

## **D# 79 CONDITIONAL USE PERMIT REGULATIONS**

### **General Description**

This docket request was made by the City of Renton Planning Division and proposes revisions to Title IV regulations for Conditional Use Permits (RMC 4-9-030). The revisions remove superfluous language, clarify review procedures, introduce new language to govern review of revisions to approved Conditional Use Permits, establish timelines for applying for building permits or licenses associated with approved Conditional Use Permits, and generally attempt to make the regulations easier to understand.

One of the most substantive changes in this docket item is the introduction of standards for minor revisions of an approved Conditional Use. Currently, the regulations in RMC 4-9-030 do not contain provisions for revisions to approved conditional use permits. From 1984 to 1993, several policy interpretations were issued regarding modifications to existing permits. Generally, those interpretations allowed for minor additions and alterations if the changes were located on the same parcel of property as the original conditional use permit and did not cause significant environmental impacts. The proposed amendments formalize the standards for reviewing revisions to approved permits.

### **Impact Analysis**

#### Effect on rate of growth, development, and conversion of land as envisioned in the Plan

The proposal is not anticipated to have an effect on rate of growth, development, and conversion of land as envisioned in the Plan.

#### Effect on the City's capacity to provide adequate public facilities

The proposal is not anticipated to have an effect on the City's capacity to provide adequate public facilities.

#### Effect on the rate of population and employment growth

The proposal is not anticipated to have an effect on the rate of population and employment growth.

#### Whether Plan objectives are being met as specified or remain valid and desirable

The regulations allow for review of certain uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to conditions and mitigation measures that protect public health, safety and welfare, and ensure compatibility with other uses in the district. Providing a process and criteria for evaluating such uses allows projects to be reviewed for consistency with Plan objectives.

#### Effect on general land values or housing costs

The proposed amendment is not anticipated to have an effect on general land values or housing costs.

Whether capital improvements or expenditures are being made or completed as expected  
No specific capital improvements or expenditures are associated with this proposal.

Consistency with GMA, the Plan, and Countywide Planning Policies

The development regulations included in Title IV are designed to reflect and implement the goals, objectives, and policies of the Comprehensive Plan – which in turn implements GMA and the Countywide Planning Policies. The proposed revisions allow this section of the development regulations to more efficiently implement the Comprehensive Plan by eliminating redundant language, clarifying provisions that have caused confusion, and creating a user-friendly structure. The proposed revisions meet the objectives of the Comprehensive Plan by providing for clear and concise standards by which projects will be reviewed to evaluate the appropriateness of specific uses in a particular location.

Effect on critical areas and natural resource lands

The proposed amendment is not anticipated to affect critical areas and natural resource lands.

Effect on other considerations

Not applicable.

**Staff Recommendation**

It is recommended that the Conditional Use Permit section of Title IV (RMC 4-9-030) be amended to eliminate superfluous language, clarify review procedures, introduce new language to govern review of modifications to approved Conditional Use Permits, establish timelines for applying for building permits and/or licenses associated with approved Conditional Use Permits, and generally attempt to make the regulations easier to understand.

**Implementation Requirements**

Revise RMC 4-9-030 and correct references to 4-9-030 in other sections of the Renton Municipal Code as needed to match revised section structure as shown in Attachment A.

**4-9-030 CONDITIONAL USE PERMITS:****A. PURPOSE: ~~OF CONDITIONAL USE PERMIT AND WHEN REQUIRED:~~**

The purpose of this section is to set forth procedures and criteria for reviewing Conditional Use Permit applications. a Conditional Use Permit is to allow for review of certain uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to conditions and mitigation measures that protect public health, safety and welfare and ensure compatibility with other uses in the district. in districts from which they are normally prohibited by this Chapter when the proposed uses are deemed consistent with other existing and potential uses within the general area of the proposed use.

~~Except as provided in this Section, a conditional use permit may not reduce the requirements of the zone in which the use is to be located. (Ord. 3599, 1-11-1982)~~

**~~1. Exemptions from Permit Requirements: (Reserved)~~****B. APPLICABILITY WHO MAY APPLY:**

Except for Shoreline Conditional Uses per Section RMC 4-9-190, Shoreline Permits, the provision of this section shall apply to all Conditional Use Permit applications. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of this Section. A property owner, or his duly authorized agent, may file an application for a conditional use permit where the proposed use or development requires any such permit as set forth in RMC 4-2-060, Zoning Use Tables. (Ord. 3463, 8-11-1980, Amd. Ord. 4648, 1-6-1997)

**C. REVIEW CITY AUTHORITY:**

1. General. RMC 4-2-050.C contains guidance for interpreting the Zoning Use Tables. Uses identified with an "AD" in RMC 4-2-060, Zoning Use Table, shall be reviewed administratively by the Planning Director while uses identified with an "H" require a public hearing and review by the Hearing Examiner.

