



King County

**King County
Form Based Code Pilot Project**

Special District Overlay Text

Executive Recommended

March 1, 2010

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INTRODUCTION

This document was developed as part of a pilot project conducted by King County's Department of Development and Environmental Services. The pilot project is intended to examine the feasibility of replacing the current conventional land use code with a Form-Based Code. In the Urban Area, the code's goal is to allow greater flexibility to developers and land owners while encouraging the development of vibrant, mixed-use neighborhoods. For Rural Area residents and land owners, the Code's goal is simplified and flexible land use regulations to provide increased predictability in the development process and create more opportunities for rural businesses.

To assist in the development of the new Form-Based Code, King County selected three initial demonstration areas for the pilot project. These are located in Bear Creek, East Renton, and Martin Luther King Jr. Way west of Renton. For more detail on the exact boundaries of the pilot areas, and to see updates on the project, refer to the King County website:
<http://www.kingcounty.gov/property/permits/codes/legislation/detail/FormBasedCodeProject.aspx>

1. AUTHORITY

The action of the King County Council (Washington State) in the adoption of this Form-Based Code ("this Code") is authorized under the State Constitution, the County Charter, and the King County Code.

This Code was adopted as one of the instruments to implement the purposes and objectives of the adopted King County Comprehensive Plan. This Code is declared to be in accord with and in furtherance of the Comprehensive Plan.

This Code was adopted to promote the health, safety, and general welfare of King County, Washington, and its citizens. This Code is designed to assist the County in:

- Protecting the natural environment;
- Conserving land, energy, and natural resources;
- Reducing vehicular traffic and congestion;

- Promoting the health benefits of a walkable pedestrian environment;
- Preserving historic resources and buildings;
- Providing affordable housing options;
- Promoting green building and climate protection
- Reducing suburban sprawl; and
- Improving the character and quality of the built environment.

This Code was adopted and may be amended by vote of the County Council.

2. INTENT AND PURPOSE

The intent and purpose of this Code is to:

- Conserve and protect natural areas that are not suitable for development.
- Conserve and protect productive agricultural lands in the County;
- Establish Clustered Land Development Communities in rural and agricultural areas to preserve natural open space and productive agricultural lands;
- To establish compact Traditional Neighborhood Communities and Transit-Oriented Development Communities as the preferred pattern of development within suburban and rural areas and single-use or limited-use developments as the exception;
- To establish mixed-use neighborhoods where daily activities should occur within walking distance of most suburban and urban dwellings, allowing independence to those who do not drive and giving residents with automobiles a range of mobility options;
- To establish neighborhoods with an interconnected networks of streets to disperse traffic, reduce the length of automobile trips, and promote walking and biking;
- To establish neighborhoods with a range of housing types and price levels to accommodate diverse ages and incomes;
- To establish neighborhoods with appropriate civic spaces and civic buildings;
- To create neighborhoods with buildings that contribute to the physical definition of streets and civic spaces;
- To promote buildings and landscape designs that respond to local climate, topography, culture, and building practices; and
- To preserve historic buildings to affirm the continuity and evolution of society.

3. APPLICABILITY

A. Introduction

This Code applies to all properties that have been rezoned with the Form-Based Code Overlay Zone. Existing communities and underutilized properties that are proposed for development or redevelopment may be rezoned with the Form-Based Code Overlay Zone. The process for rezoning is described in Section 4 of this Article (Zoning and Development Process) of this article. Once an area is rezoned with the Form-Based Code Overlay, this Code shall be used to regulate the design of new streets, new buildings, and new public spaces.

B. Terms

The provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional. Technical terms used throughout this Code may be defined in Article 8 (Definitions of Terms). Those terms not defined in Article 8 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the Existing Codes, the definitions of this Code shall take precedence.

C. Conflicts with Other Codes

The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations, and standards except the following:

- Building Code (Chapters 16.04 and 16.05 of the King County Code)
- Fire Code (Title 17 of the King County Code)
- Energy Code (Chapter 19.27A of the Revised Code of Washington)
- Plumbing Code (Chapter 16.32 of the King County Code)
- International Mechanical Code (Chapter 16.12 of the King County Code)
- Ornamental Pool Code (Chapter 16.78 of the King County Code)
- Electrical Code (Chapter 19.28 of the Revised Code of Washington)

The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations, and standards except as regards issues not covered by this Code. This includes:

