

**ORDINANCE NO. 397**

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 21.06 TECHNICAL TERMS AND LAND USE DEFINITIONS TO ADD DEFINITIONS OF FLOOR AREA RATIO, STRUCTURED PARKING, AND TRANSIT-ORIENTED HOUSING DEVELOPMENT, AND CHAPTER 21.12 DEVELOPMENT STANDARDS – DENSITY AND DIMENSIONS OF THE CITY OF WOODINVILLE ZONING CODE TO ALLOW TRANSIT-ORIENTED HOUSING DEVELOPMENTS COMPLYING WITH THE CRITERIA IN WMC 21.38.090 IN CENTRAL BUSINESS DISTRICT ZONE TO USE FLOOR AREA RATIO INSTEAD OF DWELLING UNITS PER ACRE TO CALCULATE TOTAL NUMBER OF DWELLINGS ALLOWED AND PERMITTING A MAXIMUM HEIGHT OF 45 FEET FOR DEVELOPMENTS PROVIDING STRUCTURED PARKING IN THE CENTRAL BUSINESS DISTRICT ZONE; ADDING A NEW SECTION 21.38.090, SPECIAL OVERLAY DISTRICT – TRANSIT-ORIENTED HOUSING DEVELOPMENT OVERLAY IN CHAPTER 21.38 PROPERTY-SPECIFIC DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE; OF THE WOODINVILLE MUNICIPAL CODE.**

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its comprehensive plan;

WHEREAS, RCW 36.70A.130(4) requires that the City of Woodinville, a “fully planning” city within King County shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws;

WHEREAS, updates can be done on a continuing basis, but must be done in a deliberate manner every seven years according to a schedule established by RCW 36.70A.130(4);

WHEREAS, the Woodinville City Council adopted Ordinance No. 157, adopting the City's GMA Comprehensive Plan on June 24, 1996;

WHEREAS, the Woodinville City Council adopted Ordinance No. 175, adopting a Zoning Code and Map;

WHEREAS, the Woodinville City Council has determined that certain amendments are necessary to keep the Development Code and Zoning Code updated and to accommodate the needs of its citizens;

WHEREAS, the Woodinville City Council has reviewed the amendments contained in Ordinance No. 397 and Attachment A and finds that these amendments meet the required criteria in WMC 21.46.030;

WHEREAS, public hearings were held by the City of Woodinville Planning Commission on April 6, 2005;

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

WHEREAS, development of a transit-oriented housing development at the Woodinville Park & Ride in Downtown Woodinville will help the City attain its affordable housing goals, provide work force housing opportunities, preserve transit parking, provide a key grid-road in the Downtown area, and provide the basis for future transit service upgrades in Woodinville; and,

WHEREAS, additional public input was solicited on the transit-oriented housing development and associated code amendments at a public open house held on June 7, 2005.

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

**Section 1. Findings.** The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

**FACTS & FINDINGS:**

1. Sound Transit submitted an application for the two TOHD-related zoning code amendments (ZCA 2005-008) relating to use of floor-to-lot area ratio, rather than dwelling units per acre, for transit-oriented development in the CBD zone, and allowing a 45 foot height bonus for use of structured parking instead of underground parking.
2. ZCA 2005-008 was submitted to the Washington State Department of Community Trade & Economic Development (CTED) as part of the Expedited Docket of Code

Amendments on February 3, 2005 for 60-day review. No comments have been received.

3. SEPA was completed on ZCA 2005-008 with a Determination of Non-significance filed on March 14, 2005 (SEP2005-009). No comments or appeals were received prior to the deadline of 5:00 pm on March 29, 2005.
4. The Planning Commission reviewed a list of expedited docket items and a proposed schedule for an expedited docket of code amendments at its February 16, 2005 meeting.
5. The Planning Commission reviewed the proposed zoning code amendment at a study session at its regular meeting on March 2, 2005.
6. The Planning Commission set April 6, 2005 as the date for the Expedited Docket public hearing.
7. Woodinville Municipal Code, section 17.07.030, requires the Planning Commission to hold a public hearing for all proposed zoning code and development regulation amendments. The Planning Commission held a public hearing for the proposed 2005 Expedited Docket on April 6, 2005.
8. The Planning Commission deliberated on the TOHD-related code amendments on April 6, 2005 and April 20, 2005.
9. At the April 18, 2005 City Council study session, the City Council asked staff to provide an additional public comment opportunity for the Transit-Oriented Housing Development and its associated code amendments.
10. A public open house for the Transit-Oriented Housing Development (otherwise known as Park & Ride Enhancement Project) was held at Woodinville City Council Chambers from 6:00 – 8:00 pm on June 7, 2005.
11. The Planning Commission held final deliberations on TOHD-related zoning code amendments at the June 15, 2005 Planning Commission meeting and recommended approval of the amendments.
12. The City Council held first reading of Ordinance No. 397 on June 20, 2005.
13. The proposed zoning code amendments are consistent with the purposes of the Comprehensive Plan.
14. The proposed zoning code amendments are consistent with the purposes of Title 21 as shown in WMC 21.02.030.
15. The benefit to the public health, safety and welfare is sufficient to warrant the proposed zoning code amendments.

