

ORDINANCE NO. 426

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON

1. AMENDING TITLE 17 – PERMIT PROCESSING TO CLARIFY WORDING AND TO ALLOW A NOTICE OF APPLICATION TO BE PROCESSED CONCURRENTLY WITH A SEPA DETERMINATION; CHAPTER 21.04, WMC, ZONES, MAPS AND DESIGNATION TO DELETE REFERENCE TO WHOLESALE IN THE CENTRAL BUSINESS DISTRICT ZONE PURPOSE STATEMENT;
2. AMENDING CHAPTER 21.06 WMC, TO CLARIFY DEFINITION FOR CIVIC CENTER AND ADD A DEFINITION FOR POLITICAL SIGN;
3. AMENDING CHAPTER 21.08 WMC, PERMITTED USES TO PROVIDE CORRECT NAICS DESIGNATION AND CROSS-REFERENCES AND DELETE REFERENCE TO WHOLESALE IN RETAIL SECTION TITLE;
4. AMENDING CHAPTER 21.08 WMC, PERMITTED USES TO ALLOW DANCE STUDIOS AS A CONDITIONAL USE IN THE INDUSTRIAL ZONE SUBJECT TO SPECIFIC DEVELOPMENT CONDITIONS AND ALLOW DRIVE-THROUGH KIOSKS IN THE TOURIST BUSINESS ZONE AND NEIGHBORHOOD BUSINESS ZONE SUBJECT TO SPECIFIC LIMITATIONS;
5. AMENDING CHAPTER 21.12 WMC, DEVELOPMENT CONDITIONS – DENSITY AND DIMENSIONS TO ADD CROSS-REFERENCE TO THE R-48/OFFICE SPECIAL DISTRICT OVERLAY STANDARDS AND DELETE CONFLICT WITH ALLOWED DENSITY CREDIT FOR STREAMS AND WETLANDS;
6. AMENDING CHAPTER 21.14 WMC, DEVELOPMENT STANDARDS DESIGN REQUIREMENTS DELETING REQUIREMENT FOR ON-SITE RECREATION SPACE AND PLAY AREAS;

7. AMENDING CHAPTER 21.18 WMC, DEVELOPMENT STANDARDS – PARKING AND CIRCULATION TO PROVIDE A WAIVER FOR PAVING A RESIDENTIAL DRIVEWAY OVER 20 FEET IN LENGTH;
8. AMENDING CHAPTER 21.24 WMC DEVELOPMENT STANDARDS – CRITICAL AREAS TO CLARIFY WETLANDS SHALL NOT BE FILLED TO CREATE WETLAND BUFFERS, OFF-SITE BUFFERS, AND OFF-SITE WETLAND MITIGATION LOCATIONS ARE SUBJECT TO PLANNING DIRECTOR'S APPROVAL AND TO ESTABLISH THAT STREAMS OF ALL TYPES MAY BE RELOCATED SUBJECT TO SPECIFIC LIMITATIONS;
9. AMENDING CHAPTER 21.32 WMC, GENERAL PROVISIONS-NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES TO REMOVE REDUNDANCY AND PROVIDE CROSS-REFERENCES FOR RE-ESTABLISHING A NON-CONFORMANCE;
10. PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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; and

WHEREAS, RCW 36.70A.130(1) 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; and

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; and

WHEREAS, the Woodinville City Council has reviewed the amendments contained in this ordinance and finds that these amendments meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, public hearings were held by the City of Woodinville Planning Commission on June 21, 2006 and July 19, 2006; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES 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.

