

ORDINANCE NO. 242

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NOS. 156 AND 175 RELATING TO CERTAIN SECTIONS OF THE ZONING CODE AND ZONING MAP.

WHEREAS, pursuant to RCW Chapter 35A.63, cities are authorized to adopt a 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, Ordinances Nos. 156 amended Ordinance Nos. 80 and 126; and

WHEREAS, Ordinances No. 175 repealed Ordinance No. 156; and

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

WHEREAS, the City of Woodinville, in accordance with Chapter 21.02.090 of the Zoning Code and Zoning Map, did conduct a public hearing before the Planning Commission on October 6, 1999, for the purpose of receiving public testimony regarding the proposed amendments to the Zoning Code and Zoning Map; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Zoning Code and Zoning Map 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 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 21.04 of the Woodinville Municipal Code (WMC) is hereby amended to read as follows:

- 21.04.010 Zones and map designations established.
- 21.04.020 Zone and map designation purposes.
- 21.04.030 (Reserved).
- 21.04.040 Public/institutional zone.
- 21.04.050 (Reserved).
- 21.04.060 (Reserved).
- 21.04.070 (Reserved).
- 21.04.080 Residential zone.
- 21.04.090 Neighborhood business zone.
- 21.04.100 General business zone.
- 21.04.110 Central business district.
- 21.04.120 Office zone.
- 21.04.130 Industrial zone.
- 21.04.140 High-density residential/office zone.
- 21.04.150 Park.
- 21.04.160 Special district overlay designation.
- 21.04.170 Newly annexed territory.
- 21.04.180 Undesignated property.
- 21.04.190 Zoning maps and boundaries.

21.04.010 **Zones and map designations established.** In order to accomplish the purposes of this title the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS

MAP SYMBOL

Public/Institutional	P/I
Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
General Business	GB
Central Business District	CBD
Office	O
Industrial	I
High Density Residential/Office	R-48/O
Park	P
Special District Overlay	Pattern applied to affected area

21.04.020 **Zone and map designation purpose.** The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City of Woodinville. The purpose statements also shall guide interpretation and application of land use

regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

21.04.030 (Reserved).

21.04.040 **Public/institutional zone.**

- (1) The purpose of the public/institutional zone (P/I) is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Woodinville Community. This purpose is accomplished by:
 - (a) Providing a zone in which uses serving public needs may be located;
 - (b) Limiting residential and privately owned operations; and
 - (c) Protecting adjacent properties from potential impacts of public uses.
- (2) Use of this zone is appropriate on properties designated by the Comprehensive Plan to be public and/or institutional, such as schools, government facilities, social services, hospitals, libraries, utilities, etc.

21.04.050 (Reserved).

21.04.060 (Reserved).

21.04.070 (Reserved).

21.04.080 **Residential zone.**

- (1) The purpose of the urban residential zones (R) is to implement Comprehensive Plan Goals and Policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:
 - (a) Providing, in the low-density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. Developments with densities less than R-4 are allowed only if adequate services cannot be provided;
 - (b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's Comprehensive Plan and conform to all applicable regulations;
 - (c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multi-family apartments, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and
 - (d) Providing, in the high-density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes, multi-story apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

- (2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:
 - (a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;
 - (b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, roads and other needed public facilities and services; and
 - (c) The R-12 through R-48 zones in appropriate areas, of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.090 Neighborhood business zone.

- (1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:
 - (a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;
 - (b) Allowing for a mix of housing and retail/service uses; and
 - (c) Excluding industrial and community/regional business-scaled uses.
- (2) Use of this zone is appropriate in neighborhood centers designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.100 General business zone.

- (1) The purpose of the general business zone (GB) is to provide auto-oriented retail and services for local and regional service areas that exceed the daily convenience needs of residential neighborhoods but that cannot be served conveniently by the central business district, and to provide retail and business services in locations within the city that are appropriate for extensive outdoor storage and auto related and commercial uses. These purposes are accomplished by:
 - (a) Providing a wide range of the retail, recreation, and business services than are found in neighborhood business areas;
 - (b) Allowing for commercial uses with extensive outdoor storage or auto related and industrial uses; and
 - (c) Limiting residential, institutional, personal services and office to those necessary to directly support commercial activity.
- (2) Use of this zone is appropriate in commercial areas that are designated by the Comprehensive Plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.110**Central business district.**

- (1) The purpose of the Central business district (CBD) is to provide for the broadest mix of comparison retail, higher density residential (R-12 through R-48), wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment and housing opportunities. These purposes are accomplished by:
 - (a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in other business areas;
 - (b) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and
 - (c) Concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services.
- (2) Use of this zone is appropriate in the urban center as designated by the Comprehensive Plan that is served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.120**Office zone.**

- (1) The purpose of the office zone (O) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations where the full range of commercial activities is not desirable. These purposes are accomplished by:
 - (a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
 - (b) Providing for higher building heights and floor area ratios than those found in the GB zone;
 - (c) Reducing the ratio of required parking to building floor area;
 - (d) Allowing for on-site convenient daily retail and personal services for employees and residences; and
 - (e) Excluding auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.
- (2) Use of this zone is appropriate in office areas designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.130**Industrial zone.**

- (1) The purpose of the industrial zone (I) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:
 - (a) Allowing for a wide range of industrial and manufacturing uses;

- (b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
 - (c) Limiting residential, institutional, service, office and other non-industrial uses to those necessary to directly support industrial activities.
- (2) Use of this zone is appropriate in industrial areas designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.140 High density residential (R-48)/office zone. The purposes of the high density residential (R-48)/office zone are to provide for high-density development that meets the housing goals of the Comprehensive Plan and to provide additional land for office developments. Properties shall develop with residential densities of R-48 (48 units acre) or with a minimum number of dwelling units, as specified by the Comprehensive Plan. In addition, properties with this zone designation shall also provide office space.

21.04.150 Park. The purpose of the parks zone (P) is to provide opportunities for public parks and other recreation facilities, such as playgrounds, trails, publicly accessible open space, or as meet the definition of parks in 21.06.428. Only facilities providing such public recreation shall be allowed to locate in the park zones.

21.04.160 Map designation - Special district overlay. The purpose of the special district overlay designation is to carry out Comprehensive Plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire planning subareas.

