

**ORDINANCE NO. 156**

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NOS. 43, 80, and 126 RELATING TO CERTAIN SECTIONS OF THE INTERIM ZONING CODE.

**WHEREAS**, pursuant to RCW Chapter 35A.63, cities are authorized to adopt an Interim Zoning Code and map to guide development of property in the city; and

**WHEREAS**, Ordinance No. 43 did adopt an Interim Zoning Code; and

**WHEREAS**, Ordinances Nos. 80 and 126 amended Ordinance No. 43; and

**WHEREAS**, the City of Woodinville has determined that certain amendments are necessary to the Interim Zoning Code to clarify and update regulations; and

**WHEREAS**, the City of Woodinville, in accordance with Chapter 21.02.090 of the Interim Zoning Code, did conduct a public hearing before the Planning Commission on May 15, 1996, for the purpose of receiving public testimony regarding the proposed amendments to the Interim Zoning Code; and

**WHEREAS**, the Planning Commission has reviewed the proposed amendments to the Interim Zoning Code and recommends those amendments be adopted by the City Council; and

**WHEREAS**, the City Council makes the following findings and conclusions:

1. The proposed Zoning Code Amendment preserves the relevant goals and policies of the Comprehensive Plan, as required by WMC 21.46.030.A;
2. The requested Zoning Code Amendment is consistent with the purposes of the Interim Zoning Code, as required by WMC 21.46.030.B;
3. The proposed Zoning Code Amendment will allow the Zoning Code to regulate development and procedures better given current development and permitting procedures, as required by WMC 21.44.070.C;
4. The changes will have a benefit to the public health, safety, and welfare sufficient to warrant the action, as required by WMC 21.46.030.D; and
5. The changes will not negatively affect environmental planning and quality in the City of Woodinville.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1:     **Section 21.06.010(A)(1)** of the Woodinville Municipal Code (WMC) which previously read:

1.     Administrative offices;

is hereby amended to read as follows:

2.     Administrative offices, not to exceed 49 percent of gross floor area (in industrial uses);

Section 2:     **Section 21.06.010(A)(8)** of the WMC which previously read:

8.     Retail used for items manufactured on site, not to exceed ten percent of the gross floor area of the principal manufacturing use.

is hereby amended to read as follows:

8.     Retail area is limited to ten percent of the gross floor area, not to exceed three (3,000) square feet regardless of gross floor area of the principal manufacturing use.

Section 3:     **Section 21.06.014** is hereby added to the WMC Section 21.06 Technical Terms and Land Use Definitions to read:

**21.06.014**           **Adjacent.** Adjacent: Property that is located within 300 feet of a property line of a subject property.

Section 4:     **Section 21.06.123** of the WMC which previously read:

**21.06.123**           **Conditional Use Permit.** Conditional use permit: permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

is hereby amended to read as follows:

**21.06.123**           **Conditional Use Permit.** Conditional use permit: permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses in accordance with 21.42.120.

Section 5:     **Section 21.06.323** of the WMC which previously read:

21.06.323

**Impervious surface.** Impervious surface: any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to: roof tops, swimming pools, paved graveled roads or parking areas and excluding landscaping and surface retention/detention facilities.

is hereby amended to read as follows:

21.06.323

**Impervious surface.** Impervious surface: any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to: roof tops, swimming pools, paved graveled roads or parking areas and excluding landscaping, surface retention/detention facilities, and pedestrian walkways 5 feet wide or less.

Section 6: Section 21.06.545 of the WMC which previously read:

21.06.545

**Setback.** Setback: the minimum required distance between a structure and a lot, easement, or buffer line that is required to remain free of structures.

is hereby amended to read as follows:

21.06.545

**Setback.** Setback: the minimum required distance between a structure and a lot, access easement, or buffer line that is required to remain free of structures.

Section 7: Section 21.06.640 of the WMC which previously read:

21.06.640

**Structure.** Structure: anything permanently constructed in or on the ground, or over the water, excluding fences less than 6 feet...

is hereby amended to read as follows:

21.06.640

**Structure.** Structure: anything permanently constructed in or on the ground, or over the water, including rockeries and retaining walls over 4 feet and signs, but excluding fences less than 6 feet...