1. Ordinance No. 426 implements a portion of the 2006 Annual Docket. The 2006 Annual Docket Applications were organized into two broad categories: Comprehensive Plan Amendments and Development Code Amendments. This ordinance applies only to the Development Code Amendments and not to the Comprehensive Plan Amendments.
2. City of Woodinville Municipal Code (WMC) Chapter 17 requires the Planning Commission to hold a public hearing on the amendments and forwarded a recommendation to the City Council.
3. The amendments to the text of the Zoning Code are consistent with the requirements of WMC 21.46.030. Analysis of the proposed amendments and decision criteria is contained in Attachment D, which is herein incorporated by reference.
4. The City SEPA Official reviewed the 2006 Annual Docket amendments for environmental impacts under SEPA (RCW 43.21C), and issued a Determination of Non-Significance on May 1, 2006 for SEP2006-022; SEP2006-024; SEP2006-026; SEP2006-032; SEP2006-034; SEP2006-035; and SEP2006-037. The appeal period ended on May 11, 2006. No comments or appeals were received.
5. The Planning Commission reviewed components of the 2006 Annual Docket during its May 17 and June 7, 2006 public meetings.
6. To encourage public involvement, the City published notice and held two public open house meetings on June 21, 2006 and July 19, 2006 to receive public comment on the 2006 Annual Docket.
7. The Planning Commission held a public hearing for the 2006 Annual Docket on Wednesday, July 19, 2006.
8. The Planning Commission deliberated and produced recommendations on the entire 2006 Annual Docket except the Sustainable Development and Capital Facilities/CIP proposed amendments during the July 19, 2006, Planning Commission meeting. The Planning Commission intends to schedule public hearings for the two remaining Docket items as work is completed on each.

9. At an August 21, 2006 study session, the City Council considered the Planning Commission's recommendation concerning the 2006 Annual Docket specifically including the information in Ordinance No. 426.
10. The City Council held First Reading of Ordinance No. 426 on September 11, 2006.
11. Ordinance No. 426 has been revised for Second Reading to include only the 2006 Annual Docket related to some Development Code Amendments in order to accommodate a once-per-year adoption of all Comprehensive Plan Amendments.
12. The City Council held Second Reading and Adoption of Ordinance No. 426 on October 16, 2006.
13. The Planning Commission's findings contained in their report to City Council dated August 7, 2006, as well as the October 16, 2006 staff report, are hereby adopted by reference in support of this Ordinance.

Section 2. Amendment to Section 17.09.040, Notice of Application, of the Woodinville Municipal Code is hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

17.09.040 Notice of application.

A notice of application shall be issued on all Type II, and III, ~~and~~-project permit applications in accordance with the provisions of WMC 17.11.010 and 17.11.020. To the extent consistent with Chapter 14.04 WMC and Chapter 197-11 WAC, a notice of application may be processed ~~immediately upon issuance of~~ concurrently with a SEPA Determination of Non Significance (DNS) where the Optional DNS process pursuant to WAC 197-11-355 is utilized. (Ord. 143 § 1, 1996)

Section 3. Amendment to Subsection 21.04.110(1), Central Business District zone, of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.04.110 Central Business District zone.

- (1) The purpose of the Central Business District (CBD) zone 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.

Section 4. Amendment to Chapter 21.06, Technical Terms and Land Use Definitions of the Woodinville Municipal Code regarding the definition of Civic Center and to add a new definition for Political Sign. Section 21.06.102 is hereby amended, and new Section 21.06.589, is hereby adopted to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 5. Amendment to Section 21.08, Permitted Uses, of the Woodinville Municipal Code is hereby amended as set forth below. Deleted text is shown by ~~strikethrough~~.

CHAPTER 21.08 PERMITTED USES

SECTIONS:

- 21.08.010 Establishment of uses.
- 21.08.020 Interpretation of land use tables.
- 21.08.030 Residential land uses.
- 21.08.040 Recreation/Cultural land uses.
- 21.08.050 General Services land uses.
- 21.08.055 Institutional land uses.
- 21.08.060 Business Service land uses.
- 21.08.070 Retail/~~Wholesale~~ land uses.
- 21.08.080 Manufacturing land uses.
- 21.08.090 Resource land uses.
- 21.08.100 Regional land uses.

Section 6. Amendment to Section 21.08.050, General Services Land Use, of the Woodinville Municipal Code regarding Nursing & Personnel Care facilities, School District Support Facilities, Special Instruction School and Gymnastic Schools and to add a new development condition limiting Specialized Instruction School in the Industrial Zone to dance instruction is hereby amended to read as set forth in Attachment B, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 7. Amendment to Section 21.08.060 A, Business Services Land Use, of the Woodinville Municipal Code regarding General Business Service is hereby amended to read as set forth in Attachment C, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 8. Amendment to Sections 21.08.060 B (3) & (25), Development Conditions, of the Woodinville Municipal Code are hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.08.060 B DEVELOPMENT CONDITIONS

- (3) Only as a government, public agency, community service, or nonprofit use, or as an accessory to a permitted use
- (25) ~~(Reserved). Limited to private road ambulance services with no outside storage of vehicles.~~

Section 9. Amendment to Section 21.08.070B(16), Development Conditions, of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline.