21.04.170 Map designation - Newly annexed territory. Unless preannexation zoning is approved, all newly annexed territory shall be designated A-35 until the zoning map is amended pursuant to WMC 21.04.190 and the annexed territory is classified in conformance with the City of Woodinville Comprehensive Plan.

21.04.180 Map designation - Undesignated property. All property not designated by the zoning map shall be designated R-1.

21.04.190 Zoning maps and boundaries.

- (1) The location and boundaries of the zones defined by this chapter shall be shown and delineated on a zoning map adopted by ordinance.
- (2) Changes in the boundaries of the zones shall be made by ordinance adopting or amending the zoning map.

Section 2: Section 21.06.550 and 694 of the WMC are hereby amended to read as follows:

21.06.550

Setback, street. Street setback: the setback extending from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way, vehicle access easement, or the edge of a surface improvement which extends beyond a right-of-way at the depth prescribed for each zone.

21.06.694

Veterinary Clinic. Veterinary clinic: a licensed clinic, hospital, or doctor's office providing veterinary care to pets, small animals, and livestock.

Section 3:

Section 21.08.030, .040, and .050 of the WMC are hereby amended to read as follows:

WMC 21.08.030

A. RESIDENTIAL LAND USE

KEY

P - Permitted Use
 C - Conditional Use
 S - Special Use

Z
O
N
E

RESIDENTIAL

COMMERCIAL/INDUSTRIAL

LOW DENSITY	MEDIUM DENSITY	HIGH DENSITY	NEIGHBORHOOD	BUSINESS	GENERAL	BUSINESS	CENTRAL	BUSINESS	OFFICE	INDUSTRIAL	INSTITUTIONAL
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SIC#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I	P/I
	DWELLING UNITS, TYPES:										
*	Single detached	P	P	P							
*	Duplex	P10	P10	P10	P10						
*	Townhome	C10, 12	C7, 10, 12	P	P			P	P		
*	Apartment		P11	P	P	P		P	P		
*	Mobile home park		P	P		P		P	P		
*	Senior citizen assisted (See 21.06.188 for definition)		P11	P	P	P		P	P		
	GROUP RESIDENCES:										
*	Community residential facility	C15	C15	P15	P15	P15		P15	P15		P..
*	Dormitory	C2	C2	P2	P2			P2	P2	P2	P13
	ACCESSORY USES:										
*	Residential accessory uses	P3	P3	P3	P3	P3		P3	P3		P16
*	Home occupation (8)	P	P	P	P	P		P	P		
*	Home industry (9)	C	C	C	C						
	TEMPORARY LODGING:										
7011(1)	Hotel/Motel							P	P		
*	Bed and breakfast guesthouse	P6	P6	P6	P6	P6		P6			
7041	Organization Hotel/Lodging houses							P			
*	Temporary shelter							P4			P17
*	Youth Hostel							P14			

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 Development Standards, see WMC 21.12 through 21.30
 General Provisions, see WMC 21.32 through 21.38
 Application and Review Procedures, see WMC 21.40 through 21.44
 Tourist District Regulations, see WMC 21.38.065
 R-48/0 regulations, see WMC 21.38.030
 (*) Definition of this specific Land Use, see WMC 21.06

B. DEVELOPMENT CONDITIONS.

- (1) Except bed and breakfast guest houses.
- (2) Only as an accessory to a school, college/university, church, or fire station.
- (3) (a) Accessory dwelling units:
 - (i) Only one (1) accessory dwelling per lot;
 - (ii) The primary residence or the accessory dwelling unit shall be owner occupied;
 - (iii) If the accessory dwelling unit is a separate structure, the total square footage of the accessory dwelling unit shall not be larger than fifty (50) percent of the living area of the primary residence;
 - (iv) A total of only one (1) front or street-side entry is permitted on the site. All additional entries must be located on the rear or sides;
 - (v) Any accessory unit must be similar to the primary unit in style, color, building materials, roof pitch, and window treatment;
 - (vi) One (1) additional off-street parking space is provided; and
 - (vii) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.
- (b) Accessory Aircraft: One single or twin engine, general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way, to a waterbody or landing field, provided:
 - (i) No aircraft sales, service, repair, charter or rental;
 - (ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and
 - (iii) Storage hangars shall not exceed twenty (20) feet in height above average finished grade or have a gross area exceeding 3,000 square feet.
- (4) Only as an accessory use to an institution, school, public agency, church, synagogue, temple, or non-profit community organization.
- (5) (Reserved) (6) Only as an accessory to the permanent residence of the operator, provided:
 - (a) Serving meals to paying guests shall be limited to breakfast; and
 - (b) The number of persons accommodated per night shall not exceed five (5), except that a structure which satisfies the standards of the Uniform Building Code as adapted by the City for R-1 occupancies may accommodate up to ten (10) persons per night.
- (7) A conditional use permit is not required if the townhomes are approved through subdivision review or if the project is in the R-8 zone.
- (8) Home Occupations are subject to the requirements and standards contained in Section 21.30.040.
- (9) Home Industries are subject to the requirements and standards contained in Section 21.30.050.
- (10) Townhomes and duplexes must be compatible in design, height, color, style, and materials with existing neighborhood.
- (11) Permitted only in the R-8 zone.
- (12) Permitted only in the R-4 and R-6 zones, on parcels where protection of sensitive areas prohibit traditional single-family development.

- (13) Only as an accessory to a public school.
- (14) Also permitted in the Tourist District. See WMC 21.38.065.
- (15) The number of occupants shall not exceed the occupant load of the structure, calculated as provided in the 1994 Uniform Building Code, Section 1002, or as may be hereafter amended.
- (16) Only as an accessory to a permitted use.
- (17) Only as an accessory to an institution, school, or public agency.

