The manager may permit modifications of approved building envelopes for good cause. When the building envelope is to be located within a required yard the manager shall give notice to adjacent property owners and must allow fifteen days for comments before making a decision.

D. In no case shall a structure be located closer than the normally required side yard distance from the boundary of the proposed subdivision or short subdivision. This restriction may be waived by the county when an adjacent property has been developed under a planned unit development or under the provisions of this section, and the county has determined that no adverse impact on the adjacent property will result;

E. Eaves, but no other part of any structure, may protrude no more than eighteen inches across a side or rear lot line;

F. In order to preserve privacy between adjacent lots, when a residence is located within an otherwise required side or rear yard, there shall be no windows, doors or mechanical vents in the walls facing the nearest lot lines except when such walls abut permanent open space or a public or private right-of-way;

G. The setback flexibility allowed by this section shall not eliminate the vision clearance requirements of K.C.C. 21.48.130 or any other county requirements relating to traffic safety at or near street intersections;

H. Average lot area and lot area per dwelling unit shall be as required in the zone in which the proposed subdivision or short subdivision is located;

I. All normal yard, open space and lot dimension requirements shall apply to lots proposed to be created through a subdivision or short subdivision unless King County determines that a proposed modification of normally required yards or lot dimensions is consistent with the purposes of this title and county subdivision regulations. King County shall deny or modify any proposed variation from normally required yards or lot dimensions within a subdivision or short subdivision as necessary to accomplish the purposes of this title and the county's subdivision regulations, and to minimize adverse impacts on adjacent properties.

J. Prior to selling any lot or residence in a subdivision or short subdivision which provides for flexible yard or lot dimension arrangements as allowed by this section, the seller shall show the prospective purchaser a copy of the plat or short plat depicting the arrangement of lot lines and structures, and shall provide a clear written explanation of the provisions of this section to said prospective purchaser. (Ord. 6067 § 5, 1982: Ord. 4304 § 1, 1979).

Chapter 21.49
ROAD ADEQUACY STANDARDS

Sections:

21.49.010 Definitions.
21.49.020 Purpose.
21.49.030 Standard established.
21.49.040 Application of standards established.
21.49.050 General conditions established.
21.49.060 Special conditions established.
21.49.070 Pro-rata share payments.
21.49.080 Exceptions.
21.49.090 Latecomer charges.
21.49.100 King County authority.
21.49.110 Severability.
21.49.120 Administration.

21.49.010 Definitions. For purposes of this chapter, the following definitions shall apply:

A. Proposed Development. "Proposed development" means a subdivision, short subdivision, planned unit development, commercial site development permit, master plan development, a conditional use permit, or an unclassified use permit or any development proposal requiring a building permit exclusive of any use which is categorically exempt under the State Environmental Policy Act as implemented by King County. The renewal of permits or the issuance of a new permit for existing uses constitutes proposed development only if it will generate additional traffic above that currently generated by the use.

B. Approved Development. "Approved development" means a plat or short plat which has received final approval: PUD, conditional use permit or unclassified use permit which has been authorized by King County, or a development for which a building permit has been issued.

C. Direct Traffic Impact. "Direct traffic impact" means any new increase in vehicle traffic or increase in vehicle traffic generated by a proposed development which equals or exceeds ten (10) peak hour, peak direction vehicle trips on any roadway or intersection.

D. Level-of-service (LOS). "LOS" means a measure of traffic congestion along a roadway or at an intersection identified by a letter scale from A to F as calculated by a methodology endorsed by the Institute of Transportation Engineers.

E. Calculated LOS. "Calculated LOS" means a calculation that includes existing traffic, the traffic anticipated to be generated by previously approved developments as determined by actual land development information, if available, otherwise growth rates based on land development information, and the anticipated traffic from the subject and other requested proposed developments.

F. Peak Hour. "Peak hour" means the hour during the morning or afternoon which experiences the most critical level-of-service for a particular roadway or intersection.

G. Ultimate Roadway Section. "Ultimate roadway section" means a designation by King County that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.

H. High Occupancy Vehicle (HOV) Incentives. "HOV incentives" means improvements, policies, or actions which would enhance or stimulate use of transit, carpooling, vanpooling, or other methods of ridesharing.

I. Transportation System Management (TSM). "TSM" means low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ridesharing measures to decrease single occupancy vehicle trips.

J. Pro-rata Share. "Pro-rata share" means the fair and equitable cost obligation assigned to a proposed development which is attributable to the peak hour, peak direction vehicle trips generated by it on the affected roadway or intersection. The share will be determined by dividing the number of peak hour, peak direction vehicles being added as result of the proposed development by the calculated total peak hour, peak direction vehicles using the affected roadway or intersection. (Ord. 11016 § 21, 1993: Ord. 7544 § 3, 1986).

21.49.020 Purpose. The purpose of road adequacy standards is to assure adequate levels-of-service on roadways and intersections. Road adequacy standards shall be used to evaluate the impact of proposed developments' traffic on roadways and intersections, to apply conditions assuring that road capacity will be adequate, and to deny proposed developments which would have unacceptable impacts on road safety or levels-of-service. (Ord. 7544 § 4, 1986).

21.49.030 Standard established. A calculated LOS F shall be considered inadequate. A calculated LOS E shall be considered undesirable but tolerable. A calculated LOS D or better shall be considered desirable. These standards will be subject to review when a mitigation payment system is developed by King County. (Ord. 8052 § 1, 1987: Ord. 7544 § 5, 1986).

21.49.040 Application of standards established. The road adequacy standards established in this chapter shall apply as follows:

A. This chapter shall apply to any proposed development which has a direct traffic impact on any road section or intersection, when such impact results in or adds to a LOS of F for that road section or intersection.

B. These standards shall apply to all public county, city and state roads, other than freeways.

Provided, that:

1. No improvements to state facilities shall be required by King County by operation of this chapter unless the state requests such improvements and an agreement to provide the improvements is executed between the state, county and applicant.

2. No improvements to city roads shall be required by King County by operation of this chapter unless the affected city requests such improvements and an interlocal agreement exists between the city and King County. An interlocal agreement adopted by county and city ordinances may allow for the application of different standards than established in Section 21.49.030 within the city limits when such standards have been adopted as an official control by city ordinance.

3. An interlocal agreement adopted by county and city ordinances may provide that in a designated area within the city's planning area, a different standard than established in Section 21.49.030 may be applied.

4. The standard to be applied to a project shall be the standard established in K.C.C. 21.49.030 unless a different standard, as provided for in subparagraphs 2 and 3, has been adopted prior to the project date, or in the case of plats, before their legally established approval dates.

C. The provisions of this chapter shall be applied only once to any project, unless changes or modifications requiring county approval are proposed which result in greater direct traffic impacts than were considered when the proposal was first approved.

D. The provisions of this chapter shall not be applied to any project approved prior to the date of adoption of this chapter for which conditions were imposed mitigating the off-site traffic impacts of the project, unless project changes or modifications requiring county approval are proposed which result in greater direct traffic impacts than were considered when the project was first approved. (Ord. 8052 § 2, 1987: Ord. 7544 § 6, 1986).

21.49.050 General conditions established. A. Proposed development which will have a direct traffic impact on a roadway or intersection with a calculated LOS F shall not be approved unless:

1. The applicant agrees to fund improvements needed to attain LOS D or better, unless the calculated non-project LOS is E or F, in which case LOS E must be attained; or

2. The applicant reduces his traffic impacts to achieve a level-of-service E by scaling his project down or by using Transportation System Management techniques to reduce the number of peak hour trips generated by the project, or

3. For subdivisions and planned unit developments only, King County establishes a date for final approval to become effective which corresponds to the anticipated date of award of a construction contract for county, city, or state improvements needed to provide LOS D or better, unless the calculated non-project LOS is E or F, then LOS E must be attained; provided such effective approval date may be established only when the anticipated date of award of construction contract is within twelve months; or

4. The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TSM incentives and/or phase the proposed development as determined by King County.

B. Proposed developments which will have a direct impact on city traffic facilities or designated areas pursuant to Section 21.49.040 B.3 shall not be approved unless the applicant complies with K.C.C. 21.49.050 or 21.49.070 in order to attain the LOS specified in the pertinent adopted interlocal agreements. (Ord. 8052 § 3, 1987: Ord. 7544 § 7, 1986).

21.49.060 Special conditions established. The conditions set forth in Section 21.49.050 C. of this chapter shall be considered fulfilled for all proposed developments except building permits if the following conditions are met:

A. Intersection improvements only are necessary to attain LOS E or better and a construction contract is scheduled to be awarded within twelve months, and

B. Complete funding for the necessary improvements is assured by the county, city, state, developer, or any combination thereof. (Ord. 7544 § 8, 1986).

21.49.070 Pro-rata share payments. A. As an alternative to meeting one of the criteria in 21.49.050, the applicant shall be allowed to pay for a pro-rata share of the direct traffic impacts of his development,

Provided that:

1. King County concludes that the total improvement needed can be provided for or funded within five years of approval of the subject development or the applicant waives the operation of the time limit established in RCW 82.02.020. Consideration of a proposed pro-rata share payment shall be treated as an exception under 21.49.080.

2. Any contribution collected under this section shall be subject to all applicable state laws relating to management, time periods for expenditure, and refunds. Where not inconsistent with state law, such contributions may be used to fund pre-construction costs such as engineering and design.

B. King County shall establish the specific amount or maximum required amount of a pro-rata share payment as a condition of preliminary approval of a proposed short subdivision, subdivision or PUD, and upon final approval for any other proposed development. Fair share contributions only shall be pro-rata share payments.

C. The applicant shall fulfill the pro-rata share payment established by the county for proposed development as follows:

1. For short subdivisions, subdivisions or PUD's, the payment shall be made in full upon recording or, in lieu of payment, the applicant may post a performance bond or other security found acceptable by King County.

2. For all other proposed development, the pro-rata share payment shall be paid upon issuance of a building permit where applicable, or when the applicable permit is issued where no building permit is required.

D. King County reserves the right to require 100% of any on-site improvements or improvements to streets immediately adjacent to the proposed development site as a condition of approval.

E. King County will not collect pro-rata share payments for improvements to city facilities. In cases where pro-rata payments are required for improvements in cities pursuant to the inter-local agreements referenced in Section 21.49.040, the payments shall be made to the appropriate city directly by the applicant. Pro-rata payments for improvements to state facilities may be made directly to the state or indirectly through King County. The applicant must submit confirmation that payment has been made prior to issuance of permits.

As an alternative, the applicant may be allowed to establish an escrow account, payable to King County or the affected jurisdiction, which can be used for mitigation project costs which occur in a specified time period, per RCW 82.02.020. (Ord. 8052 § 3, 1987: Ord. 7544 § 9, 1986).

21.49.080 Exceptions. A. Exceptions from these standards may be granted only when extraordinary circumstances make compliance with the standards infeasible, or when a pro-rata share payment is proposed.

B. For those proposed developments where the zoning and subdivision examiner makes a recommendation to the council, the record must reflect the basis for the exception, and the approving ordinance must grant the exception in order for it to be effective. The ordinance approving the proposal shall be determinative and conclusive as to the development's compliance with this chapter.

C. For proposed developments for which the zoning and subdivision examiner or zoning adjuster decision is final, the decision of the zoning examiner or zoning adjustor shall be determinative and conclusive as to the development's compliance with this chapter.

D. For proposed developments for which the zoning adjustor's decision is final unless appealed to the zoning examiner, the adjustor's decision on the exception is subject to appeal to the examiner, whose decision shall be determinative and conclusive as to the developments' compliance with this chapter.

E. For permits which are administrative and ministerial for which no appeal is normally available, the issue of the application of the standards in this chapter to a proposed development may be appealed to the zoning and subdivision examiner for a final decision. Such an appeal together with appeal arguments shall be filed with the building and land development division within 10 days of the parks, planning and resources department's decision.

F. Any proposed developments which are being delayed because of inability to comply with Ordinance 6677 may be considered for an exception under this section for a period not to exceed six months from the date of adoption of this chapter. (Ord. 7544 § 10, 1986).

21.49.090 Latecomer charges. State statutes allow for "latecomer" agreements whereby a developer who constructs a road facility which benefits other property owners or the public generally may later recoup part of the costs of the improvements from the other benefitted properties or the county. The county acknowledges that this tool should be available as one way to provide road facilities. The department of public works is directed to work with the transportation planning section of the planning division of the parks, planning and resources department to prepare procedures for considering proposed latecomer agreements. Until such procedures are established, any applicant may propose such an agreement as part of any development application, so long as the proposal conforms to state statutes. (Ord. 7544 § 11, 1986).

21.49.100 King County Authority. The procedures set forth in this chapter do not limit the authority of King County to deny or approve with conditions:

A. Zone reclassfication requests based on traffic impacts, or

B. Proposed developments or zone reclassifications if King County determines a hazard to public health, safety or welfare would result from direct traffic impacts without roadway or intersection improvements, regardless of LOS, or

C. Proposed developments reviewed under the authority of the Washington State Environmental Policy Act. (Ord. 7544 § 12, 1986).

21.49.110 Severability. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter and the application of the revisions to other persons or circumstances shall not be affected. (Ord. 7544 § 13, 1986).

21.49.120 Administration. A. The department of public works shall develop administrative procedures necessary to implement the requirements of this chapter. (Ord. 7544 § 14, 1986).

Chapter 21.50
GENERAL PROVISIONS - LOADING AREAS AND OFF-STREET PARKING

Sections:

21.50.010 Regulations subject to chapter.
21.50.020 Required loading areas.
21.50.030 Required off-street parking.
21.50.040 Parking spaces required.
21.50.050 Parking requirements for common facilities.
21.50.060 General requirements on size and location of parking spaces.
21.50.070 Required improvement, screening and maintenance of parking and vehicle sales areas.
21.50.080 Plans required.
21.50.090 Surety bond required.
21.50.100 Waiver of parking provisions.

21.50.010 Regulations subject to chapter. The foregoing regulations of this title shall be subject to the provisions, requirements, conditions and exceptions contained in this chapter and Chapter 16.74 of this code; provided the provisions of this chapter and title and the provisions of Chapter 16.74, shall not apply to parking and loading areas and facilities not open to or used primarily by the general public, which areas and facilities are specifically excepted from said provisions; provided, however, that such areas and facilities shall be subject to the provisions of Section 21.50.020 insofar as the number of loading spaces are concerned and Section 21.50.040. (Res. 25789 § 2500, 1963).

21.50.020 Required loading areas. Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment other than self-service storage facilities, or any similar use, which has, or is intended to have an aggregate gross floor area of ten thousand square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square feet of aggregate Gross Floor Area	Required number of berths
10,000 up to and including 16,000	1
16,001 up to and including 40,000	2
40,001 up to and including 64,000	3
64,001 up to and including 96,000	4
96,001 up to and including 128,000	5
128,001 up to and including 160,000	6
160,001 up to and including 196,000	7
For each additional 36,000	1 additional

Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or any similar use, which has or is intended to have an aggregate gross floor area of forty thousand square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of aggregate Gross Floor Area	Required number of berths
40,000 up to and including 60,000	1
60,001 up to and including 160,000	2
160,001 up to and including 264,000	3
264,001 up to and including 388,000	4
388,001 up to and including 520,000	5
520,001 up to and including 652,000	6
652,001 up to and including 784,000	7
784,001 up to and including 920,000	8
For each additional 140,000	1 additional

Each loading space shall measure not less than thirty feet by twelve feet, and shall have an unobstructed height of fourteen feet six inches and shall be made permanently available for such purpose, and shall be surfaced, improved and maintained as required by Chapter 16.74 of this code. Such facilities shall be so located that trucks using same shall not interfere with areas reserved for off-street parking nor project into any public right-of-way, and shall be adjacent to the building to be served thereby. If the loading space is incorporated within a building, as to location, the requirements of this section shall not apply.

Multi-story self-service storage facilities shall provide two loading berths, and single story facilities one loading berth, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than twenty-five feet by twelve feet with an unobstructed height of fourteen feet six inches and shall be made permanently available for such purpose.

Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space. (Ord. 8099 § 4, 1987: Res. 25789 § 2501, 1963).

21.50.030 Required off-street parking. Every building hereafter erected shall be provided with parking spaces as required in this chapter, and such parking space shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the

area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds. (Res. 25789 § 2802, 1963).

21.50.040 Parking spaces required. The amount of off-street parking required shall be no less than as set forth in this section:

A. For any use locating in the B-N or B-C zones, parking facilities shall be provided on the basis of one parking space for each two hundred square feet of total floor area within all buildings to be served thereby.

B. For any use locating in the C-G zone, parking facilities shall be provided on the basis of one parking space for each two hundred square feet of total floor area within all buildings to be served thereby.

C. For any use (except warehousing) locating in the M-L, M-H and the M-P zones, parking facilities shall be provided on the basis of one parking space for each one thousand square feet of total floor area within all buildings to be served thereby, or on the basis of one parking space for each three employees on the maximum working shift, whichever results in the most parking spaces.

D. The following uses, wherever located, shall provide off-street parking facilities as follows:

1.	Bowling alleys	Five parking spaces per alley
2.	Churches	One parking space for each five seats in the principal place of assembly for worship, including balconies and choir loft. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than twenty lineal inches of pew or bench length per seat. If there be no fixed seats, then one parking space for each forty square feet of gross floor area in such principal place of assembly or worship shall be provided
3.	Community clubs and community recreational centers	One parking space for each employee and one parking space for each forth square feet of gross floor area used for assembly purposes

4.	Dancehalls	One parking space for each forty square feet of gross floor area
5.	Dwellings	
	Single-family	Two parking spaces
	Duplex - two - family multiples	One and one-half parking spaces per dwelling unit. Where the total quota results in a fraction, the next highest full unit shall be provided
6.	Heliports, helistops with scheduled service	One parking space for each five employees and five parking spaces for each touchdown pad
7.	Hotels	One parking space for each bedroom, except that only one parking space for each two bedrooms shall be required for hotels located within one thousand feet of the eastern boundary of the property commonly known as Sea-Tac International Airport
8.	Hospitals	One parking space for each bed
9.	Libraries, when located on publicly owned sites	One parking space for each two hundred fifty square feet of gross floor area
10.	Lodges, containing sleeping quarters; fraternity, sorority and group student housing	One parking space for each two sleeping rooms or one parking space for each four beds, whichever is greater
11.	Mortuaries	One parking space for each forty square feet floor area
12.	Motels	One parking space for each sleeping unit or dwelling unit
13.	Museums	One parking space for each two hundred fifty square feet of gross floor area
14.	Offices	One parking space for each two hundred square feet of gross floor area
15.	Pleasure craft moorage	One parking space for each two moorage stalls
16.	Rest homes, nursing and convalescent homes; homes for retired and children's institutions	One parking space for each four beds

17. Roominghouses and boarding houses	One parking space for each two sleeping rooms or one parking space for each four beds, whichever is greater
18. Sanitariums	One parking space for each bed
19. Self-service storage	One parking space for every 3,500 square feet of storage area provided and two additional additional spaces adjacent to resident manager's quarters
20. Senior Citizen	One parking space for each dwelling unit
21. Schools elementary and junior high public, private or parochial	One parking space for each employee and each faculty member
22. School, high, public, private or parochial	One parking space for each fifty students and one parking space for each employee and each faculty member. Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement
23. School, Specialized Instruction	One parking space for each instructor who does not reside on the site and one parking space for every two students and/or spectators in attendance during an instructional session
24. Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches) and lodges having no sleeping quarters	One parking space for each three fixed seats, in all parking generating areas used simultaneously for assembly purposes. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than twenty lineal inches of pew or bench length per seat. If there be no fixed seats, there shall be provided one parking space for each forty square feet of gross floor area used for assembly purposes
25. Storage and warehousing, comprising only activity on premises	One parking space for each two employees on maximum working shift
26. Terminals - freight	One parking space for each two employees on maximum working shift
passenger	One parking space for each one hundred square feet of waiting room area
27. Theaters	One parking space for each three seats
28. Sports club	One parking space for every 300 square feet of usable or net floor area, exclusive of non-public areas

The parking requirements for a use not provided for in this section shall be determined in the manner set forth in Section 21.46.050 of this title, and such determination shall be based upon the requirements for the most comparable use specified herein. (Ord. 11277 § 2, 1994: Ord. 8099 § 5, 1987: Ord. 8017 § 11, 1987: Ord. 5830 § 7, 1982: Ord. 4241 § 1, 1979: Ord. 3195 § 1, 1977: Res. 25789 § 2503, 1963).

21.50.050 Parking requirements for common facilities. The amount of off-street parking required in Section 21.50.040 may be reduced, by an amount to be determined by the manager of building and land development division, when common parking facilities for two or more buildings or uses are designed and developed as one parking facility, provided;

A. The total parking area exceeds five thousand square feet.

B. The amount of the reduction shall not exceed ten percent for each use, except that the reduction may exceed ten percent when:

1. the reduction is based on cooperative use of parking facilities when the time during which the cooperative uses operate are not conflicting;

2. the normal hours of operation are separated by at least one hour;

3. the total number of off-street parking spaces in the common facility is not less than the sum of the required parking spaces for the various uses

computed separately for which the hours of operation overlap.

C. A covenant or other acceptable contract between the cooperating property owners is approved by the manager of the building and land development division which cannot be amended without the consent of the manager.

D. If the conditions under which the reduction in parking requirements was approved are violated, the affected property owners must provide a remedy satisfactory to the manager of the building and land development division or provide the full amount of required off-street parking, in accordance with the provisions of this chapter, within ninety days of notice of the violation by the manager or his designee. (Ord. 5551 § 2, 1981).

21.50.060 General requirements on size and location of parking spaces.

A. SIZE OF PARKING SPACE.

1. Each off-street parking space shall have an area of not less than one hundred seventy-two square feet exclusive of drives and aisles, and a width of not less than eight feet, six inches, except as provided in subparagraph 2. Each space shall be provided with adequate ingress and egress.

2. Within any off-street parking facility which includes more than twenty parking spaces, up to fifty percent of the total may be sized to accommodate compact cars, subject to the following:

a. Each space shall have an area of not less than one hundred twenty square feet exclusive of drives and aisles, and a width of not less than seven feet six inches.

b. Each space shall be adequately identified as a compact or small car space.

c. Aisle widths shall conform to the standards set forth by Chapter 16.74 for standard size cars.

d. Compact car spaces shall be reasonably distributed throughout the facility.

B. LOCATION. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the nearest building that such facility is required to serve;

1. For all residential dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.

2. For churches located in an RS, RD-3600 or RM-2400 zone, parking facilities shall be located on site. For churches located in any other zone, parking facilities shall be located not farther than one hundred fifty feet and not in an RS zone.

3. For hospitals, sanitariums, homes for the aged, asylums, orphanages, roominghouses, lodginghouses and clubrooms, parking facilities shall be located not farther than one hundred fifty feet, but not in any RS, RD-3600 or RM-2400 zone.

4. For uses other than those specified, parking facilities shall be located not farther than five hundred feet.

5. In no case shall a motor vehicle or trailer of any kind be parked or stored nor shall internal aisles or roadways be permitted in any required yard, open space or landscaped area, unless authorized in accordance with KCC Section 21.51.050 or KCC Chapter 21.58. Driveways may cross required yards or landscaped areas in order to provide access between the off-street parking facilities and the street providing access to the site. Driveways may be used for parking when serving individual single-family dwellings only, but shall

not be considered for purposes of calculating required parking.

6. Whenever required parking facilities are located off-site, pedestrian facilities shall be provided connecting the satellite parking facility to the development being served, which are safe, durable and adequate to accommodate potential use. (Ord. 7213 § 3, 1985: Ord. 5551 § 3, 1981: Ord. 4993 § 1, 1980: Res. 25789 § 2505, 1963).

21.50.070 Required improvement, screening and maintenance of parking and vehicles sales area. Every lot used as a public or private parking area and having a capacity of five or more vehicles and vehicle sales areas, trailer sales and boat sales areas shall be developed, improved and maintained as required by Chapter 16.74, Off-street Parking Plans and Specifications, and by Chapter 21.51, setting forth landscaping requirements. (Ord. 4993 § 2, 1980: Res. 33159 (part), 1967: Res. 25789 § 2506, 1963).

21.50.080 Plans required. Prior to the issuing of a building permit for any new building or structure, or for the enlargement of the floor area of an existing building or structure the use of either of which requires off-street parking facilities to be provided as set forth in this title, or if a parking area is to be jointly used, a plan of the parking area clearly indicating the number of parking spaces being provided and the proposed development of such area including location of the spaces, the size, shape, design, relationship to buildings to be served, curbcuts, lighting, landscaping and other features and appurtenances of the proposed parking facility shall be approved by the division. (Ord. 7990 § 38, 1987: Res. 25789 § 2507, 1963).

21.50.090 Surety bond required. Before a building permit is issued for any building or structure for which this title requires off-street parking facilities, and where such parking facilities are not to be contained within the building for which the building permit is requested, the applicant shall provide the manager with a surety bond or other sufficient security guaranteeing to the county the installation and improvement of the required parking facilities within not to exceed six months following the completion of the building or buildings for which such facilities are to be provided. (Ord. 7990 § 39, 1987: Res. 25789 § 2508, 1963).

21.50.100 Waiver of parking provisions. The adjustor may, by formal action, waive or modify the requirements set forth herein establishing the amount of required parking areas for uses such as electrical power generating plants, electrical transmission stations, utility storage yards or other uses involving very limited number of employees or which do not require personnel in daily attendance for operation and maintenance. (Res. 25789 § 2509, 1963).

Chapter 21.51
GENERAL PROVISIONS-LANDSCAPING AND SCREENING

Sections:

21.51.010 Purpose.
21.51.020 Application.
21.51.030 Location of required landscaping.
21.51.040 Types of landscaping required.
21.51.050 Modification of landscaping requirements.
21.51.060 Plan requirements.
21.51.070 Installation and security requirements.
21.51.080 Maintenance and enforcement.

21.51.010 Purpose. The purposes of the landscaping and screening requirements of this chapter are to increase compatibility between different intensities of land uses, by providing visual barriers, visually interrupting the barren expanse of paved parking lots, screening undesirable views which have a blighting impact on surrounding properties, and providing a visual separation and physical buffer between varying intensities of abutting land uses; to implement the comprehensive plan and adopted community plans; to encourage the retention of significant existing vegetation to the extent feasible; to reduce erosion and water runoff; to conserve energy; to preserve and promote urban wildlife habitats; to minimize impacts of noise, light and glare; and to aid in regulating vehicular circulation. (Ord. 5003 § 1, 1980).

21.51.020 Application. A. The manager of the department of development and environmental services shall review and may approve, approve with modifications, or disapprove site landscape development plans for all new developments in accordance with the provisions of this chapter. The manager may permit alternative landscaping (as set forth in Section 21.51.050 of this chapter) when the overall site development plan as proposed by the applicant provides as good or better results than required by this chapter.

B. Developments involving additions or alterations to existing structures in which the cost of the additions or alterations exceeds fifty percent of the value of the existing structure(s) shall be subject to the provisions of this chapter, with the following exceptions and modifications:

1. Where existing structures are situated so as to preclude installation of required landscaping, such required landscaping shall be waived.

2. Where the compliance with the provisions of KCC Chapter 21.50, loading areas and off-street parking requirements, for existing structures conflicts with the requirements of this chapter, the required landscaping shall be waived, or modified in accordance with Section 21.51.050 of this chapter. Any addition of floor area requiring additional loading area or off-street parking shall be subject to the provisions of this chapter for the approximate area of the addition and associated surface loading area and surface off-street parking area only.

C. Individual lots being reviewed as part of a commercial site development permit may apply lot based landscaping standards to the entire site rather than to an individual lot within the site. Any decision to apply such standards to the entire site shall be within the discretion of the director. (Ord. 11016 § 22, 1993: Ord. 5003 § 2, 1980).

21.51.030 Location of required landscaping. Landscaping shall be provided in all developments subject to this chapter as set forth below. Where the width of a required planting strip exceeds the setback requirement for any structure subject to this chapter, the setback shall be increased to provide the full width of planting strip unless otherwise modified in accordance with Section 21.51.050.