21.08.070 B DEVELOPMENT CONDITIONS

- (16) No drive-through window restaurants, except drive-through kiosks with a footprint of less than 200 square feet that serve beverages and pre-prepared, pre-packaged food items to be consumed off-site.

Section 10. Amendment to Section 21.12.030A Densities and Dimensions – Residential Zones of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline.

21.12.030 A. Densities and Dimensions - Residential Zones

STANDARDS	RESIDENTIAL							
	URBAN RESIDENTIAL							
	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	1 du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre	2 du/ac (4)	5 du/ac (1)	7 du/ac (1)	12 du/ac (6)	18 du/ac (6)	27 du/ac (6)	36 du/ac (6)	72 du/ac (6)
Minimum Density: % of Base Density (2)		75%	75%	85%	80%	75%	70%	65%
Minimum Lot Width: (3)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8) (17)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)	10 ft (7)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10) (17)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft (17)	45 ft	45 ft	45 ft (18)
Maximum Building Coverage: Percentage (5) (16)	15% (11) (14)	35%	50%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (5) (16)	20% (15)	45%	70%	75%	85% (17)	85%	85%	90% (18)

Section 11. Amendment to Section 21.12.030B Development Conditions of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline.

- 21.12.030 B. Development Conditions.**
- (1) Maximum density may only be achieved through transfer of density credits (WMC 21.36).
 - (2) Also see WMC 21.12.060.
 - (3) These standards may be modified under the provisions for zero-lot-line and townhome developments.
 - (4) Only as a duplex.
 - (5) Applies to each individual lot. Building coverage and impervious surface area standards for:
 - (a) Regional uses shall be established at the time of permit review, or
 - (b) Nonresidential uses in residential zones shall comply with WMC 21.12.210.
 - (6) Maximum density may be achieved only through the application of residential density incentives or transfers of density credits.
 - (7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
 - (8) At least twenty linear feet of driveway shall be provided between any garage, carport, or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line or pedestrian walkway, sidewalk, or easement access road(s), whichever is closest to the garage, carport or fenced parking area.
 - (9) (Reserved).
 - (10) For townhomes or apartment development, the setback shall be the greater of:
 - (a) Twenty (20) feet along any property line abutting R-4 through R-8 zones, or
 - (b) The average setback of the R-4 through R-8 zoned single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed sixty (60) feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per WMC 21.12.160 and accessory structures existing at the time the townhome or apartment development receives Conditional Use Permit approval by the City.
 - (c) See also landscaping requirements under WMC 21.16.060(2).
 - (11) On any lot over one (1) acre in area, an additional five (5) percent may be used for buildings related to agricultural or forestry practices.
 - (12) (Reserved).
 - (13) (Reserved).
 - (14) Maximum Building Coverage Percentage

Lot Size	Max. Percentage Allowed
<15,000 SF	35% (Permitted for R-4 zone)
15,000 to 25,000 SF	28%
25,000 to 35,000 SF	22%
Over 35,000 SF	15%

(15) Maximum Impervious Surface Percentage

Lot Size	Max. Percentage Allowed
<15,000 SF	45% (Permitted in R-4 zone)
15,000 to 25,000 SF	37%
25,000 to 35,000 SF	28%
Over 35,000 SF	20%

- (16) New Mobile home parks are exempt from this requirement.
 (17) If located in the Tourist District, see WMC 21.38.065.
 (18) If located in the R48/O, see WMC 21.38.030 (5)

Section 12. Amendment to Section 21.12.080, Calculations – site area used for density calculations of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

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 critical 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 critical sensitive area according to the following table:

Density Credit Table

Percentage of site in <u>steep slope/landslide sensitive area and/or required buffer</u>	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.)].~~

Section 13. Amendment to Section 21.14.180, On site recreation – space required and Subsection 21.14.190, of the Woodinville Municipal Code are hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.14.180 On-site recreation – space required. (Reserved)

~~(1) Except when fees in lieu of commonly owned recreation space are provided pursuant to WMC 21.14.210 through 21.14.240, development shall provide recreation space as follows:~~

- ~~(a) Residential subdivision and townhome developed at a density of eight (8) units or less per acre 390 square feet per unit;~~
- ~~(b) Mobile home park 260 square feet per unit; and~~
- ~~(c) Residential development at a density of greater than eight (8) units per acre, and mixed use:

 - ~~(i) Studio and one (1) bedroom ninety (90) square feet per unit;~~
 - ~~(ii) Two (2) bedroom 130 square feet per unit; and~~
 - ~~(iii) Three (3) or more bedroom 170 square feet per unit;~~~~
- ~~(d) New office and industrial development greater than 10,000 square feet of building area is encouraged to provide on-site recreation space for employees at a rate of 100 square feet of recreation space per 1,000 square feet of building to a maximum of one (1) acre.

