



## Legislation Details (With Text)

**File #:** 2002-0119      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 3/11/2002      **In control:** Growth Management and Unincorporated Areas Committee

**On agenda:** 7/22/2002      **Final action:** 7/22/2002

**Enactment date:** 8/1/2002      **Enactment #:** 14429

**Title:** AN ORDINANCE relating to zoning and comprehensive planning, clarifying the application of minimum lot area in the Rural Area, adding kennel and cattery as a conditional use in the Agricultural Production District subject to conditions and correcting typing errors; amending Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 357, as amended, and K.C.C. 21A.12.200, Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180 and Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020 and repealing Ordinance 12627, Section 4, and K.C.C. 21A.55.040.

**Sponsors:** Jane Hague

**Indexes:** Animals, Comprehensive Plan, Zoning

**Code sections:** 21A.08.050 -, 21A.12.030 -, 21A.12.200 -, 21A.14.180 -, 21A.30.020 -, 21A.55.040 -

**Attachments:** 1. Ordinance 14429.pdf, 2. 2002-0119 - 14429 - Adoption Notice.doc, 3. 2002-0119 Fiscal Note.xls, 4. 2002-0119 hearing notice, 5. 2002-0119 Transmittal Letter.doc, 6. CompPlanSupportDocumentation.pdf, 7. None, 8. Revised Report 06-04-02, 9. Staff Report 04-16-02, 10. Staff Report 05-07-02

Date	Ver.	Action By	Action	Result
7/22/2002	2	Metropolitan King County Council	Hearing Held	
7/22/2002	2	Metropolitan King County Council	Passed as Amended	Pass
6/11/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/5/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/4/2002	1	Growth Management and Unincorporated Areas Committee	Amended	Pass
6/4/2002	2	Growth Management and Unincorporated Areas Committee	Recommended Do Pass Substitute	Pass
6/3/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
5/7/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
4/16/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
3/19/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
3/11/2002	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/24/2002

AN ORDINANCE relating to zoning and comprehensive planning, clarifying the

application of minimum lot area in the Rural Area, adding kennel and cattery as a conditional use in the Agricultural Production District subject to conditions and correcting typing errors; amending Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 357, as amended, and K.C.C. 21A.12.200, Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180 and Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020 and repealing Ordinance 12627, Section 4, and K.C.C. 21A.55.040.

STATEMENT OF FACTS:

1. King County has adopted the 1994 King County Comprehensive Plan to meet the requirements of the Washington state Growth Management Act (GMA).
2. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation by the county.
3. King County has approved annual amendments to correct technical errors and to make changes that do not require a substantive policy change or alter the urban growth line.
4. King County has performed its first comprehensive four-year cycle review of the Comprehensive Plan and development regulations. As a result of the review, King County amended the 1994 Comprehensive Plan through passage of the King County Comprehensive Plan 2000.
5. The GMA requires that King County adopt development regulations, to be consistent with and implement the Comprehensive Plan.
6. The changes to the King County zoning code, K.C.C. Title 21A, contained in this ordinance are needed to bring K.C.C. Title 21A into conformance with the King County Comprehensive Plan 2000, as required by the GMA. As such, they bear a substantial relationship to, and are

necessary for, the public health, safety and general welfare of King County and its residents.

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.

<div>KEY</div> <div>P-Permitted Use</div> <div>C-Conditional Use</div> <div>S-Special Use</div>		Z li0 o N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
			A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
			G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
			R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
			I	E	E	A	A	E	A	I	G	I	M	I	I	I	U	
			C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
			U	T	A			V		E	B	E	N	E	N	E	E	T
			L		L			E		N	O	S	I	S	A	S		R
			T							T	R	S	T	S	L	S		I
			U							I	H							A
			R							A	O							L
			E							L	O							
SIC#	SPECIFIC LAND USE		A	F	M	R	U	R	R1-8	R12-48	NB	CB	RB	O	I			
	PERSONAL SERVICES:																	
72	General Personal Service								C 26	C 26	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 C5	P25	P25	P25 C5	P25				
*	Day care I	P6				P6	P6	P6	P	P	P	P	P	P7	P7			
*	Day care II					P8 C	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	P12 C	P	P	P	P				
83	Social Services (2)					P12 C13, 32	P12 C13	P12 C13	P12 C13	P12 C13	P13	P	P	P				
*	Stable	P14 C				P14 C, 32	P14 C	P 14 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	P 21	P21	P21	P 22		P 22	P 22	P 23	P 23	P		P
	<b>HEALTH SERVICES:</b>												
801-04	Office/Outpatient Clinic				P12 13	P12 C 13	P12 C 13	P12 C 13	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	
	<b>EDUCATION SERVICES:</b>												
*	Elementary School				P16 15, 3	P	P	P					
*	Middle/Junior High School				P16 C15, 32	P	P	P					
*	Secondary or High School				P16 C15, 27, 3	P27	P27	P27		C	C		
*	Vocational School				P13 32	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School		P18		P19 C20, 32	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				C 24 32 P16, 15	P 24 C	P 24 C	P 24 C	C	P	P	P	P
<b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. 21A.02.070 through 21A.30; General Provisions, see K.C.C. 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. 21A.40 through 21A.49. (*)Definition of this specific Land Use, see K.C.C. 21A.06													

