



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

City Council Special & Regular Meeting

ON-SITE

MONDAY, APRIL 21, 2025 - 6:30 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/87107047964>

ZOOM PASSWORD: 042125

Or One tap Mobile: US: +12532050468,,87107047964#

Or Telephone Dial US: +1 253 205 0468

Webinar ID: 871 0704 7964

ZOOM PASSWORD: 042125

SIGN UP FOR VIRTUAL PUBLIC COMMENT HERE: www.kenmorewa.gov/virtualpubliccomment

Technical Difficulties? Contact the Deputy City Clerk at mkang@kenmorewa.gov.

Listen to the Clerks' Podcast Episode: [What to Expect at City Council Meetings](#)

Land Acknowledgement to Honor First Peoples

We acknowledge that the City of Kenmore is situated upon the ancestral lands of the Snohomish, Snoqualmie, Sauk-Suiattle, Duwamish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, and other tribes who are part of the Coast Salish Peoples. We recognize and express our deepest respect for their enduring stewardship and profound relationship with this land, which they have cherished and protected since time immemorial. We honor the First Peoples, acknowledge their vibrant cultures, and commit ourselves to learning from their wisdom in our journey to promote justice, equity, and mutual understanding. We pledge to stand alongside these communities in acknowledging past injustices and working towards a future that respects and celebrates the diverse heritage of this land.

I. CALL SPECIAL MEETING TO ORDER - 6:30 PM

II. EXECUTIVE SESSION

- A. Confidential Session of the Council - Pursuant to RCW 42.30.110(1)(i), the City Council will now enter an executive session to discuss potential litigation. This executive session is slated to last approximately 30 minutes until 7:00 PM.

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

IV. ADJOURN SPECIAL MEETING

V. CALL REGULAR MEETING TO ORDER - 7:00 PM

VI. ROLL CALL

VII. LAND ACKNOWLEDGEMENT

VIII. FLAG SALUTE

IX. AGENDA APPROVAL**X. PROCLAMATIONS**

- A. Earth Day - April 22, 2025, to be accepted by Katherine Hollis (Climate Action Advisory Committee)
[Earth Day - April 22, 2025](#)
- B. Arbor Day - April 25, 2025, to be accepted by Jack Jensen (Climate Action Advisory Committee)
[Arbor Day - April 25, 2025](#)

XI. WHERE'S THE FUN?**XII. PUBLIC COMMENTS**

Welcome to the Council's meeting. Please address your comments to the Mayor and Council. You'll have three minutes to speak. If there are more than 20 speakers, time will be reduced to two minutes per speaker. The Clerk will call your name when it's your turn. The Presiding Officer may choose to alternate between in-person and online comments. Please state your name and city of residence and keep within the allotted time. To make every person feel welcome and safe here, please refrain from booing, clapping, heckling, yelling, or other interruptions. The meeting is recorded for transparency. Thank you for being here, and for sharing your input respectfully.

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION PROCESS: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

XIII. CONSENT AGENDA

- A. Approve the City Council Special Meeting Minutes of Thursday, April 10, 2025.
[City Council Special Meeting Minutes of Thursday, April 10, 2025](#)
- B. Authorize the City Manager to execute an Interlocal Agreement with King County to accept a Conservation Futures grant award of \$7,946,700 to acquire two properties.
[Agenda Bill - King County Conservation Futures Grant Award](#)
[Attachment 1 - Lakepointe Shoreline Property Location Map](#)
[Attachment 2 - Tributary 0057 Property Location Map](#)
- C. Authorize the City Manager to execute the Interlocal Agreement with King County to accept a Cooperative Watershed Management Award

Program grant of \$450,000 to conduct an environmental evaluation of the Lakepointe shoreline.

[Agenda Bill - King County Cooperative Watershed Management Award Program Grant](#)

XIV. PRESENTATION

- A. Introduce New Staff Member - Community Development Senior Planner Brittany Chue, presented by Assistant City Manager/Community Development Director Debbie Bent

XV. PUBLIC HEARING

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

- A. Proposed Ordinance No. 25-0628, Kenmore Municipal Code (KMC) Title 12 and Title 18 Amendments: Chapters 12.05, 12.70, and 18.35, presented by Engineering Director John Vicente, *for introduction and public hearing*
[Agenda Bill - KMC Title 12 and Title 18 Amendments](#)
[Attachment 1 - Proposed Ordinance No. 25-0628](#)
[Attachment 2 - Title 12 Amendment](#)
[Attachment 3 - Title 18 Amendment](#)
[Presentation - KMC Title 12 and 18 Amendments \(added 4/18\)](#)

XVI. BUSINESS AGENDA

- A. Proposed Ordinance No. 25-0628, Kenmore Municipal Code (KMC) Title 12 and Title 18 Amendments: Chapters 12.05, 12.70, and 18.35, presented by Engineering Director John Vicente, *for discussion*
[Agenda Bill - KMC Title 12 and Title 18 Amendments](#)
[Attachment 1 - Proposed Ordinance No. 25-0628](#)
[Attachment 2 - Title 12 Amendment](#)
[Attachment 3 - Title 18 Amendment](#)
- B. Planning Commission's Recommendations on Draft Middle Housing, Accessory Dwelling Unit (ADU) and Affordable Housing (Inclusionary Zoning) Code Amendments, presented by Assistant City Manager/Community Development Director Debbie Bent, Principal Planner Todd Hall, and Planning Commissioners, *for introduction and discussion*
[Agenda Bill - Planning Commission Recommendation \(updated 4/18\)](#)
[Attachment 1 - Summary of Proposed Code Amendments \(added 4/17\)](#)

[Attachment 2 - Draft Middle Housing & Accessory Dwelling Unit \(ADU\) Amendments \(updated 4/18\)](#)

[Attachment 3 - Summary of Proposed Inclusionary Affordable Housing Code Amendments \(added 4/17\)](#)

[Attachment 4 - Draft Affordable Housing \(Inclusionary Zoning\) Amendments \(updated 4/18\)](#)

[Attachment 5 - Middle Housing Development Scenario Graphics \(added 4/17\)](#)

[Attachment 6 - Staff Slide Presentation \(updated 4/18\)](#)

[Attachment 7 - Planning Commission Slide Presentation \(added 4/18\)](#)

[Attachment 8 - Minority Report \(added 4/18\)](#)

- C. New State Regulations for Co-Living and Residential Parking, presented by Principal Planner Todd Hall and Senior Planner Brittany Chue, *for introduction and discussion*

[Agenda Bill - Co-Living and Residential Parking](#)

[Attachment 1 - Staff Memo](#)

[Presentation - Co-Living and Residential Parking \(updated 4/21\)](#)

- D. City of Kenmore 4th Quarter 2024 Financial Reports, presented by Finance & Administration Director Melinda Merrell, *to receive and file*

[Agenda Bill - 4th Quarter 2024 Financial Reports](#)

[Attachment 1 - 4th Quarter 2024 Financial Reports](#)

[Presentation \(added 4/18\)](#)

XVII. STAFF REPORTS

XVIII. COUNCILMEMBER REPORTS & COMMENTS

XIX. ADJOURNMENT

UPCOMING MEETINGS

- A. Monday, April 28, 2025 at 7:00 PM - City Council Regular Meeting
Monday, May 5, 2025 at 6:00 PM - City Council Special Meeting
Monday, May 12, 2025 at 5:45 PM - City Council Special Joint Meeting with Shoreline City Council at Shoreline City Hall
Monday, May 12, 2025 at 7:30 PM - City Council Regular Meeting

NOTICE OF POTENTIAL QUORUMS

[Click here for information about Potential Quorums of the City Council.](#) Now found on the City website under City Council Meetings.

City of Kenmore, Washington Proclamation

WHEREAS, Earth Day was first celebrated in 1970 and has since grown into a global movement, inspiring millions to take action to protect and preserve our environment now as an annual event to demonstrate support for environmental protection and to raise awareness about the critical issues facing our planet, including climate change, pollution, deforestation, biodiversity loss, and the sustainable use of natural resources; and

WHEREAS, protecting our environment is a shared responsibility that requires action at every level—individual, community, corporate, and governmental—to ensure a healthy and sustainable future for generations to come; and

WHEREAS, the health and vitality of our planet is essential for the well-being of all living beings, including humans, animals, and plants; and

WHEREAS, we acknowledge that the global challenges of environmental degradation, climate change, and food and water shortages, are the crises of our generation; and

WHEREAS, expanding environmental education and climate literacy is vital to enhance awareness about the environment, inform decision-making, and protect this planet for the future; and

WHEREAS, the Kenmore City Council has continued its commitment to this Earth by setting this year's top priority as continuing to implement the adopted Climate Action Plan and promoting environmental stewardship, including water, air, forest, and habitat restoration and preservation; and

WHEREAS, by commemorating Earth Day, we reaffirm this commitment to safeguarding this world and its resources for future generations.

NOW THEREFORE, I, Nigel Herbig, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim **APRIL 22, 2025** to be **EARTH DAY** throughout the City of Kenmore.

IN WITNESS WHEREOF, signed this 21st day of April 2025.

Signed: _____ Attested: _____
Nigel Herbig, Mayor Anastasiya Warhol, City Clerk

City of Kenmore, Washington Proclamation

WHEREAS, Arbor Day is a time-honored tradition that celebrates the role of trees in our lives and promotes tree planting and care as a way to create a healthier, more sustainable world; and

WHEREAS, trees are an essential part of our environment, providing shade, improving air and water quality, conserving energy, reducing stormwater runoff, and enhancing the beauty and livability of our neighborhoods; and

WHEREAS, trees also play a vital role in supporting biodiversity and contributing to the health and well-being of the individual and our community; and

WHEREAS, Kenmore benefits not only environmentally from trees, but also economically with increased property values, enhancements in the economic vitality of business areas, and the added beauty to our city; and

WHEREAS, promoting tree planting and conservation efforts represents an investment in the future and a commitment to leaving a lasting legacy of environmental stewardship for future generations; and

WHEREAS, this Council recognizes the value of trees in mitigating climate change, reducing air and water pollution, and providing essential habitat for wildlife.

NOW THEREFORE, I, Nigel Herbig, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim **APRIL 25, 2025** to be **ARBOR DAY** throughout the City of Kenmore. The City of Kenmore makes this proclamation to celebrate Arbor Day and to support efforts to protect our trees and woodlands. We reaffirm our dedication to preserving and enhancing the natural beauty and ecological health of our community for generations to come.

IN WITNESS WHEREOF, signed this 21st day of April 2025.

Signed: _____ Attested: _____
Nigel Herbig, Mayor Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Special Meeting Minutes
Thursday, April 10, 2025**

These minutes are created to capture Council action. This is not a verbatim transcript.
Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O'Cain (*excused*)
Councilmember Joe Marshall
Councilmember Debra Srebnik (*excused*)
Councilmember Valerie Sasson
Councilmember Jon Culver
Councilmember Nathan Loutsis

Staff: Finance & Administration Direction Melinda Merrell
Deputy City Clerk Michelle Kang

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 12:30 PM.

CONSENT AGENDA

- A. Approve the City Council Regular Meeting Minutes of Monday, March 17, 2025.
[City Council Regular Meeting of Monday, March 17, 2025](#)
- B. Approve the City Council Special and Regular Meeting Minutes of Monday, March 24, 2025.
[City Council Special and Regular Meeting Minutes of Monday, March 24, 2025](#)
- C. Approve Total Check #s 55920 through 55993 totaling \$545,359.51, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 03/07/2025 in the amount totaling \$296,812.26, and Total EFT Payments #s 1798 through 1799 totaling \$18,908.84, and Total Wire Transfers totaling \$1,475,240.88.
[Voucher Certification & Approval 03/01/2025 - 03/14/2025](#)
- D. Approve Total Check #s 55994 through 56072 totaling \$490,816.32, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic

Deposits Dated 03/21/2025 in the amount totaling \$301,819.03, and Total EFT Payments #s 1800 through 1816 totaling \$27,739.28.

[Voucher Certification & Approval 03/15/2025 - 03/28/2025](#)

MOTION: Approve the consent agenda outlined above.

Moved by Loutsis; seconded by Culver.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the meeting at approximately 12:31 PM.

Nigel Herbig, Mayor

Michelle Kang, Deputy City Clerk

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
King County \$7,946,700 Conservation Futures grant award. Department: Environmental Services Prepared by: Richard Sawyer, Env. Svs. Director Attachments: Lakpointe Shoreline Property Location Map Tributary 0057 Property Location Map	☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☒ Authorize ☐ Other: Authorize City Manager to execute an Interlocal Agreement with King County to accept a Conservation Futures grant award of \$7,946,700 to acquire two properties.

Approvals:

Department Head RS City Attorney NA Finance Director MM 4/3/2025 City Manager SL 4/3/2025 Optional DB

Summary/Background:

The City of Kenmore is being awarded \$7,946,700 from the King County Conservation Futures grant program to purchase two properties for the purpose of conservation, restoration and passive recreation. Beginning in 2024, City Council established an ongoing annual budget in the Surface Water Management Fund to acquire properties for the purpose of protecting the City's natural habitat.

Lakpointe Shoreline Property

The first property is a 13.29-acre portion of the Lakpointe property, which includes approximately 150-feet of the property's perimeter that includes the shorelines of Sammamish River and Lake Washington. Acquisition of the property is contingent on negotiating a purchase sale agreement, which has not been completed. The shoreline property was appraised at \$8,853,000 but is under negotiation.

Tributary 0057 Property

The second property is a 1.08-acre undeveloped parcel containing a portion of Tributary 0057 and associated wetlands. The property has an approved site plan, which required a reasonable-use-exception, to develop one single-family residential home. The City desires to purchase the property and preserve the existing habitat and the property owner is a willing seller. The property was appraised at \$600,000.

Previous Council Action(s):

NA

Fiscal Consideration:

Authorizing this interlocal agreement provides the City with \$7,946,700 for the purchase of the two above-mentioned properties. Distribution of funds would be as follows.

Lakepointe Shoreline Property Acquisition:	\$7,493,100
Tributary 0057 Property Acquisition:	\$453,600

Any additional funding needed beyond the amounts noted above, will likely come from the Surface Water Management Fund, the Lakepointe Fund, the General fund and/or additional grants.

City Council Priorities or Budget Objective Being Addressed:

1. Continue to implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.
6. Continue to seek opportunities to activate the Lakepointe property.
9. Explore opportunities to expand Parks and Recreation.

XIII. B. Authorize the City Manager to execute an Interlocal Agreement w...

NE Bothell Way (SR 522)

Burke-Gilman Trail



**Future
Private
Development**

**Bike/Ped
Access**

**Park
Acquisition
4.61 Acres**

**Shoreline
Acquisition
13.29 Acres**

Sammamish
River

68TH AVE NE

City of Kenmore
Lakepointe Acquisition
6525 NE 175TH ST
Kenmore, WA 98028

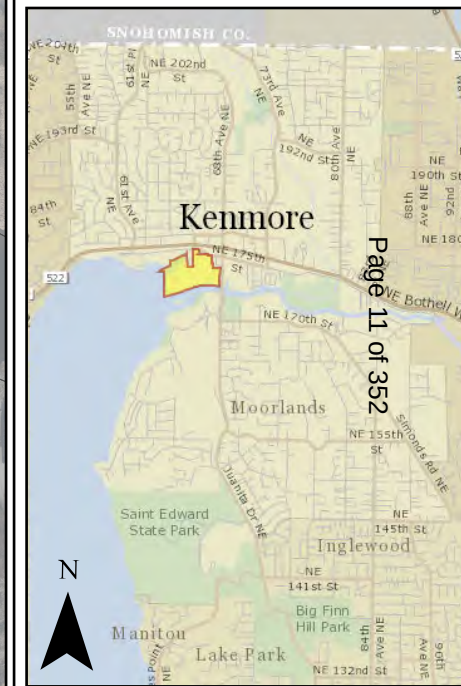
Conceptual Site Map

LP Property (White Outline)
Shoreline Acquisition (Yellow)
City Park Acquisition (Green)
Burke Gilman Trail (Green Dash)
City Bike/Ped (Blue Dash)
Lakepointe Trail (Grey Dash)

Possible Temporary
Access/Parking
(shaded blue)

Acquisition Areas
Shown On Map
(Approximate Acres)

0 120 240 480
Feet





16503 76TH AVE NE

Unimproved Right-of-Way

Stream

Acquisition
Area

Stream

76TH AVE NE

16327 76TH AVE NE

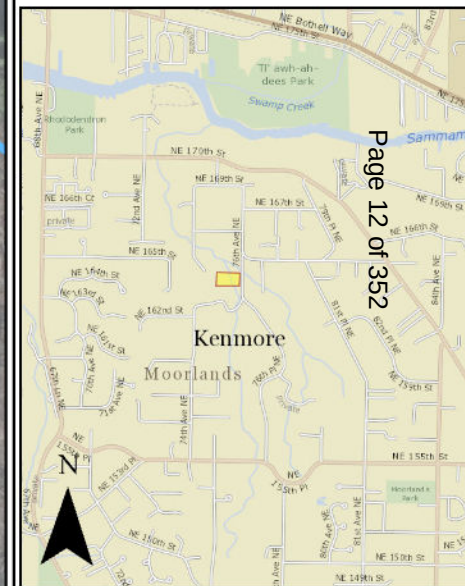
King County
CFT Grant Program
2025 Funds

Project Location Map

"76TH AVE Property"
16425 76TH AVE NE
Kenmore, WA 98028
PIN 563150-0860

Acquisition (red outline)

Approximately:
1.08 Acres



City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
King County \$450K Cooperative Watershed Management Award Program grant to conduct environmental evaluation of Lakepointe shoreline. Department: Environmental Services Prepared by: Richard Sawyer, Env. Svs. Director Attachments: None	☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☒ Authorize ☐ Other: Authorize City Manager to execute Interlocal Agreement with King County to accept a Cooperative Watershed Management Award Program grant of \$450,000.

Approvals:

Department Head RS City Attorney NA Finance Director NA City Manager SL 4/2/2025 Optional Initials & Date

Summary/Background:

The City of Kenmore is being awarded \$450,000 from King County through their Cooperative Watershed Management Award Program to conduct environmental evaluation of the Lakepointe property shoreline prior to the City's potential purchase of the property. The award covers activities such as survey, various types of sampling and development of a restoration plan. The City has also applied for an Environmental Protection Agency (EPA) Brownfields Community-wide Assessment Grant for \$500,000 that will complement the work conducted under this grant. This work cannot commence until an agreement with the property owner has been reached to purchase the property.

Previous Council Action(s):

NA

Fiscal Consideration:

Authorizing this interlocal agreement provides the City with \$450,000 and does not require a match. The funds will be used to hire a consultant to conduct the work.

City Council Priorities or Budget Objective Being Addressed:

1. Continue to implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.
6. Continue to seek opportunities to activate the Lakepointe property.
9. Explore opportunities to expand Parks and Recreation.

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
KMC Title 12 and Title 18 Amendments Department: Engineering Prepared by: John Vicente Engineering Director Attachments: Attachment 1: Draft Ordinance 25-0628 Attachment 2: Title 12 Proposed Changes Attachment 3: Title 18 Proposed Changes	☐ Information Only ☐ Receive and File ☒ Discuss ☐ Provide Direction ☒ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other:

Approvals:

Department	City	Finance	City	DS
Head <u>JV 3/26/2025</u>	Attorney <u>DR3/24/2025</u>	Director <u>N/A</u>	Manager <u>SL 3/26/2025</u>	Director <u>4/9/2025</u>

Summary/Background:

Staff is requesting the City Council to review and discuss changes proposed to Title 12 and Title 18 of the Kenmore Municipal Code (KMC). The proposed items are for discussion only, no decision is required. A public hearing on these changes will also be conducted on this day. Staff will present an ordinance for approval at a later council date.

The following chapters in Title 12 and Title 18 have proposed amendments:

- 12.05 – General Provisions
- 12.70 – Sidewalk, Planting Strips, and Street Trees
- 18.35 – Development Standards, Landscaping

The purpose of the amendments is to update the City requirements for right of way maintenance, provide clarification on some items, consolidate landscape requirements to Title 12, and remove redundancies/conflicts. Below is a description of the changes proposed.

KMC 12.05 – General Provisions

A definition for “traveled way” was added for clarification

KMC 12.70 – Sidewalk, Planting Strips, and Street Trees

- Dead trees were added to the definition of “Hazardous tree”

- Added allowance for necessary vegetation removal
- Added gravel shoulders as possible pedestrian walk areas
- Clarified requirement of hazardous trees and removal of dead/diseased shrubs.
- Added replacement requirements for removed trees
- Provided public assistance allowance for certain tree removals (single family residence, duplex, and triplex housing only)
- Added requirements for placement of trash for pick up
- Moved relevant requirements from Title 18 to Title 12 (noxious weed control)
- Updated diagrams
- General clarifications and small clean up items

KMC 18.35 – Landscaping

This chapter contains requirements for landscaping in the right of way. Information in this chapter is redundant to and/or conflicts with requirements outlined in Title 12 or is better served being consolidated with the majority of right of way landscaping code. References to right of way landscaping have been deleted and some information was also moved to Title 12.

Previous Council Action(s):

This is the first council discussion on this particular amendment.

Fiscal Consideration:

None. Staff and legal review time were spent to work on this update

City Council Priorities or Budget Objective Being Addressed:

Core mission – City governance, ensure public safety, and maintain the City's infrastructure

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0628**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTERS 12.05, 12.70, AND 18.35 OF THE
KENMORE MUNICIPAL CODE TO UPDATE RIGHT OF WAY
LANDSCAPING REQUIREMENTS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Title 12 of the Kenmore Municipal Code (KMC) establishes regulations for use of the public right-of-way; and

WHEREAS, Title 18 of the Kenmore Municipal Code (KMC) establishes regulations for private development; and

WHEREAS, City staff has proposed the adoption of new and updated changes to Title 12 KMC and Title 18 KMC ("Proposed Amendments"); and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the Proposed Amendments; and

WHEREAS, the City submitted the Proposed Amendments to the Washington Department of Commerce in compliance with RCW 36.70A.106; and

WHEREAS, on April 21, 2025, the City Council held a public hearing and considered the Proposed Amendments; and

WHEREAS, the City Council finds the Proposed Amendments meet the decision criteria of KMC 19.20.090.A and .C, and desires to adopt the same;

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

Section 1. Amendment. The City Council amends Chapters 12.05 - *General Provisions* and 12.70 - *Sidewalk, Planting Strips, and Street Trees* of the Kenmore Municipal Code as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 2. Amendment. The City Council amends Chapter 18.35 – *Development Standards - Landscaping* of the Kenmore Municipal Code as set forth in Attachment B, attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 4. Effective Date. This Ordinance 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 AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2025.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk: 04/09/2025

Passed by the City Council:

Ordinance No.: 25-0628

Date of Publication:

Effective Date:

Attachment A to Ord. 25-0628

Chapter 12.05 of the Kenmore Municipal Code is amended as follows:

Chapter 12.05

GENERAL PROVISIONS

Sections:

- 12.05.010 *Repealed.*
- 12.05.015 Intent.
- 12.05.020 Financial guarantees authorized.
- 12.05.030 Definitions.
- 12.05.040 Removal of facilities and personal property in City rights-of-way.
- 12.05.050 Violation – Enforcement – Penalty.

12.05.010 Relationship to comprehensive plan and Growth Management Act.

Repealed by Ord. 11-0330. [Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.02.010).]

12.05.015 Intent.

A. This code is enacted to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. It is also the purpose of this code to regulate activities within the *rights-of-way* in the interest of public health, safety and welfare; and to provide for the fees, charges, enforcement, and procedures required to administer such regulations.

B. It is expressly the purpose of this code and any procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code or any procedures adopted hereunder.

C. It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the persons, organizations, *utility*, or *permittees* adjacent to or seeking to use the rights-of-way, and no provision is intended to impose any duty upon the City of Kenmore, or any of its officers, employees or agents. Nothing contained in this code or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the City of Kenmore, or its officers, employees or agents, for any injury or damage resulting from the failure of the persons, organizations, *utility*, or *permittees* to comply with the provisions hereof, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code or any procedures adopted hereunder by the City of Kenmore, its officers, employees or agents.

D. All *work* performed or contracted by the *City* within the *right-of-way* is exempt from the permitting requirements outlined in this title. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.020 Financial guarantees authorized.

The *city manager* is authorized to require all *applicants* issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of KMC Title 21. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.030 Definitions.

This section contains definitions of terms used throughout this title.

- A. “Abutting property” means real property having a frontage upon or common boundary with the sides or margins of any road or right-of-way.
- B. “Applicant” means a property owner(s), person(s), company, public agency, or public or private utility, or authorized agent of the applicant who files an application for a permit under this title requesting approval to access/use publicly owned land or right-of-way.
- C. “Application” means an application form supplied by the City and completed by the *applicant*, payment for the required application fee(s), and related property site, driveway, roadway, traffic information, and any other documentation as determined necessary by the City in the evaluation of the application.
- D. “City” means the City of Kenmore.
- E. “City manager” means the City of Kenmore city manager or his or her designee(s).
- F. “City engineer” means the city engineer herein authorized with the same powers specified in RCW 36.75.050 and Chapter 36.80 RCW, or his/her authorized representatives. Whereas “County” shall be replaced with “City” throughout.
- G. “City project” means any work performed by the City (either with City personnel or by way of contract) including but not limited to capital projects, *maintenance*, or repair/*restoration* activities.
- H. “City property” means all City real property, including but not limited to recreational trails, critical areas, roads, parks and dedicated open space, that is owned by the City.
- I. “Contractor” means any person, firm, corporation, or other entity who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, develop, move, wreck, demolish, or excavate for any structure, road, sidewalk or other infrastructure below ground, at ground or above ground.
- J. “Curb” means a cement, concrete or asphalt raised structure designed to delineate the edge of the travel way or pavement, to separate the vehicular portion from that provided for pedestrians or bicyclists, and for surface water drainage control.
- K. “Department” means the City department or outside agency assigned by the city manager to administer a portion of the municipal code.
- L. “Development” means any activity that requires a permit or approval, including, but not limited to, a right-of-way use permit (limited, access, and encroachment), *special use permit*, utility permit, right of use agreement, connection permit, or right-of-way vacation.
- M. “Encroachment” means any structure, object, or obstruction, including, but not limited to, building extension, marquee, fence, stairway, railing, retaining wall, artwork, private landscaping, barriers, or any other building or structure constructed, erected or maintained in, over or under any public place, right-of-way, easement, roadway, parking strip and/or sidewalk, including the airspace above them.
- N. “Engineering permit” means a *permit* authorizing the use or improvement of privately owned property. Permitted activities include clearing, grading, roads, drainage facilities, utilities. [Permit may also include work in the right-of-way.](#)
- O. “Facility” or “facilities” means any pole, pipe, line, pipeline, cable, vault, antenna, appurtenances, fixtures, conduit, guys, anchors, vaults, attachments, fencing, or other equipment or structure owned and/or operated by a utility company or public/private agency necessary for a fully functional system.
- P. “Franchise” means an agreement granting the nonexclusive right, privilege, and authority to occupy the right-of-way.
- Q. “Highway” means the same as “road.”

R. “Maintenance” means the routine upkeep of the right-of-way or property, equipment, materials, etc., to retain its original function and/or to allow for access or safety.

S. “Permit” means any activity requiring written approval issued by the *City*, subject to conditions stated therein, authorizing the use, construction, alteration, reconstruction, relocation, *maintenance*, or development within the right-of-way or publicly owned real property. This includes, but not limited to, reclassification of a road, street vacation, and traffic control devices.

T. “Permittee” means the same as “applicant.”

U. “Professional engineer” means a civil engineer with an active status license in the state of Washington registered in accordance with Chapter 18.43 RCW.

V. “Property owner” means a person(s) or entity with ownership of real (fee title and/or mortgages) or personal property.

W. “Restoration” means activities necessary to replace, repair or otherwise restore the *right-of-way* and adjacent private property and all features contained within to the same or better condition as existed prior to any construction and in compliance with the Road Standards.

X. “Right-of-way” means land and the space above and below, property or property interest, such as a right-of-way use easement, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the City of Kenmore [and located within the jurisdictional limits of the City of Kenmore](#) for public motor vehicle, pedestrian, bicycle, or other nonmotorized transportation purposes, including, but not limited to, roads and trails, whether or not opened, improved or maintained for public transportation purposes.

Y. “Right-of-way use agreement” is an agreement with the City through which is granted a site-specific and revocable privilege to use City right-of-way at a location identified in the agreement for *facilities* and *wireless communication facilities*, and through which are set forth the terms and conditions for exercising the granted privilege to use the City right-of-way. The *city manager* shall have the discretion to use right-of-way use agreements for other purposes as needed.

Z. “Right-of-way use permit, limited” means a *permit* authorizing a person to enter, use and/or improve City right-of-way.

AA. “Right-of-way use permit, access” means a *permit* authorizing to enter and use unopened City right-of-way for a subdivision or property access.

BB. “Right-of-way use permit, encroachment” means a *permit* authorizing the use of the City right-of-way for an *encroachment*.

CC. “Right-of-way utility permit” means a document issued under the authority of the city manager which provides specific authorization, requirements, and conditions for specific utility work at specific locations.

DD. “Road” means the improvements contained within the full width of the right-of-way boundary lines including permanent right-of-way easements obtained for use of the public for purposes of vehicle, pedestrian, and bicycle travel and storm drainage (same as highway as defined by RCW 46.04.197 and city street as defined in RCW 46.04.120).

EE. “Road Standards” means the City of Kenmore Road Standards adopted under Chapter 12.50 KMC.

FF. “Sidewalk” means that space between the *curb* line or the edge of paved travel lane and the *abutting property*, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete.

GG. “Special use permit” means a *permit* for the use of *City property* issued pursuant to this title.

HH. “Street” means the same as “road.”

II. “Traveled way” means the marked or designated travel portion of the road that is designated for vehicular, bicycle, pedestrian and any other alternative form of transportation. For pedestrian, the traveled way is defined by the marked space (through signage, striping, symbols, or a combination thereof) or the full width of sidewalk. For bicycle and other alternative forms of transportation, the traveled way is defined by pavement markings, signage, or symbols or a combination thereof. For vehicular traveled way, see KMC 10.20.015.

III. “Unimproved right-of-way” means any right-of-way or portion thereof that has not been improved by the City for the use of public transportation. Unimproved right-of-way may contain facilities.

III. “Utility” means private and public providers/owners of utility infrastructure, including water, wastewater, electric, telephone, telegraph, telecommunications, fiber optic, wireless services, cable television, natural gas lines, and solid waste.

III. “Wireless” means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite.

III. “Wireless communication facility” generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support structure, cables and other transmission equipment, and an equipment enclosure or cabinets. “Wireless communication facility” shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots.

III. “Wireless communication provider” means every person that owns, controls, operates or manages a wireless communication facility within the right-of-way for the purpose of offering wireless communications services (i.e., transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

III. “Work” means any construction or alteration of existing infrastructure, maintenance, or other improvements or actions whether identified under an approved permit or not.

III. “WSDOT” means the Washington State Department of Transportation. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.040 Removal of facilities and personal property in City rights-of-way.

Except as may be required by Chapter 35.99 RCW, any utility, company or person (hereby referred to as *owner*) that locates any facilities or personal property in the *right-of-way* shall relocate, remove or reroute said facilities or personal property, as ordered and in the time frame required by the *City* per this title, at no expense or liability to the *City*. If an *owner* fails to timely perform such relocation, removal, or reroute, then the *city manager* may, but is not required to, order and complete all actions necessary to remove the facilities or personal property from the *right-of-way*. The *city manager* may require the *owner* to reimburse the *City* for the reasonable actual costs of removal, including *City* overhead (provided, that in no event shall such overhead exceed 10 percent of the total costs, fees and expenses of third parties), within 30 days of the *City’s* invoice. In addition, the *owner* shall indemnify, protect and hold harmless the *City* from any third-party claims for service interruptions or other losses in connection with any such change or removal of the facilities or personal property, other than the *City’s* negligence or willful misconduct. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.050 Violation – Enforcement – Penalty.

A. The violation of or failure to comply with any provision of this title is declared to be unlawful. The *city manager* shall have the authority to enforce this title and to adopt procedures for the purpose of implementing or carrying out other responsibilities required by this title.

B. Any violation or failure to comply with any provision of this title is a civil violation as provided for in Chapter 1.20 KMC, for which a monetary penalty may be assessed and abatement may be required as provided herein. Unless otherwise noted elsewhere within this title, the *city manager* may, but is not required to, seek voluntary correction pursuant to KMC 1.20.070, prior to the assessment of monetary penalties for violation of this title. [Ord. 23-0578 § 2 (Exh. 1).]

Attachment A to Ord. 25-0628

Chapter 12.70 of the Kenmore Municipal Code is amended as follows:

Chapter 12.70

SIDEWALKS, PLANTING STRIPS AND STREET TREES

Sections:

- 12.70.010 Definitions.
- 12.70.020 Abutting property owner to maintain sidewalk in safe condition.
- 12.70.030 Abutting property owner shall be responsible for expense of maintenance and repair.
- 12.70.040 Procedure for sidewalk construction or repair.
- 12.70.050 Right-of-way vegetation maintenance.
- 12.70.060 Sidewalk – Snow, ice and trash removal required when.
- 12.70.070 Sidewalk – Violation of KMC 12.70.050 deemed misdemeanor.
- 12.70.080 Exemption from KMC 12.70.030 and 12.70.050 permitted when.
- 12.70.090 Right-of-way vegetation – Trimming limitations – Removal prohibited.
- 12.70.100 Right-of-way maintenance – Enforcement.

12.70.010 Definitions.

In addition to the definitions in Chapter 12.05 KMC, the following definitions shall apply to this chapter:

A. “Hazardous tree” means any dead tree or a tree with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated tree(s) that have a high probability of failure due to low wind-firmness in post-construction conditions as determined by a qualified tree protection professional.

B. “Planting strip” means that portion of the *right-of-way* which lies:

1. Between the *curb* line and the *sidewalk*; ~~and/or~~
2. Between the *sidewalk* and the *right-of-way* line; or
3. Between the edge of pavement and the *right-of-way* line where *sidewalk* and/or *curb* are not present; or
4. Between the *curb* line and the *right-of-way* line where *sidewalk* is not present;

and may include, but is not limited to, trees, shrubs, groundcover, fences, *facilities*, signs, hydrants, gravel, drainage infrastructure. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.020 Abutting property owner to maintain sidewalk in safe condition.

It shall be the responsibility of the *owner* of property abutting upon a public *sidewalk* to maintain the *sidewalk* at all times in a safe condition, free of any and all obstructions ~~or defects~~; see KMC 12.70.050. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.030 Abutting property owner shall be responsible for expense of maintenance and repair.

The burden and expense of maintaining *sidewalks* along the side of any *street* or other public place shall be borne by and the responsibility of the *owner* of the property directly abutting thereon. The *abutting property owner* shall also

be responsible for performing and paying for *sidewalk* repairs to the extent the need for repairs is caused by the actions or omissions of the *abutting property owner*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.040 Procedure for sidewalk ~~construction~~reconstruction or repair.

A. If in the judgment of the *city engineer* ~~or another department of public works official~~, public convenience or safety requires that a *sidewalk* be ~~constructed~~reconstructed or repaired along either side of any *street*, pursuant to KMC 12.70.030, such fact shall be reported to the city council.

B. If, upon receiving a report from the proper official, the city council deems the ~~construction~~reconstruction of the proposed *sidewalk* or repair of such *sidewalk* necessary or convenient for the public health, safety or welfare, the city council may then order such work to be done pursuant to the procedures established in Chapter 35.68, 35.69 or 35.70 RCW. The cost of such proposed *sidewalk* ~~construction~~reconstruction or *sidewalk* repair shall be borne by the *abutting property owner* in accordance with Chapter 35.68, 35.69 or 35.70 RCW.

C. Permit Required. Before commencing reconstruction or repair of a *sidewalk*, the *owner* must submit an application for a *right-of-way use permit, limited* (Type A-) pursuant to Chapter 12.35 KMC. The application must include the plans for the reconstruction or repair in accordance with the Road Standards, together with an estimate of the cost of the reconstruction or repair. The *city engineer* shall evaluate the cost of the reconstruction/repair. The *city engineer* may require the *owner* to provide additional information to evaluate the cost. If the *city engineer* determines that the cost of the reconstruction or repair will exceed 50 percent of the *abutting property* valuation, exclusive of improvements, the *owner* must modify the plans for the reconstruction or repair so that the cost does not exceed 50 percent of such valuation. The *owner* will not commence the reconstruction or repair until the *city engineer* has approved the modified plans. The *abutting property* valuation shall be the current valuation as determined by the King County assessor's office website for said property. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.050 Right-of-way vegetation maintenance.

A. ~~Maintenance of~~The *abutting property owner* is responsible for and shall maintain *planting strips*, *sidewalks*, and *unimproved right-of-way*, including ~~hazardous~~:

1. Hazardous trees, ~~tree~~
2. Tree limbs and shrubbery that obstructs the *road* and/or *sidewalk* ~~or traveled way~~, blocks sight distance or signage, soil or presents a safety hazard to the public, and
3. Soil, gravel, weeds, grass, or other ground cover, ~~will be the responsibility of encroaching within the traveled way~~

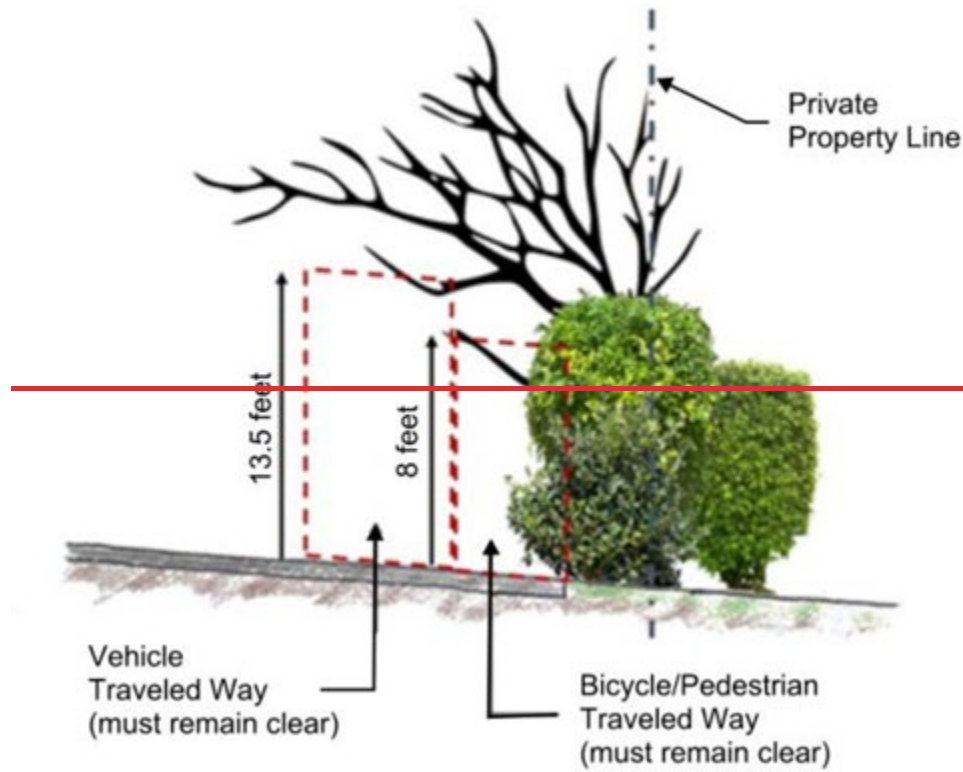
B. The *abutting property owner*. ~~Vegetation is responsible for maintaining vegetation in planting strips~~ will as follows:

1. Will be *maintained* in a condition that does not impair the use of the *right-of-way* by the *City* or the traveling public. ~~The use of the right of way includes, but is not limited to:~~
2. Shall be free from weeds and grass in excess of 12 inches.
3. Free from noxious weeds contained in the current King County Noxious Weeds list or contained in the current chapter 16-750 WAC. Noxious Weed List Classes A, B, and C shall be prohibited.
4. Vegetation shall be removed and replaced as required by Section 12.70.050G.
5. The use of the right-of-way includes, but is not limited to:
 - a. Motor vehicles on paved roadways;
 - b. ~~2.~~Bicycles on paved surfaces or designated trails;
 - c. ~~3.~~Pedestrians on *sidewalks*, designated paved walkways, gravel shoulders, or other pedestrian paths as determined by the *city manager*; and
 - d. ~~4.~~City maintenance and operations.