WMC 21.08.040

A. RECREATIONAL / CULTURAL LAND USES

KEY

- P - Permitted Use
- C - Conditional Use
- S - Special Use

SIC#	SPECIFIC LAND USE	Z O N E	RESIDENTIAL				COMMERCIAL/INDUSTRIAL					P U B L I C	I N S T I T U T I O N A L
			L O W D E N S I T Y	M O D E R A T E D E N S I T Y	M E D I U M D E N S I T Y	H I G H D E N S I T Y	N E I G H B O R H O O D	B U S I N E S S E S S A L	G E N E R A L	B U S I N E S S E S S	C E N T R A L		
			R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I	PI	
	PARK / RECREATION:												
*	Park		P1	P1	P1	P1	P1	P	P	P	P	P	
*	Trails		P	P	P	P	P	P	P	P	P	P	
*	Destination Resorts								C2				
*	Marina				C4	C4	P5	P	P	P	P		
	AMUSEMENT/ ENTERTAINMENT:												
832	Theater							P6	P6	P6			
7833	Theater, Drive-in							C6	C6				
792	Plays / Theatrical production								P6				
793	Bowling center							P					
*	Sports club		C4	C4	C4	C4	C	P	P				
*	Golf facility		C7	C7	C7	C7		P					
7999	Golf driving range		C8	C8	C8	C8		P7					
*	Shooting range							P10					
*	Amusement arcades							P	P				
7996	Amusement park							P	C				
*	Outdoor performance center							S	S				
*	Indoor batting cage facility							P13					
*	Indoor go-cart racing facility							P14					
	CULTURAL:												
823	Library		P11 C	P11 C	P11 C	P11 C	P		P	P		P3	
841	Museum		P11 C	P11 C	P11 C	P11 C	P		P	P	P	P3	
842	Arboretum		P	P	P	P	P		P	P		P3	
866	Churches, synagogues, and temples		P12 C	P12 C	P12 C	P12 C	P	P	P	P			
*	Conference Center		P11 C	P11 C	P11 C	P11 C			P	P			

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 Development Standards, see WMC 21.12 through 21.30
 General Provisions, see WMC 21.32 through 21.38
 Application and Review Procedures, see WMC 21.40 through 21.44
 Tourist District Regulations, see WMC 21.38.065
 R-48/0 regulations, see WMC 21.38.030
 (*) Definition of this specific Land Use, see WMC 21.06

21.08.040 B. DEVELOPMENT CONDITIONS.

- (1) The following conditions and limitations shall apply, where appropriate:
 - (a) No stadiums on sites less than ten (10) acres;
 - (b) Lighting for structures and fields shall be directed away from residential areas;
 - (c) Structures or service yards shall maintain a minimum distance of fifty (50) feet from property lines adjoining residential zones; and
- (2) Except recreational vehicle parks.
- (3) Limited to publicly owned facilities.
- (4) Limited to recreation facilities for residents of a specified residential development.
- (5) Limited to day moorage.
- (6) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, public parks, community centers, public libraries or churches that conduct religious or educational classes for minors.
- (7) Structures, driving ranges and lighted areas shall maintain a minimum distance of fifty feet from property lines adjoining residential zones.
- (8) Only as an accessory to golf courses.
- (9) (Reserved)
- (10) Only in an enclosed building.
- (11) Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of WMC 21.38.080.
- (12) Only as accessory to a nonresidential use established through a discretionary permit process and limited in scale to ensure compatibility with surrounding neighborhoods.
- (13) Indoor batting facilities are subject to the following conditions and limitations:
 - (a) Facilities open to youth under the age of eighteen (18) shall not be located in the Sexually Oriented Business Overlay District.
 - (b) The facility shall require the minimum safety standards as provided for a national youth baseball association such as the Little League Association.
 - (c) Signs regarding safety rules must be prominently displayed.
 - (d) Pedestrian walkways shall be clearly marked.
 - (e) The business owner shall provide to the City a signed statement by the building owner declaring that High Hazard Occupancies (Type H Occupancies as defined in the Uniform Building Code) shall not be located in any spaces adjacent to the indoor batting facility; or, the facility shall be located in a single occupancy building.
 - (f) Children under the age of fifteen (15) are not permitted on the premises without a supervising adult.
 - (g) A safe pedestrian "pick-up/drop-off" area that does not interfere with local traffic shall be provided.

(14) Indoor go-cart racing facilities are subject to the following conditions and limitations:

- (a) Signs regarding safety rules must be prominently displayed.
- (b) Pedestrian walkways shall be clearly marked.
- (c) The business owner shall provide to the City a signed statement by the building owner declaring that high hazard occupancies (Type H occupancies as defined in the Uniform Building Code) shall not be located in any spaces adjacent to the indoor go-cart racing facility, or the facility shall be located in a single occupant building.
- (d) A safe pedestrian "pick-up/drop-off" area that does not interfere with local traffic shall be provided.
- (e) Until and unless the City adopts an overriding noise ordinance, the maximum noise levels (dBA) associated with the operation of any go-cart racing facility shall not exceed the following maximum dBAs:

	<u>Receiving Property</u>	
<u>Residential Zones</u>	<u>Commercial Zones</u>	<u>Industrial Zones</u>
<u>57*</u>	<u>60</u>	<u>65</u>

*Reduced to 10 dBA between the hours of 10 p.m. and 7 a.m.

- (f) Loitering outside the facility shall be strictly controlled by the facility's management.
- (g) Prior to the opening of the facility, proof of suitable insurance is required.

WMC 21.08.050
A. GENERAL SERVICES
LAND USES

KEY	
P	Permitted Use
C	Conditional Use
S	Special Use

Z O N E	RESIDENTIAL					COMMERCIAL/INDUSTRIAL					P U B L I C	I N S T I T U T I O N A L
	L O W D E N S I T Y	M O D E R A T E D E N S I T Y	M E D I U M D E N S I T Y	H I G H D E N S I T Y	N E I G H B O R H O O D	B U S I N E S S A R E A S	G E N E R A L	B U S I N E S S	C O M M E R C I A L	O F F I C E		

SIC#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I	P/I
	PERSONAL SERVICES:										
72	General Personal Service					P		P	P3		P18
7216	Dry cleaning plants									P	
7218	Industrial Laundress									P	
7261	Funeral Home/Crematory	C4	C4	C4	C4		P	P	P4		
*	Cemetery, Columbarium or Mausoleum	P26 C5	P26 C5	P26 C5	P26 C5	P26	P26 C5	P26 C5	P26		
*	Day care I	P6	P6	P6	P6	P	P	P	P7	P7	P18
*	Day care II	P8	P8	P8	P8	P	P	P	P8	P7	P18
*	Veterinary Clinic	P9 C10				P10	P10	P10		P	
753 (1)	Automotive repair						P	P		P	
754	Automotive service					P11	P	P		P	
76	Miscellaneous repair						P	P		P	
83 (2)	Social Services	P12 C13	P12 C13	P12 C13	P12 C13	P13		P	P		P
*	Stable	P14 C									
*	Kennel or Cattery	C					P	P27			
	HEALTH SERVICES:										
801-04	Office / Outpatient Clinic	P12,30 C13,30	P12,30 C13,30	P12,30 C13,30	P12,30 C13,30	P30		P30	P30		P18, 30
805	Nursing and personal care facilities				C30			P30			P18, 30
806	Hospital							P30	C30		P18, 30
807	Medical / Dental Lab							P30	P30	P30	P18, 30
808-09	Miscellaneous Health							P30	P30		P18, 30

GENERAL CROSS REFERENCES: Development Standards, see WMC 21.12 through 21.30 Application and Review Procedures, see WMC 21.40 through 21.44 R-48/0 regulations, see WMC 21.38.030	Land Use Table Instructions, see WMC 21.08.020 and 21.02.070 General Provisions, see WMC 21.32 through 21.38 Tourist District Regulations, see WMC 21.38.065 (*) Definition of this specific Land Use, see WMC 21.06
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21.08.050 B. DEVELOPMENT CONDITIONS.

