

## ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON REVISING CHAPTER 21.06 WMC TO DEFINE THE TERMS "ANIMAL SHELTER" AND "EXOTIC ANIMAL"; REVISING WMC SECTION 21.08.050 TO INCLUDE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM NUMBER 812910, PET CARE SERVICES AS A CONDITIONAL USE IN THE LOW DENSITY RESIDENTIAL ZONES SUBJECT TO DEVELOPMENT CONDITIONS, AND AS A PERMITTED USE IN THE GENERAL BUSINESS, CENTRAL BUSINESS DISTRICT AND INDUSTRIAL ZONES, SUBJECT TO DEVELOPMENT CONDITIONS; AND TO REVISE THE LISTING FOR "VETERINARY CLINICS" TO LIST "VETERINARY SERVICES" UNDER NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM NUMBER 541940; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; REQUIRING A COPY BE PROVIDED TO THE DEPARTMENT OF COMMERCE; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

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**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(4) requires that the City of Woodinville, a "fully planning" city within King County shall update its 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 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 WMC 21.46.030; and

**WHEREAS**, a public hearing was held by the City of Woodinville Planning Commission on July 21, 2010; and

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

**WHEREAS**, adoption of this ordinance will promote the public health, safety, and general welfare within the City of Woodinville;

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

**Section 1. Chapter 21.06, Technical Terms and Land Use Definitions, of the Woodinville Municipal Code** is hereby amended by the changes made to subsections 21.06.032 through 21.06.041 and the addition of subsection 21.06.221 shown below. New text is shown by underline. Deletions are shown by strikethrough. All other provisions of chapter 21.06 shall remain unchanged and in full force and effect.

**21.06.032 Animal Shelter.** Animal Shelter: a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

**21.06.0323 Antenna.** Antenna: a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. For purposes of illustration, such antennas include, but are not limited to, the following:

- (1) Omni-directional (or “whip”) antennas, designed to transmit and/or receive signals in a 360-degree pattern;
- (2) Directional (or “panel”) antennas, designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;
- (3) Parabolic (or “dish”) antennas, generally bowl-shaped devices that are designed to transmit and/or receive signals in a specific directional pattern; and
- (4) Ancillary antennas that are not directly used to provide wireless communication services, such as a global positioning system (“GPS”) antenna.

**21.06.0334 Antenna array.** Antenna array: two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for personal wireless services purposes and may include omni-directional antennas, directional antennas, parabolic antennas, and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array.

**21.06.0345 Antenna support structure.** Antenna support structure: a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation for the purpose of providing personal wireless services. For purposes of illustration, antenna support structures include, but are not limited to, the following:

- (1) A “lattice tower” is a support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides;
- (2) A “monopole tower” is a support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation; and
- (3) A “guyed tower” is a support structure usually over 100 feet tall, which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

**21.06.0356 Antique shop.** Antique shop: an establishment engaged in the selling of used merchandise that is at least 100 years old excluding motor vehicles, motor vehicle parts, tires, recreational vehicles (RVs) and mobile homes.

**21.06.0367 Applicant.** Applicant: a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.

**21.06.0378 Auction house.** Auction house: an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

**21.06.0389 Auto parts yard.** Auto parts yard: a tract of land on which used, damaged or otherwise inoperable motor vehicles are stored and disassembled, the parts of which may be sold (wholesale or retail) on-site.

**21.06.03940 Base flood.** Base flood: a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Designation on FIRM maps always includes the letters A or V.

**21.06.0401 Base flood elevation.** Base flood elevation: the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

**21.06.221 Exotic Animal.** Exotic animal: any of the following -

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomesticated species of felines;
5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and
6. The order Crocodylia, including alligators, crocodiles, caimans and gavials.

**Section 2. Section 21.08.050, General Services Land Use, of the Woodinville Municipal Code** is hereby amended to read as set forth below. New text is shown by underline. Deletions of text are shown by strikethrough. All other provisions of this section shall remain unchanged and in full force and effect.

WMC 21.08.050  A.  GENERAL SERVICES LAND USE  <u>KEY</u> P – PERMITTED USE C – CONDITIONAL USE S – SPECIAL USE		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	I n s t i t u t i o n
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I	
	<b>Personal Services:</b>												
8121	General Personal Service					P20	P	<u>P</u>	P	P3 23		P18	
81232	Dry-cleaning & Laundry Services					P33					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
#541940	<u>Veterinary Clinic Services</u>					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										
#812910	<u> kennel or Cattery-Pet Care Services (2)</u>	C9						P27, 36	P27, 35		P27, 36	
<b>Health Services:</b>												
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 23		P18 30
<b>Education Services:</b>												
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
61151*	Vocational School							P30	P30	P17 20, 23	P30	P30
*	Specialized Instruction School	P19, 30	P19 30	P19 30	P19 30	P			P30		C32	P21 30
<b>Education Services Continued:</b>												
*	Preschool	C28, 30	C28 30	C28 30	C28 30	P			P30			P21 30
*	School District Support Facility	C25 30	C25 30	C25 30	C25 30			P30	P30		P30	P30
611620	Gymnastic Schools								P29 30		P29 30	
611620	Sports & recreational Instruction					P24						
611699	Misc. Schools & Instruction					P34						