2. Exception when Significant Concerns Remain. In cases where the Planning Director and/or Environmental Review Committee determines that there are significant unresolved concerns raised by a proposal that would otherwise be reviewed administratively, the Planning Director and/or Environmental Review Committee may issue a determination that a public hearing and Hearing Examiner review is required. Such determination may be appealed to the Hearing Examiner pursuant to RMC 4-8-110E.

~~The Administrator of the Department of Community and Economic Development and/or designee or the Hearing Examiner, as specified in RMC 4-2-060, Zoning Use Tables, shall have the authority to permit conditional uses. (Ord. 5519, 12-14-2009)~~

**D. APPLICANT'S RESPONSIBILITY:**

~~The application shall set forth fully the grounds and the facts justifying the granting of the conditional use permit. (Ord. 4404, 6-7-1993)~~

**~~E. SUBMITTAL REQUIREMENTS AND FEES:~~**

~~Shall be as listed in RMC 4-1-170, Land Use Review Fees, and 4-8-120C, Land Use Applications. (Ord. 4722, 5-11-1998)~~

**~~F. PUBLIC NOTICE AND COMMENT PERIOD REQUIRED PRIOR TO ADMINISTRATIVE DECISIONS:~~**

~~Notice of the application shall be given pursuant to RMC 4-8-090, Public Notice Requirements. A fourteen (14) day comment period shall be provided prior to any final action by the City of the application for the administrative conditional use permit. (Ord. 4404, 6-7-1993)~~

**GD. DECISION CRITERIA:**

The Planning Director or the Hearing Examiner shall consider the following factors for all applications, except Secure Community Transition Facilities (SCTF), Crisis Diversion Facilities (CDF), and Crisis Diversion Interim Service Facilities (CDIS) which shall be subject to the criteria in subsection E, and wireless facilities which shall be subject to the criteria in subsection F, among all other relevant information: (Ord. 5519, 12-14-2009);

**1. Consistency with Comprehensive Plans and Regulations:** The proposed use shall be compatible with the general ~~purpose~~, goals, objectives, ~~and standards~~ policies and standards of the Comprehensive Plan, the zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.

**2. Appropriate Location: Community Need:** ~~The proposed use constitutes a community need for the proposed location. Community need factors include, among all other relevant information:~~

~~a.~~ The proposed location shall not result in either the detrimental overconcentration of a particular use within the City or within the immediate area of the proposed use.

~~b.~~ ~~That t~~The proposed location shall be is suited for the proposed use.  ~~(Ord. 5519, 12-14-2009)~~

**3. Effect on Adjacent Properties:** The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property.

~~The following site requirements shall be required: (Ord. 3599, 1-11-1982)~~

~~a.~~ Lot Coverage: Lot coverage in residential districts (SF and MR) shall not exceed fifty percent (50%) of the lot coverage of the zone in which the proposed use is to be located, ~~except for detached accessory dwelling units, which shall not be counted toward lot coverage calculations.~~

~~Lot coverage in all other zones shall conform to the requirements of the zone in which the proposed use is to be located. (Ord. 4404, 6-7-1993; Ord. 5473, 7-13-2009)~~

~~b. Yards: Yards shall conform to the requirements of the zone in which the proposed use is to be located. Additions to the structure shall not be allowed in any required yard.~~

~~c. Height: Building and structure heights shall conform to the requirements of the zone in which the proposed use is to be located. Spires, belltowers, public utility antennas or similar structures may exceed the height requirement upon approval of a variance. Building heights should be related to surrounding uses in order to allow optimal sunlight and ventilation, and minimal obstruction of views from adjacent structures.~~

**4. Compatibility:** The proposed use shall be compatible with the ~~residential~~ scale and character of the neighborhood. (Ord. 3599, 1-11-1982)

**5. Parking:** ~~Parking Adequate parking is, or can be made, available. under the building structure should be encouraged. Lot coverage may be increased to as much as seventy five percent (75%) of the lot coverage requirement of the zone in which the proposed use is located if all parking is provided underground or within the structure. (Ord. 3903, 4-22-1985)~~

**6. Traffic:** ~~The use shall ensure safe movement for Traffic and circulation patterns of vehicles and pedestrians and shall mitigate relating to the proposed use and surrounding area shall be reviewed for potential effects on, and to ensure safe movement in,~~ the surrounding area. (Ord. 3599, 1-11-1982)

**7. Noise, Light and Glare:** Potential noise, light and glare impacts ~~shall be evaluated based on the location offrom~~ the proposed use ~~shall be evaluated and mitigated on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.~~ (Ord. 3599, 1-11-1982)

**8. Landscaping:** Landscaping shall be provided in all areas not occupied by buildings, ~~or paving, or critical areas.~~ Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use. (Ord. 3599, 1-11-1982; Ord. 5519, 12-14-2009)

**9. Specific Requirements for Kennels:** In addition to the criteria above, the following criteria shall also be considered for kennels:

**a. History.** Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the kennel is applied for. Conditional Use Permits shall not be issued for kennels to applicants who have previously had such permits revoked or renewal refused, for a period of one year after the date of revocation or refusal to renew.