- (1) Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.
- (2) Except SIC Industry Group Nos.:
 - (a) 835-Day Care Services, and
 - (b) 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
- (3) Limited to SIC Industry Group and Industry Nos.:
 - (a) 723-Beauty Shops;

- (b) 724-Barber Shops;
 - (c) 725-Shoe Repair Shops and Shoe Shine Parlors;
 - (d) 7212-Garment Pressing and Agents for Laundries and Dry cleaners;
 - (e) 7217-Carpet and Upholstery Cleaning.
- (4) Only as an accessory to a cemetery.
 - (5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
 - (6) Only as an accessory to residential use; provided:
 - (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
 - (b) Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.
 - (c) Only two non-resident staff are present on-site at any one time.
 - (7) Permitted as an accessory use, see commercial/industrial accessory, WMC 21.08.060A.
 - (8) Only as a re-use of a public school facility subject to the provisions of WMC 21.32, an accessory use to a school or church, provided:
 - (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - (b) Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;
 - (c) Direct access to a developed arterial street shall be required in any residential zone; and
 - (d) Hours of operation may be restricted to assure compatibility with surrounding development.
 - (9) Only in the R-1 zone as a home occupation, provided that the square footage limitations in WMC 21.30 for home occupations applies only to the office space for the clinic, and provided further that:
 - (a) Boarding or overnight stay of animals is allowed only on sites of five acres or more;
 - (b) No burning of refuse or dead animals is allowed;
 - (c) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surface with concrete or other impervious material; and
 - (d) The provisions of WMC 21.30 relative to animal keeping are met.
 - (10)
 - (a) No burning of refuse or dead animals is allowed;
 - (b) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surface with concrete or other impervious material; and
 - (c) The provisions of WMC 21.30 relative to animal keeping are met.
 - (11) Only as an accessory to a gasoline service station, see retail and wholesale permitted use table.

- (12) Only as a re-use of a public school facility subject to the provisions of WMC 21.32.
- (13) Only as a re-use of surplus non-residential facility subject to WMC 21.32.
- (14) Covered riding arenas shall not exceed 20,000 square feet; stabling areas, whether attached or detached, shall not be counted in this calculation and subject to the provisions of 21.30.030.
- (15) (Reserved) (16) (Reserved) (17) (Reserved)
- (18) Only as an accessory to a hospital or other permitted institutional use.
- (19) (Reserved)
- (20) (Reserved)
- (21) (Reserved) (22) (Reserved)
- (23) (Reserved)
- (24) (Reserved)
- (25) (Reserved) (26) Limited to columbariums accessory to a church provided that existing required landscaping and parking are not reduced.
- (27) (a) The portion of the building in which animals are kept shall be soundproof.
(b) All run areas and confinement areas shall be within the building.
- (28) (Reserved) (29) (Reserved)
- (30) If use abuts an agriculturally zoned property, the following conditions apply:
 - (a) Buildings and parking areas must be set back fifty (50) feet from the property line abutting a agriculturally zoned parcel;
 - (b) Fifty (50) feet of Type II landscaping is required in the setback; and
 - (c) Non-emergency access through or to the agriculturally zoned parcel is prohibited.

Section 4: **Section 21.12.040, 080, and 170** of the WMC are hereby amended to read as follows:

21.12.040 B. DEVELOPMENT CONDITIONS.

- (1) The depth-to-width ratio shall be no greater than the ratio indicated.
- (2) Ten (10) foot setback may not be required on those sites abutting a designated pedestrian-oriented street pursuant to City of Woodinville Ordinance No. 112, Interim Design Principles, or as may hereafter be amended.
- (3) These densities may only be achieved through the application of residential density incentives or transfer of density credits, see WMC 21.34 and 21.36.
- (4) Height is limited to thirty-five (35) feet when development abuts a low or moderate residentially zoned property.
- (5) Gas station pump islands shall be placed no closer than twenty-five (25) feet to street front lines.
- (6) Mixed use developments that provide office space may increase height limits to a maximum of forty-five (45) feet.

- (7) Twenty (20) foot setback only required along property lines adjoining residential zones, otherwise no specific interior setback requirement.
- (8) Fifty (50) foot setback only required along property lines adjoining residential zones for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
- (9) Ten (10) foot setback permitted only on those sites not abutting a designated arterial street.
- (10) Height limits may be increased when portions of the structure building which exceed the base height limit provide one (1) additional foot of street and interior setback beyond the required setback for each foot above the base height limit, provided the maximum height may not exceed forty-five (45) feet.
- (11) (Reserved)
- (12) Developments that provide underground parking may exceed the height limit by one (1) story for every level of parking provided, to a maximum of forty-five (45) feet.
- (13) See WMC 21.16.060, Landscaping - interior lot lines.
- (14) If located in the Tourist District, see WMC 21.38.065.
- (15) Twenty-five (25)-foot setback only required along property lines adjoining the SR 202, and Woodinville-Snohomish Road rights-of-way. See WMC 21.16.080(2) for landscaping requirements.
- (16) Fifty (50)-foot setback required along property lines abutting agriculturally zoned parcels.
- (17) Does not apply to signage. For applicable sign setbacks, see WMC 21.20.

21.12.080

Calculations - site area used for density calculations.