A. The following table sets forth the type and width of landscaping required along side and rear property lines not abutting public streets, for the use proposed. Except as provided in B and D below, the proposed use must buffer less intensive zones adjacent to it, and in those instances when adjacent zoning is not listed opposite the proposed use in the table, no landscaping is required:

Proposed Use	Adjacent Zoning	Type of Landscaping	Minimum Width of Planting Area
1. Mobile home park, multi-family and townhouse	RS or S	Type II	10'
2. Mobile home park, multi-family and townhouse	RMHP, RM, RT or RD, public or institutional uses	Type III	5'

Proposed Use	Adjacent Zoning	Type of Landscaping	Minimum Width of Planting Area
3. Office in RM zones	RS, RD, RM, RT, RMHP or S (except RM used for office)	Type II	10'
4. Office in RM zones	Office (RM used for office only), public or institutional uses	Type III	5'
5. Uses permitted in B or C zones, and public or institutional uses (except parks or playgrounds) in all zones, unless proposed in an M zone	RS or S	Type I	20'
6. Uses permitted in B or C zones, and public or institutional uses (except parks or playgrounds) in all zones, unless proposed in an M zone	RM, RT or RD, public or institutional uses	Type I	10'
7. Any use proposed in M or QM zones	R or S, public or institutional uses	Type I	20'
8. Any use proposed in M or QM zones	BN, BC, CG, or G	Type II	10'

B. The following landscaping is required adjacent to all arterial and local access streets, as defined in the King County comprehensive plan, except where permitted structures and driveways are proposed:

1. Within all developments to be located in an RS zone a type III landscaping strip with a minimum width of twenty feet shall be provided;

2. Within all developments to be located in a RD, RM, RMHP or RT zone a type III landscapting strip with a minimum width of ten feet shall be provided;

3. Within all developments to be located in a BN, BC, CG, ML or MH zone a type III landscaping strip with a minimum width of eight feet shall be provided;

4. Within all developments to be located in an MP zone a type III landscaping strip with a minimum width of twenty-five feet shall be provided;

5. Within QM zones a type II landscaping strip with a minimum width of twenty-five feet shall be provided;

6. The plantings shall not violate the sight area requirements at a street intersection, as set forth in KCC Section 21.48.130.

C. A type II landscaping strip with a minimum width of twenty-five feet shall be provided adjacent to freeways within all developments to be located in all RM, RMHP, RT, B, C, M and QM zones. Landscaping required for development along freeway rights-of-way may be partially located in the freeway right-of-way if permitted by the Washington State Department of Transportation and approved by the manager.

D. Type IV landscaping shall be provided within all surface (open air) parking lots, as follows:

1. At least three percent of the parking area, excluding any other required landscaping, shall be utilized for landscaping when said areas exceed thirty parking stalls;

2. At least one tree for every five parking stalls shall be provided, to be reasonably distributed throughout the parking lot;

3. No parking stall shall be more than sixty feet from some landscaping;

4. Permanent curbs and/or structural barriers shall be provided to protect the plantings from vehicle overhang;

5. A minimum of forty percent of the trees shall be evergreen;

6. When the ground elevation of the site exceeds six hundred feet above mean sea level, the above requirements may be modified or waived by the manager, to facilitate snow removal.

E. All public or institutional uses, including churches, commercial and noncommercial recreation facilities (e.g., country clubs, golf courses, tennis courts, yacht clubs), community clubs, schools, charitable and fraternal organizations, hospitals, public utility facilities, sewage transfer plants, governmental facilities, museums, libraries, fire stations, retirement homes, nursing homes, and similar uses shall provide landscaping as prescribed by paragraphs A. 5, A. 6, A. 7, A. 8, B. 2, C. and D. of this section, unless otherwise modified by this chapter.

F. Proposed landscaping shall reflect consideration of microclimate of the site and surrounding properties, by manipulation of sun, shade and wind for increased energy efficiency of the development and for maximum comfort of the users of the site. (Ord. 11228 § 2, 1994: Ord. 5003 § 3, 1980).

21.51.040 Types of landscaping required. The following are types of landscaping as required in Section 21.51.030; all proposed plant material, sizes and characteristics shall be in accordance with the American Association of Nurserymen Standards (ANSI 2601 - 1973):

A. TYPE I: SCREEN. Type I landscaping shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. Evergreen trees shall be a minimum height of four feet at time of planting. Plantings shall be chosen and spaced so as to grow together within three years sufficient to obscure sight through the barrier. The entire planting strip shall be landscaped; however, those plantings used to achieve the sight-obscuring screen shall cover at least five feet of the width of the strip, and shall be located farthest from the property line. Existing vegetation, architectural barriers (including walls, planters, and fences) or grading (with a maximum slope of 3:1) may be incorporated into the landscape design as set forth in Section 21.51.050, and shall be considered acceptable

in lieu of new plantings, provided they contribute to achieving the intent of this subsection.

B. TYPE II: VISUAL BUFFER. Type II landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a total covering of the landscape strip. Shrubs shall be of a type that achieve a height of approximately six feet within three years, and effectively screen views along the length of the planting strip. Deciduous trees shall have a minimum trunk diameter of one and three-quarter inches at time of planting; evergreen trees shall be a minimum four feet tall at time of planting. All trees shall be spaced at intervals resulting in touching of branches after ten years of normal growth. Trees shall be staggered in two or more rows when the minimum width of the landscaping strip is twenty feet or more. Existing vegetation, architectural barriers or grading (with a maximum slope of 3:1) may be incorporated into the landscape design as set forth in Section 21.51.050, and shall be considered acceptable in lieu of new plantings, provided they contribute to achieving the intent of this subsection.

C. TYPE III: SEE-THROUGH BUFFER. Type III landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within three years. Shrubs shall be of a type that do not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of one and three-quarter inches at time of planting, and be spaced so as to result in touching of branches after ten years of normal growth. Evergreen trees shall be a minimum of four feet tall at time of planting and spaced so as to result in a space between trees approximately equal to the mature spread of the trees used. Existing vegetation, architectural barriers, or grading (with a maximum slope of 3:1) may be incorporated into the landscape design as set forth in Section 21.51.050, and shall be considered acceptable in lieu of new plantings, provided they contribute to achieving the intent of this subsection.

D. TYPE IV: OPEN AREA LANDSCAPING. Type IV landscaping shall consist of canopy-type deciduous trees or spreading evergreen trees planted in wells or strips, with a mix of living evergreen and deciduous ground covers and low shrubs. Shrubs shall be of a type that do not exceed a height at maturity of approximately three to four feet. Planting wells or strips shall be a minimum of thirty-two square feet in area, with the narrowest dimension not less than four feet. Deciduous trees shall have a minimum trunk diameter of one and three-quarter inches at time of planting. Evergreen trees shall be a minimum of four feet tall at time of planting. Existing vegetation, architectural barriers, or berms may be incorporated into the landscape design as set forth in Section 21.51.050, and shall be considered acceptable in lieu of new plantings, provided they contribute to achieving the intent of this subsection. (Ord. 5003 § 4, 1980).

21.51.050 **Modification of landscaping requirements.** A. The manager may authorize reduced width of plantings or waive some or all landscaping requirements in the following instances:

1. In business/commercial and industrial zones, wherever a building is proposed to be placed up to the rear or side property line not abutting a public street, and the wall surface above ground level is textured concrete, brick, or stone and the height of the wall does not exceed eighteen feet above the grade of the abutting lot; provided mechanical venting through such walls

is prohibited, and rooftop mechanical venting and other machinery which would be visible from abutting, less intensively zoned properties is screened;

2. Whenever a building utilized for business or office purposes is proposed to be placed within ten feet of the street right-of-way and there are no loading docks on such street, and at least fifty percent of the wall length is utilized for window and door construction, and the setback is utilized in effect as a sidewalk; provided approved street trees are planted within the ten-foot setback or within the street right-of-way, not more than twenty-five feet on center. In those instances where King County is committed to maintaining other landscaping within street rights-of-way within the same block as street trees planted in accordance with this subsection, King County shall assume responsibility for maintenance of those plantings approved within the right-of-way;

3. When architectural barriers or berms are incorporated into the design of the landscaping and contribute to the intent of the type of landscaping required and the minimum width of planting is not reduced by more than fifty percent;

4. When application of requirements of this section would result in more than fifteen percent of the site area being landscaped, in which instance the manager shall modify those requirements such that not more than fifteen percent of the site must be landscaped, provided the landscaping and corresponding setbacks required are those most beneficial to the public;

5. When the inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this chapter;

6. When, in the case of required perimeter landscaping adjacaent to public street rights-of-way, the ultimate street improvements for that right-of-way have been installed or will be installed as a requirement of approval of the development, and the Department of Public Works and the Real Property Division determines that the proposed landscaping of that portion of the right-of-way between the property line and sidewalk is acceptable, the manager may allow such landscaping in lieu of required landscaping within the development; provided the type and area of planting is comparable to that normally required and adequate provisions are made for permanent maintenance;

7. When existing conditions on or adjacent to the site, including differences in elevation, existing vegetation, location of existing structures or utilities would render application of requirements of this chapter ineffective or result in scenic view obstruction;

8. When the site is less than an acre in area and was a legal building site prior to the effective date of the ordinance codified in this chapter.

B. Where alternative landscaping is proposed the manager shall give all owners of property located within one hundred feet of any boundary of the subject property written notice of the proposed alternative landscaping within twenty days of filing of an application, and allow fifteen days for comment before making a decision. The decision of the manager regarding alternative landscaping shall be made within forty-five days of filing of an application, shall be transmitted in writing to the applicant and all interested parties, and shall identify reasons for denial or requirements for modifications, if any. The decision of the manager regarding alternative landscaping shall be final unless an aggrieved person appeals that decision to the zoning and subdivision examiner pursuant to KCC Chapter 20.24. (Ord. 5003 § 5, 1980).

21.51.060 Plan requirements. The site plan shall be accurately drawn, using an appropriate engineering or architect scale, and showing the following:

A. Boundaries and dimensions of the site;

B. Location and identification of all streets, alleys and easements on or abutting the site;

C. Location and approximate dimension of all conforming structures within one hundred feet of the site on abutting properties;

D. Proposed location and dimensions of all onsite buildings;

E. Existing and proposed topography at a maximum of five-foot contours, or by an alternate method approved by the manager;

F. Proposed landscaping including location, species and size at time of planting;

G. Existing vegetation in general, and identifying all evergreen trees greater than eight inches in diameter and all deciduous trees greater than twelve inches in diameter, as measured four feet above ground level, if proposed to be removed;

H. Details of any proposed architectural barriers;

I. Location of existing and proposed driveways and parking surfaces, curbs and sidewalks. (Ord. 5003 § 6, 1980).

21.51.070 Installation and security requirements. A. Landscaping required pursuant to this chapter must be installed to the satisfaction of the manager, in accordance with the approved site plan, no later than three months after issuance of a certificate of occupancy for the project. The manager may extend the time limit for compliance up to six months after issuance of a certificate of occupancy when circumstances beyond the control of the applicant warrant an extension.

B. The manager may require performance bonds or other appropriate security, including letters of credit and set aside letters, to insure landscaping will be installed and maintained for one year, according to the approved plan and specifications. (Ord. 5003 § 7, 1980).

21.51.080 Maintenance and enforcement. All landscaped areas required by this code shall be planted according to accepted practice in good soil with a water source within seventy-five feet (except for self-sustaining natural-type growth commonly occurring in the vicinity of development), and maintained with respect to pruning, trimming, watering or other requirements to create an attractive appearance and a healthy growing condition. Dead, diseased, stolen or vandalized plantings shall be replaced within three months. Property owners shall keep the planting area reasonably free of weeds and trash. Lack of maintenance shall constitute a violation of this code. The manager shall have the authority to enforce the standards set forth in this chapter and the conditions attached to all permits for development pursuant to application of this chapter, in accordance with the provisions of Title 23. (Ord. 5003 § 8, 1980).

Chapter 21.52
GENERAL PROVISIONS-
NONCONFORMING BUILDINGS AND USES

Sections:

21.52.010 Regulations subject to chapter.
21.52.020 Application of chapter to nonconforming uses and buildings resulting from classification, reclassification, variances and

conditional use permits.
21.52.030 Effect of removal or destruction of nonconforming buildings, or discontinuance of nonconforming use.
21.52.040 Reconstruction of buildings partially destroyed or damaged.
21.52.050 Structural alteration or enlargement of nonconforming buildings.
21.52.060 Required conformance of existing uses required to be in entirely enclosed building.
21.52.070 Required conformance to exterior improvements.
21.52.080 Continuation of nonconforming use in a nonconforming building.
21.52.090 Abatement of nonconforming use of land, buildings and structures.
21.52.100 Nonconforming churches may alter or expand.
21.52.110 Abatement of nonconforming use of conforming building.
21.52.120 Residences and dwelling units in "B," "C" and "M" zones nonconforming.
21.52.130 Notice of abatement or required conformance.
21.52.140 Examiner may extend time of abatement on certain uses.

21.52.010 Regulations subject to chapter. The foregoing regulations of this title shall be subject to the general provisions, conditions and exceptions contained in this chapter. (Res. 25789 § 2600, 1963).

21.52.020 Application of chapter to nonconforming uses and buildings resulting from classification, reclassification, variances and conditional use permits. The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title or any subsequent amendments thereto. If a use originally authorized by a variance, conditional use permit or other valid use permit prior to the effective date of this title* is located within a zone in which such use is not permitted by the terms of this title, such use shall be a nonconforming use. Uses validly established prior to the effective date of this title* shall not be deemed nonconforming only because of failure to secure a conditional use permit required under this title. (Res. 25789 § 2601, 1963).

21.52.030 Effect of removal, or destruction of nonconforming buildings, or discontinuance of nonconforming use. A. If any nonconforming building is destroyed or removed, every future use of land on which the building was located shall conform to the provisions of this title.

B. If any nonconforming use of land not involving a nonconforming building or any nonconforming use of a conforming building is discontinued for a continuous period of more than one year, such land or building shall not again be occupied or used except by a conforming use.

C. If any nonconforming use of a nonconforming building is discontinued for a continuous period of more than one year, said building shall not again be occupied or used except by a use from a more conforming classification. (Ord. 1799 § 1, 1973: Res. 25789 § 2602, 1973).

21.52.040 Reconstruction of buildings partially destroyed or damaged. A nonconforming building damaged or partially destroyed to the extent of not

[*See Section 21.70.010.]

more than fifty percent of its market value at the time of its destruction by fire, explosion or other casualty or act of God or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction or damage may be continued subject to all other provisions of this chapter. (Res. 25789 § 2603, 1963).

21.52.050 Structural alteration or enlargement of nonconforming buildings. A. Unless otherwise specifically provided in this title, nonconforming buildings may not be enlarged or structurally altered unless an enlargement or structural alteration makes the building more conforming, or is required by law. However, where a building or buildings and customary accessory buildings are nonconforming only by reason of substandard yards, open spaces, area or height, the provisions of this title prohibiting structural alterations or enlargements shall not apply; provided any structural alterations or enlargements of an existing building under such circumstances shall not increase the degree of nonconformity and any enlargements or new buildings and structures shall observe the yards and open spaces required.

B. Structural alterations which do not involve an increase in floor space may be permitted outright where necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Structural alterations which involve an increase in floor area, and any enlargement of a nonconforming building not otherwise permitted by this section may be authorized only by the approval of a conditional use permit. Approval of such permit shall be based on a finding that the increase or enlargement will be done in such a manner as to improve the safety, appearance and/or functionality of the site and building, and thereby make its existence in the area less detrimental to surrounding uses and developement than would be the case if the status quo were maintained.

C. Upkeep, repairing and maintenance of nonconforming buildings is permitted. (Ord. 1390 § 1, 1972: Res. 25789 § 2604, 1963).

21.52.060 Required conformance of existing uses required to be in entirely enclosed building. Where this title requires a use to be contained within an entirely enclosed building as such term is defined herein, and a use existing on the effective date of this title* is not in an entirely enclosed building, the building or structure containing such use shall be made to conform to the requirements of this title with respect to such enclosure within a period of not more than three years from the date of notification as required in Section 21.52.130. (Res. 25789 § 2605, 1963).

21.52.070 Required conformance to exterior improvements. Where a use exists on the date this title* becomes effective and such use is nonconforming only because it does not meet the requirements of this title with respect to improvement of outside areas used for storage, parking or outside activities, or if the property on which any use is located has a property line common with "R" classified property and no wall, fence or hedge exists on such property line where required by this title, such use shall be made to conform to the requirements of this title with respect to such features within a period of not to exceed two years from the date of notification as required in Section 21.52.130. (Res. 25789 § 2606, 1963).

[*See Section 21.70.010.]

21.52.080 Continuation of nonconforming use in a nonconforming building. A nonconforming use in a nonconforming building may be continued, any may be expanded or extended throughout such building so long as such nonconforming building remains nonconforming, provided no structural alterations or additions are made except those that may be required by law or which are herein specifically permitted. A nonconforming use in a nonconforming building may be changed to another use of the same or more conforming classification.

The permission to continue the nonconforming use in a nonconforming building shall not apply where the building is nonconforming only by reason of substandard yards, open space, area or height, in which case the use shall be abated in the same manner as provided in Section 21.52.110. (Res. 25789 § 2607, 1963).

21.52.090 Abatement of nonconforming use of land, buildings and structures. The nonconforming use of land, buildings or structures shall be subject to abatement if any of the following circumstances apply and subject to the conditions therein:

A. Any nonconforming use not involving a building or a structure as defined by this title or involving a building or structure which has an assessed value of less than one hundred dollars on the date of notification, shall be completely removed or made to conform within one year from the date of notification as required by Section 21.52.130.

B. Any nonconforming use of land involving a building or a structure as defined by this title which building or structure has an assessed value of more than one hundred dollars but less than three hundred dollars on the date of notification shall be completely removed or made to confrom within two years from the date of notification as required by Section 21.52.130.

C. Any nonconforming structure which is not a building, and which has an assessed value of more than three hundred dollars on the date of notification shall be completely removed or made to conform within five years from the date of notification as required by Section 21.52.130.

D. A or S uses and accessory structures which become nonconforming in any zone may be continued so long as the conditions specified in the S-R zone are met or the area of the tract is not reduced. (Res. 30152 (part), 1965: Res. 25789 § 2608, 1963).

21.52.100 Nonconforming churches may alter or expand. Nonconforming churches may be structurally altered or enlarged, provided the requirements of this title for off-street parking shall be met and maintained for any seating capacity in excess of that which existed immediately prior to the alterations or additions, whether provided by additional seats in the nave or by additional floor space to be used simultaneously for assembly purposes if there be no fixed seats. (Res. 25789 § 2609, 1963).

21.52.110 Abatement of nonconforming use of conforming building. A. In R, S and A zones. Every nonconforming use of a conforming building in any of the R, S or A zones shall be discontinued within three years from the date of notification as provided in Section 24.52.130.

B. In B zones. Every nonconforming use of a conforming building in the B-N and B-C zones which use is first permitted in an M-L or M-H zone shall be discontinued within ten years from the date of notification as provided in Section 24.52.130. (Res. 25789 § 2610, 1963).

21.52.120 Residences and dwelling units in "B", "C" and "M" zones nonconforming. Residential buildings and buildings containing dwelling units on the ground floor existing in B, C and M zones on the effective date of this title* shall be considered as nonconforming buildings but, as such, shall be subject only to those provisions of this chapter pertaining to abatement which provides that a nonconforming building removed or destroyed shall not be replaced by other than a conforming building, that the nonconforming building may not be enlarged or expanded unless such enlargement or expansion makes the building more conforming, and that the degree of nonconformity may not be increased by changing to a less restrictive residential use. (Res. 25789 § 2611, 1963).

21.52.130 Notice of abatement or required conformance. When any nonconforming condition exists which is subject to abatement, it shall be the responsibility of the building and land development division to ascertain the date upon which the nonconforming use was established or acquired. The building and land developement division shall notify the owner and lessee of the subject property of the intent to consider the matter and the date of such consideration. The division shall consider all pertinent data in connection therewith and provide the opportunity for the owner or lessee to present such evidence which properly relates to such case. The division shall establish the facts upon which the determination is made to require such property owner to abate or make the use conforming, and shall formally notify the owner of record and the occupant in writing of the decision and of the date by which such use or uses shall be abated or made conforming. Such formal notification shall be by certified mail to the property owner and a copy mailed to the occupant at the address of the premises. Any person aggrieved by a decision made under this section may appeal that decision to the zoning and subdivision examiner pursuant to Chapter 20.24.

Not more than ten days from the final date by which an appeal may be filed with the examiner, or not more than ten days following the date of a determination by the examiner on an appeal, the division shall cause the final decision in the matter to be recorded with the records and elections division, identifying in such record the property to which such action applies. (Ord. 4462 § 13, 1979: Res. 25789 § 2612, 1963).

21.52.140 Examiner may extend time of abatement on certain uses. The examiner may in an appeal pursuant to Section 21.52.130 and Chapter 20.24, upon a showing of unusual hardship extend the time of abatement or required conformance of a nonconforming use of land wherein no structure or building is involved, or of accessory buildings and structures in connection with the nonconforming use of open land, or the nonconforming use of a conforming building. (Ord. 4462 § 14, 1979: Res. 25789 § 2613, 1963).

*[See Section 21.70.010.]

Chapter 21.53
GENERAL PROVISIONS-SIGNS AND BILLBOARDS

Sections:

21.53.010 General requirements.
21.53.020 Special restrictions in the BC zone classification.
21.53.030 Limitations on the alteration or relocation of existing billboards.
21.53.040 Billboard location and height standards.
21.53.050 View and vegetative protection buffer protections.
21.53.060 Billboard free areas.

21.53.010 General requirements.

A. Following the effective date of this chapter, the total number of billboard faces within unincorporated King County shall not exceed the total number of billboard faces existing on the effective date, except as provided in Section 21.53.030C. In addition, the total number of existing billboard faces within each zone classification permitting billboards shall not be exceeded except as provided in Section 21.53.020.

B. In the event that portions of unincorporated King County incorporate or annex to incorporated cities or towns after the effective date of this chapter, the total number of allowable billboard faces shall be decreased by the number of faces existing in such areas on the effective date of annexation or incorporation.

C. As soon as practical after the effective date of this chapter, the county shall compile an inventory of existing billboards within the county. Until the inventory is completed, no billboard shall be erected, modified or relocated, nor shall King County issue any permits for such actions. Following completion of the inventory, the county shall grant a billboard permit for each existing billboard reflecting the location, size, height, zoning and the degree of conformity with the requirements of this chapter. Only inventoried billboards may be subsequently issued billboard alteration or relocation permits. Billboard owners can accelerate the inventory process by providing the necessary inventory information for their billboards. If owners have provided necessary inventory information for all billboards in their ownership, the county shall release billboard permits for such billboards, regardless of the degree of completion of the remainder of the inventory. (Ord. 8529 § 1, 1988).

21.53.020 Special restrictions in the BC zone classification.

A. In the event that a billboard owner elects to relocate BC zoned billboards outside of the BC zone, the BC zone designation shall be removed and that permit may not later be used to relocate a billboard in the BC zone.

B. Billboards may be relocated only within the zone classification identified on the valid billboard permit, except the number of billboards permitted within non-BC zone classifications may increase only as a result of billboard relocation from within the BC classification. (Ord. 8529 § 2, 1988).

21.53.030 Limitations on the alteration or relocation of existing billboards.

A. Except as provided in Subsection B. of this section, billboards shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a billboard alteration or relocation permit. All such permits shall require full compliance with the provisions of this chapter.

There shall be no time limit on the eligibility to alter or relocate inventoried billboards; however, individual alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by King County, and no further work on the subject billboard shall occur until such issuance.

Relocation of inventoried billboards shall also require the issuance of a demolition permit for the removal of the existing billboard. Billboard demolitions shall be completed within ninety days of permit issuance and prior to installation of the relocated billboard.

B. Ordinary and necessary repairs which do not change the size, shape, orientation, height or location of an inventoried billboard shall not require alteration permits. Billboard copy replacement may occur at any time and is exempt from the requirement for alteration permits, provided:

1. New Type II billboard faces do not exceed the size of previously inventoried faces, or

2. New Type I billboard faces may only exceed the size of the previously inventoried face with temporary cut-out extensions if the billboard is otherwise conforming, and if the extensions do not exceed a total of 125 square feet. Any such extension shall be removed with the next change of billboard copy.

C. Single Type I billboard faces may be replaced, with two side-by-side Type II billboard faces, and likewise two side-by-side Type II billboard faces may be replaced with a single Type I billboard face, provided each resulting billboard face complies with the location, height standards of Section 21.53.040 of this section.

D. Any location or orientation alteration of billboards conforming to the provisions of this chapter shall be accompanied by the alteration or relocation of an equal number of billboards under the control of the same applicant which do not fully conform to these provisions, if any such nonconforming billboards exist. Whenever more than one nonconforming billboard exists under a single ownership, they shall be made conforming in the following order:

1. billboards deemed nonconforming pursuant to K.C.C. 21.53.050 of this chapter,
2. billboards located in billboard free areas,
3. billboards located in the BC zone classification, and
4. any other nonconforming billboard. (Ord. 8529 § 3, 1988).

21.53.040 Billboard location and height standards. All billboard alterations or relocations shall comply with the following location and design standards.

A. Location.

1. Billboards shall only be located on sites zoned BC, CG, ML, MP, or MH.

2. No more than five billboard faces shall be oriented toward and visible from the same direction of travel within one mile of the proposed relocation site as measured along the adjacent roadway.

3. Billboards shall be located at least 100 feet from any other billboard; provided side-by-side, v-type and back-to-back billboard faces shall be considered one billboard for purposes of this subsection only.

4. The zoning on the opposite side of the street from a proposed relocation site must also permit billboards.

5. There shall be at least 100 feet from any type II billboard to any residential zone classification. Type I billboards shall be at least 330 feet from any residential zone classification.

6. No billboard shall be located in a manner so that it extends beyond the property line of the billboard site.

7. No billboard shall be located more than 100 feet from any adjacent arterial.

8. Billboards shall observe the same street setback as all buildings within 50 feet of the proposed billboard location.

9. Type I billboard faces shall only be located adjacent to arterials developed with at least two primary travel lanes in each direction. In all other locations, billboards shall be limited to Type II billboard faces.

10. No single billboard structure shall support a total of more than two Type I billboard faces or the equivalent, and no single billboard structure shall orient more than one Type I billboard face or the equivalent in any single direction.

B. Height.

1. Billboards located in the BC or CG zone classifications shall not exceed 15 feet above the average height of all buildings within 330 feet of the billboard or 35 feet, whichever is less.

2. Billboards located in M zone classifications shall not exceed 15 feet above the average height of all buildings within 330 feet of the billboard or 45 feet, whichever is less. (Ord. 8529, § 4, 1988).

21.53.050 View and vegetative protection buffer protections.

A. Notwithstanding any other provision of this chapter or other applicable laws or regulations, no billboard shall be located or oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt. Baker, the Olympic Mountains, Puget Sound or any lake or river from adjacent public roadways. All applications for billboard alteration or relocation shall be certified by the applicant as meeting this provision. Any billboard subsequently found to violate this provision shall be deemed nonconforming and shall be required to become the next nonconforming billboard relocated pursuant to K.C.C. 21.53.030D.

B. Notwithstanding any other provision of this chapter or other applicable law or regulation, no billboard owner or their agent shall remove, cut or otherwise alter any vegetative screening on public property or private landscaping required by code or as a condition of permit approval in order to improve the visibility of a nearby billboard. Should such alteration occur, any billboard so benefited shall be deemed nonconforming and shall be required to become the next nonconforming billboard relocated pursuant to K.C.C. 21.53.030D. (Ord. 8529 § 5, 1988).

21.53.060 Billboard free areas. A. Notwithstanding any other provision of this chapter, no billboard shall be relocated in any of the following areas.

1. Sites listed in either the Washington State or National Register of Historic Places or on sites designated as county landmarks or community landmarks.

2. Open space and scenic resource sites identified in the adopted King County Open Space Plan.

3. Between any parcels identified in subsection A. or B. of this section and the nearest adjacent public roadways.

4. Within 660 feet of any state or county park.

5. Redondo Beach Road and Redondo Way from Redondo Beach Road to 13th Avenue South.

6. South 292nd Street from 65th Avenue South to State Highway 181.

7. The south and east side of State Highway 522 from Northeast 149th Street 68th Avenue Northeast.

8. Northeast 175th Street from 61st Avenue to Northeast 68th Avenue Northeast.

9. Rainier Avenue South from the Renton city limits to the Seattle city limits.

10. South 188th Street and Orillia Road South from 46th Avenue South to Military Road South.

11. Within 300 feet of the intersection of South 144th Street and 51st Avenue South.

B. After the effective date of this chapter, any billboard located in a designated billboard free area shall be deemed nonconforming and shall be relocated pursuant to K.C.C. 21.53.030 D. (Ord. 8529 § 6, 1988).