**b. Standards for Keeping Animals.** Compliance with the requirements of RMC 4-4-010, Standards and Review Criteria for Keeping Animals.

~~9. Accessory Uses: Accessory uses to conditional uses such as day schools, auditoriums used for social and sport activities, health centers, convents, preschool facilities, convalescent homes and others of a similar nature shall be considered to be separate uses and shall be subject to the provisions of the use district in which they are located.~~

~~10. Conversion: No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of this Chapter.~~

~~11. Public Improvements: The proposed use and location shall be adequately served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision and/or guarantee by the applicant of necessary public improvements, facilities, utilities and/or services. (Ord. 3599, 1-11-1982)~~

~~**H. ADDITIONAL DECISION CRITERIA FOR KENNELS:**~~

~~The Hearing Examiner, in reviewing kennels, may require additional setbacks, fencing, screening, or soundproofing requirements as he deems necessary to insure the compatibility of the kennel with the surrounding neighborhood. (Ord. 3927, 7-15-1985)~~

~~1. Decision Criteria: Factors to be considered in determining such compatibility are:~~

~~a. Statements regarding approval/disapproval of surrounding neighbors relative to maintenance of a kennel at the address applied for.~~

~~b. Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the kennel is applied for.~~

~~c. Facility specifications/dimensions in which the dogs and cats are to be maintained.~~

~~d. Characteristics of animals to be kept: size, type.~~

~~e. The zoning classification of the premises on which the kennel is maintained.~~

~~f. Compliance with the requirements of RMC 4-4-010, Standards and Review Criteria for Keeping Animals.~~

~~2. Waiting Period Following Revocation or Refusal to Renew: For a period of one year after the date of revocation or refusal to renew, conditional use permits shall not be issued for kennels to applicants who have previously had such permits revoked or renewal refused. In addition, the applicant must meet the requirements of this Section or any provisions of the animal control authority. (Ord. 3927, 7-15-1985)~~

**E. ADDITIONAL DECISION CRITERIA FOR SECURE COMMUNITY TRANSITION FACILITIES (SCTF), CRISIS DIVERSION FACILITIES (CDF) AND CRISIS DIVERSION INTERIM SERVICE FACILITIES (CDIS):**

The reviewing official shall consider the following additional criteria in determining whether to issue a conditional use permit for secure community transition, crisis diversion, or crisis diversion interim service facilities:

1. Alternative locations were reviewed and consideration given to sites that are farthest removed from any risk potential activity.
2. Adequate buffering is provided from abutting and adjacent uses.
3. Adequate security is demonstrated by the applicant.
4. Public input is provided during the siting process.
5. For SCTF there is no resulting concentration of residential facility beds operated by the Department of Corrections or the Mental Health Division of the Department of Social and Health Services, the number of registered sex offenders classified as Level II or Level III, and the number of sex offenders registered as homeless in a particular neighborhood, community, jurisdiction or region. (Ord. 4982, 12-9-2002; Ord. 5577, 11-15-2010)

~~J. SPECIAL DECISION CRITERIA FOR WIRELESS COMMUNICATION FACILITIES IN LIEU OF STANDARD CRITERIA:~~

FE. DECISION CRITERIA – WIRELESS

The ~~governing authority~~ Review Official shall consider the following factors in determining whether to issue a Conditional Use Permit for a wireless facility ~~conditional use permit~~, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the goals of RMC 4-4-140, Wireless Communication Facilities, are better served thereby. (Ord. 4689, 11-24-1997)

1. Tower Design. Height of the proposed tower as well as incorporation of design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
2. Surrounding Uses and Landscape. Nature of uses on adjacent and nearby properties. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography .
5. ~~Surrounding~~ tree coverage and foliage.
6. ~~Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.~~

67. Access. Proposed ingress and egress.

78. Potential noise, light and glare impacts.

89. Alternatives. Availability of suitable existing towers and other structures.

940. Compatibility with the general purpose, goals, objectives and standards of the Comprehensive Plan, the Zoning Ordinance and any other plan, program, map or ordinance of the City. (Ord. 4689, 11-24-1997)

**~~K. ADDITIONAL DECISION CRITERIA FOR LIVE-WORK UNITS:~~**

~~The reviewing official shall consider the following criteria in determining whether to issue a conditional use permit for live-work units in addition to development standards of the zone where a project is proposed:~~

~~1. Each unit shall:~~

~~a. Not exceed a maximum of one thousand (1,000) square feet of nonresidential space for commercial activity;~~