- (1) All areas of a site used in the calculation of allowed residential density or project floor area shall exclude from the site area the on-site areas designated for public rights-of-way, private streets, vehicle access easements, storm water facilities, and on-site recreation space subject to the adjustments for sensitive areas and their buffers set out in subsections (2) and (3).
- (2) Sensitive areas and their buffers may be used for calculation of allowed residential density whenever two or more residential lots or dwelling units are created subject to the following limitations:
 - (a) Full density credit shall be allowed for erosion, seismic, and flood hazard areas, except in areas covered by Subsections (b) and (c) below;
 - (b) No density credit shall be allowed for streams and wetlands; and
 - (c) Partial to full density credit shall be allowed for steep slopes, landslide hazard areas, and required buffers for any sensitive area according to the following table:

DENSITY CREDIT TABLE

Percentage of site in sensitive area and/or buffer	Amount of Density Credit
1 - 10%	100%

11 - 20%	90%
21 - 30%	80%
31 - 40%	70%
41 - 50%	60%
51 - 60%	50%
61 - 70%	40%
71 - 80%	30%
81 - 90%	20%
91 - 99%	10%

- (3) Allowed density on sites containing sensitive areas shall be calculated as follows:
- (a) Determine the percentage of site area in sensitive areas and buffers by dividing the total area in required sensitive areas and buffers by the total site area [sens. area / total area = percent of sens. area];
 - (b) Multiply the density credit percentage set forth in subsection (2) by the site area in sensitive areas and buffers to determine the effective sensitive area [percent of sens. area x density credit = effect. sens. area]
 - (c) Add the effective sensitive area to the site area not in sensitive areas or buffers. The resulting acres shall be considered the effective site area for purposes of density calculation and shall be treated the same as the site area for purposes of determining the allowable dwelling units pursuant to WMC 21.12.070 [effect. sens. area + nonsens. area = effect. site area (use for density calc.)].

21.12.170 Height - exceptions to limits. The following structures may be erected above the height limits of WMC 21.12.030-.050.

- (1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
- (2) Fire or parapet walls, skylights (not cupolas), chimneys, smoke stacks, church steeples, major or minor communication facility transmission structures, and street poles.

Section 5: **Section 21.14.250 and 260** of the WMC are hereby amended to read as follows:

21.14.250 Storage space and collection points for recyclables and garbage. Multi-family, commercial, office, and industrial developments shall provide storage space for the collection of recyclables and garbage as follows:

- (1) The storage space shall be provided at the rate of:
 - (a) Three (3) square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a public agency-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

- (b) Four (4) square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
 - (c) Six (6) square feet per every 1,000 square feet of building gross floor area in manufacturing and other non-residential developments; and
 - (d) Ten (10) square feet per every 1,000 square feet of building gross floor area in retail developments.
- (2) The storage space for multi-family residential developments shall be apportioned and located in collection points as follows:
- (a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
 - (b) There shall be one collection point for every thirty (30) dwelling units.
 - (c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.
 - (d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
 - (e) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
- (3) The storage space for non-residential development shall be apportioned and located in collection points as follows:
- (a) Storage space may be allocated to a centralized collection point.
 - (b) Outdoor collection points shall not be located in any required setback areas.
 - (c) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
 - (d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.
- (4) The collection points shall be designed as follows:
- (a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables and garbage.
 - (b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
 - (c) Collection points shall be identified by signs not exceeding two (2) square feet.
 - (d) A eight (8) foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.
 - (e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least twelve (12) feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least twelve (12) feet.

- (f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
- (g) No collection point or container shall be visible from the street right-of-way. The collection point or container shall either be located behind the building or shall be adequately screened with Type I landscaping.
- (5) Only recyclable materials and garbage generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
- (6) No container shall be collected and stored at any location on the site except in a designated storage facility.
- (7) The lids of all garbage and recyclables containers shall be maintained in a closed position.

21.14.260 Fences. Fences are permitted as follows:

- (1) Fences shall not exceed a height of six (6) feet in all residential and NB zones, except as required pursuant to WMC 21.14.250(4)(d).
- (2) Fences exceeding a height of six (6) feet in CBD, GB, O and I zones shall comply with the applicable street and interior setbacks of the zone in which the property is located;
- (3) The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall, or berm;
- (4) When a protective fence is located on top of a rockery within the required setback area, any portion of the fence above a height of six (6) feet shall be an open-work fence;
- (5) Electric fences shall:
 - (a) Be permitted in all zones, provided that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;
 - (b) Comply with the following requirements:
 - (i) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at seventeen (17) milliamp;
 - (ii) An electric fence using continuous current shall be limited to 1,500 volts at seven (7) milliamp;
 - (iii) All electric fences in the R-4 through R-48 zones shall be posted with permanent signs a minimum of thirty-six (36) square inches in area at fifty (50) foot intervals stating that the fence is electrified; and
 - (iv) Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and
- (6) No barbed or razor-wire fence shall be located in any R-4 through R-48 zone or any commercial zone.
- (7) Where possible, the use of landscaping instead of fences is encouraged. Landscaping is not subject to the six (6) foot height restriction of Section (1).

Section 6:

Section 21.16.040 and 21.18.020 of the WMC are hereby amended to read as follows:

21.16.040

Landscaping - types and description. The four types of landscaping are described and applied as follows:

(1) Type I landscaping:

(a) Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and non-residential areas.

(b) Type I landscaping shall consist of:

- (i) A mix of primarily evergreen trees and shrubs placed to form a continuous screen;
- (ii) At least seventy (70) percent evergreen trees;
- (iii) Evergreen trees spaced no more than fifteen (15) feet on center;
- (iv) Broadleaf trees spaced no more than twenty (20) feet on center;
- (v) Evergreen shrubs spaced no more than four (4) feet apart; and
- (vi) Ground cover pursuant to WMC 21.16.090;

(2) Type II landscaping:

(a) Type II landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street;

(b) Type II landscaping shall consist of:

- (i) A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;
- (ii) At least fifty (50) percent broadleaf trees and at least thirty (30) percent evergreen trees;
- (iii) Evergreen trees spaced no more than fifteen (15) feet on center;
- (iv) Broadleaf trees spaced no more than twenty (20) feet on center;
- (v) Shrubs spaced no more than five feet apart; and
- (vi) Ground cover pursuant to WMC 21.16.090;

(3) Type III landscaping:

(a) Type III landscaping is a "see-through buffer" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;

(b) Type III landscaping shall consist of:

- (i) A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;
- (ii) At least seventy (70) percent broadleaf trees;
- (iii) Trees spaced no more than twenty-five (25) feet on center;
- (iv) Shrubs, that do not exceed a height of four (4) feet, spaced no more than four (4) feet apart; and
- (v) Ground cover pursuant to WMC 21.16.090;

(4) Type IV landscaping:

- (a) Type IV landscaping is "parking area landscaping" that provides shade and visual relief while maintaining clear sight lines within parking areas;
- (b) Type IV landscaping shall consist of:
 - (i) Canopy-type broadleaf or evergreen trees, evergreen shrubs and ground covers planted in islands or strips;
 - (ii) Shrubs that do not exceed a height of four (4) feet;
 - (iii) Plantings contained in planting islands or strips having an area of at least seventy-five (75) square feet and with a narrow dimension of no less than four (4) feet;
 - (iv) Ground cover pursuant to WMC 21.16.090; and
 - (v) At least ninety (90) percent of the trees shall be broadleaf.