Chapter 21.54
SPECIAL CONTROL AREAS AND FLOOD HAZARD AREAS

Sections:

21.54.010 Purpose.
21.54.020 Applicability.
21.54.030 General Exemptions.
21.54.040 Sensitive Areas Special Studies.
21.54.050 Public Agency and Utility Exception.
21.54.060 Reasonable Use Exception.
21.54.070 Appeals.
21.54.080 Density Credits.
21.54.090 Sensitive Areas Maps and Inventories.
21.54.100 Notice on Title.
21.54.110 Sensitive Area Tracts and Setback Areas.
21.54.120 Temporary marking, permanent survey marking, signs.
21.54.130 Mitigation.
21.54.140 Monitoring.
21.54.150 Sensitive Areas Mitigation Fund.
21.54.160 Coal mine hazard areas -- protection mechanisms and permitted alterations.

21.54.170 Erosion hazard areas -- protection mechanisms and permitted alterations.
21.54.180 Flood hazard areas -- protection mechanisms and permitted alterations.
21.54.190 Flood fringe area outside the zero-rise floodway.
21.54.200 Zero-Rise Floodway.
21.54.210 FEMA Floodway.
21.54.220 Landslide hazard areas -- protection mechanisms and permitted alterations.
21.54.230 Seismic hazard areas -- protection mechanisms and permitted alterations.
21.54.240 Volcanic hazard areas -- protection mechanisms and permitted alterations.
21.54.250 Steep slope hazard areas -- protection mechanisms and permitted alterations.
21.54.260 Wetlands -- Provisions.
21.54.262 Wetlands Preservation.
21.54.270 Wetland Standards.
21.54.280 Alterations to wetlands and buffers.
21.54.290 Mitigation.
21.54.300 Streams -- Provisions.
21.54.310 Stream Standards.
21.54.320 Alterations to streams and buffers.
21.54.330 Mitigation for Streams.
21.54.340 Bonds for Restoration and Mitigation Activities.
21.54.350 Sensitive Areas - Rules.
21.54.360 Liberal construction.
21.54.370 Severability.
21.54.380 Effective date.

21.54.010 Purpose. The purpose of this chapter is to identify environmentally sensitive areas and to supplement the development requirements contained in the various use classifications in the King County Code by providing for additional controls without violating any citizen's constitutional rights.

Coal mine, erosion, flood, landslide, seismic, steep slope and volcanic hazard areas, and streams, wetlands and protective buffers, all as defined in K.C.C. Title 21, constitute environmentally sensitive areas that are of special concern to King County. The standards and mechanisms established in this chapter are intended to protect these environmentally sensitive features in King County. By regulating development and alterations to sensitive areas this chapter seeks to:

A. Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial losses due to flooding, erosion, landslides, seismic and volcanic events, soil subsidence or steep slope failures;

B. Protect unique, fragile and valuable elements of the environment including wildlife and its habitat;

C. Mitigate unavoidable impacts to environmentally sensitive areas by regulating alterations in and adjacent to sensitive areas;

D. Prevent cumulative adverse environmental impacts to water availability, water quality, wetlands and streams;

E. Protect the public trust as to navigable waters and aquatic resources;

F. Meet the requirements of the National Flood Insurance Program and maintain King County as an eligible community for federal flood insurance benefits.

G. Alert members of the public including, but not limited to appraisers, owners, potential buyers or lessees to the development limitations of sensitive areas;

H. Provide county officials with sufficient information to protect sensitive areas; and

I. Implement the policies of the State Environmental Policy Act, Chapter 43.21C RCW, K.C.C. Chapter 20.44, the King County Charter, the King County Comprehensive Plan and all county functional and community plans. (Ord. 9614 § 2, 1990: Ord. 1527 § 1, 1973).

21.54.020 Applicability. A. The regulations and standards of K.C.C. Title 21 pertaining to the several use classifications shall be subject to the general provisions, requirements, and conditions contained in this chapter. When any provision of any other chapter of the King County Code conflicts with this chapter, that which provides more protection to the sensitive areas shall apply unless specifically provided otherwise in this chapter; provided, such exceptions shall not conflict with state regulations, such as the state Shorelines Master Program, Chapter 173-19 WAC.

B. Prior to fulfilling the requirements of this chapter, King County shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including but not limited to the following: building permit, commercial or residential; commercial site development permit; binding site plan; conditional use permit; franchise right-of-way construction permit; grading and clearing permit; master plan development; planned unit development, right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

C. King County shall perform a sensitive areas review for any King County permit or approval requested for a development proposal on a site which includes or is adjacent to one or more sensitive areas unless otherwise provided in this chapter.

As part of all development applications:

1. King County shall verify the information submitted by the applicant to:

a. Confirm the nature and type of the sensitive areas and evaluate the special sensitive areas study;

b. Determine whether the development proposal is consistent with this chapter;

c. Determine whether any proposed alterations to sensitive areas are necessary;

d. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this chapter.

2. The applicant shall submit an affidavit which:

a. Declares that the applicant has no knowledge that sensitive areas on the development proposal site have been illegally altered, and that the applicant previously has not been found in violation of sensitive areas regulations for any property in King County, pursuant to Title 23 or that any violations have been cured to the satisfaction of King County;

b. Demonstrates that any development proposal submitted conforms to the purposes, standards and protection mechanisms of this chapter;

c. If required, prepare a special sensitive areas study in accordance with K.C.C. 21.54.040:

D. King County may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this chapter.

E. Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

F. The provisions of this chapter shall apply to all forest practices over which the county has jurisdiction pursuant to Chapter 76.09 RCW, Title 222 WAC, and any Memorandum of Understanding between the Washington Department of Natural Resources and King County, and to all property which has been cleared and/or graded without an approved Class IV General forest practice application and which is subsequently proposed for development. (Ord. 11016 § 23, 1993: Ord. 9614 § 3, 1990: Ord. 1527 § 2, 1973).

21.54.030 General Exemptions. The following are exemptions to the provisions of this chapter and the administrative rules:

A. Emergencies that threaten the public health, safety and welfare.

B. Structural modification of, addition to or replacement of structures, except single detached residences, in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the building setback area, sensitive area or buffer, provided the modification, addition or replacement is subject to the restrictions of the flood hazard area for reconstruction, provided further that areas of fill shall be excluded from this exemption.

C. Structural modification of, addition to or replacement of single detached residences in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the buffer or building setback area by more than 1000 square feet over that existing on November 27, 1990 and no portion of the modification, addition or replacement is located closer to the wetland, stream or steep slope or, if the existing residence is in the wetland, stream or steep slope, extends farther into the wetland, stream or steep slope, provided the modification, addition, or replacement is subject to the restrictions of the flood hazard area for reconstruction, provided further that areas of fill shall be excluded from this exemption.

D. Agricultural activities in existence before November 27, 1990, as follows:

1. Grazing of livestock; provided, it is consistent with K.C.C. 21.54.270 and 21.54.310, administrative rules, and any animal density limitations established by ordinance;

2. Mowing of hay, grass or grain crops;

3. Tilling, discing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod; provided that such activities shall not involve the conversion of any Class I or II wetland or buffer or Class I or II stream or buffer not currently under agricultural use and shall not take place on steep slopes;

4. Normal and routine maintenance of existing irrigation and drainage ditches; provided, however, that this exception shall not apply to any ditches used by salmonids.

5. Normal and routine maintenance of farm ponds, fish ponds, manure lagoons, and livestock watering ponds; provided that such activities shall not involve conversion of any wetland not currently being used for such activity.

E. The following electric, natural gas, cable communications, and telephone utility-related activities when undertaken pursuant to county-approved best management practices:

1. Normal and routine maintenance or repair of existing utility structures or right-of-way;

2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less only when required by a local governmental agency which approves the new location of the facilities;

3. Relocation of natural gas, cable communications, gas and telephone facilities, lines, pipes, mains, equipment or appurtenances only when required by a local governmental agency which approves the new location of the facilities;

4. Installation or construction in improved county road right-of-way, and replacement, operation or alteration, of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;

5. Installation or construction in improved county road right-of-way, and replacement, operation, repair or alteration of all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances.

F. Public agency development proposals only to the extent of any construction contract awarded before the effective date of the chapter, provided that any regulation in effect at the time of such award shall apply to such proposal.

G. Maintenance, operation, repair, modification or replacement of improved roadways established prior to November 27, 1990, as long as any such construction activity does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way, or for private roadways, into previously unimproved roadway or driveway alignment. For the purpose of this paragraph "Private Roadway" means privately owned, and maintained access provided by a tract, easement or other legal means. In the event that the exempted activity results in a hazard to public safety, or damages or destroys a sensitive area or sensitive area buffer, the department may require corrective action, or mitigation pursuant to K.C.C. 21.54.

H. Maintenance, operation or repair of publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved recreation areas. (Ord. 11273 § 1, 1994: Ord. 9614 § 4, 1990).

21.54.040 Sensitive Areas Special Studies. A. Required. An applicant for a development proposal that includes, or is adjacent to, or could have probable significant adverse impacts to sensitive areas shall submit such special studies as are required by King County to adequately evaluate the proposal and all probable impacts.

B. Waivers. King County may waive the requirement for a special study if there is substantial showing that:

1. There will be no alteration of the sensitive areas or required buffer; and

2. The development proposal will not impact the sensitive area in a manner contrary to the goals, purposes, objectives and requirements of this ordinance; and

3. The minimum standards required by this chapter are met.

C. Exceptions. No special study is required for the following development proposals:

1. A residential building permit for the remodel of a structure when no alteration of the sensitive area will occur as a result of the remodel activity or any associated construction for additional parking;

2. A residential building permit for a lot which was subject to a previous special study of sensitive areas; provided that the previous special study adequately identified the impacts associated with the current development proposal.

3. King County shall make such field investigations as are necessary to determine if the criteria for an exception are satisfied.

D. Contents of special study. Sensitive area special studies shall identify and characterize any sensitive area as a part of the larger development proposal site, assess any hazards to the proposed development, assess impacts of the development proposal on any sensitive areas on or adjacent to the development proposal site, and assess the impacts of any alteration proposed for a sensitive area. Studies shall propose adequate mitigation, maintenance and monitoring plans and bonding measures. Sensitive area special studies shall include a scale map of the development proposal site and a written report. (Ord. 9614 § 5, 1990).

21.54.050 Public Agency and Utility Exception. A. If the application of this ordinance would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section. The public agency or utility shall apply to the building and land development division and shall be heard by the zoning and subdivision examiner for any development proposals not qualifying under K.C.C. 21.54.030. The public agency or utility shall prepare a report to the examiner and shall incorporate other required documents such as permit applications, special studies and SEPA documents.

B. The examiner shall review the applications pursuant to the provisions of K.C.C. 20.24.070, and make a recommendation to the council based on the following criteria:

1. There is no other practical alternative to the proposed development with less impact on the sensitive area; and

2. The proposal minimizes the impact on sensitive areas.

C. This exemption shall not allow the use of the following sensitive areas for regional retention/detention facilities except where there is a clear showing the facility will protect public health and safety or repair damaged natural resources:

1. Class 1 streams or buffers;

2. Class 1 or 2 wetlands or their buffers with plant associations of infrequent occurrence;

3. Class 1 or 2 wetlands or their buffers which provide critical or outstanding actual habitat for the following unless clearly demonstrated by the applicant that there would be no impact on critical or outstanding actual habitat for:

a. Species listed by the federal government or state as endangered or threatened as needing special protection.

b. Herons.

c. Raptors.

(Ord. 9614 § 6, 1990).

21.54.060 Reasonable Use Exception. A. If the application of this chapter would deny all reasonable use of the property, development may be allowed which is consistent with the general purposes of this chapter and the public interest.

B. An application for a sensitive areas reasonable use exception shall be filed with the building and land development division and shall be heard by the zoning and subdivision examiner who shall seek legal advice from and consult with the prosecuting attorney and shall issue a final decision pursuant to the provisions of K.C.C. 20.24.080.

C. The examiner, in recommending approval of the reasonable use exception, must determine that:

1. Application of this chapter would deny all reasonable use of the property; and,

2. There is no other reasonable use with less impact on the sensitive area; and,

3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site; and,

4. Any alterations permitted to these sensitive areas shall be the minimum necessary to allow for reasonable use of the property.

D. Any authorized alteration of a sensitive area under this section shall be subject to conditions established by King County and shall require mitigation under an approved mitigation plan.

E. Except when application of this chapter would deny all reasonable use of the property, an applicant who seeks an exception from the standards and requirements of this chapter shall pursue relief by means of a variance as provided in K.C.C. 21.58. (Ord. 9614 § 7, 1990).

E. Except when application of this chapter would deny all reasonable use of the property, an applicant who seeks an exception from the standards and requirements of this chapter shall pursue relief by means of a variance as provided in K.C.C. 21.58. (Ord. 9614 § 7, 1990).

21.54.070 Appeals. A. Any decision to require a special sensitive area study pursuant to this chapter may be appealed to the zoning and subdivision examiner pursuant to K.C.C. 20.24.080 and K.C.C. 20.24.090.

B. Any decision to approve, condition or deny a development proposal based on the requirements of this chapter may be appealed according to the appeal procedure for the permit or approval involved.

C. Any decision authorized by this chapter where no administrative appeal process exists may be appealed to the zoning and subdivision examiner pursuant to K.C.C. 20.24.080 and K.C.C. 20.24.090. (Ord. 9614 § 8, 1990).

21.54.080 Density credits. A. For development proposals on lands containing stream and wetland buffers, steep slopes, landslide hazard areas or required buffers, King County shall determine allowable dwelling units for residential development proposals based on the formula below.

Percentage of site in buffers and/or sensitive areas	Density Credit
1 - 10%	100%
11 - 20%	90%
21 - 30%	80%
31 - 40%	70%
41 - 50%	60%
51 - 60%	50%
61 - 70%	40%
71 - 80%	30%
81 - 90%	20%
91 - 99%	10%

B. The density credit can only be transferred within the development proposal site. The applicant may reduce lot sizes below the minimum required for that zone to accommodate the transfer of density but it can not change the residential uses permitted in the zone. Density credits within the A-R classification shall be subject to the clustering provisions in the A-R zone.

C. For development proposals on lands containing coal mine, erosion, seismic, volcanic hazard areas, and flood hazard areas, King County shall allow full credit for density for the portions of the site occupied by these features.

D. For development proposals on lands containing wetlands, and streams, King County shall only allow credit for density for the area occupied by the stream and wetland buffers and not the stream and wetland themselves. (Ord. 9614 § 10, 1990).

21.54.090 Sensitive Areas Maps and Inventories. A. The distribution of many environmentally sensitive areas in western King County is displayed on maps in the Sensitive Areas Map Folio. Many of the wetlands have been inventoried and rated and that information is published in the King County Wetlands Inventory Notebooks. Many flood hazard areas are mapped by the Federal Insurance

Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County." These maps and the Inventory are hereby adopted by reference. The actual presence or absence of the features defined in K.C.C. Title 21 as sensitive areas, as determined by King County, shall govern.

B. All revisions, updates and reprintings of sensitive areas maps and inventories shall be conformed to this chapter. (Ord. 9614 § 11, 1990).

21.54.100 Notice on Title. A. The owner of any property on which a development proposal is submitted shall file for record with the records and elections division of King County a notice approved by the department in a form substantially as set forth in B., below. Such notice shall provide notice in the public record of the presence of a sensitive area or buffer, the application of this chapter to the property, and that limitations on actions in or affecting such areas or buffers may exist.

The applicant shall submit proof that the notice has been filed for record before King County shall approve any development proposal for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be a violation of this chapter.

B. The department shall develop and adopt by administrative rule notices required under subsection A (Ord. 9614 § 12, 1990).

21.54.110 Sensitive Area Tracts and Setback Areas. A. Sensitive area tracts shall be used to protect all landslide and steep slopes hazard areas, and streams and wetlands in proposals for master plan developments (MPD's), subdivisions, or binding site plan to which they apply and shall be recorded on all documents of title of record for all affected lots.

Any required sensitive area tract shall either be held in an undivided interest by each owner of a building lot within the development, and this ownership interest shall pass with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership and protection of the tract.

B. Setback Areas. Sensitive area setback areas shall delineate wetlands, streams, steep slopes hazard areas, landslide hazard areas, and required buffers in development proposals for building permits, short subdivisions and grading and clearing permits. The setback area shall be identified on a site plan which is filed as an attachment to the notice on title required by K.C.C. 21.54.100. (Ord. 9614 § 13, 1990).

21.54.120 Temporary marking, permanent survey marking, signs. A. Temporary marking. Prior to commencing construction activities on a development proposal site, the applicant shall mark, as required by King County, sensitive areas in a highly visible manner, such as yellow caution tape, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive area are completed.

B. Survey markers. Permanent survey stakes using iron or cement markers as established by current survey standards shall be set delineating the boundary between adjoining property and the sensitive areas tracts.

C. Signs. The boundary between a sensitive area tract and adjacent land shall be identified using permanent signs. (Ord. 9614 § 14, 1990).

21.54.130 Mitigation. A. "Mitigation" means the use of the following actions that are listed in descending order of preference:

1. Avoiding the impact all together by not taking a certain action or parts of an action;

2. Minimizing impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impact;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive areas;

4. Reducing or eliminating the impact over time by prevention and maintenance operations during the life of the actions;

5. Compensating for the impact by replacing, enhancing, or providing substitute sensitive areas and environments;

6. Monitoring the impact and taking appropriate corrective measures.

B. It is the goal of King County to achieve no overall net loss of wetlands and streams functions and values and to measure the quantity and quality of the wetlands and streams resource base.

C. Mitigation measures shall be in place to protect the sensitive areas and its buffer from alterations occurring on all or portions of the site that are being developed.

D. A mitigation plan shall be required for the design, implementation, maintenance and monitoring of mitigation. (Ord. 9614 § 15, 1990).

21.54.140 Monitoring. A. King County may require monitoring when mitigation is required for the alteration of a sensitive area.

B. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to monitoring. (Ord. 9614 § 16, 1990).

21.54.150 Sensitive Areas Mitigation Fund. There is hereby created a Sensitive Areas Mitigation Fund which shall be administered by the office of finance. All funds received from civil penalties resulting from violations of this chapter shall be deposited in the fund which shall be used only for the purpose of paying all or part of the cost and expense of enforcing and implementing this chapter. Monies in said fund not needed for immediate expenditure shall be invested for the benefit of the sensitive areas mitigation fund pursuant to RCW 36.29.020. For investment purposes, the director of the department of parks, planning and resources is hereby designated the fund manager. (Ord. 9614 § 17, 1990).

21.54.160 Coal mine hazard areas -- protection mechanisms and permitted alterations. A. General requirements. Alteration of a site containing a coal mine hazard area may be permitted only when all significant risks associated with abandoned mine workings have been eliminated or mitigated so that the site is as safe as a site which has not been previously mined. Appropriate mitigation shall be based upon a special study.

B. Building setback lines. Building setback lines to accomplish this objective shall be determined by King County based on the sensitive areas special study. (Ord. 9614 § 79, 1990).

21.54.170 Erosion hazard areas -- protection mechanisms and permitted alterations. Alteration of a site containing an erosion hazard area shall meet the following requirements:

A. Except for the following, clearing on erosion hazards is allowed only from April 1 to November 1:

1. Up to 15,000 square feet may be cleared on any lot, subject to any other requirement for vegetation retention, and

2. Timber harvest pursuant to a DNR approved forest practice permit or clearing and grading permit may be allowed.

B. Only that clearing necessary to install temporary sedimentation and erosion control measures shall occur prior to clearing for roadways or utilities.

C. Clearing limits for roads, sewer, water and storm water utilities, and temporary erosion control facilities shall be marked in the field and approved by King County prior to any alteration of existing native vegetation.

D. Clearing for roads and utilities shall remain within construction limits which must be marked in the field prior to commencement of site work.

E. The authorized clearing for roads and utilities shall be the minimum necessary to accomplish project specific engineering designs and shall remain within approved rights-of-ways.

F. Clearing of trees permitted pursuant to K.C.C. 16.82 may occur in conjunction with clearing for roadways and utilities.

G. All trees and understory shall be retained on lots or parcels during clearing for roadways and utilities provided that understory damaged during approved clearing operations may be pruned.

H. Damage to vegetation retained during initial clearing activities shall be minimized by directional felling of trees to avoid sensitive areas and vegetation to be retained, and preparation and approval of a skidding plan aimed at minimizing damage to soil and understory vegetation.

I. Retained trees, understory, and stumps may subsequently be cleared only if such clearing is a specific element of residential, multifamily, or commercial structure site plan approval. This shall be carried out as a part of a vegetation management plan developed pursuant to criteria established in the administrative rules.

J. Hydroseeding and/or other erosion control methods as required in temporary erosion control plans shall be required.

K. All development proposals shall submit an erosion control plan consistent with this section and other adopted requirements prior to receiving approval. (Ord 9614 § 80, 1990).

21.54.180 Flood hazard areas -- protection mechanisms and permitted alterations. A. Development proposals on sites containing a flood hazard area shall meet the requirements of K.C.C. 21.54.180 through 21.54.210 and administrative rules. In addition to the provisions of this section, requirements for buffers, sensitive area tracts, building setback lines, permitted alterations, mitigation and monitoring for a development proposal site on or adjacent to a flood hazard area shall be as established in this chapter for the streams, wetlands or other areas which form the constituent elements of the floodplain.

B. For all new structures or substantial improvements, the applicant must provide certification by a professional civil engineer or land surveyor licensed in the State of Washington of the actual as-built elevation of the lowest floor, including basement, and, if applicable, the actual as-built elevation to which the structure is flood-proofed. For purposes of this ordinance, the term "substantial improvement" shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the

damage occurred (44 CFR 59.1 (1989)). If the structure has a basement, this must be indicated. King County will maintain these certifications for public inspection.

C. In all flood hazard areas, King County shall honor all existing contractual obligations with any federal agency. (Ord. 9614 § 81, 1990).

21.54.190 Flood fringe area outside the zero-rise floodway. A. Development proposals shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume must be mitigated by creating compensatory storage on the site, or off-site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time. Grading for construction of livestock manure storage facilities to control non point source water pollution designed to the standards of and approved by the King County Conservation District are exempt from this compensatory storage requirement.

B. No structure shall be allowed which would be at risk due to stream bank destabilization including that associated with channel relocation or meandering.

C. All elevated construction must be designed and certified by a professional structural engineer registered in the State of Washington and must be approved by King County prior to construction.

D. Subdivisions, short subdivisions, and binding site plans shall follow these requirements:

1. New building lots shall contain 5,000 square feet or more of buildable land outside the zero-rise floodway and building setback lines shall be shown on the face of the plat to restrict permanent structures to this 5,000 square foot or greater area;

2. All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subparagraphs G. and J.;

3. Base flood data and flood hazard notes shall be shown on the face of the recorded plat, including, but not limited to, the base flood elevation, required flood protection elevations, and the boundaries of the floodplain and the zero-rise floodway, if determined; and,

4. The following note shall appear on the face of the recorded plat for all affected lots:

"N O T I C E"

"Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions."

E. New residential construction and substantial improvement shall meet the following criteria:

1. The lowest floor shall be elevated to the flood protection elevation.

2. Portions of a building that are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

a. A minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade;

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the unrestricted entry and exit of floodwaters.

F. New nonresidential construction and substantial improvement of any existing commercial, industrial, or other nonresidential structure shall meet the following criteria:

1. Meet the elevation requirements for residential construction; or

2. Flood-proof the structure to the flood protection elevation and meet the following criteria:

a. The flood-proofing must be certified by a professional civil or structural engineer registered in the State of Washington, stating that the flood-proofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces, and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications.

b. Approved building permits for flood-proofed nonresidential buildings shall contain a statement to notify applicants that flood insurance premiums will be based upon rates for structures that are one foot below the flood-proofed level.

G. Construction for new and reconstructed residential and nonresidential structures shall meet the following criteria:

1. Use materials and methods which are resistant to and minimize flood damage;

2. Flood-proof to or elevate above the flood protection elevation, all electrical, heating, ventilation, plumbing, air conditioning equipment, and other utility and service facilities.

H. All new construction shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

I. For all mobile homes, all standards for flood hazard protection for conventional residential construction shall apply. All manufactured mobile homes must be anchored and shall be installed using methods and practices that minimize flood damage. For new mobile home parks, for expansions to existing mobile home park, and for existing mobile home parks where the repair/reconstruction of the streets, utilities, and pads equals or exceeds fifty percent of the value of the streets, utilities, and pads before repair/reconstruction has commenced, all standards for flood hazard protection applicable for residential construction shall apply to the mobile homes within the park.

J. Utilities shall meet the following minimum criteria:

1. All new and replacement utilities including sewage treatment facilities shall be flood-proofed to or elevated above the flood protection elevation.

2. New on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the 100-year floodplain. The installation of new on-site sewage disposal systems in the flood fringe may be allowed if no feasible alternative site is available.

3. Sewage and agricultural waste storage facilities shall be flood-proofed to the flood protection elevation.

4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of non-hazardous substances.

5. Buried utility transmission lines transporting hazardous substances (as defined by the Washington State Hazardous Waste Management Act in RCW 70.105.005) shall be buried at a minimum depth of four feet below the maximum

depth of scour for the base flood as predicted by a professional civil engineer licensed by the State of Washington and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

K. Critical facilities may be allowed within the flood fringe of the floodplain, but only when no reasonable alternative site is available. All such proposed uses shall be evaluated through the conditional use permit processor through the unclassified use permit process if otherwise required by the zone. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that hazardous or toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the nearest maintained public street or roadway.

L. King County shall review all development permits to determine that all necessary permits have been obtained as required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, as required by section 60.3(a)(2) of 44 CFR. (Ord. 9614 § 82, 1990).

21.54.200 Zero-Rise Floodway. A. Any activities allowed within the zero-rise floodway shall conform to conditions of this section as well as all requirements which apply to the flood fringe outside the zero-rise floodway. The more restrictive conditions shall apply where a conflict exists.

B. No development activity shall reduce the effective storage volume of the floodplain.

C. No development proposal, including permitted new construction or reconstruction, shall cause any increase in base flood elevation unless the following conditions are met:

1. Amendments to the Flood Insurance Rate Map have been adopted by FEMA in accordance with 44 CFR 70 to incorporate the increase in base flood elevations; and

2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

D. Post or piling construction techniques which permit water flow beneath a structure must be used.

E. All temporary structures or materials hazardous to public health, safety and welfare shall be removed from the zero-rise floodway during the flood season from September 30 to May 1.

F. Construction of new residential or non-residential structures is allowed in the zero-rise floodway subject to the following:

1. The structure must be outside the FEMA floodway;

2. The structure must be on a lot legally in existence at the time this chapter becomes effective (November 27, 1990);

3. The structure must be on a lot which contains less than 5000 square feet of buildable land outside the zero-rise floodway; and

4. The structure must meet the construction standards of K.C.C. 21.54.190.

G. New lots which include part of the zero-rise floodway may be created only if the lots meet the requirements of K.C.C. 21.54.190 and administrative rules or are declared as non-building lots on the face of the plat.

H. The following circumstances are presumed to produce no increase in base flood elevation and shall not require special studies to establish this fact:

1. New construction of residential structures outside the FEMA floodway on legal lots in existence when this ordinance becomes effective which contain less than 5,000 square feet of buildable land outside the zero-rise floodway, provided the total building footprint of all proposed structures on the lot is less than 2,000 square feet.

2. Substantial improvement of existing residential structures in the zero-rise floodway but outside the FEMA floodway where the footprint is not increased.

3. Substantial improvement of an existing residential structure shall meet the requirements for new residential construction set out in K.C.C. 21.54.190.

I. Reconstruction of an existing residential structure shall meet the requirements for new residential construction set out in K.C.C. 21.54.190.

J. Utilities shall be located in the zero-rise floodway only when no other location is practicable, and shall meet the minimum criteria set out in K.C.C. 21.54.190 and the following requirements:

1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the Seattle/King County department of public health.