 - ~~(i) Recreation spaces shall have trails, picnic tables, waterfalls, landscaping, courts, open grass areas, or amenities as approved by the Planning Director.~~
 - ~~(ii) Recreation spaces may include storm water facilities to the extent that only fifty (50) percent of the space may be used for the storm water facility and fences are not required around the facility.~~
 - ~~(iii) All recreation spaces that are not trails, water, or courts shall be landscaped.~~
 - ~~(iv) Recreation spaces may be located within required setbacks, provided that no structures are constructed within the setback.~~~~

- ~~(v) Recreation spaces may be combined with areas used to meet landscape requirements of WMC 21.16, provided that a combination acceptable to the Planning Director is proposed.~~
- ~~(2) Any recreation space located outdoors shall:~~
 - ~~(a) Be of a grade and surface suitable for recreation;~~
 - ~~(b) Be on the site of the proposed development;~~
 - ~~(c) In residential developments, contain at least 5,000 square feet in area, provided that when more than one recreation space is proposed, only one of the proposed recreation spaces is required to meet the area requirement;~~
 - ~~(d) In residential developments, have no dimensions less than thirty (30) feet (except trail segments);~~
 - ~~(e) In single detached or townhome subdivision development, have a street roadway or parking area frontage along ten (10) to fifty (50) percent of the recreation space perimeter (except trail segments);~~
 - ~~(f) In residential developments, be centrally located and accessible and convenient to all residents within the development; and~~
 - ~~(g) Be connected by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.~~
- ~~(3) Indoor recreation areas may be credited towards the total recreation space requirement, when the Planning Director determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.~~

21.14.190 On-site recreation play areas required. (Reserved)

- ~~(1) All apartment, townhome, and mixed use development, excluding senior citizen apartments which may provide child areas, shall provide tot/children play areas within the recreation space on site.~~
- ~~(2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:~~
 - ~~(a) At least 400 square feet in size with no dimension less than twenty (20) feet; and~~
 - ~~(b) Adjacent to main pedestrian paths or near building entrances.~~
 - ~~(c) Visual access from adjacent residential structures is provided.~~

Section 14. Amendment to Section 21.18.110(10), Off-street parking plan design standards of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.18.110 Off-street parking plan design standards

- ~~(10) Driveways, access roads and access easements providing Direct access from the street right-of-way to garages and off-street parking areas shall be subject to the requirements of WMC 21.28.120. The Planning Director shall~~

have the authority to waive the requirement for paving the entire length of a driveway greater than 20 feet in length accessing a single-family residence.

Section 15. Amendment to Section 21.24.330(2), Wetlands: development standards of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.24.330 Wetlands: development standards.

- (2) Buffer width averaging may be allowed by the Planning Director in accordance with an approved critical area report and the best available science on a case-by case basis. Averaging of buffer widths may only be allowed where a qualified professional biologist demonstrates that compliance with the following provisions:
- (a) Additional protection to the wetland will be provided through implementation of a buffer enhancement plan;
 - (b) It will not reduce wetland functions or values;
 - (c) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
 - (d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 - (e) The buffer width is not reduced by more than twenty percent (20%) of the standard width or fifty (50) feet, whichever is greater.
 - (f) Buffer averaging is allowed as an alternative to buffer reduction with enhancement. Only one method shall be implemented.
 - (g) When wetland standard buffers are reduced for mitigation purposes, wetland areas shall not to be filled to create wetland buffers.

Section 16. Amendment to Section 21.24.350(5), Wetlands: mitigation requirements of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline.

21.24.350 Wetlands: mitigation requirements.

- (5) Type and location of mitigation. Mitigation actions shall be conducted within the same sub-drainage basin and on the same site as the alteration except when the all of the following apply:
- (a) There are no reasonable on-site or in subdrainage basin opportunities or on-site and in subdrainage basin opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
 - (b) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - (c) Off-site locations shall be in the same sub-drainage basin and the same Water Resource Inventory Area (WRIA) unless established regional or watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site.