General services land uses.

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 re((-))use 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:
  - ~~((a-))~~ (1) ~~((B))~~boarding or overnight stay of animals is allowed only on sites of five acres or more;

~~((b-))~~ (2) ~~((N))~~no burning of refuse or dead animals is allowed;

~~((e-))~~ (3) ~~((F))~~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

~~((d-))~~ (4) ~~((T))~~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.

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) (~~(R)~~) 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) (~~(S)~~) 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) (~~(Θ)~~) 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) (~~(R)~~) 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) (~~(S)~~) 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) (~~(Θ)~~) 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) (~~(T)~~) the use shall be integrated with allowable agricultural uses on the site;

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

(6) (~~(E)~~) 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.

SECTION 2. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are each hereby amended to read as follows:

**Densities and dimensions - residential zones.** A. Densities and dimensions - residential zones.

		RESIDENTIAL													
		Z O N E S	RURAL				URBAN RE-SERVE	URBAN RESIDENTIAL							
STANDARDS			RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)			0.2 du/a c	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (15)			0.4 du/a c (20)	0.4 du/ac (20)					6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density: (2)									85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)			1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)			135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)			30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)			5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)			40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft 45 ft (14)	35 ft 45 ft (14)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percent (5)			25% (11) (19)	20% (11) (19)	15% (11) (19)	12.5% (11) (19)	30% (11)	30% (11)	55%	70%	75%	85%	85%	85%	90%

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer. Maximum density may only be exceeded in accordance with K.C.C. 21A.34.040F.1.g.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional

interior setback requirements but the maximum height shall not exceed seventy-five feet.

5. Applies to each individual lot. Impervious surface area standards for:

- a. regional uses shall be established at the time of permit review;
- b. nonresidential uses in residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;
- c. individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and
- d. a lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone shall apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zone or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. ~~((These lot size minimums are for purposes of lot averaging, and do))~~ The minimum lot area does not apply to lot clustering proposals.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet

as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. all subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

- (1) a floodplain,
- (2) a critical aquifer recharge area,
- (3) a Regionally or Locally Significant Resource Area,
- (4) existing or planned public parks or trails, or connections to such facilities,
- (5) a Class I or II stream or wetland, or
- (6) a steep slope, or
- (7) a "greenbelt/urban separator" or "wildlife corridor" area designated by the Comprehensive Plan

or a community plan.

b. The development shall be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site sensitive area and buffers, wildlife habitat networks, required habitat and buffers for protected species and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation (with no development of recreational facilities) and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea

of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels receiving density from rural forest focus areas through the transfer of density credit pilot program outlined in K.C.C. chapter 21A.55.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence that predates 1959.

22. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.

