

#### **4-9-030 CONDITIONAL USE PERMITS:**

##### **A. PURPOSE OF CONDITIONAL USE PERMIT AND WHEN REQUIRED:**

The purpose of a conditional use permit is to allow certain uses 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. WHO MAY APPLY:**

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. CITY AUTHORITY:**

The Hearing Examiner or the Zoning Administrator, as specified in RMC [4-2-060](#), Zoning Use Tables, shall have the authority to permit conditional uses.

##### **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)

##### **G. DECISION CRITERIA:**

The Hearing Examiner or Zoning Administrator shall consider the following factors, among all other relevant information:

- 1. Comprehensive Plan:** The proposed use shall be compatible with the general purpose, goals, objectives and standards of the Comprehensive Plan, the zoning regulations and any other plan, program, map or ordinance of the City of Renton.
- 2. Community Need:** There shall be a community need for the proposed use at the proposed location. In the determination of community need the Hearing Examiner shall consider the following factors, 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 the proposed location is suited for the proposed use.

**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. 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)

**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 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:** Traffic and circulation patterns of vehicles and pedestrians 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, Glare:** Potential noise, light and glare impacts shall be evaluated based on the location of the proposed use 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. The Hearing Examiner may require additional landscaping to buffer adjacent properties from potentially adverse effects of the proposed use. (Ord. 3599, 1-11-1982)

**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)

#### **I. ADDITIONAL DECISION CRITERIA FOR SECURE COMMUNITY TRANSITION FACILITIES:**

The reviewing official shall consider the following criteria in determining whether to issue a conditional use permit for secure community transition facilities.

1. Alternative locations were reviewed and consideration given to sites that are farthest removed from any risk potential activity. PC recommends amending to address DSHS comments that the original language creates a more restrictive standard.

2. 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.

3. Adequate buffering is provided from abutting and adjacent uses.

4. Adequate security is demonstrated by the applicant.

5. Public input is provided during the siting process. (Ord. 4982, 12-9-2002)

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

The governing authority shall consider the following factors in determining whether to issue a 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. Height of the proposed tower.
2. 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.
7. Proposed ingress and egress.
8. Potential noise, light and glare impacts.
9. Availability of suitable existing towers and other structures.
10. 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. SPECIAL DECISION CRITERIA FOR STAND ALONE RESIDENTIAL USES IN THE NE 4TH, SUNSET, OR PUGET BUSINESS DISTRICTS:~~**

- ~~1. Stand alone residential use is not allowed to be located within one hundred fifty feet (150') of an adjacent or abutting arterial street, or in the Rainier Avenue Business District. The arterial streets are to include Sunset Boulevard, Duvall Avenue, Anacortes Avenue, or Union Avenue in the Sunset Business District; NE 4th Street, Union Avenue, or Duvall Avenue in the NE 4th Street Business District; and Puget Drive or South Benson Road in the Puget Drive Business District, as shown on the Business District Maps in RMC [4-3-040](#).~~
- ~~2. Stand alone residential use may be allowed when it is located a minimum distance of one hundred fifty feet (150') from an adjacent or abutting arterial street, subject to an administrative conditional use permit (see RMC [4-2-080A18c](#)). The arterial streets to be included are identified in RMC [4-9-030K1](#).~~
- ~~3. A conditional use permit may be issued when it has been found that:
  - ~~a. A mix of commercial, service, and residential uses exist within a one hundred fifty foot (150') radius of the proposed residential use; and~~
  - ~~b. Commercial use of the property is not feasible for reasons including, but not limited to: lack of commercial frontage, lack of access, critical areas and/or critical area buffers, or property configuration; and~~~~

~~c. Residential use will augment the primary purpose of the commercial arterial zone; and~~

~~d. A pedestrian-oriented physical connection between the residential and the commercial uses will be provided; and~~

~~e. The use as stand-alone residential serves as a transition between the commercial and any lower density R-10 and/or R-8 zoned areas in proximity and a visual, pedestrian, and vehicular connection from the residential zoned areas to the commercial arterial zoned areas will be provided; and~~

~~f. Development standards from RMC 4-3-040F are met unless the applicant opts for a planned urban development, subject to RMC 4-9-150. Pedestrian connection standards from this section are met without modification. (Ord. 5191, 12-12-2005; Ord. 5331, 12-10-2007)~~

**KL. DECISION AND CONDITIONS:**

The governing authority may grant, with or without conditions, or deny the requested conditional use permit. The Zoning Administrator 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 Zoning Administrator or Hearing Examiner may limit the term and duration of the conditional use permit. Conditions imposed by the Zoning Administrator 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)

**LM. 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)

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

**NO. EXPIRATION AND EXTENSION:**

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

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