- Provisions of the King County Code applicable to land development (e.g., the Land Segregation Code – Title 19A,
- Provisions of the Planning Code – Title 20 (e.g. Environmental Review and Comprehensive Plan)

- Provisions of the Zoning Code – Title 21A
- Provisions of the King County Road Design and Construction Standards – Chapter 14.42

D. Diagrams and Illustrations

Diagrams and illustrations are an integral part of this Code and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

4. ZONING AND DEVELOPMENT PROCESS

A. Introduction

Existing communities and large underutilized properties that are proposed for development or redevelopment may be rezoned with the Form-Based Code Overlay Zone. The process for each type of rezoning is described below:

B. Process for Existing Communities

Existing communities are primarily developed areas that are over 40 acres in size where opportunities for new development are limited to smaller infill development projects and redevelopment projects. The Department of Development and Environmental Services may prepare an area zoning study to consider whether to recommend the Form Based Code Overlay Zone to an existing community. The rezoning application shall comply with environmental review requirements of the State Environmental Policy Act as outlined in King County Code Chapter 20.44 (County Environmental Procedures). If the area zoning study recommends application of the Form Based Code Overlay Zone, it shall include a Draft Regulating Plan (or multiple Regulating Plans) and other supporting studies and documents. A Regulating Plan is a map that shows the boundaries of the Overlay Zone and assigns transect zones (see Article 2, Framework: The Transect) to the existing properties within the Overlay Zone. The Regulating Plan also identifies lots for private and civic buildings and civic spaces, and shows the locations of existing and proposed street types.

The Department shall hold one or more public meetings in the area where the form based code overlay zone is proposed. A recommendation to apply the Form Based Code Overlay Zone to an existing community shall be transmitted to the King County Council as part of the Executive's recommended Comprehensive Plan Updates transmitted not later than March 1 of each year.

If the County Council approves application of the Form Based Code Overlay Zone to an existing community, the Regulating Plan and this Code shall replace the existing zoning of the properties within the Overlay Zone with the new Form-Based Transect Zones established by this Code. This Code (rather than the King County Zoning Ordinance) will then become the exclusive and mandatory zoning regulations for properties in the community, and its provisions shall be applied in their entirety. Subsequent development applications shall be considered by the Department following the procedures in Titles 20 and 21A of the King County Code.

The following communities are proposed to be rezoned with the Form-Based Code Overlay Zone:

- Cottage Lake
- East Renton Plateau
- SR 900 and South 129th Street Area

The text of the form-based code is proposed to be adopted as a new Special district Overlay for each of the pilot project areas, therefore serving as the regulating plan for the pilot projects.

D. Warrants and Variances

A deviation from the requirements of this Code may be approved by either Warrant or Variance.

A Warrant is an administrative ruling that would permit a practice that is not consistent with or covered by a specific provision of this Code, but is justified by the Intent and Purpose of the Code (see Section 2: Intent and Purpose, of this Article). A Variance is a deviation from a standard within this Code due to a unique feature of the site that creates a hardship on the property owner. The Director shall determine whether a deviation requires a Warrant or a Variance.

The Director shall have the authority to approve or disapprove a request for a Warrant. The decision shall be made in writing and made a permanent part of the applicable Regulating Plan. The Director is not authorized to grant warrants and variances for the following standards and requirements:

- The maximum dimensions of traffic lanes (see Article 4: Street Standards)
- The required provision of Rear Alleys and Rear Lanes in the T4 and T5 Transects (see Article 3: Site and Building Standards).
- The minimum requirements for parking (see Article 3: Site and Building Standards).
- Transect allocations required for each Community Type (see Article 6: New Communities).
- The maximum Block Perimeter and Block Face for the T3, T4, and T5 Transects (see Article 3: Site and Building Standards, and Article 6: New Communities).
- Parking Location Standards (see Article 3: Site and Building Standards).
- Signage Standards (See Article 7: Architectural Standards)

The Director shall have the authority to approve or deny variances, which are subject to appeal to the King County Hearing Examiner as provided for Type 2 decisions under Chapters 20.20.020 and 20.24 of the King County Code.

5. VIOLATIONS

If a violation of an approved Regulating Plan occurs during construction, or if any construction, site work, or development is commenced without an approved plan, the Director shall have the right to require the owner to stop, remove, and/or mitigate the violation, or to secure a Variance to cover the violation. All violations of this code shall be processed in compliance with Title 23 (Code Compliance) of the King County Code.