21.18.020 Authority and application.

- (1) Before an occupancy permit may be granted for any new or enlarged building, for any new parking area, or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
- (2) If this chapter does not specify a parking requirement for a land use, the Planning Director shall establish the minimum requirement based on a study of anticipated parking demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified individual is authorized by the Planning Director.
- (3) If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the Planning Director for compliance with this chapter, and if approved, the contracts shall be recorded with the County records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the Planning Director.

Section 7: **Section 21.20.140** of the WMC is hereby amended to read as follows:

21.20.140 Nonconforming signs.

- (1) Signs in existence at the effective date of this chapter that do not comply with the standards of this chapter shall be deemed legally nonconforming and may continue to exist. (2) Legal nonconforming signs may be removed for cleaning and routine maintenance, i.e. changing of lighting and wiring. Legal nonconforming signs may continue to exist, except as noted in Subsections (3)-(8) below.
- (3) Any legal nonconforming sign (except a billboard) that undergoes a name change or a change to twenty (20) percent or more of the text, form, colors, content, or structure shall be brought into conformance immediately.

- (4) Any legal nonconforming sign that is damaged in excess of fifty (50) percent of the original value of the sign shall be brought into conformance immediately, or removed within ninety (90) days.
- (5) Any legal nonconforming sign that his relocated or replaced shall be brought into conformance immediately, or removed within ninety (90) days.
- (6) If a business ceases to operate, all existing nonconforming signs associated with the business shall be removed by the property owner within ninety (90) days. If the business had signage on a mall sign or building or related structure, the surface or facade or structure at the previous location of the nonconforming sign(s) shall be repaired at the time of nonconforming sign removal.
- (7) A nonconforming sign, when being an accessory to a business operation which changes its use or location, shall no longer be considered a legal sign and shall be removed within ninety (90) days.
- (8) Billboards.
 - (a) New billboards are not permitted.
 - (b) Existing billboards are subject to the following:
 - (i) Except as provided in Subsections ii and iii below, billboards shall not be altered with regard to size, shape, orientation, height, or location. Such alteration shall result in an illegal nonconforming status, and the billboard shall be removed within ninety (90) days of the alteration.
 - (ii) Removal of a billboard shall require the issuance of a demolition permit. The demolition shall be completed within ninety (90) days of permit issuance.
 - (iii) Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of billboards shall not require a permit. Billboard copy replacement may occur at any time and does not require issuance of a permit.
 - (iv) Any billboard that is damaged in excess of fifty (50) percent of the original value of the sign shall be removed within ninety (90) days.
 - (v) Any billboard that his relocated or replaced shall be removed within ninety (90) days.

Section 8: Section 21.28.090, .100, .110, .140, .160, .170, and .180 of the WMC are hereby amended to read as follows:

21.28.090 Adequate roads - General conditions.

- (1) A development proposal which will have a direct traffic impact, as defined by WMC 21.06.654, on a roadway or intersection which results in a calculated LOS F shall not be approved unless:
 - (a) The non-project LOS is D or better and the applicant agrees to fund improvements needed to attain LOS D or better;
 - (b) The non-project LOS is E or F and the applicant agrees to fund improvements to LOS E or better;

- (c) The applicant achieves LOS E by phasing the project or using Transportation Demand Management ("TDM") techniques to reduce the number of peak hour trips generated by the project;
 - (d) The Planning Director has established a date for final approval of subdivisions to become effective corresponding with the anticipated date of award of a construction contract for city, county, or state improvements needed to provide LOS D or better, or when the calculated non-project LOS is E or F, to provide LOS E or better; provided such effective approval date may be established only when the anticipated date of award of construction contract is within twelve (12) months of final approval; or
 - (e) The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the Public Works Director.
 - (f) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six (6) years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan.
- (2) Developments proposed which will have a direct impact, as defined by WMC 21.06.654, on City traffic facilities or designated areas pursuant to WMC 21.28.080 may attain the LOS specified in the adopted interlocal agreements rather than meeting WMC 21.28.070.
 - (3) The Public Works Director may identify by ordinance intersections exempt from the level of service standards where existing levels of service are F and the improvements to the intersection are not financially or environmentally feasible as determined by the Public Works Director. Other mitigation measures may be required as described in the policies under Comprehensive Plan Goal T-7.
 - (4) The developer is required to conduct an evaluation of the impacts of the development via level of service standards. The evaluation shall be reviewed by the Public Works Director.

21.28.100 (Reserved).

21.28.110 Exceptions.

- (1) Exceptions from the standards of WMC 21.28.060 - .070 may be granted only when extraordinary circumstances make compliance with the standards infeasible or when a traffic impact or mitigation fee is proposed.
- (2) For those developments proposed where the Hearing Examiner makes a recommendation to the City Council, the record must reflect the basis for the exception, and the approving ordinance must grant the exception in order for it to be effective. The ordinance approving the proposal shall be determinative and conclusive as to the proposal's compliance with this chapter.

- (3) For developments proposed for which the Hearing Examiner decision is final, the decision of the Hearing Examiner shall be determinative and conclusive as to the proposal's compliance with this chapter.
- (4) For permits which are administrative and ministerial for which no appeal is normally available, the issue of the application of the standards in this chapter to a development proposed may be appealed to the Hearing Examiner for a final decision. Such an appeal together with appeal arguments shall be filed with the Planning Director within ten (10) days of decision.