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

R-48/O Regulations, see WMC 21.38.030  
(\*) Definition of the specific Land Use, see WMC 21.06  
Tourist District Regulations, see WMC 21.38.065  
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) ~~Reserved. Excluding dog pounds.~~
- (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) ~~Reserved.~~ Only as an accessory use to a residential use, provided:
- (a) No more than 20% of the area of the residential use is dedicated to pet care services.
  - (b) The portion of the building in which animals are kept shall be soundproof.
  - (c) No exotic animal is permitted at any time.
- (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 in any twenty-four hour period;
  - (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) Nail salons and similar uses designated as NAICS No. 812113 are permitted only if the business is connected to a public sewer.
- (21) Limited to publicly owned facilities.
- (22) Reserved.
- (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) Limited to martial arts instruction, yoga instruction and fitness instruction and training.
- (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.
  - (c) No exotic animal is permitted at any time.
- (28) Operation limited to the hours between 8:30 a.m. and 3:30 p.m., Monday through Friday. A maximum of twelve (12) children at any one time may be present, with no more than twenty-four (24) children permitted in a twenty-four (24) hour period.
- (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 WMC15.09 Construction 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.
- (33) Service limited to:
  - (a) Drop-off and pick-up only,
  - (b) Gross floor area of 1800 square feet, and
  - (c) The cleaning technology used at the off-site laundry cleaning process facility to clean clothing delivered for pick-up is restricted to certified non-toxic products and chemicals. Proof of compliance with this requirement shall be provided to the Director of Development Services or his designee upon request on a form approved by the Director.
- (34) These facilities may not provide shower and bathing facilities, hot tubs, spas, swimming pools, or other uses that use a large volume of water.
- (35) Only grooming and training services are permitted.
- (36) No burning of refuse or dead animals is allowed.

**Section 3. Findings for Zoning Code Amendment.** The findings presented in Attachment 1 to this ordinance, regarding criteria for zoning code amendments, are hereby adopted.

**Section 4. 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 5. Copy to Department of Commerce.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this Ordinance.

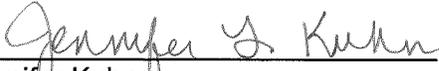
**Section 6. Effective Date. Effective Date.** This ordinance or a summary thereof shall be published in the City's official newspaper, and shall take effect five (5) days after passage and the publication of the ordinance or a summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS 3<sup>rd</sup> DAY OF AUGUST 2010.



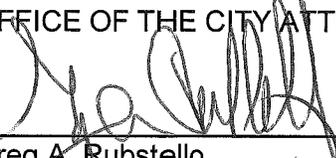
Charles E. Price, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 8-3-2010  
PUBLISHED: 8-9-2010  
EFFECTIVE DATE: 8-16-2010  
ORDINANCE NO. 507

## **WMC 21.46.030 Criteria for Zoning Code Amendments FINDINGS**

Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, amendments to the Zoning Code are legislative and the Planning Commission is required to hold a public hearing and make recommendations to the City Council for zoning code amendments. A public hearing was held by the Planning Commission on July 21, 2010. Recommendations from the Planning Commission were received by the City Council. The City Council finds the amendments to the zoning code made by Ordinance 507 meet the criteria contained in WMC 21.46.030, as follows:

1. The amendments are consistent with the purposes of the Comprehensive Plan identified in the plans goals and policies as stated below.

Comment and Finding: This amendment is consistent with the comprehensive plan by providing further employment opportunities and supporting existing and new local businesses within the City of Woodinville. The most relevant Comprehensive Plan goals and policies to this zoning code amendment are:

GOAL LU-4: To establish land use patterns that encourage a variety of commercial services and employment opportunities.

POLICY LU-4.4: Provide an adequate supply of land zoned for employment to support 20-year employment allocations as required by King County County-wide Planning Policies.

GOAL ED-1: To take a positive, partnership role in retaining and enhancing the existing diverse and vital economic base in the City by assisting existing firms and welcoming new firms that will enhance the quality of the economic base.

GOAL ED-3: To address the potential increasing shortage of commercial and industrial land within the City's current boundaries.

POLICY ED-3.3: Preserve the amount of land in the Comprehensive Plan designated for commercial and industrial development.

GOAL ED-4: To recognize and support the commercial districts within the City.

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

Comment and Finding: The amendment is consistent with the purposes of the Zoning Code. The amendment addresses an existing deficiency in the Code, by addressing unlisted permitted uses under which existing Woodinville businesses fall. The proposed development conditions also provide for protection of existing residents and businesses by requiring a higher standard for animal related services within the City.

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action.

Comment and Finding: The proposed amendments are expected to have positive impacts on public health, safety, and welfare. The amendments would expand opportunity for businesses while protecting the interests of visitors and residents. The benefits of this amendment for existing local businesses include allowing them to expand as their business grows, and to remain in the event of accidental damage.



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE

128 - 10<sup>th</sup> Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

August 12, 2010

Jennifer Kuhn  
City Clerk  
City of Woodinville  
17301 - 133rd Avenue Northeast  
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Woodinville - Adopted Ordinances 505 and 507, amending the Woodinville Municipal Code. These materials were received on August 11, 2010 and processed with the Material ID # 15987.**

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 360.725.3056.

Sincerely,

*Linda Weyl*  
*for*

Ike Nwankwo  
Technical & Financial Assistance Manager  
Growth Management Services