- (d) The off-site location is approved by the Planning Director. The Planning Director shall approve or deny the off-site location based on written findings and recommendation by a qualified professional wetland biologist.

Section 17. Amendment to Section 21.24.390(7), Streams: permitted alterations of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.24.390 Streams: permitted alterations.

- (7) Stream relocations may be allowed ~~for~~subject to the following limitations:
- (a) All stream types as part of a public road project for which a public agency and utility exception is granted pursuant to WMC 21.24.060; and
 - (b) All stream types 3 or 4 streams for the purpose of enhancing or restoring resources in the stream if:
 - (i) Appropriate floodplain protection measures are used; and
 - (ii) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;
 - (iii) A scientific study shows that the relocation is beneficial to fish and wildlife habitat.
 - (c) Relocations are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids.
 - (d) Streams shall not be relocated solely for development purposes.

Section 18. Amendment to Section 21.32.030, Nonconformance – determining status of the Woodinville Municipal Code is hereby amended as set forth below. Deleted text is shown by ~~strikethrough~~.

21.32.030 Nonconformance - determining status.

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

Section 19. Amendment to Section 21.32.060, Nonconformance – re-establishment of a discontinued nonconformance of the Woodinville Municipal

Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

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

Section 20. Amendment to Section 21.38.060(1), Special district overlay – office/research park development of the Woodinville Municipal Code is hereby amended as set forth below. Deleted text is shown by ~~strikethrough~~.

- 21.38.060 Special district overlay - office/research park development.**
- (1) The purpose of the office/research park special district overlay is to establish an area for development to occur in a campus setting with integrated building designs, flexible grouping of commercial and industrial uses, generous landscaping and buffering treatment, and coordinated auto and pedestrian circulation plans. Office/research park districts shall only be established in areas zoned ~~CBD~~, GB, O, or I zones. Permitted uses shall include all uses permitted in the ~~CBD~~, GB, O, and I zones, as set forth in WMC 21.08, regardless of the classification used as the underlying zone on a particular parcel of land.

Section 21. 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.

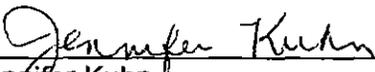
Section 22. Copy to CTED. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 23. 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 16th DAY
OF OCTOBER 2006.


Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 10-16-2006
PUBLISHED: 10-23-2006
EFFECTIVE DATE: 10-28-2006
ORDINANCE NO. 426

Amendment to Chapter 21.06, Technical Terms and Land Use Definitions of the Woodinville Municipal Code regarding the definition of Civic Center and to add a new definition for Political Sign.

Amended Definition:

21.06.100 Civic Center. Civic Center: A building or group of buildings containing administrative offices for the operations of local government that is: (1) owned and operated by the City of Woodinville and (2) ~~that is~~ used predominantly for office and meeting space for local government and/or for community activities.

New Definition:

21.06.589 Sign, political. Sign, political: a sign which solely and exclusively advertises a candidate, an elective or appointive office, a political party, or promotes a position on a public, social or ballot issue.

<p align="center">WMC 21.08.050</p> <p align="center">A.</p> <p align="center">GENERAL SERVICES LAND USE</p> <p>KEY</p> <p>P – PERMITTED USE C – CONDITIONAL USE S – SPECIAL USE</p>		Z O N E										
		Residential				Commercial/Industrial/Public						
		L o w	M o d e r a t e	M e d i u m	H i g h	N e i g h b o r h o o d	T o u r i s t B u s i n e s s	G e n e r a l B u s i n e s s	C e n t r a l B u s i n e s s	O f f i c e	I n d u s t r i a l	P u b l i c
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
	Personal Services:											
8121	General Personal Service					P	P		P	P3 23		P18
81232	Dry-cleaning & Laundry Services										P	
812332	Industrial Launderers										P	
81221	Funeral Home/Crematory	C4	C4	C4	C4			P	P			
81222	Cemetery, Columbarium	P26, C5	P26, C5	P26 C5	P26 C5			P26 C5	P26 C5			
*	Day care I	P6	P6	P6	P6	P		P	P	P7 23	P7	P18
*	Day care II	P8	P8	P8	P8	P		P	P		P7	P18
*	Veterinary Clinic	P9, C10				P10		P10	P10		P	
81111- 81112	Automotive repair (1)					P11		P	P		P	P
81119	Automotive service					P11	P11	P	P		P	
8112	Miscellaneous repair							P	P		P	
6241- 6243	Social Services	P12, C13	P12 C13	P12 C13	P12 C13	P13			P	P23		P
*	Stable	P14, C										
*	Kennel or Cattery	C						P	P27			
	Health Services:											
6211- 6214	Office/Outpatient Clinic	P12, 30 C13, 30	P12 30, C13 30	P12 30, C13 30	P12 30 C13 30	P			P30	P30		P18 30
6231- 6232	Nursing and Personal Care Facilities					C30			P30			P18 30
62211	Hospital								P30			P18 30
6215 339116	Medical / Dental Lab								P30		P30	P18 30
62199	Miscellaneous Health									P3 30		P18 30
	Education Services:											
61111	Elementary or Middle/Junior High School	P16, 30 C30	P16 30 C15, 30	P16 30 C30	P16 30 C30				C30	C30 31		P30