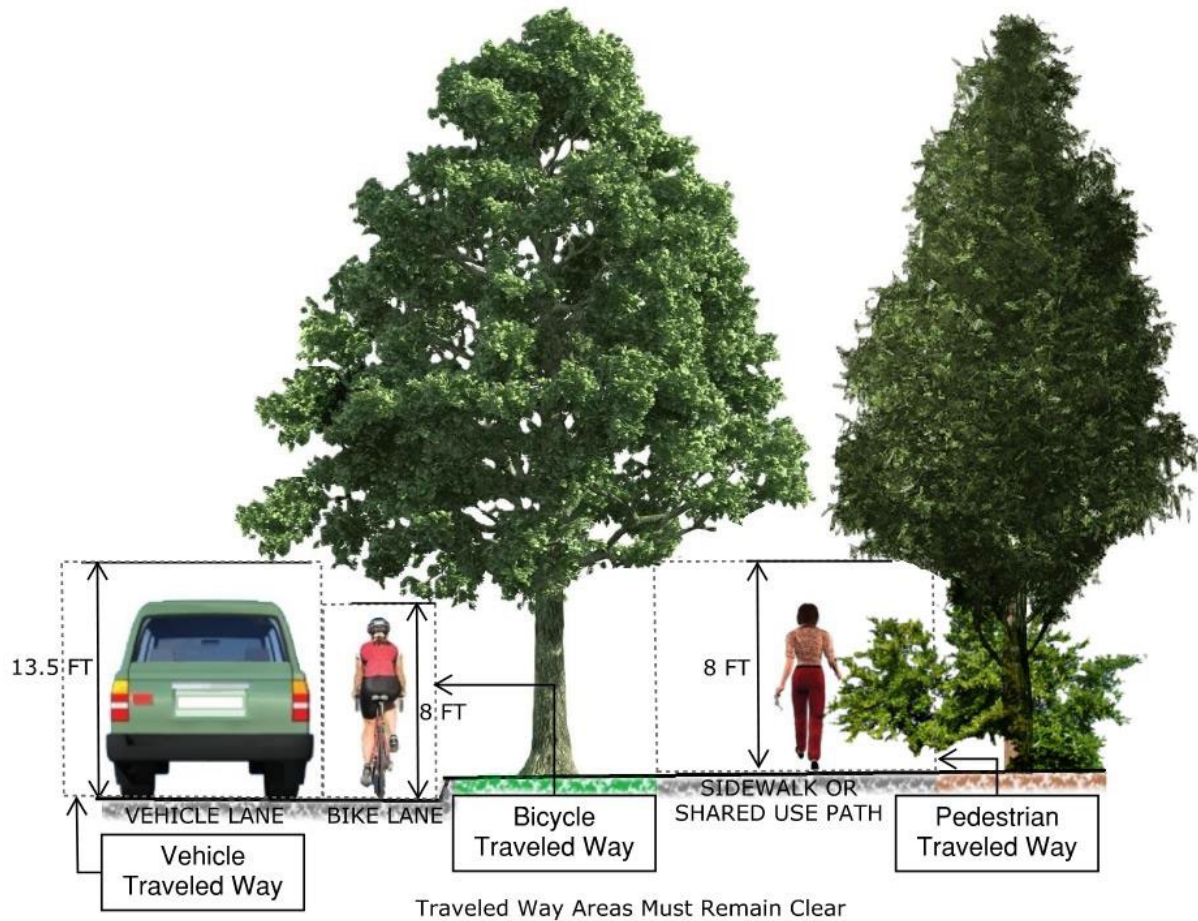
~~BC.~~ Vegetation shall not overhang *sidewalks*, walkways or bike lanes within eight feet, measured vertically from any point on the traveled way. Vegetation shall not overhang vehicle lanes within 13.5 feet, measured vertically from any point on the traveled way. Vegetation shall ~~be trimmed~~not intrude into pedestrian, bicycle, or vehicle traveled way. The *abutting property owner* shall maintain vegetation as needed to prevent blockage of sight distance

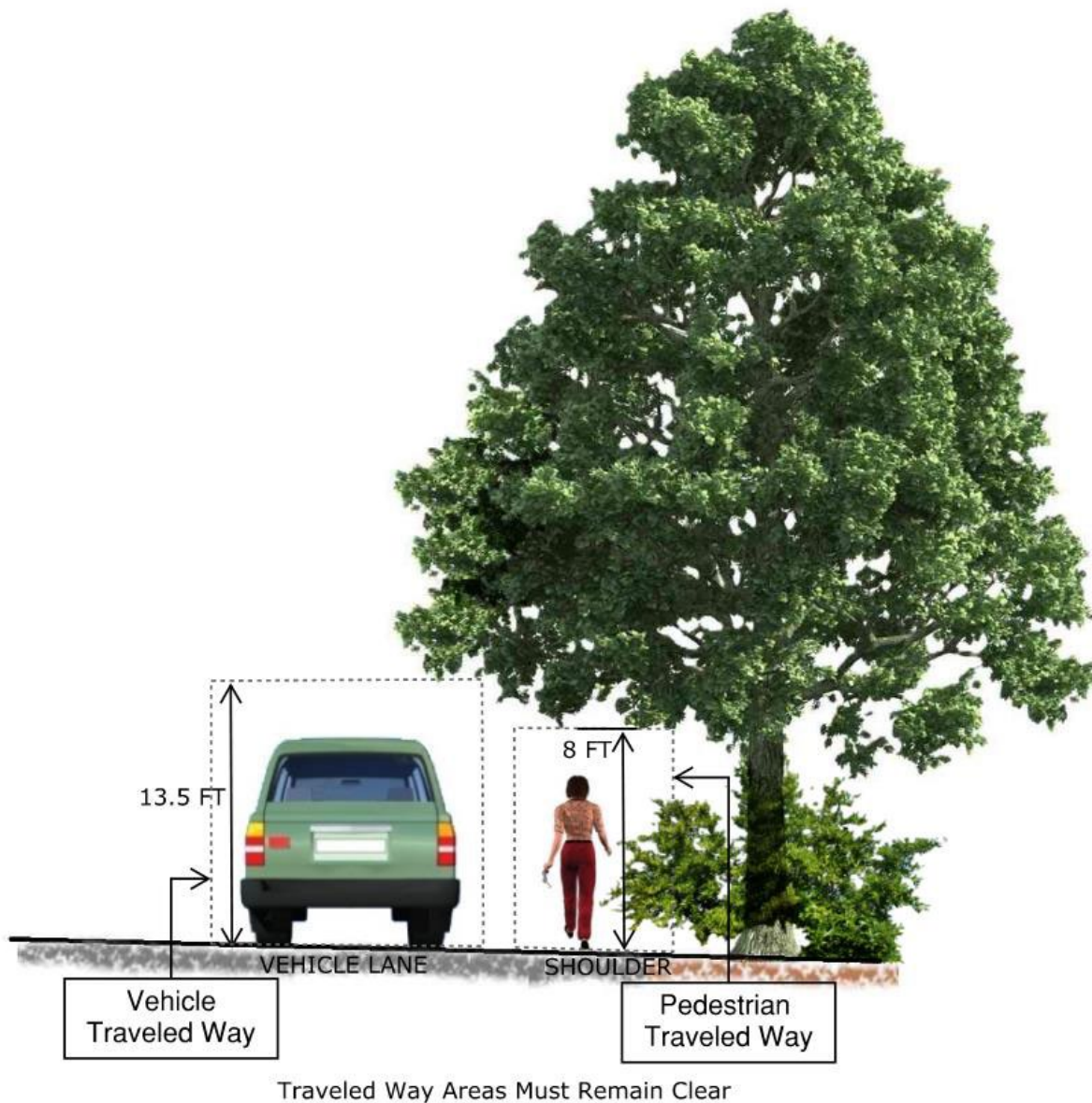
and the traveled way per the *Road Standards* or blockage of any roadway sign. ~~The~~ In addition to the definition established for *traveled way* in Section 12.05 KMC, the traveled way is further defined as:

1. The traveled way for pedestrians shall be *sidewalks*, paved walkways separated by a *curb* from the vehicle traveled way, ~~or~~ paved walkways signed for pedestrians, or paved/gravel shoulders as determined by the city manager. Other pedestrian paths, as determined by the *city manager*, may also be defined as a pedestrian traveled way.
2. The traveled way for bicycles shall be defined by signage and pavement markings and shall be a paved area separated by pavement markings from the vehicle traveled way or a paved path as determined by the *city manager*.
3. The traveled way for vehicles will be defined by the edge stripe or edge of pavement where no stripe is present.

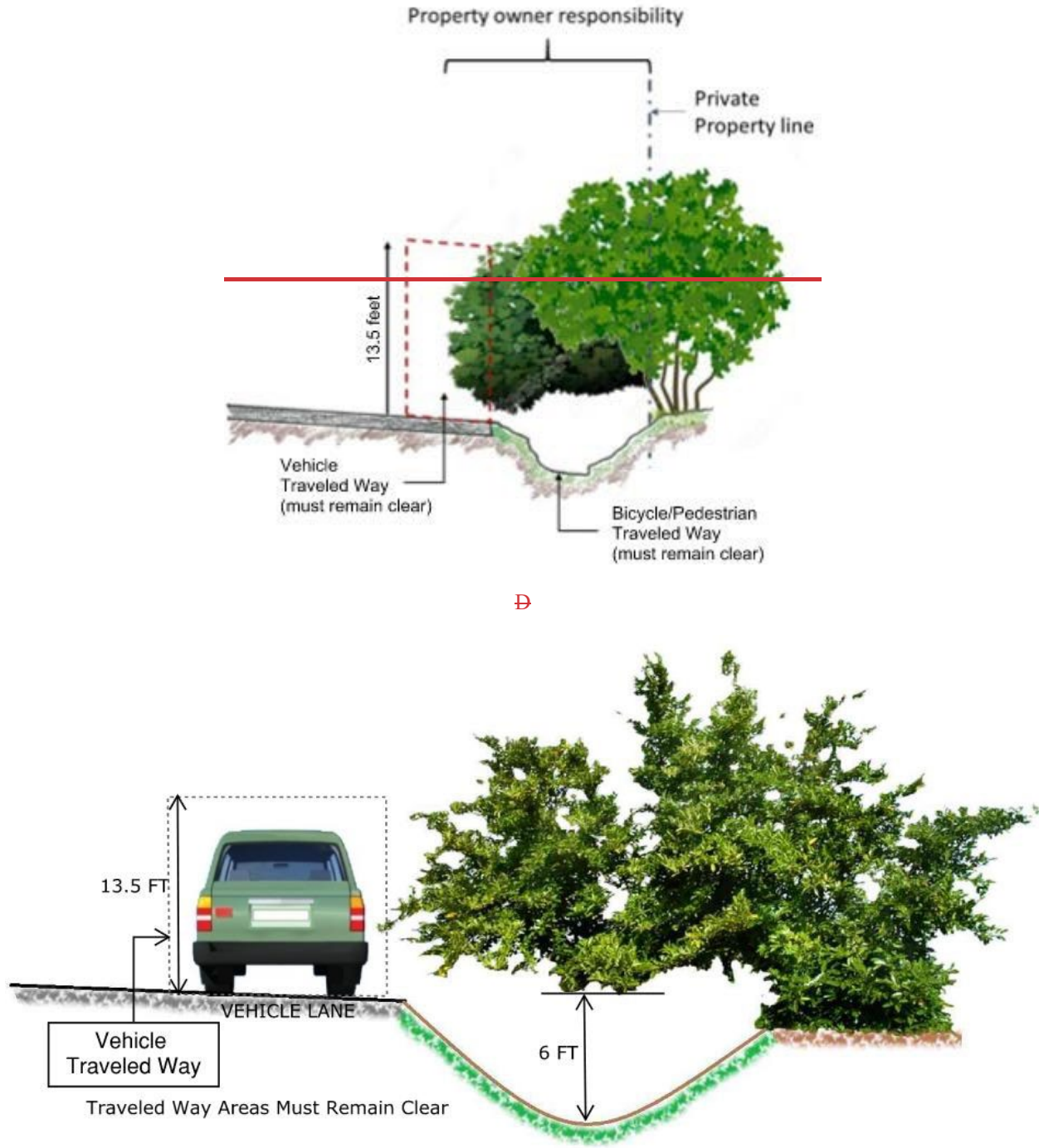


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D. Drainage ditches shall be kept free of debris and maintained in a condition that allows the free flow of water and provides for adequate access for *City maintenance* and inspections. Ditches shall be mowed regularly. Aesthetic maintenance of drainage ditch vegetation, assuming adequate access and free flow of water is maintained, is the responsibility and at the discretion of the *abutting property owner*.



E. Within *unimproved right-of-way*, *abutting property owners* shall be responsible for trimming vegetation that overhangs onto their respective property and for removing *hazardous trees*. The *abutting property owner's* responsibility shall extend to the center of the *unimproved right-of-way*.

EF. All slopes adjacent to *abutting properties* shall be maintained by the *owner*. *Maintenance* shall be consistent with the requirements for *planting strips* and shall include erosion control and vegetation stabilization.

FG. *Hazardous trees* and *diseased or dead shrubs* shall be removed from the *right of way* and replaced with a *suitable species per the Road Standards*. Replacement tree shall be a minimum 2 inches diameter measured 5 feet up from the root ball.

H. Certain *planting strips, sidewalks, unimproved right-of-way*, and other *right-of-way* areas may be maintained by the City at the city manager's discretion.

[Ord. 23-0578 § 2 (Exh. 1).]

12.70.060 Sidewalk – Snow, ice and trash removal required when.

It is unlawful for any ~~person, firm or corporation~~ owning *abutting property* within the City to permit the accumulation of snow, ice, vegetative debris, trash or any other material on an existing *sidewalk* which impedes the normal flow of pedestrian traffic. In the event the property is owned by a *person* not a resident of the City, a reasonable period of time shall be provided for the *owner* or the *owner's* agent to remove the material. If such removal is not accomplished within a reasonable period of time, the *city manager* may have the *sidewalk* cleaned and the cost thereof shall be billed to the *property owner*. The determination of reasonable period of time shall be at the sole discretion of the *city manager*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.070 Sidewalk – Violation of KMC 12.70.050 deemed misdemeanor.

Each day any *sidewalk*, or driveway portion thereof, is permitted to remain in a hazardous condition as specified in KMC 12.70.050 shall be considered and shall constitute a separate violation. Violation of KMC 12.70.050 shall constitute a misdemeanor and shall be punishable as provided by law. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.080 Exemption from KMC 12.70.030 and 12.70.050 permitted when.

The city manager may approve exemptions to KMC 12.70.030 and 12.70.050 for the following reasons:

1. Property that abuts the *right-of-way* which ~~is substantially higher or lower in elevation than the road, which~~ does not have reasonable access through the property to that section of the *right-of-way*; and where that portion of *right-of-way* is not ~~continuous-connected~~ to ~~abutted other~~ *right-of-way* ~~abutting the property that is accessible may apply for an exemption from the provisions of KMC 12.70.030 and 12.70.050.~~
~~Exemptions may be granted by the city engineer based upon standards which shall be established by the department.~~ [Ord. 23-0578 § 2 (Exh. 1).]
2. For properties with single detached dwelling units as defined by Section 18.20.840 KMC, duplexes, or triplexes, hazardous trees in excess of 15 feet in height and 8 inches in diameter at breast height as defined pursuant to KMC 18.20.752, the City may assist in providing traffic control services. The city manager shall make the final determination of what assistance may be provided by the City, or
- 2-3. Other exemptions based upon standards which shall be established by the *department*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.085 Garbage, trash, recycling, and yard waste

Any property accumulating garbage, trash, recyclables, and yard waste shall place their materials in approved carts or contained in a manner to prevent scattering. Garbage, trash, recyclables, and yard waste for collection in the right of way shall be placed no earlier than twenty-four hours prior to the day of collection. All carts must be removed from the right of way within twenty-four hours of being collected. All carts and other containers shall be placed by the occupant for pick up in a convenient, accessible location where such placement does not block the traveled way unless otherwise allowed below. Carts, other containers, and bulk trash shall be placed in the following manner:

- A. For properties with level planting strips between a curb and sidewalk, place in either the planting strip or driveway within one foot of the curb; or
- B. For properties with sidewalks but no planting strips, place within one foot of the front of the curb; or

- C. For properties with no sidewalk, curb, or gutter, within existing shoulder or, if no shoulder, at edge of pavement; or
- D. When the foregoing locations slope at a grade making placement of a cart difficult, a level area that is nearest to either of the previous locations; or
- E. If the foregoing locations are not available due to extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with the *traveled way*;
- F. Cart spacing shall be placed as per the respective hauler.

12.70.090 Right-of-way vegetation – Trimming limitations – Removal prohibited.

A. Notwithstanding any provision of *franchise* agreements or Section 12.70.050, vegetation within the public *right-of-way* shall not be removed or cut back so as to generally damage the aesthetic quality or survivability of the vegetation. Such trimming, when required by *utility* companies to safeguard their *facilities* or as required pursuant to Section 12.70.050, shall be done in a manner that preserves the general appearance of the vegetation. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and driveways and such traffic warning or regulatory signs that are in place. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.100 Right-of-way maintenance – Enforcement.

A. Should the *city engineer* find that such *right-of-way* is not being properly maintained consistent with KMC 12.70.050 through 12.70.090, the *city engineer* may, but is not required to, notify the *abutting property* owner to comply with the provisions of this chapter. The notice will be prepared per KMC 1.20.070 as amended below and include:

1. All references to “code enforcement officer” shall mean *city manager*;
2. Instruction to the *abutting property* owner to trim or remove the vegetation and specify a reasonable time for the trimming or removal of said vegetation.
3. A statement that if the *property* owner fails to trim or remove the vegetation within the time frame provided, the *City* will begin enforcement proceedings per Chapter 1.20 KMC or if determined by the *city engineer* to be a public safety hazard, interferes with Americans with Disabilities Act (ADA) accessibility, an environmental hazard, or impedes *City maintenance* and operations, that the *City* will perform the *maintenance* pursuant to subsection B of this section; and
4. A statement that in the case of a public safety hazard, interference with ADA accessibility, an environmental hazard, or impeding *City maintenance* and operations, that any cost incurred by the *City* may be assessed against the *property owner* for failure to comply with this provision.

B. If, by determination of the *city engineer*, the vegetation is a public safety hazard, environmental hazard, or impedes *City maintenance* and operations and the *abutting property* owner fails to complete the required *maintenance* within the time period stated in the notice, the *City* will perform the required *maintenance* and the cost may, at the discretion of the *city engineer*, be assessed against the *abutting property* owner. After completion, the *city engineer* will determine the cost to be charged to the *property* owner and the time and manner of payment thereof; provided, that the cost will not exceed 50 percent of the valuation of the *abutting property*, exclusive of improvements. The cost will include all direct invoiced costs for materials and equipment as well as \$75.00 per hour per person of labor performed by the *City* in completing the *maintenance* requirements. If contracting services are necessary to complete the *maintenance*, the full cost of the contract services shall be included in the cost charged to the *property owner*. The *abutting property* valuation shall be as determined by the most current assessment of King County assessor’s office for said property. The *city engineer* will give notice of the cost to the *owner*. The notice shall:

1. State the cost to be charged to the *owner* and the time and manner of payment thereof;

2. Include documentation to support the charges;
3. Advise the *owner* that the cost cannot exceed 50 percent of the valuation of the property, exclusive of improvements;
4. State that the *city engineer* will hear protests to the determination of cost, time, and manner of payment if received within 30 calendar days of date of delivery of the notice.

C. In the event payment is not received by the *City* within the time frame stated in the notice, the *city engineer* may place a lien upon the property or submit the charges to a licensed collection agency. Any lien will be collected in the manner as provided by law for collection of local improvements assessments.

D. The *owner* may appeal the *city engineer's* determination of cost, time, and manner of payment for KMC 12.70.050 through 12.70.090 by filing a notice of appeal with the *city manager* within 14 calendar days after delivery of the *city engineer's* determination. The *city manager* will give notice of receipt of the appeal and a deadline for response. After the protest consideration, the *city manager* will issue a decision, which will be the *City's* final decision on the *owner's* responsibility for *maintenance*. Additional time to submit an appeal may be granted at the *city engineer's* discretion.

E. All notices will be mailed to the owner of the *abutting property*, to the property tax address on file on the King County tax assessor's website, if the *City* determines that the *abutting property* is not *owner-occupied*, or to any address noted on any communication from the *abutting property owner*. [Ord. 23-0578 § 2 (Exh. 1).]

Attachment C to Ord. 25-0628Chapter 18.35 of the Kenmore Municipal Code is amended as follows:* * ***18.35.020 Application.**

Except for *wireless communication facilities* regulated pursuant to Chapter 18.60 KMC and City right-of-way activities regulated pursuant to Title 12 KMC, all new *development* shall be subject to the *landscaping* provisions of this chapter; provided, that specific *landscaping* and *tree* retention provisions for *uses* established through a *conditional use permit* or *special use permit* shall be determined during the applicable review process. [Ord. 16-0426 § 7 (Att. E); Ord. 11-0329 § 3 (Exh. 1).]

* * ***18.35.050 Landscaping – Street trees for single-family subdivisions.**

For single family subdivisions:

A. Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street. Native vegetation cultivars are preferred;

B. The~~Street~~ trees shall be:

1. Located within the street right of way if permitted by the City;
2. No more than 20 feet from the street right of way line if located within a lot;
3. Maintained by the adjacent landowner unless part of a City maintenance program; and
4. A species approved by the City if located within the street right of way and compatible with overhead utility lines;

C. The trees may be spaced at irregular intervals planted pursuant to accommodate sight distance requirements for driveways and intersections. Chapter 12.50 KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

* * ***18.35.090 Landscaping – Additional standards for required landscape areas.**

In addition to the general standards of KMC 18.35.080, landscape areas required pursuant to KMC 18.35.045 through 18.35.070 shall conform to the following standards:

A. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy *vegetation* used to augment new plantings shall not be required to meet the standards of this manual;

B. Single-stemmed *trees* required pursuant to this chapter shall at the time of planting conform to the following standards:

1. In parking area *landscaping* ~~and in street rights-of-way~~:

a. *Deciduous trees* shall have a minimum *caliper* of one and three-quarters inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of three inches, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height;

2. In all other required landscape areas:

a. *Deciduous trees* shall have a minimum *caliper* of one and one-half inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th

Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of three inches, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, where they shall be at least 10 feet in height;

C. Multiple-stemmed *trees* shall be permitted as an option to single-stemmed *trees* in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE; provided, that such multiple-stemmed *trees* are:

~~1. At least six feet in height, and~~

~~2. Not allowed within street rights-of-way;~~

D. When the width of any landscape strip is 20 feet or greater, the required *trees* shall be staggered in two or more rows;

E. Shrubs shall be:

1. At least an AAN container class No. 2 (two-gallon) size at time of planting in Types II, III and parking area *landscaping*,

2. At least 24 inches in height at the time of planting for Type I *landscaping*, and

3. Maintained at a height not exceeding 42 inches when located in Type III or parking area *landscaping* except in the DC and DR zones where they shall not exceed a maximum height of 48 inches;

F. Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years;

G. All *fences* shall be placed on the inward side of any required perimeter *landscaping* along the *street frontage*;

~~H. Required street landscaping may be placed within City street rights-of-way subject to the City street design standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way;~~

~~I. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation; and~~

~~J. New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species. [Ord. 11-0329 § 3 (Exh. 1).]~~

* * *

CITY OF KENMORE Engineering

KMC Title 12 and 18 Amendments

Brought to you by John Vicente, Engineering Director

April 21, 2025



Why are we here tonight

- Update ROW landscape maintenance requirements
- Clean up/clarify Chapters 12.05, 12.70, and 18.35
- Items for discussion only, no decision required
- Public hearing conducted tonight



Chapter 12.05

General Provisions

- Added definition for “Traveled way”
- Clarified definition of “Engineering permit” to include work in the right of way
- Clarified definition for “Right of way” to specify Kenmore
- Adding definition for “Person”
 - “Person” means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or as an agent, servant, or employee;



Chapter 12.70

Sidewalk, Planting Strip, and Street Trees

- General organization
- Clarification of language
- Moved items from 18.35
- Added language about trash collection



Chapter 12.70.010

Definitions

- Clarified dead trees are a hazardous trees
 - Safety concern



Chapter 12.70.040

Procedure for Sidewalk reconstruction or repair

- Clarified plan submittal requirements per road standards



Chapter 12.70.050

Right of way vegetation maintenance

- Clarified abutting property owner responsibility
 - Added safety hazard as basis for maintenance
 - Added soil as an encroachment requiring clean up
 - Weed and grass removal > 12 inches
 - Free from noxious weeds
 - Use of right of way to include pedestrians on gravel shoulders
 - Vegetation not to intrude on traveled way
 - Updated vegetation clearance diagrams
 - Added tree replacement for removals



Section 12.70.080

Exemption from KMC 12.70.030 and 12.70.050

- Clarified exemption for dual frontages
- Proposed assistance:
 - City may provide traffic control services for SFR, duplex, or triplex for large trees
- Proposed locations to provide assistance (internal policy memo)
 - Arterials or collectors where public safety is an issue



Section 12.70.085

Garbage, trash, and yard waste

- NEW Section
- Placement in acceptable containers
- Time limit to store in ROW
 - 24 hrs prior to and after scheduled pickup
- Not allowed to block traveled way except as noted
- Acceptable locations to place in ROW
 - Sidewalk/curb/gutter
 - Amenity strip
 - Driveway approach
 - Curb only
 - W/in 1-foot of curb
 - No curb
 - Shoulder or edge of pavement
 - Level/safe area

Chapter 18.35

Landscaping

- Title 12 address all right of way landscaping requirements
- Removed all reference to right of way landscaping requirements
- Pertinent information moved to Title 12



Comments/Questions prior to....

Public Hearing



Next Steps

- Ordinance for approval at later council date



Additional comments and questions:

For comments and questions:

John Vicente
Engineering Director, Engineering
jvicente@kenmorewa.gov
425 398 8900



City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
KMC Title 12 and Title 18 Amendments Department: Engineering Prepared by: John Vicente Engineering Director Attachments: Attachment 1: Draft Ordinance 25-0628 Attachment 2: Title 12 Proposed Changes Attachment 3: Title 18 Proposed Changes	☐ Information Only ☐ Receive and File ☒ Discuss ☐ Provide Direction ☒ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other:

Approvals:

Department	City	Finance	City	DS
Head <u>JV 3/26/2025</u>	Attorney <u>DR3/24/2025</u>	Director <u>N/A</u>	Manager <u>SL 3/26/2025</u>	Director <u>4/9/2025</u>

Summary/Background:

Staff is requesting the City Council to review and discuss changes proposed to Title 12 and Title 18 of the Kenmore Municipal Code (KMC). The proposed items are for discussion only, no decision is required. A public hearing on these changes will also be conducted on this day. Staff will present an ordinance for approval at a later council date.

The following chapters in Title 12 and Title 18 have proposed amendments:

- 12.05 – General Provisions
- 12.70 – Sidewalk, Planting Strips, and Street Trees
- 18.35 – Development Standards, Landscaping

The purpose of the amendments is to update the City requirements for right of way maintenance, provide clarification on some items, consolidate landscape requirements to Title 12, and remove redundancies/conflicts. Below is a description of the changes proposed.

KMC 12.05 – General Provisions

A definition for “traveled way” was added for clarification

KMC 12.70 – Sidewalk, Planting Strips, and Street Trees

- Dead trees were added to the definition of “Hazardous tree”

- Added allowance for necessary vegetation removal
- Added gravel shoulders as possible pedestrian walk areas
- Clarified requirement of hazardous trees and removal of dead/diseased shrubs.
- Added replacement requirements for removed trees
- Provided public assistance allowance for certain tree removals (single family residence, duplex, and triplex housing only)
- Added requirements for placement of trash for pick up
- Moved relevant requirements from Title 18 to Title 12 (noxious weed control)
- Updated diagrams
- General clarifications and small clean up items

KMC 18.35 – Landscaping

This chapter contains requirements for landscaping in the right of way. Information in this chapter is redundant to and/or conflicts with requirements outlined in Title 12 or is better served being consolidated with the majority of right of way landscaping code. References to right of way landscaping have been deleted and some information was also moved to Title 12.

Previous Council Action(s):

This is the first council discussion on this particular amendment.

Fiscal Consideration:

None. Staff and legal review time were spent to work on this update

City Council Priorities or Budget Objective Being Addressed:

Core mission – City governance, ensure public safety, and maintain the City's infrastructure

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0628**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTERS 12.05, 12.70, AND 18.35 OF THE
KENMORE MUNICIPAL CODE TO UPDATE RIGHT OF WAY
LANDSCAPING REQUIREMENTS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Title 12 of the Kenmore Municipal Code (KMC) establishes regulations for use of the public right-of-way; and

WHEREAS, Title 18 of the Kenmore Municipal Code (KMC) establishes regulations for private development; and

WHEREAS, City staff has proposed the adoption of new and updated changes to Title 12 KMC and Title 18 KMC ("Proposed Amendments"); and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the Proposed Amendments; and

WHEREAS, the City submitted the Proposed Amendments to the Washington Department of Commerce in compliance with RCW 36.70A.106; and

WHEREAS, on April 21, 2025, the City Council held a public hearing and considered the Proposed Amendments; and

WHEREAS, the City Council finds the Proposed Amendments meet the decision criteria of KMC 19.20.090.A and .C, and desires to adopt the same;

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

Section 1. Amendment. The City Council amends Chapters 12.05 - *General Provisions* and 12.70 - *Sidewalk, Planting Strips, and Street Trees* of the Kenmore Municipal Code as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 2. Amendment. The City Council amends Chapter 18.35 – *Development Standards - Landscaping* of the Kenmore Municipal Code as set forth in Attachment B, attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 4. Effective Date. This Ordinance 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 AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2025.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

Filed with the City Clerk: 04/09/2025

Passed by the City Council:

Ordinance No.: 25-0628

Date of Publication:

Effective Date:

Attachment A to Ord. 25-0628

Chapter 12.05 of the Kenmore Municipal Code is amended as follows:

Chapter 12.05

GENERAL PROVISIONS

Sections:

12.05.010 *Repealed.*

12.05.015 Intent.

12.05.020 Financial guarantees authorized.

12.05.030 Definitions.

12.05.040 Removal of facilities and personal property in City rights-of-way.

12.05.050 Violation – Enforcement – Penalty.

12.05.010 Relationship to comprehensive plan and Growth Management Act.

Repealed by Ord. 11-0330. [Ord. 03-0180 §§ 1, 2; Ord. 02-0141 § 1; Ord. 98-0024 §§ 1, 2 (KCC 14.02.010).]

12.05.015 Intent.

A. This code is enacted to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. It is also the purpose of this code to regulate activities within the *rights-of-way* in the interest of public health, safety and welfare; and to provide for the fees, charges, enforcement, and procedures required to administer such regulations.

B. It is expressly the purpose of this code and any procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code or any procedures adopted hereunder.

C. It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the persons, organizations, *utility*, or *permittees* adjacent to or seeking to use the rights-of-way, and no provision is intended to impose any duty upon the City of Kenmore, or any of its officers, employees or agents. Nothing contained in this code or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the City of Kenmore, or its officers, employees or agents, for any injury or damage resulting from the failure of the persons, organizations, *utility*, or *permittees* to comply with the provisions hereof, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code or any procedures adopted hereunder by the City of Kenmore, its officers, employees or agents.

D. All *work* performed or contracted by the *City* within the *right-of-way* is exempt from the permitting requirements outlined in this title. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.020 Financial guarantees authorized.

The *city manager* is authorized to require all *applicants* issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of KMC Title 21. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.030 Definitions.

This section contains definitions of terms used throughout this title.

- A. “Abutting property” means real property having a frontage upon or common boundary with the sides or margins of any road or right-of-way.
- B. “Applicant” means a property owner(s), person(s), company, public agency, or public or private utility, or authorized agent of the applicant who files an application for a permit under this title requesting approval to access/use publicly owned land or right-of-way.
- C. “Application” means an application form supplied by the City and completed by the *applicant*, payment for the required application fee(s), and related property site, driveway, roadway, traffic information, and any other documentation as determined necessary by the City in the evaluation of the application.
- D. “City” means the City of Kenmore.
- E. “City manager” means the City of Kenmore city manager or his or her designee(s).
- F. “City engineer” means the city engineer herein authorized with the same powers specified in RCW 36.75.050 and Chapter 36.80 RCW, or his/her authorized representatives. Whereas “County” shall be replaced with “City” throughout.
- G. “City project” means any work performed by the City (either with City personnel or by way of contract) including but not limited to capital projects, *maintenance*, or repair/*restoration* activities.
- H. “City property” means all City real property, including but not limited to recreational trails, critical areas, roads, parks and dedicated open space, that is owned by the City.
- I. “Contractor” means any person, firm, corporation, or other entity who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, develop, move, wreck, demolish, or excavate for any structure, road, sidewalk or other infrastructure below ground, at ground or above ground.
- J. “Curb” means a cement, concrete or asphalt raised structure designed to delineate the edge of the travel way or pavement, to separate the vehicular portion from that provided for pedestrians or bicyclists, and for surface water drainage control.
- K. “Department” means the City department or outside agency assigned by the city manager to administer a portion of the municipal code.
- L. “Development” means any activity that requires a permit or approval, including, but not limited to, a right-of-way use permit (limited, access, and encroachment), *special use permit*, utility permit, right of use agreement, connection permit, or right-of-way vacation.
- M. “Encroachment” means any structure, object, or obstruction, including, but not limited to, building extension, marquee, fence, stairway, railing, retaining wall, artwork, private landscaping, barriers, or any other building or structure constructed, erected or maintained in, over or under any public place, right-of-way, easement, roadway, parking strip and/or sidewalk, including the airspace above them.
- N. “Engineering permit” means a *permit* authorizing the use or improvement of privately owned property. Permitted activities include clearing, grading, roads, drainage facilities, utilities. [Permit may also include work in the right-of-way.](#)
- O. “Facility” or “facilities” means any pole, pipe, line, pipeline, cable, vault, antenna, appurtenances, fixtures, conduit, guys, anchors, vaults, attachments, fencing, or other equipment or structure owned and/or operated by a utility company or public/private agency necessary for a fully functional system.
- P. “Franchise” means an agreement granting the nonexclusive right, privilege, and authority to occupy the right-of-way.
- Q. “Highway” means the same as “road.”

R. “Maintenance” means the routine upkeep of the right-of-way or property, equipment, materials, etc., to retain its original function and/or to allow for access or safety.

S. “Permit” means any activity requiring written approval issued by the *City*, subject to conditions stated therein, authorizing the use, construction, alteration, reconstruction, relocation, *maintenance*, or development within the right-of-way or publicly owned real property. This includes, but not limited to, reclassification of a road, street vacation, and traffic control devices.

T. “Permittee” means the same as “applicant.”

U. “Professional engineer” means a civil engineer with an active status license in the state of Washington registered in accordance with Chapter 18.43 RCW.

V. “Property owner” means a person(s) or entity with ownership of real (fee title and/or mortgages) or personal property.

W. “Restoration” means activities necessary to replace, repair or otherwise restore the *right-of-way* and adjacent private property and all features contained within to the same or better condition as existed prior to any construction and in compliance with the Road Standards.

X. “Right-of-way” means land and the space above and below, property or property interest, such as a right-of-way use easement, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the City of Kenmore [and located within the jurisdictional limits of the City of Kenmore](#) for public motor vehicle, pedestrian, bicycle, or other nonmotorized transportation purposes, including, but not limited to, roads and trails, whether or not opened, improved or maintained for public transportation purposes.

Y. “Right-of-way use agreement” is an agreement with the City through which is granted a site-specific and revocable privilege to use City right-of-way at a location identified in the agreement for *facilities* and *wireless communication facilities*, and through which are set forth the terms and conditions for exercising the granted privilege to use the City right-of-way. The *city manager* shall have the discretion to use right-of-way use agreements for other purposes as needed.

Z. “Right-of-way use permit, limited” means a *permit* authorizing a person to enter, use and/or improve City right-of-way.

AA. “Right-of-way use permit, access” means a *permit* authorizing to enter and use unopened City right-of-way for a subdivision or property access.

BB. “Right-of-way use permit, encroachment” means a *permit* authorizing the use of the City right-of-way for an *encroachment*.

CC. “Right-of-way utility permit” means a document issued under the authority of the city manager which provides specific authorization, requirements, and conditions for specific utility work at specific locations.

DD. “Road” means the improvements contained within the full width of the right-of-way boundary lines including permanent right-of-way easements obtained for use of the public for purposes of vehicle, pedestrian, and bicycle travel and storm drainage (same as highway as defined by RCW 46.04.197 and city street as defined in RCW 46.04.120).

EE. “Road Standards” means the City of Kenmore Road Standards adopted under Chapter 12.50 KMC.

FF. “Sidewalk” means that space between the *curb* line or the edge of paved travel lane and the *abutting property*, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete.

GG. “Special use permit” means a *permit* for the use of *City property* issued pursuant to this title.

HH. “Street” means the same as “road.”

II. “Traveled way” means the marked or designated travel portion of the road that is designated for vehicular, bicycle, pedestrian and any other alternative form of transportation. For pedestrian, the traveled way is defined by the marked space (through signage, striping, symbols, or a combination thereof) or the full width of sidewalk. For bicycle and other alternative forms of transportation, the traveled way is defined by pavement markings, signage, or symbols or a combination thereof. For vehicular traveled way, see KMC 10.20.015.

III. “Unimproved right-of-way” means any right-of-way or portion thereof that has not been improved by the City for the use of public transportation. Unimproved right-of-way may contain facilities.

III. “Utility” means private and public providers/owners of utility infrastructure, including water, wastewater, electric, telephone, telegraph, telecommunications, fiber optic, wireless services, cable television, natural gas lines, and solid waste.

III. “Wireless” means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite.

III. “Wireless communication facility” generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support structure, cables and other transmission equipment, and an equipment enclosure or cabinets. “Wireless communication facility” shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots.

III. “Wireless communication provider” means every person that owns, controls, operates or manages a wireless communication facility within the right-of-way for the purpose of offering wireless communications services (i.e., transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

III. “Work” means any construction or alteration of existing infrastructure, maintenance, or other improvements or actions whether identified under an approved permit or not.

III. “WSDOT” means the Washington State Department of Transportation. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.040 Removal of facilities and personal property in City rights-of-way.

Except as may be required by Chapter 35.99 RCW, any utility, company or person (hereby referred to as *owner*) that locates any facilities or personal property in the *right-of-way* shall relocate, remove or reroute said facilities or personal property, as ordered and in the time frame required by the *City* per this title, at no expense or liability to the *City*. If an *owner* fails to timely perform such relocation, removal, or reroute, then the *city manager* may, but is not required to, order and complete all actions necessary to remove the facilities or personal property from the *right-of-way*. The *city manager* may require the *owner* to reimburse the *City* for the reasonable actual costs of removal, including *City* overhead (provided, that in no event shall such overhead exceed 10 percent of the total costs, fees and expenses of third parties), within 30 days of the *City’s* invoice. In addition, the *owner* shall indemnify, protect and hold harmless the *City* from any third-party claims for service interruptions or other losses in connection with any such change or removal of the facilities or personal property, other than the *City’s* negligence or willful misconduct. [Ord. 23-0578 § 2 (Exh. 1).]

12.05.050 Violation – Enforcement – Penalty.

A. The violation of or failure to comply with any provision of this title is declared to be unlawful. The *city manager* shall have the authority to enforce this title and to adopt procedures for the purpose of implementing or carrying out other responsibilities required by this title.

B. Any violation or failure to comply with any provision of this title is a civil violation as provided for in Chapter 1.20 KMC, for which a monetary penalty may be assessed and abatement may be required as provided herein. Unless otherwise noted elsewhere within this title, the *city manager* may, but is not required to, seek voluntary correction pursuant to KMC 1.20.070, prior to the assessment of monetary penalties for violation of this title. [Ord. 23-0578 § 2 (Exh. 1).]

Attachment A to Ord. 25-0628

Chapter 12.70 of the Kenmore Municipal Code is amended as follows:

Chapter 12.70

SIDEWALKS, PLANTING STRIPS AND STREET TREES

Sections:

- 12.70.010 Definitions.
- 12.70.020 Abutting property owner to maintain sidewalk in safe condition.
- 12.70.030 Abutting property owner shall be responsible for expense of maintenance and repair.
- 12.70.040 Procedure for sidewalk construction or repair.
- 12.70.050 Right-of-way vegetation maintenance.
- 12.70.060 Sidewalk – Snow, ice and trash removal required when.
- 12.70.070 Sidewalk – Violation of KMC 12.70.050 deemed misdemeanor.
- 12.70.080 Exemption from KMC 12.70.030 and 12.70.050 permitted when.
- 12.70.090 Right-of-way vegetation – Trimming limitations – Removal prohibited.
- 12.70.100 Right-of-way maintenance – Enforcement.

12.70.010 Definitions.

In addition to the definitions in Chapter 12.05 KMC, the following definitions shall apply to this chapter:

A. “Hazardous tree” means any dead tree or a tree with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated tree(s) that have a high probability of failure due to low wind-firmness in post-construction conditions as determined by a qualified tree protection professional.

B. “Planting strip” means that portion of the *right-of-way* which lies:

1. Between the *curb* line and the *sidewalk*; ~~and/or~~
2. Between the *sidewalk* and the *right-of-way* line; or
3. Between the edge of pavement and the *right-of-way* line where *sidewalk* and/or *curb* are not present; or
4. Between the *curb* line and the *right-of-way* line where *sidewalk* is not present;

and may include, but is not limited to, trees, shrubs, groundcover, fences, *facilities*, signs, hydrants, gravel, drainage infrastructure. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.020 Abutting property owner to maintain sidewalk in safe condition.

It shall be the responsibility of the *owner* of property abutting upon a public *sidewalk* to maintain the *sidewalk* at all times in a safe condition, free of any and all obstructions ~~or defects~~; see KMC 12.70.050. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.030 Abutting property owner shall be responsible for expense of maintenance and repair.

The burden and expense of maintaining *sidewalks* along the side of any *street* or other public place shall be borne by and the responsibility of the *owner* of the property directly abutting thereon. The *abutting property owner* shall also

be responsible for performing and paying for *sidewalk* repairs to the extent the need for repairs is caused by the actions or omissions of the *abutting property owner*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.040 Procedure for sidewalk ~~construction~~reconstruction or repair.

A. If in the judgment of the *city engineer* ~~or another department of public works official~~, public convenience or safety requires that a *sidewalk* be ~~constructed~~reconstructed or repaired along either side of any *street*, pursuant to KMC 12.70.030, such fact shall be reported to the city council.

B. If, upon receiving a report from the proper official, the city council deems the ~~construction~~reconstruction of the proposed *sidewalk* or repair of such *sidewalk* necessary or convenient for the public health, safety or welfare, the city council may then order such work to be done pursuant to the procedures established in Chapter 35.68, 35.69 or 35.70 RCW. The cost of such proposed *sidewalk* ~~construction~~reconstruction or *sidewalk* repair shall be borne by the *abutting property owner* in accordance with Chapter 35.68, 35.69 or 35.70 RCW.

C. Permit Required. Before commencing reconstruction or repair of a *sidewalk*, the *owner* must submit an application for a *right-of-way use permit, limited* (Type A-) pursuant to Chapter 12.35 KMC. The application must include the plans for the reconstruction or repair in accordance with the Road Standards, together with an estimate of the cost of the reconstruction or repair. The *city engineer* shall evaluate the cost of the reconstruction/repair. The *city engineer* may require the *owner* to provide additional information to evaluate the cost. If the *city engineer* determines that the cost of the reconstruction or repair will exceed 50 percent of the *abutting property* valuation, exclusive of improvements, the *owner* must modify the plans for the reconstruction or repair so that the cost does not exceed 50 percent of such valuation. The *owner* will not commence the reconstruction or repair until the *city engineer* has approved the modified plans. The *abutting property* valuation shall be the current valuation as determined by the King County assessor's office website for said property. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.050 Right-of-way vegetation maintenance.