**Section 2. Amendment to Chapter 21.06 Technical Terms and Land Use Definitions to add a new section defining Floor Area Ratio.** A new subsection, designated WMC 21.06.262 is hereby added to the Technical Terms and Land Use Definitions Regulations Chapter of the City of the Woodinville Zoning Code to read as set forth below. New text is shown by underline.

**21.06.262** **Floor Area Ratio (FAR):** Floor Area Ratio: The floor area intended for human occupation, exclusive of vehicle parking areas and mechanical areas, divided by the net developable lot area of the development site.

**Section 3. Amendment to Chapter 21.06 Technical Terms and Land Use Definitions to add a new section defining Structured Parking.** A new subsection, designated WMC 21.06.441 is hereby added to the Technical Terms and Land Use Definitions Regulations Chapter of the City of the Woodinville Zoning Code to read as set forth below. New text is shown by underline.

**21.06.441** **Parking, Structured.** Parking, Structured: Any underground or above ground parking that is contained within a structure that also contains other levels of parking, and/or residential, and/or commercial use.

**Section 4. Amendment to Chapter 21.06 Technical Terms and Land Use Definitions to add a new section defining Structured Parking.** A new subsection, designated WMC 21.06.662 is hereby added to the Technical Terms and Land Use Definitions Regulations Chapter of the City of the Woodinville Zoning Code to read as set forth below. New text is shown by underline.

**21.06.662** **Transit-oriented housing development.** Transit-oriented housing development: A public or public/private land use development which (1) directly supports mass transit use through an on-site public park & ride at an existing public park & ride facility owned, leased, and/or operated by a public transit service provider, (2) facilitates pedestrian and bicycle access to the site through direct connections to non-motorized transportation network and surrounding pedestrian facilities, (3) contains both ownership and rental residential dwellings, (4) contains commercial uses, and (5) includes a portion of its dwelling units as below market rate housing.

**Section 5. Amendment to Chapter 21.12 Development Standards – Density and Dimensions, section WMC 21.12.040, Densities and Dimensions – Public and Commercial Zones and associated development conditions to allow use of Maximum Floor/Lot ratio as a means of calculating dwelling units for transit-oriented housing developments in the CBD zone and to allow a maximum height of 45 feet in the CBD zone for structured parking rather than underground parking.** Subsection 21.12.040, in Chapter 21.12, Development Standards – Density and Dimensions of the Woodinville Zoning Code is hereby amended to read as shown in Attachment A. New text is shown by underline deleted text is shown by ~~strikethrough~~.

**Section 6. Amendment to Chapter 21.12 Development Standards – Density and Dimensions, section WMC 21.12.070, Calculations – allowable dwelling units or floor area to cross-reference and allow use of maximum floor/lot ratio as a means of**

**calculating dwelling units for transit-oriented housing developments in the CBD zone.** WMC 21.12.070 to the Development Standards – Density and Dimensions Chapter of the City of the Woodinville Zoning Code is amended to read as set forth below. New text is shown by underline deleted text is shown by ~~strike through~~.

- 21.12.070 Calculations - Allowable dwelling units or floor area.** Permitted number of units or floor area shall be determined as follows:
- (1) Unless subject to WMC 21.12.040B(1), ~~the~~ maximum allowed number of dwelling units shall be computed by multiplying the site area (in acres) by the applicable residential density, subject to WMC 21.12.080;
  - (2) The allowed floor area which excludes structured or underground parking areas and mechanical equipment shall be computed by multiplying the project site area by the applicable floor/lot area ratio (FAR); and
  - (3) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
    - (a) Fractions of .50 or above shall be rounded up; and
    - (b) Fractions below .50 shall be rounded down.

**Section 7. Amendment to Chapter 21.38 Property-Specific Development Standards And Special District Overlays, adding a new section WMC 21.38.090, Special Overlay District – Transit-Oriented Housing Development Overlay that allows use of maximum floor/lot ratio as a means of calculating dwelling units for transit-oriented housing developments meeting certain criteria in the Central Business District zone.** A new subsection, designated WMC 21.38.090 is hereby added to the Property-Specific Development Standards And Special District Overlays Chapter of the City of the Woodinville Zoning Code to read as set forth below. New text is shown by underline.