61111	Secondary or High School	P16 30 C30	P16 30 C15 30	P16 30 C30	P16 30 C30				P30			P30
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
61151*	Vocational School							P30	P30	P17 20 23	P30	P30
*	Specialized Instruction School	P19, 30 C20, 30	P19, 30 C20 30	P19 30 C20 30	P19, 30 C20 30	P			P30		<u>C32</u>	P21 30
*	Preschool	C28, 30	C28 30	C28 30	C28 30	P			P30			P21 30
*	School District Support Facility	C25 30	C25 30	C25 30 C30	C25 30 C30			P30	P30		P30	P30
71394 611620	Gymnastic Schools								P29 30		P C 29 30	
GENERAL CROSS REFERENCES:						R-48/O Regulations, see WMC 21.38.030						
Land Use Table Instructions, see WMC 21.08.020 and 21.02.070						(*) Definition of the specific Land Use, see WMC 21.06						
Development Standards see WMC 21.12. through 21.30						Tourist District Regulations, see WMC 21.38.065						
General Provisions see WMC 21.32. through 21.38						Application and Review Procedures, see WMC 21.40 through 21.44						

21.08.050 B DEVELOPMENT CONDITIONS

- (1) Except NAICS Industry No. 326212-Tire Retreading, see manufacturing permitted use table.
- (2) Except NAICS Industry Group Nos.:
 - (a) 62441-Day Care Services; and
 - (b) 62321-Residential Care, which is otherwise provided for on the residential permitted land use table.
- (3) Permitted only on sites with a High Density Residential (R-48)/Office zone designation and limited to NAICS Industry Group and Industry Nos.:
 - (a) 81211-Beauty Shops,
 - (b) 81211-Barber Shops, and
 - (c) 81232-Garment Pressing and Agents for Laundries and Dry cleaners.
- (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 is 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) Limited to projects which do not require or result in an expansion of the sewer local service area (LSA), unless a finding is made that no cost effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school may be used.
- (16) Only as a re-use of a public school facility subject to the provisions of WMC 21.32. An expansion of such school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of the sewer local service area (LSA), unless a finding is made that no cost effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school may be used.
- (17) All instruction must be within an enclosed structure.
- (18) Only as an accessory to a hospital or other permitted institutional use.
- (19) Only as an accessory to residential use, provided:
 - (a) Students are limited to twelve per one-hour session;
 - (b) All instruction must be within an enclosed structure; and
 - (c) Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining residential zones.
- (20) Only as an accessory to residential use, provided:
 - (a) Accessory structures used for school shall maintain a minimum distance of twenty five feet from property lines adjoining residential zones; and
 - (b) Only lots over 2.5 acres:
 - (i) Retail sales of items related to the instructional courses are permitted,