23. The minimum density requirement does not apply to properties located within the Rural Town of Fall City.

SECTION 3. Ordinance 10870, Section 357, as amended, and K.C.C. 21A.12.200 are each hereby amended to read as follows:

**Lot or site divided by zone boundary.** When a lot or site is divided by a zone boundary, the following applies:

A. If a lot or site contains both residential and non-residential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.

B. If a lot or site contains residential zones of varying density:

1. Any residential density transfer within the lot or site shall be allowed if:

a. the density, as a result of moving dwelling units from one lot to another lot within a site or across zone lines within a single lot, does not exceed one hundred fifty percent of the base density on any of the lots or portions of a lot to which the density is transferred;

- b. the transfer does not reduce the minimum density achievable on the lot or site;
  - c. the transfer enhances the efficient use of needed infrastructure;
  - d. the transfer does not result in significant adverse impacts to the low density portion of the lot or site;
  - e. the transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features; and
  - f. the transfer does not result in significant adverse impacts to adjoining lower density properties;
2. Residential density transfers from one lot to another lot within a site or from one portion of a lot to another portion of a lot across a zone line shall not be allowed in the RA zone;
3. Residential density transfers shall not be allowed to a lot or portion of a lot zone R-1;
4. Compliance with the criteria in this subsection B shall be evaluated during review of any development proposals in which such a transfer is proposed; and
5. Residential density transfers from one lot to another lot within a site or from one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be considered development above the base density for purposes of requiring a conditional use permit for apartments or townhouses in the R-1 through R-8 zones.

C. Uses on each portion of the lot shall only be those permitted in each zone in accordance with K.C.C. chapter 21A.08.

**SECTION 4.** Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180 are each hereby amended to read as follows:

**On-site recreation - space required.** A. Residential developments of more than four units in the UR and R-4 through R-48 zones, stand-alone townhouse developments in the NB zone on property designated commercial outside of center in the urban area of more than four units, and mixed-use developments of more than four units, shall provide recreation space for leisure, play and sport activities as follows:

1. Residential subdivision, townhouses and apartments developed at a density of eight units or less per acre - three hundred ninety square feet per unit;

2. Mobile home park - two hundred sixty square feet per unit; and

3. Apartment, townhouses developed at a density of greater than eight units per acre, and mixed use:

a. Studio and one bedroom - ninety square feet per unit;

b. Two bedrooms - one hundred seventy square feet per unit; and

c. Three or more bedrooms - one hundred seventy square feet per unit.

B. Recreation space shall be placed in a designated recreation space tract if part of a subdivision. The tract shall be dedicated to a homeowner's association or other workable organization acceptable to the director, to provide continued maintenance of the recreation space tract consistent with K.C.C. 21A.14.200.

C. Any recreation space located outdoors that is not part of a storm water tract developed in accordance with subsection F. of this section shall:

1. Be of a grade and surface suitable for recreation improvements and have a maximum grade of five percent;

2. Be on the site of the proposed development;

3. Be located in an area where the topography, soils, hydrology and other physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a configuration which allows for passive and active recreation;

4. Be centrally located with good visibility of the site from roads and sidewalks;

5. Have no dimensions less than thirty feet, (except trail segments);

6. Be located in one designated area, unless the director determines that residents of large subdivisions, townhouses and apartment developments would be better served by multiple areas developed with recreation or play facilities;

7. ~~((In single detached or townhouse subdivisions, if the required outdoor recreation space exceeds~~



~~five thousand square feet, h))~~Have a street roadway or parking area frontage along ten percent or more of the recreation space perimeter, except trail segments, if the required outdoor recreation space exceeds five thousand square feet and is located in a single detached or townhouse subdivision;

8. Be accessible and convenient to all residents within the development; and

9. Be located adjacent to, and be accessible by, trail or walkway to any existing or planned municipal, county or regional park, public open space or trail system, which may be located on adjoining property.

D. Indoor recreation areas may be credited towards the total recreation space requirement, if the director determines that the areas are located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. For senior citizen assisted housing, indoor recreation areas need not be functionally equivalent but may include social areas, game and craft rooms, and other multi-purpose entertainment and education areas.

E. Play equipment or age appropriate facilities shall be provided within dedicated recreation space areas according to the following requirements:

1. For developments of five dwelling units or more, a tot lot or children's play area, which includes age appropriate play equipment and benches, shall be provided consistent with K.C.C. 21A.14.190;

2. For developments of five to twenty-five dwelling units, one of the following recreation facilities shall be provided in addition to the tot lot or children's play area:

a. playground equipment;

b. sport court;

c. sport field;

d. tennis court; or

e. any other recreation facility proposed by the applicant and approved by the director.