21.28.140 School concurrency - Applicability and relationship with fees.

- (1) The concurrency standard set out in WMC 21.28.160 shall apply to applications for preliminary plat which would result in the creation of new residential building lots or mobile home parks or the construction of new dwelling units, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.
- (2) The City's finding of concurrency shall be made at the time of preliminary plat approval, at the time that a request to actualize potential multifamily zoning is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.
- (3) Excluded from the application of the concurrency standard are building permits for individual single family dwellings (except as required for school impact fees), any form of housing exclusively for the elderly, including nursing homes and retirement centers. Also excluded from the application of the concurrency standard are shelters for temporary placement, relocation facilities and transitional housing facilities. Replacement reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.
- (4) Also excluded from the application of the concurrency standard set out in this chapter are short subdivisions.
- (5) All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees, when established by the City.

21.28.160 School concurrency standard.

- (1) Schools shall be considered to have been provided concurrently with the development which will impact the schools if:
 - (a) The permanent and interim school improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or
 - (b) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six (6) years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified

by the district in its capital facilities plan, as adopted by the City's Comprehensive Plan.

- (2) Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (1).
 - (a) The district has received voter approval of and/or has bonding authority;
 - (b) The district has received approval for federal, state, or other funds;
 - (c) The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or
 - (d) The district has other assured funding, including but not limited to school impact fees which have been paid.
- (3) Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and RCW 58.17.110.

21.28.170 (Reserved)

21.28.180 Credit for improvements. Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would have been charged. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact or mitigation fee.

Section 9: **Section 21.38.065** of the WMC is hereby amended to read as follows:

21.38.065 Special district overlay - Tourist District.

- (1) The purpose of the Tourist District Overlay is to provide for tourist-oriented retail and commercial uses in the Sammamish Valley. These uses are additional to the uses permitted in the underlying zoning, are visually compatible with surrounding uses, complement the agricultural and recreational activities in the valley, and are planned and conducted in an environmentally sensitive manner. Permitted uses in the Tourist District Overlay and development standards are established to ensure that uses and development within the overlay area fit harmoniously and compatibly and inappropriate intrusion is minimized.
- (2) The following additional uses are permitted in the Tourist District Overlay:
 - (a) Wineries, breweries and distilleries (SIC No. 208), and those uses customarily associated with wineries, breweries, and distilleries including administrative offices, grounds maintenance, gardens, parking, visitor services, retail outlets primarily for products produced on-site, public

- concert and theatrical events, restaurants, as well as beer and wine tasting events and facilities;
- (b) Manufacture of arts and crafts, provided that at least ten (10) percent of floor area is devoted to retail;
 - (c) Manufacture of bakery (SIC No. 205), confectionery (SIC No. 286), and other specialty food and kindred products provided that at least ten (10) percent of the products manufactured on site must be sold on site;
 - (d) Tourist-related retail and commercial uses: bike shops, delicatessens, art/northwest craft shops, and food stores limited to SIC No. 543 through 549;
 - (e) Theaters, museums, and outdoor performance centers provided:
 - (i) Movie theaters with more than one (1) screen and drive-in theaters are prohibited.
 - (f) Lodging facilities, including bed and breakfast guest houses, lodges, and inns, youth hostels, and campgrounds, provided:
 - (i) The number of rooms is limited to twenty four (24) per acre;
 - (ii) Impervious surface shall be limited to fifty (50) percent of the site;
 - (iii) The height is limited to thirty five (35) feet, not exceeding three (3) stories; and
 - (iv) The style of the structure shall
 - (A) Fit one of the following styles: country inn, bed and breakfast, Victorian, woodland lodge, or other style defined in the Tourist District Master Plan and approved by the Planning Commission Design Review Subcommittee;
 - (B) Be compatible with existing development; and
 - (C) Meet the criteria as listed in the Tourist District Master Plan.
 - (g) Conference centers, provided that:
 - (i) The design and scope of the project fit in with the intent of the Tourist District and are compatible with surrounding development; and
 - (ii) The design meets the criteria of the Tourist District Master Plan.
 - (h) Passenger train stations;
 - (i) Parks, trails and recreation services providing rental of bicycles, roller skates or blades, canoes, kayaks, rowboats, and floatation devices;
 - (j) Restaurants, except drive-through facilities;
 - (k) Antique stores and book stores;
 - (l) Art dealers and galleries (retail);
 - (m) River-related uses and accessories, such as small-boat rentals or steamboat quays/docking;
 - (n) Accessory uses incidental to or dependent upon permitted uses.; and
 - (o) Uses similar to those listed above which the Planning Director determines are consistent with the purposes of the Tourist District Master Plan.
- (3) Manufacturing uses that are permitted in the underlying zoning are allowed in the Tourist District, except that:
- (a) No primary manufacturing, including smelting or refining, as defined in the SIC Manual, is allowed;
 - (b) All manufacturing activities must take place indoors;

- (c) No on-going outdoor storage of machinery, raw materials, or finished products is permitted in excess of sixty (60) days without proper and complete screening from public view;
 - (d) Noxious and persistent odors must be minimized to the greatest extent available and feasible; and
 - (e) Repetitive noise that is attributable to manufacturing must be minimized between the hours of 9 pm and 7 am.
- (4) The following development criteria shall apply to development proposals within the Tourist District Overlay:
- (a) Building architecture, including design, materials, bulk and scale shall be compatible with the recreational, agricultural, and tourist character of surrounding uses and consistent with the purposes of Tourist District Master Plan;
 - (b) Site and landscape design shall facilitate pedestrian, bicycle, and vehicular traffic flow between major project phases and individual developments and any adjacent tourist-related uses;
 - (c) Site design shall minimize connections to the Woodinville-Redmond Road (SR 202) through use of shared driveways;
 - (d) All development is subject to the City of Woodinville's Interim Design Principles, except that:
 - (i) Developments shall provide a ten (10) foot width of Pedestrian Space as defined in Appendix A and Section II.H.2.a of the City's Design Principles or provide ten (10) feet of Type III landscaping; and
 - (ii) A ten-foot sidewalk/bike path shall be provided; and
 - (e) All development with frontage on SR 202 is subject to the City's Design Principle regulations for pedestrian-oriented streets.
- (5) The following development standards and requirements shall apply to all development and all property under common ownership located within the Tourist District Overlay:
- (a) All uses except for accessory uses shall be conducted inside an entirely enclosed building provided that uses that are not contained in the enclosed building shall be treated architecturally to minimize visual impact;
 - (b) The height of each building and accessory structures shall not exceed forty-five (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. Said architectural or functional features shall be limited to penthouses or roof structures for housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flag poles, chimneys, smoke stacks, church steeples and belfries, wireless mast, utility line towers and poles, windmills, food silos and barns, and similar structures required for the use of the building;