- 21.38.090 Special Overlay District – Transit-Oriented Housing Development Overlay.**
- (1) Purpose. The purpose of the Transit-Oriented Housing Development Overlay is to encourage redevelopment of existing publicly-owned park & ride lots within the Central Business District zone as mixed-use developments consistent with the definition of transit-oriented housing development in WMC 21.06.662.
  - (2) The alternative development standards contained in WMC 21.38.090(3) may apply to any transit-oriented housing development which satisfies the following criteria:
    - (a) The proposed development is located within the Central Business District zone; and
    - (b) The proponent(s) of the proposed development have executed a development agreement with the City consistent with this chapter and Chapter 36.70B RCW which:
      - (i) Incorporates the Woodinville TOHD Community Guidelines adopted by the Woodinville City Council on January 3, 2005, including any amendments thereto;
      - (ii) Ensures the continued viability of the development site as a public transit center;
      - (iii) Adequately provides for on-site affordable housing;
      - (iv) Adequately provides for streets, roads, and sidewalks, including but not limited to applicable grid roads depicted on the Roadway Improvement Plan for the Downtown Area contained within the Transportation Chapter of the adopted Comprehensive Plan;

- (v) Involves appropriate connections with the City's non-motorized transportation network; and
- (vi) Adequately provides for publicly accessible on-site open space.
- (3) Alternative development standards. For any transit-oriented housing development satisfying the criteria contained in WMC 21.38.090(2), the calculation of permissible dwelling units may be based upon the Maximum Floor/Lot Ratio (FAR) with a base minimum of 2.0 and up to a maximum allowable of 2.5 rather than the otherwise applicable dwelling units per acre standard.

**Section 8. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

**Section 9. Copy to CTED.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

**Section 10. Effective Date.** The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 11TH DAY OF JULY 2005.

APPROVED:



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DON BROCHA, MAYOR

ATTEST/AUTHENTICATED:



\_\_\_\_\_  
SANDRA PARKER  
CITY CLERK/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: 

PASSED BY THE CITY COUNCIL: 7-11-2005  
PUBLISHED: 7-18-2005  
EFFECTIVE DATE: 7-23-2005  
ORDINANCE NO. 397

**21.12.040 A. Densities and Dimensions – Public and Commercial/Industrial Zones**

Z O N E S	PUBLIC	COMMERCIAL/INDUSTRIAL					
	PUBLIC/ INSTITUTIONAL	NEIGHBOR HOOD BUSINESS	TOURIST BUSINESS	GENERAL BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL
<b>STANDARDS</b>	<b>P/I</b>	<b>NB</b>	<b>TB</b>	<b>GB</b>	<b>CBD</b>	<b>O</b>	<b>I</b>
Base Density: Dwelling Unit/Acre			12 du/ac		36 du/ac	36 du/ac	
Maximum Density: Dwelling Unit/Acre					48 du/ac (1)(3)	48 du/ac (3)	
Minimum Street Setback (17)	10 ft	10 ft (5) 20 ft. (11)	10 ft (2) (5) (14)	10 ft (5) 25 ft (15)	10 ft (10) (5)	10 ft	25 ft 10 ft (9) (14) (15)
Minimum Interior Setback (13)	20 ft (7) (16)	10 ft.	20 ft (7) (14)	25 ft (7) (15)	20 ft (7)	20 ft (7)	20 ft (7) (14) (15) 50 ft (8) (14)
Base Height (10)	45 ft (4)	35 ft	35 ft (14)	35 ft	35 ft (6) (12)	45 ft (4)	45 ft (14)
Maximum Floor/Lot Ratio: Square Feet	4/1	1/1	1/1	2/1	2.5/1	4/1	3/1
Maximum Impervious Surface: Percentage	85%	75%	85% (14)	85%	90%	75%	90% (14)
Maximum Building Sq. Footage		10,000					

**21.12.040 B. Development Conditions.**

- (1) ~~Reserved.~~ A transit-oriented housing development, as defined in WMC 21.06.662, and meeting the criteria contained in WMC 21.38.090(2) may use alternative development standards in WMC 21.38.090(3) as a method of calculating allowable dwelling units.
- (2) Ten-foot setback may not be required on those sites abutting a designated pedestrian-oriented street pursuant to City of Woodinville Design Guidelines, or as may hereafter be amended.
- (3) Unless subject to WMC 21.12.040B(1), these densities may only be achieved through the application of residential density incentives or transfer of density credits, see Chapters 21.34 and 21.36 WMC.
- (4) Height is limited to 35 feet when development abuts a Low or Moderate Residential zoned property.

## ATTACHMENT A

- (5) Gas station pump islands shall be placed no closer than 25 feet to street front lines.
- (6) Mixed use developments that include a minimum of 25 percent of the total area as office space may increase height limits to a maximum of 45 feet.
- (7) Twenty-foot setback only required along property lines adjoining residential zones, otherwise no specific interior setback requirement.
- (8) Fifty-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-foot setback permitted only on those sites not abutting a designated arterial street.
- (10) Height limits may be increased when portions of the structure or building which exceed the base height limit provide one 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 45 feet.
- (11) Twenty-foot setback required only along property lines adjoining the Woodinville-Duvall Road right-of-way.
- (12) Developments that provide ~~underground~~ structured parking for all required on-site parking, may exceed the height limit by one story for every level of parking provided, to a maximum of 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-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-foot setback required along property lines abutting agriculturally zoned parcels.
- (17) Does not apply to signage. For applicable sign setbacks, see Chapter 21.20 WMC.