A. ~~Maintenance of~~The *abutting property owner* is responsible for and shall maintain *planting strips*, *sidewalks*, and *unimproved right-of-way*, including ~~hazardous~~:

1. Hazardous trees, ~~tree~~
2. Tree limbs and shrubbery that obstructs the *road* and/or *sidewalk* ~~or traveled way~~, blocks sight distance or signage, soil or presents a safety hazard to the public, and
3. Soil, gravel, weeds, grass, or other ground cover, ~~will be the responsibility of encroaching within the traveled way~~

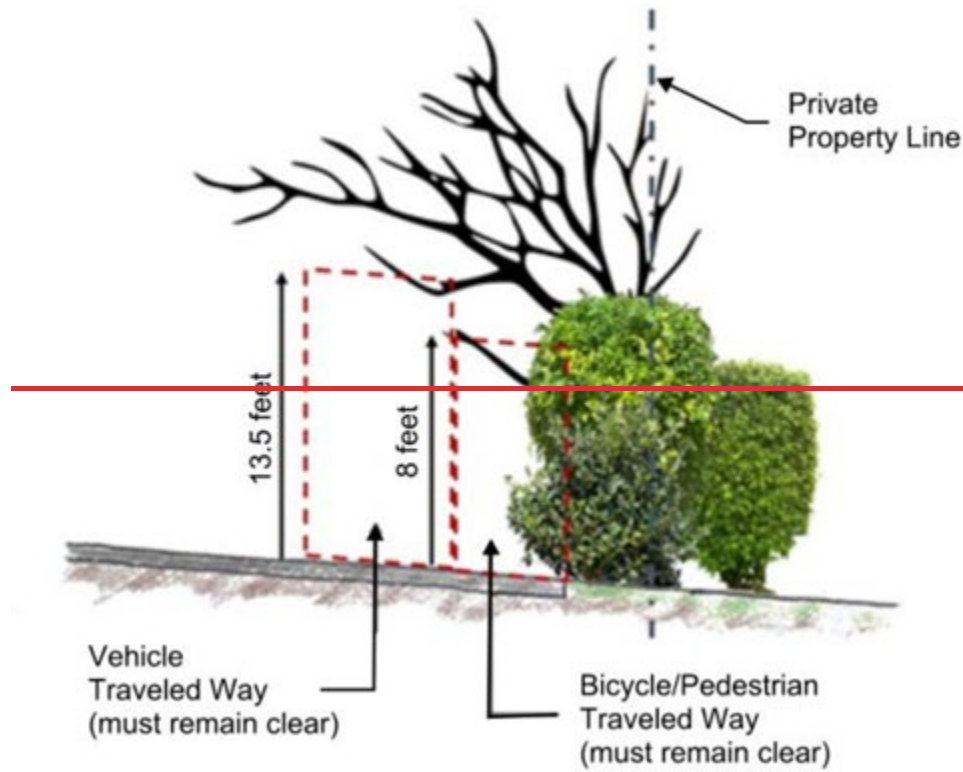
B. The *abutting property owner*. ~~Vegetation is responsible for maintaining vegetation in planting strips~~ will as follows:

1. Will be maintained in a condition that does not impair the use of the *right-of-way* by the *City* or the traveling public. ~~The use of the right of way includes, but is not limited to:~~
2. Shall be free from weeds and grass in excess of 12 inches.
3. Free from noxious weeds contained in the current King County Noxious Weeds list or contained in the current chapter 16-750 WAC. Noxious Weed List Classes A, B, and C shall be prohibited.
4. Vegetation shall be removed and replaced as required by Section 12.70.050G.
5. The use of the right-of-way includes, but is not limited to:
 - a. Motor vehicles on paved roadways;
 - b. ~~2.~~Bicycles on paved surfaces or designated trails;
 - c. ~~3.~~Pedestrians on *sidewalks*, designated paved walkways, gravel shoulders, or other pedestrian paths as determined by the *city manager*; and
 - d. ~~4.~~City maintenance and operations.

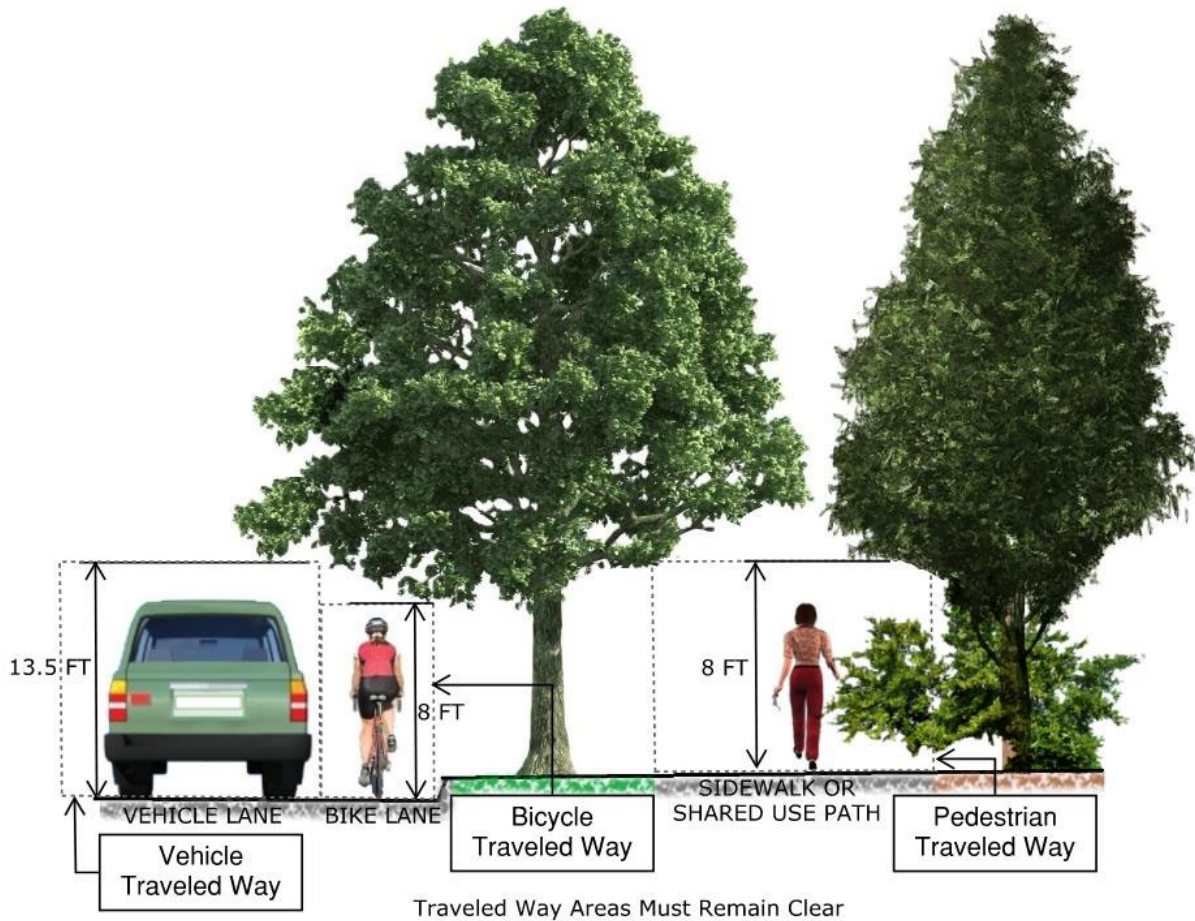
~~BC.~~ Vegetation shall not overhang *sidewalks*, walkways or bike lanes within eight feet, measured vertically from any point on the traveled way. Vegetation shall not overhang vehicle lanes within 13.5 feet, measured vertically from any point on the traveled way. Vegetation shall ~~be trimmed~~not intrude into pedestrian, bicycle, or vehicle traveled way. The *abutting property owner* shall maintain vegetation as needed to prevent blockage of sight distance

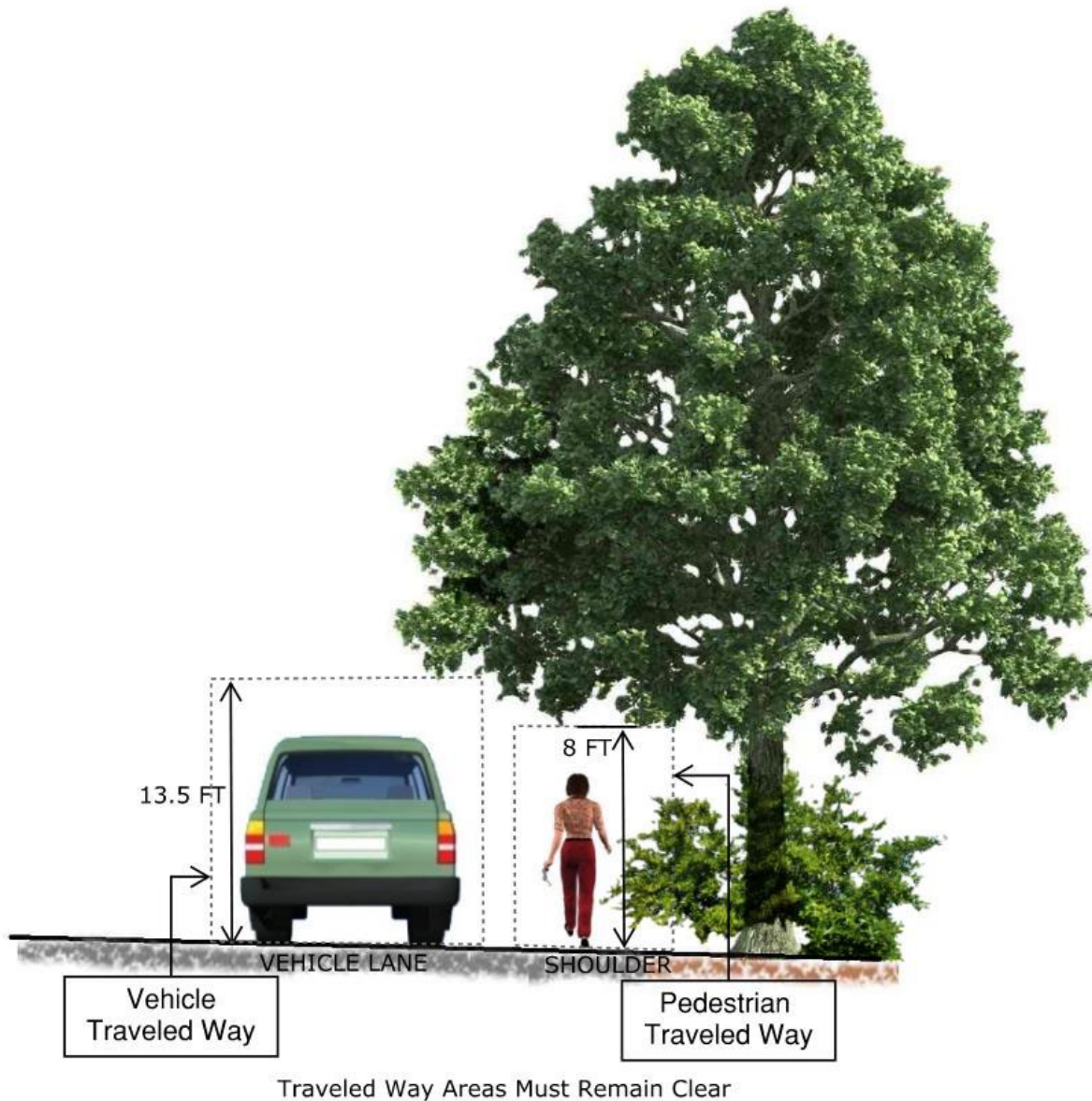
and the traveled way per the *Road Standards* or blockage of any roadway sign. ~~The~~ In addition to the definition established for *traveled way* in Section 12.05 KMC, the traveled way is further defined as:

1. The traveled way for pedestrians shall be *sidewalks*, paved walkways separated by a *curb* from the vehicle traveled way, ~~or~~ paved walkways signed for pedestrians, or paved/gravel shoulders as determined by the city manager. Other pedestrian paths, as determined by the *city manager*, may also be defined as a pedestrian traveled way.
2. The traveled way for bicycles shall be defined by signage and pavement markings and shall be a paved area separated by pavement markings from the vehicle traveled way or a paved path as determined by the *city manager*.
3. The traveled way for vehicles will be defined by the edge stripe or edge of pavement where no stripe is present.

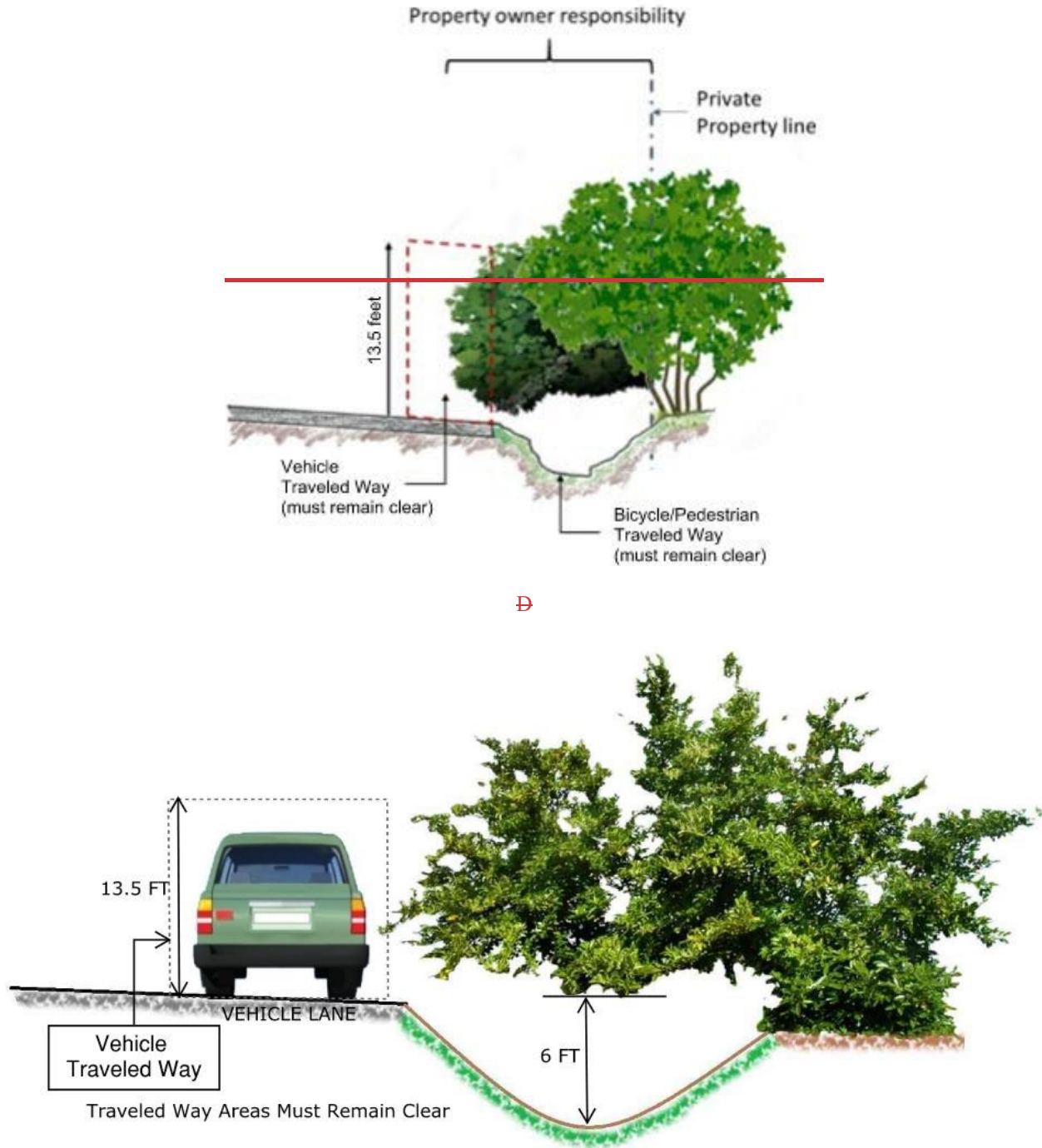


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D. Drainage ditches shall be kept free of debris and maintained in a condition that allows the free flow of water and provides for adequate access for *City maintenance* and inspections. Ditches shall be mowed regularly. Aesthetic maintenance of drainage ditch vegetation, assuming adequate access and free flow of water is maintained, is the responsibility and at the discretion of the *abutting property owner*.



E. Within *unimproved right-of-way*, *abutting property owners* shall be responsible for trimming vegetation that overhangs onto their respective property and for removing *hazardous trees*. The *abutting property owner's* responsibility shall extend to the center of the *unimproved right-of-way*.

EF. All slopes adjacent to *abutting properties* shall be maintained by the *owner*. *Maintenance* shall be consistent with the requirements for *planting strips* and shall include erosion control and vegetation stabilization.

FG. *Hazardous trees* and *diseased or dead shrubs* shall be removed from the *right of way* and replaced with a *suitable species per the Road Standards*. Replacement tree shall be a minimum 2 inches diameter measured 5 feet up from the root ball.

H. Certain *planting strips, sidewalks, unimproved right-of-way,* and other *right-of-way* areas may be maintained by the City at the city manager's discretion.

[Ord. 23-0578 § 2 (Exh. 1).]

12.70.060 Sidewalk – Snow, ice and trash removal required when.

It is unlawful for any ~~person, firm or corporation~~ owning ~~abutting property~~ within the City to permit the accumulation of snow, ice, vegetative debris, trash or any other material on an existing *sidewalk* which impedes the normal flow of pedestrian traffic. In the event the property is owned by a *person* not a resident of the City, a reasonable period of time shall be provided for the *owner* or the *owner's* agent to remove the material. If such removal is not accomplished within a reasonable period of time, the *city manager* may have the *sidewalk* cleaned and the cost thereof shall be billed to the *property owner*. The determination of reasonable period of time shall be at the sole discretion of the *city manager*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.070 Sidewalk – Violation of KMC 12.70.050 deemed misdemeanor.

Each day any *sidewalk*, or driveway portion thereof, is permitted to remain in a hazardous condition as specified in KMC 12.70.050 shall be considered and shall constitute a separate violation. Violation of KMC 12.70.050 shall constitute a misdemeanor and shall be punishable as provided by law. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.080 Exemption from KMC 12.70.030 and 12.70.050 permitted when.

The city manager may approve exemptions to KMC 12.70.030 and 12.70.050 for the following reasons:

1. Property that abuts the *right-of-way* which ~~is substantially higher or lower in elevation than the road, which~~ does not have reasonable access through the property to that section of the *right-of-way*; and where that portion of *right-of-way* is not ~~continuous-connected~~ to ~~abutting other right-of-way~~ abutting the property that is accessible may apply for an exemption from the provisions of KMC 12.70.030 and 12.70.050.
~~Exemptions may be granted by the city engineer based upon standards which shall be established by the department.~~ [Ord. 23-0578 § 2 (Exh. 1).]
2. For properties with single detached dwelling units as defined by Section 18.20.840 KMC, duplexes, or triplexes, hazardous trees in excess of 15 feet in height and 8 inches in diameter at breast height as defined pursuant to KMC 18.20.752, the City may assist in providing traffic control services. The city manager shall make the final determination of what assistance may be provided by the City, or
- 2-3. Other exemptions based upon standards which shall be established by the *department*. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.085 Garbage, trash, recycling, and yard waste

Any property accumulating garbage, trash, recyclables, and yard waste shall place their materials in approved carts or contained in a manner to prevent scattering. Garbage, trash, recyclables, and yard waste for collection in the right of way shall be placed no earlier than twenty-four hours prior to the day of collection. All carts must be removed from the right of way within twenty-four hours of being collected. All carts and other containers shall be placed by the occupant for pick up in a convenient, accessible location where such placement does not block the traveled way unless otherwise allowed below. Carts, other containers, and bulk trash shall be placed in the following manner:

- A. For properties with level planting strips between a curb and sidewalk, place in either the planting strip or driveway within one foot of the curb; or
- B. For properties with sidewalks but no planting strips, place within one foot of the front of the curb; or

- C. For properties with no sidewalk, curb, or gutter, within existing shoulder or, if no shoulder, at edge of pavement; or
- D. When the foregoing locations slope at a grade making placement of a cart difficult, a level area that is nearest to either of the previous locations; or
- E. If the foregoing locations are not available due to extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with the *traveled way*;
- F. Cart spacing shall be placed as per the respective hauler.

12.70.090 Right-of-way vegetation – Trimming limitations – Removal prohibited.

A. Notwithstanding any provision of *franchise* agreements or Section 12.70.050, vegetation within the public *right-of-way* shall not be removed or cut back so as to generally damage the aesthetic quality or survivability of the vegetation. Such trimming, when required by *utility* companies to safeguard their *facilities* or as required pursuant to Section 12.70.050, shall be done in a manner that preserves the general appearance of the vegetation. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and driveways and such traffic warning or regulatory signs that are in place. [Ord. 23-0578 § 2 (Exh. 1).]

12.70.100 Right-of-way maintenance – Enforcement.

A. Should the *city engineer* find that such *right-of-way* is not being properly maintained consistent with KMC 12.70.050 through 12.70.090, the *city engineer* may, but is not required to, notify the *abutting property* owner to comply with the provisions of this chapter. The notice will be prepared per KMC 1.20.070 as amended below and include:

1. All references to “code enforcement officer” shall mean *city manager*;
2. Instruction to the *abutting property* owner to trim or remove the vegetation and specify a reasonable time for the trimming or removal of said vegetation.
3. A statement that if the *property* owner fails to trim or remove the vegetation within the time frame provided, the *City* will begin enforcement proceedings per Chapter 1.20 KMC or if determined by the *city engineer* to be a public safety hazard, interferes with Americans with Disabilities Act (ADA) accessibility, an environmental hazard, or impedes *City maintenance* and operations, that the *City* will perform the *maintenance* pursuant to subsection B of this section; and
4. A statement that in the case of a public safety hazard, interference with ADA accessibility, an environmental hazard, or impeding *City maintenance* and operations, that any cost incurred by the *City* may be assessed against the *property owner* for failure to comply with this provision.

B. If, by determination of the *city engineer*, the vegetation is a public safety hazard, environmental hazard, or impedes *City maintenance* and operations and the *abutting property* owner fails to complete the required *maintenance* within the time period stated in the notice, the *City* will perform the required *maintenance* and the cost may, at the discretion of the *city engineer*, be assessed against the *abutting property* owner. After completion, the *city engineer* will determine the cost to be charged to the *property* owner and the time and manner of payment thereof; provided, that the cost will not exceed 50 percent of the valuation of the *abutting property*, exclusive of improvements. The cost will include all direct invoiced costs for materials and equipment as well as \$75.00 per hour per person of labor performed by the *City* in completing the *maintenance* requirements. If contracting services are necessary to complete the *maintenance*, the full cost of the contract services shall be included in the cost charged to the *property owner*. The *abutting property* valuation shall be as determined by the most current assessment of King County assessor’s office for said property. The *city engineer* will give notice of the cost to the *owner*. The notice shall:

1. State the cost to be charged to the *owner* and the time and manner of payment thereof;

2. Include documentation to support the charges;
3. Advise the *owner* that the cost cannot exceed 50 percent of the valuation of the property, exclusive of improvements;
4. State that the *city engineer* will hear protests to the determination of cost, time, and manner of payment if received within 30 calendar days of date of delivery of the notice.

C. In the event payment is not received by the *City* within the time frame stated in the notice, the *city engineer* may place a lien upon the property or submit the charges to a licensed collection agency. Any lien will be collected in the manner as provided by law for collection of local improvements assessments.

D. The *owner* may appeal the *city engineer's* determination of cost, time, and manner of payment for KMC 12.70.050 through 12.70.090 by filing a notice of appeal with the *city manager* within 14 calendar days after delivery of the *city engineer's* determination. The *city manager* will give notice of receipt of the appeal and a deadline for response. After the protest consideration, the *city manager* will issue a decision, which will be the *City's* final decision on the *owner's* responsibility for *maintenance*. Additional time to submit an appeal may be granted at the *city engineer's* discretion.

E. All notices will be mailed to the owner of the *abutting property*, to the property tax address on file on the King County tax assessor's website, if the *City* determines that the *abutting property* is not *owner-occupied*, or to any address noted on any communication from the *abutting property owner*. [Ord. 23-0578 § 2 (Exh. 1).]

Attachment C to Ord. 25-0628Chapter 18.35 of the Kenmore Municipal Code is amended as follows:* * ***18.35.020 Application.**

Except for *wireless communication facilities* regulated pursuant to Chapter 18.60 KMC and City right-of-way activities regulated pursuant to Title 12 KMC, all new *development* shall be subject to the *landscaping* provisions of this chapter; provided, that specific *landscaping* and *tree* retention provisions for *uses* established through a *conditional use permit* or *special use permit* shall be determined during the applicable review process. [Ord. 16-0426 § 7 (Att. E); Ord. 11-0329 § 3 (Exh. 1).]

* * ***18.35.050 Landscaping – Street trees for single-family subdivisions.**

For single family subdivisions:

A. Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street. Native vegetation cultivars are preferred;

B. The~~Street~~ trees shall be:

1. Located within the street right of way if permitted by the City;
2. No more than 20 feet from the street right of way line if located within a lot;
3. Maintained by the adjacent landowner unless part of a City maintenance program; and
4. A species approved by the City if located within the street right of way and compatible with overhead utility lines;

C. The trees may be spaced at irregular intervals planted pursuant to accommodate sight distance requirements for driveways and intersections. Chapter 12.50 KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

* * ***18.35.090 Landscaping – Additional standards for required landscape areas.**

In addition to the general standards of KMC 18.35.080, landscape areas required pursuant to KMC 18.35.045 through 18.35.070 shall conform to the following standards:

A. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy *vegetation* used to augment new plantings shall not be required to meet the standards of this manual;

B. Single-stemmed *trees* required pursuant to this chapter shall at the time of planting conform to the following standards:

1. In parking area *landscaping* ~~and in street rights-of-way~~:

a. *Deciduous trees* shall have a minimum *caliper* of one and three-quarters inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of three inches, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height;

2. In all other required landscape areas:

a. *Deciduous trees* shall have a minimum *caliper* of one and one-half inches and a height of 10 feet in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th

Street between 65th Avenue NE extended and 73rd Avenue NE, which shall have a minimum *caliper* of three inches, and

b. Coniferous and *broadleaf evergreen trees* shall be at least five feet in height except in the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE, where they shall be at least 10 feet in height;

C. Multiple-stemmed *trees* shall be permitted as an option to single-stemmed *trees* in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street between 65th Avenue NE extended and 73rd Avenue NE; provided, that such multiple-stemmed *trees* are:

~~1. At least six feet in height, and~~

~~2. Not allowed within street rights-of-way;~~

D. When the width of any landscape strip is 20 feet or greater, the required *trees* shall be staggered in two or more rows;

E. Shrubs shall be:

1. At least an AAN container class No. 2 (two-gallon) size at time of planting in Types II, III and parking area *landscaping*,

2. At least 24 inches in height at the time of planting for Type I *landscaping*, and

3. Maintained at a height not exceeding 42 inches when located in Type III or parking area *landscaping* except in the DC and DR zones where they shall not exceed a maximum height of 48 inches;

F. Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years;

G. All *fences* shall be placed on the inward side of any required perimeter *landscaping* along the *street frontage*;

~~H. Required street landscaping may be placed within City street rights-of-way subject to the City street design standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way;~~

~~I. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation; and~~

~~J. New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species. [Ord. 11-0329 § 3 (Exh. 1).]~~

* * *

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
Presentation of Planning Commission's Recommendations on Draft Middle Housing, Accessory Dwelling Unit (ADU) and Affordable Housing (Inclusionary Zoning) Code Amendments Department: Community Development Prepared by: Debbie Bent Community Development Director Todd Hall, Principal Planner Attachments: 1. Summary of Proposed Middle Housing and ADU Code Amendments (KMC update reference table) 2. Middle Housing & Accessory Dwelling Unit (ADU) Amendments 3. Summary of Proposed Inclusionary Affordable Housing Code Amendments 4. Affordable Housing (Inclusionary Zoning) Amendments 5. Middle Housing Development Scenario Graphics 6. Staff Slide Presentation 7. Planning Commission Slide Presentation 8. Minority Report, filed April 18, 2025	☐ Information Only ☐ Receive and File ☒ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other:

Approvals:

Department Head DB, 4/16/25 City Attorney N/A Finance Director N/A City Manager SLL, 4/16/25 Optional _____

Summary/Background:

At the April 21 City Council meeting, the Planning Commission will present their recommendations on draft amendments to the Kenmore Municipal Code pertaining to middle housing and accessory dwelling units (ADUs). The Planning Commission recommendations also include proposed amendments related to affordable housing for providing on-site units or a fee-in-lieu. Staff will give a

presentation in advance of the Planning Commission recommendation to provide context and an overview of proposed amendments.

Background: The WA State Legislature passed House Bill (HB) 1110 and HB 1337 in 2023 which requires cities to adopt zoning regulations permitting middle housing types (i.e., duplexes, triplexes, cottage housing, etc.) that allow for single-family residential (R-1, R-4, and R-6 zones), and allowing two accessory dwelling units on single-family residential properties. The City must adopt new zoning regulations for middle housing and ADUs by June 30, 2025. If the City does not adopt regulations by June 30, 2025, the State Model Ordinance will go into effect until regulations are adopted.

State Law allows City to consider requiring affordable housing to be included (i.e., inclusionary housing) in areas where residential capacity is increased either by providing on-site units or fee-in-lieu. A Regional Coalition for Housing (ARCH) developed a model that assesses the financial feasibility of inclusionary housing for different prototype housing types (duplexes, triplexes, etc.) and project sizes. The results of the model and review of regulations in other jurisdictions resulted in the current recommendations.

Previous Council Action(s):

In December 2024, the City Council adopted new policies to the Housing and Land Use Elements of the Comprehensive Plan related to middle housing and accessory dwelling units.

Fiscal Consideration:

Kimley Horn Contract 23-C2995 \$111,250 (1/22/24-12/31/25). The total consultant fee expenditure of \$111,250 is being covered by a Middle Housing Grant awarded to the City by the Washington State Department of Commerce (Commerce) (\$40,000), a portion of funds from the Year 2 Periodic Update Grant awarded by Commerce (\$20,000), and General Funds allocated in the Community Development Department 2023-2024 and 2025-2206 Budget.

City Council Priorities or Budget Objective Being Addressed:

Priority 2: "Preserve and increase availability of all types of housing at all income levels, including the needs of people experiencing homelessness."



Attachment 1: SUMMARY OF PROPOSED CODE AMENDMENTS

Kenmore Zoning Code Update Reference Table

The table below provides a comprehensive reference for how and where each requirement of HB 1110 and HB 1337 are addressed within the draft zoning code update.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
2	Chapter 17.10 Subdivision Definitions	Cities are required to allow unit lot subdivisions which create parent and unit lots.	17.10.211 Lot, parent. “Parent lot” means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.	The proposal is written to create a standard definition for parent lots following a unit lot subdivision.
2	Chapter 17.10 Definitions	Cities are required to allow unit lot subdivisions which create parent and unit lots.	17.10.212 Lot, unit “Unit lot” means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.	The proposal is written to create a standard definition for unit lots following a unit lot subdivision.
7	Chapter 17.20 Subdivisions and Short Subdivisions	Allows the City flexibility during the short subdivision process to accommodate a mix of housing types.	7.20.125 Lot segregations – Zero-lot-line development. In any R zone or in the NB zone, Interior setbacks may be modified during subdivision or short subdivision review as follows...	The proposal addresses a potential scenario where a zero-lot line modification is needed in other zones. Example: Townhomes in the UC, DR, etc.
9	Chapter 17.20 Subdivisions and Short Subdivisions	Cities are required to allow subdivision of new lots so they may be owned fee	17.20.160 Fee Simple Unit Lot Subdivision	The proposal follows much of the City's existing process and

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		simple rather than in a condominium form of ownership.	Creates standards and processes for creation of fee simple unit lot subdivisions.	requirements for short subdivisions, but allows fee simple ownership of individual unit lots to occur on a single parent lot.
11	Chapter 18.15.040 Residential zones.	Expand defined purpose of R-4 (as noted) and R-6 zones.	...and middle housing dwellings (except as noted in KMC 18.21.035(B))...	The proposal adds middle housing types in addition to single-family to the defined purpose of the R-4 (as noted) and R-6 zones.
54	Chapter 18.20 Technical Terms and Land Use Definitions	Cities are required to add middle housing and the permitted use types, including cottage housing, courtyard apartments, duplexes, fourplexes, townhomes, triplexes, and stacked flats as defined land use terms.	18.20.832 Dwelling, middle housing. “Middle housing dwelling” means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, and cottage housing A. Cottage Housing. Residential units on a parent lot with a common open space that either; (a) Is owned in common; or (b) has units owned as	The proposal adds definitions to new middle housing use types to allow future implementation and development of these uses. This is required as these are proposed use types within the city’s code in applicable areas.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			condominium units with property owned in common. B. Courtyard Apartments. Attached dwelling units arranged on two or three sides of a yard or court. C. Duplex. A residential building with two attached dwelling units. D. Fourplex. A residential building with four attached dwelling units. E. Townhouse. See KMC 18.20.835(B). F. Triplex. A residential building with three attached dwelling units. G. Stacked Flat. Dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.	
70	Chapter 18.20 Technical Terms and Land Use Definitions	Cities are required to allow unit lot subdivisions which create parent and unit lots.	18.20.1661 Lot, parent. "Parent lot" means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.	The proposal is written to create a standard definition for parent lots following a unit lot subdivision.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
70	Chapter 18.20 Technical Terms and Land Use Definitions	Cities are required to allow unit lot subdivisions which create parent and unit lots.	18.20.1662 Lot, unit "Unit lot" means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.	The proposal is written to create a standard definition for unit lots following a unit lot subdivision.
	Chapter 18.20 Technical Terms and Land Use Definitions	Cities are required to permit four units per lot within one-quarter mile walking distance of a major transit stop and may not require parking within one-half mile of a major transit stop for middle housing types.	18.20.3025 Transit stop, major. "Major transit stop" means: A. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW; B. Commuter rail stops; C. Stops on rail or fixed guideway systems; or D. Stops on bus rapid transit routes, including those stops that are under construction.	The proposal defines major transit stops as required to implement measures within HB 1110 relating to parking requirements and unit density.
101	Chapter 18.20 Technical Terms and Land Use Definitions	Defines unit density as required within HB 1110 to create a standard for the allowed number of units within a single parent lot.	18.20.3100 Unit Density. "Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.	The proposal defines unit density to implement unit per lot standards as required within HB 1110.
107-108	Chapter 18.21.020 Residential zones R-1, R-4, and R-6 – Use allowances	HB 1110 requires the city to add at least 6 of 9 middle housing types as permitted uses in single-family areas, except as modified by the "Alternative to density"	Table A. R-1, R-4, and R-6 Zones Use Allowances Added cottage housing, courtyard apartments, duplex, fourplex, stacked flats, triplex, and townhouse as permitted	The proposal adds the permitted middle housing types to Table A, including applicable footnotes described below. The proposal also removes the

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		approach chosen by the City.	uses within specific areas per added Footnote 38.	existing "Multiple-family dwelling" for clarity as it only applies to townhouses per the previous footnote 11 (removed). As the city cannot regulate townhouses beyond what is required for single-family, footnote 11 must be removed and leaving multiple-family dwelling may be interpreted to allow all multi-family. Townhouses have been defined separately.
113	Chapter 18.21.020 Residential zones R-1, R-4, and R-6 – Use allowances	Cottage housing was selected as a middle housing type. Cottage housing is unique and requires additional standards to further define design parameters.	Table A, Footnote 39. Cottage housing permitted pursuant to the standards defined in KMC 18.75.	The proposal directs future users to KMC 18.75 for further standards applicable specifically to cottage housing development.
113, 115-117	Chapter 18.21.030 Residential zones R-1, R-4, and R-6 – Development Standards	Defines the parameters and processes for unit density as required within HB 1110 to create a standard for the allowed	Table B, Footnote 18. 18. Unit lot density applies to all lots within the R-4 and R-6 zones, excluding those identified in KMC 18.21.035(B). The following	The proposal creates the standards and applicability for the required unit lot density standards, including

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		number of units within a single parent lot.	provisions are applicable when determining permitted unit density: a. The permitted base unit density is: (1) Two units per parent lot. (2) Four units per lot on all lots within one-quarter mile walking distance of a major transit stop. (3) Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of KMC 18.21.035(C). (4) Accessory dwelling units are considered units for the purposes of calculating unit density, subject to the provisions of KMC 18.73.100. (5) If single-family residential uses exist or are proposed on a lot pursuant to the base or maximum density, then the unit lot density defined in this section is in addition to the that single-family residential use. Single-family dwellings do not count as units for the purposes of this section. If middle housing uses,	how many units per lot, ADUs counting as units, design standards applicable, and references to the fee simple unit lot subdivision process.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, or cottage housing developments are proposed, those are subject to the unit lot density requirements listed in subsection (a)(1-3) of this footnote. b. The standards of footnote 18 do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone. c. The lot lines applicable to a parent lot shall be used to determine dimensional standards that relate to lot dimensions, including but not limited to: minimum lot size, setbacks, maximum gross floor area, maximum hardscape area and maximum lot coverage any created unit lot. These dimensional	

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			standards shall not be measured off individual unit lots. d. Unit density applies to lots created through the fee simple unit lot subdivision process pursuant to KMC 18.20.160 that cannot be further subdivided based on the minimum lot size listed in Table B for the applicable zone.	
116-117	Chapter 18.21.035 Residential zones R-4, and R-6 – Middle Housing	Creates a dedicated section of the code to specify provisions and standards relating to middle housing.	18.21.035 Residential zones R-4 and R-6 - Middle Housing A. Middle housing shall be subject to the same development regulations as detached single-family homes for the purpose of review for consistency with this chapter, Middle housing includes duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, or cottage housing developments. B. The provisions of this section shall apply to all lots in the R-4 and R-6 zones, except:	The proposal specifies middle housing types and defines the applicable areas as R-4 areas not adjacent to critical waterways and all R-6 zoned parcels

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			Specific R-4 lots directly as identified in the exhibit within this subsection. [SEE MAP IN DOCUMENT]	
117	Chapter 18.21.035 Residential zones R-4, and R-6 – Middle Housing	Cities are required to permit four units per lot when one is deed-restricted as affordable. These amendments define the parameters around that affordable unit.	Text amendments define affordability levels and costs, a term of at least 50 years, requirement for a covenant or deed restriction, and broad design requirements around affordable units.	The proposal creates requirements for affordable housing provisions under KMC 18.21.030. This includes affordability levels and costs, a term of at least 50 years, requirement for a covenant or deed restriction, and broad design requirements around affordable units.
118	Chapter 18.21.035 Residential zones R-4, and R-6 – Middle Housing	Public benefits were identified to promote qualities in future development that the community expressed support for. These include lessening impacts to neighboring development, maintaining impervious surface requirements, maintaining existing homes, promoting a diversity of unit types, and	J. Public Benefits and Development Incentives 1. The purpose of this section is to: a. Promote development of a variety of middle housing types by providing a method for flexibility in development standards; b. Provide development incentives to <i>developers</i> of	The proposal provides optional development incentives which promote the qualities in future development expressed as important by the community and Planning Commission. These provide flexibility in future development and are not required in order to build middle housing.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		creating opportunities for small units on small lots.	residential property, in exchange for public benefits to help achieve comprehensive plan goals of a variety of housing types and <i>open space</i> protection; c. Provide a review process to allow evaluation of proposed development standard modifications per the table in subsection (l)(4). Development incentives are applicable only to applications for middle housing types, including: duplex, triplex, fourplex, townhouse, stacked flats, courtyard apartments, and cottage housing (as specified in the last column of the table below) in the applicable areas identified in KMC 18.21.035(B). These standards are not applicable to development, redevelopment, or remodeling of an existing or new principal single-family unit.	

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			The following are the development incentives available to applicants if all requirements are met as specified below. Applicants are limited to one development incentive per neighborhood benefit. [SEE TABLE IN DOCUMENT]	
133	Chapter 18.30.020 Density Calculations – Allowable dwelling units, lots or floor area.	Cities are required to allow a unit per lot density in addition to the traditional density standards.	Areas specified within KMC 18.21.035(B) are permitted at least 2 dwelling units per lot per the requirements of KMC 18.21.030, Footnote 18.	The proposal adds clarification in the Development Standards section on the newly proposed unit lot density standards.
137	Chapter 18.40.030 Computation of required off-street parking spaces.	Cities are required to create parking standards for newly permitted middle housing uses. Per HB 1110, cities: • May not require more than one off street parking space for middle housing on lots less than 6,000 square feet before any zero lot line subdivisions or lot split. • May not require more than two off street	<u>Standard for duplex, triplex, fourplex, and townhouse uses:</u> 1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. <u>Standard for courtyard apartments and stacked flats:</u> Per Apartment standards listed in this table; If located in areas specified in KMC 18.21.035(B): 1. 1.0 per dwelling unit; or	The proposal creates parking requirements for newly added middle housing use types. The proposal meets the standard by generally requiring only 1 space per unit in all lot sizes where middle housing is applicable. As courtyard apartments and stacked flats may be permitted in other areas outside of the applicable middle

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		parking spaces for middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. May not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop.	2. No required parking within one-half mile walking distance of a major transit stop. Guest parking required per the apartment standard in this table. <u>Standard for cottage housing:</u> 1.0 per two dwelling units; If located in areas specified in KMC 18.21.035(B): No required parking within one-half mile walking distance of a major transit stop.	housing zone and the downtown commercial and downtown residential zones west of 68th Avenue NE, a separate requirement matching the city's standard apartment requirements has been added.
162	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities must allow up to two ADUs per lot.	A. Up to two <i>accessory dwelling units</i> , either as <i>attached or detached accessory dwelling units</i> , are allowed per primary <i>single detached dwelling unit</i> .	The proposal revises the current one ADU maximum to permit up to two ADUs per lot
162	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities cannot require owner occupancy of either the primary residence or associated ADUs.	Amendment removes the following text: Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for a minimum of six consecutive months after completion of	

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
			the ADU. At the end of the six-month period, the owner occupancy requirement shall be extinguished	
162	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities must specify development standards for ADUs. With the increase to two ADUs permitted, clarification is needed to specify that unless otherwise stated, ADUs must meet bulk development standards for the principal unit on that lot.	C. Except as noted in this section, ADUs must meet the bulk development standards applicable to the principal unit on the same lot as defined in KMC 18.21.030.	The proposal clarifies, per direction from Planning Commission, that ADUs must meet the same development standards as single-family uses unless on that lot unless otherwise specified, including setbacks and impervious surface standards
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet.	Modified table within 18.73.100(D)(2) to specify 17% of the lot area up to a maximum of 1,500 square feet for lots greater than 6,000 square feet and 1,000 square feet maximum for lots less than 6,000 square feet.	The proposal creates two separate scenarios to regulate ADU size which are both consistent with state law. For lots 6,000 square feet or greater, 17% was chosen as that creates an 1,020 SF ADU.
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities cannot require owner occupancy of either	H. The maximum number of occupants established for a single-family dwelling as defined	The proposal modifies the existing standard which previously limited

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
		the primary residence or associated ADUs.	in KMC 18.20.01010 is permitted per dwelling unit and accessory dwelling unit on a lot, regardless of whether that unit is owned separately or leased.	the principal dwelling unit and accessory dwelling unit to the maximum number of occupants established for a single-family dwelling. As the City has to allow separate ownership, two separate sets of occupants must be permitted.
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley.	I. Detached accessory dwelling units may be sited at a property line with no setback if the property line abuts a public alley.	The proposal is a new requirement of state law per RCW 36.70A.681.
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.	J. Existing structures, including legally nonconforming structures, may be converted into accessory dwelling units provided they meet relevant existing building code requirements.	The proposal is a new requirement of state law per RCW 36.70A.681.