2. Construction of sewage treatment facilities shall be prohibited.

3. Utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four feet below the maximum depth of scour for the base flood as predicted by a professional civil engineer licensed in the State of Washington and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

K. Critical facilities shall not be constructed in the zero-rise floodway.

L. Construction of livestock manure storage facilities and associated non point source water pollution facilities designed to the standards of and approved in a conservation plan by the King County conservation district may be allowed if constructed and maintained to those standards, provided King County reviews and approves the location and design of any such facilities.

M. Floodway dependent structures

Installations or structures which are floodway dependent may be located in the floodway provided that the development proposal receives approval from all other agencies with jurisdiction and meets all standards in K.C.C. 21.54.180 through .200. Such installations include but are not limited to:

1. dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;

2. flood damage reduction facilities such as levees and pumping stations;

3. stream bank stabilization structures where no feasible alternative exists to protecting public or private property;

4. storm water conveyance facilities subject to the requirements of the development standards for streams and wetlands, and the Surface Water Design Manual;

5. boat launches and related recreation structures;

6. bridge piers and abutments; and

7. fisheries enhancement or stream restoration projects.

(Ord. 9614 § 83, 1990).

21.54.210 FEMA Floodway. A. Any activities allowed within the FEMA floodway must conform to all requirements which apply to the zero-rise floodway in addition to the conditions of this section. Where any conflict exists the more restrictive conditions shall apply.

B. No development proposal, including permitted new construction or reconstruction, shall cause any increase in the base flood elevation.

C. Construction or placement of new residential or nonresidential structures is prohibited within the FEMA floodway.

D. Substantial improvement of an existing residential structure located in the FEMA floodway must meet the requirements set out in 173-158-070 WAC as amended. Such substantial improvement is presumed to produce no increase in base flood elevation and shall not require special studies to establish this fact. (Ord. 9614 § 84, 1990).

21.54.220 Landslide hazard areas -- protection mechanism and permitted alterations. Development proposals on sites containing landslide hazard areas shall meet the following requirements:

A. Buffers. A minimum buffer of 50 feet shall be established from all edges of landslide hazard areas and from landslide hazard areas with slopes less than 40% unless these areas are approved for alteration pursuant to subsection D. Existing native vegetation within the buffer area shall be maintained, and the buffer shall be extended beyond these limits as required to mitigate steep slope and erosion hazards, or as otherwise necessary to protect the public health, welfare and safety.

B. Sensitive areas tracts. Any landslide hazard area and buffer one acre or greater in size shall be placed in a sensitive area tract in the development proposals listed in K.C.C. 21.54.110.

C. Building Setback Lines. Building setback lines of 15 feet shall be required from the edge of a landslide hazard area or buffer.

D. Alterations.

1. A landslide hazard area located on a slope 40% or steeper shall be altered only as allowed under standards for steep slope hazard areas. A landslide hazard area, located on a slope less than 40%, may only be altered in the following circumstances:

a. If the development proposal will not decrease slope stability on adjacent properties; and

b. If the landslide hazard area can be modified or the development proposal can be designed so that the landslide hazard to the project and adjacent property is eliminated or mitigated and the development proposal on that site is certified as safe by a licensed geologist or geotechnical engineer.

2. Where such alterations are approved, buffers and sensitive area tracts will not be required. (Ord. 9614 § 85, 1990).

21.54.230 Seismic hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing a seismic hazard area shall meet the requirements of this section.

Alterations.

A. Development proposals on sites containing mapped seismic hazard areas may make alterations to a seismic hazard area only when the applicant demonstrates and King County concludes that:

1. Evaluation of site specific subsurface conditions show that the site is not located in a seismic hazard area; or

2. Mitigation is implemented which renders the proposed development as safe as if it were not located in a seismic hazard area.

B. Development proposals will be subject to two levels of review standards based on occupancy types - critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules. (Ord. 9614 § 86, 1990).

21.54.240 Volcanic hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing volcanic hazard areas shall meet the following requirements:

A. Within volcanic hazard areas located along the White River upstream from Mud Mountain Dam,

1. No critical facilities shall be constructed or located;

2. No new commercial or multifamily structures shall be constructed or located;

3. All new lots created by subdivision or short subdivision shall require building areas outside of the volcanic hazard area which shall be designated with a building setback line; and

4. New single family residential construction on existing lots may be allowed, provided the applicant records with the King County department of records and elections the following notice on all title documents:

The structures on this property are located in an area which may be inundated by mudflows originating on Mount Rainier. For further information regarding this hazard, please contact King County.

B. Within volcanic hazard areas along the White River downstream of Mud Mountain Dam, Green and Duwamish Rivers critical facilities shall be evaluated for the risk of inundation or flooding resulting from mudflows originating on Mount Rainier. These structures should be located outside the limits of, or designed to withstand without damage the effects of mudflows equal in magnitude to the prehistoric Electron Mudflow.

C. This section shall not become effective until King County has completed the required modelling and mapping of volcanic hazard areas. The King County Council shall approve the maps delineating these areas. (Ord. 9614 § 87, 1990).

21.54.250 Steep slope hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing a steep slope hazard area shall meet the requirements of this section.

A. Buffers.

1. A minimum buffer shall be established at a horizontal distance of 50 feet from the top, toe, and along all sides of slopes 40% or steeper. Existing native vegetation within the buffer area shall be maintained and the buffer shall be extended beyond these limits as required to mitigate landslide and erosion hazards, or as otherwise necessary to protect the public health, safety and welfare.

2. The buffer may be reduced to a minimum of ten feet when an applicant demonstrates to King County pursuant to a special study that the reduction will adequately protect the proposed development and the sensitive area.

B. Sensitive Areas Tracts. Any continuous steep slope hazard area and its buffers one acre or greater in size shall be placed in separate sensitive areas tracts in development proposals listed in K.C.C. 21.54.110.

C. Building Setback Lines. A building setback line will be established at a distance of 15 feet from the edge of the buffer.

D. Alterations. Alterations to steep slopes shall be allowed only as follows:

1. Surface Water Management. Steep slopes may be used for approved surface water conveyance as specified in the Surface Water Design Manual. Installation techniques shall minimize disturbance to the slope and vegetation.

C. Construction or placement of new residential or nonresidential structures is prohibited within the FEMA floodway.

D. Substantial improvement of an existing residential structure located in the FEMA floodway must meet the requirements set out in 173-158-070 WAC as amended. Such substantial improvement is presumed to produce no increase in base flood elevation and shall not require special studies to establish this fact. (Ord. 9614 § 84, 1990).

21.54.220 Landslide hazard areas -- protection mechanism and permitted alterations. Development proposals on sites containing landslide hazard areas shall meet the following requirements:

A. Buffers. A minimum buffer of 50 feet shall be established from all edges of landslide hazard areas and from landslide hazard areas with slopes less than 40% unless these areas are approved for alteration pursuant to subsection D. Existing native vegetation within the buffer area shall be maintained, and the buffer shall be extended beyond these limits as required to mitigate steep slope and erosion hazards, or as otherwise necessary to protect the public health, welfare and safety.

B. Sensitive areas tracts. Any landslide hazard area and buffer one acre or greater in size shall be placed in a sensitive area tract in the development proposals listed in K.C.C. 21.54.110.

C. Building Setback Lines. Building setback lines of 15 feet shall be required from the edge of a landslide hazard area or buffer.

D. Alterations.

1. A landslide hazard area located on a slope 40% or steeper shall be altered only as allowed under standards for steep slope hazard areas. A landslide hazard area, located on a slope less than 40%, may only be altered in the following circumstances:

a. If the development proposal will not decrease slope stability on adjacent properties; and

b. If the landslide hazard area can be modified or the development proposal can be designed so that the landslide hazard to the project and adjacent property is eliminated or mitigated and the development proposal on that site is certified as safe by a licensed geologist or geotechnical engineer.

2. Where such alterations are approved, buffers and sensitive area tracts will not be required. (Ord. 9614 § 85, 1990).

21.54.230 Seismic hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing a seismic hazard area shall meet the requirements of this section.

Alterations.

A. Development proposals on sites containing mapped seismic hazard areas may make alterations to a seismic hazard area only when the applicant demonstrates and King County concludes that:

1. Evaluation of site specific subsurface conditions show that the site is not located in a seismic hazard area; or

2. Mitigation is implemented which renders the proposed development as safe as if it were not located in a seismic hazard area.

B. Development proposals will be subject to two levels of review standards based on occupancy types - critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules. (Ord. 9614 § 86, 1990).

21.54.240 Volcanic hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing volcanic hazard areas shall meet the following requirements:

A. Within volcanic hazard areas located along the White River upstream from Mud Mountain Dam,

1. No critical facilities shall be constructed or located;

2. No new commercial or multifamily structures shall be constructed or located;

3. All new lots created by subdivision or short subdivision shall require building areas outside of the volcanic hazard area which shall be designated with a building setback line; and

4. New single family residential construction on existing lots may be allowed, provided the applicant records with the King County department of records and elections the following notice on all title documents:

The structures on this property are located in an area which may be inundated by mudflows originating on Mount Rainier. For further information regarding this hazard, please contact King County.

B. Within volcanic hazard areas along the White River downstream of Mud Mountain Dam, Green and Duwamish Rivers critical facilities shall be evaluated for the risk of inundation or flooding resulting from mudflows originating on Mount Rainier. These structures should be located outside the limits of, or designed to withstand without damage the effects of mudflows equal in magnitude to the prehistoric Electron Mudflow.

C. This section shall not become effective until King County has completed the required modelling and mapping of volcanic hazard areas. The King County Council shall approve the maps delineating these areas. (Ord. 9614 § 87, 1990).

21.54.250 Steep slope hazard areas -- protection mechanisms and permitted alterations. Development proposals on sites containing a steep slope hazard area shall meet the requirements of this section.

A. Buffers.

1. A minimum buffer shall be established at a horizontal distance of 50 feet from the top, toe, and along all sides of slopes 40% or steeper. Existing native vegetation within the buffer area shall be maintained and the buffer shall be extended beyond these limits as required to mitigate landslide and erosion hazards, or as otherwise necessary to protect the public health, safety and welfare.

2. The buffer may be reduced to a minimum of ten feet when an applicant demonstrates to King County pursuant to a special study that the reduction will adequately protect the proposed development and the sensitive area.

B. Sensitive Areas Tracts. Any continuous steep slope hazard area and its buffers one acre or greater in size shall be placed in separate sensitive areas tracts in development proposals listed in K.C.C. 21.54.110.

C. Building Setback Lines. A building setback line will be established at a distance of 15 feet from the edge of the buffer.

D. Alterations. Alterations to steep slopes and buffers shall be allowed only as follows:

1. Surface Water Management. Steep slopes may be used for approved surface water conveyance as specified in the Surface Water Design Manual. Installation techniques shall minimize disturbance to the slope and vegetation.

2. Trails. Construction of public and private trails may be allowed on steep slopes provided they receive site specific approval by King County as guided by the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987 as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1984 as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface which would contribute to surface water runoff unless such construction is necessary for soil stabilization or soil erosion prevention.

3. Utilities. Construction of public and private utility corridors may be allowed on steep slopes provided that a special sensitive area study indicates that such alteration will not subject the area to the risk of landslide or erosion.

4. View Corridors. King County shall allow the limited trimming and limbing of vegetation on steep slopes for the creation and maintenance of views provided that the soils are not disturbed and the activity is subject to the provisions of administrative rules.

5. Mining activities. King County may allow alteration of steep slope hazard areas in conjunction with approved mining and quarrying activities.

6. Reconstruction, remodeling, or replacement of existing structures. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

a. if within the buffer, the structure is located no closer to the steep slope than the existing structure,

b. the existing impervious surface within the buffer or steep slope is not expanded as a result of the reconstruction or replacement.

F. King County may grant exemptions from the steep slope requirements of this chapter pursuant to K.C.C. 21.54.050 and .060.

G. Limited Exemptions.

1. Slopes 40% and steeper with a vertical elevation change of up to 20 feet may be exempted from the provisions of this section based on King County review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no adverse impact will result from the exemption.

2. Any slope which has been created through previous, legal grading activities may be regraded as part of an approved development proposal. Any slope which remains equal to or in excess of 40% following site development shall be subject to the protection mechanisms for steep slopes.

H. Removal or introduction of vegetation on landslide or steep slopes. Unless otherwise specified, the following restrictions apply to vegetation removal or introduction in steep slope hazard areas, landslide hazard areas and their buffers.

1. There shall be no removal of any vegetation from any steep slope hazard area or buffer except for the limited plant removal necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to the tree selection rules prepared pursuant to this chapter after notice to King County is provided.

2. On slopes which have been disturbed by human activity or infested by noxious weeds, replacement with native species or other appropriate vegetation may be allowed subject to approval by King County of an enhancement plan. (Ord. 11273 § 2, 1994: Ord. 9614 § 88, 1990).

21.54.260 Wetlands -- Provisions. Development proposals on sites containing wetlands shall meet the requirements of K.C.C. 21.54.260 through .290.

Wetlands and required buffers shall not be altered except as expressly authorized by this chapter and all approved alterations shall have an appropriate mitigation plan where King County determines, upon review of special studies completed by qualified professionals, that either:

A. The wetland does not serve any of the valuable functions of wetlands identified in K.C.C. 21.04.923, including but not limited to wildlife habitat and natural drainage functions; or

B. The proposed development would protect or enhance the wildlife habitat, natural drainage, and/or other valuable functions of wetlands and would be consistent with the purposes of this chapter. The required studies may include habitat value, hydrology, erosion and deposition, and/or water quality studies.

Such studies shall include specific recommendations for mitigating measures which should be required as a condition of any approval for such development. The recommendations may include, but are not limited to, construction techniques, or design, drainage, or density specifications.

C. If a wetland is in a flood hazard area the applicant must notify affected communities and native tribes of alteration plans prior to any alteration, submit evidence of such notification to the Federal Insurance Administration, and any alterations must be consistent with K.C.C. 21.54.180 through .210.

D. There shall be no introductions of any plant or wildlife which is not indigenous to the Pacific Northwest into any wetland sensitive area unless authorized by a State of Washington or a federal license or permit. (Ord. 9614 § 89, 1990).

21.54.262 Wetlands Preservation. The executive proposed 1991 King County Wetlands Preservation Program, attached to Ordinance 10143 as Appendix A, is hereby adopted in order to establish procedures and guidelines for implementing King County's existing wetland preservation goals and policies. (Ord. 10143 § 1, 1991).

21.54.270 Wetland Standards. A. Buffers.

1. All buffers are measured from the wetland edge as marked in the field.

2. The following buffers are minimum requirements.

a. Class 1 wetlands shall have a 100 foot buffer.

b. Class 2 wetlands shall have a 50 foot buffer.

c. Class 3 wetlands shall have a 25 foot buffer.

d. Any wetland restored, relocated, replaced or enhanced because of wetland alterations should have at least the minimum buffer required for the class of the wetland involved.

e. Wetlands within 25 feet of the toe of slopes equal to or greater than 30% but less than 40% shall have the following minimum buffers:

(1) Where the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class, the buffer width shall be the greater of:

(a) The minimum for that wetland class;

(b) 25 feet beyond the top of the slope.

(2) Where the horizontal length of the slope extends beyond the minimum buffer for that wetland class, the buffer shall extend to a point 25 feet beyond the minimum buffer for that wetland class.

3. The department may recommend buffer averaging in instances where it will provide additional resource protection provided that the total area on-site contained in buffer does not decrease.

B. Additional buffer requirements for wetlands. King County shall require increased buffer widths as necessary to protect wetlands. The additional buffer widths and other issues shall be determined by criteria set forth in administrative rules and include, but are not limited to, critical drainage areas, location of hazardous materials, critical fish and wildlife habitat, landslide or erosion hazard areas adjacent to wetlands, groundwater recharge and discharge, and the location of trail or utility corridors.

C. Sensitive Area tracts and setback areas for wetlands. Wetlands and their buffers shall be placed in a separate sensitive area tract and/or setback area as provided in K.C.C. 21.54.110.

D. Building Setback Lines. Unless otherwise specified, a minimum building setback line of 15 feet shall be required from the edge of a wetland buffer. Prohibitions on the use of hazardous or toxic substances and pesticides or certain fertilizers in this setback area may be imposed.

E. Permanent survey marking, signs and fencing.

1. Survey Markers. Prior to altering any sensitive area on a development proposal site, the applicant shall mark the sensitive area and buffers pursuant to K.C.C. 21.54.120.

2. Signs. Prior to approval or issuance of permits for master plan developments, planned unit developments, subdivisions, short subdivisions, commercial or residential building permits, the common boundary between a wetland or associated buffer and the adjacent land shall be identified using permanent signs as set out in K.C.C. 21.54.120.

F. Livestock Restrictions.

1. In all development proposals which would permit introduction of livestock, damage to Class 1 and 2 wetlands shall be avoided by one of the following methods:

a. Implementation to the satisfaction of the King County Conservation District of a conservation plan to protect and enhance the water quality of the wetland; or

b. Fencing located not closer than the buffer edge.

2. Administrative rules shall address access to streams for watering purposes, stream crossing requirements and use of natural barriers and vegetative buffering in lieu of fencing.

3. Within 90 days of the effective date of this chapter, King County shall establish a study group comprised of representatives from all state and federal agencies with expertise in the area of water quality and habitat impacts of livestock and from all sectors of the public including commercial and hobby farms, consumers and the environmental community. The purpose of the study group shall be to recommend livestock restrictions, techniques and alternatives appropriate for existing uses, including standards for fencing. The study group shall identify early action areas, site specific water quality study needs and review available methods of financing including the use of public funds. The study group shall develop specific recommendations regarding the use of county funding to pay for required fencing, the development of a tax credit for landowners who fence, the use of county funding to fund planting of and maintenance of trees within the buffers, enforcement of the recommendations including the use of liens and the development of educational and promotional programs. The study group shall report to the council within one year.

4. These restrictions shall not apply to those wetlands defined as grazed wet meadows regardless of their classification. (Ord. 10687 § 1, 1992: Ord. 9614 § 90, 1990).

21.54.280 Alterations to wetlands and buffers. A. King County may grant exceptions from the wetland requirements of this chapter pursuant to K.C.C. 21.54.050 and .060.

B. Utilities in wetland buffer.

1. Construction of utilities shall be permitted in wetland buffers only when no practical alternative location is available and the utility corridor meets the criteria set forth in administrative rules including but not limited to requirements for installation, replacement of vegetation and maintenance.

2. Sewer Utility. Construction of sewer lines may only be permitted in wetland buffers when the applicant demonstrates it is necessary for gravity flow and meets the requirement of this section. Joint use of the sewer utility corridor by other utilities may be allowed.

a. Corridors shall not be allowed when the wetland or buffer is used by species listed as endangered or threatened by the federal government or state, or the presence of critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;

b. Corridor alignment, including any allowed maintenance roads, shall follow a path beyond a distance from wetland edge equal to 75% of the buffer width;

c. Corridor construction and maintenance shall protect the wetland and buffer environment, shall be aligned to avoid cutting trees greater than 12 inches in diameter at breast height when possible and shall not use pesticides, herbicides or other hazardous or toxic substances;

d. Corridors shall require an additional, adjacent, undisturbed buffer width equal to the proposed corridor width including any allowed maintenance roads;

e. Corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible and the sewer utility shall ensure that such vegetation survives;

f. Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary they shall be of a minimum width but no greater than 15 feet; shall be maintained without the use of herbicides, pesticides or other hazardous or toxic substances; and shall be contiguous to the location of the utility corridor on the side away from the stream.

C. Surface water management.

The following surface water management activities may be allowed only if they meet the following requirements:

1. New surface water discharges to wetlands from detention facilities, pre-settlement ponds, or other surface water management structures may be allowed provided that the discharge does not increase the rate of flow nor decrease the water quality of the wetland.

2. Class 1 and 2 wetlands may be used for regional retention/detention facilities only when authorized by the exception process set out in K.C.C. 21.54.050, and all requirements of the surface water design manual are met, the use will not alter the rating or the factors used in rating the wetland, the proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project, and there are no significant adverse impacts to wetland resources.

3. Class 3 wetlands and buffers which have as their major function the storage of water may be altered for use as regional retention/detention facilities provided that presettlement ponds shall be required and all requirements of the surface water design manual are met;

4. Wetlands shall not be used for retention/detention facilities other than for regional facilities.

5. Use of wetland buffers for surface water management activities other than retention/detention facilities, such as energy dissipators and

associated pipes, may be allowed only if the applicant demonstrates:

a. No practicable alternative exists; and

b. The functions of the buffer or the wetland are not adversely impacted.

D. Trails.

Construction of public and private trails may be allowed in wetland buffers only upon adoption of administrative rules pursuant to the following guidelines:

1. Trail surface shall not be of impervious materials, except that impervious public multi-purpose trails like the Burke-Gilman Trail may be allowed if they meet all other requirements including water quality; and

2. Where trails are provided, buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.

E. Docks.

Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in K.C.C. Title 25 provided:

1. Existing and zoned density around the wetland is three dwelling units per acre or more;

2. At least 75% of the lots around the wetland have been built upon, and no significant buffer or wetland vegetation remains in these areas;

3. No significant buffer or wetland vegetation exists on the lot; and

4. Open water is a significant component of wetland subclasses.

F. Isolated wetlands.

Isolated wetlands are class 3 wetlands whose total size is less than 2500 square feet excluding buffers, which are hydrogically isolated from other wetlands or streams, and which do not have permanent open water. Up to three isolated wetlands per 20 acres may be altered per development proposal site by combining their functions and values into one large wetland relocated on site pursuant to a mitigation plan. The replacement wetland shall include enhancement for wildlife habitat.

G. Limited Agricultural Use Exemption.

King County may allow the construction of one additional agricultural building or associated residence within the buffer on a grazed wet meadow provided that all hydrologic storage be replaced on site.

H. Firewood.

The cutting of up to 1 cord of firewood may be permitted in buffers in any year provided the overall function of the buffer is not adversely impacted. Removal of brush may also be permitted for the purpose of enhancing tree growth.

I. Reconstruction, remodeling, or replacement of existing structures.

Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

1. if within the buffer, the structure is located no closer to the wetland than the existing structure,

2. the existing impervious surface within the buffer or wetland is not expanded as a result of the reconstruction or replacement. (Ord. 11273 § 3, 1994: Ord. 9614 § 91, 1990).

21.54.290 Mitigation. A. Mitigation shall be conducted pursuant to K.C.C. 21.54.130.

B. Standards for Restoration, Enhancement or Replacement

1. Restoration

a. Restoration is required when a wetland or its buffer has been altered in violation of this chapter or its predecessor. The following minimum performance standards shall be met for the restoration of a wetland, provided

that if it can be demonstrated by the applicant that greater functional and habitat values can be obtained, these standards may be modified:

(1) The original wetland configuration should be replicated including depth, width, length, and gradients at the original location;

(2) The original soil types and configuration should be replicated;

(3) The edge and buffer configuration should be restored to original condition;

(4) The wetland, edge and buffer areas should be replanted with native vegetation which replicates the original in species, sizes and densities; and

(5) The original functional values should be restored, including water quality and wildlife habitat functions.

2. Replacement and enhancement.

a. Replacement is required when an approved development proposal alters a buffer or uses a wetland for a retention/detention facility or other approved use. The minimum standards required for restoration of a wetland shall be followed.

b. Enhancement may be allowed when a development proposal will alter a wetland but will improve the habitat and/or hydrologic functions. Surface water management or flood control alterations shall not be considered enhancement unless other functions and values are simultaneously increased. Minimum performance standards for enhancement shall be established in the administrative rules to allow for project-specific criteria;

c. Replacement or enhancement for approved wetland alterations shall comply with these requirements:

(1) On-site and In-kind. Unless otherwise approved, all alteration of wetlands shall be replaced or enhanced on-site using the following formulas: Class 1 and 2 wetlands on a 2:1 basis and class 3 wetlands on a 1:1 basis with equal or greater biological values including habitat value, and with equivalent hydrological values including storage capacity.

(2) Off-site and In-kind. King County may consider and approve off-site replacement or enhancement where the applicant can demonstrate that the off-site location is in the same drainage sub-basin and that greater biological and hydrological values will be achieved. The replacement/ enhancement formulas required above shall apply for off-site replacement.

3. "Wetponds" established and maintained for control of surface water shall not constitute replacement or enhancement for wetland alterations.

4. Monitoring shall be required in accordance with K.C.C. 21.54.140. (Ord. 9614 § 92, 1990).

21.54.300 Streams - Provisions. Development proposal on sites containing streams shall meet the requirements of K.C.C. 21.54.300 through .330.

A. Streams, and associated buffers shall not be altered except as expressly authorized by this chapter and all approved alterations require mitigation plans. The applicant is responsible for ensuring that the requirements of all other agencies with jurisdiction have been met.

B. If a stream is in a flood hazard area the applicant must notify affected communities and native tribes of alteration plans prior to any alteration, submit evidence of such notification to the Federal Insurance Administration, and any alterations must be consistent with K.C.C. 21.54.180 through .210.

C. There shall be no introduction of any vegetation or wildlife which is not indigenous to the Pacific Northwest into any stream sensitive area unless authorized by a State of Washington or a federal license or permit. (Ord. 9614 § 93, 1990).

21.54.310 Stream Standards. A. Stream Buffers.

1. All buffers shall be measured from the ordinary high water mark as identified in the field or, if that cannot be determined, from the top of the bank. In braided channels, the ordinary high water mark or top of bank shall be determined so as to include the entire stream feature.

2. The following buffers on each side of the ordinary high water mark are minimum requirements.

a. Class 1 streams - 100 foot buffer.

b. Class 2 streams used by salmonids - 100 foot buffer.

c. Class 2 streams - 50 foot buffer.

d. Class 3 streams - 25 foot buffer.

e. When the ordinary high water mark of any stream is within 25 feet of the toe of slopes equal to or greater than 30% but less than 40% the following minimum buffers shall be provided:

(1) Where the horizontal length of the slope including small benches and terraces is within the buffer for that stream class, the buffer shall be the greater of:

(a) the minimum buffer for that stream class; or

(b) 25 feet beyond the top of the slope.

(2) Where the horizontal length of the slope extends beyond the minimum buffer for that stream class, the buffer shall extend to a point 25 feet beyond the minimum buffer for that stream class.

f. Any stream adjoined by riparian wetland or other adjacent sensitive area shall have the buffer which applies to the wetland or other adjacent sensitive area unless the stream buffer requirements are more expansive.

g. Any stream restored, relocated, replaced or enhanced because of alterations should have at least the minimum buffer required for the class of stream involved.

3. The department may recommend buffer averaging in instances where it will provide additional resource protection provided that the total area on-site contained in buffer remains the same.

B. Additional buffer requirements for streams.

King County shall require increased buffer widths as necessary to protect streams. The additional buffer widths and other issues shall be determined by criteria set forth in administrative rules and include, but are not limited to, critical drainage areas, location of hazardous materials, critical fish and wildlife habitat, landslide or erosion hazard areas, groundwater recharge and discharge, and the location of trail or utility corridors.

C. Sensitive Area Tracts and setback areas for streams.

Streams and their buffers shall be placed in a separate sensitive area tract as provided in K.C.C. 21.54.110.

D. Livestock Restrictions

The livestock restrictions in K.C.C. 21.54.270, shall also apply to Class 1 and 2 streams and their buffers except that barrier fencing shall not be required in the floodplain of the Snoqualmie River.

E. Building and Setback Lines.

Unless otherwise specified, a minimum building setback line of 15 feet shall be required from the edge of the stream buffer. Prohibitions on the use of hazardous or toxic substances and pesticides or certain fertilizers in this area may be imposed.

F. Permanent survey markings, signs and fencing.

The permanent survey markings, signs and fencing requirements of K.C.C. 21.54.120 shall apply. (Ord. 9614 § 94, 1990).

21.54.320 Alterations to streams and buffers. A. King County may grant exceptions from the streams requirements of this chapter pursuant to K.C.C. 21.54.050 and .060.

B. Stream Crossings. Stream crossings may be allowed only if they meet the requirements as follows:

1. All road crossings shall use bridges or other construction techniques which do not disturb the stream bed or bank; provided, however, in the case of Class 2 or Class 3 streams, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish.

2. All crossings shall be constructed during summer low flow and be timed to avoid stream disturbance during periods when use is critical to salmonids;

3. Crossings shall not occur over salmonid spawning areas unless no other possible crossing site exists;

4. Bridge piers or abutments shall not be placed within the FEMA floodway or the ordinary high water mark;

5. Crossings shall not diminish the flood carrying capacity of the stream;

6. Underground utility crossings shall be laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the State of Washington; and

7. Crossings shall be minimized and serve multiple purposes and properties whenever possible.

C. Relocations. The following relocations may be allowed if they meet all requirements and are approved by all agencies with jurisdiction.

