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Title: AN ORDINANCE relating to zoning; prohibiting social card games as commercial stimulant to businesses; and amending Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 and Ordinance 10870, Section 331, as amended, and 21A.08.040 and Ordinance 10870, Section 334, as amended, and 21A.08.070.

Sponsors: Dwight Pelz

Indexes: Gambling, Zoning

Code sections: 21A.08.030 -, 21A.08.040 -, 21A.08.070 -

Attachments:

Date	Ver.	Action By	Action	Result
7/2/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/24/2002	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/20/2002

AN ORDINANCE relating to zoning; prohibiting social card games as commercial stimulant to businesses; and amending Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 and Ordinance 10870, Section 331, as amended, and 21A.08.040 and Ordinance 10870, Section 334, as amended, and 21A.08.070.

PREAMBLE:

In accordance with RCW 9.46.295, which states that cities and counties may absolutely prohibit gambling activities authorized by state law, King County finds that gambling establishments that offer noncharitable, for-profit social card games and their associated impacts are not appropriate land uses in unincorporated King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are each hereby amended as follows:

Residential land uses.

A. Residential land uses.

KEY
P-Permitted Use
C-Conditional Use

	RESOURCE			RESIDENTIAL			COMMERCIAL/ INDUSTRIAL C					
	A	F	M	RA	UR	R1-8	R12-NB	CB	RB	O	I	
Z	R	R	N	R	B S	B S	I S	MS	G	S	F	D
O	I	E	E	A	A E	A I	G I	MI	I	I	I	U
N	C	S	R	L	N R	N D	H N	UN	O	N	C	S
E	U	T	A		V		E	B E	N E	N E	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	Y			A
R							A	O				L
E							L	O				
								D				

SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-NB	CB	RB	O	I
	DWELLING UNITS, TYPES:											
*	Single detached	P	P2		P C13	P C13	P C13	P				
		C						C				
		1						13				
		3										
*	Townhouse				C4	C4	P C12	P	P3	P3	P3	
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	
*	Mobile home park				S14		C8	P				
	GROUP RESIDENCES:											
*	Community residential facility-I				C	C	P15 C	P	P3	P3	P3	
*	Community residential facility-II							P	P3	P3	P3	
*	Dormitory				C6	C6	C6	P				
*	Senior citizen assisted housing					P4	P4	P	P3	P3	P3	
	ACCESSORY USES:											
*	Residential accessory uses	P	P7		P7	P7	P7	P	P7	P7	P7	
		7						7				
*	Home occupation	P	P		P	P	P	P	P	P	P	
*	Home industry	C			C	C	C					

	TEMPORARY LODGING:												
7011	Hotel/motel (1)									P16	P16	P16	
*	Bed and breakfast guesthouse	P 9 C 1 0		P10	P10	P10	P 10	P10	P11	P11			
7041	Organization hotel/lodging houses									P			
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Stat chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
 - a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems, and driveways. Additional site disturbance for raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved provided that a farm management (conservation) plan is prepared pursuant to the requirements of K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

b. A forest management plan shall be required for any new residence in the forest production district, which shall be reviewed and approved by the King County department of natural resources and parks prior to building permit issuance; and

c. A fire protection plan for the subject property is required and shall be reviewed and approved by the Washington state 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 that might 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.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except

that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

4.a. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

b. In the R-1 zone, apartment units are permitted, provided that:

(1) the proposal shall be subject to a conditional use permit when exceeding base density,

(2) at least fifty percent of the site is constrained by unbuildable sensitive areas. For purposes of this section, unbuildable sensitive areas shall include wetlands, streams and slopes forty percent or steeper and associated buffers; and

(3) the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

c. In the R-4 through R-8 zones, apartment units are permitted, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

5. Apartment units are permitted outright as follows:

a. In the R-1 zone when at least fifty percent of the site is constrained by unbuildable sensitive areas which for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

b. In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

6. Only as an accessory to a school, college, university or church.

7.a. Accessory dwelling units:

- (1) only one accessory dwelling per primary single detached dwelling unit;
- (2) only in the same building as the primary dwelling unit on an urban lot that is less than ten thousand square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;
- (3) the primary dwelling unit or the accessory dwelling unit shall be owner occupied;
- (4)(a) one of the dwelling units shall not exceed a floor area of one thousand square feet except when one of the dwelling units is wholly contained within a basement or attic, and
 - (b) when the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
- (5) one additional off-street parking space shall be provided;
- (6) the accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and
- (7) an applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records, elections and licensing services division, which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the Rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone.
- (8) accessory dwelling units and accessory living quarters are not allowed in the F zone.
- (9) in the A zone, one accessory dwelling unit is allowed on any lot under twenty acres in size, and two accessory dwelling units are allowed on lots that are twenty acres or more, provided that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State

Building Code.

