



## Legislation Details (With Text)

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**File created:** 4/14/2003      **In control:** Growth Management and Unincorporated Areas Committee

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**Title:** AN ORDINANCE related to zoning, allowing small schools to be established in commercial zones; and amending Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050.

**Sponsors:** Dow Constantine

**Indexes:** Schools, Zoning

**Code sections:** 21A.08.050 -

**Attachments:** 1. Ordinance 14678.pdf, 2. 2003-0169 Hearing Notice.doc, 3. 2003-0169 Notice of Adoption.doc, 4. REVISED STAFF REPORT 5-6-03, 5. staff report 5-6-03

Date	Ver.	Action By	Action	Result
6/16/2003	2	Metropolitan King County Council	Hearing Held	
6/16/2003	3	Metropolitan King County Council	Passed as Amended	Pass
5/6/2003	2	Growth Management and Unincorporated Areas Committee	Recommended Do Pass Substitute Consent	Pass
5/6/2003	1	Growth Management and Unincorporated Areas Committee	Amended	Pass
4/14/2003	1	Metropolitan King County Council	Introduced and Referred	

Clerk 05/07/2003

AN ORDINANCE related to zoning, allowing small schools to be established in commercial zones; and amending Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050.

### STATEMENT OF FACTS:

1. Small K-12 schools are presently allowed in commercial areas by the cities of Seattle and Sea -Tac.
2. Maintaining a limit on the size of schools in commercial areas minimizes the land use impacts on surrounding commercial and residential areas.
3. Small schools would be an institutional use not unlike others already allowed in commercial

areas, such as YMCAs, Boys/Girls clubs and daycare centers, all of which involve gatherings of school-age youth.

4. High schools are presently allowed in the CB zone in unincorporated King County, albeit with a CUP, which is required based on the concept of the traditional high school in terms of size, traffic and land use impacts and long-term presence.

5. Churches are presently permitted outright in the commercial zones in unincorporated King County and churches are presently permitted to have an associated school.

6. Elementary and middle schools are not currently allowed in commercial zones in unincorporated King County based solely on the traditional concept that these public schools serve a particular neighborhood and therefore are ideally suited to be located to be in the middle of a neighborhood on residential zoned land. Smaller, nontraditional schools may serve more than a particular neighborhood.

7. Allowing small schools could provide landowners in economically challenged commercial areas additional flexibility in finding users for their property, revitalizing and attracting new businesses to the commercial area.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby

amended to read as follows:

**General services land uses.**

A. General services land uses.

KEY		ZONE			RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL						
P-Permitted Use C-Conditional Use S-Special Use					RUR	U	U	R	N	B	C	B	R	OFF	IN			
					AGRI	FOR	MIN	RUR	R	U	R	N	B	C	B	R	OFF	IN
					CUL	EST	ERA	L	B	E	B	E	O	O	E	U	C	D
					TUR		L		S	S	A	I	S	G	M	S	S	I
					E				E	N	D		H	N	M	I	O	N
									R	V			N	E	O	N	N	E
									T				I	R	S	I	S	L
									A				L	O	O	S	Y	
													D					
SIC#	SPECIFIC LAND USE			A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I			

PERSONAL SERVICES:																
72	General Personal Service								C26	C26	P	P	P	P3	P3	
7216	Drycleaning plants														P	
7218	Industrial Launderers														P	
7261	Funeral Home/Crematory							C4	C4	C4		P	P			
*	Cemetery, Columbarium or Mausoleum							P25 C5,32	P25 C5	P25 C5	P25 C5	P25	P25 C5	P25		
*	Day care I	P6						P6	P6	P6	P	P	P	P7	P7	
*	Day care II							P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9						P9 C10,32	P9 C10			P10	P10	P10		P
753	Automotive repair (1)											P11	P	P		P
754	Automotive service											P11	P	P		P
76	Miscellaneous repair												P	P		P
866	Churches, synagogue, temple							P12 C28,32	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)							P12 C13,32	P12 C	P12 C	P12 C	P13	P	P	P	
*	Stable	P14 C						P14 C	P14 C	P14 C						
*	Kennel or Cattery	P9						C	C				C	P		
*	Theatrical Production Services												P31	P31		
*	Artist Studios							P29	P29	P29	P29	P	P	P	P30	P
*	Interim Recycling Facility	P21	P21	P21				P22		P22	P22	P23	P23	P		P
HEALTH SERVICES:																
801-04	Office/Outpatient Clinic							P12 C	P12 C	P12 C13	P12 C13	P	P	P	P	P
805	Nursing and personal care facilities											C	P	P		
806	Hospital									C13	C13		P	P	C	
807	Medical/Dental Lab												P	P	P	P
808-09	Miscellaneous Health												P	P	P	
EDUCATION SERVICES:																
*	Elementary School							P16 15P32	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School							P16 C32	P	P	P		P16c	P16c	P16c	
*	Secondary or High School							P16 C27, 32	P27	P27	P27		P16c	P16c	P16c	
*	Vocational School							P13 C,32	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School			P18				P19 C32	P19 C	P19 C	P19 C	P	P	P	P17	P
*	School District Support Facility							C 24, 32, P16,C1	P 24 C	P 24 C	P 24 C	C	P	P	P	P