1. Class 2 streams shall not be relocated except for public road projects which have been authorized by the exemption process set out in K.C.C. 21.54.050.

2. Class 3 streams may be relocated under a mitigation plan for the purpose of enhancement of in-stream resources. Appropriate floodplain protection measures must be used. The relocation shall occur on-site, provided that upon demonstration on-site relocation is impracticable, King County may consider off-site relocation if the location is in the same drainage sub-basin, subject to applicant providing all necessary easements and waivers from affected property owners.

3. An applicant must demonstrate, based on information provided by a civil engineer and a qualified biologist, that:

a. The equivalent base flood storage volume and function will be maintained;

b. There will be no adverse impact to local groundwater;

c. There will be no increase in velocity;

d. There will be no interbasin transfer of water;

e. Performance standards as set out in the mitigation plan are met;

f. The relocation conforms to other applicable laws; and

g. All work will be carried out under the direct supervision of a qualified biologist.

D. Trails.

Construction of public and private trails may be allowed in stream buffers only upon adoption of administrative rules and pursuant to the following guidelines:

1. Trail surface shall not be of impervious materials, except that impervious public multi-purpose trails like the Burke-Gilman Trail may be allowed if they meet all other requirements including water quality; and

2. Where trails are provided, buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.

E. Stream channel stabilization.

A stream channel may be stabilized when movement of the stream channel threatens existing residential or commercial structures, public improvements, unique natural resources, or the only possible existing access to property and is done in accordance with the requirements in K.C.C. 21.54.180-.210 and the administrative rules.

F. Surface water management.

The following surface water management actions may be allowed only if they meet the following requirements:

1. Surface water discharges to streams from detention facilities, pre-settlement ponds, or other surface water management structures may be allowed provided that the discharge complies with the provisions of the surface water design manual.

2. Class 2 streams may be used for regional retention/detention facilities when authorized by the exemption process set out in K.C.C. 21.54.050, all requirements of the surface water design manual are met, the use will not alter the rating or the factors used in rating the stream, and there are no significant adverse impacts to stream resources.

3. Class 3 streams and buffers may be altered for use as retention/detention facilities provided that the project will have no lasting adverse impacts on any stream and all requirements of the surface water design manual are met;

G. Utilities in stream buffer.

1. Construction of utilities shall be permitted in stream buffers only when no practical alternative location is available and the utility corridor meets the criteria set forth in administrative rules including but not limited to requirements for installation, replacement of vegetation and maintenance.

2. Sewer utility corridors may only be located in stream buffers when the applicant demonstrates it is necessary for gravity flow. Joint use of the sewer utility corridor by other utilities is allowed. The requirements for utility corridors in K.C.C. 21.54.280 shall also apply to streams.

H. Enhancement Independent of Development Proposal.

1. Enhancement of streams, not associated with any other development proposal may be allowed when enhancement would enhance stream functions, as determined by the county and any state agency with jurisdiction. Such enhancement shall be performed under a plan for the design, implementation, maintenance and monitoring of the project prepared by a civil engineer and a qualified biologist and shall be carried out under the direct supervision of a qualified biologist pursuant to criteria set out in the administrative rules.

2. Minor stream restoration projects for fish habitat enhancement by a public agency, whose mandate includes such work, unassociated with mitigation of a specific development proposal and not to exceed $25,000 dollars in cost, may be allowed. Such projects are limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements and shall involve use of hand labor and light equipment only, to be performed under direct supervision of a qualified biologist.

I. Drainage ditch maintenance.

Roadside drainage ditches and agricultural drainage ditches that carry streams with salmonids may be maintained through use of best management practices developed in consultation with county, state and federal agencies with expertise and/or jurisdiction. These practices shall be adopted as administrative rules.

J. Firewood.

The cutting of up to 1 cord of firewood may be permitted in buffers in any year provided the overall function of the buffer is not adversely impacted. Removal of brush may also be permitted for the purpose of enhancing tree growth.

K. Reconstruction, remodeling, or replacement of existing structures.

Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

1. if within the buffer, the structure is located no closer to the stream than the existing structure,

2. the existing impervious surface within the buffer or stream is not expanded as a result of the reconstruction or replacement. (Ord. 11273 § 4, 1994: Ord. 9614 § 95, 1990).

21.54.330 Mitigation for Streams. A. Mitigation shall be conducted pursuant to K.C.C. 21.54.130.

B. Standards for Restoration, Enhancement or Replacement.

1. Restoration is required when a stream or its buffer has been altered in violation of this chapter or any prior ordinance applying to the treatment of streams, or when an unapproved or unanticipated alteration occurs during the construction of an approved development proposal, provided that a mitigation plan for the restoration demonstrates that:

a. The stream is degraded and will not be further degraded by the restoration activity;

b. The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;

c. The restoration will have no lasting significant adverse impacts on any in-stream resource; and

d. All work will be carried out under the direct supervision of a qualified biologist.

e. The following minimum performance standards shall be met for restoration of a stream, provided that these standards may be modified if the applicant can demonstrate that greater habitat value can be obtained:

(1) The natural channel dimensions should be replicated including identical depth, width, length and gradient at the original location and the original horizontal alignment (meander lengths) should be replaced.;

(2) The bottom should be restored with identical or similar materials;

(3) The bank and buffer configuration should be restored to the original conditions;

(4) The channel, bank and buffer areas should be replanted with native vegetation which replicates the original in species, sizes and densities; and

(5) The original habitat value should be recreated.

2. Replacement or enhancement is required when King County permits or approves the alteration of a stream or buffer. There will be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations.

a. Replacement. When an approved alteration involves the relocation of a stream, the performance standards in subsection B.1, are required in order to replicate the structure and function of the original stream, unless the applicant can demonstrate that greater habitat value can be obtained through varying these standards.

b. Enhancement. Enhancement, when allowed, should improve the functions and values of the streams. Surface water management or flood control alterations shall not be considered enhancement unless other functions and values arilabmultaneously increased.

c. Replacement or enhancement for streams shall be accomplished in streams, and shall occur on-site unless the applicant demonstrates that on-site replacement or enhancement is not possible, that the off-site alternative is in the same drainage sub-basin and that greater biological and hydrological values will be derived.

3. Monitoring shall be required in accordance with K.C.C. 21.54.140. (Ord. 9614 § 96, 1990).

21.54.340 Bonds for Restoration and Mitigation Activities. A. Performance bonds.

Mitigation required pursuant to a development proposal must be completed prior to King County's granting of final approval of the development proposal. If the applicant demonstrates that seasonal requirements or other circumstances beyond its control prevent completion of the mitigation prior to final approval, the applicant may post a performance bond or other security instrument in a form and amount deemed acceptable by the director and the prosecuting attorney's office, which guarantees that all required mitigation measures will be completed no later than the time established by the department in accordance with this chapter.

B. Maintenance/monitoring bonds. King County shall require the applicant whose development proposal is subject to a mitigation plan to post a maintenance/monitoring bond or other security instrument in a form and amount determined sufficient to guarantee satisfactory workmanship, materials, and performance of structures and improvements allowed or required by this chapter for a period of up to five years. The duration of maintenance/monitoring obligations shall be established by the department after consideration of the nature of the proposed mitigation and likelihood and expense of correcting mitigation failures.

C. Performance and maintenance/monitoring bonds or other security instruments shall also be required for restoration of a sensitive area not performed as part of a mitigation plan, except no bond shall be required for minor stream restoration carried out pursuant to this chapter.

D. Bonds or other security instruments shall be in a form and amount approved by the director and the prosecuting attorney's office and shall remain in effect until the director determines in writing that performance and maintenance standards have been met.

E. Enforcement of Bonds.

Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation or restoration. (Ord. 9614 § 117, 1990).

21.54.350 Sensitive Areas - Rules. A. The departments of parks, planning and resources and the department of public works are authorized to adopt, pursuant to K.C.C. 2.98, such rules as are necessary and appropriate to implement this chapter. The directors may prepare and require the use of such forms as are necessary to its administration.

B. The directors shall submit for review by the King County council the following rules within 90 days of their effective dates. The council shall approve or modify as necessary such rules by motion. The rules shall remain in effect during this review and any modifications shall become effective 10 days after adoption of the motion.

1. Standards for seismic hazard areas;
2. Criteria for additional buffers on streams and wetlands;
3. View corridor clearing and maintenance criteria for steep slope hazard areas;
4. Livestock access to streams and wetlands;
5. Criteria for wetland and stream enhancement projects;
6. Performance standards for enhancement and replacement of wetlands and streams;
7. Restoration criteria. (Ord. 9614 § 124, 1990).

21.54.360 Liberal Construction. This chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the goals, purposes and objectives for which it was enacted. (Ord. 9614 § 125, 1990).

21.54.370 Severability. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. (Ord. 9614 § 126, 1990).

21.54.380 Effective date. This chapter shall become effective ninety days after adoption by the King County Council (November 27, 1990) with the exception of K.C.C. 21.16.030, 25.20,030, 25.20.060 and 25.24.030 which shall become effective upon approval of these amendments by the State of Washington Department of Ecology pursuant to Chapter 90.58 RCW. (Ord. 9614 § 127, 1990).

Chapter 21.55
FLOOD CONTROL ZONE PERMIT PROGRAM

Sections:

21.55.010 Purposes.
21.55.020 Definitions.
21.55.030 Areas of administration.
21.55.040 Permit required.
21.55.050 Permit application.
21.55.060 Review of application.
21.55.070 Suspension and revocation of permit.
21.55.080 Relationship to other permits.
21.55.090 Appeals.
21.55.100 Enforcement.

21.55.010 Purposes. The council finds that county administration of the State Flood Control Zone Permit Program established by RCW 86.16.080 within designated zones or portions thereof is necessary in order to ensure uniform application of the program policies within King County; to further complimentary administration of various county ordinances and policies relating to floodplain and shoreline management; and to reduce duplicative permit review efforts on the state and county levels. (Ord. 2985 § 1, 1976).

21.55.020 Definitions. A. "Flood control zones" means areas of the state subject to flood damage as established by the State Department of Ecology, pursuant to Chapter 86.16, Revised Code of Washington.

B. "Permit program" shall mean the State Flood Control Zone Permit Program established in Chapter 86.16, Revised Code of Washington, further

described by Chapter 173-142 and Chapter 508-60 of the Washington Administrative Code, as now or hereafter amended. (Ord. 7990 § 44, 1987: Ord. 2985 § 2, 1976).

21.55.030 Areas of administration. King County hereby assumes responsibility to administer the flood control zone permit program established by Chapter 86.16 of the Revised Code of Washington within the unincorporated areas of King County which lie inside the boundaries of the state flood control zones or portions thereof as legally described in Attachment A, which is appended to the ordinance codified in this chapter, and by this reference incorporated herein. (Ord. 2985 § 3, 1976).

21.55.040 Permit required. No person, firm, association or corporation, public, municipal or private, shall have the authority or the right hereafter to construct, reconstruct or modify any structure or work affecting floodwaters within any state flood control zone, or portion thereof, delegated to King County for administration, or to operate or maintain any such structure or work hereafter constructed, reconstructed or modified without a flood control zone permit from the division applied for and issued in accordance with this chapter and such general rules and regulations as now or hereafter are established by the State Department of Ecology and King County. (Ord. 7990 § 45, 1987: Ord. 2985 § 4, 1976).

21.55.050 Permit application. All persons, firms, associations or corporations requiring a permit pursuant to Section 21.55.030 of this chapter shall make application to King County on forms supplied by the division prior to commencing any of the actions delineated in Section 21.55.030. (Ord. 7990 § 46, 1987: Ord. 2985 § 5, 1976).

21.55.060 Review of application. A. All permit applications shall be submitted for review to the division. The division shall review all submitted applications to determine compliance with the following state and county laws and policies as now or hereafter amended:

1. Chapter 86.16 of the Revised Code of Washington - Flood Control Zones;
2. Chapter 508-60 of the Washington Administrative Code - Administration of Flood Control Zones;
3. Ordinance 1527, codified in Chapter 21.54 of the King County Code - Special Control Areas and Flood Hazard Areas;
4. Ordinance 1402, codified in Chapter 20.40 of the King County Code - Shoreline Management;
5. Ordinance 2281, codified in Chapter 9.04 of the King County Code - Surface Water Run-Off Policy;
6. Ordinance 1488, codified in Chapter 16.82 of the King County Code - Grading.

B. The review of all applications shall be coordinated by the division, and may include the transmittal of applications for review and comment to such county, state, and federal department and agencies having interest or expertise in the subject matter of the permit. (Ord. 7990 § 47, 1987: Ord. 2985 § 6, 1976).

21.55.070 Suspension and revocation of permit. Any permit granted pursuant to this chapter may be suspended or revoked pursuant to the

provisions of Ordinance 2909, codified in Chapter 23.04 of the King County Code. (Ord. 2985 § 7, 1976).

21.55.080 Relationship to other permits. Issuance of a State Flood Control Zone Permit does not constitute authorization to proceed with construction, development or improvement unless all other required permits are obtained. Any other permit subsequently issued by King County for such development shall be subject to the same terms and conditions which apply to the Flood Control Zone Permit granted pursuant to this chapter. (Ord. 2985 § 8, 1976).

21.55.090 Appeals. Any person aggrieved by a ruling on an application for a State Flood Control Zone Permit administered by King County may obtain review thereof by filing an appeal, within thirty days of that ruling, with the pollution control hearing board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC. (Ord. 2985 § 9, 1976).

21.55.100 Enforcement. The provisions of this chapter and any rules and regulations promulgated thereunder shall be enforced in accordance with the enforcement and penalty provisions of Title 23. (Ord. 2985 § 10, 1976).

Chapter 21.56
PLANNED UNIT DEVELOPMENT

Sections:

21.56.010 Purpose of planned unit development.
21.56.020 Initiation of planned unit development projects.
21.56.030 Procedure for approval of planned unit development projects.
21.56.040 Applicability of Section 21.56.030.
21.56.050 Consolidation of planned unit development and other procedures.
21.56.060 Expiration.
21.56.070 Form of and contents of applications and types of information required.
21.56.080 Permitted location of planned unit development projects.
21.56.090 Required minimum site area.
21.56.100 Uses permitted.
21.56.105 Non-residential planned unit development.
21.56.110 Permissive variations in requirements.
21.56.120 Minor adjustments in planned unit development.
21.56.130 Spacing of buildings.
21.56.140 Net development factor.
21.56.150 Permitted number of dwelling units.
21.56.160 Base units per acre.
21.56.170 Bonus units per acre.
21.56.180 Common open space.
21.56.190 Street design flexibility.
21.56.200 Severability.

21.56.010 Purpose of planned unit development. Wherein the zoning map establishes only zone boundaries and the text of this title establishes the permitted use of land in the various zones and the conditions applicable to such use, and wherein all of the provisions, conditions and requirements set forth in this title are in general designed to apply to individual lots and

minimum area parcels, a planned unit development has the following purposes:

A. To produce a development which would be as good or better than traditional lot by lot development on either consolidated lots or unsubdivided property;

B. To correlate comprehensively the provisions of this title and other resolutions and codes of the county, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area;

C. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open space, while at the same time, harmonizing with adjoining development and maintaining population and area coverage which are consistent with the transportation facilities and utilities available, and with the public health and safety standards of the county, and which do not adversely impact neighboring development;

D. To permit flexibility in design, placement of buildings, use of open spaces, bicycle and pedestrian circulation facilities, off-street parking areas, and street alignment; and to best utilize the potentials of sites characterized by special features of geography, topography, size, or shape;

E. To change areas indicated on the zoning map as potentially classified into actual classifications as set forth in Chapter 21.46. (Ord. 2745 § 1, 1976: Ord. 2577 § 3, 1975: Res. 25789 § 2700, 1963).

21.56.020 Initiation of planned unit development projects. A. Planned unit development projects may be initiated by:

1. The owner of all the property involved, if under one ownership; or

2. An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there is more than one owner.

B. Planned unit developments may be required as a condition to reclassification only in the RS, S-R, RD, and RM zones. (Ord. 2745 § 2, 1976: Res. 25789 § 2701, 1963).

21.56.030 Procedure for approval of planned unit development projects. The approval of a planned unit development in the following steps shall be by the council upon recommendation of the examiner subject to the provisions of Chapters 21.60 and 21.62.

A. A preliminary development plan first shall be submitted to the division. The division shall submit that plan, together with its report and recommendations, to the examiner, pursuant to Chapter 20.24. Before approval, the examiner shall determine that the plans comply with the development policies of the comprehensive plan, community plan policies, area zoning guidelines, the shoreline management master program when applicable, the purpose of this title, and provisions of this chapter. The applicant shall be responsible for demonstrating consistency with these requirements at the time of application and at public hearings. If the council concurs, an ordinance shall be adopted granting preliminary planned unit development, with any conditions appropriate to meet the intent of this chapter, and authorizing approval of a final planned unit development as provided below. Preliminary approval shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern, but shall not be construed to render inflexible the ultimate design, specific uses or final plan of the project.

B. The petitioner shall within two years of the date of the preliminary approval submit a final development plan of the proposed development to the department for approval; provided, that upon application of the petitioner, the department may grant an extension for a maximum of twelve additional months if the applicant demonstrates that substantial progress has been made and that the project can reasonably be completed within the requested time extension. A second extension for up to twelve months may be granted by motion of the county council if the council determines that the applicant has made substantial progress in complying with the conditions of the preliminary planned unit development approval, and that it would be inequitable to require the applicant to reapply for a new preliminary planned unit development approval. If the final development plan and all related and required information sufficient to grant final administration approval is not filed within the prescribed time limits, the planned unit development shall become void.

C. A final planned unit development plan shall be submitted to the manager for approval. The division shall specify the exact form, contents and dimensions of the final plan. Before approval the manager shall determine that the final plan is consistent with the intent of the preliminary planned unit development and that all conditions of preliminary approval have been met. Final approval shall be granted by signature of the manager upon a permanent tracing of the final plan, and said plan shall be recorded with the division of records and elections.

D. Preliminary development plans may program two or more divisions to be developed successively; provided, that:

1. Each division shall meet the design requirements of a planned unit development if considered individually.

2. The initial division shall contain at least twenty-five units.

3. Each succeeding division may be subject to then current county standards.

E. In planned unit developments having more than one division authorized pursuant to subsection D of this section, the second division shall be granted two years to satisfy final development plan requirements, following the completion of final development plan requirements of the first division. This procedure may be repeated for as many two-year periods as there are divisions authorized by the approved preliminary development plan. If the final development plan for any succeeding division is not filed within the authorized two-year period, preliminary development plan approval for that division and for all succeeding divisions shall become void.

F. From the date of filing of a final development plan or revised final development plan, the division shall, within thirty days, notify the developer of any inadequacies which require correction or revision. Within sixty days of that notification, the developer shall fully correct those inadequacies. This period may be extended sixty days upon the developer's request.

G. A construction schedule may be required as part of the final development plan. This schedule, when required, shall coordinate the development of common open space and common open space improvements, and other project improvements and development, with the development of residential dwellings.

H. The planned unit development final plan approval resulting from the application of the provisions of this section shall be made a part of the zoning map, identified thereon by appropriate reference to the detailed planned unit development map and explanatory text either by number or by

symbol and shall thereby constitute a limitation on the use and design of the site.

I. The division may issue building permits for units having common walls when a plat is required, or for ten or fewer model units, when the following conditions have been satisfied:

1. The division has determined that:

a. The road and parking area plan and profiles are approved or ready to approve.

b. A bond has been received to assure the roads and drainage will be constructed, as well as other required bonds and fees.

c. The street, drainage systems and lot configuration will not change.

d. All other customary requirements for issuing permits have been fulfilled.

2. The department of public health has approved the site plan, if such approval has been required as a condtion for final development plan approval.

J. Buildings constructed pursuant to subsection I of this section shall not be occupied, nor shall any additional permits be issued, until the planned unit development has received final development plan approval by county ordinance and any plat which may be required has been recorded. (Ord. 7990 § 48, 1987: Ord. 5341 § 1, 1981: Ord. 5026 § 1, 1980).

21.56.040 Applicability of Section 21.56.030.* Section 21.56.030 shall apply to all planned unit developments receiving preliminary approval after the effective date of the ordinance codified in this section. All planned unit developments which are to receive final approval after the effective date of the ordinance codified in this section shall be prepared and submitted in the manner prescribed in Section 21.56.030(D), for recording with the division of records and elections. (Ord. 5341 § 2, 1981).

21.56.050 Consolidation of planned unit development and other procedures.

A. When an applicant applies for a planned unit development, the preliminary plan may be considered simultaneously with an application for any one or more of the following: a preliminary plat, reclassification, road establishment or vacation. In such case, the public hearing on the preliminary development plan shall serve as the hearing required for the preliminary plat, reclassification, road establishment and vacation, and the council shall make a single decision on the preliminary development plan and preliminary plat, reclassification, road establishment and vacation.

B. The application for the consolidated planned unit development, plat, reclassification, road establishment and vacation proposal, the form and contents to be prescribed by the division of building and land development, shall contain all of the information required if each application was considered separately.

C. A single consolidated notice of the consolidated public hearing shall state clearly that such hearing will consider the proposed preliminary development plan of the planned unit development, preliminary plat, reclassification, road establishment and road vacation. Notice of the time, place and subject of such hearing shall satisfy the requirements for each of the approvals in Sections 21.62.070, Section 19.36.040, and RCW 36.87.050 and 58.17.090, and shall be in a form prescribed by the division of building and land development. (Ord. 2745 § 4, 1976).

[*Prior ordinance history: Ord. 3788, as amended by Ord. 4929.]

21.56.060 Expiration. If the planned unit development project has not been completed within three years from the date of final development plan approval, the developer may apply for a two-year extension of the final development plan approval, subject to then current county standards, or the planned unit development authorization shall expire. (Ord. 2745 § 5, 1976).

21.56.070 Form of and contents of applications and types of information required. A. Division of building and land development shall prescribe the form on which applications are made for planned unit development projects and prescribe the type of information to be provided by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of information given by the signature of the applicant of the applicant attesting thereto.

B. There shall be included as part of the application an accurate map drawn to a scale of not less than one hundred feet to the inch, showing the boundaries of the site, names and dimensions of all streets bounding or touching the site, the proposed location and height of all buildings and structures proposed to be located on the site; proposed location and dimensions of "common open space," if any, within the site; proposed public dedications, if any, within the site, location, and design of off-street parking facilities showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals and shorelines; and existing topographic contours at intervals of not more than five feet together with proposed grading, drainage and landscaping.

C. Explanatory test on the face of the plan or attached thereto shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. Such explanatory text may specify uses permitted on the site, if any, or other necessary restrictions. Such text, as approved by the council, constitutes a contractural limitation to those specific uses and development requirements.

D. If the planned unit development contains any area that may require acquisition for public purposes such as opening and widening of streets and alleys, such features shall be indicated on the planned unit development map.

E. Planned unit development preliminary development plans and final development plans shall be prepared under the direction of, and signed by, a State of Washington registered or licensed landscape architect, architect, civil engineer, or land surveyor.

F. Performance bonds may be required as necessary to assure compliance with bonus and required design features. (Ord. 2745 § 6, 1976: Res. 33880 (part), 1976: Res. 25789 § 2704, 1963).

21.56.080 Permitted location of planned unit development projects. A. Residential planned unit development projects may locate only in F-R, RS, RD, RM, S-E and S-R zones when processed and authorized as provided in this chapter.

B. Planned unit developments for other than residential uses may locate only in zones first permitting the heaviest use locating on the premises. (Ord. 2745 § 7, 1976: Res. 33880 (part), 1967: Res. 25789 § 2705, 1963).

21.56.090 Required minimum site area. A planned unit development shall contain an area of not less than one acre; provided, that the minimum site

area requirement shall not apply when the planned unit development is used as a means to convert a potential classification to an actual classification. (Ord. 2745 § 8, 1976: Res. 30152 (part), 1965: Res. 25789 § 2706, 1963).

21.56.100 Uses permitted. In a residential planned unit development, only the following uses are permitted:

A. Dwellings, one-family, two-family or multiple family;

B. Accessory incidental retail and other nonresidential uses, which are integrated into the project by design, may be specifically and selectively authorized. Permitted accessory retail uses shall be designed and scaled to serve only as a convenience to the inhabitants of the project. Retail uses may be permitted only when the project qualifies for at least two bonus units per acre, without multiplier, as provided in Section 21.56.170;

C. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds;

D. Schools, libraries and community halls. (Ord. 5317 § 15, 1981: Ord. 2745 § 9, 1976: Ord. 2392 § 10, 1975: Res. 34445 (part), 1967: Res. 25789 § 2707, 1963).

21.56.105 Non-residential planned unit development. In planned unit developments for other than residential uses, uses shall be limited to those permitted by the zone in which the use is located. (Res. 25789 § 2707 (2), 1963).

21.56.110 Permissive variations in requirements. Planned unit development preliminary plan and final plan approvals modify the regulations, requirements and standards of the zone in which the project is located. In modifying such regulations, requirements and standards, the following limitations shall apply:

A. Permitted Site Coverage. The permitted percentage of coverage by buildings and structures for the net development factor area as determined in Section 21.56.140 shall not exceed the percentage of coverage permitted in the zone in which the project is located.

B. Permitted Floor Area. The maximum permitted floor area for all buildings shall not exceed the floor area permitted in the zone first permitting the use authorized.

C. Off-Street Parking. The total off-street parking facilities shall not be less than the sum of the required parking facilities for the various uses computed separately. All provisions of Chapter 21.50 of this title and Chapter 16.74 of this code shall be adhered to. (Ord. 2745 § 11, 1976: Res. 33880 (part), 1967: Res. 25789 § 2709, 1963).

21.56.120 Minor adjustments in planned unit development. In issuing building permits in connection with the construction of a planned unit development, the Division of Building and Land Development may make minor adjustments involving the location or dimensions of buildings; provided, such adjustments shall not increase the total amount of floor space authorized in the planned unit development or the number of dwelling units, nor decrease the amount of parking or loading facilities, nor permit buildings to locate closer to any boundary line, nor change any points of ingress and egress to the site. (Ord. 2745 § 12, 1976: Res. 25789 § 2710, 1963).

21.56.130 Spacing of buildings. The requirements for spacing of setbacks and the buildings in a planned unit development, and the basis for permissive variations in those requirements shall be as set forth in this section.

A. Perimeter Setback Requirements. Except when increased or decreased pursuant to subsection C. of this section, the following perimeter setbacks shall apply:

1. Structures less than thirty-five feet above average finished grade level shall be set back from the project perimeter consistent with the front yard requirements of the zone.

2. Structures more than thirty-five feet above average finished grade level shall maintain a minimum distance from the project perimeter of forty feet.

B. Interior Project Building Spacing. Except when increased or decreased pursuant to subsection C. of this section, the following interior building spacing shall be required:

1. Planned unit development structures less than thirty-five feet above average finished grade level shall be spaced a minimum thirty feet from other structures within the project.

2. Planned unit development structures more than thirty-five feet above average finished grade shall be spaced a minimum forty feet from other buildings within the project.

C. Permissive Variations in Perimeter Setback and Building Spacing Requirements. Planned unit development preliminary plan approval and final plat approval may increase or decrease the requirements set forth in subsections A. and B. of this section. In modifying these requirements, the following principles shall apply:

1. Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units and surrounding properties. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of the property and the privacy of its occupants and surrounding properties, screening of objectionable view or uses, and reduction of noise. Where windows are placed in only one of two facing walls or there are not windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing or setback requirements may be reduced. Where the developer provides privacy by reducing traffic flow through street layout such as short cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout, setback and building spacing requirements may be reduced.

2. Light and Air. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air. Building spacing or setback requirements may be increased when light to neighboring structures or properties would otherwise be substantially reduced.

3. Use. Where areas between buildings are used as service yards, for storage of trash, clotheslines, or other utilitarian purposes, and where this use is similar for both structures, a reduction of building spacing which permits effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.

4. Building Configuration. Where building configuration is irregular so that the needs expressed in divisions 1., 2. and 3. of this section are met by the building configuration, reduced minimum building spacing or setback requirement is permissible.

