



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

TO: Chuck Kleeberg Gary Kohler
Greg Kipp Lisa Pringle
Terry Brunner Lisa Lee
Harold Vandergriff Ken Dinsmore
George McCallum

FM: Jerry Balcom *JB 9/24/93*

RE: Minutes of September 17, 1993 Regulatory Review Committee Meeting

Present: Gary Kohler, Ken Dinsmore, George McCallum, Henryk Hiller, Jerry Balcom

NOTE: Beginning with the next meeting, Regulatory Review Committee meetings will start 9:30 a.m. rather than 9:00.

- 1A. Does the zoning code limit the size of a structure simply because it is an accessory structure?
- B. Is there a code provision requiring that neighbors be notified of the size of a proposed accessory structure and given an opportunity to comment?

The zoning code does not have a size limitation that applies to all accessory structures. However, there are code provisions that limit the size or use of specific accessory structures (e.g., K.C.C. 21.08.030(B)(2), 21.08.030(C)). Moreover, all accessory structures must still meet the definition of "accessory," which requires that it be subordinate and incidental to the main building, structure, or use. We could create a standard for what constitutes "subordinate" and "incidental" through the public rule process, but that has not been done to date.

There is no code requirement that neighbors be notified of the size of a proposed accessory structure and given an opportunity to comment.

2. Is a tavern serving beer and wine permitted in the BN zone?

On-premise retail enterprises dispensing food or commodities are permitted in the BN zone, as are uses rendering professional or personal services (K.C.C. 21.26.020(A), (B)).



However, one of the conditions for uses rendering professional or personal services to the individual is that the sale of alcoholic beverages must be accessory to a restaurant (K.C.C. 21.26.020(B)(2)). The Department's longstanding interpretation has been that taverns are excluded from the BN zone because of the specific provision requiring the sale of alcoholic beverages to be accessory to a restaurant. This interpretation has been carried forward into the new zoning code, which excludes taverns from the Neighborhood Business zone (K.C.C. 21A.08.070).

A code change will be proposed to clarify that taverns are not permitted in the BN zone under either K.C.C. 21.26.020(A) or K.C.C. 21.26.020(B).

3. In the RS zone, a Montessori preschool would be permitted outright as a day nursery with up to twelve children (K.C.C. 21.08.040(K)) or as a conditional use with more than twelve children (K.C.C. 21.08.060(C)). The G-5 zone does not list "day nurseries" as a permitted use, but it does permit "schools and churches" (K.C.C. 21.25.020(F)). Would the Montessori preschool be permitted as a "school" in the G-5 zone even though day nurseries are not listed as a permitted use?

Even though the broad category of "day nursery" is not listed as a permitted use in the G-5 zone, a program that is included in the day nursery definition would be permitted in the zone if it fit under one of the listed permitted uses. As a result, the Montessori preschool would be permitted in the G-5 zone if it can properly be considered a "school." The zoning code does not have a general definition for "school"; it only defines "elementary schools," "junior high schools," and "high schools" (see K.C.C. 21.04.760). The general listing of "schools" in the G-5 zone may include schools other than elementary, junior high and high schools, but the Montessori program would have to establish that it does constitute a "school" to be permitted under that use category (for example, being licensed as a school by the state).

4. Legislative update.

- A. On September 6, 1993, the Council passed Ordinance 93-10, which creates a commercial site development permit process, and Ordinance 93-11, which creates a commercial binding site plan process.
- B. The rewrite of Title 23 has been transmitted to the Council.

- C. The proposed ordinance which would permit DDES to modify or waive SAO provisions relating to Class 3 wetlands, Class 3 streams and some steep slopes on small urban lots to allow for the construction of one or two-family residences will go before the GMH&E Committee on September 22, 1993.

JB:HH

cc: Ann Dold
Tom McDonald
Herb Haines
Susan Storwick
Greg Borba
Gordon Thomson
Henryk Hiller