6. NON-CONFORMITIES

The rezoning of properties to this Code may create situation where existing buildings and uses on properties do not comply with the standards of this Code. Such buildings and uses shall be considered legal non-conforming uses and buildings. Chapter 21A.32 (General Provisions – Nonconformance, Temporary Uses, and Re-Use of Facilities) of the King County Code shall be used to regulate legal non-conforming buildings and uses.

7. SEVERABILITY

If a court of competent jurisdiction determines that a provision of this Code is unconstitutional or invalid, that determination shall not affect the validity of other parts of this Code.

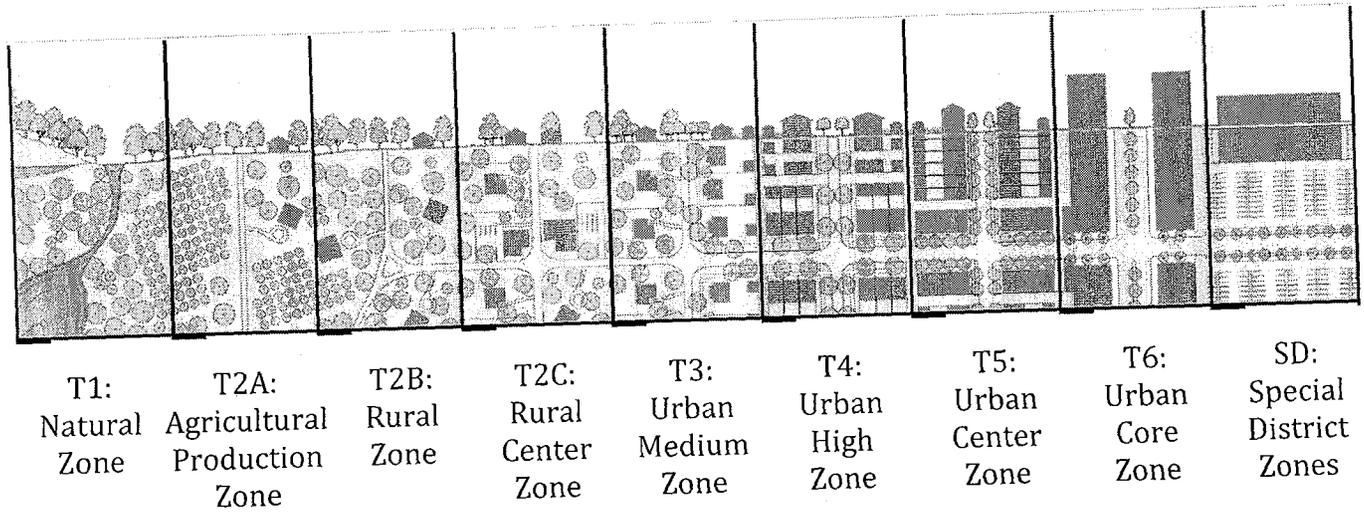
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FRAMEWORK: THE TRANSECT

1. INTRODUCTION

A. Purpose and Intent

Within King County, there are a variety of environmental conditions ranging from natural woodlands and riparian areas to urban city centers. In general, the environmental conditions of a given place can be characterized by the transect, a cross-section of the environment showing a range of different natural and developed environments. The transect is used as a framework for this Code. The transect used in this Code is divided into six specific transect zones (Natural, Agricultural Production, Rural, Rural Center, Urban Medium, Urban High, Urban Center, and Urban Core) and a variety of special district zones:



Transect zones are intended to regulate and promote development that reinforces the desired characteristics and qualities of each specific zone. General descriptions of each transect zone are provided below.

2. DESCRIPTIONS OF TRANSECT ZONES

A. T1 (Natural Zone)

The T1 zone is assigned to land approximating or reverting to a wilderness condition that is unsuitable for settlement due to topography, hydrology, vegetation, or other environmental condition. These lands include steep hillsides, riparian corridors, major flood plains, lakes, wetlands, earthquake faults, and woodlands. Lands may be used for passive regional parks and trails. Buildings are not allowed in the T1 zone, except for public utility structures. Roads are generally designed to respond to natural conditions, such as topography and water bodies. Roads are designed to reinforce the natural character of the zone and generally contain soft shoulders and drainage swales.

B. T2A (Agricultural Production Zone)

The T2A zone is assigned to sparsely settled land that is generally in a cultivated state. These lands are generally used for agricultural-related activities, but natural and uncultivated land may also be present. Lands may also be used for passive regional parks and trails. The T2A Zone may include buildings that are up to two stories high with deep and variable setbacks. Horses and other farm animals are allowed in this zone in compliance with King County Code Section 21A.30.030 (Animal regulations – Livestock) of the King County Zoning Code. Roads are designed to reinforce the rural character of the zone and generally contain soft shoulders and drainage swales.