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.14; Procedures, see K.C.C. chapters 21A.40 through 21A.44 (\*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.

- B. Development conditions.**
1. Except SIC Industry No. 7534 - Tire Retreading, see manufacturing permitted use table.
  2. Except SIC Industry Group Nos.:
    - a. 835-Day Care Services, and

- b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
3. Limited to SIC Industry Group and Industry Nos.:
  - a. 723-Beauty Shops;
  - b. 724-Barber Shops;
  - c. 725-Shoe Repair Shops and Shoeshine Parlors;
  - d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
  - e. 217-Carpet and Upholstery Cleaning.
4. Only as an accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.
5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.
6. Only as an accessory to residential use, and:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
  - b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.
7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C. 21A.08.060A.
8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
  - b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;
  - c. Direct access to a developed arterial street shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding development.

9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space for the kennel or office space for the cattery, and:

(1) boarding or overnight stay of animals is allowed only on sites of five acres or more;

(2) no burning of refuse or dead animals is allowed;

(3) the portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

(4) the provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

b. The following additional provisions apply to kennels or catteries in the A zone:

(1) impervious surface for the kennel or cattery shall not exceed twelve thousand square feet;

(2) obedience training classes are not allowed; and

(3) any buildings or structures used for housing animals and any outdoor runs shall be set back one hundred and fifty feet from property lines,

10.a. No burning of refuse or dead animals is allowed;

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532 - Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed.

12. Only as a re((-)use of a public school facility subject to K.C.C. chapter 21A.32.

13. Only as a re((-)use of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

15. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility and serving only the public school or the school facility may be used. New public high schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

16.a. For middle or junior high schools and secondary or high schools or school facilities, only as a re ((-))use of a public school facility or school facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

b. Renovation, expansion, modernization or reconstruction of a school, a school facility, or the addition of relocatable facilities, is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

c. In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as an accessory to residential use, and:

a. Students shall be limited to twelve per one-hour session;

b. All instruction must be within an enclosed structure; and

c. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining residential zones.

20. Subject to the following:

a. Structures used for the school and accessory uses shall maintain a minimum distance of twenty-five feet from property lines adjoining residential zones;

b. On lots over two and one half acres:

(1) retail sales of items related to the instructional courses is permitted, if total floor area for retail sales is limited to two thousand square feet;

(2) sales of food prepared in the instructional courses is permitted with department of public health-Seattle and King County approval, if total floor area for food sales is limited to one thousand square feet and is located in the same structure as the school; and

(3) other incidental student-supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and

c. On sites over ten acres, located in a designated Rural Town and zoned UR, R-1, and/or R-4:

(1) retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to two thousand square feet

(2) sales of food prepared in the instructional courses is permitted with department of public health-Seattle and King County approval, if total floor area for food sales is limited to one thousand seven hundred fifty square feet and is located in the same structure as the school;

(3) other incidental student-supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;

(4) the use shall be integrated with allowable agricultural uses on the site;

(5) advertised special events shall comply with the temporary use requirements of this chapter; and

(6) existing structures that are damaged or destroyed by fire or natural event, if damaged by more than fifty percent of their prior value, may reconstruct and expand an additional sixty-five percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with development condition B.20.c of this section and this title.

21. Limited to source-separated yard or organic waste processing facilities.

22. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

23. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

24. Only if adjacent to an existing or proposed school.

25. Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

26. Not permitted in R-1 and limited to a maximum of five thousand square feet per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

27.a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

28. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.

29. Only as a reuse of a surplus non((-)residential facility subject to K.C.C. chapter 21A.32 or as a joint use of an existing public school facility.

30. All studio use must be within an enclosed structure.



31. Adult use facilities shall be prohibited within six hundred sixty feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

32. Subject to review and approval of conditions to comply with trail corridor

provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian community designated by the Comprehensive Plan.

official paper, 30 days prior

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