Page No.	Chapter/Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities may not require public street improvements as a condition of permitting accessory dwelling units.	K. Public street improvements (e.g. frontage improvements) are not required as a condition of permitting accessory dwelling units.	The proposal is a new requirement of state law per RCW 36.70A.681.
163	Chapter 18.73.100 Accessory Dwelling Units (ADUs)	Cities may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit.	L. Accessory dwelling units may be sold individually from the principal unit. Condominium units originally constructed as accessory dwelling units may be sold or otherwise conveyed individually from the principal unit.	The proposal is a new requirement of state law per RCW 36.70A.681.
166-168	NEW Chapter 18.75 Cottage Housing	Directed by City Council to adopt new regulations	See text amendments	New chapter to allow for cottage housing in R-4 and R-6 zones.
171			Type 2 Land Use Decision (Decision by city manager; appealable to hearing examiner; no further administrative appeal: "Home industry; short subdivision; <u>unit lot subdivision</u> ; preliminary short subdivision revision..."	The proposal adds unit lot subdivisions as a Type 2 Land Use Decision consistent with short subdivisions.

Chapter 17.10

DEFINITIONS

Sections:

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[17.10.010 Acre.](#)

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1 [17.10.240 Parent parcel.](#)

2 [17.10.250 Plat, final.](#)

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13 [17.10.211 Lot, parent.](#)

14 [“Parent lot” means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.](#)

15 [17.10.212 Lot, unit](#)

16 [“Unit lot” means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.](#)

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18

1 **Chapter 17.20**

2 **SUBDIVISIONS AND SHORT SUBDIVISIONS**

3 **Sections:**

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5 [17.20.020 Preliminary subdivision – Approval time.](#)

6 [17.20.030 Revisions of preliminary subdivisions.](#)

7 [17.20.040 Preliminary short subdivision – Approval time.](#)

8 [17.20.050 Limitations for short subdivisions.](#)

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13 [17.20.105 Street signage.](#)

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16 [17.20.120 General layout standards.](#)

17 [17.20.125 Lot segregations – Zero-lot-line development.](#)

18 [17.20.130 Lot segregations – Clustered development.](#)

19 [17.20.140 Maintenance of private streets, tracts, easements and utilities required.](#)

20 [17.20.150 Preliminary subdivision and short subdivision approval.](#)

21 **17.20.010 Purpose.**

22 The purpose of this chapter is to specify additional requirements for the *segregation* of land
23 into *short subdivisions*, which are nine or fewer *lots*, and *subdivisions*, which are 10 or more *lots*, in
24 accordance with applicable Washington State and *City* laws, rules and regulations, including
25 permit processing procedures required by Chapter [19.25](#) KMC. [Ord. 11-0329 § 3 (Exh. 1).]

26 **17.20.020 Preliminary subdivision – Approval time.**

27 A. A preliminary *subdivision* approval issued on or before December 31, 2014, shall be effective for
28 a period of seven years, and a preliminary *subdivision* approval issued on or after January 1, 2015,
29 shall be effective for a period of five years; provided, that a preliminary *subdivision* approval issued
30 on or before December 31, 2007, that is not expired as of July 28, 2013, and that is not subject to
31 the Shoreline Master Program, shall be effective for a period of 10 years.

B. Preliminary *subdivision* approval shall be considered the basis upon which the *applicant* may proceed toward development of the *subdivision* and preparation of the *final plat* subject to all the conditions of the preliminary approval.

C. If the *final plat* is being developed in divisions, and *final plats* for all of the divisions have not been recorded within the time limits provided in this section, preliminary *subdivision* approval for all unrecorded divisions shall become void. The preliminary *subdivision* for any unrecorded divisions must again be submitted to the *department* with a new application, subject to the fees and regulations applicable at the time of submittal. [Ord. 14-0378 § 1 (Att. A); Ord. 12-0344 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

17.20.030 Revisions of preliminary subdivisions.

Applications to revise *subdivisions* that have received preliminary approval shall comply with the following:

A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as a Type 3 land use decision pursuant to KMC [19.25.020](#). For the purpose of this section, substantial change always includes the creation of additional *lots*, the elimination of open space or significant changes to conditions of approval on an approved preliminary *subdivision*. Other factors to be considered by the *department* when identifying substantial change include:

1. Street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the *subdivision*; request for a street standards variance; and/or elimination of a right-of-way dedication;
2. A reorientation of *lots* that would change impacts to neighboring properties;
3. Changes in proposed housing types;
4. Changes to critical area impacts; and/or
5. Changes to utility locations that would result in new impacts on neighboring properties.

B. Approval of the following modifications by the *department* shall not be considered *revisions*:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *subdivision* approval or that results in a substantial change as described in subsection A of this section;
2. Changes in lot dimensions that are consistent with KMC Title [18](#);
3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title [18](#), if applicable. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.040 Preliminary short subdivision – Approval time.

A preliminary *short subdivision* approval issued on or before December 31, 2014, shall be effective for a period of seven years, and a preliminary *short subdivision* approval issued on or after January 1, 2015, shall be effective for a period of five years; provided, that a preliminary *short*

subdivision approval issued on or before December 31, 2007, that is not expired as of July 28, 2013, and that is not subject to the Shoreline Master Program, shall be effective for a period of 10 years. [Ord. 14-0378 § 1 (Att. A); Ord. 12-0344 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

17.20.050 Limitations for short subdivisions.

A. A maximum of nine *lots* may be created by a single application.

B. An application for further *segregation* may not be submitted within a period of five years after recording, except through the filing of a *subdivision* application, or unless the short plat contains fewer than four *lots*, in which case an *alteration* application may be submitted to create a cumulative total of up to four *lots* within the original short plat boundary. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.060 Revisions of preliminary short subdivisions.

Applications to revise *short subdivisions* that have received preliminary approval shall comply with the following:

A. *Revisions* that result in any substantial changes as determined by the *department* shall be treated as a new application for purposes of vesting and shall be reviewed as a Type 2 land use decision pursuant to KMC [19.25.020](#). For the purpose of this section, substantial change always includes the creation of additional *lots*, the elimination of open space or significant changes to conditions of approval on an approved preliminary *short subdivision*. Other factors to be considered by the *department* when identifying substantial change include:

1. Street impacts, such as a change in access location(s) of internal streets; change from a public to a private street; relocation of a street within the *short subdivision*; request for a street standards variance; and/or elimination of a right-of-way dedication;
2. A reorientation of *lots* that would change impacts to neighboring properties;
3. Changes in proposed housing types;
4. Changes to critical area impacts; and/or
5. Changes to utility locations that would result in new impacts on neighboring properties.

B. Approval of the following modifications by the *department* shall not be considered *revisions*:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *short subdivision* approval or results in a substantial change as described in subsection A of this section;
2. Changes in lot dimensions that are consistent with KMC Title [18](#);
3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title [18](#), if applicable. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.070 Traffic analysis required.

All subdivision applications, excluding *short subdivisions* of four *lots* or less, shall include a traffic analysis in a format prescribed by the *department*. The *city manager* may, upon review of the *applicant's* proposal, waive or modify this requirement. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.080 Adequacy of access.

Each *lot* within a *subdivision* or *short subdivision* shall have acceptable access to a street conforming to *City* street standards or to a different level of improvement acceptable to the *development engineer*. The circulation system of a proposed *subdivision* or *short subdivision* shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the *department* and the *development engineer*. Individual *lots* may be served by access panhandles established either by fee ownership or *easement*, subject to approval of the *development engineer*. In order to assure safe and adequate access, the *development engineer*:

A. May approve private streets, provided the private street requirements contained in the *City* street standards of Chapter [12.50](#) KMC are met;

B. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways or access panhandles, in accordance with the *City* street standards;

C. Shall require off-site *improvements* to public or private streets needed to provide access from the *subdivision* or *short subdivision* to an acceptable street; and

D. Shall assure that the number of *lots* to be served by the street system complies with the street standards. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.100 Public street rights-of-way.

As a result of the impact created by a proposed development, *dedication* or deeding to the *City* of right-of-way or a portion thereof for public streets in accordance with *City* street standards shall be required within or along the boundaries of all *subdivisions* and *short subdivisions* or of any *lot* or *lots* within them:

A. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for street purposes;

B. Where necessary to extend or to complete the existing or future neighborhood street pattern as shown on the *City* street map (see KMC Title [12](#));

C. Where necessary to provide additions of right-of-way to existing *City* right-of-way;

D. Where necessary to conform to *City* street standards or *City* street improvement projects; or

E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the *City* comprehensive plan. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.105 Street signage.

Street signage is required for all new *short subdivisions* and *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and

type of motor vehicle and pedestrian traffic signs, as well as street name signs, for every public or private street associated with a *short subdivision* or *subdivision*. The *City* or its designee will manufacture and install such signs, at the cost and expense of the *applicant*. The *applicant* shall reimburse the *City* for the cost of these signs prior to *final plat* or *final short plat* approval. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.107 Street lighting.

Street lighting is required for all new *short subdivisions* or *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of street lighting for every public or private street associated with a *short subdivision* or *subdivision*. The *City* or its designee will design, procure materials and install such lighting, at the cost and expense of the *applicant*. The *applicant* will be invoiced directly for the design, materials and installation costs associated with these lights by the *City* or its designee. The *applicant* shall pay the invoice(s) prior to *final plat* or *final short plat* approval. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.110 Limitations within future street corridors.

In order to allow for the development of future street corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the *City* may limit *improvements* within specific areas of a proposed *subdivision* or *short subdivision*. These limitations may preclude the construction of buildings, driveways, drainage facilities or other *improvements* within specified areas as identified in KMC [17.20.100](#)(A) through (E). [Ord. 11-0329 § 3 (Exh. 1).]

17.20.120 General layout standards.

For residential developments in the R zones:

A. The maximum length of blocks shall be 1,320 feet; and

B. Except for corner *lots*, *lots* for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street.

C. *Lots* shall be designed to avoid unusual configurations or narrow extensions that could make use difficult or confusing for future property owners. No portion of a *lot* shall be narrower than 25 feet, with the exception of cul-de-sac *lots* at the street frontage or an access panhandle approved by the *development engineer*. The lot width standards in KMC Title [18](#) also apply. Exceptions for unusual conditions may be considered on a case-by-case basis by the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.125 Lot segregations – Zero-lot-line development.

~~In any R zone or in the NB zone, if~~ Interior setbacks may be modified during *subdivision* or *short subdivision* review as follows:

A. If a building is proposed to be located within a normally required interior setback:

1. An *easement* shall be provided on the abutting *lot* of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining *lots*, except as provided for common wall construction;

2. The *easement* area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
4. The *final plat* or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

B. In the R zones, setbacks on existing individual *lots* may be modified; provided, that the standards set forth in subsection (A)(1) of this section are met. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.130 Lot segregations – Clustered development.

When residential *lot* clustering is proposed, the following provisions shall be met:

A. Any open space resulting from *lot* clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate *tract*;

B. In the R-1 zone, open space *tracts* created by clustering required by KMC [18.21.030](#) shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan or open space functional plans; to connect and increase protective buffers for critical areas; to connect and protect wildlife habitat corridors designated by the comprehensive plan; and to connect existing or planned public parks or trails. The *City* may require open space *tracts* created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy;

C. Open spaces created through *lot* clustering are encouraged to include retained native vegetation;

D. Landscape-based stormwater management practices may be located within open spaces created through *lot* clustering, provided they are not located within critical areas. [Ord. 16-0428 § 12 (Att. H); Ord. 11-0329 § 3 (Exh. 1).]

17.20.140 Maintenance of private streets, tracts, easements and utilities required.

As a condition of *subdivision* and *short subdivision* approval, all private streets, *tracts*, *easements*, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair at all times. In order to ensure continued good repair, it must be demonstrated to the *department* at the time of plat recording that:

A. There will be a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and

B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, *tracts*, *easements*, community utilities and properties. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.150 Preliminary subdivision and short subdivision approval.

A proposed *subdivision* or *short subdivision* shall not be approved unless the decisionmaker makes written findings that:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such *subdivision* or *short subdivision*. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.160 Fee Simple Unit Lot Subdivisions

A. The primary purpose of these provisions is to allow for the creation of fee simple unit lots for developments with more than one dwelling unit and ADU while applying only those site development standards applicable to the parent lot as a whole.

B. Overall development of the parent lot shall meet the bulk development and design standards of the underlying land use district applicable at the time a unit lot subdivision application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the new individual unit lot, provided that development standards for the parent lot are met.

C. Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create, increase, or intensify any nonconformity of the parent lot.

D. Private access drives are allowed to provide access to dwellings and off-street parking areas within a unit lot subdivision. Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with King County. The City must review proposed easements prior to recording as driveways are subject to applicable road standards.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot or tract separate from the parent lot, provided that the impervious surface created by this parking space shall be included in the calculation of maximum lot coverage for the unit lot. The right to use that parking must be formalized by an easement or otherwise defined on the final plat, as recorded with King County.

G. Unit lot subdivisions shall be processed as a subdivision or short plat pursuant to KMC 19.25, based upon the number of lots created through the unit lot subdivision process. The approval process and criteria for fee simple unit lot subdivisions shall be consistent with the requirements for subdivisions and short plats established in KMC 17.20.

Chapter 18.15

ZONES, MAPS AND DESIGNATIONS

Sections:

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[18.15.040 Residential zones.](#)

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[18.15.050 Community business zone.](#)

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[18.15.065 Downtown commercial zone.](#)

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[18.15.070 Regional business zone.](#)

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[18.15.100 Golf course zone.](#)

[18.15.110 Map designation – Property-specific development or P-suffix standards.](#)

[18.15.120 Map designation – Special district overlay.](#)

[18.15.150 Zoning maps and boundaries.](#)

18.15.010 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
Residential	R (base density in dwellings per acre)
Manufactured Housing Community	MHC
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR

ZONING DESIGNATIONS	MAP SYMBOL
Downtown Commercial	DC
Urban Corridor	UC
Urban Residential	UR
Waterfront Commercial	WC
Regional Business	RB
Public and Semi-Public	PSP
Parks	P
Golf Course	GC
Property-Specific Development Standards	P-suffix
Special District Overlay	SO

[Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.15.020 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 Kenmore. 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. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.040 Residential zones.

A. The purpose of the residential zones (R and MHC) 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:

1. Providing, in the R-1 through R-6 zones, for a mix of predominantly *single detached dwelling units* *and middle housing dwellings (except as noted in KMC 18.21.035(B))*, with a variety of densities and sizes in locations appropriate for residential use;
2. Providing, in the R-12 through R-48 zones, for a mix of predominantly *apartment* and *townhouse dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;
3. Providing, in the MHC zone, for continuation of existing *manufactured housing communities*;
4. Allowing only those accessory and complementary nonresidential uses that are compatible with residential communities; and

5. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally critical sites from overdevelopment.

B. Use of this zone is appropriate as follows:

1. The R-1 zone on or adjacent to lands with area-wide environmental constraints where *development* is required to cluster away from *critical areas*;
2. The R-4 through R-6 zones on lands that are predominantly environmentally unconstrained and are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services;
3. The R-12 through R-48 zones next to commercial centers, in areas that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services; and
4. The MHC zone on existing *manufactured housing communities* planned for either short-term or long-term preservation. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.15.045 Neighborhood business zone.

A. The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area, to minimize impacts of commercial activities on nearby properties, and to provide for limited residential *development*. These purposes are accomplished by:

1. Limiting nonresidential *uses* to those *uses* which can serve the everyday needs of a surrounding urban residential area;
2. Allowing for automotive service *uses*, subject to approval of a *conditional use permit*;
3. Allowing for *mixed use* (housing and retail/service) *developments* and for *townhouse developments* as a sole *use* on properties; and
4. Excluding industrial and regional business-scaled *uses*.

B. Use of this zone is appropriate in neighborhood business centers on *sites* which are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services. [Ord. 18-0454 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.15.050 Community business zone.

A. The purpose of the community business zone (CB) is to provide retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers. These locations are not appropriate for extensive *outdoor storage* or industrial *uses*. Automotive service businesses may be appropriate in the Juanita subarea of this zone subject to approval of a *conditional use permit*. In the west subarea, auto-related *uses* are not appropriate and are prohibited. These purposes of the zone are accomplished by:

- 1 1. Providing for offices as well as a wide range of small-scale retail, educational, and
- 2 personal service *uses*;
- 3 2. Allowing residential *use*, with a focus on *mixed use* (housing and
- 4 retail/service/office) *developments*; and
- 5 3. Excluding commercial *uses* with extensive *outdoor storage*, as well as automotive sales
- 6 and industrial *uses*.

7 B. Use of this zone is appropriate in areas that are designated by the comprehensive plan and that
8 are served at the time of *development* by adequate public sewers, water supply, *streets* and other
9 needed public facilities and services. [Ord. 18-0454 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

10 **18.15.055 Downtown residential zone.**

11 The downtown residential zone provides higher density residential *development* in support of the
12 downtown commercial zone. Limited retail and office *uses* are also allowed as part of *mixed use*
13 *developments*. The zone represents an opportunity to provide a range of housing types in the
14 community with attention to appearance and scale. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.15.065 Downtown commercial zone.**

16 A. The downtown commercial zone features a mix of *private* and public *uses* designed to create a
17 small-town feel and pedestrian-friendly environment. Public places, sidewalks,
18 extensive *landscaping*, transit orientation, shared or structured parking, protection of *critical*
19 *areas*, and high quality design and signage are key features. *Permitted uses* emphasize mixed or
20 multiple use *developments*, and include high-density housing, civic and governmental offices,
21 small-scale commercial and retail, and locally oriented professional and personal services.

22 B. *Uses* not compatible with the downtown commercial zone intent such as those which require
23 vehicle or materials storage, service bays, wide curb cuts, expanses of exterior product display or
24 storage, or produce little customer or visitor activity are not permitted. Park-and-ride/*transit*
25 *centers* are promoted along SR-522, particularly in the northwest quadrant of the 68th Avenue
26 NE/SR-522 intersection. [Ord. 11-0329 § 3 (Exh. 1).]

27 **18.15.067 Urban corridor zone.**

28 The purpose of the urban corridor zone (UC) is to convert SR-522 from a commercial strip, focused
29 on the automobile, to a more pedestrian- and transit-friendly urban corridor. West of downtown,
30 the north side of the highway would continue to be a mix of restaurant, retail and service *uses*, with
31 additional opportunities for office and mixed use multifamily development. The south side of the
32 highway in this area would convert to office and multifamily development, taking advantage of lake
33 views and proximity to transit.

34 East of downtown, an “enterprise zone” west of 80th Avenue NE would allow for a wide range of
35 commercial *uses*, including bulk retail, as well as standalone multifamily development. Farther to
36 the east, near the city limits, office and multifamily *uses* are envisioned.

37 New auto-oriented uses are not compatible with the intent of the urban corridor zone. [Ord. 14-
38 0391 § 2 (Exh. 1).]

18.15.069 Waterfront commercial zone.

The purpose of the waterfront commercial zone (WC) is to support water-dependent *uses* while allowing eating and drinking places, temporary lodging and other *uses* complementary to marina and air harbor development. Compatible light manufacturing is appropriate. Office and mixed use multifamily development are desirable for the future. [Ord. 14-0391 § 2 (Exh. 1).]

18.15.070 Regional business zone.

The purpose of the regional business zone (RB) is to provide for the broadest mix of retail sales, office, wholesale, and service *uses*, with compatible storage and light manufacturing *uses*, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by supporting existing businesses and encouraging compact and mixed use development that is supportive of transit and pedestrian travel for the future. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.15.080 Public and semi-public zone.

The public and semi-public zone (PSP) is applied to properties currently owned or operated by a public entity or *private* institution. The purpose of the public and semi-public zone is to recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances. The public and semi-public zone is applied to lands designated as public and private facilities on the comprehensive plan land use map. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.090 Parks zone.

The parks zone (P) provides for *parks*, recreational, *open space*, and resource *uses* within publicly owned lands, and establishes standards that allow for such *uses* to continue or be established while ensuring compatibility with surrounding *uses*. The parks zone is applied to lands used for public *parks*, recreation, and *open space* purposes and designated as public and private facilities on the comprehensive plan land use map. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.100 Golf course zone.

The golf course zone (GC) provides for golf course activities and the protection and preservation of *open space* qualities of lands that are developed for golf course *uses*. The golf course zone is applied to lands used for golf course related purposes and designated as public and private facilities on the comprehensive plan land use map. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.110 Map designation – Property-specific development or P-suffix standards.

The purpose of the property-specific development standards or P-suffix designation is to indicate that conditions beyond the minimum requirements of this title have been applied to *development* on the property, including but not limited to increased development standards, limits on *permitted uses* or special conditions of approval. Property-specific development standards are maintained by the *department* and are available for public inspection and copying during regular business hours. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.120 Map designation – Special district overlay.

The purpose of the special district overlay or SO designation is to carry out comprehensive plan and subarea or neighborhood 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 subarea or neighborhood planning areas. Special district overlay development standards are maintained by the *department* and are available for public inspection and copying during regular business hours. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.150 Zoning maps and boundaries.

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones shall be made by ordinance adopting or amending a zoning map.

C. The zoning map labeled “Official Zoning Map of the City of Kenmore,” dated March 2019, and as subsequently amended, is hereby adopted as the official zoning map and shall be kept on file by the *City* and will be on display for public review at Kenmore City Hall. [Ord. 18-0454 § 3; Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.20**TECHNICAL TERMS AND LAND USE DEFINITIONS**

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21 **18.20.010 Scope of chapter.**

22 This chapter contains definitions of technical and procedural terms used throughout this title.
 23 Defined terms are shown in italics in the text of the title. [Ord. 11-0329 § 3 (Exh. 1).]

24 **18.20.020 Abandoned vehicle.**

25 “Abandoned vehicle” means any vehicle left upon the property of another without the consent of
 26 the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be
 27 considered abandoned if its owner or operator is unable to remove it from the place where it is
 28 located and so notifies law enforcement officials and requests assistance. [Ord. 11-0329 § 3 (Exh.
 29 1).]

30 **18.20.030 Accessory living quarters.**

“Accessory living quarters” means living quarters in an accessory *building* for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no *kitchen* and are not otherwise used as a separate *dwelling unit*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.035 Accessory use.

“Accessory use” means a *use* typically subordinate in size to the principal *use*; that would not contribute significantly to traffic generation, noise, or nuisance; and that supports the primary *use* operation without displacing it. An accessory use may appear as an otherwise permitted, conditional or prohibited use in the use allowances for a given zone. Accessory uses are typically located upon the same *lot* occupied by a principal *use*. Examples of accessory uses include: equipment rental (bikes or skis) at a retail bike and ski shop, a secure facility required at an airport, and boat parking at a marina. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.040 Agricultural activities, existing and ongoing.

Those activities conducted on lands defined in RCW [84.34.020](#)(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities that bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. [Ord. 24-0624 § 4 (Exh. B).]

18.20.045 Accessory use, parks.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.050 Accessory use, residential.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.060 Accessory use, resource.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.090 Adult entertainment business.

“Adult entertainment business” means a sexually oriented business engaging in adult entertainment, such as an adult cabaret, adult retail business or an adult panoram, as those terms are defined in KMC Title [5](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.095 Adult family home.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, or as otherwise defined in Chapter [70.128](#) RCW. An adult family home may provide services to up to eight adults upon

approval from the Washington State Department of Social and Health Services pursuant to RCW [70.128.066](#). [Ord. 24-0608 § 2 (Exh. A(I)); Ord. 11-0329 § 3 (Exh. 1).]

18.20.098 Affordable housing unit.

“Affordable housing unit” means housing reserved for occupancy by eligible households and having monthly housing expenses less than or equal to 30 percent of the monthly household income described in the subsections below, adjusted for household size. (Housing expenses for ownership housing include mortgage and mortgage insurance, property taxes, property insurance, and homeowner’s dues. Housing expenses for rental housing include rent, utilities, expenses required by the landlord, and parking to the extent that the City requires the property or development to provide off-street parking.)

A. A “low-income affordable housing unit” is affordable at or below 80 percent of median income, adjusted for household size;

B. A “very low-income affordable housing unit” is affordable at or below 50 percent of median income, adjusted for household size;

C. An “extremely low-income affordable housing unit” is affordable at or below 30 percent of median income, adjusted for household size.

Pursuant to the authority of RCW [36.70A.540](#), the City finds that the higher income levels specified in the definition of “affordable housing” under this section, rather than those stated in the definition of “low-income households” in RCW [36.70A.540](#), are needed to address local housing market conditions in the City. [Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

18.20.100 Agricultural product sales.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.105 Air transportation service.

“Air transportation service” means a helipad, private landing field, or other similar facility for personal or business-related air transportation. Air transportation service does not include an airport, which is classified as a regional land use.

May include NAICS 481 (Air Transportation) and 4881 (Support Activities for Transportation). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.120 Aircraft, ship and boat building.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.130 Airport/heliport.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.140 Alley.

“Alley” means an improved thoroughfare or right-of-way, whether public or *private*, usually narrower than a *street*, that provides vehicular access to an interior boundary of one or more *lots*, and is not designed for general traffic circulation. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.145 Alteration.

“Alteration” means any human-induced change in an existing condition of a *critical area* or its *buffer*. Alterations include, but are not limited to, *grading*, filling, channelizing, dredging, *clearing (vegetation)*, construction, compaction, excavation or any other activity that changes the character of the *critical area*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.147 Alternative transmission support structure.

“Alternative transmission support structure” means *structures* not specifically designed or intended to support antennas and related communication equipment, but that may be used for that purpose, including clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, and buildings. [Ord. 16-0426 § 4 (Att. B); Ord. 11-0329 § 3 (Exh. 1). Formerly 18.20.3065.]

18.20.149 Amateur (ham) radio facility.

“Amateur (ham) radio facility” means a wireless communication facility operated for personal use and without pecuniary interest by an individual licensed by the FCC. Amateur (ham) radio facilities use small shared frequency bands assigned by the FCC. [Ord. 16-0426 § 4 (Att. B).]

18.20.150 Ambulatory surgery center.

“Ambulatory surgery center” means an establishment with medical staff primarily engaged in providing outpatient medical, diagnostic and surgical treatment services.

May include NAICS 621493 (Freestanding Ambulatory Surgical and Emergency Centers). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.155 Amusement and recreation services.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.160 Amusement arcade.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.165 Anadromous fish.

“Anadromous fish” means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, intergravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in

the marine environment), downstream migration, and ocean rearing to adults. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.168 Animal kennel/shelter.

“Animal kennel/shelter” means any outdoor or indoor facility which houses four or more animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may either be a separate business or an accessory use. [Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1).]

18.20.170 Animal, small.

“Small animal” means any animal other than *livestock* or animals considered to be predatory or wild which are kept outside a *dwelling unit* all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, or exhibition. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.180 Antenna.

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. For purposes of Chapter [18.60](#) KMC, “antenna” does not include an *amateur (ham) radio facility*. [Ord. 16-0426 § 4 (Att. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.190 Applicant.

“Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.195 Arbor.

“Arbor” means a shelter of vines or branches or of latticework covered with climbing shrubs or vines. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.200 Arcade.

“Arcade” means a series of arches supported by columns, piers, or pillars, often attached to a wall to form a roofed passageway or gallery. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.205 Architectural elements.

“Architectural elements” means building elements which add detail and finely scaled features to a *building facade*, such as belt courses, braces, brackets, brick coursing, columns, corbelled brick, cornices, frame elements, window openings, piers, plinths, and sills. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.206.1 Area of special flood hazard.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the

flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.” [Ord. 19-0488 § 4 (Exh. 2).]

18.20.207 Articulation.

“Articulation” means shifts in wall planes such as stepbacks, reveals, overhangs, and architectural elements and details which are used to create variations in a *building facade*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.210 Artist studio.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.212 Arts and crafts schools/studios.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.214 Arts, entertainment, indoor.

“Indoor arts, entertainment” means an establishment that provides facilities or services for cultural and entertainment uses inside a building. Indoor arts, entertainment includes such uses as performing arts establishments, artist studios, theaters, museums, libraries, fraternal lodges, tour operators, and arcades, but specifically excludes adult entertainment facilities.

May include NAICS 512 (Motion Picture and Sound Recording Industries), 515 (Broadcasting), and 51912 (Libraries and Archives). May include 56152 (Tour Operators) and 56159 (Other Travel Arrangement and Reservation Services). May include Sector 71 (Arts, Entertainment, and Recreation), except the following: 711211 (Sports Teams and Clubs), 711212 (Racetracks), 713110 (Amusement and Theme Parks), 7132 (Gambling Industries), and 7139 (Other Amusement and Recreation Industries). May include 8134 (Civic and Social Organizations). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.215 Arts, entertainment, outdoor.

“Outdoor arts, entertainment” means an establishment that provides facilities or services for cultural and entertainment uses outside of a building. Outdoor arts, entertainment includes such uses as outdoor performance facilities, public gardens, and arboretums.

May include NAICS 512 (Motion Picture and Sound Recording Industries) and 515 (Broadcasting). May include 56152 (Tour Operators). May include Sector 71 (Arts, Entertainment, and Recreation), except the following: 711211 (Sports Teams and Clubs), 711212 (Racetracks), 713110 (Amusement and Theme Parks), 7132 (Gambling Industries), and 7139 (Other Amusement and Recreation Industries). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.216 Assisted living.

“Assisted living” means an establishment which provides living quarters and *domiciliary care* to individuals who are unable to live independently due to infirmity of age or physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These

facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full *kitchen* or no *kitchen*. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space. Assisted living does not include adult family homes as defined in Chapter [70.128](#) RCW. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.218 Attached accessory dwelling unit.

“Attached accessory dwelling unit” means an *accessory dwelling unit* attached to or contained within the structure of the primary dwelling. [Ord. 20-0510 § 2 (Exh. A).]

18.20.220 Auction house.

“Auction house” means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.224 Automotive sales and service, marine.

“Automotive sales and service, marine” means an establishment engaged in the retail sale of new or used boats, jet skis, boat trailers, or similar vehicles, or an establishment primarily engaged in repair or service of these vehicles, including washing and the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories.

May include NAICS 4412 (Other Motor Vehicle Dealers), 44132 (Tire Dealers), and 8111 (Automotive Repair and Maintenance). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.227 Automotive sales and service, nonmarine.

“Automotive sales and service, nonmarine” means an establishment engaged in the retail sale of new or used cars, trucks, truck tractors, semi-trailers, buses, mobile homes, utility trailers, RVs, motorcycles, ATVs, or similar vehicles, or an establishment primarily engaged in automotive repair or service of these vehicles, including washing and the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories. Automotive sales and service, nonmarine does not include tire retreading, which is classified as a manufacturing land use.

May include NAICS 4411 (Auto Dealers), 4412 (Other Motor Vehicle Dealers), 44132 (Tire Dealers), 45393 (Manufactured/Mobile Home Dealers), and 8111 (Automotive Repair and Maintenance). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.228 Bankfull width.

“Bankfull width” means:

A. For streams – The measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.

B. For lakes, ponds, and impoundments – Line of mean high water.

C. For periodically inundated areas of associated wetlands – Line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.230 Base flood.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” The base flood can be the effective FEMA flow or best available data as approved by the City. Designation on the FIRM always includes the letter “A” or “V.” [Ord. 24-0624 § 4 (Exh. B); Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.240 Base flood elevation.

“Base flood elevation” means the water surface elevation of the *base flood*. It shall be referenced to the effective FIRM datum. [Ord. 24-0624 § 4 (Exh. B); Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.243 Base station.

“Base station” means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower. The term includes, but is not limited to:

A. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

C. Any structure other than a tower that, at the time an eligible communications facility modification (ECFM) application is filed with the City, supports or houses equipment described in subsections A and B of this section, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

D. The term does not include any structure that, at the time a completed eligible communication facilities modification (ECFM) application is filed with the City, does not support or house equipment described in subsections A and B of this section. [Ord. 16-0426 § 4 (Att. B).]

18.20.245 Basement.

“Basement” means any area of the *building* having its floor below ground level on all sides. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.250 Bed and breakfast guesthouse.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

1 **18.20.260 Beehive.**

2 “Beehive” means a *structure* designed to contain one colony of honey bees (*Apis mellifera*). [Ord.
3 11-0329 § 3 (Exh. 1).]

4 **18.20.270 Berm.**

5 “Berm” means a constructed area of compacted earth. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.272 Best available science.**

7 “Best available science” means current scientific information derived from a valid scientific
8 process, including that used in the process to designate, protect, or restore *critical areas* as
9 defined by WAC [365-195-900](#) through [365-195-925](#). [Ord. 11-0329 § 3 (Exh. 1).]

10 **18.20.274 Best management practices (BMPs).**

11 “Best management practices (BMPs)” means conservation practices or systems of practices and
12 management measures that:

13 A. Control soil loss and reduce water quality degradation caused by high concentrations of
14 nutrients, animal waste, toxics, and sediment;

15 B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to
16 the chemical, physical, and biological characteristics of *wetlands*;

17 C. Protect *trees* and *vegetation* designated to be retained during and following *site* construction;
18 and

19 D. Provide standards for proper use of chemical herbicides within *critical areas*.

20 The *City* shall monitor the application of best management practices to ensure that the standards
21 and policies of this title are adhered to. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.280 Billboard.**

23 “Billboard” means a *sign*, including both the supporting structural framework and
24 attached *billboard faces*, used principally for advertising a business activity, *use*, product, or
25 service unrelated to the primary *use* or activity of the property on which the billboard is located;
26 excluding off-premises directional or temporary real estate *signs*. [Ord. 11-0329 § 3 (Exh. 1).]

27 **18.20.290 Billboard face.**

28 “Billboard face” means that portion of a *billboard*, exclusive of its structural support, on which
29 changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting
30 copy on location; subclassified as follows:

31 A. “Billboard face I” means a billboard face not exceeding a height of 14 feet or a width of 48 feet,
32 and may also include temporary and irregularly shaped extensions subject to the area and duration
33 limitations in Chapter [18.42](#) KMC; and

B. “Billboard face II” means a billboard face not exceeding a height of 12 feet or a width of 24 feet.
[Ord. 11-0329 § 3 (Exh. 1).]

18.20.300 Biologist.

“Biologist” means a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.302 Blank walls.

“Blank walls” means any *ground floor* wall over six feet in height and 15 feet or more in length and/or greater than 400 square feet in total area without architectural embellishments such as windows, doors, or other special wall treatment. Upper floors are not included in blank wall requirements. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.305 Boat launch.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.308 Bonus unit.

“Bonus unit” means a *dwelling unit* achieved that exceeds the number of units allowed by the base density of the underlying zoning district. [Ord. 19-0481 § 2 (Exh. A).]

18.20.310 Book, stationery, video and art supply store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.320 Broadleaf tree.

“Broadleaf tree” means a *tree* characterized by leaves that are broad in width and may include both *deciduous* and *evergreen* species. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.330 Buffer or buffer area.

For purposes of *critical areas* regulations, “buffer” or “buffer area” means an area surrounding a critical area, is contiguous to a critical area, and that is required for the protection of the *critical area* from adverse impacts to its integrity, functions, and values. The buffer shall consist of a naturally vegetated and undisturbed, enhanced, or revegetated area for streams, wetlands, and top of slope for landslide hazard areas. The buffer area shall require continued maintenance, functioning, and/or structural stability of the *critical area*. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.340 Building.

“Building” means any *structure* having a roof. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.350 Building envelope.

“Building envelope” means the area of a *lot* that delineates the limits of where a *building* may be placed on the *lot*. The building envelope is determined through minimum lot size and minimum lot width requirements. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.360 Building facade.

“Building facade” means that portion of any exterior elevation of a *building* extending from the grade of the *building* to the top of the parapet wall or eaves, for the entire width of the building elevation. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.370 Building, hardware and garden materials store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.380 Bulk gas storage tank.

“Bulk gas storage tank” means a tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.390 Business service, intensive.

“Intensive business service” means an establishment primarily engaged in providing supporting services to business that is likely to generate levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, hazardous materials, or other undesirable conditions that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Examples include industrial launderers, dry cleaning plants, and fuel dealers.

May include NAICS 45431 (Fuel Dealers). May include Sector 56 (Administrative and Support and Waste Management and Remediation Services), except the following: 561210 (Facilities Support Services for private correctional facilities), 5615 (Travel Arrangement and Reservation Services), 56171 (Exterminating and Pest Control Services), 56173 (Landscaping Services), 56179 (Other Services to Buildings/Dwellings) and 562 (Waste Management and Remediation). May include 8113 (Commercial and Industrial Machinery and Equipment Repair and Maintenance) and 812332 (Industrial Launderers). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.394 Business service, standard.

“Standard business service” means an establishment primarily engaged in providing supporting services to business that is lower in intensity and cleaner than an intensive business service, and that does not generate noise, particulate matter, vibration, smoke, dust, fumes, odors, or other nuisances that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Examples include telephone call centers, private mail services, copy centers, business incubators, and data centers.

May include NAICS 491 (Postal Service), 492 (Couriers and Messengers), 518 (Data Processing, Hosting, and Related Services), 53242 (Office Machinery and Equipment Rental and Leasing), 54186 (Direct Mail Advertising), and 541922 (Commercial Photography).

May include Sector 56 (Administrative and Support and Waste Management and Remediation Services), except the following: 561210 (Facilities Support Services for private correctional facilities), 5615 (Travel Arrangement and Reservation Services), 56171 (Exterminating and Pest Control Services), 56173 (Landscaping Services), 56179 (Other Services to Buildings/Dwellings) and 562 (Waste Management and Remediation). May include 8112 (Electronic and Precision Equipment Repair and Maintenance). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.395 Caliper.

“Caliper” means the American Nursery and Landscape Association (ANLA) standards for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.400 Campground.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.410 Capacity, school.

“School capacity” means the number of students a *school district’s* facilities can accommodate district-wide, based on the district’s *standard of service*, as determined by the *school district*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.420 Capital facilities plan, school district.

“School district capital facilities plan” means a district’s facilities plan adopted by the school board consisting of:

- A. An inventory showing the location and *school capacity* of existing school facilities;
- B. A forecast of future needs for school facilities based on the district’s enrollment projections and adopted *standard of service*;
- C. The long-range construction and capital improvement projects of the district;
- D. The proposed locations and *school capacities* of expanded or new school facilities;
- E. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters; and
- F. Any other long-range projects planned by the district. [Ord. 18-0463 § 3 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.422 Car wash.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.425 Categorically excluded.

For purposes of Chapter [18.60](#) KMC, “categorically excluded” means as defined in 1.1306 and 1.1307 in the Code of Federal Regulations (CFR). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.430 Cattery.

“Cattery” means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.440 Cemetery, columbarium or mausoleum.

“Cemetery, columbarium or mausoleum” means land or *structures* used for interment of the dead or their remains. For purposes of this code, pet cemeteries are considered a subclassification of this *use*.

May include NAICS 81222 (Cemeteries and Crematories). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.450 Channel relocation and stream meander areas.

“Channel relocation and stream meander areas” means those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank *erosion*, and shifts in the location of stream channels. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.453 Channel width and gradient.

“Channel width and gradient” means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient, such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States Geological Survey topographic maps. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.460 Church, synagogue, mosque, temple.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.465 City.

“City” means the City of Kenmore. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.468 City manager.

“City manager” means the City of Kenmore city manager or his or her designee(s). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.470 Classrooms, school.

“School classrooms” means educational facilities required to house students for a basic educational program. Specialized facilities, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.480 Clearing.

“Clearing” for the purposes of administering either Chapter [18.55](#) KMC, Critical Areas, or Chapter [18.57](#) KMC, Tree Management and Protection, means the limbing, pruning, trimming, topping, cutting or removal of trees or *vegetation*, such as brush, grass, ground cover or other organic plant matter, which exposes the earth’s surface by physical, mechanical, chemical or other means. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.485 Clustered.

“Clustered” means the grouping of *structures* on a portion of the available land, reserving a significant amount of the *site* as *open space*. Lot segregations for clustered *development* are discussed in KMC [17.20.130](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.490 Cogeneration.

“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.492 College/university.

“College/university” means an establishment primarily engaged in providing academic courses and granting degrees above the high school diploma, such as the associate, baccalaureate or graduate degree. College/university generally means the college/university campus. Off-site auxiliary facilities associated with a college or university are addressed under the appropriate land use listing for their individual operation. For example, an off-site affiliated bookstore would be considered retail sales. An off-site medical clinic would be considered health care and social assistance.

May include NAICS 6112 (Junior Colleges) and 6113 (Colleges, Universities, and Professional Schools). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.494 Collocation.

“Collocation” means the placement or installation of antennas on existing structures upon which antennas already exist. [Ord. 16-0426 § 4 (Att. B).]

18.20.495 Commercial nursery or tree farm.

“Commercial nursery” or “tree farm” means a licensed plant or *tree* nursery or farm in relation to those *trees* planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee’s business. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.498 Communication facility.

Repealed by Ord. 16-0426. [Ord. 14-0391 § 2 (Exh. 1).]

18.20.500 Communication facility, major.

1 *Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]*

2 **18.20.510 Communication facility, minor.**

3 *Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]*

4 **18.20.520 Community residential facility (CRF).**

5 “Community residential facility (CRF)” means living quarters meeting applicable federal and State
6 standards that function as a single housekeeping unit and provide supportive services, including
7 but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol
8 detoxification which is classified as a *hospital*. CRFs are further classified as follows:

9 A. CRF-I means nine to 10 residents and staff;

10 B. CRF-II means 11 or more residents and staff. If staffed by nonresident staff, each 24 staff hours
11 per day equals one full-time residing staff member for purposes of subclassifying CRFs.

12 Provided, however, that this definition shall not apply to *secure community transition facilities* as
13 defined in KMC [18.20.2465](#) or to *adult family homes* as defined in KMC [18.20.095](#).

14 May include NAICS 623210 (Residential Intellectual and Developmental Disability Facilities) and
15 623220 (Residential Mental Health and Substance Abuse Facilities). [Ord. 17-0438 § 2 (Att. A); Ord.
16 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

17 **18.20.530 Commuter parking lot.**

18 “Commuter parking lot” means vehicle parking specifically for the purpose of access to a public
19 transit system or for users of carpools or vanpools. [Ord. 11-0329 § 3 (Exh. 1).]