C. T2B (Rural Zone)

The T2B zone is assigned to rural land in open or cultivated states. These lands are generally occupied by large lot rural residential properties. Limited agricultural and commercial activities may also be present. Lands may also be used for playgrounds, passive regional parks, and trails. The T2B zone may include buildings that are up to two stories high with deep and variable setbacks. Horses and other farm animals are allowed in this zone in compliance with Section 21A.30.030 (Animal regulations – Livestock) of the King County Zoning Code. Roads are designed to reinforce the rural character of the zone and generally contain soft shoulders and drainage swales.

D. T2C (Rural Center Zone)

The T2C zone is assigned to land appropriate for rural centers with a mix of building types and uses. These lands are generally occupied by commercial buildings and also may include some mixed-use buildings. Civic and religious buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. The buildings are one-to-two stories high with shallow or no front setbacks and small or no side and rear yards. Block sizes vary and are representative of the patterns established in the T2B zone.

E. T3 (Urban Medium Zone)

The T3 zone is assigned to land appropriate for low density development. These lands are generally occupied by detached residential houses. Limited agricultural, commercial, civic, and religious activities may also be present. Lands may also be used for playgrounds and passive and active neighborhood parks. The T3 Zone may include buildings that are up to two stories high with variable front and side yard setbacks. Depending on the desired character of the community, roads and streets may be designed to reinforce a rural character by incorporating soft shoulders, paths, and drainage swales, or they may be designed to reinforce a more urban character by incorporating curb and gutters, parkways with street trees, and sidewalks.

F. T4 (Urban High Zone)

The T4 zone is assigned to land appropriate for neighborhoods with a mix of building types and uses. These lands are generally occupied by detached and attached residential houses, small apartment buildings, and small commercial or mixed-use buildings. Civic and religious buildings may also be present. Lands may also be used for playgrounds, passive and active neighborhood parks, and squares. The buildings are one-to-three stories high with shallow front setbacks and small or no side and rear yards. Block sizes are limited to create a walkable and well-connected network of streets. Street are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks.

G. T5 (Urban Center Zone)

The T5 zone is assigned to land appropriate for neighborhood centers with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. The buildings are two-to-four stories high with shallow or no front setbacks and small or no side and rear yards. Block sizes are limited to create a walkable and well connected network of streets. Street are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks.

H. T6 (Urban Core Zone)

The T6 zone is assigned to land appropriate for development with the highest density and height and with the greatest variety of uses in comparison to the surrounding area. Within King County, the T6 zone would only be allowed in incorporated cities. Therefore, standards for the T6 zone are not included in this Code. It is only discussed to provide context to the transect framework.

I. SD (Special District Zone)

The SD zone is assigned to land suitable for development that, by its intrinsic size, function, or configuration, cannot conform to the descriptions and standards for one of the six specific transect zones. These development types include, but are not limited to, resorts, auto malls and car dealerships, industrial properties, business parks, shopping centers, shopping malls, airports, college campuses, and mining and quarry operations. Section 21A.38 (General Provisions –

Property-Specific Development Standards/Special District Overlays) of the King County Zoning Code shall be used to establish SD zones.

3. TRANSECT STANDARDS

Development standards for the transect zones (excluding the T6 and SD zones) are provided in the following sections of this Code:

- Article 3: Building Standards
- Article 4: Street Standards
- Article 5: Civic Space Standards

SITE AND BUILDING STANDARDS

1. INTRODUCTION

This Article contains building standards for the following transect zones:

- T1: Natural
- T2A: Agricultural Production
- T2B: Rural
- T2C: Rural Center
- T3: Urban Medium
- T4: Urban High
- T5: Urban Center

In addition, standards are provided for Civic Buildings, which are allowed in all of the above transect zones, and for Historic Buildings, which could be located in all of the above Transect Zones.

