

**CHAPTER 21.32 GENERAL PROVISIONS -  
NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES**

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- 21.32.010 Purpose.** The purposes of this chapter are to:
- (1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed or terminated;
  - (2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use; and
  - (3) Encourage the adaptive re-use of existing public facilities, which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
    - (a) Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;
    - (b) Permanent re-use of surplus nonresidential facilities (e.g. schools, fire stations, government facilities) not retained in school district ownership;or

- (c) Permanent re-use of historic structures listed on the National Register or designated as county landmarks.

**21.32.020 Nonconformance - applicability.**

- (1) With the exception of nonconforming extractive operations identified in WMC 21.22, all nonconformances shall be subject to the provisions of this chapter.
- (2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:
  - (a) The requirements of the International Building and Fire Codes; or
  - (b) The provisions of this code beyond the specific nonconformance addressed by this chapter.

**21.32.030 Nonconformance - determining status.**

- (1) Any use, structure, or other site improvement (e.g. landscaping or signage) that was legally established prior to the effective date of this title shall be considered nonconforming if:
  - (a) The nonconformance is now prohibited or cannot meet use or site limitations applicable to the zone in which it is located; or
  - (b) The nonconformance does not comply with the density, dimensions, landscaping, parking, sign, buffer or design standards of this title.
- (2) A change in the required permit review process shall not create a nonconformance.
- (3) Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance, except as specified by WMC 21.32.060.

**21.32.040 Nonconformance - abatement of illegal use, structure or development.** Any use, including structure, or other site improvement not established in compliance with use, development, setback site, and design standards or critical areas and buffers in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the applicable provisions of WMC.

**21.32.050 Nonconformance - continuation and maintenance of nonconformance.** A nonconformance may be continued or physically maintained as provided by this chapter.

**21.32.060 Nonconformance - re-establishment of a discontinued nonconformance.** Except as otherwise provided in WMC 21.32.070, a nonconformance may be re-established as a nonconformance, except any nonconformance that is discontinued for a period of twelve (12) continuous months shall be deemed abandoned and shall not be re-established.

- 21.32.070 Nonconformance - repair or reconstruction of nonconforming structure.** A damaged or partially destroyed nonconforming structure may be repaired or reconstructed provided that:
- (1) The extent of the previously existing nonconformance is not increased;
  - (2) The building permit application for repair or reconstruction is submitted within twelve (12) months of the occurrence of damage or destruction; and
  - (3) The structure has not been damaged or destroyed beyond fifty (50) percent of its assessed value.
- 21.32.080 Nonconformance - modifications to nonconforming structure.** Modifications to a nonconforming structure may be permitted, provided the modification does not increase the area, height or degree of an existing nonconformity.
- 21.32.090 Nonconformance - expansion of nonconformance prohibited.** A nonconformance may not be expanded.
- 21.32.100 Temporary use permits - uses requiring permits.** Except as provided by WMC 21.32.110, a temporary use permit shall be required for:
- (1) Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or
  - (2) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval.
- 21.32.110 Temporary use permits - exemptions to permit requirement.**
- (1) The following uses shall be exempt from requirements for a temporary use permit when located in the CBD, GB, NB, TB, O or I zones when the use does not exceed a total of fourteen (14) days each calendar year:
    - (a) Amusement rides, carnivals, or circuses;
    - (b) Community festivals;
    - (c) Parking lot sales; and
    - (d) Fireworks stands, subject to the provisions of Chapter 8.03 WMC.
  - (2) Any use not exceeding a cumulative total of two (2) days each calendar year shall be exempt from requirements for a temporary use permit.
  - (3) Any community event held in a public park and not exceeding a period of seven (7) days shall be exempt from requirements for a temporary use permit.
- 21.32.120 Temporary use permits - duration and frequency.** Unless specified elsewhere in this chapter, temporary use permits shall be limited in duration and frequency as follows:
- (1) The temporary use permit shall be effective for no more than 180 days from the date of the first event or occurrence;
  - (2) The temporary use shall not exceed a total of sixty (60) days, and applies only to the days that the event actually takes place;
  - (3) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

- (4) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; and
- (5) A temporary use permit may be granted for multiple temporary uses on a property once per calendar year.

**21.32.130 Temporary use permits - parking.** Parking and access for proposed temporary uses shall be approved by the Development Services Director.

**21.32.140 Temporary use permits - traffic control.** The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the Public Works Director.

**21.32.145 Temporary education or public facilities.** Temporary education or public structures may be permitted provided that such structures are:

- (1) Allowed only during periods of permit review by the appropriate permitting agency and active construction or remodeling;
- (2) Do not exceed the capacity or square footage of the structure to be constructed or remodeled; and
- (3) Removed within thirty (30) days of project completion or cessation of work.

**21.32.150 Temporary construction buildings.** Temporary structures for storage of tools and equipment, or for supervisory offices may be permitted for construction projects, provided that such structures are:

- (1) Allowed only during periods of active construction; and
- (2) Removed within thirty (30) days of project completion or cessation of work.

**21.32.160 Temporary construction residence.**

- (1) A mobile home may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained.
- (2) The temporary mobile home permit shall be effective for a period of twelve (12) months. The permit may be extended for one additional period of twelve (12) months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.
- (3) The mobile home shall be removed within ninety (90) days of:
  - (a) The expiration of the temporary mobile home permit; or
  - (b) The issuance of a certificate of occupancy for the permanent residence, whichever occurs first.

**21.32.170 Temporary mobile home for medical hardship.**

- (1) A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:
  - (a) The applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care;
  - (b) The primary provider of daily care shall reside on-site; and

- (c) The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone.
- (2) Temporary mobile home permits for medical hardships shall be effective for twelve (12) months. Extensions of the temporary mobile home permit may be approved in twelve (12) month increments subject to demonstration of continuing medical hardship.
- (3) The mobile home shall be removed within ninety (90) days of:
  - (a) The expiration of the temporary mobile home permit; or
  - (b) The cessation of provision of daily care.

**21.32.180 Temporary real estate offices.** One temporary real estate office may be located on any new residential development, provided that activities are limited to the initial sale or rental of property or units within the development. The office use shall be discontinued within one (1) year of recording of a subdivision or short subdivision, or issuance of a final certificate of occupancy in the case of an apartment development.

**21.32.185 Temporary personal wireless service facilities.**

- (1) The placement and use of temporary personal wireless service facilities shall be maintained in a good and safe condition, and shall comply with all applicable federal, state and local rules and regulations.
- (2) A temporary personal wireless service facility may be used to evaluate the technical feasibility of a particular site for no more than three days. Provided, with the Planning Director's approval, an extension may be granted to a maximum of 15 days.
- (3) Unless otherwise approved by the Planning Director, temporary personal wireless service facilities may be used to provide emergency personal wireless services during natural disasters and other emergencies for no more than 30 days.

**21.32.190 Re-use of facilities - general standards.** The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than fifty (50) percent of the original floor area may be demolished for either permanent or interim re-use of facilities.

**21.32.200 Re-use of facilities - re-establishment of closed public school facilities.** The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit.

**21.32.210 Re-use of facilities - standards for conversion of historic buildings.** In order to insure that significant features of the property are protected, the following standards shall apply to conversion of historic buildings:

- (1) Gross floor area of building additions or new buildings required for the conversion shall not exceed twenty (20) percent of the gross floor area of the historic building, unless allowed by the zone;

- (2) Conversions to apartments shall not exceed one (1) dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and,
- (3) Any construction required for the conversion shall require certification of appropriateness from the King County Landmark Commission.