- (c) All loading and service areas shall be screened so that they are not visible from public roads and trails by berms, Type I landscaping and/or architectural features;
- (d) All buildings shall maintain a twenty (20) foot landscaped setback from residentially zoned or developed areas, unless it can be shown that twenty (20) feet of permanent landscaped buffer exists between structures;
- (e) All buildings shall maintain a five (5) foot wide landscaped setback from interior property lines abutting nonresidentially zoned areas;
- (f) All buildings shall maintain a 100' landscaped setback from the Sammamish River.
- (g) Trails shall either be provided or land for trails dedicated along the Sammamish River.
- (h) The site coverage standards set forth in WMC 21.12 are modified as follows:
 - (i) The total permitted impervious lot coverage shall be eighty-five (85) percent. The remaining fifteen (15) percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable environmentally sensitive areas and their associated buffers;
 - (ii) Trails may be provided in the area dedicated to open space; and
 - (iii) When a subdivision or a binding site plan is proposed for a unified site, the site coverage standards apply to the total unified site and not each proposed lot;
- (i) Landscaping shall meet the standards set forth in the City's Design Principles, provided that:
 - (i) An overall landscaping plan for each development phase shall be approved by the Planning Director prior to the issuance of any site development, grading, or building permits;
 - (ii) Either ten (10) feet of street front landscaping or ten (10) feet of pedestrian-oriented space shall be provided;
 - (iii) Landscaping shall be included along interior lot lines in a commercial, office, or industrial development as follows:
 - (A) A twenty (20) foot width of Type I abutting residentially developed property or undeveloped residentially zoned property;
 - (B) A ten (10) foot width of Type I abutting property developed public recreational;
 - (C) A ten (10) foot width of Type I abutting property designated as permanent open space; or
 - (D) Five (5) feet of Type II abutting commercially or industrially zoned or developed areas;
 - (iv) Type IV landscaping shall be provided within all surface parking lots as follows:
 - (A) Fifteen (15) percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than thirty (30) parking stalls;

- (B) At least one (1) tree for every four (4) parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and
- (C) No parking shall be more than forty (40) feet from some landscaping; and
- (v) Notable trees identified in the Tree Board inventory shall be retained as set forth in WMC 21.16;
- (j) Refuse collection/recycling areas and loading or delivery areas shall meet the requirements of 21.14.250(4) and shall be located at least twenty (20) feet from residential areas, tourist related uses, or trails and screened with Type I landscaping;
- (k) Sign standards for the Tourist District are set forth in Chapter 21.20.
- (l) All rooftop mechanical equipment shall be screened architecturally to minimize its visual impact, provided that the screen is as high as the equipment.
- (6) All development in the Tourist District shall be subject to design review, provided:
 - (a) Applications shall be reviewed by the Planning Commission Design Review Subcommittee; and
 - (b) Design review shall be performed considering the following factors:
 - (i) These regulations;
 - (ii) The City's Design Principles;
 - (iii) The ability of the development to fit compatibly with existing development; and
 - (iv) The Tourist District Master Plan.
- (7) Street frontage standards shall adhere to the following:
 - (a) Landscaping and open space shall conform to WMC 21.38.065.(5)(1) above;
 - (b) Standard sidewalks and bike paths shall be provided; however a ten (10) foot combined sidewalk/bike path made of asphalt may be provided in lieu of standard sidewalks and bike paths;
 - (c) The sidewalk or the combined sidewalk/bike path shall be separated from vehicle lanes by a minimum five-foot landscaped strip;
 - (d) The sidewalk or the combined sidewalk/bike path may meander on to private property with a public access easement; and
 - (e) Street trees shall be planted in the landscaping strip twenty-five (25) feet on center utilizing one of the species of street tree selected from the Tree Board recommended Tree Species List, and approved by the City's Tree Official.
- (8) Special events and outdoor performances shall comply with the Temporary Use Permits section of the WMC 21.32 and the following:
 - (a) All needed parking will be accommodated on-site by a combination of permanent and temporary facilities or on other private sites with appropriate written consent;

- (b) An event management plan covering sanitation, crowd control, traffic parking and emergency services shall be filed with the Public Works Director; and
- (c) The maximum permissible sound levels for receiving property shall not exceed 59dB(A) per KCC 12.88.020 as modified by KCC 12.88.030 for short duration increased levels.

Section 10: Section 21.40 of the WMC is hereby amended to read as follows:

21.40.015 Applications - Requirements.

21.40.035 Vesting.

21.40.070 Applications - Limitations on refiling of applications.

21.40.015 Applications - Requirements. Application requirements shall be in accordance with the provisions of WMC 17.09.020.

21.40.035 Vesting.

- (1) A complete application for a land use, building, site development, grading, or sign permit shall be deemed vested at the date of submittal provided that such application meets all codes in effect at the time of submittal.
- (2) Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.
- (3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.

21.40.070 Applications - Limitations on refiling of applications. Upon denial by the City Council of a zone reclassification or a special use permit, no new application for substantially the same proposal shall be accepted within one (1) year from the date of denial.

Section 11: Section 21.42.010 and .040 of the WMC are hereby amended to read as follows:

21.42.010 Code compliance review - Actions subject to review. The following actions shall be subject to administrative review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- (1) Building permits;
- (2) Grading permits; and
- (3) Site development permits.

21.42.040 Planning Director review - Actions subject to review. The following actions shall be subject to the Planning Director review procedures set forth in this chapter:

- (1) Applications for conditional uses;(2) Periodic review of extractive operations;
- (3) Applications for home occupation and home industry permits; and
- (4) Temporary use permits.

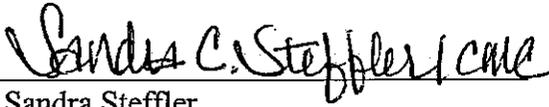
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
8 DAY OF November, 1999.

APPROVED:



Donald Brocha, Mayor

ATTEST/AUTHENTICATED:

By: 

Sandra Steffler
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

Wayne Tanaka
City Attorney

FILED WITH THE CITY CLERK: 11.9.99
PASSED BY THE CITY COUNCIL: 11.8.99
PUBLISHED: 11.15.99
EFFECTIVE DATE: 11.20.99
ORDINANCE NO. 242