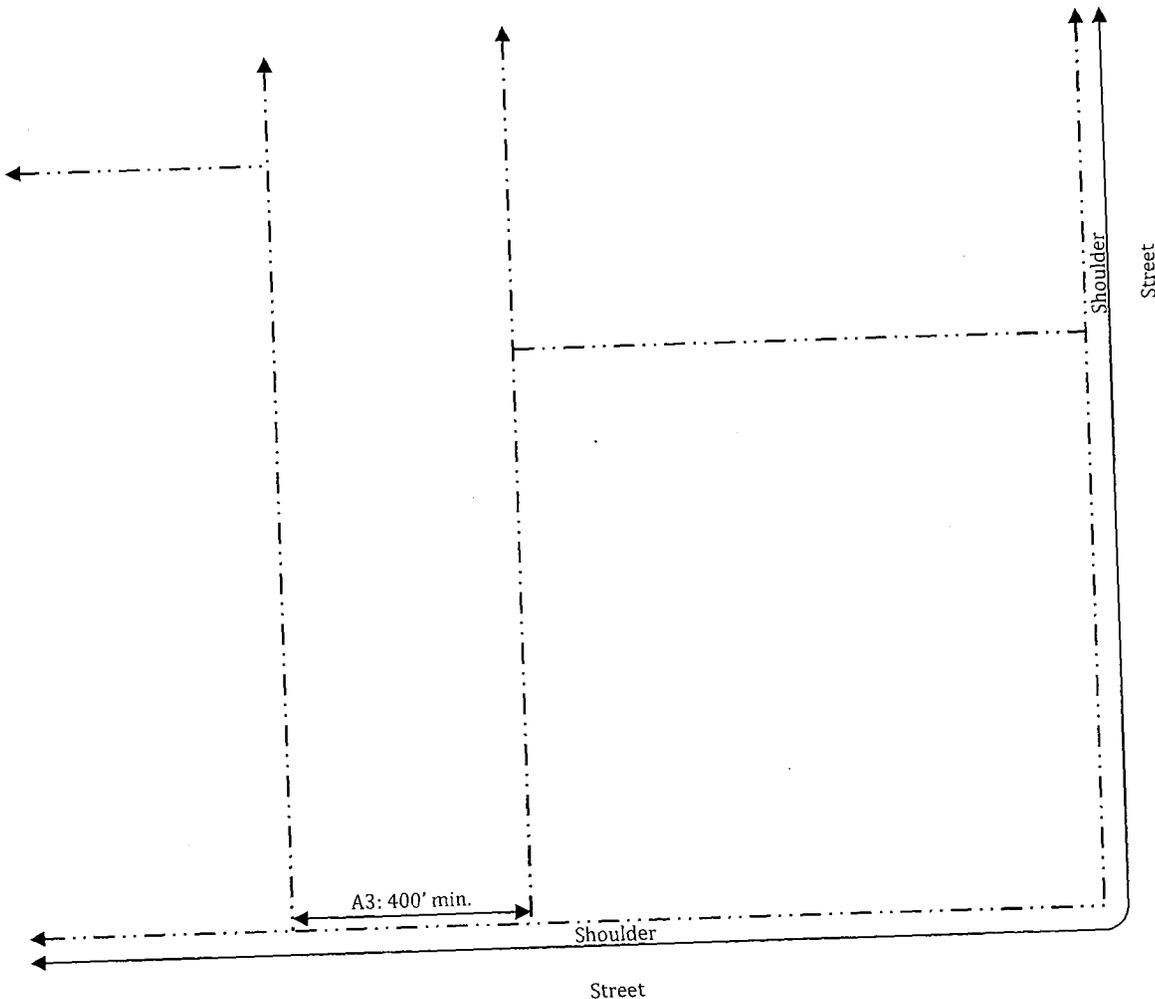
2. T1 STANDARDS

The T1 zone is assigned to land approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology, vegetation, or other sensitive environmental condition. These lands include steep hillsides, riparian corridors, lakes, wetlands, and woodlands. Buildings are not allowed in the T1 zone, except for public utility structures. Forestry is allowed within the T1 zone.