5. Fire Safety Limitations. In no instance shall spacing of buildings or permitted setback reductions violate fire lane requirements established by the county fire marshal pursuant to K.C.C. 17.04.080 and in no instance shall spacing of buildings violate the firewall, occupancy and area requirements of the International Conference of Building Officials Uniform Building Code, Chapter 5, as adopted by King County.

6. Increased Requirements. In those instances where the principles of light and air, use, and privacy set forth in this section would be contradicted by a proposed planned unit design, the minimum setback and

building spacing requirements may be increased. (Ord. 2745 § 13, 1976).

21.56.140 Net development factor. A. The net development factor is an arithmetic value determined for the purpose of calculating allowable number of dwelling units, the required common open space area, and permissible lot coverage.

B. The net development factor shall be determined by subtracting from the total planned unit development area the area set aside for:

1. Churches;
2. Schools;
3. Commercial uses;
4. Single-family residential platted areas, if determining net development factor for the multiple family portion of a mixed single-family-multiple family development;
5. Natural water bodies including lakes, streams, swamps, marshes and bogs which are not incorporated in the common open space plan of the planned unit development;
6. Seventy-five percent of areas having slopes which exceed forty percent.

C. The required subtraction of natural water bodies set forth in division 5. of subsection B of this section may be waived when the shorelines are incorporated in the common open space plan of the planned unit development area; provided, that in no instance shall submerged land constitute more than twenty-five percent of the total planned unit development area. (Ord. 2745 § 14, 1976).

21.56.150 Permitted number of dwelling units. The number of dwelling units permitted in any R or S zone shall be determined by multiplying the net development factor, as determined in accordance with Section 21.56.140, by the combined number of base units per acre and bonus units per acre, as determined in accordance with Sections 21.56.160 and 21.56.170. (Ord. 2745 § 15, 1976).

21.56.160 Base units per acre. A. Unless combined with earned bonus units per acre, as provided in Section 21.56.170, residential planned unit developments shall be limited to the base unit per acre net density permitted by this section. The base unit per acre net densities are as follows:

1. S-E and F-R. One unit per acre;
2. RS 15000. Two and eight-tenths units per acre;
3. RS 9600. Three and eight-tenths units per acre;
4. RS 7200. Four and four-tenths units per acre;
5. S-R. Same as equivalent zone consistent with minimum lot area determination requirements provided in K.C.C. 21.20.050;
6. RD 3600. Eight units per acre;
7. RM 2400. Twelve units per acre;
8. RM 1800. Sixteen units per acre;
9. RM 900. Sixteen units per acre.

B. The base units per acre within shoreline management shorelines and wetlands designated by Chapter 173-22, Washington Administrative Code, shall be determined by the Shoreline Management Master Program. (Ord. 2745 § 16, 1976).

21.56.170 Bonus units per acre. A. Bonus Multipliers. Bonus units per acre earned pursuant to this section shall be multiplied by the following numbers:

1. S-E and F-R: 0.1;
2. RS 15000: 0.2;
3. RS 9600: 0.3;
4. RS 7200: 1.0;
5. S-R: Same as equivalent zone, as set forth in this paragraph;
6. RD 3600: 2.5;
7. RM 2400: 4.0;
8. RM 1800; 5.0;
9. RM 900: 8.0.

B. The following units per acre may be accumulatively earned as density permitted in addition to the base unit density of the zone.

1. Common Open Space.

a. Three-tenths unit per acre bonus if at least ten percent of the dry common open space has a slope of ten percent or less;

b. Three-tenths unit per acre bonus if significant recreation areas are developed and equipped with such features as, but not limited to, trails, landscaped passive or open areas, pools, tennis courts, children's play areas, etc.;

c. Fifteen one-hundredths unit per acre bonus if landscaped decks and rooftops are features of the design.

2. Environmental Concern.

a. Two-tenths unit per acre bonus if the project plan provides for and assures a substantial retention of native ground cover, bushes or trees;

b. Fifteen one-hundredths unit per acre if on-site drainage control is accomplished using natural on-site drainage and drainage retention features or drainage and drainage retention facilities which are landscaped to resemble natural features;

c. If significant general public access is provided to a lake or river, fifteen one-hundredths unit per acre bonus; to trails, one-tenth unit per acre bonus; to scenic viewpoint, one-tenth unit per acre bonus;

d. Fifteen one-hundredths unit per acre bonus if the project plan provides substantial and exceptional landscape treatment either as an adjunct to or in lieu of native landscaping.

3. Internal Circulation and Parking.

a. One-tenth unit per acre bonus if the off-street parking is fifty feet or less from the entrance to the building served; or if one can walk under cover, the parking may be up to one hundred fifty feet away and still receive the bonus;

b. For parking accessory to multiple-unit structures, two-tenths unit per acre bonus if one-half the required parking is covered, three-tenths unit per acre bonus if all the required parking is covered;

c. Fifteen one-hundredths unit per acre bonus if parking areas are kept small (ten to twenty spaces in a group) and interspersed with landscaping, or provided under buildings;

d. Fifteen one-hundredths unit per acre bonus if provision is made for an internal bike and pedestrian system obviously separated from heavy auto traffic facilities. Such separated nonvehicular circulation systems shall be subject to the conveyance requirements of Section 21.56.180.

4. Public Service and Facility Availability.

a. Fifteen one-hundredth unit per acre bonus if public transit is available within walking distance (approximately one-half mile) and the service is provided twice hourly during morning and evening peak hours;

b. Fifteen one-hundredths unit per acre bonus if offsite convenience shopping facilities are functionally accessible within reasonable walking

distance (approximately one-half mile);

c. One-tenth unit per acre bonus if sewer and water lines lie within or adjacent to the site at the time of application, and the sewer district and water district indicate that their systems will not be stressed by the added development;

d. Fifteen-one hundredths unit per acre bonus if the circulation plan is such that the traffic generated by the project will put no substantial additional load on the surrounding local access street system;

e. One-tenth unit per acre bonus if the project is located within a fire district which has a districtwide Washington Surveying and Rating Bureau protection rating of class 5 or better, or is located within an area which already meets Washington Surveying and Rating Bureau "Zone 2" criteria in a class 5 or better fire district in which the rating is not districtwide;

f. One-tenth unit per acre bonus if the development provides a crime prevention plan, incorporating locks, dwelling unit lighting, street lighting, doors, windows, and alarms, approved by the King County Department of Public Safety.

g. One-tenth unit per acre bonus if the project is located within a portion of a school district which that district has identified as a preferred enrollment growth area, consistent with that district's five-year planning objectives.

5. Other.

a. Two-tenths per unit bonus if the sponsor uses a design/development team, consisting of an architect, engineer, landscape architect, and builder, through the design and construction phases of the project;

b. Fifteen one-hundredths per acre bonus if the development features a mix of housing types. Single residences, attached single units from duplexes to townhouses and apartments are examples of housing types. The mix need not include some of every type;

c. Fifteen one-hundredths unit per acre bonus if the project features functionally distinct day care facilities sufficient to serve the probable demand for such services generated by the project;

d. Two-tenths units per acre bonus if the development features a broad range of unit rentals, including at least ten percent at or below ninety percent of the "Fair Market Rent Levels for New Construction or Substantial Rehabilitation" for the Seattle standard metropolitan statistical area, as determined by the United States Department of Housing and Urban Development. Region 10, pursuant to Section 8, Title II, Housing and Community Development Act of 1974.

The rental rate for a unit to be sold shall be considered to be one-hundred-twenty percent of the monthly amount necessary to amortize a full twenty-year mortgage on the unit at current market mortgage interest rates in King County.

This subsection shall not be constured as intended to control rents;

e. Fifteen-hundredths unit per acre bonus if the largest parcel exceeds twenty acres or was the result of assembling at least three separate lots with a minimum combined area of five acres. (Ord. 2960 § 1, 1976: Ord. 2745 § 17, 1976).

21.56.180 Common open space. A. Area Required. In residential planned unit developments, there shall be a minimum of twenty-five percent of the net development factor area of the planned unit development, as determined pursuant to Section 21.56.140, which shall be dedicated, or reserved as common open space land.

B. Approval Standards. No open area may be accepted as common open space under the provisions of this chapter unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the planned development.

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

4. No more than one-half of the common open space area requirement may be fulfilled with land having slopes exceeding forty percent or with submerged, marshy or boggy land.

5. If the final development plan provides for buildings, landscaping, structures, or other improvements in the common open space, the developer must provide a bond or other adequate assurance that such improvements will be completed. The Division of Building and Land Development shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan.

C. Conveyance and Maintenance of Common Open Space.

1. All land shown on the final development plan as common open space must be conveyed under one of the following options:

a. It may be conveyed to a public agency that will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

b. When no maintenance of the common open space is required, it may be conveyed to all new owners in undivided joint ownership.

c. When maintenance of the common open space is required, it shall be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. Membership in the association or organization, and dues or other assessment for maintenance purposes shall be mandatory.

d. When common open space is associated with condominium ownership, it shall be conveyed consistent with RCW Chapter 64.32

2. The common open space must be subject to convenants to be approved by the county which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures it continuing use for its intended purpose.

3. Common open space may not be put to any use not specified in the final development plan unless the final development plan has been amended by King County to permit that use. However, no change of use so authorized may be considered as a waiver of any of the convenants limiting the use of common open space areas, and all rights to enforce these convenants against any unpermitted use are expressly reserved by the county.

4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize King County to enforce their provisions.

5. King County shall not accept the dedication of any common open space unless it is provided for general public use and is consistent with adopted county open space acquisition policy, or is otherwise specifically authorized by the county council. (Ord. 2745 § 18, 1976).

21.56.190 Street design flexibility. A. Street Widths. Within planned unit development projects, private street pavement widths may be reduced to sixteen feet for one-way traffic or twenty-two feet for two-way traffic; provided, all the following conditions are fulfilled:

1. On-site parking shall be provided which is functionally convenient to planned dwelling units, and which is at least equal to the zone requirement plus one-half stall per unit for guest parking.

2. One-way streets on loop streets shall serve no more than thirty units, and be no more than fifteen hundred feet long.

3. On-street parking shall be prohibited. Privately owned and maintained "no parking" or "fire land" signs may be required.

4. Turning radii shall be consistent with current published American Association of State Highway Officials' standards.

5. There shall be provided, through covenants or other legal means, assurance of permanent maintenance of private streets and parking areas.

B. Roadside Drainage Ditches. Within planned unit development projects, roadside ditches, constructed consistent with department of public works and transportation criteria, may be permitted; provided, that:

1. Such ditches shall be separated from the street paved surface edge by a curb or by at least a four foot shoulder, or by other reasonable means as may be approved by the department of public works and transportation.

2. Such ditches shall be designed to satisfy roadway drainage requirements, consistent with department of public works and transportation criteria.

3. Pedestrian circulation shall be provided consistent with subsection C. of this section.

4. Pedestrian and vehicular accessibility to commercial, recreational or utility areas, or to dwelling units shall not be hindered.

C. Pedestrian Circulation Facilities. Within planned unit development projects, pedestrian circulation facilities shall be provided and shall be:

1. Durable and serviceable;

2. Functionally and safely convenient to dwelling units served;

3. Functionally and safely convenient to schools and to commercial, recreational and utility areas within or adjacent to the project, or functionally convenient to a larger pedestrian circulation system which serves that same purpose;

4. Sufficiently wide to accommodate potential use;

5. Separated from traffic lanes by curb, extruded section, ditch, landscaped divider, natural vegetation, or other reasonable means as may be approved by the department of public works and transportation. (Ord. 2745 § 19, 1976).

21.56.200 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 2745 § 20, 1976).

Chapter 21.58
VARIANCES AND CONDITIONAL USE PERMITS

Sections:

21.58.010 Authority to grant variances.
21.58.020 Required showings for a variance.
21.58.030 Zoning adjustor may grant conditional use permits.
21.58.040 Purpose of a conditional use permit.
21.58.050 Notice.
21.58.052 Variance hearings.
21.58.060 Decision final unless appealed.
21.58.070 Appeal - Examiner's authority.
21.58.080 Adjustor shall announce findings and decisions.
21.58.090 Notice of decision of adjustor.
21.58.100 Zoning adjustor may rule on shoreline management issues.
21.58.110 Appeals of zoning adjustor's decision with regard to shoreline management.
21.58.120 Combined review authority.

21.58.010 Authority to grant variances. A. Except as provided in K.C.C. 21.58.052, the manager or his designee shall have the authority to grant a variance from the provisions of this title when the conditions as set forth in Section 21.58.020 have been found to exist; provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

B. The zoning adjustor may grant variances as provided in K.C.C. 21.58.052, subject to the same limitations and requirements as set forth in this section. (Ord. 7714 § 1, 1986: Res. 25789 § 2800, 1963).

21.58.020 Required showings for a variance. Before any variance may be granted, it shall be shown:

A. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning code is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification. Provided, however, the fact that surrounding properties have been developed under regulations in force prior to the adoption of Ordinance No. 9614 shall not be the sole basis for the granting of a variance.

B. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated, or contrary to the goals and purposes of the sensitive areas code as set out in K.C.C. Chapter 21.54.

C. In the case of sensitive areas as defined in K.C.C. Chapter 21.54, the variance granted shall be the minimum necessary to accommodate the permitted uses. (Ord. 9614 § 9, 1990: Res. 25789 § 2801, 1963).

21.58.030 Zoning adjustor may grant conditional use permits. Upon application, the zoning adjustor may grant conditional use permits for such uses as require them under this title. The adjustor may deny an application if the characteristics of the intended use would create an incompatible or hazardous condition. (Res. 25789 § 2802, 1963).

21.58.040 Purpose of a conditional use permit. The purpose of a conditional use permit shall be:

A. To assure by means of imposing special conditions and requirements on development, that the compatibility of uses, a purpose of this title, shall be maintained, considering other existing and potential uses within the general area of the proposed use;

B. The conditions imposed shall be those which will reasonably assure that nuisance or hazard to life or property, will not develop. The adjustor may not use a conditional use permit to reduce the zoning requirements of the zone in which the use is to locate. Such reduction of requirements shall be accomplished through the medium of a variance. (Res. 25789 § 2803, 1963).

21.58.050 Notice. Upon the filing of an application for a variance, an administrative conditional use permit, or a conditional use permit by a property owner which sets forth fully the grounds for, and the facts deemed to justify the granting of the requested action, notice shall be given as follows:

A. For conditional use permits, the adjustor shall give notice of a public hearing or, in the case of an application for an administrative conditional use permit, notice of the filing of the application as provided for notice of public hearings in Chapter 21.62 to consider the matter.

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

C. For variance applications, notice shall be made:

1. By first class mail sent to owners of property within three hundred feet of any boundary of the subject property. The area within which mailed notice is required shall be expanded to include at least twenty different property owners in rural or lightly inhabited areas or in other appropriate cases to the extent the division determines necessary. Notice shall contain:

a. The name of the applicant, the description of the requested action and the proposed use of the property;

b. A plot plan and general location description in non-legal language;

c. The procedures and deadline for filing comments;

d. A form to request subsequent division reports or decisions; and e. Identification of the responsible county official.

Mailed notice as herein provided is supplementary to official notification by posting and the failure of one or more owners to receive mailed notice shall not affect the validity of the final decision if the property was posted pursuant to K.C.C. 21.58.050.C.2;

2. By posting a notice board, K.C.C. 19.26.070 A., on or adjacent to the subject property at places conspicuous and likely to be seen by persons passing the property. The division may require additional notice boards when a site does not abut a public road, when a large site abuts more than one public road or in any other instance when the division deems additional boards to be necessary. Posting shall occur for at least fifteen days, at the end of which time the comment period shall close. Notice shall include but not be limited to:

a. The name of the applicant, the description of the requested action, the proposed use of the property, and the file number;

b. A plot plan and general location description in non-legal language;

c. The procedures and deadline for submitting comments;

d. A form to request subsequent division reports or decisions;

e. Identification of the responsible county official; and

f. A description of the appeal procedure.

The form and content of the notice shall be approved by the division. Posting, including the expenses thereof, shall be the responsibility of the applicant and an affidavit of posting shall be submitted prior to the final comment date by the applicant to the division in a form approved by the division; and

3. By any other method if the building and land development division determines it appropriate for the purpose of giving notice to interested parties, including but not limited to providing notification of the proposed action to local or community newspapers.

D. Separate notice of variance hearings determined to be necessary pursuant to K.C.C. 21.58.052 shall be made as set forth in K.C.C. 21.58.050.C.1. to all parties who have submitted written comments during the comment period. Hearing notices shall include a description of the time and place of the public hearing with the items specified in K.C.C. 21.58.050.C.1. (Ord. 9540 § 4, 1990: Ord. 7714 § 2, 1986: Ord. 5570 § 3, 1981: Res. 25789 § 2804, 1963).

21.58.052 Variance hearings. A. Following the public comment period established in Section 21.58.050.C., the manager or his designee shall review available information and choose one of the following courses of action:

1. Render a decision, or

2. Refer the application to the zoning adjustor for public hearing, if required by the criteria set forth in paragraph B of this section.

B. The manager or his designee will refer a variance application to the zoning adjustor for public hearing when:

1. Adverse comments are received from at least two persons or agencies during the comment period which are relevant to the required showings of K.C.C. 21.58.020 or stating specific reasons why a public hearing should be held; or

2. The manager or his designee determines a hearing is necessary to address issues of vague, conflicting or inadequate information; or

3. The manager or his designee determines that a hearing is necessary to address issues of public significance.

C. In cases where a public hearing is deemed necessary, application processing shall not proceed until the additional fees set forth in K.C.C. 21.62.050 are received by the division. If such fees are not received within thirty (30) days of applicant notification by the division, the application shall be deemed withdrawn. (Ord. 7714 § 3, 1986).

21.58.060 Decision final unless appealed. A. For conditional use permits or variances the decision of the adjustor or of the manager shall be final unless the original applicant or an adverse party files an appeal to the zoning and subdivision examiner pursuant to Chapter 20.24. (Ord. 7714 § 4, 1986: Ord. 4462 § 16, 1979: Ord. 1161 § 11, 1972).

21.58.070 Appeal - Examiner's authority. A. For appeals from decisions of the zoning adjustor or manager on variances or of the zoning adjustor on conditional use permits or variances, the examiner's consideration shall be based upon the record only. If, after examination of the written appeal and the record, the examiner determines that:

1. A material error in fact or procedure may exist in the record, the examiner shall remand the proceeding to the responsible official for reconsideration; or

2. The decision of the responsible official is arbitrary and capricious or is based upon an erroneous conclusion, the examiner may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from.

B. For appeals from decisions of the zoning adjustor on administrative conditional use permits, the examiner shall conduct a public hearing and render a decision as set forth in Chapter 20.24 of this code. (Ord. 7714 § 5, 1986: Ord. 5570 § 4, 1981: Ord. 4462 § 17, 1979: Ord. 2910 § 19, 1976: Res. 25789 § 2808, 1963).

21.58.080 Adjustor shall announce findings and decisions. Not more than forty days after the termination of the proceedings of the public hearing on a variance or conditional use permit, or after notice is given of the filing of an application for an administrative conditional use permit the adjustor shall announce its findings and decision; provided that the adjustor may delay a decision for administrative purposes when additional information is needed. If a variance, administrative conditional use permit, or conditional use permit is granted, the record shall show such conditions and limitations as the adjustor may impose. (Res. 25789 § 2809, 1963).

21.58.090 Notice of decision of adjustor. Following the rendering of a decision on a variance or conditional use permit application, a copy of the written order by the adjustor shall be mailed to the applicant at the address shown on the application and to any other person who requests a copy. (Res. 25789 § 2810, 1963).

21.58.100 Zoning adjustor may rule on shoreline management issues. When an application for a variance or conditional use permit is accompanied by an application for: A. a substantial development permit; B. approval of development exempt from substantial development permit procedures but subject to the requirements of the Shoreline Management Act and the King County shoreline management master program; C. shoreline conditional use; and/or D. a shoreline variance, then the adjustor may approve, deny or approve with conditions such shoreline requests. Such a decision by the adjustor shall be the final decision of the county with regard to shoreline management. (Ord. 3691 § 1, 1978).

21.58.110 Appeals of the zoning adjustor's decision with regard to shoreline management. Decisions of the adjustor with regard to shoreline management are not appealable to the Board of Appeals. The appeal of any decision of the adjustor with regard to shoreline management shall be governed solely by the provisions of RCW 90.58.180. (Ord. 3691 § 2, 1978).

21.58.120 Combined review authority. In those cases when a proposed action seeking a variance also requires other county permits, the following procedures shall apply:

A. When other permits require a public hearing before either the shorelines hearing officer or zoning adjustor, the review of the variance shall be combined with the other permit(s) and the officer or adjustor shall act on behalf of the manager for the purpose of the variance decision, or

B. When other permits are administratively approved, review of the variance may, at the manager's discretion, be combined with other permits. In no case, however, shall the approval of other permits dependent on the granting of a zoning variance proceed prior to review and approval of such variance.

C. In all cases of combined review, the most restrictive provisions for notification and processing shall govern the review of variance requests. (Ord. 7714 § 6, 1986).

Chapter 21.60
AMENDMENTS, UNCLASSIFIED USE PERMITS, PLANNED UNIT DEVELOPMENTS AND APPEALS

Sections:

21.60.010 Zoning code may be amended.
21.60.020 Unclassified use permits.
21.60.030 Initiation of amendment.

21.60.010 Zoning code may be amended. Whenever public necessity, convenience and general welfare require, the boundaries of the zones established on maps by this title, the classification of property uses herein, or other provisions of this title may be amended as follows:

A. By the adoption of or the amendment of a zoning map or maps; or
B. By adoption of a planned unit development; or
C. By amending the text of the title. (Res. 25789 § 2900, 1963).

21.60.020 Unclassified use permits. Unclassified use permits may be granted upon the filing of an application therefor by a property owner, or a lessee. The procedure to be followed in considering an application for an unclassified use permit shall be the same as that set forth herein for amendments. (Res. 25789 § 2901, 1963).

21.60.030 Initiation of amendment. Amendments as provided in Section 21.60.010.A. and B. may be initiated by:

A. The verified application of one or more owners of property which is proposed to be changed or reclassified; or

B. By the adoption of a motion by the council requesting the department of parks, planning and resources to set a matter for hearing and reconsideration. The procedure for consideration of such amendments shall be provided in Chapter 20.24, (Ord. 4462 § 18, 1979: Res. 25789 § 2903, 1963).

Chapter 21.61
DEVELOPMENT IMPACT ON PUBLIC SCHOOL FACILITIES

Sections:

21.61.010 Authority.
21.61.020 Definitions.
21.61.030 School concurrency standard, impact fees - applicability
21.61.040 Findings, recommendations, and decisions regarding school capacities.
21.61.050 School Concurrency standard.
21.61.055 Concurrency - Applicability and Relationship with Fees.
21.61.060 Submission of District Capital Facilities Plan and Data.
21.61.065 School Technical Review Committee.
21.61.070 Annual Council Review.
21.61.075 Interim Period.
21.61.080 Credit for improvements.
21.61.100 Severability.

21.61.010 Authority. This chapter is adopted as an official control to implement King County comprehensive plan policies, the 1990 Growth Management Act, RCW 58.17.060 and RCW 58.17.110. This chapter is necessary to address identified impacts of development on schools in order to protect the public health, safety and welfare. (Ord. 10162 § 1, 1991: Ord. 9785 § 2, 1991).

21.61.020 Definitions. For purposes of this chapter, the following terms shall have the indicated meanings:

A. "Capacity" means the number of students a school district's facilities can accommodate district-wide, based on the district's standard of service, as determined by the school district.

B. "Capital Facilities Plan" means a district's facilities plan adopted by the school board consisting of:

1. a forecast of future needs for school facilities based on the district's enrollment projections;

2. the long-range construction and capital improvements projects of the district;

3. the schools under construction or expansion;

4. the proposed locations and capacities of expanded or new school facilities;

5. at least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters; and

6. any other long-range projects planned by the district.

C. "Classrooms" means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.

D. "Committee" means the School Technical Review Committee established pursuant to Section 21.61.065 of this chapter.

E. "Concurrent" or the "concurrency standard" means that the permanent and interim improvements are planned to be or are in place at the time the impacts of development are expected to occur, and that the necessary financial commitments are in place to complete the improvements necessary to serve the development and to meet the district's standard of service within three (3) years of the time the impacts of development are expected to occur.

F. "Construction cost per student" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

G. "Design standard" means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district's capital facilities plan.

H. "Elderly" means a person aged 62 or older.

I. "Developer" means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

J. "Development activity" means any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities.

K. "Grade span" means the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school.

L. "Permanent facilities" means facilities of the district with a fixed foundation which are not relocatable facilities.

M. "Relocatable facility" means any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

N. "Relocatable facilities cost per student" means the estimated cost of purchasing and siting a relocatable facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

O. "School district" means any school district in King County whose boundaries include unincorporated areas of the county.

P. "Site cost per student" means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

Q. "Standard of service" means the standard adopted by each district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided that, the "necessary financial commitments" as defined in Section 21.61.050B are in place to complete the permanent facilities called for in the capital plan.

R. "Student factor" means the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or county wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans.

S. "Shelters for temporary placement" means housing units within King County that provide housing to persons on a temporary basis for a duration not to exceed four weeks.

T. "Relocation facilities" means housing units within King County that provide housing to persons who have been involuntarily displaced from other housing units within King County as a result of conversion of their housing unit to other land uses.

U. "Transitional housing facilities" means housing units within King County owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training and human services counseling - the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. (Ord. 10162 § 2, 1991: Ord. 9785 § 3, 1991).

21.61.030 School Concurrency Standard, Impact Fees - Applicability. A. The concurrency standard set out in this chapter shall apply to all forms of residential development which are subject to county review and approval and which would authorize the creation of new residential building lots or construction of new multifamily dwelling units. Excluded from the application of this standard would be any form of housing legally limited exclusively to housing for the elderly, including nursing homes and retirement centers. Also excluded from the application of this standard would be shelters for temporary placement, relocation facilities and transitional housing facilities. Reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.

B.* The fee schedules developed for a particular school district pursuant to this chapter and K.C.C. Title 27 and subsequently adopted by the council in support of the district's needs shall be applied by the county to all residential development which is subject to the concurrency standard adopted herein. The fee shall also be applicable to all residential development within that portion of a city that is in the school district for which the fee is being established, if the city adopts the county's fee program by reference and requests that the county assess and collect the fee. Where the city adopts the county's program by reference, implementation of the fee collection process shall be further detailed by interlocal agreements between the county, the city and the district. Any form of housing exclusively for the elderly, including nursing homes and retirement centers, is exempt from the application of the fee. Also excluded from the application of the fee are shelters for temporary placement, relocation facilities and transitional housing facilities. (Ord. 10162 § 3, 1991: Ord. 9785 § 4, 1991).

21.61.040 Findings, Recommendations, and Decisions Regarding School Capacities. A. In making a threshold determination pursuant to the State Environmental Policy Act, Chapter 43.21 RCW, the environmental division shall review the impacts of the new development on schools. The manager and/or the zoning and subdivision examiner, in the course of reviewing proposals for residential development including applications for plats or PUD's, or multi-family zoning, and multifamily building permits, shall consider any recommendation provided by the School Technical Review Committee to certify or not certify concurrency based on the school district's capital plan as adopted by the council.

B. Documentation which the district is required to submit pursuant to Section 21.61.060 shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific development.

C. Based upon a finding that the impacts generated by the plat, the PUD or the multi-family development were generally not anticipated at the time of the last council review and approval of a school district capital plan and were not included in the district's long-range forecast, the manager may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

D. Determinations of the examiner or manager regarding concurrency can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the zoning examiner using

* See 20.12.362 and 27.44.010

the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the council for possible modifications.

E. Where the council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the examiner or the manager pursuant to the State Environmental Policy Act or the State Subdivision Act. (Ord. 10162 § 4, 1991: Ord. 9785 § 5, 1991).

21.61.050 School Concurrency Standard. A. The concurrency standard is satisfied if: 1. the permanent and interim improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur, and 2. the necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within 3 years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan as reviewed and adopted by King County.

B. Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection A.

1. The district has received voter approval of and/or has bonding authority;

2. The district has received approval for federal, state, or other funds;

3. The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or

4. The district has other assured funding, including but not limited to school impact fees which have been paid.

C. Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and RCW 58.17.110. (Ord. 10162 § 5, 1991: Ord. 9785 § 6, 1991).