- b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, provided there is:
- (1) no aircraft sales, service, repair, charter or rental; and
 - (2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.
- c. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.
8. Mobile home parks shall not be permitted in the R-1 zones.
9. Only as an accessory to the permanent residence of the operator, and:
- a. Serving meals to paying guests shall be limited to breakfast; and
 - b. There shall be no more than five guests per night.
10. Only as an accessory to the permanent residence of the operator, and:
- a. Serving meals to paying guests shall be limited to breakfast; and
 - b. The number of persons accommodated per night shall not exceed five, except that a structure that 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.
11. Only if part of a mixed use development, and subject to the conditions of K.C.C. 21A.08.030B.10.
12. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.
13. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030B.7.
14. No new mobile home parks are allowed in a rural zone.
15. Limited to domestic violence shelter facilities.

16. Excluding hotels with any noncharitable, for-profit social card games as "social card game" is defined in RCW 9.46.0282.

SECTION 2. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended as follows:

Recreational/cultural land uses.

A. Recreational/cultural land uses.

KEY	
P	Permitted Use
C	Conditional Use
S	Special

RE	RESID	CON
H	M	R
U	I	C
C	U	R
F	N	F
B	S	B
M	S	I
A	E	A
I	E	A
N	S	R
L	I	R
N	I	T
E	T	A
V	I	R
L	E	T
I	N	T
I	N	T

SIC#	SPECIFIC LAND USE	A	N	R	U	R	H	C	R	O	I
	PARK/RECREATION:										
*	Park	P	P	P	P	P	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P
*	Campgrounds			P	P						P16 C16a
*	Destination Resorts		S	C				C			
*	Marina		C	C	C	C	C	P	P	P	P
*	Recreational Vehicle Park		C	C							
*	Sports club (17)		C	C	C	C	P	P			
*	Ski Area		S								
	AMUSEMENT/ENTERTAINMENT:										
*	Adult Entertainment Business							P	P	P	6
*	Theater							P	P	P	
7833	Theater, Drive-in							C			

793	Bowling center							FP			P
*	Golf facility			C	P	P	P	I			
7999	Amusement and recreation Services			P	P	P	P	FP	19		
*	Shooting range			C					C10		P10
*	Amusement arcades							FP			
7996	Amusement park							C			
*	Outdoor performance center			C				S			
	CULTURAL:										
823	Library			P	P	P	P	FP		P	
841	Museum			P	P	P	P	FP		P	P
842	Arboretum	P		P	P	P	P	FP		P	
*	Conference Center			P	P	P	P	P		P	
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											

B. Development conditions.

1. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on sites less than ten acres;
- b. Lighting for structures and fields shall be directed away from residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;
- d. Facilities in the RA-10, RA-20, F, A or M zones, or in a designated rural forest focus area, shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
- e. Overnight camping is allowed only in an approved campground.

2. Recreational vehicle parks are subject to the following conditions and limitations:

- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;

- b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
- c. Sewage shall be disposed in a system approved by the Seattle-King County health department.
3. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available before the date of application.
4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities subject to the following conditions and limitations:
 - a. The bulk and scale shall be compatible with residential or rural character of the area;
 - b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and
 - c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.
5. Limited to day moorage.
- 6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.
 - b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.
7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least

fifty feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Within the RA zone, those facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area, regionally significant resource areas or locally significant resource areas. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued.

8. Limited to a golf driving range as an accessory to golf courses.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, but existing facilities shall be exempt.

b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or arrows from leaving the property.

c. Site plans shall include: safety features of the range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate locations of buildings on adjoining properties.

d. Subject to the licensing provisions of K.C.C. Title 6.

10.a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and

(2) adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated Rural Town.

13. Subject to the following:

- a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;
- b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;
- c. 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; and
- d. 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.

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

15. Limited to golf driving ranges and subject to K.C.C. 21A.08.040B.7.

16. Subject to the following conditions:

- a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and
- b. Only for campgrounds that are part of a proposed or existing county park, which are subject to review and public hearings through the department of parks and recreation's master plan process under K.C.C. 2.16.050.

17. Only for stand-alone sports clubs that are not part of a park.

18. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C.