3. T2A STANDARDS

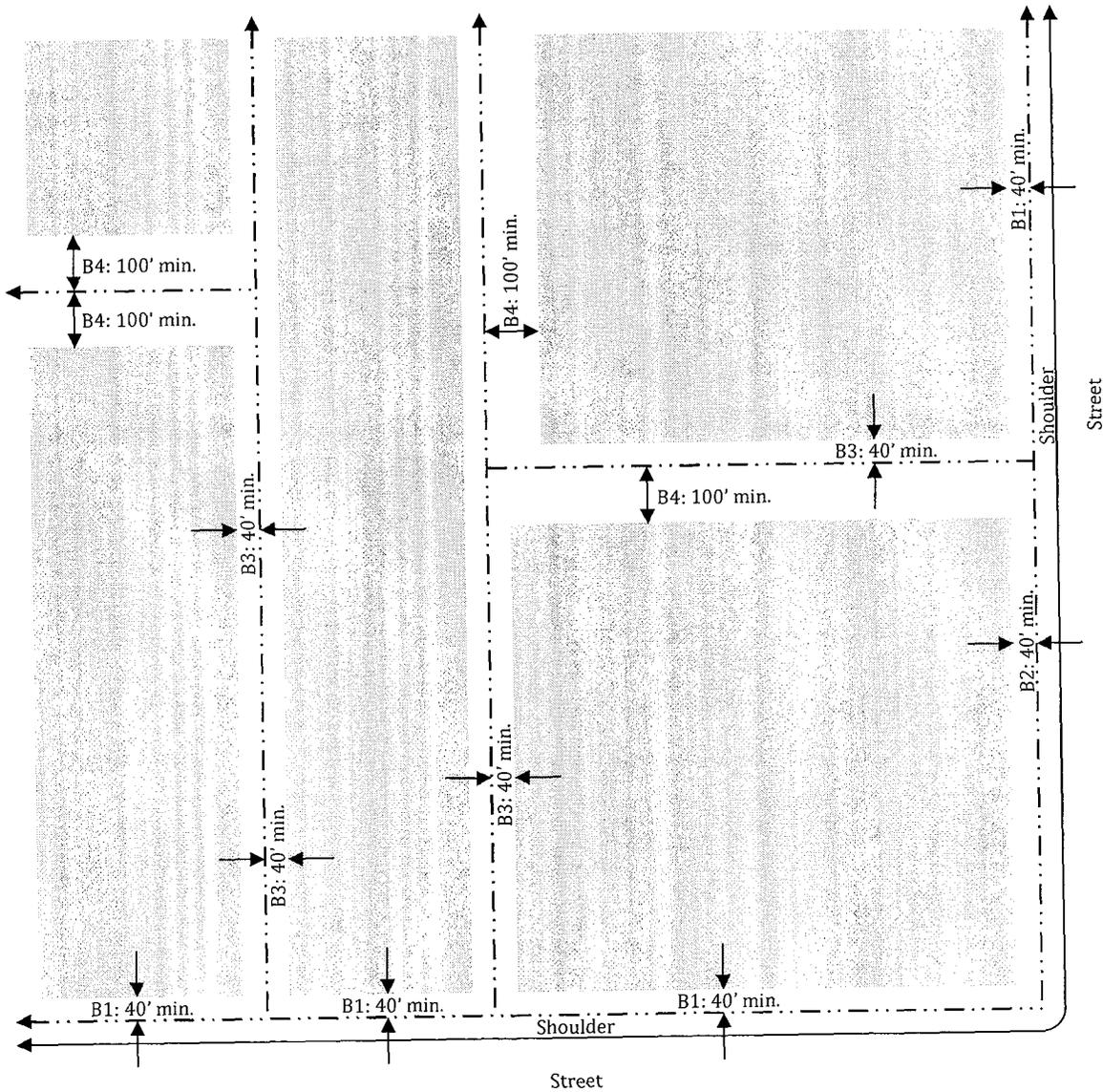
A. T2A Block and Lot Standards

1	Maximum Block Size	Not applicable
2	Gross Residential Density	1 unit per 10 acres (as indicated by T2A-10 on the Regulating Plan) or 1/unit per 35 acres (as indicated by T2A-35 on the Regulating Plan). The use of Residential Density Incentives and/or Transfer of Development Rights (TDRs) (refer to chapters 21A.34 and 21A.37 of the Zoning Code) shall not be allowed in this Transect Zone. Accessory units are excluded from this calculation.
3	Lot Width	400' minimum (as measured along the front property line)
4	Impervious Surfaces	No more than 5% of the site shall consist of impervious surfaces.
5	Tree Preservation	30% of all protected trees (see Section 8: Definitions) shall be retained on site. When the required number of protected trees cannot be retained, new trees, with a 2" caliper or greater, shall be planted. The replacement rate shall be 12 caliper inches of new trees to replace each protected tree removed.



B. T2A: Placement of Primary Building

1	Front Setback	40' minimum
2	External Side Setback	40' minimum
3	Internal Side Setback	40' minimum
4	Rear Setback	100' minimum
5	Build-to-Zone (BTZ)	Not applicable
6	BTZ Buildout	Not applicable



Zone where the primary building may be located