- provided total floor area for retail sales is limited to 2,000 square feet; and
- (ii) Sales of food prepared in the instructional courses are permitted, provided total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school.
- (21) Limited to publicly owned facilities.
- (22) Only as an accessory use to on-site medical offices.
- (23) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
- (24) (Reserved).
- (25) Only when adjacent to an existing or proposed school.
- (26) Limited to columbarium's 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) Operation limited to the hours between 8:30 a.m. and 3:30 p.m., Monday through Friday.
- (29) Gymnastics schools are allowed, subject to the following conditions:
- (a) A gymnastic school shall be a member in good standing of the United States Gymnastics Federation.
- (b) A gymnastic school shall demonstrate conformance to guidelines of the United States Gymnastics Federation for equipment used for gymnastics instruction.
- (c) A safe student "pick-up/drop-off" area that does not interfere with local traffic shall be provided.
- (d) Retail sales at a gymnastic school shall be limited to gymnastic-related items, and the retail sales area shall not exceed 500 square feet.
- (30) If use abuts an agriculturally zoned property, the following conditions apply:
- (a) Buildings and parking areas must be set back 50 feet from the property line abutting a agriculturally zoned parcel;
- (b) 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.
- (31) Elementary/Junior High Schools are allowed in Office Zones that are adjacent to the Urban Growth Area Boundary.
- (32) Limited to dance instruction and subject to the following conditions:
- (a) Pedestrian walkways shall be clearly marked.
- (b) 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 International Building Code) shall not be located in any spaces adjacent to the dance instruction facility; or, the facility shall be located in a single occupancy building.
- (c) Retail sales shall be limited to dance-related items, and the total retail sales area shall not exceed 500 square feet.
- (d) On site food preparation is prohibited.
- (e) A safe pedestrian "pick-up/drop-off" area that does not interfere with local traffic shall be provided.

<p>WMC 21.08.060</p> <p>A.</p> <p>BUSINESS SERVICES LAND USE</p> <p>KEY</p> <p>P - PERMITTED USE</p> <p>C - CONDITIONAL USE</p> <p>S - SPECIAL USE</p>		Z O N E										
		Residential				Commercial/Industrial/Public						
		L o w	M o d e r a t e	M e d i u m	H i g h	N e i g h b o r h o o d	T o u r i s t B u s i n e s s	G e n e r a l B u s i n e s s	C e n t r a l B u s i n e s s	O f f i c e	I n d u s t r i a l	P u b l i c
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
233-235	Construction and Trade							P	P9	P10 7	P	
*	Individual Transportation & Taxi							P	P			
4841-2 492	Trucking and Courier Service							P	P12	P13 7	P	
493	Warehousing, (I) and Wholesale Trade										P	
53113 *	Self-Service Storage			C14	C14			P	P	P7 11	P	
49313, 49312	Farm Product Warehousing, Refrigeration and Storage										P	
*	Log Storage										P	
4882, 48849, 488991	Transportation Service							P			P	
48851	Freight and Cargo Service							P		P10 7	P	
5615	Passenger Transportation Service							P	P	P7		
51322	Communication Offices							P	P	P7	P	
5133	Telegraph and other Communications							P	P	P7	P	
*	General Business Service					P8	P	P16	P	P	P16	
*	Professional Office					P	P26 27	P16	P	P	P16	P3
54185	Outdoor Advertising Service							P	P	P17 7	P	
323114 561439	Photocopying and duplicating Service						P					
53212 5322-4	Miscellaneous Equipment Rental							P	P		P	P4
53211	Automotive Rental and Leasing							P	P			
81293	Automotive Parking	P19	P19	P19	P19			P	P		P	P5

Attachment C to Ordinance No. 426

711211 7113 - 4	Professional Sport Teams/Promoters							P	P7			
5417	Research, Development and Testing							P2	P2		P2	P6
* 8113	Heavy Equipment and Truck Repair							P			P	
*	Commercial/Industrial Accessory Uses		P22				P22		P	P7	P	
	Helistop					C23	C23	C24	C24	C23 7	C24	C24

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/O Regulations, see WMC 21.28.030
 (*) Definition of the specific Land Use, see WMC 21.06

2006 Annual Docket
CRITERIA FOR EVALUATING A PROPOSED ZONING CODE AMENDMENT

Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, amendments to the Zoning Code must be recommended by the Planning Commission to the City Council for adoption. The amendments must meet the criteria contained in WMC 21.46.030, as follows:

1. The (proposed) amendment is consistent with the purposes of the Comprehensive Plan.

The proposed Amendments correct errors and amend the land use development code and Zoning Code to further implement the Comprehensive Plan. Amendments include adding definitions and regulations to add clarity and ensure consistency in regulating land uses in accordance with the purposes of the Comprehensive Plan.

2. The (proposed) amendment is consistent with the purposes of this title (Zoning Code).

The amendments are consistent with the general purposes of the Zoning Code. The amendments will clarify code language and add definitions resulting in better land use decisions and more effective application of development regulations.

3. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendment).

The proposed amendments are expected to have positive impacts on public health, safety, and welfare.