20 **18.20.540 Compensatory storage.**

21 “Compensatory storage” means new, excavated storage volume equivalent to any flood storage
22 which is eliminated by building, filling or *grading* within the *floodplain*. For the purpose of this
23 definition, equivalent flood storage capacity is that which is replaced by equal volume between
24 corresponding one-foot contour intervals which are hydraulically connected to the floodway
25 through their entire depth. [Ord. 11-0329 § 3 (Exh. 1).]

26 **18.20.550 Conditional use permit.**

27 “Conditional use permit” means a permit required for *uses* due to special characteristics that may
28 not generally be appropriate within a zoning district, but may be permitted subject to review by the
29 reviewing official to establish conditions to protect public health, safety and welfare and ensure
30 compatibility with nearby land *uses*. [Ord. 11-0329 § 3 (Exh. 1).]

31 **18.20.560 Conference center.**

32 “Conference center” means an establishment developed primarily as a meeting facility, including
33 only facilities for recreation, overnight lodging, and related activities provided for conference
34 participants. [Ord. 11-0329 § 3 (Exh. 1).]

35 **18.20.570 Confinement area.**

“Confinement area” means any open land area in which *livestock* are kept where the forage does not meet the definition of a *grazing area*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.580 Consolidation.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.590 Construction and trade.

“Construction and trade” means an establishment that provides services related to construction and maintenance of *buildings* and infrastructure and improvements to property. Such establishments include landscape and horticultural services. This definition excludes construction and trade establishments that qualify as an *office* by virtue of having only a business office without outside storage or fabrication.

May include NAICS Sector 23 (Construction), 54135 (Building Inspection Services), 56171 (Exterminating and Pest Control Services), 56173 (Landscaping Services), 56179 (Other Services to Buildings and Dwellings), and 56299 (All Other Waste Management Services). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.610 Courtyard.

“Courtyard” means a *private* open space internal to *development* which is not accessible to the public and which is enclosed on at least two sides by *structure(s)* or fencing. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.612 Critical areas.

“Critical areas” means any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat areas of importance, frequently flooded areas, *geologically hazardous areas*, *streams*, and *wetlands*, as defined in Chapter [36.70A](#) RCW and this chapter. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.614 Critical area tract.

“Critical area tract” means land held in *private* ownership and retained in an undeveloped condition in perpetuity for the protection of *critical areas*. Lands within this type of dedication may include, but are not limited to, portions and combinations of forest habitats, grasslands, *geologically hazardous areas*, on-site watersheds, 100-year *floodplains*, shorelines or shorelines of statewide significance, *riparian* areas, and *wetlands*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.630 Critical facility.

“Critical facility” means a facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of “essential facilities,” “hazardous facilities” and “special occupancy structures” in the International Building Code. Critical facilities also include nursing homes, public roadway bridges, and sites for *hazardous substance* storage or production, not including the temporary storage of consumer products containing *hazardous substances* intended for household use or for retail sale on the *site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.632 Critical root zone (CRZ).

“Critical root zone (CRZ)” is the area where the *tree’s* essential mass of roots is located. This root zone is generally the area surrounding a *tree* at a distance which is equal to one foot for every inch of trunk *diameter at breast height* or the area of a circle with radius extending from a *tree’s* trunk to a point no less than the end of a *tree’s* longest branch, whichever is greater. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.633 Crown.

“Crown” means the area of a *tree* containing leaf- or needle-bearing branches. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.635 Cultural facilities.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.640 Daily care.

“Daily care” means medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.650 Day care.

“Day care” means an establishment for group care of nonresident adults or children.

A. Day care shall include only child day care services, adult day care centers and the following:

1. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;

2. Nursery schools for children under minimum age for education in public schools;

3. Privately conducted kindergartens or prekindergartens when not a part of a public or parochial school; and

4. Programs covering after-school care for school children.

B. Day care establishments are subclassified as follows:

1. Day care I – A maximum of 12 adults or children in any 24-hour period; and

2. Day care II – Over 12 adults or children in any 24-hour period.

Day care does not include *family child-care home*.

May include NAICS 6244 (Child Day Care Services). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.655 Debris flow.

“Debris flow” means a stream-like flow of muddy water filled with mixed sizes of sediment and rock. Debris flows are generated by sporadic heavy rains on steep slopes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.660 Deciduous.

“Deciduous” means a plant species with foliage that is shed annually. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.665 Degraded wetland buffer.

“Degraded wetland buffer” means a *buffer* area which cannot adequately protect its adjacent *wetland* due to one or more of the following existing conditions:

A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);

B. Significant cover (over 50 percent) in *nonnative vegetation*;

C. Significant cover (over 50 percent) in invasive species or *noxious weeds*;

D. Presence of existing nonconforming *structures* or improvements. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.670 Density credit, transfer of (TDC).

“Transfer of density credit (TDC)” means the ability to transfer potentially buildable *dwelling units* from an eligible *sending site* to an eligible *receiving site* as provided in this code. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.680 Department.

“Department” means the *City* department or outside agency assigned by the *city manager* to administer a portion of the *City* code. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.690 Department and variety store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.695 Designated manufactured home.

“Designated manufactured home” means a manufactured home constructed after June 15, 1976, in accordance with State and federal requirements for manufactured homes, which meets the following conditions, as allowed under RCW [35A.21.312](#) and [35.63.160](#):

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with, and now has, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Residential Code single-family residences;

D. Is a “new manufactured home” as defined in RCW [35.63.160](#), meaning any manufactured home required to be titled under RCW Title [46](#), which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW [82.45.032](#)(2);

E. Is set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;

F. Complies with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

G. Is thermally equivalent to the State Energy Code; and

H. This section does not override any legally recorded covenants or deed restrictions of record. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.697 Designation, critical area.

“Designation, critical area” means assigning critical areas into established categories and specifying their general distribution, location, and extent. Designation can be made by maps (which are useful for public awareness and for identifying if a proposal may affect a critical area) and by performance standards or definitions (which allow for specific identification and site-scale delineation during permit review). WDFW’s Priority Habitats and Species (PHS) program provides the agency’s recommended designation maps and performance standards/definitions for fish and wildlife habitat conservation areas. Designation occurs after classification in counties’ and cities’ efforts to protect critical areas. See WAC [365-190-040](#)(5). [Ord. 24-0624 § 4 (Exh. B).]

18.20.700 Destination resort.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.705 Detached accessory dwelling unit.

“Detached accessory dwelling unit” means an *accessory dwelling unit* contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. A detached accessory dwelling unit shall be separated from the primary *dwelling unit* by a minimum of five feet, measured between the eaves or other projections beyond the walls of the two structures. [Ord. 20-0510 § 2 (Exh. A).]

18.20.710 Developer.

“Developer” means the person or entity that owns or holds purchase options or other development control over property for which *development* is proposed. (Also see “*Applicant*,” KMC [18.20.190](#).) [Ord. 11-0329 § 3 (Exh. 1).]

18.20.715 Development.

“Development” means any activity upon the land consisting of construction or alteration of *structures*, earth movement, dredging, dumping, *grading*, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, *clearing* of *vegetation*, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing *use*. Development also includes approvals issued by the *City* that bind land to specific patterns of use, including, but not limited to, subdivisions, short subdivisions, zone

changes, *conditional use permits*, and binding site plans. Development does not include the following activities:

A. Interior *building* improvements;

B. Exterior *structure* maintenance activities, including painting and roofing;

C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; or

D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.730 Development agreement.

“Development agreement” means a recorded agreement between an *applicant* and the *City* which incorporates the site plans, development standards, and other features of a *development*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.735 Development permit.

“Development permit” means any permit issued by the *City*, or other authorized agency, for construction, land use, or the alteration of land. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.740 Development proposal.

“Development proposal” means any activities requiring a permit or other approval from the *City* relative to the *use* or *development* of land. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.750 Development proposal site.

“Development proposal site” means the legal boundaries of the parcel or parcels of land for which an *applicant* has or should have applied for authority from the *City* to carry out a *development proposal*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.752 Diameter at breast height (d.b.h.).

“Diameter at breast height (d.b.h.)” means a *tree*’s diameter in inches at four and one-half feet above the ground. On multiple stemmed or trunked *trees*, the diameter shall be the sum of diameters of all individual stems or trunks. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.755 Differential settlement.

“Differential settlement” means nonuniform or uneven ground settlement that occurs over a relatively short distance, such as measured across the width of a residential *structure* (typically 25 feet). Differential settlement can result if a *structure* is underlain by dissimilar soils below portions of the *structure* (e.g., dense fill versus loose fill below parts of the *structure*), or by uneven ground settlement as could occur if the ground below a *structure* were to liquefy during strong earthquake shaking. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.760 Distributed antenna system (DAS).

“Distributed antenna system” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area. [Ord. 16-0426 § 4 (Att. B).]

18.20.765 Disturbance.

“Disturbance” means a pronounced, temporary change in environmental conditions within an ecosystem. Disturbances often act quickly and can alter ecosystem composition, structure, and function. [Ord. 24-0624 § 4 (Exh. B).]

18.20.772 Dock.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.775 Domiciliary care.

“Domiciliary care” means:

A. Assistance with activities of daily living provided by the licensee either directly or by contract;

B. Assuming general responsibility for the safety and well-being of the resident; and

C. Limited nursing services, if provided by the licensee. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.780 Dormitory.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.785 Drive-through service.

“Drive-through service” means a business or a portion of a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include, but not be limited to, fast-food restaurants, espresso stands, and drive-in services at banks and pharmacies. This definition excludes automotive service and repair, gas stations, and *car washes*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.790 Drop box facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.800 Drug store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.805 Durable materials.

“Durable materials” means materials capable of withstanding wear and tear with limited maintenance required, long-term use, vandal resistant, and weather resistant. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.810 Dwelling unit.

“Dwelling unit” means one or more rooms designed for occupancy by a person or *family* for living and sleeping purposes, containing *kitchen facilities* and rooms with internal accessibility, for use solely by the dwelling’s occupants. *Microhousing dwelling units* may share *kitchen facilities* with other dwelling units in place of providing *kitchen facilities* within each unit. [Ord. 16-0415 § 2 (Att. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.820 Dwelling unit, accessory.

“Accessory dwelling unit” or “ADU” means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. [Ord. 20-0510 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.830 Dwelling unit, microhousing.

“Microhousing dwelling unit” means an apartment with a total square footage of less than 320 square feet and a habitable space, as defined in the International Building Code as adopted in the Kenmore Municipal Code, of at least 220 square feet. The room(s) are intended for use solely by the dwelling’s occupant(s), although common kitchen or bath facilities may be provided. [Ord. 16-0415 § 1 (Att. A).]

18.20.832 Dwelling, middle housing.

“Middle housing dwelling” means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, and cottage housing

A. Cottage Housing. Residential units on a parent lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common.

B. Courtyard Apartments. Attached dwelling units arranged on two or three sides of a yard or court.

C. Duplex. A residential building with two attached dwelling units.

D. Fourplex. A residential building with four attached dwelling units.

E. Townhouse. See KMC 18.20.835(B).

F. Triplex. A residential building with three attached dwelling units.

G. Stacked Flat. Dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

18.20.835 Dwelling, multiple-family.

“Multiple-family dwelling” means a one-family dwelling attached to one or more one-family dwellings by common roofs, walls, or floors. Also includes one or more dwellings attached to nonresidential uses. This definition does not include *accessory dwelling units*, *community residential facilities*, *supportive living facilities*, or nursing and personal care facilities.

A. Apartment. A residential *building* containing two or more *dwelling units* or a single *dwelling unit* and a nonresidential use, which are attached at one or more common roofs, walls, or floors. Typically, the unit's habitable area is provided on a single level. Unit entrances may or may not be provided from a common corridor. *Microhousing dwelling units* are considered apartments.

B. Townhouse. A one-family, ground-related dwelling attached to one or more such units or to a nonresidential *use* in which each unit has its own exterior, ground-level access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. Typically the units are multi-story. [Ord. 16-0415 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.840 Dwelling unit, single detached.

“Single detached dwelling unit” means a detached *building* containing one *dwelling unit* or an *adult family home*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.860 Earth station.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.863 Eating and drinking place.

“Eating and drinking place” means an establishment that prepares meals, snacks and beverages to customer order for immediate on-premises or off-premises consumption from a fixed location.

May include NAICS 722 (Food Services and Drinking Places), except 72233 (Mobile Food Services). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.865 Educational institutions (public or private), K – 12.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.867 Educational service.

Educational service” means an institution that offers academic education, career and technical instruction as well as schools or programs that offer tutoring or nonacademic or self-enrichment classes, such as automobile driving and cooking instruction.

May include NAICS Sector 61 (Educational Services), except 6112 (Junior Colleges) and 6113 (Colleges, Universities, and Professional Schools). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.870 Effective radiated power.

“Effective radiated power” means the product of the *antenna* power input and the numerical *antenna* power gain. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.880 Electrical substation.

“Electrical substation” means a *site* containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.885 Emergent wetland.

“Emergent wetland” means a *wetland* with at least 30 percent of the surface area covered by erect, rooted, herbaceous *vegetation* extending above the water surface as the uppermost vegetative stratum. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.890 Emergency.

“Emergency” means an occurrence during which there is imminent danger to the public health, safety and welfare, or which poses an imminent risk to property, as a result of a natural or manmade catastrophe as so declared by the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.900 Energy resource recovery facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.910 Enhancement.

“Enhancement” means actions taken to improve habitat or water quality function and/or wildlife use in an existing viable wetland, stream, or habitat area or established buffers, by planting native species, removing nonnative species, installing habitat *structures*, installing environmentally compatible erosion controls, and any other measures approved by the City. Enhancement also includes actions performed to improve the quality of an existing degraded wetland, stream, or habitat area or buffer. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.920 Equipment, heavy.

“Heavy equipment” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- A. Carryalls;
- B. Graders;
- C. Loading and unloading devices;
- D. Cranes;
- E. Drag lines;
- F. Trench diggers;
- G. Tractors;
- H. Augers;
- I. Bulldozers;
- J. Concrete mixers and conveyers;
- K. Harvesters;
- L. Combines; or

M. Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.930 Erosion.

“Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.940 Erosion hazard areas.

“Erosion hazard areas” means those areas identified by the Natural Resources Conservation Service Soil Classification System, or identified by a special study, as having significant erosion potential. Erosion hazard areas also include channel migration zones. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.950 Evergreen.

“Evergreen” means a plant species with foliage that persists and remains green year round. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.965 Existing legal uses.

Where the term “existing” or “existing legal” follows a listed *use* type, then those *uses* that can document their legal conforming status prior to April 28, 2003, are considered to be *permitted uses* and given all the rights of other *permitted uses* within the district, until such time as there is a change of *use* or abandonment as set forth in KMC [18.100.085](#). In addition, these *uses* may be rebuilt within the same footprint and floor area should they suffer damage; provided, that no new *nonconformances* with standards are created (e.g., *setbacks*), if any. These *uses* may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, *setbacks*, parking, etc.), unless otherwise specifically conditioned. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.967 FAA.

“FAA” means the Federal Aviation Administration. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.970 Fabric shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1000 Fairground.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1010 Family.

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling,

foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. [Ord. 24-0608 § 2 (Exh. A(II)); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1012 Family child-care home.

“Family child-care home” means a child day care provider who regularly provides child day care and early learning services for not more than 12 children in the provider’s home in the family living quarters, or as otherwise defined in RCW [43.215.010](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1015 FCC.

“FCC” means the Federal Communications Commission. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1020 Federal Emergency Management Agency (FEMA) floodway.

Repealed by Ord. 19-0488. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1040 Fence.

“Fence” means a barrier for the purpose of enclosing space or separating *lots*, composed of:

A. Masonry or concrete walls, excluding *retaining walls*; or

B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1050 Financial guarantee.

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, compliance with this code or to warrant materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposits, surety bonds, and other forms of financial security acceptable to the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1051 Fire or police facility.

“Fire or police facility” means a government establishment engaged in law enforcement or fire protection activities.

May include NAICS 92212 (Police Protection), 92215 (Parole Offices and Probation Offices), and 92216 (Fire Protection). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1052 First floor facades.

“First floor facades” means, for the purposes of determining priority design standards, the following categories of regulations when applied to the *ground floor* of *buildings*: *ground floor facades*, *ground floor* transparency and visibility, *blank wall* and side wall, and building materials. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1055 Fish habitat.

“Fish habitat” means habitat that is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by *restoration* or management and off-channel habitat. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1056 Fish and wildlife habitat conservation areas.

“Fish and wildlife habitat conservation areas” mean areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include but are not limited to rare and vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1057 Flood or flooding.

“Flood” or “flooding” means:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (A)(2) of this section and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (A)(2) of this section. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1059 Flood elevation study.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1060 Flood fringe.

Repealed by Ord. 19-0488. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1070 Flood hazard areas.

“Flood hazard areas” means those areas in the *City* subject to inundation by the *base flood* (see “Area of special flood hazard”) and those areas subject to flood risks from *channel relocation* or

stream meander including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. The latter flood hazard areas may extend outside of the area of special flood hazard mapped by FEMA, but are defined and designated by the City. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1080 Flood insurance rate map (FIRM).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administrator has delineated both the special *flood hazard areas* and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a “digital flood insurance rate map (DFIRM).” [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1090 Flood insurance study (FIS).

See “Flood elevation study.” [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1100 Flood protection elevation.

“Flood protection elevation” means an elevation which is one foot above the *base flood elevation*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1110 Floodplain.

“Floodplain” means any land area susceptible to being inundated by water from any source (see definition of “Flood or flooding”). [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1120 Floodproofing.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1125 Floodway.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the water surface elevation more than a designated height. Also known as the “regulatory floodway” or “FEMA floodway.” [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1130 Floodway, zero-rise.

Repealed by Ord. 19-0488. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1135 Floor area ratio (FAR).

“Floor area ratio (FAR)” means a measure of development intensity equal to the gross building floor area, divided by the *site area*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1140 Florist shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1150 Forest practice.

“Forest practice” means any activity regulated by the Washington Department of Natural Resources in WAC Title [222](#) or Chapter [79.06](#) RCW for which a forest practice permit is required, together with:

A. Fire prevention, detection and suppression; and

B. Slash burning or removal. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1160 Forest product sales.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1170 Forest research.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1180 Frequently flooded areas.

“Frequently flooded areas” means lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1185 Functions and values.

“Functions and values” means the beneficial roles served by *critical areas* including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, *erosion* control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1187 Funeral home/crematory.

“Funeral home/crematory” means an establishment engaged in preparing the dead for burial or interment and conducting funerals.

May include NAICS 8122 (Death Care Services). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1190 Furniture and home furnishings store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1200 General business service.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1202 General personal service use.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1203 General services land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “general services land uses” means *ambulatory surgery center; animal kennel/shelter; automotive service (except tire retreading); business service, intensive; cemetery, columbarium or mausoleum; day care; educational service; funeral home/crematory; health care and social assistance; hospital; laboratory; personal service; religious institution; and stable*. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1205 Geologically hazardous areas.

“Geologically hazardous areas” means areas that may not be suited to *development* consistent with public health, safety or environmental standards because of their susceptibility to *erosion*, sliding, earthquake, or other geological events as designated by WAC [365-190-080](#)(4). Types of geologically hazardous areas include: *erosion, landslide*, seismic, and other hazards. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1210 Geologist.

“Geologist” means a person who has earned at least a Bachelor of Science degree in the geological sciences from an accredited college or university or who has equivalent educational training and at least four years of professional experience. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1230 Golf course facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1233 Government/business services land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “government/business services land uses” means *air transportation service; business service, standard; construction and trade; fire or police facility; heavy equipment and truck repair; office; private stormwater management facility; public agency archive; public agency or utility yard; standalone parking; transportation; utility facility; vehicle or equipment rental; warehousing; and wholesale trade*. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1235 Government facilities, City.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1240 Grade span.

“Grade span” means the categories into which a district groups its grades of students, i.e., *elementary, middle or junior high school, and high school*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1250 Grading.

“Grading” means any excavation, filling, removing the duff layer or any combination thereof. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1260 Grazing area.

“Grazing area” means any open land area used to pasture *livestock* in which suitable forage is maintained over 80 percent of the area at all times of the year. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1270 Ground cover.

“Ground cover” means living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against *erosion*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1272 Ground floor.

“Ground floor” means the level of a *building* accessible from public walkways or public sidewalks that is typically at grade level. Building levels below ground are not considered ground floors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1273 Grove.

“Grove” means a contiguous grouping of *trees* standing in close proximity, which form a continuous canopy and/or are mutually dependant. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1275 Hazard areas.

“Hazard areas” means areas designated as frequently flooded areas or *geologically hazardous areas* due to potential for *erosion*, *landslide*, seismic activity, or other geological condition. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1280 Hazardous household substance.

“Hazardous household substance” means a substance as defined in RCW [70.105.010](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1290 Hazardous liquid and gas transmission pipelines.

“Hazardous liquid and gas transmission pipelines” are as defined by RCW [81.88.040](#) and WAC [480-93-005](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1300 Hazardous substance.

“Hazardous substance” means a substance as defined in RCW [70.105.010](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1301 Headwater stream.

“Headwater stream” means stream that is in the uppermost regions of a watershed or catchment area that flows into a larger stream, main stem river, or lake. Also synonymous with “tributary to.” [Ord. 24-0624 § 4 (Exh. B).]

18.20.1302 Health care and social assistance.

“Health care and social assistance” means an establishment or agency providing health care or social assistance. For purposes of this code, veterinary offices are considered a subclassification of this use.

May include NAICS 62 (Health Care and Social Assistance), except the following: 621493 (Freestanding Ambulatory Surgical and Emergency Centers), 621511 (Medical Laboratories), 621910 (Ambulance Services), 622 (Hospitals), 623 (Nursing and Residential Care Facilities), and

6244 (Child Day Care Services). May include 54194 (Veterinary Services). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1305 Health services, miscellaneous.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1307 Hearing examiner.

“Hearing examiner” means the hearing examiner as established by Chapter [19.30](#) KMC. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1310 Heavy equipment and truck repair.

“Heavy equipment and truck repair” means the repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding automobiles and pickup trucks under 10,000 pounds, *recreational vehicles*, boats and their trailers. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1312 Habitat management.

“Habitat management” means management of land to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1314 Habitats of local importance.

“Habitats of local importance” includes seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over time. These might include areas of high relative density or species richness, breeding habitats, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations, such as cliffs, talus, and wetlands. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1320 Helistop.

“Helistop” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangars, maintenance or overhaul facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1330 Historic resource.

“Historic resource” means a district, site, *building*, *structure* or object significant in national, State or local history, architecture, archaeology, and culture. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1340 Historic structure.

“Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1350 Hobby, toy, game shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1360 Home industry.

“Home industry” means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or residential accessory *building*, or in a barn or other resource accessory *building* and is subordinate to the primary use of the *site* as a residence. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1370 Home occupation.

“Home occupation” means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a *dwelling unit* or accessory *building* and is subordinate to the primary use of the *site* as a residence. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1372 Hospital.

“Hospital” means an establishment with medical staff primarily engaged in providing inpatient medical, diagnostic and treatment services and/or emergency care services. Hospitals may also provide outpatient services as a secondary activity.

May include NAICS 622 (Hospitals), including 622210 (Psychiatric and Substance Abuse Hospitals). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1375 Hotel.

“Hotel” means a *building* or portion thereof designed or used for transient rental for sleeping purposes. Hotel *structures* are at least two stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central *kitchen* and dining room and accessory shops and services

catering to the general public may be provided. Not included in this definition are *townhouses*, *apartments*, bed and breakfasts, or *motels*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1380 Household pets.

“Household pets” means small animals that are kept within a *dwelling unit*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1381 Human-scaled elements.

“Human-scaled elements” means the perceived size of a *building* or space relative to the human body. Human-scaled elements such as doors, windows, bays, etc., have dimensions and proportions which respond to the size of a human body. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1382 Hydraulic project approval (HPA).

“Hydraulic project approval (HPA)” means a permit issued by the Washington State Department of Fish and Wildlife for modifications to waters of the State in accordance with Chapter [75.20](#) RCW. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1390 Hydroelectric generation facility.

“Hydroelectric generation facility” means an establishment for the generation of electricity using water sources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1400 Impervious surface.

“Impervious surface” means a nonvegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to *development*, and/or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to *development*. Common *impervious surfaces* include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Impervious surface shall not include areas of turf, landscaping, or natural vegetation. Open uncovered flow control or water quality treatment facilities shall not be considered as *impervious surfaces* under this title, but shall be considered *impervious surfaces* for the purposes of runoff modeling. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1420 Individual transportation and taxi.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1430 Infiltration rate.

“Infiltration rate” means the rate of water entry into the soil expressed in inches per hour. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1435 In-kind.

“In-kind” means to replace *critical areas* with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1437 Intentionally created stream.

“Intentionally created stream” means streams created through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1438 Intermittent stream.

“Intermittent stream” means a stream that flows only part of the year after precipitation events and receives some water during that time from groundwater sources. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1440 Interim recycling facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1470 Jail.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1480 Jail farm.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1490 Jewelry store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1500 Joint use driveway.

“Joint use driveway” means a jointly owned and/or maintained vehicular access to two residential properties. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1510 Kennel.

“Kennel” means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1520 Kitchen or kitchen facility.

“Kitchen or kitchen facility” means an area within a *building* intended for the preparation and storage of food and containing:

- A. An appliance for the refrigeration of food;
- B. An appliance for the cooking or heating of food; and
- C. A sink. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1525 Laboratory.

“Laboratory” means a standalone facility subject to biosafety or hazardous materials containment procedures in which research and experiments leading to the development of new products are conducted. This use may be associated with an institutional, clinical or commercial use.

May include NAICS 54138 (Testing Laboratories) and 621511 (Medical Laboratories). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1530 Landfill.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1540 Landscape water features.

“Landscape water features” means a pond, pool or fountain used as a decorative component of a *development*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1550 Landscaping.

“Landscaping” means live vegetative materials required for a *development*. Said materials provided along the boundaries of a *development site* are referred to as perimeter landscaping. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1560 Landslide.

“Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1570 Landslide hazard areas.

“Landslide hazard areas” means areas at risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, groundwater, or other factors. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1572 Large woody debris (LWD).

“Large woody debris (LWD)” means dead woody material (i.e., fallen trees and branches) in various stages of decomposition that has fallen into a stream or has been placed in a stream, stabilizes the streambed, and provides habitat for fish and aquatic insects. “LWD” includes any piece of wood that is at least four inches (10 centimeters) in diameter (midpoint) and is at least six feet (two meters) in length. [Ord. 24-0624 § 4 (Exh. B).]

18.20.1575 Lattice tower.

“Lattice tower” means a *tower* consisting of a self-supporting, multiple-sided, open steel frame structure without guy wires and ground anchors. [Ord. 16-0426 § 4 (Att. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1580 Level of service (LOS).

“Level of service (LOS)” means a measure of transportation system performance or completeness (by mode of travel) determined in accordance with Chapter [12.80](#) KMC. [Ord. 16-0420 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1590 Light equipment.

“Light equipment” means hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1600 Livestock.

“Livestock” means grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to:

A. Cattle;

B. Riding and draft horses;

C. Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*;

D. Sheep; and

E. Goats. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1610 Livestock, large.

“Large livestock” means cattle, horses, and other *livestock* generally weighing over 500 pounds. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1620 Livestock, small.

“Small livestock” means hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as *household pets* or *small animals*, sheep, goats, miniature horses, llamas, alpacas and other *livestock* generally weighing under 500 pounds. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1630 Livestock sales.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1640 Loading space.

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1650 Log storage.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1660 Lot.

“Lot” means a physically separate and distinct parcel of property, which has been created pursuant to KMC Title [17](#), Land Division. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1661 Lot, parent.

“Parent lot” means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.

18.20.1662 Lot, unit

“Unit lot” means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.

18.20.1670 Lot line, interior.

“Interior lot line” means lot lines that delineate property boundaries along those portions of the property which do not abut a *street*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1671 Low impact development (LID).

“Low impact development (LID)” means a stormwater management and land development strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1673 Lowest floor.

For purposes of flood hazard area regulations, “lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article XIX of Chapter [18.55](#) KMC. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1675 Manufactured home.

“Manufactured home” is defined under WAC [296-150M-0020](#). The term “manufactured home” does not include a “*recreational vehicle*.” [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1675.1 Manufactured housing community.

“Manufactured housing community” means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes, manufactured homes, or designated manufactured homes*. [Ord. 19-0481 § 2 (Exh. A).]

18.20.1676 Manufacturing, heavy.

“Heavy manufacturing” means an establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products that is likely to generate levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, poisons, pesticides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Heavy manufacturing facilities use larger quantities of raw materials and may require significant outdoor storage. Examples include concrete manufacture, asphalt batch plants, mass

production of commercial or recreational vehicles or large machinery, production of industrial organic and inorganic chemicals, animal slaughtering, and refining, extruding, rolling, or drawing of ferrous or nonferrous metals.

May include NAICS Sectors 31 – 33 (Manufacturing). Also may include NAICS 54171 (Research and Development in the Physical, Engineering and Life Sciences). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1677 Manufacturing, light.

“Light manufacturing” means an establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products that is of a lower intensity and cleaner than heavy manufacturing establishments. Light manufacturing facilities do not generate noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation, or other nuisances that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Light manufacturing facilities require only a small amount of raw materials, area and power to produce items of relatively high value per unit weight. Examples include manufacture of clothes, jewelry, food, blown glass, furniture, computer hardware and software, medical instrumentation, consumer electronics, and winery/brewery, as well as research and development facilities and biotechnology.

May include NAICS Sectors 31 – 33 (Manufacturing). Also may include NAICS 54171 (Research and Development in the Physical, Engineering and Life Sciences). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1678 Manufacturing land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “manufacturing land uses” means *manufacturing, heavy; manufacturing, light; cannabis processor*; and tire retreading. [Ord. 24-0607 § 2 (Exh. A(III)); Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1). Formerly 18.20.1677]

18.20.1679.1 Cannabis.

“Cannabis” means cannabis as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]

18.20.1679.2 Cannabis business.

“Cannabis business” means a cannabis producer, cannabis processor, cannabis researcher, or cannabis retailer. “Cannabis business” does not include a cannabis cooperative as defined in KMC 18.20.1679.2.5. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 4.]

18.20.1679.2.5 Cannabis cooperative.

“Cannabis cooperative” means a cooperative of no more than four qualifying patients or designated providers sharing responsibility for acquiring and supplying the resources needed to produce and process cannabis only for the medical use of members of the cooperative, as described under Chapter [69.51A](#) RCW. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2 (Att. A).]

18.20.1679.3 Cannabis processor.

“Cannabis processor” means a cannabis processor as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]

18.20.1679.4 Cannabis producer.

“Cannabis producer” means a cannabis producer as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]

18.20.1679.4.5 Cannabis researcher.

“Cannabis researcher” means a person licensed by the Washington State Liquor and Cannabis Board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2 (Att. A).]

18.20.1679.5 Cannabis retailer.

“Cannabis retailer” means a cannabis retailer as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]

18.20.1680 Marina.

“Marina” means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and accessory facilities including, but not limited to:

A. Showers;

B. Toilets; and

C. Self-service laundries. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1683 Mass wasting.

“Mass wasting” means the spontaneous downhill movement of soil and/or rock under the influence of gravity. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1685 Master plan.

A “master plan” consists of a narrative description and map conceptually describing long-term land uses, circulation and infrastructure, *open space*, and development phasing for an area or property to guide future *development*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1690 Median income.

“King County median income” means the median family income for the Seattle-Bellevue, WA HUD Metro FMR Area as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median family income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area or King County, the *City* may use

any other method for determining the King County median income, adjusted for household size.
[Ord. 19-0481 § 2 (Exh. A).]

18.20.1695 Medical/dental office/outpatient clinic.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1700 Microwave.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1705 Miscellaneous repair.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1710 Mitigation.

“Mitigation” means the use of any or all of the following actions listed in descending order of preference:

A. Avoiding the impact by not taking a certain action;

B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;

C. Rectifying the impact by repairing, rehabilitating or restoring the affected *critical area* or *buffer*;

D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the *development proposal*;

E. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and

F. Monitoring the impact and taking appropriate corrective measures. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1720 Mitigation bank.

“Mitigation bank” means a property that has been protected in perpetuity, and approved by appropriate county, State and federal agencies expressly for the purpose of providing compensatory *mitigation* in advance of authorized impacts through *restoration*, creation, and/or *enhancement* of *wetlands*, and, in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1730 Mitigation banking.

“Mitigation banking” means a system for providing compensatory *mitigation* in advance of authorized *wetland* impacts of *development* in the *City* in which credits are generated through *restoration*, creation, and/or *enhancement* of *wetlands*, and, in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1740 Mixed use development.

“Mixed use development” means a combination of residential and nonresidential *uses* within the same *building* or *site* as part of an integrated *development* project with functional interrelationships and coherent physical design. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1745 Mobile food vendor.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1747 Mobile food service.

“Mobile food service” means an establishment engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.

May include NAICS Sector 72233 (Mobile Food Services). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1750 Mobile home.

“Mobile home” is defined under WAC [296-150M-0020](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1760 Mobile home park.

Repealed by Ord. 19-0481. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1761 Mobility unit.

A “mobility unit” means one PM peak hour person trip end. Each person trip has two trip ends, one each at the origin and destination. [Ord. 16-0420 § 4 (Exh. 2).]

18.20.1762 Modification.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1765 Modulation.

“Modulation” means variations in a *building facade* through the use of setbacks, upper level stepbacks, and/or projections from the *building* which serve to break up the apparent mass and bulk of a *building*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1770 Monitoring.

For purposes of Chapter [18.55](#) KMC, “monitoring” means evaluating the impacts of *development proposals* on the biological, hydrological, and geological elements of *critical areas* and assessing the performance of required *mitigation* measures throughout the collection and analysis of data by various methods. Monitoring serves the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1775 Monopole tower.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1785 Motel.

“Motel” means a *building* or group of detached or connected *buildings* designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a *parking*

space adjacent to a sleeping accommodation. This definition excludes *townhouses, apartments, bed and breakfast guesthouses, and hotels*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1790 Motor vehicle and boat dealers.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1800 Motor vehicle and bicycle manufacturing.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1810 Mulch.

“Mulch” means any material such as leaves, bark, or straw left loose and applied to the soil surface to reduce evaporation. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1820 Municipal water production.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1830 Native vegetation.

“Native vegetation” means *vegetation* comprised of plant species, other than *noxious weeds*, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the *site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1835 Natural waters.

“Natural waters” means all surface waters of the State, only excluding water conveyance systems which are artificially constructed and actively maintained for irrigation. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1840 Negative externality.

“Negative externality” means a cost, burden, or undesirable physical impact on persons or property outside the property from which the negative externality is generated. Negative externalities shall include, without limitation, noise, odors, pollution, dust, fumes, vibration, and hazardous substances. [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1850 Net buildable area.

“Net buildable area” means the “*site area*” less the following areas:

A. Areas within or on the perimeter of a project *site* which are required to be dedicated for public rights-of-way;

B. *Critical areas* and their *buffers* to the extent they are required by the *City* to remain undeveloped;

C. Areas required for stormwater control facilities other than facilities which are completely underground, including, but not limited to, retention/detention ponds, biofiltration swales and setbacks from such ponds and swales;

D. Areas required by the *City* to be dedicated or reserved as on-site recreation areas;

E. *Regional utility corridors*;

F. Other areas, excluding *setbacks*, required by the *City* to remain undeveloped. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1860 Nonconformance.

“Nonconformance” means any *use*, improvement or *structure* established in conformance with the *City* rules and regulations in effect at the time of establishment that no longer conforms to the range of *uses* permitted in the *site*’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1870 Nonhydroelectric generation facility.

“Nonhydroelectric generation facility” means an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1875 Nonindigenous.

“Nonindigenous” means any species of plants or animals not native to the Puget Sound region. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1880 Nonionizing electromagnetic radiation (NIER).

“Nonionizing electromagnetic radiation (NIER)” means electromagnetic radiation of low photon energy unable to cause ionization. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1890 Noxious weed.

“Noxious weed” means any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter [16-750](#) WAC. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1900 Off-street required parking lot.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1905 Office.

“Office” means a place of employment for professional or administrative staff which does not include outside storage, or fabrication or on-site sale or transfer of commodities. Types of offices include, but are not limited to, accounting; architectural; engineering; banking; consulting; management; administrative; secretarial; marketing or advertising; personnel; sales offices where no inventories or goods are available on the premises; real estate; insurance; travel agent; brokerage; computer programming; or other similar services. Office does not include medical offices which are classified as a health care and social assistance land use.

May include NAICS Sector 51 (Information), except the following: 512 (Motion Picture and Sound Recording Industries), 515 (Broadcasting), 517 (Telecommunications), 518 (Data Processing,

Hosting and Related Services), and 51912 (Libraries and Archives). May include Sectors 52 (Finance and Insurance) and 53 (Real Estate Rental and Leasing), except the following: 53113 (Lessors of Miniwarehouses and Self-Storage Units), 5321 (Automotive Equipment Rental and Leasing), 5322 (Consumer Goods Rental), 5323 (General Rental Centers), and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing). May include Sector 54 (Professional, Scientific and Technical Services), except the following: 54135 (Building Inspection Services), 54138 (Testing Laboratories), 54171 (Research and Development in the Physical, Engineering and Life Sciences), 54186 (Direct Mail Advertising), 54192 (Photographic Services), and 54194 (Veterinary Services). May include Sector 55 (Management of Companies and Enterprises) and 56151 (Travel Agencies). May include 8132 (Grantmaking and Giving Services), 8133 (Social Advocacy Organizations), 8139 (Business, Professional, Labor, Political, and Similar Organizations), and Sector 92 (Public Administration), except the following: 92212 (Police Protection), 92214 (Correctional Institutions), 92215 (Parole Offices and Probation Offices), and 92216 (Fire Protection). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1910 Open space.

“Open space” means areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective *buffers* for *critical areas*, provide a visual contrast to continuous *development*, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1920 Open-work fence.

“Open-work fence” means a *fence* in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1930 Ordinary high water mark.

“Ordinary high water mark” means the mark found by examining the bed and banks of a *stream* or lake and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1940 Outdoor performance center.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1945 Outdoor retail display/sidewalk sale.

“Outdoor retail display/sidewalk sale” means exhibit of goods which are directly accessible to the public for retail sale. These display areas are accessory to the principal indoor retail *use*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1960 Park.

“Park” means a *site* designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

1. Gymnasiums;

2. Swimming pools; or

3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;

2. Fishing areas;

3. Picnic and related outdoor activity areas;

C. Areas and *trails* for:

1. Hikers;

2. Equestrians;

3. Bicyclists;

D. Areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC;

E. Facilities for on-site maintenance. [Ord. 18-0463 § 3 (Exh. 2); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1995 Parking management plan.

“Parking management plan” means a plan developed by a property owner or applicant that clearly identifies the short- and long-term parking management methods used to ensure that on-site parking provided on a property is adequate to meet anticipated parking demands. Parking management methods can include but are not limited to transportation demand methods that include on-site parking enforcement, signage, and parking fees. [Ord. 15-0406 § 1 (Att. A).]

18.20.2000 Parking space.

“Parking space” means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2030 Peak hour.

“Peak hour” means the hour during the morning or afternoon when the most critical *level of service* occurs for a particular roadway or intersection. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2035 Pedestrian walkway.

“Pedestrian walkway” means a public walkway that connects public *streets* to other *streets*, walkways, *public spaces*, or drives. Public walkways should be lit for nighttime use and be aligned for maximum nighttime visibility. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2040 Permanent school facilities.

“Permanent school facilities” means facilities of a *school district* with a fixed foundation which are not *relocatable facilities*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2050 Personal medical supply store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2055 Personal service.

“Personal service” means an establishment primarily engaged in providing services to individuals, such as beauty and barber shops, retail laundry and drycleaning including coin-operated, clothing alterations and repair, diaper services, carpet and upholstery cleaning services, photo studios, shoe repair, pet grooming, and repair of personal or household items. This definition excludes automotive repair and service.

May include NAICS 5322 (Consumer Goods Rental), 5323 (General Rental Center), 541921 (Photo Studios), 811211 (Consumer Electronics Repair and Maintenance), and 8114 (Personal and Household Goods Repair and Maintenance). May include 812 (Personal and Laundry Services) except the following: 8122 (Death Care Services), 812332 (Industrial Launderers), and 81293 (Parking Lots and Garages). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2060 Pet shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2070 Photographic and electronic shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2102 Practical alternative.

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration effectiveness, engineering feasibility, cost, safety, existing technology, and logistics in light of overall project needs, purposes and objectives, and has less impacts to *critical areas*. For example, a practical alternative to a proposal to place a sidewalk through a *wetland* might be to place an elevated boardwalk through the *wetland*. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2104 Priority habitat/species or priority wildlife habitat/species.

“Priority habitat/species” or “priority wildlife habitat/species” means a habitat type of elements with unique significant value to one or more *species* or habitats of local importance and concern in urban areas as classified by the Washington State Department of Fish and Wildlife Priority Habitat and Species (PHS) program. “Priority species” are wildlife species of concern due to their population status and their sensitivity to habitat alteration. “Priority habitats” are areas with one or

more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, significant wildlife seasonal ranges, significant movement corridors for wildlife, limited availability, or high vulnerability. General types of priority habitat identified in the PHS program potentially found in Kenmore include meadows, oak woodlands, old-growth/mature forests, riparian areas, snag-rich areas, urban natural open space, and wetlands. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2110 Private.

“Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2120 Private stormwater management facility.

“Private stormwater management facility” means a surface water control *structure* installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such *structure*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2130 Professional office.

“Professional office” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2135 Pro shop.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2140 Public agency.

“Public agency” means any agency, political subdivision or unit of government including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2150 Public agency animal control facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2160 Public agency archive.

“Public agency archive” means a facility for the enclosed storage of *public agency* documents or related materials, excluding storage of vehicles, equipment, or similar materials. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2170 Public agency or utility office.

“Public agency or utility office” means an office for the administration of any governmental or utility activity or program, with no *outdoor storage*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2180 Public agency or utility yard.

“Public agency or utility yard” means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2190 Public agency training facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2195 Public space/public open space.

“Public space/public open space” means an open space or plaza in an area between a *building* and a *street* or *pedestrian walkway* where people gather or sit. Public spaces are open for public use during the daytime and evening and are visible from adjacent *streets*. Public spaces contain site furnishings, artwork, landscaping, pedestrian lighting, and other amenities which make the space comfortable and inviting. Public spaces may be government owned or dedicated property or areas open to all persons by design or intent. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2202 Public view.

“Public view” means areas which are visible from adjacent public *streets*, walkways, or *public spaces*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2205 Qualified professional.

“Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant *critical area* subject in accordance with WAC [365-195-905](#)(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology, hydrogeology, geomorphology, or a related field, and have two years of related work experience.

A. A qualified professional for habitats or *wetlands* must have a degree in biology and professional experience related to the subject *species*;

B. A qualified professional for a geological hazard must be a professional engineer or *geologist* licensed in the state of Washington. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2207 Qualified tree protection professional.

“Qualified tree protection professional” means a licensed professional with academic and/or field experience that makes her or him a recognized expert in *tree* preservation and management. The tree protection professional shall be an arborist certified by the International Society of Arboriculture or be an arborist registered with the American Society of Consulting Arborists, and shall have specific experience with *tree* management in the State of Washington. A qualified tree protection professional must possess the ability to evaluate the health and hazard potential of

existing *trees*, and the ability to prescribe appropriate measures necessary for the preservation of *trees* during *development*. [Ord. 15-0409 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2208 Quality habitat areas.

“Quality habitat areas” means areas that provide significant wildlife value by virtue of their characteristics. These characteristics include several parameters indicative of quality habitat, including size, community diversity, interspersions (spatial patterns), continuity, forest vegetation layers, forest age, and lack of invasive plants. Also referred to as a “primary habitat.” [Ord. 24-0624 § 4 (Exh. B).]

18.20.2210 Radio frequency.

“Radio frequency” means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2220 Reasonable use.

“Reasonable use” means a legal concept articulated by federal and State courts in regulatory taking cases. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2230 Receiving site.

“Receiving site” means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to the *City*, or another qualifying agency, the development potential of an associated *sending site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2231 Reclassification.

“Reclassification” means a change in the zone classification on the zoning map pursuant to a Type 4 land use permit decision, where the reclassification is not related to a comprehensive plan land use map amendment. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2232 Reconstruction.

“Reconstruction” means to build, repair, or restore a structure to its original form after it has been damaged or destroyed. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2233 Recreational/cultural land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “recreational/cultural land uses” means adult entertainment business, arts, entertainment, indoor; arts, entertainment, outdoor; park; recreational facility, indoor; recreational facility, outdoor; and trail. [Ord. 24-0624 § 4 (Exh. B); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1). Formerly 18.20.2232.]

18.20.2234 Recreational facility, indoor.

“Indoor recreational facility” means an establishment that provides facilities or services for recreational uses inside a building. Indoor recreational facility includes such uses as clubhouses, gyms, indoor swimming pools, and fitness and bowling centers.

May include NAICS 61162 (Sports and Recreation Instruction), 711211 (Sports Teams and Clubs), 71312 (Amusement Arcades), and 7139 (Other Amusement and Recreation Industries). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2237 Recreational facility, outdoor.

“Outdoor recreational facility” means an establishment that provides facilities or services for recreational uses outside a building. Outdoor recreational facility includes such uses as outdoor tennis courts, outdoor swimming pools, batting cages, miniature golf courses, golf driving ranges, marinas, boat launches, campgrounds, and RV parks.

May include NAICS 61162 (Sports and Recreation Instruction), 711211 (Sports Teams and Clubs), 7139 (Other Amusement and Recreation Industries), and 7212 (RV/Recreational Vehicle Parks and Recreational Camps). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2240 Recreational vehicle (RV).

“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

A. Travel trailer;

B. Folding camping trailer;

C. Park trailer;

D. Truck camper;

E. Park trailer;

F. Motor home; and

G. Multi-use vehicle. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2250 Recreational vehicle parks.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2260 Recyclable material.

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2265 Regional land use.

“Regional land use” means an airport, ferry terminal, park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Regional land use

includes essential public facilities, as defined in RCW [36.70A.200](#), if not otherwise defined in this title.

May include NAICS Sector 22 (Utilities), 411 (Air Transportation), and 4881 (Support Activities for Air Transportation). May include 562 (Waste Management Remediation Service) except 56299 (All Other Waste Management Services). May include 7112 (Spectator Sports) except 711211 (Sports Teams and Clubs). May include 713110 (Amusement and Theme Parks) and 71391 (Golf Courses and Country Clubs). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2275 Regional land uses.

For purposes of Chapter [18.40](#) KMC, “regional land uses” means *college/university; conference center; hydroelectric generation facility; nonhydroelectric generation facility; regional land use; resource land use; secure facility; transit bus base; school bus base; and wireless communication facility*. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2280 Regional stormwater management facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2290 Regional utility corridor.

“Regional utility corridor” means a right-of-way tract or easement other than a *street* right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual *lots* or *developments* are not regional utility corridors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2292 Rehabilitation.

“Rehabilitation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded critical area. Rehabilitation is a type of restoration. For wetlands, rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2295 Religious institution.

“Religious institution” means a place where religious services are conducted, including *accessory uses* in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders.

May include NAICS 8131 (Religious Organizations). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2310 Relocatable facility.

“Relocatable facility” means any factory-built *structure*, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential *developments* and the date that construction is completed on *permanent school facilities*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2320 Relocation facilities.

“Relocation facilities” means housing units within the *City* that provide housing to persons who have been involuntarily displaced from other housing units within the *City* as a result of conversion of their housing unit to other land uses. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2325 Residential land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “residential land uses” means *community residential facility; family child-care home; manufactured home; mobile home; manufactured housing community; multiple-family dwelling; single detached dwelling unit; supportive living facility; and temporary lodging*. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2326 Resource land use.

“Resource land use” means a production use on agricultural, forest, aquatic, or mineral lands, including farming, timber production, and mining.

May include NAICS Sectors 11 (Agriculture, Forestry, Fishing and Hunting) and 21 (Mining). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2327 Resource land uses.

For purposes of Chapter [18.40](#) KMC, “resource land uses” means *resource land use and cannabis producer*. [Ord. 24-0607 § 2 (Exh. A(III)); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2330 Restoration.

“Restoration” means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged *wetlands, streams*, protected habitat, or their *buffers* to the functioning condition that existed prior to an unauthorized *alteration*; and

B. Actions performed to reestablish structural and functional characteristics of the *critical area* that have been lost by *alteration*, past management activities, or catastrophic events. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2350 Retail, comparison.

Repealed by Ord. 14-0391. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2362 Retail land uses.

For purposes of Chapters [18.35](#) and [18.40](#) KMC, “retail land uses” means *auction house; automotive sales; eating and drinking place; cannabis retailer; mobile food service; retail sales; retail sales, bulk; and vehicle refueling station*. [Ord. 24-0607 § 2 (Exh. A(IV)); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2364 Retail sales.

“Retail sales” means an establishment within a permanent *structure* of less than 65,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes *auction houses*, *automotive sales and service*, sales of automotive parts if service, repair or installation are provided on site, *bulk retail sales*, and *eating and drinking places*.

May include NAICS Sectors 44 – 45 (Retail Trade), except the following: 4411 (Automobile Dealers), 4412 (Other Motor Vehicle Dealers), 44132 (Tire Dealers), 447 (Gasoline Stations), 45291 (Warehouse Clubs and Superstores), 45393 (Manufactured/Mobile Home Dealers), and 45431 (Fuel Dealers). [Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2365 Retail sales, bulk.

“Bulk retail sales” means a singular indoor “big box” retail business that occupies more than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Bulk retail sales can include, but is not limited to, membership warehouse clubs that emphasize bulk sales, discount stores and department stores.

May include NAICS 45291 (Warehouse Clubs and Superstores). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2367 Retail sales, outdoor.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2370 Retaining wall.

“Retaining wall” means any wall used to resist the lateral displacement of any material. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2375 Riparian stream corridor.

“Riparian stream corridor” means areas adjacent to aquatic systems with flowing water that contain both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the *ordinary high water mark* or from the top of bank if the ordinary high water mark cannot be identified. It includes the entire extent of the *floodplain* and the extent of *vegetation* adapted to wet conditions as well as adjacent upland plant communities that directly influence the aquatic system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2380 Riparian management zone (RMZ).

“Riparian management zone (RMZ)” means an area often synonymous with riparian buffer. The RMZ is the area that has the potential to provide full riparian functions. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2385 Riparian zone.

“Riparian zone” means the area of vegetation adjacent to a body of water that influences (and is influenced by) the water; an area typically used by more species of wildlife than other land areas. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2410 Salmonid.

“Salmonid” means a member of the fish family Salmonidae, such as Chinook, coho, chum, sockeye salmon, bull trout and cutthroat trout. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2415 Satellite dish.

“Satellite dish” means a type of antenna, typically in the shape of a shallow dish or cone, that transmits to and/or receives signals from an orbiting satellite. [Ord. 16-0426 § 4 (Att. B).]

18.20.2420 School bus base.

“School bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2430 School district.

“School district” means any school district in Kenmore. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2440 School district support facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2450 Schools, elementary and middle/junior high.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2460 Schools, secondary or high school.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2461 Seasonal low flow and seasonal low water.

“Seasonal low flow” and “seasonal low water” mean the conditions of the seven-day, two-year low water situation, as measured or estimated by accepted hydrologic techniques. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.2462 Section 404 permit.

“Section 404 permit” means a permit issued by the Corps of Engineers for the placement of dredge or fill material or *clearing* in waters of the U.S., including *wetlands*, in accordance with [33](#) USC Section [1344](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2465 Secure community transition facilities (SCTF).

“Secure community transition facility (SCTF)” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are

not limited to the facilities established pursuant to RCW [71.09.250](#) and any community-based facilities established under this chapter and operated by the Secretary or under contract with the Secretary. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2468 Secure facility.

“Secure facility” means a jail, prison, secure community transition facility, or other similar facility for the confinement, correction, and rehabilitation of offenders. This definition includes facilities managed and operated by the government as well as those operated by nongovernmental entities under contract with the government.

May include NAICS 92214 (Correctional Institutions). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2470 Seismic hazard areas.

“Seismic hazard areas” means areas in the *City* that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2480 Self-service storage.

“Self-service storage” means an establishment containing separate storage spaces that are leased or rented as individual units. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2490 Sending site.

“Sending site” means land capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2500 Senior citizen.

“Senior citizen” means a person aged 62 or older. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2524 Services, off-site.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2527 Services, on-site.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2530 Setback.

“Setback” means the required distance between a *structure* and a specified line such as a lot, easement or *buffer* line that is required to remain free of *structures*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2540 Shelters for temporary placement.

“Shelters for temporary placement” means housing units within the *City* that provide housing to persons on a temporary basis for a duration not to exceed four weeks. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2550 Shooting range.

1 *Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]*

2 **18.20.2560 Sign.**

3 “Sign” means any device, *structure*, fixture, or placard that is visible from a public right-of-way or
4 surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising
5 or identifying any establishment, product, goods, or service. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.2570 Sign, awning.**

7 “Awning sign” means a *sign* painted on or attached directly to and supported by an awning. An
8 awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable.
9 [Ord. 11-0329 § 3 (Exh. 1).]

10 **18.20.2580 Sign, changing message center.**

11 “Changing message center sign” means an electrically controlled *sign* that contains advertising
12 messages which changes at intervals of eight seconds or greater. [Ord. 21-0523 § 2 (Exh. A); Ord.
13 11-0329 § 3 (Exh. 1).]

14 **18.20.2590 Sign, community bulletin board.**

15 “Community bulletin board sign” means a permanent *sign* used to notify the public of community
16 events and public services, and which contains no commercial advertising. [Ord. 11-0329 § 3 (Exh.
17 1).]

18 **18.20.2600 Sign, directional.**

19 “Directional sign” means a *sign* designed to guide or direct pedestrian or vehicular traffic to an
20 area, place or convenience, and may include incidental graphics such as trade names and
21 trademarks. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.2610 Sign, freestanding.**

23 “Freestanding sign” means a *sign* standing directly upon the ground or having one or more supports
24 standing directly upon the ground, and being detached from any *building* or *fence*. [Ord. 11-0329
25 § 3 (Exh. 1).]

26 **18.20.2620 Sign, fuel price.**

27 “Fuel price sign” means a *sign* utilized to advertise the price of gasoline and/or diesel fuel. [Ord. 11-
28 0329 § 3 (Exh. 1).]

29 **18.20.2630 Sign, incidental.**

30 “Incidental sign” means a *sign*, emblem or decal designed to inform the public of goods, facilities,
31 or services available on the premises, and may include but not be limited to *signs* designating:

32 A. Restrooms;

33 B. Hours of operation;

34 C. Acceptable credit cards;

D. Property ownership or management;

E. Phone booths; and

F. Recycling containers. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2640 Sign, indirectly illuminated.

“Indirectly illuminated sign” means a *sign* that is illuminated entirely from an external artificial source. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2650 Sign, monument.

“Monument sign” means a *freestanding sign* that is above ground level and is anchored to the ground by a solid base, with no open space between the *sign* and the ground. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2660 Sign, off-premises directional.

“Off-premises directional sign” means a *sign* which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the *sign*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2670 Sign, on-premises.

“On-premises sign” means a *sign* which displays a message which is incidental to and directly associated with the *use* of the property on which it is located. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2680 Sign, permanent residential development identification.

“Permanent residential development identification sign” means a permanent *sign* identifying the residential *development* upon which the *sign* is located. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2690 Sign, portable.

“Portable sign” means a *sign* which is capable of being moved and is not permanently affixed to the ground, a *structure* or a *building*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2700 Sign, projecting.

“Projecting sign” means any *sign* which is attached to and supported by the exterior wall of a *building* with the exposed face of the *sign* on a plane perpendicular to the wall of the *building*; projecting more than one foot from the wall of a *building* and vertical to the ground. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2710 Sign, time and temperature.

“Time and temperature sign” means an electrically controlled *sign* that contains messages for date, time, and temperature, which changes at intervals of one minute or less. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2720 Sign, wall.

“Wall sign” means any *sign* painted on, or attached directly to and supported by, a *building* or *structure*; with the exposed face of the *sign* on a plane parallel to the portion of the *building* or *structure* to which it is attached; projecting no more than one foot from the *building* or *structure*; including window *signs* which are permanently attached. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2730 Significant tree.

“Significant tree” means an existing healthy *tree* that is not a *hazard tree* and that is at least six inches in diameter at breast height (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump. Replacement trees required as mitigation for removed *exceptional trees* are considered *significant trees*, regardless of size. [Ord. 23-0593 § 3 (Exh. B); Ord. 22-0547 § 3 (Exh. B(I)); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2740 Site.

“Site” means a single *lot*, or two or more contiguous *lots* that are under common ownership or documented legal control, used as a single parcel for a *development proposal* in order to calculate compliance with the standards and regulations of this title. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2750 Site area.

“Site area” means the total horizontal area of a project *site*, less areas below the *ordinary high water mark*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2765 Small cell.

“Small cell” means a wireless communication facility that meets both of the following qualifications:

A. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

B. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch. [Ord. 17-0446 § 2 (Att. A); Ord. 16-0426 § 4 (Att. B).]

18.20.2782 Social card game.

“Social card game” is defined as set forth in RCW [9.46.0282](#), as now in effect or as may be subsequently amended or recodified. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2784 Social services.

“Social services” means establishments or agencies offering social or rehabilitation services. Subcategories include:

“Social services, correctional” that offer offender rehabilitation, offender self-help, parole or probation services; and

“Social services, noncorrectional” that provide services including, but not limited to, individual and family counseling, welfare, relief, referral, job training, or vocational services. “Social services, noncorrectional” includes social advocacy organizations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2790 Soil recycling facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2810 Special use permit.

“Special use permit” means a permit granted by the *City* to locate a *regional land use* at a particular location, subject to conditions placed on the proposed *use* to ensure compatibility with adjacent land uses. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2820 Specialized instruction school.

“Specialized instruction school” means establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

A. Art;

B. Dance;

C. Music;

D. Cooking;

E. Driving; and

F. Pet obedience training. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2822 Species.

“Species” means any group of animals classified as a species or subspecies as commonly accepted by the scientific community. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2823 Species, candidate.

“Species, candidate” means fish and wildlife species that the Washington State Department of Fish and Wildlife will review for possible listing as endangered, threatened, or sensitive. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2824 Species, endangered.

“Species, endangered” means any fish or wildlife *species* that is threatened with extinction throughout all or a significant portion of its range and is listed by the State or federal government as an endangered species. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2825 Species of concern.

“Species of concern” means those species listed an endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2826 Species, threatened.

“Species, threatened” means any fish or wildlife *species* that is likely to become an *endangered species* within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the State or federal government as a threatened species. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2840 Sporting goods store.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2850 Sports club.

“Sports club” means an establishment engaged in operating physical fitness facilities and sports and recreation clubs. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2860 Stable.

“Stable” means a *structure* or facility in which horses or other *livestock* are kept for:

A. Boarding;

B. Training;

C. Riding lessons;

D. Breeding;

E. Rental; or

F. Personal use. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2865 Standalone parking.

“Standalone parking” means an establishment engaged in providing parking space for motor vehicles or boats, usually on an hourly, daily or monthly basis. Parking may be provided on a surface lot, in a garage or, in the case of boats, on a storage rack. Standalone parking does not include required parking associated with a use, authorized through a development application.

May include NAICS 81293 (Parking Lots and Garages). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2870 Standard of service, school districts.

“School districts standard of service” means the standard adopted by each *school district* which identifies the program year, the class size by *grade span* and taking into account the requirements of students with special needs, the number of *school classrooms*, the types of facilities the district believes will best serve its student population, and other factors as identified by the *school district*. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in *relocatable facilities* which are used as transitional facilities or for any specialized facilities housed in *relocatable facilities*. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the “necessary financial commitments” as defined in Chapter [18.45](#) KMC are in place to complete the permanent facilities called for in the capital plan. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2875 Start of construction.

For purposes of flood hazard area regulations, “start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.2884 Storage, indoor.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2887 Storage, outdoor.

“Outdoor storage” means the storage of materials outside of a completely enclosed building for more than 24 hours, including items for sale, lease, shipment, processing, maintenance or repair (including vehicles and equipment), and items used in business operations. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2890 Stream functions.

“Stream functions” means natural processes performed by *streams* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2900 Stream.

“Stream” means an area where open surface water produces a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock, channels, gravel beds, sand and silt beds, and defined-channel swales. This includes watercourses where there is some component of natural flow (groundwater, spring, etc.) or when an artificial stormwater system is incorporated within a natural stream. A watercourse also includes all surface water connected wetlands that provide or maintain habitat that supports fish. This definition is not meant to include artificially created irrigation ditches, canals, storm or surface water runoff facilities or other wholly artificial watercourses unless they are used by salmonids, created for the purposes of stream mitigation, or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall. [Ord. 24-0624 § 4 (Exh. B); Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2905 Stream reconnaissance report.

“Stream reconnaissance report” means a report prepared by an applicant’s qualified consultant to describe a stream and to characterize its conditions, wildlife, habitat values, and water quality. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2910 Street.

“Street” means a public or recorded *private* thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2920 Street frontage.

“Street frontage” means any portion of a *lot* or combination of *lots* which directly abut a *street*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2925 Street tree.

“Street tree” means *trees* located within the *street* right-of-way, adjacent to public or *private streets*, including undeveloped areas. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2930 Structure.

“Structure” means anything permanently constructed in or on the ground, or over the water; excluding *fences* eight feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2935 Structural diversity.

“Structural diversity” means the relative degree of diversity or complexity of vegetation in a wildlife habitat area as indicated by the stratification or layering of different plan communities (e.g., ground cover, shrub layer, and tree canopy), the variety of plant species, and the spacing or pattern of vegetation. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2945 Subdrainage basin or sub-basin.

“Subdrainage basin” or “sub-basin” means the drainage area of the highest order *stream* containing the subject property impact area. “Stream order” is the term used to define the position of a *stream* in the hierarchy of tributaries in the watershed. The smallest *streams* are the highest order (first order) tributaries. These are the upper watershed *streams* and have no tributaries of their own. When two first order *streams* meet, they form a second order *stream*, and when two second order *streams* meet they become a third order *stream*, and so on. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2955 Substantial damage.

For purposes of flood hazard area regulations, “substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.2960 Substantial improvement.

“Substantial improvement” means any maintenance, repair, structural modification, addition or other improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market value of the *structure* either before the maintenance, repair, modification or addition is started or before the damage occurred, if the *structure* has been damaged and is being restored. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2963 Supportive living facility.

“Supportive living facility” means an assisted living facility, continuing care facility, convalescent center, or nursing home. Supportive living facility does not include an adult family home, community residential facility, hospital, or secure facility.

May include NAICS 6231 (Nursing Care Facilities) and 6233 (Community Care Facilities for the Elderly). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2965 Taxi stand.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2968 Temporary lodging.

“Temporary lodging” means a hotel, motel, bed and breakfast guesthouse, or other facility providing temporary accommodations for travelers for compensation.

May include NAICS 721 (Accommodation), except 72112 (Casino Hotels) and 7212 (RV/Recreational Vehicle Parks and Recreational Camps). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2970 Theater.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2980 Theatrical production services.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2990 Tower.

“Tower” means any wireless communications structure that is designed and constructed primarily for the purpose of supporting one or more antennas. “Tower” includes a lattice tower or monopole. “Tower” does not include a replacement utility pole or an amateur (ham) radio facility. [Ord. 16-0426 § 4 (Att. B).]

18.20.3000 Trails.

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3010 Transfer station.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3020 Transit bus base.

“Transit bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a public transit system. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3022 Transit, high capacity.

“High capacity transit” means a transit stop that receives transit services from at least one route that provides service at least four times per hour for 12 or more hours per day. [Ord. 24-0621 § 2 (Exh. A).]

18.20.3023 Transit center.

“Transit center” means any facility designed for accommodating large numbers of public transportation passengers to wait, board, and disembark at the intersection of multiple transit routes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3025 Transit stop, major.

“Major transit stop” means:

A. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

B. Commuter rail stops;

C. Stops on rail or fixed guideway systems; or

D. Stops on bus rapid transit routes, including those stops that are under construction.

18.20.3030 Transitional housing facilities.

“Transitional housing facilities” means housing units within the *City* owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3040 Transmission equipment.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3060 Transmission support structure.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3065 Transmission support structure, alternative.

Recodified to KMC [18.20.147](#) by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3067 Transmission support structure, guyed.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3070 Transmitter building.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3075 Transportation.

“Transportation” means establishments providing transportation of passengers or cargo, such as taxi and limousine services, scenic and sightseeing transportation businesses, motor vehicle towing, trucking, shipping, or freight hauling businesses. This use includes related support activities, such as cargo handling and packing and crating of cargo. Transportation does not include *air transportation service* or *airport* (classified as a *regional land use*).

May include NAICS Sector 48 (Transportation and Warehousing), except the following: 481 (Air Transportation), 486 (Pipeline Transportation), 4881 (Support Activities for Air Transportation), and 493 (Warehousing and Storage). May include 62191 (Ambulance Services). [Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1).]

18.20.3077 Transportation concurrency.

“Transportation concurrency” means the transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development, as described in KMC [12.80.010\(A\)](#). Transportation concurrency shall be measured by mobility units, comparing the amount of transportation capital facilities constructed or programmed in the next six years (mobility unit capacity) to the amount of mobility units that would be generated by new development (mobility unit demand). If the City’s mobility unit capacity is larger than the mobility units that would be generated by new development, then the transportation system will be deemed concurrent. [Ord. 16-0420 § 4 (Exh. 2).]

18.20.3082 Tree.

“Tree” means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite *crown*, maturing at a height of at least 12 feet above ground level. The *department* shall determine whether any specific woody plant shall be considered a tree. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3083 Tree, exceptional.

“Exceptional tree” means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC [18.57.015](#), and that has been determined to constitute an important community resource and may not be *removed* or damaged.

A. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump.

B. Any healthy *tree* with a d.b.h. of 48 inches or greater is an *exceptional tree* except those in Table 2 that are never considered exceptional.

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
American Elm	<i>Ulmus americana</i>	30"
Bigleaf Maple	<i>Acer macrophyllum</i>	42"
Douglas Fir	<i>Pseudotsuga menziesii</i>	30"
Giant Sequoia	<i>Sequoiadendron giganteu</i>	30"
Grand Fir	<i>Abies grandis</i>	24"
Madrona	<i>Arbutus menziesii</i>	12"
Oregon Ash	<i>Fraxinus latifolia</i>	24"
Oregon White Oak	<i>Quercus garryana</i>	24"
Pacific Dogwood	<i>Cornus nuttallii</i>	24"
Pacific Yew	<i>Taxus brevifolia</i>	Determined by the city manager
Pine (any species)	<i>Pinus</i> family	30"
Shore Pine	<i>Pinus contorta</i>	12"

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
Sitka Spruce	<i>Picea sitchensis</i>	24"
Western Hemlock	<i>Tsuga heterophylla</i>	24"
Western Red Cedar	<i>Thuja plicata</i>	30"
Willow (any species)	<i>Salix</i> family	24"

Table 2: Tree Species That Are Not Exceptional Trees

Tree Species (Common Name)	Scientific Name
Alder (any species)	<i>Alnus</i> family
Black Cottonwood	<i>Populus trichocarpa</i>
English Holly	<i>Ilex aquifolium</i>
Leyland Cypress	<i>Cupressus x leylandii</i>

[Ord. 24-0621 § 2 (Exh. A); Ord. 23-0593 § 3 (Exh. B).]

18.20.3084 Tree, hazard.

“Hazard tree” means any *tree* with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3088 Tree, remove or removal.

“Remove” or “removal” with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or any act which causes a *tree* to die within a period of three years from such act. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3090 Tree windthrow.

“Tree windthrow” means the process of uprooting, breaking, and overthrowing of a *tree* by force of wind during a storm event. [Ord. 15-0409 § 2 (Att. B).]

18.20.3095 Unavoidable impact.

“Unavoidable impact” means adverse impacts to a *critical area* that remain after all appropriate and practicable avoidance and minimization have been achieved. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3100 Unit Density.

“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size.

18.20.3110 Use.

“Use” means activity or function carried out on an area of land, or in a *building* or *structure* located thereon. Any use subordinate or incidental to the primary use on a *site* is considered an *accessory use*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3111 Uses, classified.

“Uses, classified” means a use which appears in any list of permitted, conditional, accessory or prohibited *uses* in this title. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3112 Uses, permitted.

“Uses, permitted” means land *uses* allowed outright within a zone. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3114 Uses, prohibited.

“Uses, prohibited” means any land *use* not specifically enumerated or permitted as allowable in that district. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3117 Uses, unclassified.

“Uses, unclassified” means a *use* which does not appear in any list of permitted, conditional, accessory, or prohibited *uses* in this title, but which is interpreted by the *city manager* as similar to a listed permitted, conditional, accessory, or prohibited *use*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3118 Utility.

“Utility” means an enterprise or facility serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.3120 Utility facility.

“Utility facility” means a smaller-scale facility for the distribution or transmission of services to a limited area, including, but not limited to:

- A. Telephone exchanges (not including communication facilities);
- B. Water pumping or treatment stations or distribution systems;
- C. *Electrical substations*;
- D. Water storage reservoirs or tanks;
- E. Stormwater management facilities;
- F. *Repealed by Ord. 14-0391.*

- 1 G. Natural gas gate stations and limiting stations;
- 2 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving
- 3 multiple *lots* or *uses* from which fuel is distributed directly to individual users;
- 4 I. Sewer lift stations and wastewater treatment or distribution systems; and
- 5 J. Pipes, electrical wires and associated structural supports.
- 6 Utility facility does not include larger-scale regional facilities that are classified as a regional land
- 7 use.
- 8 May include NAICS Sector 22 (Utilities). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

9 **18.20.3130 Vector waste.**

10 “Vector waste” means liquid or solid waste material collected from catch basins,

11 retention/detention facilities or drainage pipes. [Ord. 11-0329 § 3 (Exh. 1).]

12 **18.20.3140 Vector waste receiving facility.**

13 “Vector waste receiving facility” means a facility where *vector waste* is brought for treatment and

14 storage prior to final disposal. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.3150 Variance.**

16 “Variance” means an adjustment in the application of standards of a zoning code to a particular

17 property. [Ord. 11-0329 § 3 (Exh. 1).]

18 **18.20.3155 Variety store.**

19 *Repealed by Ord. 17-0438.* [Ord. 11-0329 § 3 (Exh. 1).]

20 **18.20.3160 Vegetation.**

21 “Vegetation” means any and all plant life growing at, below or above the soil surface. [Ord. 11-0329

22 § 3 (Exh. 1).]

23 **18.20.3165 Vehicle or equipment rental.**

24 “Vehicle or equipment rental” means an establishment that provides vehicles, machinery or

25 equipment to customers in return for a rental payment.

26 May include NAICS Sectors 5321 (Automotive Equipment Rental and Leasing), 5323 (General

27 Rental Centers), and 5324 (Commercial and Industrial Machinery and Equipment Rental and

28 Leasing). [Ord. 14-0391 § 2 (Exh. 1).]

29 **18.20.3168 Vehicle refueling station.**

30 “Vehicle refueling station” means an establishment retailing automotive fuels, sometimes in

31 combination with convenience store items.

32 May include NAICS 447 (Gasoline Stations). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.3170 Vocational school.

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3180 Warehousing.

“Warehousing” means establishments providing warehousing and storage of goods, including standalone outdoor storage. Warehouses are distinguished from wholesale trade as warehouses do not sell goods.

May include NAICS Sector 49 (Transportation and Warehousing), except 491 (Postal Service) and 492 (Couriers and Messengers). May include 53113 (Lessors of Miniwarehouses and Self-Storage Units). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.3190 Warehousing and wholesale trade.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3200 Wastewater treatment facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3220 Water-dependent use.

“Water-dependent use” means a *use* or portion of a *use* that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A *use* that can be carried out only on, in, or adjacent to water. Examples of water-dependent uses include ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; *marinas*, moorage, and *boat launching* facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3225 Water resource inventory area (WRIA).

“Water resource inventory area (WRIA)” means one of 62 watersheds in the State of Washington, each composed of the drainage areas of a *stream* or *streams*, as established in Chapter [173-500](#) WAC as it existed on January 1, 1997. Kenmore is located in WRIA 8, Lake Washington/Cedar/Sammamish River. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3227 Weather protection.

“Weather protection” means awnings, canopies, *arcades* or marquees which are permanently fixed to *buildings* and which cover the public sidewalks to provide protection from the weather for pedestrians. Weather protection should allow light and transparency into *ground floor uses*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3240 Wetland edge.

“Wetland edge” means the line delineating the outer edge of a *wetland*, consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in use on January 1, 1995, by the

United States Army Corps of Engineers and the United States Environmental Protection Agency as implemented through and consistent with the May 23, 1994, “Washington Regional Guidance on the 1987 Wetland Delineation Manual” document issued by the Corps of Engineers and the Environmental Protection Agency. When the State of Washington, Department of Ecology, adopts a manual as required pursuant to a new Section 11 of Engrossed Senate Bill 5776, *wetlands* regulated under development regulations shall be delineated pursuant to said manual. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3245 Wetland, establishment (creation).

“Establishment” or “creation” of a wetland means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3250 Wetland, forested.

“Forested wetland” means a *wetland* which is characterized by woody *vegetation* at least 20 feet tall. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3260 Wetland functions.

“Wetland functions” means natural processes performed by *wetlands* including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and stormwater flows, as well as performing other functions including, but not limited to, those set forth in [33 CFR 320.4\(b\)\(2\)](#), 1988. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3280 Wetlands.

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of *vegetation* adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, *street*, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local governments shall use the most recently adopted Wetland Rating System for Western Washington. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.3282 Wetland class.

“Wetland class” means a hierarchy of systems, subsystems, classes, and subclasses used by the U.S. Fish and Wildlife Service wetland classification scheme to describe wetland types (refer to

USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States, for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include the following examples which may be found in Kenmore: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, and aquatic bed. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3284 Wetland determination.

“Wetland determination” means a report prepared by a qualified consultant that identifies, characterizes, and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3286 Wetland delineation manual.

“Wetland delineation manual” means a guideline document used to identify and delineate wetland boundaries. This is the approved federal wetland delineation manual and applicable regional supplements. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3288 Wetland mitigation banking.

“Wetland mitigation banking” means the act of restoring, establishing, or enhancing a wetland, stream, or other aquatic resource for the purpose of providing compensation in advance for unavoidable impacts to similar aquatic resources. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3290 Wholesale trade.

“Wholesale trade” means an establishment that sell goods for resale by other wholesalers or retailers, capital or durable nonconsumer goods, or raw and intermediate material and supplies used in production. Wholesalers normally operate from a warehouse characterized by little or no display of merchandise. Neither the design nor the location of the premises is intended to solicit walk-in traffic.

May include NAICS Sector 42 (Wholesale Trade). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.3295 Wildlife report.

“Wildlife report” means a report, prepared by a qualified consultant, that evaluates plan communities and wildlife functions and values on a site. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3300 Wildlife shelter.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3305 Wind-firm.

“Wind-firm” means a *tree* which is capable of withstanding windstorms. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3306 Wireless communication facility (WCF).

“Wireless communication facility” or “WCF” generally means an unmanned facility for the transmission and/or reception of radio frequency (RF) signals or other wireless communications, typically consisting of one or more antennas, a transmission or alternative transmission support

structure, cables and other transmission equipment, and an equipment enclosure or cabinets. Wireless communication facility shall not include equipment intended solely for internal household or business use such as wireless modems, cellular signal boosters, or personal cellular cellspots. [Ord. 16-0426 § 4 (Att. B).]

18.20.3307 Wireless services.

Repealed by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3310 Work release facility.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3320 Wrecked, dismantled or inoperative vehicle.

“Wrecked, dismantled or inoperative vehicle” means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor and is certified by the *department* as meeting at least three of the following requirements:

A. Is three years old or older;

B. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

C. Is apparently inoperable;

D. Has an approximate fair market value equal only to the approximate value of the scrap in it. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3330 Yard or organic waste processing.

Repealed by Ord. 17-0438. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3340 Zero-lot-line development.

“Zero-lot-line development” means a *development* that sites a *building* so that a wall is on the property boundary. Lot segregations for zero-lot-line development are discussed in KMC [17.20.125](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3350 Zero-rise floodway.

“Zero-rise floodway” means the channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation. The zero-rise floodway will always include the FEMA floodway. [Ord. 24-0624 § 4 (Exh. B).]

Chapter 18.21 RESIDENTIAL ZONES

Sections:

- [18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.](#)
- [18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.](#)
- [18.21.035 R-4 and R-6 – Middle Housing](#)
- [18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.](#)
- [18.21.045 Residential zone MHC – Use allowances.](#)
- [18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.](#)
- [18.21.055 MHC zoning exception.](#)
- [18.21.060 Nonresidential land uses in residential zones.](#)
- [18.21.070 Personal service, eating and drinking place and retail sales uses in R-4 through R-24 zones.](#)
- [18.21.073 Accessory uses.](#)
- [18.21.075 Drive-through service.](#)
- [18.21.078 Outdoor storage.](#)
- [18.21.080 Wireless communication facilities.](#)

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited* uses in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>
<i>Cottage housing</i> ^{38, 39}	<i>Cemetery, columbarium or mausoleum</i> ²⁷	<i>Auction house</i>
<i>Courtyard apartments</i> ³⁸	<i>College/university</i> ²⁵	<i>Automotive sales and service, marine</i>
<i>Day care</i> ⁴	<i>Community residential facility</i> ²⁸	<i>Automotive sales and service, non-marine</i>
<i>Duplex</i> ³⁸	<i>Eating and drinking place</i> ^{3,29}	<i>Business service, intensive</i>

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Educational service</i> ⁵	<i>Hospital</i> ²⁵	<i>Business service, standard</i>
<i>Family child-care home</i> ⁶	<i>Manufactured housing community</i> ³⁰	<i>Cannabis business</i>
<i>Fire or police facility</i> ^{7,8}	<i>Personal service</i> ³¹	<i>Cannabis cooperative</i>
<i>Fourplex</i> ³⁸	<i>Recreational facility, indoor</i> ^{3,16,32}	<i>Construction and trade</i>
<i>Health care and social assistance</i> ^{9,10}	<i>Regional land use</i> ^{33,34,35}	<i>Funeral home/crematory</i>
<i>Multiple-family dwelling</i> ¹¹	<i>Retail sales</i> ^{31,36}	<i>Laboratory</i>
<i>Office</i> ¹²	<i>Temporary lodging</i> ³⁷	<i>Manufacturing, heavy</i>
<i>Park</i> ¹³		<i>Manufacturing, light</i>
<i>Recreational facility, outdoor</i> ^{14,15,16}		<i>Mobile food service</i>
<i>Religious institution</i> ¹⁷		
<i>Resource land use</i> ¹⁸		<i>Retail sales, bulk</i>
<i>Single detached dwelling unit</i> ^{19,20}		<i>Secure facility</i>
<i>Stacked flats</i> ³⁸		<i>Transportation</i>
<i>Standalone parking</i> ²¹		<i>Vehicle or equipment rental</i>
<i>Supportive living facility</i> ²²		<i>Vehicle refueling station</i>
<i>Triplex</i> ³⁸		<i>Warehousing</i>
<i>Townhouse</i> ³⁸		<i>Wholesale trade</i>
<i>Utility facility</i> ^{23,24}		

1. One single-engine, noncommercial seaplane shall be permitted only on lots that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a conditional use. All other *air transportation service uses* are prohibited.

2. Only (a) in a *building* listed on the National Register as a historic site or designated as a *City* landmark; (b) as a re-use of a surplus nonresidential facility; or (c) as a joint use of an existing public school facility. All subject to Chapter [18.50](#) KMC. Otherwise, a conditional use.

3. *Social card games* are prohibited.

4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*, and:

- 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 20 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.

All other *day care uses* require a *conditional use permit*.

5. K-12 facilities only. All other *educational service uses* require a *conditional use permit*.

6. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
- e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC;
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility; and
- g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.

7. Limited to “storefront” police offices. Such offices shall not have:

- a. Holding cells;
- b. Suspect interview rooms; or
- c. Long-term storage of stolen properties.

All other *fire or police facility uses* require a *conditional use permit*, except police or fire training facilities, such as shooting ranges, auto test tracks, and fire suppression simulations, which are prohibited.

8. For conditionally permitted fire facilities:

- a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any *buildings* from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such *street*; and
- c. No *outdoor storage*.

9. Only as a re-use of a public school facility. May be permitted as a *conditional use* if proposed as re-use of a surplus nonresidential facility. All subject to Chapter [18.50](#) KMC.

10. Veterinary clinics are prohibited.

~~11. *Townhouse units* only permitted and only on lots in a subdivision or short subdivision designed for townhouse units. Other townhouse units require a conditional use permit. Apartments are prohibited. Reserved~~

12. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. Otherwise, *public agency or utility office* is a *conditional use*. All other office *uses* are prohibited.

13. The following conditions and limitations shall apply, where appropriate:

- a. Lighting for *structures* and fields shall be directed away from residential areas;
- b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

14. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require a *conditional use permit* except campground, RV park, and shooting range which are prohibited.

15. Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached, shall not be counted in this calculation.

16. Conditionally permitted recreational facilities are subject to the following conditions and limitations:

- a. The bulk and scale shall be compatible with residential character of the area;

b. The gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and

c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

17. Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Otherwise, a *conditional use permit* is required.

18. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except mineral extraction, which is prohibited.

19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions, [unit lot subdivisions](#), or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.

20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

21. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential *uses* which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses* are prohibited.

22. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter [2.20](#) KMC. Otherwise, a *conditional use permit* is required.

23. Excluding utilities using *bulk gas storage tanks*, which are a *conditional use*. Liquefied natural gas storage tanks are prohibited.

24. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

25. Only as a re-use of a public school facility or a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

- 1 26. Outdoor performance center and drive-in theater are prohibited.
- 2 27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining
3 residential zones.
- 4 28. *Community residential facility I* only. *Community residential facility II* is prohibited.
- 5 29. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square
6 feet of gross floor area and subject to KMC [18.21.070](#).
- 7 30. *Manufactured housing communities* are not permitted in the R-1 zone.
- 8 31. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and
9 subject to KMC [18.21.070](#).
- 10 32. Bowling center and shooting range are prohibited.
- 11 33. *Hydroelectric generation facilities* limited to those that comply with the following:
- 12 a. Any new diversion structure shall not: (1) exceed a height of eight feet as measured from the
13 streambed; or (2) impound more than three surface acres of water at the normal maximum
14 surface level;
- 15 b. There shall be no active storage;
- 16 c. The maximum water surface area at any existing dam or diversion shall not be increased;
- 17 d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
- 18 e. Any transmission line shall be limited to a: (1) right-of-way of five miles or less; and (2)
19 capacity of 230 kV or less;
- 20 f. Any new, permanent access road shall be limited to five miles or less; and
- 21 g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*.
- 22 34. *Nonhydroelectric generation facilities* limited to *cogeneration* facilities for on-site use only.
- 23 35. Fairground, amusement park, and stadium/arena are prohibited.
- 24 36. Pet shops and auto supply stores are prohibited.
- 25 37. Bed and breakfast guesthouse only, subject to the following conditions:
- 26 a. The guesthouse shall be owner-occupied;
- 27 b. Meals shall be served to paying guests only (no restaurant use permitted);
- 28 c. The number of guestrooms shall not be greater than that authorized by the International
29 Building and Fire Codes;
- 30 d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager, and shall not create significant adverse neighborhood effects that cannot be mitigated.

38. Reference KMC 18.21.035 for specific provisions relating to Middle Housing. These uses are permitted in specific R-4 and R-6 areas as defined in KMC 18.21.035(B).

39. Cottage housing permitted pursuant to the standards defined in KMC 18.75.

[Ord. 24-0607 § 2 (Exh. A(V)); Ord. 19-0481 § 2 (Exh. A); Ord. 18-0463 § 3 (Exh. 2); Ord. 17-0438 § 2 (Att. A); Ord. 16-0433 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S	R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ^{3,18}	6 du/ac ¹⁸
Maximum Density: <i>Dwelling Unit/Acre</i> ⁴			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum <i>Side Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum <i>Rear Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Maximum Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Base <i>Impervious Surface</i> : Percentage		30%	45%	60%
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

1.

a. All subdivisions and short subdivisions in the R-1 zone shall be required to be *clustered* when the property is located within or contains:

(1) A *floodplain*;

(2) A regionally or locally significant resource area;

(3) Existing or planned public *parks* or *trails*, or connections to such facilities;

(4) A Category I or II *wetland* or Type S or F *stream*;

(5) A “greenbelt/urban separator” or “wildlife corridor” area designated by the comprehensive plan.

- b. The *development* shall be *clustered* away from *critical areas* or corridors such as urban separators or the wildlife habitat network to the extent possible and the *open space* shall be placed in a separate tract that includes at least 50 percent of the *site*. *Open space* tracts shall be permanent and meet the provisions of KMC [17.20.130](#).

2. Density applies only to *dwelling units* and not to sleeping units.

3. *Manufactured housing communities* shall be allowed a base density of six *dwelling units* per acre.

4. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC [18.80.040](#)(E)(1)(f).

5. These standards may be modified under the provisions for *zero-lot-line developments*.

6. The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC [18.30.110](#)).

7. The standards of the R-4 zone shall apply if a *lot* is less than 15,000 square feet in area.

8. If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal 10 feet.

9. At least 20 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.

10. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

11. Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

12. Reserved.

13. The maximum height of 45 feet to be used only for projects as follows:

- a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade.

14. Applies to each individual *lot*. *Impervious surface* area standards for:

- a. Regional *uses* shall be established at the time of permit review;
- b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);
- c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;
- d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*;
- e. The base *impervious surface* percentage may be exceeded, up to the maximum *impervious surface* percentage, provided low impact development strategies are implemented subject to approval by the *city manager*.

15 *Lots* smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For *lots* that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any *lot* over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For *lots* smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC [18.100.170\(A\)\(2\)](#).

16 For properties with *critical areas* or topographic constraints, up to 20 percent of the number of *lots* in a subdivision or a short subdivision of more than four *lots*, and one of the *lots* in a short plat of four *lots* or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any *lots* be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller *lots* shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.

17 This excludes any area required for public or *private streets*, access easements, access tracts, and access panhandles.

18. Unit lot density applies to all lots within the R-4 and R-6 zones, excluding those identified in KMC 18.21.035(B). The following provisions are applicable when determining permitted unit density:

a. The permitted base unit density is:

(1) Two units per parent lot.

(2) Four units per lot on all lots within one-quarter mile walking distance of a major transit stop.

(3) Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of KMC 18.21.035(C).

(4) Accessory dwelling units are considered units for the purposes of calculating unit density, subject to the provisions of KMC 18.73.100.

(5) If single-family residential uses exist or are proposed on a lot pursuant to the base or maximum density, then the unit lot density defined in this section is in addition to the that single-family residential use. Single-family dwellings do not count as units for the purposes of this section. If middle housing uses, including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, or cottage housing developments are proposed, those are subject to the unit lot density requirements listed in subsection (a)(1-3) of this footnote.

b. The standards of footnote 18 do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.

c. The lot lines applicable to a parent lot shall be used to determine dimensional standards that relate to lot dimensions, including but not limited to: minimum lot size, setbacks, maximum gross floor area, maximum hardscape area and maximum lot coverage any created unit lot. These dimensional standards shall not be measured off individual unit lots.

d. Unit density applies to lots created through the fee simple unit lot subdivision process pursuant to KMC 18.20.160 that cannot be further subdivided based on the minimum lot size listed in Table B for the applicable zone.

[Ord. 19-0481 § 2 (Exh. A); Ord. 16-0433 § 2 (Att. A); Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

18.21.035 Residential zones R-4 and R-6 - Middle Housing

A. Middle housing shall be subject to the same development regulations as detached single-family homes for the purpose of review for consistency with this chapter. Middle housing includes duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, or cottage housing developments.

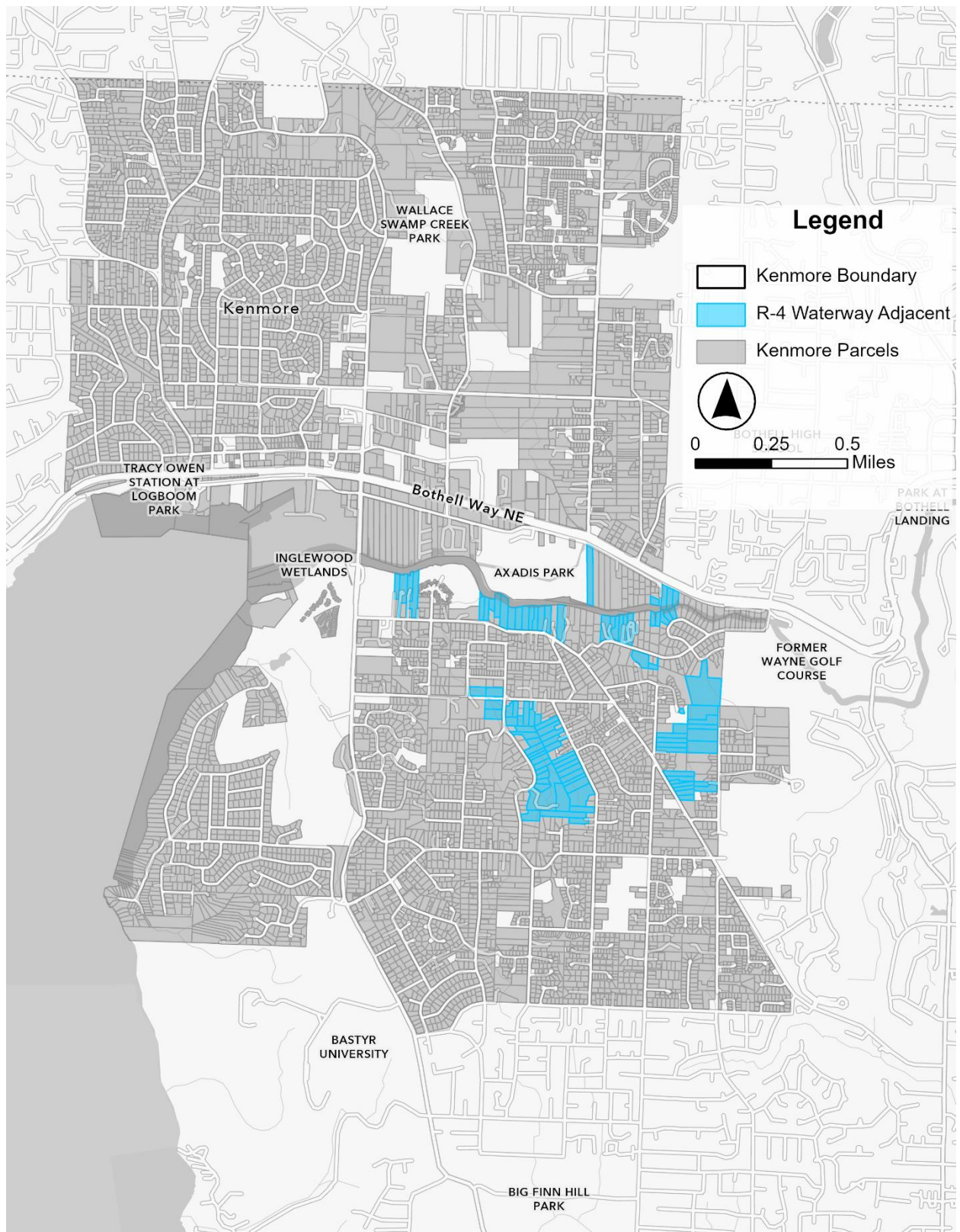
B. The provisions of this section:

1. Shall apply to all lots in the R-4 and R-6 zones, except specific R-4 lots as identified in the exhibit within this subsection.

2. Shall not apply to:

a. Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.

1

Middle Housing – Excluded Areas Portions of R-4 Zone

2

C. To qualify for additional units under the affordable housing provisions of KMC 18.21.030, Footnote 18(A), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (D) through (H) below.

D. Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:

1. Rental housing: 60 percent.

2. Owner-occupied housing: 80 percent.

E. The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions.

F. The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.

G. The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.

H. The units dedicated as affordable housing shall:

1. Be provided in a range of sizes comparable to other units in the development.

2. The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.

3. Be distributed throughout the development and have the same functionality as the other units in the development.

4. Exterior finishes for affordable units shall be comparable to units within the entire development.

5. Comply with the requirements of KMC 18.77.015, unless otherwise stated in this section.

I. Consistent with all residential uses, building design standards for middle housing shall meet the requirements of KMC 18.52 Article III and Article V.

J. Public Benefits and Development Incentives

1. The purpose of this section is to:

a. Promote development of a variety of middle housing types by providing a method for flexibility in development standards;

b. Provide development incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of a variety of housing types and *open space* protection;

c. Provide a review process to allow evaluation of proposed development standard modifications per the table in subsection (l)(4).

2. Development incentives are applicable only to applications for middle housing types, including: duplex, triplex, fourplex, townhouse, stacked flats, courtyard apartments, and cottage housing (as specified in the last column of the table below) in the applicable areas identified in KMC 18.21.035(B). These standards are not applicable to development, redevelopment, or remodeling of an existing or new principal single-family unit.

3. The following are the development incentives available to applicants if all requirements are met as specified below. Applicants are limited to one development incentive per neighborhood benefit.

APPLICABLE MIDDLE HOUSING TYPE	NEIGHBORHOOD BENEFIT	DEVELOPMENT INCENTIVE
Duplex, Triplex, Cottage Housing	Building height limited to 27' with a maximum of two stories.	Reduce rear and street setbacks to 10'.
Duplex, Stacked Flat	Redevelop an existing single-family unit with a duplex or stacked flat and maintain the base floor footprint of the existing home.	Density bonus of two additional units totaling up to four units per lot
Cottage housing	Gross floor area for an individual cottage set to a maximum of 1,200 square feet.	Density bonus of up to 50% of the unit density

18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.

The following uses listed in Table C are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-12, R-18 and R-24:

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Air transportation service ¹	Ambulatory surgery center ²⁵	Adult entertainment business
Arts, entertainment, indoor ^{2,3}	Arts, entertainment, outdoor ²⁶	Animal kennel/shelter
College/university ^{4,5}	Cemetery, columbarium or mausoleum ²⁷	Auction house
Community residential facility	Eating and drinking place ^{3,28}	Automotive sales and service, marine
Construction and trade ⁶	Hospital ⁵	Automotive sales and service, non-marine

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> ⁷	<i>Personal service</i> ²⁹	<i>Business service, intensive</i>
<i>Educational service</i> ⁸	<i>Recreational facility, indoor</i> ^{3,30,31}	<i>Business service, standard</i>
<i>Family child-care home</i> ⁹	<i>Regional land use</i> ³²	<i>Cannabis business</i>
<i>Fire or police facility</i> ^{10,11,12}	<i>Retail sales</i> ^{29,33}	<i>Cannabis cooperative</i>
<i>Health care and social assistance</i> ^{4,5,13}	<i>Temporary lodging</i> ³⁴	<i>Funeral home/crematory</i>
<i>Manufactured housing community</i>	<i>Warehousing</i> ³⁵	<i>Laboratory</i>
<i>Multiple-family dwelling</i>		<i>Manufacturing, heavy</i>
<i>Office</i> ¹⁴		<i>Manufacturing, light</i>
<i>Park</i> ¹⁵		<i>Mobile food service</i>
<i>Recreational facility, outdoor</i> ^{16,17}		<i>Resource land use</i>
<i>Religious institution</i> ¹⁸		<i>Retail sales, bulk</i>
<i>Single detached dwelling unit</i> ^{19,20}		<i>Secure facility</i>
<i>Standalone parking</i> ²¹		<i>Transportation</i>
<i>Supportive living facility</i>		<i>Vehicle or equipment rental</i>
<i>Utility facility</i> ^{22,23,24}		<i>Vehicle refueling station</i>
		<i>Wholesale trade</i>

1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a conditional use. All other *air transportation service uses* are prohibited.

2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC; otherwise, a *conditional use permit* is required. Artist studios permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility; otherwise a *conditional use permit* is required. For all other *arts, entertainment, indoor uses*, a *conditional use permit* is required, except theater, which is prohibited.

3. *Social card games* are prohibited.

- 1 4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
- 2 5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to
- 3 Chapter [18.50](#) KMC.
- 4 6. Permitted when:
- 5 a. Located in the R-24 zone; and
- 6 b. On a *site in office or construction and trade office uses* as of May 8, 2003; and
- 7 c. Part of a *mixed use development*; and
- 8 d. Limited to 15,000 square feet; and
- 9 e. No *outdoor storage* of equipment occurs.
- 10 Otherwise, prohibited.
- 11 7. *Day care II* permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or
- 12 an *accessory use* to a school, *religious institution*, *park*, *sports club* or public housing administered
- 13 by a *public agency*, and:
- 14 a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings
- 15 except for gates and have a minimum height of six feet;
- 16 b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines
- 17 adjoining residential zones;
- 18 c. Direct access to a developed arterial *street* shall be required in any residential zone; and
- 19 d. Hours of operation may be restricted to assure compatibility with surrounding development.
- 20 Otherwise, *day care II* requires a *conditional use permit*.
- 21 8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus
- 22 nonresidential facility subject to Chapter [18.50](#) KMC unless a *conditional use permit* is obtained.
- 23 All other *educational service uses* require a *conditional use permit*.
- 24 9. A *family child-care home* is subject to the requirements established by the Washington State
- 25 Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the
- 26 following requirements:
- 27 a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- 28 b. A safe passenger loading area shall be provided;
- 29 c. The *family child-care home* shall comply with all applicable building, fire, safety, and health
- 30 codes enforced by the *City*;
- 31 d. The *family child-care home* shall comply with all applicable development standards of the *City*,
- 32 unless determined to be legally nonconforming;
- 33 e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and

f. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.

10. Limited to “storefront” police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

All other police facilities require a *conditional use permit*.

11. Fire facilities require a *conditional use permit*, subject to the following:

a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*; and

c. No *outdoor storage*.

12. Fire or police training facilities such as shooting ranges, auto test tracks, and fire suppression simulations are prohibited.

13. Veterinary clinics are prohibited.

14. *Public agency* or *utility office* is permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. All other *office uses* require a *conditional use permit*.

15. The following conditions and limitations shall apply, where appropriate:

a. Lighting for *structures* and fields shall be directed away from residential areas;

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

16. Golf course facility only permitted. Clubhouses, maintenance *buildings*, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. All other *outdoor recreational facility uses* are conditional uses, except *stable*, RV park, and shooting range, which are prohibited.

17. Conditional uses are subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

18. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Other *religious institutions* require a *conditional use permit*.

19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.

20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

21. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

Otherwise a *conditional use permit* is required.

22. *Bulk gas storage tanks* which pipe to individual residences require a *conditional use permit*. All other *bulk gas storage tanks*, including liquefied natural gas storage tanks, are prohibited.

23. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

24. *Hydroelectric generation facilities* are prohibited. A *nonhydroelectric generation facility* may be conditionally permitted as a *cogeneration* facility for on-site use only.

25. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.

26. Arboretum only.

27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

28. Excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).

29. Limited to a maximum of 5,000 square feet of gross floor area and subject to the additional requirements in KMC [18.21.070](#).

30. Conditional *uses* are subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and

c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

31. Bowling center and shooting range are prohibited.

32. Amusement park, fairground, and stadium/arena are prohibited.

33. Auto supply stores and pet shops are prohibited.

34. Bed and breakfast guesthouse only, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant *use* permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

35. *Self-service storage* only permitted and only if accessory to an *apartment development* of at least 12 units, provided:

a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the *apartment* dwellings on the *site*;

b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

c. The use of the facility shall be limited to dead storage of household goods;

d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units; and

h. A resident director shall be required on the *site* and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

[Ord. 24-0607 § 2 (Exh. A(VI)); Ord. 19-0481 § 2 (Exh. A); Ord. 18-0463 § 3 (Exh. 2); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.21.045 Residential zone MHC – Use allowances.

The following uses listed in Table D are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zone MHC:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Day care</i> ¹	<i>Community residential facility</i>	<i>Adult entertainment business</i>
<i>Family child-care home</i> ²	<i>Cemetery, columbarium or mausoleum</i>	<i>Air transportation service</i>
<i>Manufactured housing community</i> ⁸	<i>Educational service</i> ⁶	<i>Ambulatory surgery center</i>
<i>Park</i> ³	<i>Religious institution</i>	<i>Animal kennel/shelter</i>
<i>Single detached dwelling unit</i> ^{4,5}	<i>Supportive living facility</i>	<i>Arts, entertainment, indoor</i>
	<i>Temporary lodging</i> ⁷	<i>Arts, entertainment, outdoor</i>
		<i>Auction house</i>
		<i>Automotive sales and service, marine</i>
		<i>Automotive sales and service, nonmarine</i>
		<i>Business service, intensive</i>
		<i>Business service, standard</i>
		<i>Cannabis business</i>
		<i>Cannabis cooperative</i>
		<i>College/university</i>
		<i>Construction and trade</i>
		<i>Eating and drinking place</i>
		<i>Fire or police facility</i>
		<i>Funeral home/crematory</i>

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Health care and social assistance</i>
		<i>Hospital</i>
		<i>Laboratory</i>
		<i>Manufacturing, heavy</i>
		<i>Manufacturing, light</i>
		<i>Mobile food service</i>
		<i>Multiple-family dwelling</i>
		<i>Office</i>
		<i>Personal service</i>
		<i>Recreational facility, indoor</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Standalone parking</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

- 1 1. *Day care I* is permitted. *Day care II* is permitted only as an accessory use to a religious
- 2 *institution, park* or public housing administered by a *public agency*, and:
- 3 a. Outdoor play areas shall be completely enclosed by a solid wall or *fence* with no openings
- 4 except for gates and have a minimum height of six feet;
- 5 b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines
- 6 adjoining residential zones;
- 7 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*.

Otherwise, *day care II* requires a *conditional use permit*.

2. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and

f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

3. The following conditions and limitations shall apply, where appropriate:

a. Lighting for *structures* and fields shall be directed away from residential areas;

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

4. One *single detached dwelling unit* only per existing legal lot as of April 23, 2019.

5. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

6. K-12 facilities only. All other *educational service uses* are prohibited.

7. Bed and breakfast guesthouse only, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant use permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

8. For properties continuing in an existing *manufactured housing community use* after April 23, 2019, a *transfer of density credits* shall be permitted. See Chapter [18.80](#) KMC.

[Ord. 24-0607 § 2 (Exh. A(VII)); Ord. 19-0481 § 2 (Exh. A).]

18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.

The following zone-specific development standards in Table E apply in the R-12, R-18, R-24, R-48, and MHC residential zones:

Table E. R-12, R-18, R-24, R-48, and MHC Residential Zones Development Standards

STANDARDS	Z O N E S	R-12	R-18	R-24	R-48	MHC ¹²
Base Density: <i>Dwelling Unit/Acre</i> ¹		12 du/ac	18 du/ac	24 du/ac	48 du/ac	12 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ²		18 du/ac	27 du/ac	36 du/ac	72 du/ac	18 du/ac
Minimum Density ¹¹		80%	75%	70%	65%	80%
Minimum Lot Width ⁴		30 ft.	30 ft.	30 ft.	30 ft.	--
Minimum <i>Street Setback</i>		10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft.
Minimum Side <i>Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Minimum Rear <i>Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Base Height ⁸		60 ft.	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	35 ft.
Maximum <i>Impervious Surface</i> : Percentage ¹⁰		85%	85%	85%	90%	85%
Minimum Lot Size		--	--	--	--	--

¹ Density applies only to *dwelling units* and not to sleeping units.

² This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC [18.80.040](#)(E)(1)(f).

³ These standards may be modified under the provisions for *zero-lot-line developments*.

⁴ The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC [18.30.110](#)).

⁵ Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

⁶ At least 20 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.

⁷ a. For *developments* consisting of three or more single detached dwellings located on a single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet.

b. For *townhouse* and *apartment development*, the *setback* shall be 20 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet, unless the *townhouse* or *apartment development* is adjacent to property upon which an existing *townhouse* or *apartment development* is located.

⁸ In the R-12, R-18, R-24 and R-48 zones, height limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

⁹ The base height to be used only for projects as follows:

a. In R-18, R-24 and R-48 zones using residential density incentives and *transfer of density credits* pursuant to this title.

¹⁰ Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional *uses* shall be established at the time of permit review;

b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);

c. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

¹¹ Minimum density is determined by multiplying the allowable number of dwelling units, as calculated using KMC [18.30.020](#), by the percentage shown for each zone.

¹² See also the standards in KMC [18.50.140](#).

[Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.21.055 MHC zoning exception.

A. A *manufactured housing community* landowner may request an exception from the application of the MHC zoning to their property through a Type 4 permit process as described in Chapter [19.25](#) KMC.

B. Along with other information required by the *department*, the application shall include information demonstrating that:

1. There is no *reasonable use* of the MHC property under the MHC zoning;
2. The *uses* authorized by the MHC zoning are not economically viable at the property's location; and
3. The proposal meets the zone reclassification criteria in KMC [18.115.060](#).

If, based on the information provided, the request is granted by the city council, the property shall revert to the zoning designation in place on April 23, 2019, without further action by the council. If necessary, a comprehensive plan map amendment to recognize that zoning designation shall be initiated by the *City*. [Ord. 19-0481 § 2 (Exh. A).]

18.21.060 Nonresidential land uses in residential zones.

Except for *utility facilities*, *regional land uses*, and nonresidential *uses* regulated by KMC [18.21.070](#), all nonresidential *uses* located in the R zones shall be subject to the following requirements:

A. *Impervious surface* coverage shall not exceed:

1. Seventy percent of the *site* in the R-1 through R-6 zones.
2. Eighty percent of the *site* in the R-12 through R-48 and MHC zones.

B. *Buildings* and *structures*, except *fences* and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection C of this section.

C. A single detached dwelling allowed as accessory to a church or school shall conform to the *setback* requirements of the zone.

D. Parking areas are permitted within the required *setback* area from property lines, provided such parking areas are located outside of the required landscape area.

E. *Sites* shall abut or be accessible from at least one public *street* functioning at a level consistent with the *City street* design standards. New *high school sites* shall abut or be accessible from a public *street* functioning as an arterial per the *City* design standards.

F. The base height shall conform to the zone in which the *use* is located.

G. *Building* illumination and lighted *signs* shall be designed so that no direct rays of light are projected into neighboring residences or onto any *street* right-of-way. [Ord. 19-0481 § 2 (Exh. A); Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

18.21.070 Personal service, eating and drinking place and retail sales uses in R-4 through R-24 zones.

Personal service uses, *eating and drinking place uses*, and *retail sales uses* which are located in the R-4 through R-24 zones shall be subject to the following requirements:

1 A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the
2 combined total of all contiguous commercial establishments shall not exceed 15,000 square feet
3 of gross floor area;

4 B. Establishments shall not be located less than one mile from another commercial establishment,
5 unless located with other establishments meeting the criteria in subsection A of this section;

6 C. Establishment *sites* shall abut an intersection of two public *streets*, each of which is designated
7 as a neighborhood collector or arterial and which has improved pedestrian facilities for at least
8 one-fourth mile from the *site*;

9 D. The maximum on-site parking ratios for establishments and *sites* shall be two per 1,000 square
10 feet and required parking shall not be located between the *building(s)* and the *street*;

11 E. *Buildings* shall comply with the *building facade modulation* and roofline variation requirements
12 in KMC [18.50.080](#) and at least one facade of the *building* shall be located within five feet of the
13 sidewalk;

14 F. If the *personal service, eating and drinking place, or retail sales use* is located in a *building* with
15 multifamily *uses*, then the commercial *use* shall be on the *ground floor* and shall not exceed 25
16 percent of the total floor area of the *building*; and

17 G. *Sign* and *landscaping* standards for the *use* apply. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3
18 (Exh. 1).]

19 **18.21.073 Accessory uses.**

20 *Accessory uses*, when consistent with the definition in Chapter [18.20](#) KMC, are allowed as
21 determined by the *city manager*. [Ord. 17-0438 § 3 (Att. B).]

22 **18.21.075 Drive-through service.**

23 *Drive-through service* is prohibited in these zoning districts. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-
24 0438 § 3 (Att. B).]

25 **18.21.078 Outdoor storage.**

26 *Outdoor storage* is prohibited in these zoning districts. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 3
27 (Att. B).]

28 **18.21.080 Wireless communication facilities.**

29 Use allowances and development regulations for *wireless communication facilities* are located in
30 Chapter [18.60](#) KMC. [Ord. 16-0426 § 6 (Att. D).]
31
32

Chapter 18.30

DEVELOPMENT STANDARDS – GENERAL

Sections:

[18.30.010 Purpose.](#)

[18.30.015 Burke-Gilman Trail.](#)

[18.30.020 Density calculations – Allowable dwelling units, lots or floor area.](#)

[18.30.040 Fences.](#)

[18.30.050 Height – Measurement method.](#)

[18.30.060 Height – Exceptions to limits.](#)

[18.30.070 Light and glare.](#)

[18.30.080 Lot area – Prohibited reduction.](#)

[18.30.090 Lot area – Minimum lot area for construction.](#)

[18.30.100 Lot divided by zone boundary.](#)

[18.30.110 Lot width – Measurement method.](#)

[18.30.112 Cannabis businesses – Standards.](#)

[18.30.113 Outdoor storage for nonresidential uses.](#)

[18.30.115 Public nuisance – Prohibited activities.](#)

[18.30.130 Recreation space – On-site areas.](#)

[18.30.140 Recreation space – Maintenance.](#)

[18.30.150 Recreation space – Financial guarantees.](#)

[18.30.155 Recreational vehicles.](#)

[18.30.160 Setbacks – Measurement.](#)

[18.30.170 Setbacks – Specific building or use.](#)

[18.30.190 Setbacks – Modifications.](#)

[18.30.200 Setbacks – From regional utility corridors.](#)

[18.30.210 Setbacks – From alley.](#)

[18.30.220 Setbacks – Required modifications.](#)

[18.30.230 Setbacks – Projections and structures allowed.](#)

[18.30.240 Sight distance requirements.](#)

[18.30.250 Storage space and collection points for trash and recyclables.](#)

[18.30.260 Trail corridors – Applicability.](#)

[18.30.270 Trail corridors – Design standards.](#)

[18.30.280 Trail corridors – Maintenance of trail corridors/improvements.](#)

[18.30.290 Relocation plan for manufactured housing communities.](#)

18.30.010 Purpose.

The purpose of this chapter is to establish basic standards for *development* relative to residential density, dimensional requirements and specific rules for general application. The standards and rules are established to provide flexibility in project design, maintain privacy between adjacent *uses* and meet the on-site recreation needs of project residents. [Ord. 11-0329 § 3 (Exh. 1).]

18.30.015 Burke-Gilman Trail.

A. RB-zoned properties which lie north of NE 175th Street shall provide 10 feet of Type II *landscaping* along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II *landscaping* located within the Burke-Gilman public right-of-way.

B. The Burke-Gilman Trail shall be considered a public right-of-way for purposes of Sections [18.52.180](#), [18.52.200](#), [18.52.230](#), [18.52.240](#), and [18.52.310](#) of Chapter [18.52](#) KMC (Design Standards). [Ord. 23-0574 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1).]

18.30.020 Density calculations – Allowable dwelling units, lots or floor area.

Permitted number of *dwelling units* or *lots* or floor area shall be determined as follows:

A. The allowed number of *dwelling units* or *lots* (base density) shall be computed by multiplying the *site area* by the applicable residential base density number;

[1. Areas specified within KMC 18.21.035\(B\) are permitted at least 2 dwelling units per lot per the requirements of KMC 18.21.030, Footnote 18.](#)

B. The maximum density (unit or *lot*) limits shall be computed by adding the bonus or transfer units authorized by Chapter [18.80](#) KMC to the base units computed under subsection A of this section;

C. The allowed floor area shall be computed by applying the *floor area ratio* to the project *site area*; and

D. Except for short subdivisions of four or fewer *lots*, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded up; and
2. Fractions below 0.50 shall be rounded down.

E. When density calculations result in a fraction, the permitted number of *lots* derived from short subdivisions of four or fewer *lots* shall be rounded as follows:

1. For a short subdivision resulting in less than two *lots* (base density) as described in subsection A of this section, fractions of 0.85 shall be rounded up to the nearest whole number and fractions below 0.85 shall be rounded down.
2. For a short subdivision resulting in more than two but less than three *lots* (base density) as described in subsection A of this section, fractions of 0.75 shall be rounded up to the nearest whole number and fractions below 0.75 shall be rounded down.
3. For a short subdivision resulting in more than three *lots* but less than four *lots* (base density) as described in subsection A of this section, fractions of 0.60 shall be rounded up to the nearest whole number and fractions below 0.60 shall be rounded down. [Ord. 11-0329 § 3 (Exh. 1).]

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Chapter 18.40

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

[18.40.010 Purpose.](#)

[18.40.020 Authority and application.](#)

[18.40.030 Computation of required off-street parking spaces.](#)

[18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.](#)

[18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.](#)

[18.40.040 Shared parking requirements.](#)

[18.40.050 Exceptions for community residential facilities \(CRF\) and senior citizen assisted living.](#)

[18.40.055 Parking for certain types of development served by transit.](#)

[18.40.060 Parking for the disabled.](#)

[18.40.070 Loading space and loading dock requirements.](#)

[18.40.080 Stacking spaces for drive-through facilities.](#)

[18.40.090 Transit and rideshare provisions.](#)

[18.40.100 Pedestrian and bicycle circulation and access.](#)

[18.40.110 Off-street parking plan design standards.](#)

[18.40.120 Off-street parking construction standards.](#)

[18.40.130 Compact car allowance requirements.](#)

[18.40.140 Internal circulation road standards.](#)

18.40.010 Purpose.

The purpose of this chapter is to provide adequate parking for all *uses* allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

A. Setting minimum off-street parking standards for different land *uses* that assure safe, convenient and adequately sized parking facilities within activity centers;

B. Providing incentives to rideshare through preferred parking arrangements;

- 1 C. Providing for parking and storage of bicycles;
- 2 D. Requiring the use of permeable surfacing unless infeasible;
- 3 E. Providing safe, direct pedestrian access from public rights-of-way to *structures* and
- 4 between *developments*; and
- 5 F. Requiring *uses* which attract large numbers of employees or customers to provide transit stops.
- 6 [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

7 **18.40.020 Authority and application.**

8 A. Before an occupancy permit may be granted for any new or enlarged *building* or for a change

9 of *use* in any existing *building*, the *use* shall be required to meet the provisions of this chapter.

10 B. If this chapter does not specify a parking requirement for a land *use*, the *city manager* shall

11 establish the minimum requirement based on a study of anticipated parking demand.

12 Transportation demand management actions taken at the *site* shall be considered in determining

13 anticipated demand. If the *site* is located in an activity center or community business center, the

14 minimum requirement shall be set at a level less than the anticipated demand, but at no less than

15 75 percent of the anticipated demand. In the study the *applicant* shall provide sufficient

16 information to demonstrate that the parking demand for a specific land *use* will be satisfied.

17 Parking studies shall be prepared by a professional engineer with expertise in traffic and parking

18 analyses, or an equally qualified individual as authorized by the *city manager*.

19 C. If the required amount of off-street parking has been proposed to be provided off-site,

20 the *applicant* shall provide written contracts with affected landowners showing that required off-

21 street parking shall be provided in a manner consistent with the provisions of this chapter. The

22 contracts shall be reviewed by the *city manager* for compliance with this chapter, and if approved,

23 the contracts shall be recorded with the county records and elections division as a deed restriction

24 on the title to all applicable properties. These deed restrictions may not be revoked or modified

25 without authorization by the *city manager*.

26 D. Where a neighborhood or subarea plan with design guidelines that includes the subject property

27 has been adopted, the *city manager* shall base allowable waivers or modifications on the policies

28 and guidelines in such plan. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.40.030 Computation of required off-street parking spaces.**

30 A. Except as modified in KMC [18.40.035](#), [18.40.040](#), [18.40.050](#), [18.40.055](#) or [18.40.090](#), off-street

31 parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the

32 following table. Off-street parking ratios expressed as number of spaces per square feet means the

33 usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include

34 but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior

35 walls. If the formula for determining the number of off-street *parking spaces* results in a fraction,

36 the number of off-street *parking spaces* shall be rounded to the nearest whole number with

37 fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
Single detached dwelling unit	2.0 per dwelling unit	2.0 per dwelling unit; tandem stalls permitted
<u>Duplex, Triplex, and Fourplex</u>	<u>1. 1.0 per dwelling unit; or</u> <u>2. No required parking within one- half mile walking distance of a major transit stop.</u>	<u>1.5 per dwelling unit; tandem stalls permitted</u>
Townhouse	<u>1. 2.0 per dwelling unit 1.0 per dwelling unit; or</u> <u>2. No required parking within one- half mile walking distance of a major transit stop.</u>	1.5 per dwelling unit; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
Apartment:		
Microhousing dwelling unit	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted
Studio unit	1.2 per dwelling unit	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per dwelling unit	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per dwelling unit	1.5:du; tandem stalls permitted
Three-bedroom unit or larger	2.0 per dwelling unit	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<u><i>Courtyard Apartments and Stacked Flats</i></u>	Per Apartment standards listed in this table; If located in areas specified in <u>KMC 18.21.035(B):</u> 1. <u>1.0 per dwelling unit; or</u> 2. <u>No required parking within one- half mile walking distance of a major transit stop.</u> 3. <u>Guest parking required per the apartment standard in this table.</u>	Per Apartment standards listed in this table. <u>Guest parking required per the standard in this table.</u>
<u><i>Cottage Housing</i></u>	1.0 per two dwelling units; If located in areas specified in KMC <u>18.21.035(B):</u> 1. <u>No required parking within one- half mile walking distance of a major transit stop.</u>	1.0 per two dwelling units.
<i>Manufactured housing community</i>	2.0 per dwelling unit	2.0 per dwelling unit
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
<i>Community residential facility</i>	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
<i>Hotel/motel</i>	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(city manager)	(city manager)

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
<i>Artist studio</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses</i>	1 per 300 square feet	1 per 300 square feet

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Religious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic office	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facility	1 per 4 beds	–
<i>Hospital</i>	1 per bed	1 per bed
Elementary school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
Secondary schools:		
Middle/junior high school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High school	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High school with stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
		students, or 1 per 3 fixed seats in stadium
<i>Vocational school</i>	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students
<i>Specialized instruction school</i>	1 per <i>school classroom</i> , plus 1 per 2 students	1 per <i>school classroom</i> , plus 1 per 2 students
<i>College/university</i>	1 per 2 commuting students, faculty and staff	–
GOVERNMENT/BUSINESS SERVICES:		
<i>Government/business services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	–
<i>Public agency archive</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Court	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
<i>Fire or police facility</i>	(city manager)	(city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
RETAIL/WHOLESALE:		
<i>Retail land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
<i>Vehicle refueling stations w/o grocery</i>	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
<i>Vehicle refueling stations w/grocery, no service bays</i>	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Retail sales and wholesale trade mixed use	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
Manufacturing land uses	0.9 per 1,000 square feet	–
Exceptions:		
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES:		
Resource land uses	(city manager)	–
REGIONAL:		
Regional land uses	(city manager)	(city manager)

B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

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

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:
 - a. The *city manager* may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
 - b. The *city manager* may require additional spaces when it is determined that the *use* or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:
 - (1) *Park/playfield*;
 - (2) *Marina*;
 - (3) *Library/museum/arboretum*;
 - (4) *Elementary/secondary school*;
 - (5) *Sports club*; or
 - (6) *Retail business* (when located along a developed bicycle *trail* or designated bicycle route).
 2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.
 3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
 4. When more than 10 people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The *city manager* shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.
 5. One indoor bicycle storage space shall be provided for every two *dwelling units* in *townhouse* and *apartment* residential *uses*, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.
- F. Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.
- G. Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100](#)(G) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

H. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*. [Ord. 24-0609 § 2 (Exh. A); Ord. 23-0574 § 2 (Exh. A); Ord. 19-0488 § 5 (Exh. 3); Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0428 § 13 (Att. I); Ord. 16-0415 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.

Parking in the urban residential zone, the downtown commercial zone east of 73rd Avenue NE, the public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea, should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. One-half parking space per dwelling unit.
2. One-half additional parking space per every five dwelling units shall be provided and designated as guest parking for use by all guests.
3. There are no minimum parking requirements for multifamily residential developments specifically for housing senior citizens or people with disabilities. For residential developments specifically for housing senior citizens, an applicant shall prepare a parking demand analysis to determine parking requirements for staff and visitors. Parking requirements for senior citizen assisted living facilities are addressed in KMC [18.40.030](#)(A) and [18.40.050](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.
2. Shared parking among uses is encouraged. Developments that propose shared parking arrangements shall submit a *parking management plan* that describes the terms and conditions of shared parking arrangements on site.

D. Maximum parking shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly

higher than similar uses. This traffic study shall be subject to review by the *city manager* before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

E. All other parking requirements shall be as provided in this chapter.

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.

Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under *building* and screened from the *street frontage*, unless the additional parking is associated with a phased, *mixed use development* and is interim in nature.

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

18.40.040 Shared parking requirements.

The amount of off-street parking required by KMC [18.40.030](#) may be reduced by an amount determined by the *city manager* when shared parking facilities for two or more *uses* are proposed, provided:

- A. The total parking area exceeds 5,000 square feet;
- B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no *building* or *use* involved is more than 800 feet from the most remote shared facility;
- C. The amount of the reduction shall not exceed 10 percent for each *use*, unless:
 - 1. The normal hours of operation for each *use* are separated by at least one hour; or
 - 2. A parking demand study is prepared by a professional traffic engineer and submitted by the *applicant* documenting that the hours of actual parking demand for the proposed *uses* will not conflict and those *uses* will be served by adequate parking if shared parking reductions are authorized;
 - 3. The *use* is a *mixed use development* pursuant to KMC [18.50.120](#), in which case a 25 percent reduction may be granted;

4. The *city manager* will determine the amount of reduction subject to subsection D of this section;

D. The total number of *parking spaces* in the common parking facility is not less than the minimum required spaces for any single use;

E. A covenant or other contract for shared parking between the cooperating property owners is approved by the *city manager*. This covenant or contract must be recorded with the *City* as a deed restriction on both properties and cannot be modified or revoked without the consent of the *city manager*; and

F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *city manager* or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.

A. The minimum requirement of one off-street *parking space* per two bedrooms for *CRFs* and one off-street *parking space* per two *senior citizen assisted living* units may be reduced by up to 50 percent, as determined by the *city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a *CRF* facility or *senior citizen assisted living* facility is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

C. The parking requirements of KMC [18.40.055](#), if applicable, shall apply. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.40.055 Parking for certain types of development served by transit.

Affordable housing shall be as defined under KMC [18.20.098](#). Housing for seniors shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

Notwithstanding any other provision in this title, the following types of development shall have the following parking requirements:

A. Transit Serving *Very Low-Income Affordable Housing Units* and *Extremely Low-Income Affordable Housing Units*.

1. For *very low-income affordable housing units* or *extremely low-income affordable housing units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service

at least two times per hour for 12 or more hours per day, residential parking requirements shall be no greater than 0.6 spaces per unit.

2. The *city manager* may require a *developer* to record a covenant that prohibits the rental of units subject to this parking restriction for any purpose other than providing for *very low-income affordable housing units* or *extremely low-income affordable housing units*. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for such low-income housing, as part of an affordability agreement pursuant to KMC [18.77.050](#).
3. The *city manager* may require more than 0.6 spaces per unit if the city manager determines that particular *very low-income affordable housing units* or *extremely low-income affordable housing units* are located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for such units.

B. Transit Serving Market Rate Multifamily *Dwelling Units*.

1. For market rate multifamily *dwelling units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service from at least one route that provides service at least four times per hour for 12 or more hours per day, residential parking requirements shall be no greater than 0.75 spaces per unit.
2. The *city manager* may require a *developer* to provide more than 0.75 spaces per unit if the *city manager* has determined a particular *dwelling unit* to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the *dwelling unit*.

C. Transit Serving Multifamily Housing for Seniors or People With Disabilities.

1. For multifamily *developments* specifically for housing seniors or people with disabilities that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least four times per hour for 12 or more hours per day, there shall be no minimum residential parking requirements for the residents of such *dwelling units*. Housing for seniors shall be defined as housing restricted to those meeting the definition of *senior citizen* as found in KMC [18.20.2500](#).
2. As an exception to subsection (C)(1) of this section, the *city manager* may require one or more parking spaces per bedroom for housing for seniors or people with disabilities if the *city manager* determines a particular unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.
3. The *city manager* may require parking for staff and visitors of such multifamily housing for seniors or people with disabilities, consistent with the requirements of this title.

4. The *city manager* may require a *developer* to record a covenant that prohibits the rental of such units subject to the parking restriction of this section for any purpose other than providing for housing for seniors or people with disabilities, as part of an affordability agreement pursuant to KMC [18.77.050](#). [Ord. 24-0609 § 2 (Exh. A).]

18.40.060 Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter [19.27](#) RCW, State Building Code, KMC [18.40.055](#), and Chapter [70.92](#) RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the *City*. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.40.070 Loading space and loading dock requirements.

A. Every nonresidential *building* engaged in retail, wholesale, manufacturing or storage activities, excluding *self-service storage* facilities, shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

B. Every *building* engaged in *hotel*, office *building*, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

C. Each *loading space* required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced, improved and maintained as required by this chapter. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All *loading space* areas shall be separated from parking areas and shall be designated as truck *loading spaces*.

D. Any *loading space*, including loading docks, located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, *berms*, walls, or restrictions on the hours of operation.

E. Multi-story *self-service storage* facilities shall provide two *loading spaces*, and single-story facilities one *loading space*, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a *building* shall be required to provide *loading space* or spaces as set forth in this chapter.

F. Loading docks shall be screened from view of the public right-of-way. Screening may include architectural or structural barriers, *berms*, walls or vegetation. [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.40.080 Stacking spaces for drive-through facilities.

A. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces for drive-through or drive-in *uses* may not be counted as required *parking spaces*.

B. *Uses* providing drive-up or *drive-through services* shall provide vehicle stacking spaces as follows:

1. For each drive-through lane of a bank/financial institution, business service, or other drive-through *use* not listed, a minimum of five stacking spaces shall be provided; and
2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.090 Transit and rideshare provisions.