21.61.055 Concurrency - Applicability and Relationship with Fees. A. The concurrency standard set out in Section 21.61.050 shall apply to applications for preliminary plat or PUD approval which would result in the creation of new residential building lots or the construction of new dwelling units, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.

B. The county's finding of concurrency shall be made at the time of preliminary plat or planned unit development approval, at the time that a request to actualize potential multifamily zoning is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.

C. Excluded from the application of the concurrency standard are building permits for individual single family dwellings, any form of housing exclusively for the elderly, including nursing homes and retirement centers. Also excluded from the application of the concurrency standard are shelters for temporary placement, relocation facilities and transitional housing facilities. Reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.

D. Also excluded from the application of the concurrency standard set out in this chapter are:

1. short subdivisions;

2. building permits for residential units in preliminary planned unit developments which were under consideration by King County on January 22, 1991;

3. building permits for residential units in recorded planned unit development that have not yet expired per K.C.C. 21.56.060;

4. building permits applied for by December 31, 1993, related to rezone applications to actualize potential zoning which were under consideration by King County on January 22, 1991;

5. building permits applied for by December 31, 1993, related to residential development proposals for site plan review to fulfill P-Suffix requirements of multifamily zoning which were under consideration by King County on January 22, 1991; and

6. any residential building permit for any development proposal for which a concurrency determination has already been made pursuant to the terms of K.C.C. Chapter 21.61.

E. All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to Title 27, unless otherwise excluded pursuant to Section 21.61A.080.

F. The assessment and payment of impact fees are governed by and shall be subject to the provisions in K.C.C. Title 27 addressing school impact fees.

G. A certification of concurrency for a school district shall not preclude the county from collecting impact fees for the district. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development, and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. (Ord. 10162 § 6, 1991).

21.61.060 Submission of District Capital Facilities Plan and Data. A. On an annual basis, each school district shall submit the following materials to the School Technical Review Committee created pursuant to Section 21.61.065 herein:

1. The district's capital facilities plan adopted by the school board.

2. The district's enrollment projections over the next six (6) years, its current enrollment and the district's enrollment projections and actual enrollment from the previous year.

3. The district's standard of service.

4. An inventory and evaluation of district facilities which address the district's standard of service.

5. The district's overall capacity over the next six (6) years, which shall be a function of the district's standard of service as measured by the number of students which can be housed in district facilities.

B. To the extent that the district's standard of service reveals a deficiency in its current facilities, the district's capital facilities plan must demonstrate a plan for achieving the standard of service, and must identify the sources of funding for building or acquiring the necessary facilities to meet the standard of service.

C. Facilities to meet future demand shall be designed to meet the adopted standards of service. If sufficient funding is not projected to be available to fully fund a capital plan which meets the standard of service, the district's capital plan should document the reason for the funding gap.

D. If an impact fee ordinance has been adopted on behalf of a school district, the district shall also submit an annual report to the Committee showing the capital improvements which were financed in whole or in part by the impact fees. (Ord. 10162 § 7, 1991).

21.61.065 School Technical Review Committee. A. There is hereby created a School Technical Review Committee within King County. The Committee shall consist of 4 county staff persons, one each from the building and land development division, the planning and community development division, the office of financial management and the county council.

B. The Committee shall be charged with reviewing each school district's capital facilities plan, enrollment projections, standard of service, the district's overall capacity for the next six (6) years to ensure consistency with the King County Comprehensive Plan, and adopted community plans, and the district's calculation and rationale for proposed impact fees.

C. Notice of the time and place of the Committee meeting where the district's documents will be considered shall be provided to the district.

D. At the meeting where the Committee will review or act upon the district's documents, the district shall have the right to attend or to be represented, and shall be permitted to present testimony to the Committee. Meetings shall also be open to the public.

E. In its review, the Committee shall consider the following factors:

1. Whether the district's forecasting system for enrollment projections has been demonstrated to be reliable and reasonable.

2. The historic levels of funding and voter support for bond issues in the district;

3. The inability of the district to obtain the anticipated state funding or to receive voter approval for district bond issues;

4. An emergency or emergencies in the district which required the closing of a school facility or facilities resulting in a sudden and unanticipated decline in districtwide capacity; and

5. The standards of service set by school districts in similar types of communities. While community differences will be permitted, the standard established by the district should be reasonably consistent with the standards set by other school districts in communities of similar socioeconomic profile.

6. The Committee shall consider the standards identified by the state concerning the ratios of certificated instructional staff to students.

F. In the event that the district's standard of service reveals a deficiency in its current facilities, the Committee shall review the district's capital facilities plan to determine whether the district has identified all sources of funding necessary to achieve the standard of service.

G. The district in developing the Financing Plan Component of the Capital Facilities Plan shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board and consistent with RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

2. Apply to the state for funding, and comply with the state requirement for eligibility to the best of the district's ability.

H. The Committee is authorized to request the school district to review and to resubmit its capital facilities plan, or to establish a different standard of service, or to review its capacity for accommodating new students, under the following circumstances:

1. The standard of service established by the district is not reasonable in light of the factors set forth in subsection E of this section.

2. The Committee finds that the district's standard of service cannot reasonably be achieved in light of the secured financial commitments and the historic levels of support in the district; or

3. Any other basis which is consistent with the provisions of this section.

I. The Committee shall prepare and submit an annual report to the King County council for each school district recommending a certification of concurrency in the district, except as provided in Subsection L of this section.

J. The Committee shall submit copies of its recommendation of concurrency for each school district to the manager of BALD, to the zoning and subdivision examiner, and to the district.

K. The committee shall recommend to the council a comprehensive plan amendment adopting the district's capital facilities plan as part of the comprehensive plan, for any plan which the Committee concludes accurately reflects the district's facilities status.

1. In the event that after reviewing the district's capital facilities plan and other documents, the Committee is unable to recommend certifying concurrency in a school district, the Committee shall submit a statement to the council, the manager and the zoning and subdivision examiner stating that the Committee is unable to recommend certifying concurrency in a specific school district. The Committee shall recommend to the executive that he propose to the council, amendments to the land use element of the King County Comprehensive Plan or amendments to the development regulations implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, PUD's or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations. (Ord. 10162 § 8, 1991).

21.61.070 Annual Council Review. A. On at least an annual basis, the King County council shall review the reports prepared by the Committee and certify the district's plans. The review may occur in conjunction with any update of the capital facilities plan element of the King County Comprehensive Plan proposed by the Committee.

B. The council shall review and consider any proposal(s) submitted by the Committee for amending the land use element of the King County Comprehensive Plan, or the development regulations implementing the plan, including but not limited to requiring mandatory phasing of plats, PUD's or multifamily development when the Committee is unable to recommend a certification of concurrency in a specific school district. Any proposed amendments to the comprehensive plan or development regulations shall be subject to the public hearing and other procedural requirements set out in Title 20 or 21, as applicable.

C. The council may require the committee to submit proposed amendments or may itself initiate amendments to the land use element of the King County Comprehensive Plan, or amendments to the development regulations implementing the plan. (Ord. 10162 § 9, 1991).

21.61.075 Interim Period. A. During the interim period prior to the School Capacity Technical Review Committee completing its review of a district's plans and the county incorporating the plan into the county comprehensive plan, districts shall submit the following materials to the hearing examiner and manager:

1. A copy of the Inventory of Permanent School Facilities prepared by the Superintendent of Public Instruction which identifies the number of classrooms at each of the schools by grade span and by type of student.

2. Documentation of the number of other classrooms available in the district which the district believes will best serve its student population.

3. Based on the information in subsections 1. and 2., a resolution of the school board adopting an interim estimate of the district's overall capacity over the next six (6) years, which shall be a function of the district's standard of service, by the number of students which can be housed in district facilities.

B. Until such time as the committee is able to conduct the review required by Section 21.61.065, the hearing examiner and the manager shall be guided by the interim capacity submitted by the district and adopted by the school board in making finds of concurrency.

C. In the event that the hearing examiner or the manager finds that the district's interim capacity is unreasonable based on the standards identified in Section 21.61.065, the examiner or the manager shall request the council to review the interim capacity consistent with the requirements of Section 21.61.070.

D. Determinations of the examiner or manager may be appealed to the council pursuant to the provisions for appeal of the underlying permit process. (Ord. 10162 § 21, 1991).

21.61.080 Credit for Improvements. Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by Chapter 27. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee. (Ord. 9785 § 9, 1991).

21.61.100 Severability. If any provision of this act or its application to any person or circumstance is held to be unconstitutional or invalid for any reason, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 9785 § 12, 1991).

Chapter 21.61A
SCHOOL MITIGATION STANDARDS

Sections:

21.61A.010 Authority.
21.61A.020 Definitions.
21.61A.030 Impact fee program elements.
21.61A.040 Fee calculations.
21.61A.050 Fee collection.
21.61A.060 Assessment of impact fees.
21.61A.062 Effective Date
21.61A.070 Adjustments, exceptions, and appeals.
21.61A.080 Exemption or reduction for low income housing.
21.61A.090 Impact fee accounts and refunds.

21.61A.010 Authority. The provisions of this chapter for the assessment and collection of impact fees are adopted pursuant to Chapter 82.02 RCW. (Ord. 10162 § 11, 1991).

21.61A.020 Definitions. For purposes of this chapter, the definitions set out in K.C.C. 21.61 are incorporated herein by reference, and the following terms shall have the indicated meanings:

A. "City" means any city which is located wholly or partially within the district and which chooses to adopt the King County school mitigation ordinances by reference.

B. "District" means a school district for which the county has adopted an impact fee ordinance and fee schedule, and has incorporated the capital facilities plan of the district into the capital facilities element of the King County Comprehensive Plan.

C. "Encumbered" means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured or building permits sought or construction contracts let.

D. "Fee schedule" means the schedule indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the district.

E. "Interlocal agreement" means any agreement between the county, the district, and any city setting forth certain terms relating to the collection of impact fees by the county and distribution of those fees to the district. An interlocal agreement shall not be required where the county is the sole jurisdiction within the boundaries of the district that is assessing impact fees. (Ord. 10162 § 12, 1991).

21.61A.030 Impact fee program elements. A. Impact fees will be assessed on every new dwelling unit in the district for which a fee schedule has been established.

B. Impact fees will be imposed on a district-by-district basis, on behalf of any school district which provides to the county, a capital facilities plan, the district's standards of service for the various grade spans, estimates of the cost of providing needed facilities and other capital improvements, and the data from the district called for by the formula in Section 21.61A.050. The actual fee schedule[1] for the district will be adopted by ordinance based on this information and the fee calculation set out for Section 21.61A.050. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the development. The impact fee formula shall account in the fee calculation for future revenues the district will receive from the development. The ordinance adopting the fee schedule shall specify under what circumstances the fee may be adjusted in the interests of fairness.

C. The impact fee shall be based on a capital facilities plan developed by the district and approved by the school board, and adopted by reference by the county as part of the capital facilities element of the comprehensive plan for the purpose of establishing the fee program. (Ord. 10162 § 13, 1991).

[1]See K.C.C. 20.12.362 and 27.44.010

21.61A.040 Fee calculations. A. The fee for each district shall be calculated based on the formula set out in Attachment A[2].

B. Separate fees shall be calculated for single family and multifamily types of dwelling units, and separate student generation rates must be determined by the district for each type of dwelling unit. For purposes of this chapter, mobile homes shall be treated as single family dwellings and duplexes shall be treated as multifamily dwellings.

C. The fee shall be calculated on a district-by-district basis using the appropriate factors and data to be supplied by the district, as indicated in Attachment A. The fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district used currently or within the last two years for instructional purposes.

D. The formula in Attachment A provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issue in the school district.

E. The formula also provides for a credit for school facilities or sites actually provided by a developer which the school district finds to be acceptable. (Ord. 10162 § 14, 1991).

21.61A.050 Fee collection. Fees shall be collected by BALD and maintained in a separate account for each school district, pursuant to Section 21.61A.070. Fees shall be paid to the district pursuant to administrative rules of an interlocal agreement between the county and the district. (Ord. 10162 § 15, 1991).

21.61A.060 Assessment of impact fees. A. In school districts where impact fees have been adopted by county ordinance and except as provided in Section 21.61A.080 the county shall collect impact fees, based on the schedules set forth in each ordinance establishing the fee to be collected for the district, from any applicant seeking development approval from the county where such development activity requires final plat or PUD approval or the issuance of a residential building permit or a mobile permit and the fee for the lot or unit has not been previously paid. No approval shall be granted and no permit shall be issued until the required school impact fees set forth in the district's impact fee schedule have been paid.

B. For a plat or PUD applied for on or after the effective date of the ordinance adopting the fee for the district in question receiving final approval, fifty percent (50%) of the impact fees due on the plat or the PUD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedules in effect when the plat or PUD was approved. The balance of the assessed fee shall be allocated to the dwelling units in the project, and shall be collected when the building permits are issued. Residential developments proposed for short plats shall be governed by subsection D of this section.

C. If on the effective date of an ordinance adopting an impact fee for a district, a plat or PUD has already received preliminary approval, such plat or PUD shall not be required to pay fifty percent (50%) of the impact fees at the time of final approval, but the impact fees shall be assessed and collected from the lot owner at the time the building permits are issued, using the impact fee schedules in effect at the time of building permit application. If on the

[2]Available in office of clerk of the council or in the department of development and environmental services.

effective date of a district's ordinance, an applicant has applied for preliminary plat or PUD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection B of this section.

D. For existing lots or lots not covered by subsection B of this section, application for single family and multifamily residential building permits, mobile home permits, and site plan approval for mobile home parks, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of permit application.

E. Notwithstanding the provisions of this section, any application for preliminary plat or PUD approval submitted before January 22, 1991, shall not be required to pay school impact fees at the time of plat or PUD approval. However, where the county has adopted a fee ordinance for the district, the full impact fee in effect when the building permits were applied for shall be paid by such developments at the time the building permits are issued if the applications for the building permits are submitted after January 22, 1991.

F. Any application for preliminary plat or PUD approval or multifamily zoning which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter, shall be required to pay the fee in accordance with the condition of approval. (Ord. 11005 § 1, 1993: Ord. 10162 § 16, 1991).

21.61A.062 Effective Date. As of the effective date of this ordinance (September 10, 1993) no fee shall be assessed or collected on any pending building permit which had been applied for prior to the effective date of the impact fee. (Ord. 11005 § 2, 1993).

21.61A.070 Adjustments, exceptions, and appeals. A. The following are excluded from the application of the impact fees:

1. any form of housing exclusively for the elderly, including nursing homes and retirement centers, so long as these uses are maintained;

2. reconstruction, remodeling, or replacement of existing dwelling units which does not result in additional new dwelling units;

3. shelters for temporary placement, relocation facilities and transitional housing facilities;

4. any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act;

5. any development activity for which school impacts have been mitigated pursuant to a condition of plat or PUD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PUD approval provides otherwise; provided that the condition of the plat or PUD approval predates the effective date of a school district's fee implementing ordinance.

6. any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with a school district to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided that the agreement predates the effective date of a school district's fee implementing ordinance.

7. housing units which fully qualify as housing for persons age 55 and over meeting the requirements of the Federal Housing Amendments Act of 1988,

42 U.S.C. 3607(b)(2)(c) and (b)(3), as subsequently amended, and which have recorded covenants or other legal arrangements precluding school-aged children as residents in those units.

B. Arrangement may be made for later payment with the approval of the school district only if the district determines that it will be unable to use or will not need the payment until a later time, provided that sufficient security, as defined by the district, is provided to assure payment. Security shall be made to and held by the school district, which will be responsible for tracking and documenting the security interest.

C. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement with a school district entered into after the effective date of a school district's fee implementing ordinance.

D. After the effective date of a school district's fee implementing ordinance, whenever a development is granted approval subject to a condition that the developer actually provide school sites, school facilities, or improvements to school facilities acceptable to the district, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the school district, to provide land, provide school facilities, or make improvements to existing facilities, the developer shall be entitled to a credit for the value of the land or actual cost of construction against the fee that would be chargeable under the formula provided by this chapter. The land value or cost of construction shall be estimated at the time of approval, but must be documented. If construction costs are estimated, the documentation shall be confirmed after the construction is completed to assure that an accurate credit amount is provided. If the land value or construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.

E. Impact fees may be adjusted by the county, at the county's discretion, if one of the following circumstances exist, provided that the discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

1. The developer demonstrates that an impact fee assessment was incorrectly calculated; or

2. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.

F. A developer may provide studies and data to demonstrate that any particular factor used by the district may not be appropriately applied to the development proposal, but the district's data shall be presumed valid unless clearly demonstrated to be otherwise by the proponent.

G. Any appeal of the decision of the manager or the zoning and subdivision examiner with regard to imposition of an impact for or fee amounts shall follow the appeal process for the underlying permit and not be subject to a separate appeal process. Where no other administrative appeal process is available, an appeal may be taken to the zoning examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the council for possible modification.

H. Impact fees may be paid under protest in order to obtain a building permit or other approval of development activity. (Ord. 10862 § 1, 1993: Ord. 10162 § 17, 1991).

21.61A.080 Exemption or reduction for low income housing.

A. Low income housing projects being developed by public housing agencies or private non-profit housing developers shall be exempt from the payment of

school impact fees. The amount of the school impact fees not collected from low income household development shall be paid from public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The planning and community development division shall review proposed developments of low income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule, and shall advise department of development and environmental services as to whether the project qualifies for the exemption.

B. Private developers who dedicate residential units for occupancy by low income households may apply to the division for reductions in school impact fees pursuant to the criteria established for public housing agencies and private non-profit housing developers pursuant to Subsection A, and subject to the provisions of Subsection A. The division shall review proposed developments of low income housing by such private developers pursuant to criteria and procedures adopted by administrative rule, and shall advise department of development and environmental services as to whether the project qualifies for the exemption. If the division recommends the exemption, department of development and environmental services shall reduce the calculated school impact fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Individual low income home purchasers (as defined pursuant to the King County Comprehensive Housing Affordability Strategy (CHAS)) who are purchasing homes at prices within their eligibility limits based on standard lending criteria and meet other means tests established by rule by the division are exempted from payment of the impact fee, provided that at such time as the property in question is transferred to another owner who does not qualify for the exemption, at which time the fee shall be due and payable.

D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C. Chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as low cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size; and

4. Ensure that developers who obtain an exemption from or reduction of school impact fees will in fact build the proposed low cost housing and make it available to low income households for a minimum of fifteen (15) years.

5. Ensure that individual low income purchasers meet appropriate eligibility standards based on income and other financial means tests.

E. As a condition of receiving an exemption under paragraph B or C, the owner must execute and record a county-drafted lien, covenant, and/or other contractual provision against the property for a period of ten (10) years for individual owners, and fifteen (15) years for private developers, guaranteeing that the proposed development will continue to be used for low-income housing. In the event that the pattern of development or the use of the development is no longer for low income housing, then the owner shall pay the impact fee amount from which the owner or any prior owner was exempt. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners. (Ord. 10634 § 1, 1992: Ord. 10262 § 18, 1991).

21.61A.090 Impact fee accounts and refunds.

A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the county solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes identified in Subsection B. Annually, the county, based in part on the report submitted by the district pursuant to Section 21.61.060 shall prepare a report on each impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.

B. Impact fees for the district's system improvements shall be expended by the district for capital improvements including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses which could be capitalized, and which are consistent with the school district's capital facilities plan.

C. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

D. Impact fees shall be expended or encumbered by the district for a permissible use within six (6) years of receipt by the county, unless there exists an extraordinary and compelling reason for fees to be held longer than six (6) years. Such extraordinary or compelling reasons shall be identified to the county by the district. The county must prepare written findings concurring with the district's reasons, and authorizing the later encumbrance or expenditure of the fees prior to the district so encumbering or expending the funds, or directing a refund of the fees.

E. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six (6) years of receipt of the funds by the county. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county shall notify potential claimants by first-class mail deposited with the United States postal service addressed to the owner of the property as shown in the county tax records.

F. An owner's request for a refund must be submitted to the county council in writing within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one (1) year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.

G. Should the county seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the county, but must be expended for the district, consistent with the provisions of this section.

The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

H. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

1. The developer does not proceed to finalize the development activity as required by statute or county code or the Uniform Building Code, and

2. No impact on the district has resulted. "Impact" shall be deemed to include cases where the district has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the county and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The county shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in Section 21.61A.070.

I. Interest due upon the refund of impact fees required by this Section shall be calculated according to the average rate received by the county or the district on invested funds throughout the period during which the fees were retained. (Ord. 10162 § 19, 1991).

Chapter 21.62
PROCEDURES, FEES, HEARINGS AND NOTICES

Sections:

21.62.010 Establishment of rules for conduct of hearings.
21.62.020 Forms of applications and types of information.
21.62.030 Limitations on refiling of applications.
21.62.040 Records.
21.62.060 Hearings may be continued without public notice.
21.62.070 Notice of public hearing.

21.62.010 Establishment of rules for conduct of hearings. The examiner and the department and the adjustor may establish rules governing the conduct of public hearings and meetings conducted by each on matters within their respective jurisdictions. Modifications or changes in such rules may be made, but such changes or modifications shall not become effective until thirty days following the date such changes or modifications are determined. Copies of the rules shall be made available to the public at the parks, planning and resources department office. (Res. 25789 § 3000, 1963).

21.62.020 Forms of applications and types of information. The department shall prescribe the form in which applications are made for changes in zone boundaries or classifications, for planned unit development, unclassified use permits, variances and appeals. The adjustor shall prescribe the form in which applications are made for conditional use permits. Both may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. Both may also set reasonable deadlines for the supplemental submittal of such information if it is found to be necessary subsequent to the initial application submittal. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data

previously submitted for the review may thereafter be returned to the applicant together with any unexpended portion of the application review fee. In no case shall an application be processed until it complies with such information requirements and is verified under oath as to the correctness of information given by the applicant attesting thereto. (Ord. 7990 § 49, 1987: Ord. 7714 § 7, 1986: Res. 25789 § 3001, 1963).

21.62.030 Limitations on refiling of applications. Upon final action as set forth in this resolution in denying an application for a change of zone, unclassified use permit, variances, or conditional use permit, the department of parks, planning and resources shall not accept further filing of an application for substantially the same property involving substantially the same use within one year from the date of final denial of any application. (Ord. 739, 1971: Res. 25789 § 3002, 1963).

21.62.040 Records. The department shall cause to be kept a brief minute record of the proceeding. The record, applications filed pursuant to this title, the written order or motion showing the action and the reasons therefor and evidence of notice and other material shall become a part of the records of the department to which application is made. Provisions for custody of such additional records or minutes may be adopted by the department. (Res. 25789 § 3003, 1963).

21.62.060 Hearings may be continued without public notice. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the person presiding at such public hearing or meeting may, before adjournment or recess of such matters under consideration, publicly announce the time and place, to and at which, said hearing or meeting will be continued and no further notice required. (Res. 25789 § 3006, 1963).

21.62.070 Notice of public hearing. The building and land development division shall cause notice to be given of the time and place of the public hearing for a proposed zoning reclassification, shoreline environment redesignation, planned unit development, unclassified use and conditional use as follows:

A. By first class mail sent thirty days prior to the date of hearing to owners of property within five hundred feet of any boundary of the subject property. The area within which mailed notice is required shall be expanded to include at least twenty different property owners in rural or lightly inhabited areas or in other appropriate cases to the extent the division determines is necessary. Notice shall include but not be limited to: 1. The name of the applicant, the description of the requested action and the proposed use of the property; 2. A vicinity map or general location description in nonlegal language; 3. The time and place of public hearing at which interested parties may be heard; 4. A form to request the division report; and 5. Identification of the responsible county official.

Mailed notice as herein provided is supplementary to official hearing notification by publication and posting and the failure of one or more owners to receive mailed notice shall not affect the scheduling or validity of the hearing if notice was given pursuant to Subsections B. and C. of this section.

B. By publication twenty days prior to the date of hearing in the official county newspaper and another newspaper of general circulation in the affected community.

C. By posting at least thirty days prior to the date of hearing at least a notice board, K.C.C. 19.26.070 A, on or adjacent to the subject property at a place conspicuous and likely to be seen by persons passing the property. The division may require additional notice board when a site does not abut a public road, when a large site abuts more than one public road or in any other instance when the division deems additional boards to be necessary. Notice shall include but not be limited to:

1. The name of the applicant, the description of the requested action, the proposed use of the property, and the file number;

2. A vicinity map or general location description in nonlegal language;

3. The time and place of public hearing at which interested parties may be heard;

4. A form to request division reports or decisions;
5. Identification of the responsible county official; and
6. A description of the appeal procedure.

The form of the notice shall be approved by the division. Posting, including the expenses thereof, shall be the responsibility of the applicant and an affidavit of posting shall be submitted prior to the hearing by the applicant to the division in a form approved by the division.

D. By any other method if the building and land development division determines it appropriate for the purpose of giving notice to interested parties, including but not limited to providing notification of the proposed action and hearing to local or community newspapers. (Ord. 9540 § 5, 1990: Ord. 7714 § 12, 1986: Ord. 4776 § 2, 1980: Ord. 4460 § 2, 1979).

Chapter 21.64
INTERPRETATION OF CODE

Sections:

21.64.010 Interpretation.
21.64.020 Provisions not affected by headings.
21.64.030 Tenses.
21.64.040 Number.
21.64.050 Constitutionality or invalidity.

21.64.010 Interpretation. In interpreting and applying the provisions of this title they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. (Res. 25789 § 3100, 1963).

21.64.020 Provisions not affected by headings. Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any section hereof. (Res. 25789 § 3101, 1963).

21.64.030 Tenses. The present tense includes the future and the future the present. (Res. 25789 § 3102, 1963).

21.64.040 Number. The singular number includes the plural, and the plural the singular. (Res. 25789 § 3103, 1963).

21.64.050 Constitutionality or invalidity. If any section, subsection, clause or phrase of this title is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title, it being expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Res. 25789 § 3104, 1963).

Chapter 21.66
REVOCATION, EXPIRATION OF PERMITS

Sections:

21.66.010 Permits or variances may be revoked.
21.66.020 Initiation of revocation or modification proceedings.
21.66.030 Public hearing required.
21.66.040 Expiration.
21.66.050 Previously granted permits may be continued.

21.66.010 Permits or variances may be revoked. The council after a recommendation from the examiner may revoke or modify any unclassified use permit. The adjustor may revoke or modify any variance or conditional use permit issued by the adjustor. The manager may revoke or modify any variance issued by the manager. Such revocation or modifications shall be made on any one or more of the following grounds:

A. The approval was obtained by fraud;

B. The approval was based on inadequate or inaccurate information;

C. The approval when given failed to comply with existing laws or regulations applicable thereto;

D. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;

E. The use for which such approval was granted has been abandoned;

F. The use for which such approval was granted has at any time ceased for one year or more;

G. The permit or variance granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation; or

H. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 7714 § 8, 1986: Res. 25789 § 3200, 1963).

21.66.020 Initiation of revocation or modification proceedings. The manager may initiate proceedings to revoke or modify a variance issued by the manager. The adjustor may initiate proceedings to revoke or modify a conditional use permit or variance issued by the adjustor. The council may initiate proceedings to revoke or modify unclassified use permits. Individuals who are aggrieved may petition the body having jurisdiction to initiate revocation or modification proceedings. (Ord. 7714 § 9, 1986: Res. 25789 § 3201, 1963).

21.66.030 Public hearing required. Before a permit or a variance may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this title for the initial consideration thereof. (Res. 25789 § 3202, 1963).

21.66.040 Expiration. Any permit or variance granted pursuant to this title becomes null and void if not exercised within the time specified in such permit or variance or, if no date is specified, within one year from the effective date of approval of said permit or variance. (Res. 25789 § 3203, 1963).

21.66.050 Previously granted permits may be continued. Where prior to the effective date of this title[2], a permit entitled "special permit," "temporary permit," "use and occupancy permit," "conditional use permit" or "permits requiring legislative determination" was granted for the establishment or conducting of a particular use on a particular site, such previous permits are by this section declared to be continued as conforming uses subject to the conditions and for the time specified in the original permit, if any; provided that if the particular use is not otherwise permitted by this title in the zone in which it is located, such established use and improvements incident thereto shall be considered a nonconforming use, and shall be subject to the abatement provisions of this title. (Res. 25789 § 3204, 1963).