Section 8: Sections 21.08.030, .040, .050, .060, .070, .080, .090, .100 (Land Use Tables) of the WMC are hereby amended to include the following cross reference:

Tourist District regulations, see WMC 21.38.065

Section 9: Section 21.08.030.B(3)(a)(4) of the WMC which previously read:

- (4) The accessory dwelling unit shall not be larger than 50% of the living area of the primary residence;

is hereby amended to read as follows:

- (4) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;

Section 10: **Section 21.08.040.B(9)** of the WMC is hereby amended to read as follows:

9. Shooting ranges are subject to the following conditions and limitations:

Section 11: **Section 21.08.060.B(16)** of the WMC which previously read:

16. Only as an accessory use to another permitted use.

is hereby amended to read as follows:

16. Only as an accessory use to another permitted use, not to exceed 49 percent of gross floor area.

Section 12: **Section 21.08.080.B(11)** is hereby added to the WMC Section 21.08 Permitted Uses to read:

11. Reserved

Section 13: **Section 21.12** (Section List) of the WMC which previously read:

**21.12.130 Setbacks - from regional utility corridor**

is hereby amended to read as follows:

**21.12.130 Reserved**

Section 14: **Section 21.12.030.B(17)** is hereby added to the WMC Section 21.12 Development Standards - Densities and Dimensions to read:

17. If located in the Tourist District, see WMC 21.38.065.

Section 15: **Section 21.12.040.B(14)** is hereby added to the WMC Section 21.12 Development Standards - Densities and Dimensions to read:

14. If located in the Tourist District, see WMC 21.38.065.

Section 16: Section 21.12.080(D) of the WMC which previously read:

D. Submerged lands are not counted toward density or floor area calculations.  
is hereby deleted.

Section 17: Section 21.12.130 of the WMC which previously read:

21.12.130 Setbacks - from regional utility corridors.  
A. In subdivisions and shore subdivisions, areas used as regional utility corridors shall be contained in separate tracts.  
B. In other types of land development permits, easements shall be used to delineate such corridors.  
C. All buildings and structures shall maintain a minimum distance of five feet from property or easements lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor.

is hereby amended to read as follows:

21.12.130 **Reserved.**

Section 18: Section 21.12.200 of the WMC which previously read:

21.12.200 **Sight distance requirements.** Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

is hereby amended to read as follows:

21.12.200 **Sight distance requirements.** Except for utility poles, trunks of approved street trees, and traffic control signs, the following sight distance provision shall apply to all intersections, roadways, and site access points:

Section 19: Section 21.12.200(C) of the WMC which previously read:

- C. The Planning Director may require modifications or removal of structures or landscaping located in required street setbacks, if:
1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway, and,
  2. No reasonable driveway relocation alternative for an adjoining lot is feasible.

is hereby amended to read as follows:

- C. The Planning Director may require modification or removal of structures, landscaping, or other objects located in required street setbacks if:
  - 1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway and no reasonable driveway relocation alternative for an adjoining lot is feasible; or
  - 2. Clear lines of sight are obstructed by such structures, landscaping, or objects as to pose a potential public safety hazard as determined by the Planning Director.
- D. Any access or roadway where additional vehicle trips are expected to utilize that access or roadway as a result of a new or modified development shall conform to *A policy on Geometric Design of Highways and Streets*, 1994 edition (or latest edition as may be amended hereafter) by the American Association of State Highway and Transportation Officials. Exceptions to this rule may be granted by the Planning Director.

Section 20: **Section 21.14** (Section List) of the WMC which previously read:

**21.14.100** (Reserved)

is hereby amended to read as follows:

**21.14.100** **Easements - Regional utility corridors**

Section 21: **Section 21.14.100** of the WMC which previously read:

**21.14.100** (Reserved)

is hereby amended to read as follows:

**21.14.100** **Easements - Regional utility corridors.**

- A. In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.
- B. In other types of land development permits, easements shall be used to delineate such corridors.

Section 22: **Section 21.14.180(A)(3)** of the WMC which previously read:

- 3. Apartment, townhomes developed at a density of greater than eight units per acre, and mixed use:

is hereby amended to read as follows:

3. Residential development at a density of greater than eight units per acre, and mixed use:

Section 23: Section 21.16.050(F) is hereby added to the WMC Section 21.16 Development Standards - Tree Retention and Landscaping to read:

- F. For Developments in the Tourist District, see WMC 21.38.065.

Section 24: Section 21.16.060(E) is hereby added to the WMC Section 21.16 Development Standards - Tree Retention and Landscaping to read:

- E. For Developments in the Tourist District, see WMC 21.38.065.

Section 25: Section 21.16.070(F) is hereby added to the WMC Section 21.16 Development Standards - Tree Retention and Landscaping to read:

- F. For Developments in the Tourist District, see WMC 21.38.065.