~~b. Construct all nonresidential space, to the maximum allowed, to commercial building standards;~~

~~c. Provide an internal connection between the residential and nonresidential space within each unit;~~

~~d. Provide a street presence and pedestrian-oriented facade for the nonresidential space; and~~

~~e. Only allow the following uses within the nonresidential space of a unit:~~

~~i. Eating and drinking establishments;~~

~~ii. On-site services; and~~

~~iii. Retail sales.~~

~~2. Within the Residential-14 (R-14) Zone, live-work units shall only be allowed along primary, minor, and collector arterials.~~

~~3. Within the Commercial Arterial (CA) Zone, live-work units shall only be allowed at a distance of one hundred fifty feet (150') or greater from an arterial. (Ord. 5191, 12-12-2005; Ord. 5331, 12-10-2007; Ord. 5437, 12-8-2008; Ord. 5469, 7-13-2009)~~

**G. PROCEDURES:**

**1. General:** Applications shall be reviewed in accordance with RMC 4-8, Permits – General and Appeals..

**2. Preapplication Conference:** Applicants are encouraged to consult early and informally with representatives of the Planning Division and other affected departments.

**3. Submittal Requirements and Application Fees:** Submittal requirements shall be as listed in RMC 4-8-120C, Land Use Permit Submittal Requirements.

**4. Public Notice and Comment Period Required:** Whenever a complete application is received, the Planning Division shall be responsible for providing public notice of the pending application, pursuant to RMC 4-8-090, Public Notice Requirements.

**5. Determining Necessity for Public Hearing:** Upon receipt of final departmental comments and after the close of the public comment period, the Planning Director and/or Environmental Review Committee shall determine the necessity for a public hearing pursuant to subsection C2 above.

**6. Administrative Approvals:** For projects not requiring a public hearing, the Planning Director shall take action on the proposed Conditional Use Permit in accordance with the procedures in 4-8-100.

**7. Hearing Process and Examiner Authority:** For projects requiring a public hearing, the Hearing Examiner shall take action in accordance with the procedures in 4-8-100, Application and Decision – General.

**8. Decision and Conditions:** The Reviewing Official may grant, with or without conditions, or deny the requested Conditional Use Permit. The Planning Director or Hearing Examiner shall have authority to grant the Conditional Use Permit upon making a determination, in writing, that the use is consistent with the decision criteria in subsections D and, if applicable, subsection E of this Section. The Planning Director or Hearing Examiner may require additional setbacks, fencing, screening, soundproofing, public improvements or other requirements deemed necessary to insure the compatibility with the surrounding neighborhood and may limit the term and duration of the Conditional Use Permit. Conditions imposed by the Planning Director or Hearing Examiner shall reasonably assure that nuisance or hazard to life or property will not develop.

**9. Timeline to Apply for Associated Permits:** Building permits, licenses or land use permits required for the operation of a Conditional Use permit shall be applied for within two (2) years of the date of Conditional Use Permit approval. A single two (2) year extension may be granted for good cause by the Planning Director.

**L. DECISION AND CONDITIONS:**

~~The governing authority may grant, with or without conditions, or deny the requested conditional use permit. The Planning Director or Hearing Examiner shall have authority to grant the conditional use permit~~

upon making a determination, in writing, that the use is consistent with subsection G of this Section, Decision Criteria. The Planning Director or Hearing Examiner may limit the term and duration of the conditional use permit. Conditions imposed by the Planning Director or Hearing Examiner shall reasonably assure that nuisance or hazard to life or property will not develop. (Ord. 4404, 6-7-1993; Ord. 4584, 2-12-1996; Ord. 5191, 12-12-2005; Ord. 5519, 12-14-2009)

**M. ~~CONDITIONAL USE PERMIT TO BE COMBINED WITH SITE PLAN REVIEW:~~**

~~Where a use or development requires review under RMC 4-9-200, Site Plan Review, the site plan review and administrative conditional use permit shall be combined. (Ord. 4404, 6-7-1993; Ord. 5191, 12-12-2005)~~

**N. ~~FINALIZATION: (Reserved) (Ord. 5191, 12-12-2005)~~**

**O. ~~EXPIRATION AND EXTENSION:~~**

~~See RMC 4-8-100H and I. (Ord. 5191, 12-12-2005) \_\_\_\_\_~~

**HP. REVISIONS/MODIFICATIONS TO APPROVED PLAN: (Reserved) (Ord. 5191, 12-12-2005)**

Major revisions to an approved Conditional Use Permit require a new application. Minor revisions may be permitted by an administrative determination that the revision does not:

1. Involve more than a ten percent (10%) increase in area or intensity of the use; or
2. Result in significant environmental impacts not adequately reviewed or mitigated by previous documents; or
3. Expand onto property not included in original proposal.