21A.14 when located in an RA zone and in an equestrian community designated by the Comprehensive Plan.

19. Excluding card rooms, gambling establishments and game parlors with any noncharitable, for-profit social card games as "social card game" is defined in RCW 9.46.0282.

SECTION 3. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended as follows:

Retail land uses.

A. Retail land uses.

KEY
P-Permitted Use
C-Conditional Use
S-Special Use

R	H	R	E	S	I	D	E	N	C	E	N	C
I	M	R	U	R	U	R	U	R	U	R	U	R
C	I	U	R	E	R	E	R	E	R	E	R	E
Z	N	R	B	S	B	S	B	S	B	S	B	S
C	E	A	A	E	A	I	C	E	A	A	E	A
D	R	L	N	R	N	I	D	R	L	N	R	N
E	A	V	E	E	E	E	E	E	E	E	E	E
L	E	N	C	E	N	C	E	N	C	E	N	C
T	E	S	T	E	S	T	E	S	T	E	S	T
I	I	I	I	I	I	I	I	I	I	I	I	I
A	A	A	A	A	A	A	A	A	A	A	A	A
L	L	L	L	L	L	L	L	L	L	L	L	L

SIC#	SPECIFIC LAND USE	A	F	M	R	A	U	E	T	O	I
*	Building, Hardware and Garden Materials		P			P2					
*	Forest Products Sales		P	P		P3					
*	Department and Variety Stores										
54	Food Stores				C1				C		P6
*	Agricultural Product Sales		P	P		P2	P3				
*	Motor Vehicle and Boat Dealers										P
553	Auto Supply Stores										P
554	Gasoline Service Stations										P
56	Apparel and Accessory Stores										

*	Furniture and Home Furnishings Stores								
58	Eating and Drinking Places			C1		01	P		P22
							2		
							2		
*	Drug Stores						C		
592	Liquor Stores								
593	Uses Goods: Antiques/Secondhand Shops								
*	Sporting Goods and related Stores								
*	Book, Stationery, Video and Art Supply Stores								
*	Jewelry Stores								
*	Monuments, Tombstones, and Gravestones								
*	Hobby, Toy, Game Shops								
*	Photographic and Electronic Shops								
*	Fabric Shops								
598	Fuel Dealers								P
*	Florist Shops							P	
*	Personal Medical Supply Stores								
*	Pet Shops								
*	Bulk Retail								
*	Auction Houses								P
*	Livestock Sales	PP		P1	P1				P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Star									

B. Development conditions.

1. Only feed stores and garden supply stores.
2. Only hardware and garden materials stores shall be permitted.
- 3.a. Limited to products produced on-site.
 - b. Covered sales areas shall not exceed a total area of five hundred square feet.
4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331, Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
6. Limited to a maximum of two thousand square feet of gross floor area.
- 7.a. The floor area devoted to retail sales shall not exceed three-thousand five hundred square feet.
- b. Sixty percent or more of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products 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.
- c. Sales shall be limited to agricultural produce and plants.
- d. Storage areas for produce may be included in a farm store structure or in any accessory building.
- e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during May through September and 7:00 a.m. to 7:00 p.m. during October through April. Outside lighting is permitted if no off-site glare is allowed.
8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
10. Excluding SIC Industry No. 5813-Drinking Places.
11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. Only as accessory to a winery or brewery.
14. Not in R-1 and limited to SIC Industry No. 5331 - Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.330.
15. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230.
16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230.

17. Retail sale of livestock is permitted only as accessory to raising livestock.

18. Limited to the R-1 zone.

19. Limited to the sale of livestock feed, hay and livestock veterinary supplies with a covered sales area of not more than five hundred square feet. The five hundred square foot limitation does not include areas for storing livestock feed, hay or veterinary supplies or covered parking areas for trucks engaged in direct sale of these products from the truck.

20.a. Covered sales areas shall not exceed a total area of two thousand square feet.

b. Sixty percent or more of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products grown or produced in King County. At the time of the initial application, the applicant shall submit a projection of the source of product sales.

c. Sales shall be limited to agricultural produce and plants.

d. Storage areas for produce may be included in a farm store structure or in any accessory building.

e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during May through September and 7:00 a.m. to 7:00 p.m. during October through April. Outside lighting is permitted if no off-site glare is allowed.

21. Limited to hay sales.

22. Excluding eating and drinking places with any noncharitable, for-profit social card games as "social card game" is defined in RCW 9.46.0282.

30 days official paper, post outside Chamber