Section 26: Section 21.16.110(C) of the WMC which previously read:

- C. Permanent irrigation systems may be permitted within all other required landscape areas, provided such systems shall be designed by a certified water use auditor and with:

is hereby amended to read as follows:

- C. Permanent irrigation systems may be permitted within all other required landscape areas, provided such systems shall be designed by a licensed landscape architect or certified irrigation designer and with:

Section 27: Section 21.16.120(A) of the WMC which previously read:

- A. Landscaping shall be installed no later than one month after issuance of a certificate of occupancy for the project or project phase.

is hereby amended to read as follows:

- A. Landscaping shall be installed prior to issuance of a certificate of occupancy for the project or project phase.

Section 28: Section 21.16.120(B) of the WMC which previously read:

- B. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season.

is hereby amended to read as follows:

- B. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season, subject to submittal of a performance bond or appropriate security as approved by the Planning Director.

Section 29: Section 21.18.010(E) of the WMC which previously read:

- E. Requiring uses that attract large numbers of employees or customers to provide transit stops.

is hereby amended to read as follows:

- E. Requiring uses that attract large numbers of employees or customers to provide transit stops, where appropriate as determined by the Planning Director.

Section 30: Section 21.18.030(A) (Table) of the WMC which previously read:

Manufacturing uses .9 per 1,000 square feet

is hereby amended to read as follows:

Manufacturing uses .9 per 1,000 square feet of manufacturing, plus 1 per 300 square feet of office

Section 31: Section 21.18.030(C) of the WMC which previously read:

- C. When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the Planning Director will establish the amount of parking based on a likely range of uses.

is hereby amended to read as follows:

- C. When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitation of the shell permit. In industrial developments, a minimum of 20 percent of gross floor area shall be assumed as office when calculating parking requirements. When the range of possible uses result in different parking requirements, the Planning Director will establish the amount of parking based on a likely range of uses.

Section 32: **Section 21.18.090(C)** of the WMC which previously read:

Uses that reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the site.

is hereby amended to read as follows:

Uses that reduce required parking under subsection B of this section may be required to provide transit shelters if transit routes adjoin the site.

Section 33: **Section 21.18.100(A)** of the WMC which previously read:

- A. All uses, except single detached building permits, shall provide pedestrian access onto the site.

is hereby amended to read as follows:

- A. All uses, except single-family detached homes, shall provide pedestrian access onto the site.

Section 34: **Section 21.18.130** of the WMC which previously read:

In any development containing more than 20 parking spaces, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

is hereby amended to read as follows:

Up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

Section 35: **Section 21.20.060(E)** of the WMC which previously read:

- E. Directional signs shall not be included in the sign area or number limitation of WMC 21.20.070 - .110, provided they shall not exceed 6 square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

is hereby amended to read as follows:

- E. Direction signs shall not be included in the sign area or number limitation of WMC 21.20.070 - .110, provided they shall not exceed 6 square feet in surface area and are limited to one for each entrance or exit to surface parking areas, parking structures, drive-through lanes, or as determined by the Planning Director for safe circulation.

Section 36: **Section 21.20.060(I)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- I. Signs shall be set back in accordance with the minimum setback requirements in WMC 21.12

Section 37: **Section 21.20.060(J)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- J. For signs in the Tourist District, see WMC 21.38.065.

Section 38: **Section 21.20.080(C)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- C. For signs in the Tourist District, see WMC 21.38.065.

Section 39: **Section 21.20.095(C)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- C. For signs in the Tourist District, see WMC 21.38.065.

Section 40: **Section 21.20.100(C)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- C. For signs in the Tourist District, see WMC 21.38.065.

Section 41: **Section 21.20.130(F)** is hereby added to the WMC Section 21.20 Development Standards - Signs to read:

- F. For signs in the Tourist District, see WMC 21.38.065.

Section 42: **Section 21.24** (Section List) of the WMC which previously read:

**21.24.180 Sensitive area tracts and designations on site plans**

is hereby amended to read as follows:

**21.24.180 Sensitive area tracts or easements and designations on site plans**

Section 43: **Section 21.24.180** of the WMC which previously read:

**21.24.180 Sensitive area tracts and designations on site plans.**

is hereby amended to read as follows:

**21.24.180 Sensitive area tracts or easements and designations on site plans.**

Section 44: **Section 21.24.180(C)** of the WMC which previously read:

- C. Site plans submitted as part of development proposals for building permits, master plan developments and clearing and grading permits shall include and delineate all flood hazard areas, (if they have been mapped by FEMA, King County or City of Woodinville or if a special study is required), landslide and steep slope hazard areas, streams and wetlands, buffers and building setbacks.

is hereby amended to read as follows:

- C. Site plans submitted as part of development proposals for building permits and clearing and grading permits shall include and delineate all flood hazard areas (if they have been mapped by FEMA, King County or City of Woodinville or if a special study is required), landslide and steep slope hazard areas, streams and wetlands, buffers and building setbacks.