3. For developments of twenty-six to fifty dwelling units, at least two or more of the recreation facilities listed in subsection E.2 of this section shall be provided in addition to the tot lot or children's play

area;

4. For developments of more than fifty dwelling units, one or more of the recreation facilities listed in subsection E.2 of this section shall also be provided for every twenty-five dwelling units in addition to the total or children's play area. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

- a. Fractions of 0.50 or above shall be rounded up; and
- b. Fractions below 0.50 shall be rounded down.

F. In subdivisions, recreation areas that are contained within the on-site stormwater tracts, but are located outside of the one hundred year design water surface, may be credited for up to fifty percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowner's association or other organization as approved by the director;

2. The stormwater facilities shall be constructed to meet the following conditions:

- a. The side slope of the stormwater facilities shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation;
- b. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;
- c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas and aesthetic viewing; and
- d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

G. For of joint use of the tract for stormwater facilities and recreation space, King County is

responsible for maintenance of the stormwater facilities only and requires a drainage easement for that purpose.

H. A recreation space plan shall be submitted to the department and reviewed and approved with engineering plans.

1. The recreation space plans shall address all portions of the site that will be used to meet recreation space requirements of this section, including stormwater facilities. The plans shall show dimensions, finished grade, equipment, landscaping and improvements, as required by the director, to demonstrate that the requirements of the on-site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space under K.C.C. 21A.14.180A will be met.

SECTION 5. Ordinance 10870, Section 530 as amended, and K.C.C. 21A.30.020 are each hereby amended to read as follows:

**Animal regulations - Small animals.** The raising, keeping, breeding or fee boarding of small animals are subject to K.C.C. 11.04, Animal Control Regulations, and the following requirements:

A. Small animals which are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in Title 11. Other small animals excluding cats kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats kept indoors shall not be limited in numbers.

B. Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional 2 per acre of site area over 35,000 square feet up to a maximum of 20, unless more allowed as an accessory use pursuant to paragraph E., provided that all unaltered animals kept outdoors must be kept on

a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to K.C.C. 11.04.

C. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

D. Animals considered to be household pets shall be treated as other small animals pursuant to K.C.C. 21A.30.020E when they are kept for commercial breeding, boarding or training.

E. Small animals and household pets kept as an accessory use outside the dwelling, shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery (~~approved through the conditional use permit process~~), subject to the following limitations:

1. Birds shall be kept in an aviary or loft that meets the following standards:

a. The aviary or loft shall provide 1/2 square foot for each parakeet, canary or similarly sized birds, 1 square foot for each pigeon, small parrot or similarly sized bird, and 2 square feet for each large parrot, macaw or similarly sized bird.

b. Aviaries or lots shall not exceed 2,000 square feet, provided this limit shall not apply in rural, forestry, or agricultural zones.

c. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

2. Small animals other than birds shall be kept according to the following standards:

a. The minimum site area shall be one-half acre if more than 3 small animals are being kept.

b. All animals shall be confined within a building, pen, aviary or similar structure.

c. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.

d. Poultry, chick, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2000 square feet; provided that this maximum

structure size limit shall not apply in rural, forestry, or agricultural zones.

e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2000 square feet; provided that this maximum structure size limit shall not apply in rural, forestry, or agricultural zones.

f. Mink and fox are permitted only on sites having a minimum area of five acres.

g. Beekeeping is limited as follows:

(1) Beehives are limited to 50 on sites less than five acres;

(2) The number of beehives shall not be limited on sites of five acres or greater;

(3) Colonies shall be maintained in movable-frame hives at all times;

(4) Adequate space shall be provided in each hive to prevent overcrowding and swarming;

(5) Colonies shall be requeened following any swarming or aggressive behavior;

(6) All colonies shall be registered with the County Extension agent prior to April 1st of each year, on a state registration form acceptable to the county; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in K.C.C. 21A.50, Enforcement;

3. Kennels and catteries are subject to the following requirements:

a. For kennels located on residential zoned sites:

(1) The minimum site area shall be five acres; and

(2) Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;

b. For kennels located on non-residential zoned sites, run areas shall be completely surrounded by an eight foot solid wall or fence, and be subject to the requirements in K.C.C. 11.04.060; and

c. Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be

a minimum distance of 50 feet from property lines abutting residential zones.

SECTION 6. Ordinance 12627, Section 4, and K.C.C.21A.55.040 are each hereby repealed.

30 days prior, official paper