Chapter 21.68
PERMITS, LICENSES AND ENFORCEMENT

Sections:

21.68.010 Certificate of occupancy.
21.68.020 No conflicting licenses or permits shall be issued.

21.68.010 Certificate of occupancy. To assure compliance with the provisions of this title, a certificate of occupancy shall be obtained from the building and land development division before:

A. Any new building is initially occupied or used;

B. Any existing building is structurally altered or enlarged;

C. Any change or addition to the occupancy of a building or premises is made.

If the subject requiring a certificate of occupancy is also required to secure a building permit, a business license or any other evidence of authority required by law, such required certificate of occupancy for such use may constitute a separately indentified part of such permit, license or other evidence, and shall be cleared through the building and land development division as conforming, or not conforming, to the provisions of this title before any other license or permit or authority may be issued.

Each certificate of occupancy shall be issued only upon application signed by the authorized applicant, and shall contain over the signature of the applicant a correct statement of the use intended to be established and such certificate of occupancy may be issued only if such declared intended use conforms in every respect to the provisions of this title. (Res. 25789 § 3300, 1963).

21.68.020 No conflicting licenses or permits shall be issued. No license or permit in conflict with the provisions of this title shall be issued, and if issued, any such license or permit shall be null and void. (Res. 25789 § 3301, 1963).

2. [See Section 21.70.010.]

Chapter 21.69
ENFORCEMENT

Sections:

21.69.010 Authority.

21.69.010 Authority. The director of the department of planning and community development is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 4 (part), 1976: Res. 25789 (part), 1963).

Chapter 21.70
REPEAL - ENACTMENT

Sections:

21.70.010 Repeal.
21.70.020 Savings.

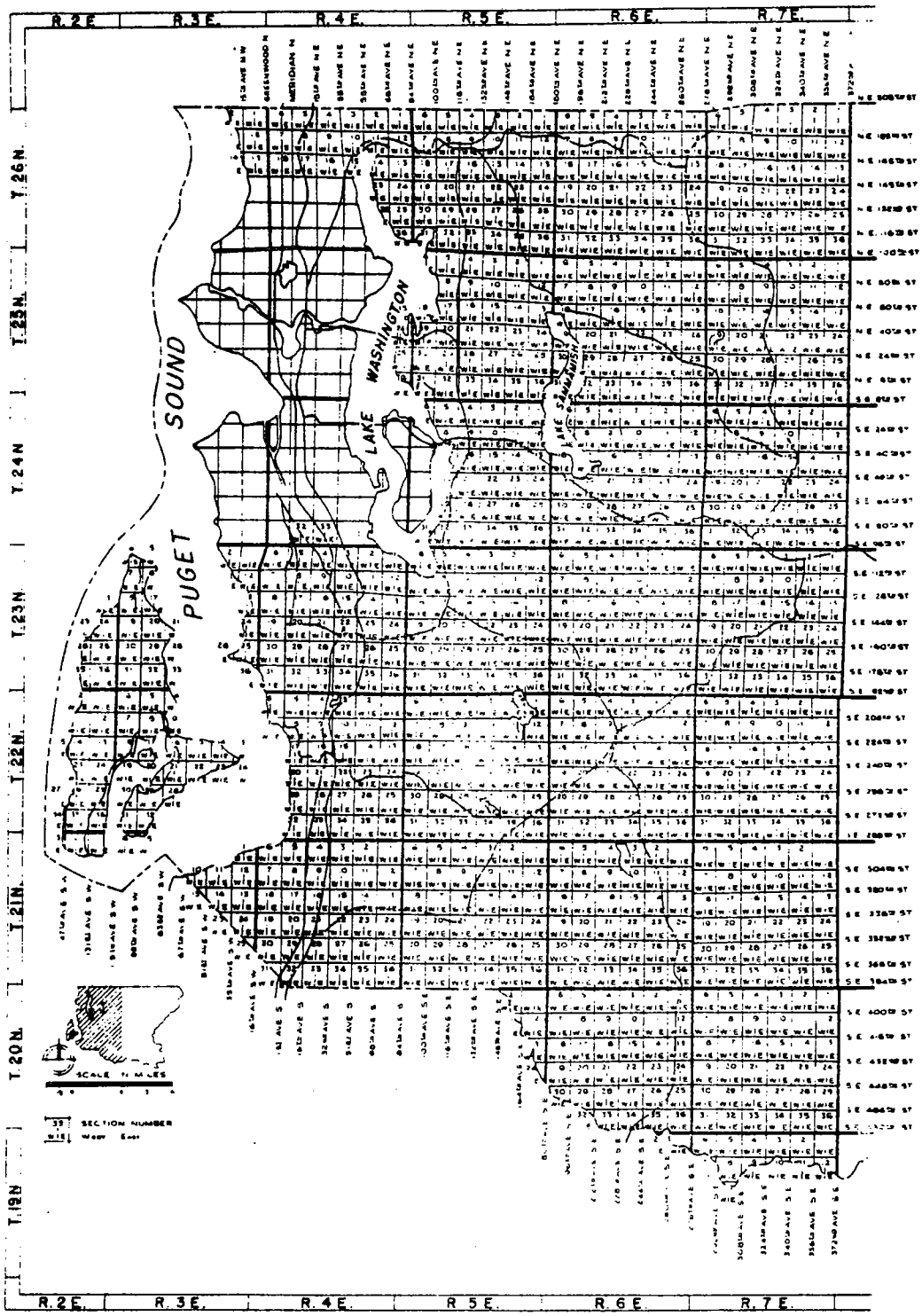
21.70.010 Repeal. The board of King County commissioners recognizes that zoning maps for King County cannot be prepared pursuant to the terms of this title until the resolution from which this title is derived is adopted, and that considerable study will be required after the adoption of the text portion of this title to develop and adopt zoning maps under this title; therefore, during the time that a zoning map or parts thereof are being developed and adopted under this title, Resolution No. 18801 as amended shall remain in full force and effect until such time as a zoning map or part thereof pursuant to this title is adopted.

Upon the adoption of a zoning map or parts thereof pursuant to this title, Resolutions No. 6494, 11373, 16426, 18801 and all other zoning resolutions, amendments and zoning maps adopted pursuant thereto shall be and the same are automatically repealed; 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. (Res. 25789 § 3500, 1963).

21.70.020 Savings. Any structure or the use of any land or structure which was established or existed in violation of the provisions of Resolution 18801 as amended shall not, by virtue of the adoption of this title or any map hereunder, become legal and no rights shall attach thereto which did not exist under Resolution 18801 as amended; provided, however, that if any such use or structure conforms to the provisions of this title, this section shall not apply. (Res. 25789 § 3501, 1963).

EDITOR'S NOTE

On the following page is an index of the zoning map of King County. The shaded areas indicate the areas where zoning maps have been adopted putting into effect Res. 25789, the King County zoning code. (See Section 21.70.010 of the zoning code.) Because of the rapidly changing character of the zoning map no attempt has been made to publish individual maps showing specific zones at this time. Maps and areas will be maintained for public information and display at the Building and Land Development Division, King County Administration Building.


R.2E.
R.3E.
R.4E.
R.5E.
R.6E.
R.7E.
T.26N.
T.25N.
T.24N
T.23N.
T.22N.
T.21N.
T.20N.
T.19N
PUGET SOUND
LAKE WASHINGTON
LAKE SAMMAMISH
SCALE IN MILES
SECTION NUMBER
West East

Chapter 21.80
NON-IONIZING ELECTROMAGNETIC RADIATION (NIER) COMMUNICATION FACILITIES

Sections:

21.80.010	Purpose.
21.80.020	Exemptions.
21.80.030	Applicability.
21.80.040	Review process by zone.
21.80.050	Setback requirements.
21.80.060	Landscaping requirements.
21.80.070	Color and lighting standards.
21.80.080	Fencing and NIER warning signs.
21.80.090	Interference.
21.80.100	NIER exposure standards.
21.80.110	NIER measurements and calculations.
21.80.120	Measurements and monitoring.
21.80.130	Shock and burn standard.
21.80.140	Modifications.
21.80.150	Consolidation.
21.80.160	Supplemental application requirements.
21.80.170	Notification requirements.
21.80.180	NIER compliance criteria.
21.80.190	NIER enforcement.
21.80.200	Periodic review of NIER standard.
21.80.210	Federal or state regulation.
21.80.300	Severability.
21.80.310	Review process by zone.
21.80.320	Minor communication facilities permitted by type of structure and zone.
21.80.330	NIER exposure standard.

21.80.010 Purpose. The purpose of this chapter is to protect the general public from the effects of non-ionizing electromagnetic radiation (NIER); to assure greater compatibility between communication facilities and adjacent land uses; and to provide for the communication needs of the region by:

A. Creating a health standard limiting exposure to NIER from existing and new communication facilities;

B. Establishing design and operating standards for new communication facilities; and

C. Providing for the modification or consolidation of existing communication facilities. (Ord. 10021 § 1, 1991).

21.80.020 Exemptions. The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);

B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;

C. The storage, shipment or display for sale of transmission equipment;

D. Radar systems for military and civilian communication and navigation;

E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;

F. Two-way radio utilized for temporary or emergency services communications;

G. Licensed amateur (Ham) radio stations and citizen band stations;

H. Earth station downlinks using satellite dish antenna(e) with a diameter of less than 12 feet and less than ten watts, provided that stations in excess of one dish antenna(e) are subject to conditional use permits;

I. Receive-only satellite dish antenna(e) as an accessory use; or

J. Two-way radio antennae, point-to-point microwave dishes, and cellular radio antennae which are not located on a transmission structure (lattice towers and monopoles);

K. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming communication facility, transmission equipment, transmission structure or transmitter building; provided, that the transmission equipment does not result in noncompliance with K.C.C. 21.80.100 and 21.80.130. In the event a building permit is required for any emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such emergency activities. In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities. (Ord. 10021 § 2, 1991).

21.80.030 Applicability. All communication facilities which are not exempt under K.C.C. 21.80.020 shall comply with the provisions of this chapter as follows:

A. New communication facilities, with the exception of consolidations, shall comply with the provisions of K.C.C. 21.80.020 - 21.80.130 and 21.80.160 - 21.80.190.

B. Modified communication facilities, with the exception of consolidations, shall comply with standards as provided in K.C.C. 21.80.020 - 21.80.040, 21.80.060 - 21.80.140 and 21.80.160 - 21.80.190; and

C. Consolidations shall comply with standards as provided in K.C.C. 21.80.020 - 21.80.040, 21.80.060 - 21.80.130 and 21.80.150 - 21.80.190. (Ord. 10021 § 3, 1991).

21.80.040 Review process by zone. Communication facilities shall be permitted and reviewed as shown in K.C.C. 21.80.310. Minor communication facilities for the transmission or reception of cellular radio signals shall be permitted and reviewed as shown in K.C.C. 21.80.320. (Ord. 10021 § 4, 1991).

21.80.050 Setback requirements. The following are minimum setbacks and shall be increased to ensure compliance with the standards of K.C.C. 21.80.100 and 21.80.130.

A. Transmission structures, which do not exceed the height limit of the zone in which they are located, shall be set back from the property line as required by such zone in which the transmission structure is located.

B. Transmission structures, which exceed the height limit of the zone in which they are located, shall be set back from property lines either a minimum of 50 feet or one foot for every foot in height, whichever results in the greater setback, except:

1. Transmission structures located in the A, F, B, C or M zones shall be set back from the property line as required by the zone in which they are located; and

2. Transmission structures for the transmission or reception of cellular radio signals shall be set back from the property line as provided in K.C.C. 21.80.320.

C. When two or more communication facilities share a common boundary, the setback from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining sites which limit development to communication facilities; and

2. Of sufficient depth to provide the setbacks required in Subsections A and B; and

3. Which provide for King County as a third party signatory to the agreement.

D. Transmitter buildings shall be subject to the setback requirements of the zone in which they are located. (Ord. 10021 § 5, 1991).

21.80.060 Landscaping requirements. A communication facility site shall provide landscaping as follows:

A. An appropriate area surrounding the installation shall be landscaped and maintained with paving, shrubs, and ground cover consistent with the surrounding residential standards.

B. When the facility includes bulky structures such as transmitter buildings or transmission structures, the landscaping shall include trees, either natural or planted, of such size as will partially screen and effectively break up the massive appearance of the structures and buildings.

C. When a security fence is used, it shall be supplemented with base plantings of evergreen shrubs, trees or climbing evergreen material on the fences or wood slats woven into the fence so as to minimize the industrial character of the fence.

D. Landscaping shall be planted according to accepted practice in good soil and maintained in good condition at all times. Landscaping shall be planted as a yard improvement at or before the time of completion of the first structure or within a reasonable time thereafter, considering weather and planting conditions.

E. A natural vegetative buffer can be retained which meets or exceeds the above requirements. (Ord. 10021 § 6, 1991).

21.80.070 Color and lighting standards. Except as specifically required by the Federal Aviation Administration (FAA) or the FCC, transmission structures shall:

A. Use colors such as grey, blue or green which reduce their visual impacts; provided, wooden poles do not have to be painted; and

B. Not be illuminated, except transmitter buildings may use lighting for security reasons which is compatible with the surrounding neighborhood. (Ord. 10021 § 7, 1991).

21.80.080 Fencing and NIER warning signs. Communication facility sites shall be:

A. Fenced in a manner which prevents access by the public to transmission structures and/or areas of the site where NIER or shock/burn levels are exceeded. This may be modified if natural features, such as an adjoining waterway, or a topographic feature preclude access.

B. Signed to warn the public of areas of the site where:

1. NIER standards are exceeded; and

2. High risks for shocks or burns are present. (Ord. 10021 § 8, 1991).

21.80.090 Interference. Applications for building, conditional use and/or unclassified use permits shall include:

A. A statement describing the nature and extent of interference which may be caused by the proposed communication facility and the applicant's responsibilities under FCC rules and regulations;

B. Unless the division determines that there will be no noticeable interference from the proposed communication facility, notification of expected interference shall be provided as specified in K.C.C. 21.80.170; and

C. General information concerning the causes of interference and steps which can be taken to reduce or eliminate it. (Ord. 10021 § 9, 1991).

21.80.100 NIER exposure standards. A communication facility, by itself or in combination with others, shall not expose the public to NIER that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in K.C.C. 21.80.330; or cause whole-body energy absorption of .08 W/Kg or more. (Ord. 10021 § 10, 1991).

21.80.110 NIER measurements and calculations. NIER levels shall be measured and calculated as follows:

A. When measuring NIER for compliance with K.C.C. 21.80.100:

1. Measuring equipment used shall be generally recognized by the Environmental Protection Agency (EPA), National Council on Radiation Protection and Measurement (NCRPM), American National Standards Institute (ANSI), or National Bureau of Standards (NBS) as suitable for measuring NIER at frequencies and power levels of the proposed and existing sources of NIER

2. Measurement equipment shall be calibrated as recommended by the manufacturer in accordance with methods used by the NBS and ANSI, whichever has the most current standard.

3. The effect of contributing individual sources of NIER within the frequency range of a broadband measuring instrument may be specified by separate measurement of these sources using a narrowband measuring instrument.

4. NIER measurements shall be taken when and where NIER levels are expected to be highest due to operating or environmental conditions.

5. NIER measurements shall be taken along the perimeter of the communication facility site and other areas on-site or off-site where the health department deems necessary to take measurements.

6. NIER measurements shall be taken following spatial averaging procedures generally recognized and used by experts in the field of RF measurement or other procedures recognized by the FCC, EPA, NCRPM, ANSI, NBS.

B. NIER calculations shall be consistent with the FCC, Office of Science and Technology (OST) bulletin 65 or other engineering practices recognized by the EPA, NCRPM, ANSI, NBS or similarly qualified organization.

C. Measurements and calculations shall be certified by a licensed professional engineer and shall be accompanied by an explanation of the protocol, methods, equipment, and assumptions used. (Ord. 10021 § 11, 1991).

21.80.120 Measurements and monitoring. A. The department of public health shall measure or contract for measurement of NIER levels as necessary to insure that the NIER standard is not being exceeded.

B. The NIER level of existing major communication facilities shall be measured within 120 days from the effective date of Ordinance 10021 (July 28, 1991) and every third year thereafter. The measurements shall be submitted to the department of public health for review within 60 days of measurement. The department shall be reimbursed for its review of the measurements pursuant to this section.

C. New major communication facilities shall be measured within 120 days from the commencement of the operation and every third year thereafter. The department shall be reimbursed for its review of the measurements pursuant to this section.

D. The department of public health shall have the authority to assess fees for the cost of plan review. The fee shall be based upon the time required by staff, including overhead cost, for plan review. (Ord. 10021 § 12, 1991).

21.80.130 Shock and burn standard. The communication facility shall not emit radiation such that the public will be exposed to shock and burn in excess of the standards contained in ANSI C-95.1. (Ord. 10021 § 13, 1991).

21.80.140 Modifications. A. Cumulative modifications of conforming or nonconforming communication facilities, transmission structures or transmission equipment which do not increase the overall height of the transmission structure or transmission equipment by more than 30 percent shall be allowed provided:

1. A nonconformance with respect to the transmission structure shall not be created or increased, except as otherwise provided in this Subsection A as to height;

2. Existing perimeter vegetation or landscaping shall not be reduced; and

3. The modification results in compliance with K.C.C. 21.80.100 and 21.80.130. The applicant shall provide King County a detailed certification of compliance with these provisions which has been prepared by a licensed professional engineer.

B. Except for consolidations allowed by K.C.C. 21.80.150, modifications which increase the overall height of the transmission structure or transmission equipment by more than 30 percent shall be subject to the following provisions:

1. Applications for such transmission structures shall be reviewed pursuant to the applicable process specified in K.C.C. 21.80.040.

2. Such transmission structures shall comply with the provisions of K.C.C. 21.80.020 - 21.80.040, 21.80.060 - 21.80.140 and 21.80.160 - 21.80.190. (Ord. 10021 § 14, 1991).

21.80.150 Consolidation. Consolidation of two or more existing transmission structures may be permitted subject to the following:

A. If the consolidated transmission structure cannot meet the requirements of K.C.C. 21.80.050, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the:

1. Topography and dimensions of the site,

2. (In the case of a consolidation) to any existing structures to be retained, and

3. (In the case of a guyed transmission tower) to guy anchor placement necessary to assure structural integrity of the consolidated transmission tower, provides the optimum practical setback from adjacent properties. Consolidated transmission structures shall be set back from abutting residential property a minimum of ten percent of the height of the consolidated transmission structure, but in all cases no less than 100 feet.

B. If a consolidation involves the removal of transmission structures from two or more different sites and if a consolidated transmission structure is to be erected on one of those sites, it shall be erected on the site which provides for the greatest compliance with the standards of this chapter;

C. All existing transmission equipment on the site of a communication facility which does not comply with the provisions of this chapter shall be relocated to the consolidated transmission structure before the relocation of transmission equipment from a non-exempt off-site, conforming communication facility is permitted;

D. The consolidation shall eliminate NIER and electrical current levels attributable to the consolidating transmission equipment which exceed the limits of K.C.C. 21.80.010 and 21.80.130; and

E. Any transmission structure to be removed as part of a consolidation shall be removed within 12 months of relocation of the transmitting equipment;

F. Consolidation shall result in a net reduction in the number of transmission structures;

G. Consolidated facilities shall require a conditional use permit. (Ord. 10021 § 15, 1991).

21.80.160 Supplemental application requirements. A. In addition to any required site plan, a permit application for any communication facility shall also include:

1. A site plan which shows existing and proposed transmission structures; guy wire anchors; warning signs, fencing and access restrictions;

2. A report by a licensed professional engineer demonstrating compliance with applicable structural standards of the UBC, and describing the general structural capacity of any proposed transmission structure(s), including:

a. the number and type of antennae that can be accommodated; and

b. the basis for the calculation of capacity.

3. A report by a state licensed professional engineer that includes the following:

a. a description of any proposed transmission tower(s) or structure(s), including height above grade, materials, color and lighting; and

b. information related to interference required by K.C.C. 21.80.090.

B. Where a permit for a non-exempt communication facility is required, the application shall also include the following information:

1. The name and address of the operator(s) of proposed and existing antennae on the site;

2. The height of any proposed antennae;

3. Manufacture, type, and model of such antennae;

4. Frequency, modulation and class or service;

5. Transmission and maximum effective radiated power;

6. Direction of maximum lobes and associated radiation;

7. The calculated NIER levels attributable to the proposed antennae at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (NIER levels) in areas that are expected to be unfenced on-site; and

8. For a major communication facility, if there is another major communication facility within one mile of the site of the proposed facility, the level of NIER at the points identified in Subsection B.7. as measured within 30 days prior to application.

9. For a minor communication facility, if there is an existing major communication facility within one-half mile of the site of the proposed facility, the level of NIER at the points identified in Subsection B.7. as measured within 30 days prior to the application. (Ord. 10021 § 16, 1991).

21.80.170 Notification requirements. Notification of a permit application shall be given to adjacent property owners within a 500 foot radius and the local community council. The area within which mailed notice is required shall be expanded to include at least 20 different owners in rural or lightly inhabited areas or in other appropriate cases to the extent the division determines is necessary. The standards of public notice and posting of property shall be pursuant to K.C.C. 21.62.070. (Ord. 10021 § 17, 1991).

21.80.180 NIER compliance criteria. The department of public health shall consider the following criteria in determining compliance with K.C.C. 21.80.100:

A. The number and location of points at which levels have been determined to exceed NIER standards;

B. The duration of exposure to NIER levels above the standard;

C. The extent by which the levels measured at such points exceed the standards established by this chapter; and

D. The relative contribution of individual sources in a multiple source environment. (Ord. 10021 § 18, 1991).

21.80.190 NIER enforcement. A. The department of public health shall be responsible for the enforcement of the provisions of K.C.C. 21.80.100 in accordance with K.C.C. Title 23. The department director shall allow no more than 10 days to elapse from the date of a violation before corrective action is commenced. If this deadline cannot be met, the director shall issue a stop work order.

B. If the approved NIER standard is exceeded in an area where there are multiple users and transmission equipment, all users shall share in the NIER reductions, scaled proportionally to their current discharges. (Ord. 10021 § 19, 1991).

21.80.200 Periodic review of NIER standard. The department of public health shall review the county approved NIER standard every three years and report to the chair of the council on whether it should be changed. (Ord. 10021 § 20, 1991).

21.80.210 Federal or state regulation. A. If state regulations establish a NIER exposure standard which is more restrictive than the county standard, the state standard shall automatically become effective.

B. If such state standards are intended to preempt local enforcement with respect to specific sections of this chapter, said sections shall automatically become effective.

C. Application of the provisions of this chapter shall be subject to any rule, regulation, order or decision of any state or federal court or government agency with which such communication facility is obligated to comply. (Ord. 10021 § 21, 1991).

21.80.300 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 10021 § 53, 1991).

APPENDIX A
REVIEW PROCESS BY ZONE

ZONE CLASSIFICATION	TYPE OF COMMUNICATION FACILITY		
	Earth Station Facility	Minor Communication Facility	Major Communication Facility
RS - Single Family Dwelling	C[1] or U	C	C[3] or U
RD 3600 - Low Density Multiple	C[1] or U	C	C[3] or U
RM - Multiple Family Dwelling	C[1] or U	C	C[3] or U
RT - Residential Townhouse	C[1] or U	C	C[3] or U
SE - Suburban Estate	C[1] or U	C	C[3] or U
SC - Suburban Cluster	C[1] or U	C	C[3] or U
SR - Suburban Residential	C[1] or U	C	C[3] or U
GR - Growth Reserve	C[1] or U	C	C[3] or U
G - General	C[1] or U	C	C[3] or U
G- 5 - General, Five Acres	C[1] or U	C	C[3] or U
A- R - Rural Area	C[1] or U	C	C[3] or U
A - Agriculture	P[2] or C	C	C[3] or U
A-10 or 35 - Agricultural	P[2] or C	C	C[3] or U
B-N - Neighborhood Business	P[2] or C	C	C[3] or U
BR-N - Business/Residential Mixed Use, Neighborhood	P[2] or C	C	C[3] or U
B-C - Community Business	P	P	P
BR-C - Business/Residential Mixed Use, Community	P	P	P
C-G - General Commercial	P	P	P
M-L - Light Manufacturing M-P - Manufacturing Park M-H - Heavy Manufacturing	P	P	P
F - Forest	P	P	P
F-R - Forest Recreation	P	P	P
Q-M - Quarry and Mining	P	P	C
AOU - Airport Open Use	C	C	C

KEY
P-Permitted Use
U-Unclassified Use
C-Conditional Use

[1] Limited to 3 or less satellite dish antennae.
[2] Limited to one satellite dish antennae.
[3] Limited to tower consolidations.

(Ord. 10021, Appendix A, 1991)
(King County 9-94)

APPENDIX A-1

Minor communication facilities for the transmission or reception of cellular radio signals shall be permitted based on the type of transmission structure used at the facility and the zone in which the facility is located as follows:

Type of Transmission Structure	Zone	Review Process	Setbacks[3/]
Poles no more than 100 feet tall [1/]	RS, RD, RM, RT	AC[2/]	Zone [4/] plus 15 feet
	SE, SC, SR, A-R	AC	Zone w/ 10 foot minimum
	All other zones	P	Zone w/ 10 foot minimum
Poles over 100 feet tall	RS, RD, RM, RT	C[2/]	One-half for one [5/]
	SE, SC, SR, A-R	AC	Zone plus 20 feet
	All other zones	AC	Zone plus 10 feet
Lattice towers	RS, RD, RM, RT	U[2/]	One for One[5/]
	SE, SC, SR, A-R	C	One-half for one
	All other zones	C	Zone plus 20 feet

KEY	
P	Permitted Use
U	Unclassified Use
C	Conditional Use
AC	Administrative Conditional Use

FOOTNOTES:

1/ The Division may decide whether a pole no more than 100 feet tall will be wood or steel, based on a determination of which material would be more appropriate at the proposed location.

2/ The following special procedures and conditions shall apply to the review and issuance of permits for facilities in RS, RD, RM, and RT zones:

(a) The applicant shall demonstrate that the proposed facility complies with all applicable laws and that it should be located in an RS, RD, RM, or RT zone to meet the needs of the cellular telephone system.

(b) The applicant shall arrange a public meeting with owners of property near the proposed facility for the purpose of providing information and receiving comments about the proposed facility. The public notice issued regarding the filing of the administrative conditional use permit, or the public hearing on the conditional or unclassified permit, shall announce the time, date, location, and purpose of the public meeting, A Division representative shall attend the meeting.

3/ The setback requirements listed in this Appendix A-1 apply to the transmission pole or tower and transmission equipment placed on the pole or tower. The county decision-maker may reduce the setback where the applicant demonstrates that the facility will be adequately screened from public view.

4/ "Zone" means the transmission structure shall be set back from property lines as required by the zone in which the facility is located for structures which do not exceed the zone's height limit. The transmission structure may exceed the height limit of the zone if it meets the setbacks specified in this Appendix A-1.

5/ "One-half for one" and "one for one" mean the transmission structure shall be set back from property lines one-half foot or one foot, respectively, for every foot of pole or tower height.

(Ordinance 10021, Appendix A.1, 1991)

APPENDIX B

NIER EXPOSURE STANDARDS*(1)

Frequency (2)	Mean squared electric field strength (3)	Mean squared magnetic field strength (4)	Equivalent plane-wave power density (5)
0.1 to 3	80,000	0.5	20,000
3 to 30	4,000x $(180/f^2)$	0.025 x $(180/f^2)$	$180,000/f^2$
30 to 300	800	0.005	200
300 to 1500	4,000 x (f/1500)	0.025 x (f/1500)	f/1.5
1500 to 300,000	4,000	0.025	1000

(1) All standards refer to root mean squared measurements averaged over a six minute period.
(2) Frequency or f is measured in megahertz (MHz)
(3) Electric field strength is expressed in volts squared per meter squared (V^2/m^2).
(4) Magnetic field strength is expressed in amperes squared per meter squared (A^2/m^2).
(5) Power density is expressed in microwatts per centimeter squared (uW/cm^2).

* Peak NIER levels shall not exceed the following equivalent plane-wave power densities:
- Twenty times the average values in the frequencies below 300 MHz;
- 4,000 uW/cm^2 in the frequencies between 300 MHz and six gigahertz (GHz);
- (f/1,500)uW/cm^2 in the frequencies between six GHz and 30 GHz; and
- 20,000 uW/cm^2 in the frequencies above 30 GHz.

Appendix B 5/31/91

(Ordinance 10021, Appendix B, 1991)