Section 45: **Section 21.24.180(D)** is added to the WMC Section 21.24 Environmentally Sensitive Areas to read:

- D. Native Growth Protection Easements may be required over delineated sensitive areas to protect them in perpetuity, as determined by the Planning Director. Easements shall be recorded with the King County Assessor's Office prior to issuance of a certificate of occupancy.

Section 46: **Section 21.24.300(B)** of the WMC which previously read:

- B. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City of Woodinville shall be provided prior to any vegetation removal permitted by this subsection;

is hereby amended to read as follows:

- B. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe by a certified arborist. Notice to the City of Woodinville shall be provided prior to any vegetation removal permitted by this subsection;

Section 47: **Section 21.34.040(F)(2)(a)** of the WMC which previously read:

- a. Dedication of park site or trail right-of-way meeting City of Woodinville location and size standards for neighborhood, community or regional park, or trail, and accepted by the City.

is hereby amended to read as follows:

- a. Dedication of or easement containing park site or trail right-of-way meeting City of Woodinville location and size standards for neighborhood, community or regional park, or trail, and accepted by the City.

Section 48: **Section 21.34.040(F)(2)(b)** of the WMC which previously read:

- b. Improvement of dedicated park site to City of Woodinville standards for developed parks.

is hereby amended to read as follows:

- b. Improvement of dedicated park site or a park site granted by easement to City of Woodinville standards for developed parks.

Section 49: **Section 21.34.040(F)(2)(c)** of the WMC which previously read:

c. Improvement of dedicated trail segment to City of Woodinville standards.

is hereby amended to read as follows:

c. Improvement of dedicated trail segment, or trail segment granted by easement, to City of Woodinville standards.

Section 50: **Section 21.34.040(F)(2)(d)** of the WMC which previously read:

d. Dedication of open space, meeting City of Woodinville acquisition standards, to the City, county or qualified public or private organization such as a nature conservancy.

is hereby amended to read as follows:

d. Dedication of or granting of easement containing open space, meeting the City of Woodinville acquisition standards, to the City, county or qualified public or private organization such as a nature conservancy.

Section 51: **Section 21.38.065(E)(2)** of the WMC which previously read:

2. The height of each building and accessory structures shall not exceed 45 feet from the finished floor elevation existing grade, provided height may be increased by the City when the increase is for architectural or functional features integral to the design or use of the structure and is consistent with the purpose of the Tourist District Overlay.

is hereby amended to read as follows:

2. The height of each building and accessory structures shall not exceed 45 feet from the existing grade, provided height may be increased when the increase is for architectural or functional features integral to the design or use of the structure and is consistent with the purpose of the Tourist District Overlay, subject to approval by the Planning Director.

Section 52: **Section 21.38.065(E)(11)(e)** of the WMC which previously read:

- e. No backlit or internally lit signage shall be allowed.

is hereby amended to read as follows:

- e. No backlit signage shall be allowed, except that individually lit letters are permissible;

Section 53: Section 21.42 (Section List) of the WMC which previously read:

21.42.120 Combined review

is hereby amended to read as follows:

21.42.120 Expiration - Conditional use and special use permits

Section 54: Section 21.42.090(F) of the WMC which previously read:

- F. Permit approvals which are subject to review per WMC 21.42.040 and .110 shall have a time limit of two years from issuance or day of the final appeal decision, which ever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the Planning Director of the Hearing Examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, issuance shall be the date the permit is issued or date upon which the Hearing Examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

is hereby deleted.

Section 55: Section 21.42.120 of the WMC which previously read:

21.42.120 Combined review. Proposed actions may be combined for review purposes with any other action subject to the same review process, provided:

- A. Notice requirements for combined review shall not be less than the greatest individual action requirement; and
- B. No permit shall be approved without prior review and approval of any required variance.

is hereby amended to read as follows:

21.42.120 Expiration - Conditional use and special use permits.

Permit approvals that are subject to review per WMC 21.42.040 and .110 shall have a time limit of two years from issuance or day of the final appeal decision, which ever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the Planning Director or the Hearing Examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, issuance shall be the date the permit

is issued or date upon which the Hearing Examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10<sup>th</sup> DAY OF June, 1996.

APPROVED:

  
Robert R. Miller, Mayor

ATTEST/AUTHENTICATED:

By:   
James Katica  
City Clerk/Treasurer

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Wayne Tanaka  
City Attorney

FILED WITH THE CITY CLERK: June 10, 1996  
PASSED BY THE CITY COUNCIL: June 10, 1996.  
PUBLISHED: June 17, 1996  
EFFECTIVE DATE: June 22, 1996  
ORDINANCE NO. 156