A. *Government/business services land uses* and *manufacturing land uses*, *ambulatory surgery center*, *hospital*, *educational service* and *college/university* shall be required to reserve one *parking space* of every 20 required spaces for rideshare parking as follows:

1. The *parking spaces* shall be located closer to the primary employee entrance than any other employee parking except disabled;
2. Reserved areas shall have markings and *signs* indicating that the space is reserved; and
3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer;

B. The *city manager* may reduce the number of required off-street *parking spaces* when one or more scheduled transit routes provide service within one-quarter mile (1,320 feet) of the *site* as measured linearly along *streets* or other pedestrian pathways. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving *government/business service land uses* and *manufacturing land uses*, up to a maximum of 40 percent; and
2. Two percent for each run serving *recreational/cultural land uses*, *general services land uses*, *retail land uses*, and *wholesale trade*, up to a maximum of 20 percent; and

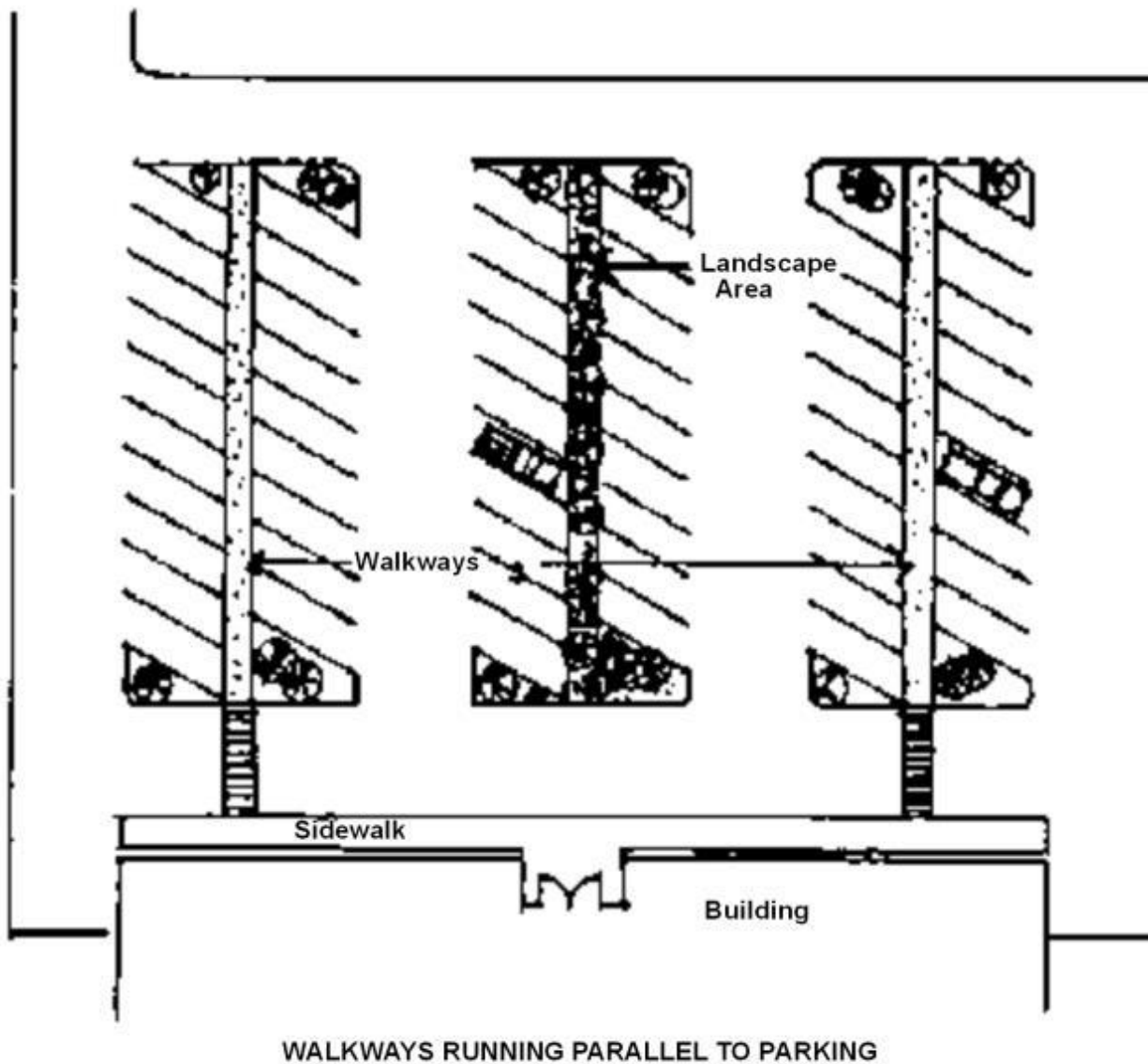
C. All uses which are located on an existing transit route and are required under the computation for required off-street *parking spaces* in KMC [18.40.030\(A\)](#) to provide more than 200 *parking spaces* may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. *Uses* which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the *site*. [Ord. 17-0438 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.40.100 Pedestrian and bicycle circulation and access.

A. Nonresidential *Uses*. All permitted nonresidential *uses* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (1) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (2) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *developments*.

B. Residential *Uses*.

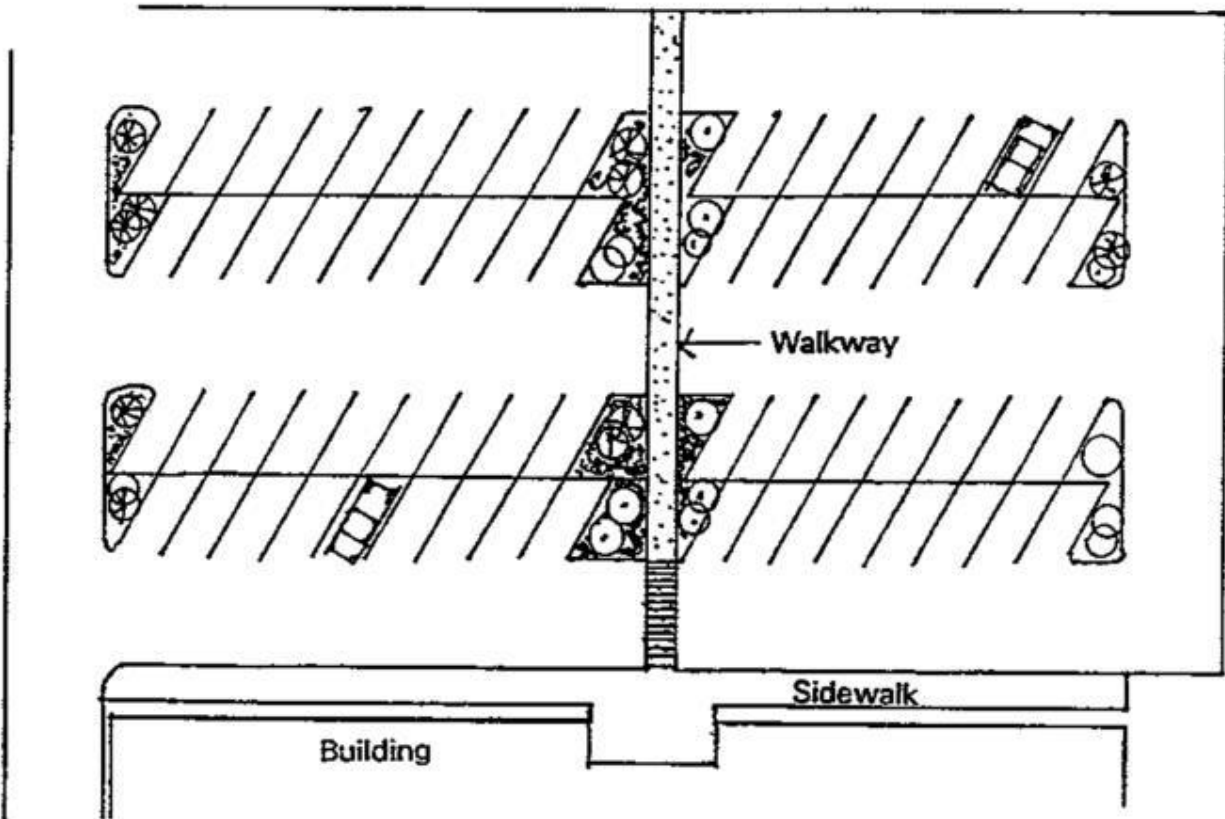
1. All permitted residential *uses* of five or more *dwelling units* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (a) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (b) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *sites*.
2. Residential *uses* of five or more *dwelling units* shall provide for nonmotorized circulation between cul-de-sacs or groups of *buildings* to allow pedestrian and bicycle access within and through the *development* to adjacent activity centers, *parks*, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public *streets*.
3. Access shall only be required to school bus stops that are within or adjacent to a proposed residential *use* of five or more *dwelling units* and that are identified by the affected *school district* in response to a notice of application.



C. Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the *site*, or any *parking space*, is more than 75 feet from the building entrance or principal on-site destination and as follows:

1. All *developments* which contain more than one *building* shall provide walkways between the principal entrances of the *buildings*;
2. All nonresidential *buildings* set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the *building* to *buildings* on adjacent *lots*; and
3. Walkways across parking areas shall be located as follows:

- a. Walkways running parallel to the parking rows shall be provided for every six rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and
- b. Walkways running perpendicular to the parking rows shall be no further than 20 *parking spaces*. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways.



WALKWAYS RUNNING PERPENDICULAR TO PARKING

D. Pedestrian and bicycle access and walkways shall meet the following minimum design standards:

1. Access and walkways shall be well lit and physically separated from driveways and *parking spaces* by landscaping, *berms*, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
2. Access and walkways shall be a minimum of 48 inches of unobstructed width and meet the surfacing standards of the *City street* standards for walkways or sidewalks;
3. The minimum standard for walkways required to be accessible for persons with disabilities shall be designed and constructed to comply with the current State Building Code regulations for barrier-free accessibility;

4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.

E. Blocks in excess of 660 feet shall be provided with a crosswalk at the approximate midpoint of the block.

F. The *city manager* may waive or modify the requirements of this section when:

1. Existing or proposed improvements would create an unsafe condition or security concern;
2. There are topographical constraints, or existing or required *structures* effectively block access;
3. The *site* is not contiguous to an activity center, *park*, common tract, dedicated *open space*, school, transit stop or other public facility;
4. The land *use* would not generate the need for pedestrian or bicycle access; or
5. The public is not allowed access to the subject land *use*.

The *city manager's* waiver may not be used to modify or waive the requirements of this section relating to sidewalks and safe walking conditions for students.

G. The provisions of this section shall not apply on *school district* property. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.110 Off-street parking plan design standards.

A. Off-street parking areas shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the *parking spaces* shall be located on the same *lot* they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the *building* or *building(s)* they are required to serve;
3. For all nonresidential *uses* permitted in residential zones, the *parking spaces* shall be located on the same *lot* they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. In the community business and neighborhood business zones, parking lots shall be located to the rear or sides of *buildings*. Relief from this subsection (A)(4) may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement. The *city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with KMC [18.40.060](#).

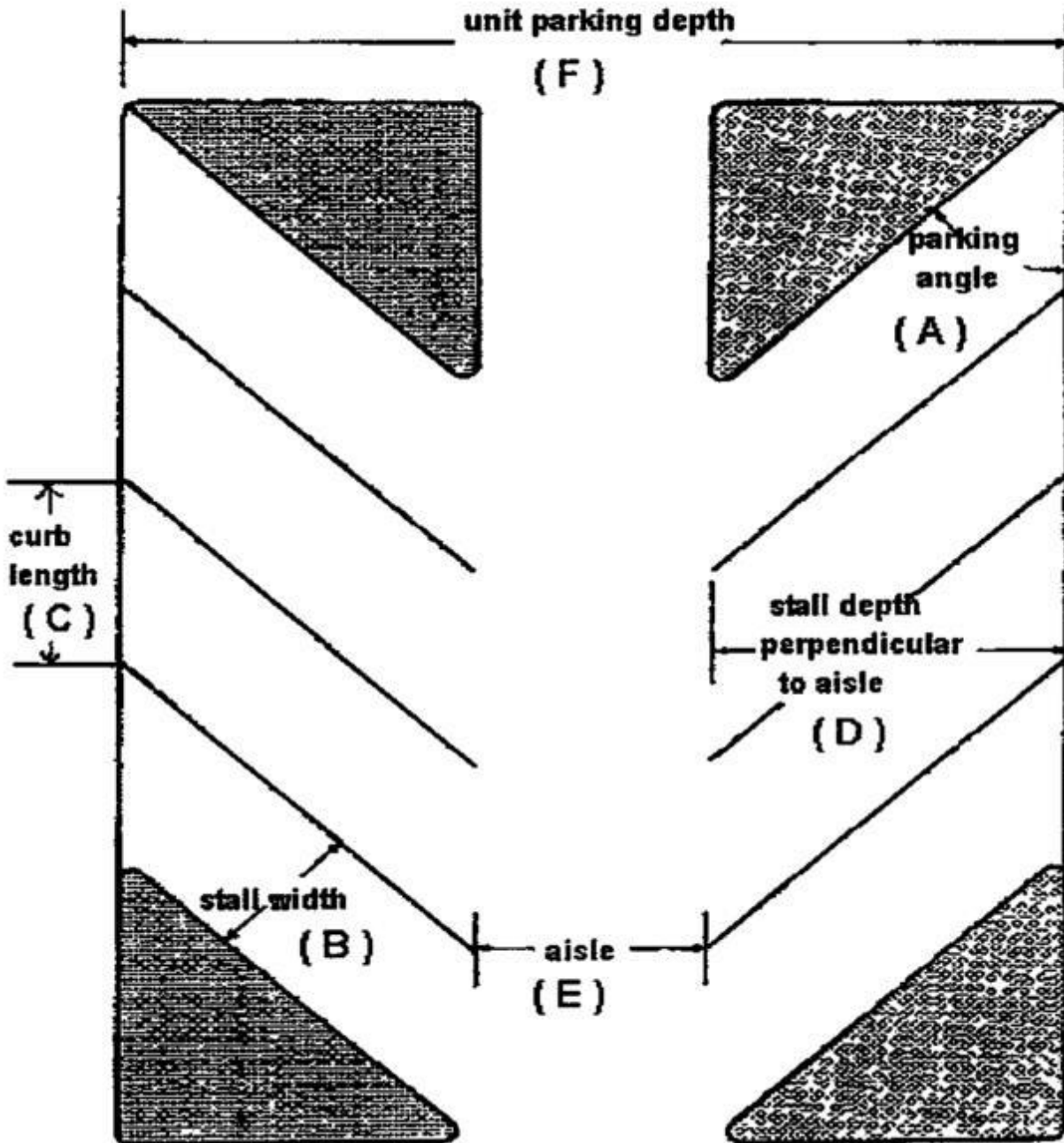
B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

- 1 * for compact stalls only
- 2 ** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



- 3
- 4 C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the
- 5 vehicle shall provide an additional 18 inches above the minimum space width requirement to
- 6 provide a place to step other than in the landscaped area. The additional width shall be separated
- 7 from the adjacent *parking space* by a parking space division stripe.

D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheel stops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC [18.35.070](#)(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter [12.50](#) KMC, Road Standards.

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;
2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and
3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC [18.21.060](#).

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and

2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter, curb to curb, of 52 feet, five inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC [18.45.070](#).

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*.
[Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

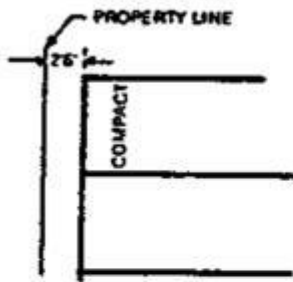
18.40.120 Off-street parking construction standards.

A. Off-street parking areas shall be paved in accordance with *City* street standards unless otherwise approved by the *city manager*.

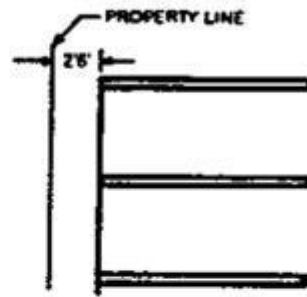
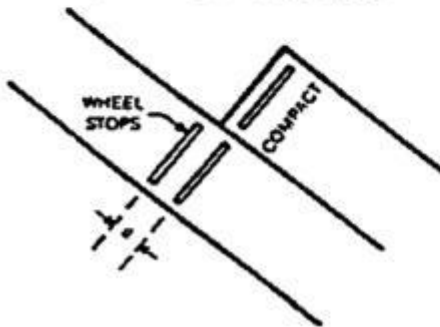
B. *Grading* work for parking areas shall meet the requirements of KMC Title [15](#). Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter [13.35](#) KMC.

C. Paved parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

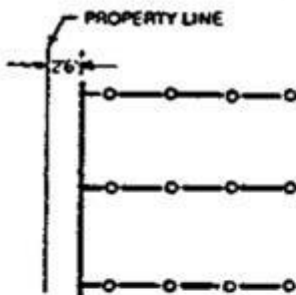
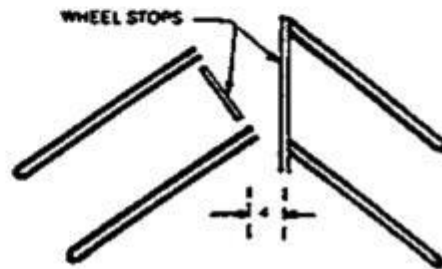
STALL MARKINGS AND WHEEL STOP LOCATIONS



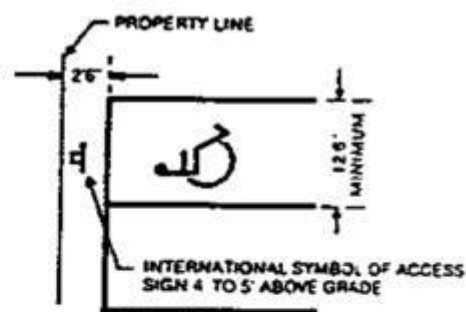
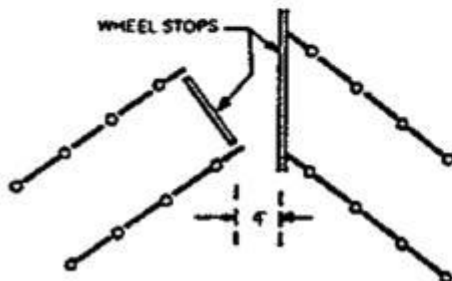
COMPACT MARKING



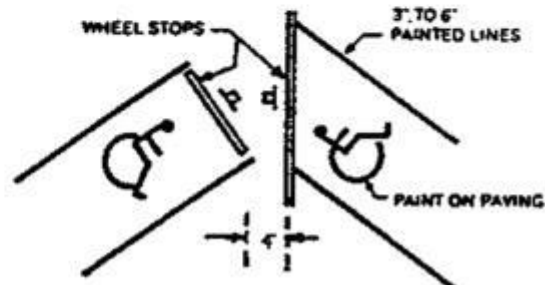
PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING



1

2 [Ord. 11-0329 § 3 (Exh. 1).]

18.40.130 Compact car allowance requirements.

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

A. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. *Apartment developments* with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

18.40.140 Internal circulation road standards.

Internal access roads to off-street parking areas shall conform to City street standards set forth in Chapter [12.50](#) KMC. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.73

ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

Sections:

[18.73.100 Accessory dwelling units \(ADUs\).](#)

[18.73.110 Home occupation.](#)

[18.73.120 Home industry.](#)

18.73.100 Accessory dwelling units (ADUs).

A. ~~Only one~~Up to two accessory dwelling units, either ~~a~~ attached or ~~a~~ detached accessory dwelling units, ~~are~~is allowed per primary single detached dwelling unit.

B. No minimum lot size is required for an ADU.

C. ~~Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for a minimum of six consecutive months after completion of the ADU. At the end of the six-month period, the owner occupancy requirement shall be extinguished. Except as noted in this section, ADUs must meet the bulk development standards applicable to the principal unit on the same lot as defined in KMC 18.21.030.~~

D. Maximum ADU sizes shall be as follows:

1. Attached ADU. An attached accessory dwelling unit shall not exceed a floor area of 1,000 square feet unless the use of preexisting floor area on a single level of the primary single detached dwelling unit is being proposed for the ADU.
2. Detached ADU. The following floor area limitations shall apply to detached accessory dwelling units:

Lot Size	Maximum Floor Area for a Detached ADU
Lots with an area equal to or greater than 6,000 square feet	1740 % of the lot area up to a maximum of 1,500 square feet
Lots with an area less than 6,000 square feet	1,000600 square feet

E. The maximum height for a detached ADU shall be 35 feet; however, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.

F. No additional off-street parking spaces shall be required for an ADU.

G. An *applicant* seeking to build an *accessory dwelling unit* shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The *applicant* shall submit proof that the notice was filed before the *department* shall approve any permit for the construction of the *accessory dwelling unit*. The required contents and form of the notice shall be set forth in administrative rules.

H. ~~The total number of occupants in the principal dwelling unit and the accessory dwelling unit combined shall not exceed~~ the maximum number of occupants established for a single-family dwelling as defined in KMC 18.20.1010 ~~is permitted per dwelling unit and accessory dwelling unit on a lot, regardless of whether that unit is owned separately or leased. [Ord. 20-0510 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]~~

I. ~~Detached accessory dwelling units may be sited at a property line with no setback if the property line abuts a public alley.~~

J. ~~Existing structures, including legally nonconforming structures, may be converted into accessory dwelling units provided they meet relevant existing building code requirements.~~

K. ~~Public street improvements (e.g. frontage improvements) are not required as a condition of permitting accessory dwelling units.~~

L. ~~Accessory dwelling units may be sold individually from the principal unit. Condominium units originally constructed as accessory dwelling units may be sold or otherwise conveyed individually from the principal unit.~~

18.73.110 Home occupation.

Residents of a *dwelling unit* may conduct one or more *home occupations* as accessory activities, provided:

A. The total area devoted to all *home occupation(s)* shall not exceed 20 percent of the floor area of the *dwelling unit*. Areas with attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home occupation* area but may be used for storage of goods associated with the *home occupation*;

B. In residential zones, all the activities of the *home occupation(s)* shall be conducted indoors, except for those related to growing or storing of plants used by the *home occupation(s)*;

C. No more than one nonresident shall be employed by the *home occupation(s)*;

D. The following activities shall be prohibited in residential zones only:

1. Automobile, truck and *heavy equipment* repair;
2. Autobody work or painting;
3. Parking and storage of *heavy equipment*; and
4. Storage of building materials for use on other properties;

E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:

1. One stall for a nonresident employed by the *home occupation(s)*; and
2. One stall for patrons when services are rendered on site.
3. For *specialized instruction schools*, the number of stalls shall be as required by Chapter [18.40](#) KMC;

F. Sales shall be limited to:

1. Mail order sales; and
2. Telephone sales with off-site delivery;

G. *Specialized instruction schools* shall be limited to:

1. Twelve students per one-hour session;
2. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones;

H. Services to patrons shall be arranged by appointment or provided off site;

I. The *home occupation(s)* may use or store a vehicle for pickup of materials used by the *home occupation(s)* or the distribution of products from the *site*, provided:

1. No more than one such vehicle shall be allowed;
2. Such vehicle shall not park within any required *setback* areas of the *lot* or on adjacent *streets*; and
3. Such vehicle shall not exceed a weight capacity of one ton;

J. The *home occupation(s)* shall not use electrical or mechanical equipment that results in:

1. A change to the occupancy type of the *structure(s)* used for the *home occupation(s)*;
2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
3. Fluctuations in line voltage off-premises; and

K. *Uses* not allowed as *home occupations* may be allowed as a *home industry* pursuant to this chapter. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.73.120 Home industry.

In all zones except R-12, R-18, R-24, UR, CB Juanita subarea, and NB, a resident may establish a *home industry* as an accessory activity, provided:

A. In the R-1, R-4 and R-6 zones, a *conditional use permit* is obtained;

B. The *site area* shall be no less than one acre;

C. The area of the *home industry* shall not exceed 50 percent of the floor area of the *dwelling unit*.

Areas within attached garages and storage *buildings* shall not be considered part of

the *dwelling unit* for purposes of calculating allowable *home industry* area but may be used for storage of goods associated with the *home occupation*;

D. No more than four nonresidents shall be employed in a *home industry*;

E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:

1. One stall for each nonresident employee of the *home industry*; and

2. One stall for customer parking;

F. Additional customer parking shall be calculated for areas devoted to the *home industry* at the rate of one stall per:

1. One thousand square feet of *building* floor area; and

2. Two thousand square feet of outdoor work or storage area;

G. Sales shall be limited to items produced on site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

H. Ten feet of Type I *landscaping* shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and

I. The *city manager* shall ensure compatibility of the *home industry* by:

1. Limiting the type and size of equipment used by the *home industry* to those which are compatible with the surrounding neighborhood;

2. Providing for *setbacks* or screening as needed to protect adjacent residential properties;

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels which may be excessive. [Ord. 23-0574 § 2 (Exh. A); Ord. 18-0454 § 2 (Exh. 1); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

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Chapter 18.75
COTTAGE HOUSING

Sections

18.75.010 Purpose

18.75.020 Cottage Housing Development Standards

18.75.030 Site Design Standards

18.75.040 Building Design Standards

18.75.050 Public Benefits and Development Incentives

18.75.010 Purpose

The purpose of this subchapter is to establish standards for cottage housing developments in the applicable areas within the R-4 and R-6 zones, as defined in 18.21.035(B).

18.75.020 Cottage Housing Development Standards

A. Development shall meet the bulk development and design standards for the parent lot, except as noted otherwise in this Chapter.

B. The building-to-building setback between units shall be a minimum of eight feet except for those units that area attached by common vertical walls.

C. Parking shall be provided as specified in KMC 18.40.030 and meet the following design requirements:

1. Parking shall be clustered within a common parking area that is accessible but peripheral to the units.
2. Parking shall be located to minimize visual impact on the site while limiting the amount of hardscape devoted to vehicles. Parking shall be screened from public view and shall not visually dominate the site frontage.
3. Parking shall be located in the rear of the development if accessed by an alley.
4. Parking shall be located on the side of the development if accessed by a private driveway, arterial or nonarterial street.

D. Each cottage shall be provided private open space. Private open space shall be directly contiguous to and accessed from each cottage.

1. Each cottage shall be provided with no less than 300 square feet of private open space.
2. No open space with a dimension less than six linear feet shall count towards private open space requirements.
3. Required porch areas may be counted as private open space.
4. Required perimeter landscaping shall not be counted as private open space.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

E. A cottage development shall provide a minimum of 250 square feet of common open space per cottage.

1. A cottage development shall provide a minimum of 250 square feet of common open space per cottage.

2. Common open spaces may be comprised of lawns, gardens, plazas, seating areas, covered gazebos, trees, or similar features.

3. Community buildings, clubhouses, or structures are not required but can be counted as common open space provided they are on site and permanently affixed.

4. Common open space shall be located and made accessible to all residents of the cottage housing development.

5. Common open space shall be connected to other areas of the development through on-site pedestrian pathways.

6. Common open space shall be designed and located to protect existing stands of trees pursuant to KMC 18.57.

18.75.030 Site Design Standards

A. Site design standards for cottage housing shall meet the requirements of KMC 18.52 Article II, except as noted otherwise in this Chapter.

1. Each cottage shall have a paved on-site pedestrian pathway, providing access to a public sidewalk, common open space, common parking areas, common buildings and common solid waste areas, if provided.

2. Parking outside of garages shall be screened per KMC 18.52.180.

3. Mechanical and utility equipment shall be located and designed to minimize visibility by the public. Preferred locations are abutting alleys, access drives, within, atop, or under buildings, underground, or other locations away from the public right-of-way. Equipment shall not intrude into required common open space or pedestrian pathways.

18.75.040 Building Design Standards

A. Building design standards for cottage housing shall meet the requirements of KMC 18.52 Article III and Article V, except as noted otherwise in this Chapter.

1. Cottage front facades shall face a common open space or a right-of-way.

2. Cottages may be attached or detached.

3. Buildings should be oriented and designed to promote privacy between detached cottages, including the location of transparent features such as windows and doors.

4. Cottages with identical architectural designs should not be placed directly adjacent to one another and should be separated by at least one other nonidentical cottage.

1 Variation in materials or colors between adjacent cottages are encouraged to create
2 distinct cottages within a development.

3 5. Parking provided in garages shall meet the following standards:

4 a. Garage elevations visible from a public street should be designed to minimize visual
5 impact through the use of fencing, lattices, landscaping, or other screening methods.

6 a. Garages may be detached from cottage units. Up to four garages may be attached to
7 one another.

8 **18.75.050 Public Benefits and Development Incentives**

9 A. Development incentives permitted for cottage housing development are permitted as define in
10 KMC 18.21.035(J).

Chapter 19.25**PROCEDURES FOR LAND USE DECISIONS, PUBLIC NOTICE, HEARINGS AND APPEALS**

Sections:

[19.25.010 Chapter purpose.](#)

[19.25.020 Classifications of land use decision processes.](#)

[19.25.030 Preapplication conferences.](#)

[19.25.040 Application requirements.](#)

[19.25.050 Determination of completeness.](#)

[19.25.055 Vesting.](#)

[19.25.060 Notice of application.](#)

[19.25.065 Public notice boards.](#)

[19.25.080 Applications – Modifications to proposal.](#)

[19.25.083 Application cancelled for inactivity.](#)

[19.25.085 Type 2 decisions.](#)

[19.25.090 Notice of decision.](#)

[19.25.092 Appeals.](#)

[19.25.095 Applications – Limitations on refile of applications.](#)

[19.25.100 Time limitations.](#)

19.25.010 Chapter purpose.

The purpose of this chapter is to establish standard procedures for land use decisions, including public notice, hearings and appeals. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the *comprehensive plan*. [Ord. 11-0329 § 3 (Exh. 1).]

19.25.020 Classifications of land use decision processes.

A. Land use decisions are classified into five types, based on the amount of discretion associated with each decision. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
5. Type 5 decisions are legislative decisions made by the city council.
- B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.
- C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.
- D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

TYPE 1 ²	Decision by <i>city manager</i> ; no administrative appeal	Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat alteration if not a substantial change;
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		affordable housing project as described in KMC 18.77.060(A) .
TYPE 2	Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1,5}	Home industry; short subdivision; unit lot subdivision ; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter 18.60 KMC; approval of residential density incentives under KMC 18.80.060(A)(2) or transfer of development credits under KMC 18.80.090(A) ; reuse of public schools; reasonable use exceptions under KMC 18.55.180 ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC; variances to <i>exceptional tree</i> regulations as set forth in KMC 18.57.063 .
TYPE 3	Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record	Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC.
TYPE 4	Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record	Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation; site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment.
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the record. Appealable to Growth	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in order to obtain a <i>comprehensive plan</i> amendment or

	Management Hearings Board pursuant to Chapter 36.70A RCW	related zoning map or text amendment pursuant to Chapter 18.120 KMC.
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¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter [43.21C](#) RCW (State Environmental Policy Act) shall provide a notice of application per KMC [19.25.060](#) and a notice of decision per KMC [19.25.090](#). The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone *reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter [19.20](#) KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter [19.20](#) KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 23-0593 § 5 (Exh. C); Ord. 21-0521 § 3 (Exh. B); Ord. 19-0481 § 2 (Exh. A); Ord. 16-0426 § 8 (Att. F); Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

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Attachment 3: SUMMARY OF PROPOSED AMENDMENTS RELATED TO INCLUSIONARY AFFORDABLE HOUSING

Kenmore Zoning Code Update Reference Table

The table below provides a reference for how and where Chapter 18.77 KMC was updated.

Page Number	Chapter/ Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
1	KMC 18.77.015.D. Duration.	Both household income and household size are factors determining affordable housing eligibility. Minimum household sizes are based on the number of bedrooms in an affordable unit.	"Housing shall serve only income -eligible households ..."	This corrects a discrepancy between the text and actual practice.
2	KMC 18.77.043. R-4 and R-6 zones. (new)	State law allows cities to establish mandatory requirements for the inclusion of affordable housing for all residential developments where the city decides to increase residential capacity. There is flexibility to tailor policies and regulations to local conditions. Middle housing increases residential capacity in the R4 and R6 zones, so the City may require inclusion of affordable housing. Policy decisions to: exempt projects less than four housing units; provide a fee-in-lieu option for projects of 4 – 9 units and require on-site unit(s) for projects of 10 or more units (unless city approves an in-lieu fee).	<u>"All new residential developments ..."</u>	New section requires affordable housing in R-4- and R-6-zoned projects that create 4 or more new units. Exempts smaller scale projects with 3 or less units from affordable housing requirements (on-site affordable units and paying in-lieu fees). Residential projects of 4-9 units can pay a fee in lieu of fractional units. Projects of 10+ units provide on-site affordable units rounded to the nearest unit. KMC 18.77.015.B. requires adjacent projects by the same developer to be treated as a single project for the purpose of compliance.

Page Number	Chapter/ Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
2	KMC 18.77.043.A.1. (new) and 2. (new)	Delaying implementation of affordable housing requirements provides notice of new regulations going into effect, which may benefit builders/applicants who are currently in the planning phase of development assuming current regulations apply.	<u>"Development applications vested by December 31st 2025, shall be exempt ..."</u>	Applicants can vest under the current (single-family) regulations until the end of 2025. Any application to build under the new middle housing regs will be subject to affordability requirements.
2	KMC 18.77.043.A. (new)	ARCH's financial modeling shows that prototypes that are feasible without affordability requirement are still feasible with a 10% set-aside at 80% AMI.	<u>"Ten percent of the total number of the total number of new residential units in the development shall be very low-income housing if renter-occupied or low-income housing if owner-occupied."</u>	Projects creating 4 – 9 new units will require 0.4 – 0.9 affordable units. Larger projects (>=10 units) will require one or more affordable units. Homeownership units will be affordable at 80% of area median income (AMI), rental units affordable at 50% AMI.
2	KMC 18.77.015.A.	Unlike other zones, do not round fractional affordable units calculated in R-4 and R-6 zones when creating 4 – 10 new units.	<u>"... except for affordable housing required in R-4 and R-6 zones, as provided in KMC 18.77.043(B)."</u>	See explanation for 18.77.043.B.
2	KMC 18.77.043.B. (new)	Rounding fractions up to whole affordable units would be a greater financial challenge to projects of fewer than 10 units (compared to larger projects).	<u>"Developments producing four to nine new dwelling units shall not have the number of affordable units rounded down ..."</u>	Enables projects of 4 – 9 units to contribute a cash payment in lieu of on-site affordable units.

Page Number	Chapter/ Topic	Reason/Policy Decision	Proposed Text Amendment	Explanation/Impacts
2	KMC 18.77.043.B.1.a. through e.	Some provisions for alternative compliance aren't appropriate for fees in lieu of fractional units: • Developer's option, not the City's. • No agreement needed because it can be tracked as a routine permitting procedure. • Fee will be a fixed rate, using a different formula and cost basis.	<u>"Notwithstanding the provisions of KMC 18.77.045, ..."</u>	Council will set the initial rate based on difference between market-rate and affordable prices, and the rate will increase annually with CPI, unless "reset" based on new analysis. Council not to reset the fee rate sooner than two years since previously set.
2	KMC 18.77.043.B.2.	KMC 18.77.045 has regulations for deposits and uses of in-lieu fees that can also apply here.	<u>"Deposits and uses of payments ..."</u>	The City can deposit fees to its own housing fund, which also allows transfer to the ARCH Trust Fund. Highest priority use will be to subsidize housing in the Kenmore subarea of the originating project, but the city manager is authorized to use elsewhere for a suitable opportunity.
3	KMC 18.77.043.C. (new)	Fractional affordable units not as compelling for projects of 10 or more units because larger projects are better able to handle the impact of on-site affordable units.	<u>"Developments producing ten or more new dwelling units ..."</u>	Conventional rounding for projects creating 10 or more units; no fractional units and no in-lieu fees unless the applicant requests and the city approves payment as alternative compliance (KMC 18.77.045).

Chapter 18.77
AFFORDABLE HOUSING

18.77.015 General provisions.

A. Determination of Number of Affordable Housing Units Required – Rounding. See KMC [18.30.020\(D\)](#) for method of rounding to determine the number of affordable housing units required, [except for affordable housing required in R-4 and R-6 zones, as provided in KMC 18.77.043\(B\).](#)

B. Adjacent Developments. Adjacent *developments* by the same or affiliated *developer* will be considered as a single *development* for the purpose of applying the thresholds for compliance.

C. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the *City* shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.

2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.

3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.

4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only ~~income~~-eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner and the *City*, as described in KMC [18.77.050](#), is recorded, or the date when the affordable housing becomes available for occupancy as determined by the *City*.

E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the *dwelling units* in the *development*. [Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

18.77.043 R-4 and R-6 zones.

All residential developments on properties zoned R-4 or R-6 and producing four or more new dwelling units shall provide affordable housing as follows:

A. Ten percent of the total number of new residential units in the development shall be very low-income housing if renter-occupied or low-income housing if owner-occupied.

1. Development applications vested by December 31st, 2025, shall be exempt from this affordable housing requirement if the proposed development conforms to regulations in place before June 1st, 2025.

2. Development applications made under regulations adopted after May 31st, 2025, shall provide affordable housing as prescribed in this section.

B. Developments producing four to nine new dwelling units shall not have the number of affordable units rounded down to zero but may either provide an affordable unit on-site or pay a fee in lieu of the required fractional affordable unit.

1. Notwithstanding the provisions of KMC 18.77.045, fees in lieu of affordable housing required in R-4 and R-6 zones shall be calculated from a rate set by the city council in the city's development fee schedule.

a. Payment of a fee in lieu of fractional affordable units shall be the applicant's option and does not require a proposal or the city manager's approval.

b. The initial fee rate shall be based on the difference between typical market-rate housing expenses and affordable housing expenses in Kenmore as the city shall determine using commonly accepted methods.

c. The city council shall increase or decrease the fee annually to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers.

d. The city council may reset the fee rate, no more frequently than two years, based on updated analysis of market-rate and affordable housing expenses.

e. A written agreement is not necessary but charges and payments, including dates payable, may be administered as any other development fees.

2. Deposits and uses of payments in lieu of fractional affordable units shall follow the same policies established in KMC 18.77.045.

C. Developments producing ten or more new dwelling units shall have the number of affordable units rounded according to KMC 18.30.020(D).

18.77.045 Alternative compliance.

While the *City* prefers to achieve affordable housing on site, the *city manager* may approve a request for satisfying all or part of the affordable housing requirements with alternative compliance methods as follows:

A. Application. Applications for alternative compliance shall be submitted at the time of permit application, and must be approved prior to issuance of any building permit.

B. Off-Site Provision. A project proponent may propose to satisfy all or part of affordable housing requirements off site.

1. The project proponent must demonstrate that off-site provision of new affordable housing achieves a result equal to or better than providing affordable housing on site.

2. Affordable housing units provided through this method must be the same type of units as the units in the project which gave rise to the requirement.

3. Priority is for the project to be located within the same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the zoning district if the location has access to commercial uses and transit, does not result in an undue concentration of affordable housing, and has adequate infrastructure.

4. The proposal must demonstrate that the affordable units provided off site will be completed before or within the same time period as the *development* generating the affordable housing requirement. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

C. Contribution to Preservation of Existing Affordable Housing. A project proponent may propose to satisfy all or part of affordable housing requirements through purchase and long-term preservation of existing affordable housing, particularly in the *City's manufactured housing communities*. The *applicant* shall provide information demonstrating affordability of the units to be preserved and a long-term covenant shall be placed over the preserved units, ensuring preservation and maintenance of the affordable units.

D. Fee in Lieu. Cash payments in lieu of providing actual housing units may be proposed and, if approved by the *city manager*, shall be used only for the subsequent preservation or provision of affordable housing units by the *City* or other housing provider approved by the *city manager*.

1 1. Payments in lieu shall be based on the difference between the cost of construction for a
2 prototype affordable housing unit on the subject property, including land costs and
3 development fees, and the revenue generated by an affordable housing unit.

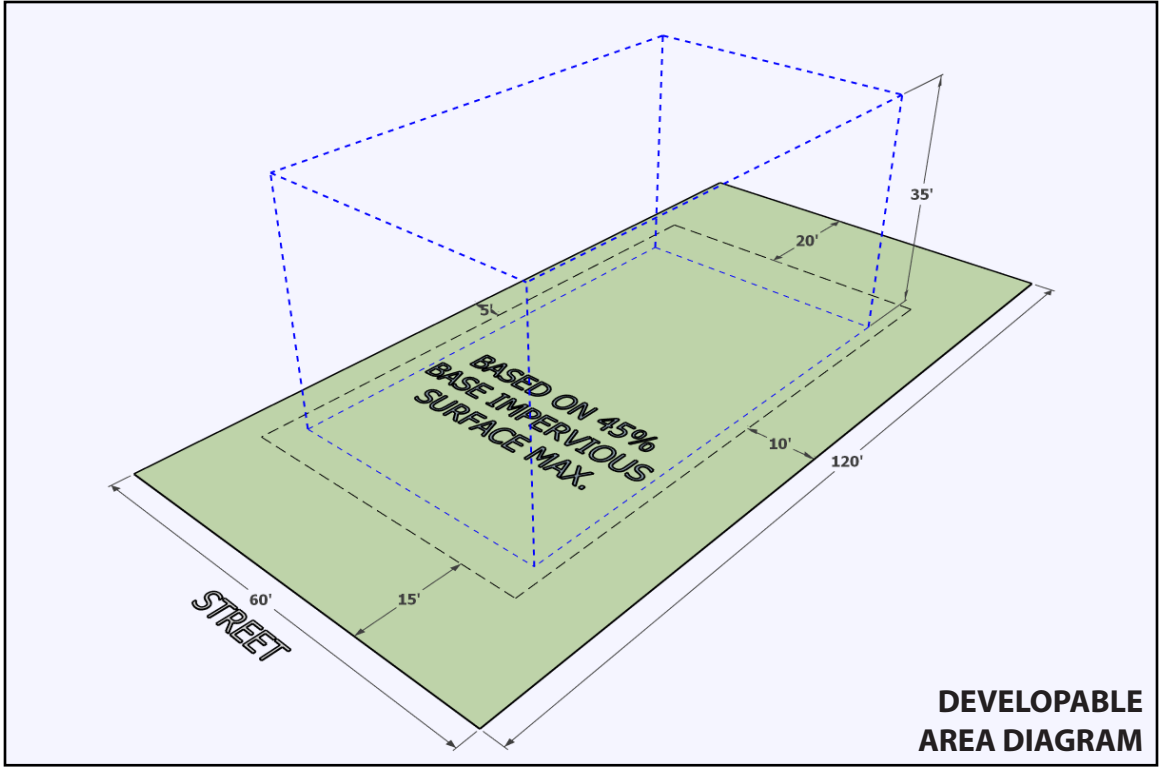
4 2. Prior to issuance of building permits for the project, the *City* and *applicant* shall execute a
5 written agreement that establishes the *applicant's* payment obligations (amounts and due
6 dates) for the project. The *City* may require the *applicant* to secure its payment obligations
7 by irrevocable letter of credit or other form acceptable to the *City*.

8 3. The *City* shall deposit collected payments in an affordable housing fund established by
9 the *City*.

10 4. Before the *city manager* approves or executes an agreement to accept payment in lieu of
11 affordable housing, the *City* must have a plan for investing funds in affordable housing that
12 supports *City* objectives. The *City* should make every effort to use these funds as quickly as
13 possible.

14 5. The highest priority location for affordable housing funded wholly or in part with in-lieu
15 fees is the subarea location of the project that generated the in-lieu fee; however, the *city*
16 *manager* may authorize the use of these funds for affordable housing projects in other
17 subareas of the *City* (as a second priority) or within another jurisdiction (as a third priority)
18 with close proximity to commercial uses, transit services, and/or employment opportunities.
19 [Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

20



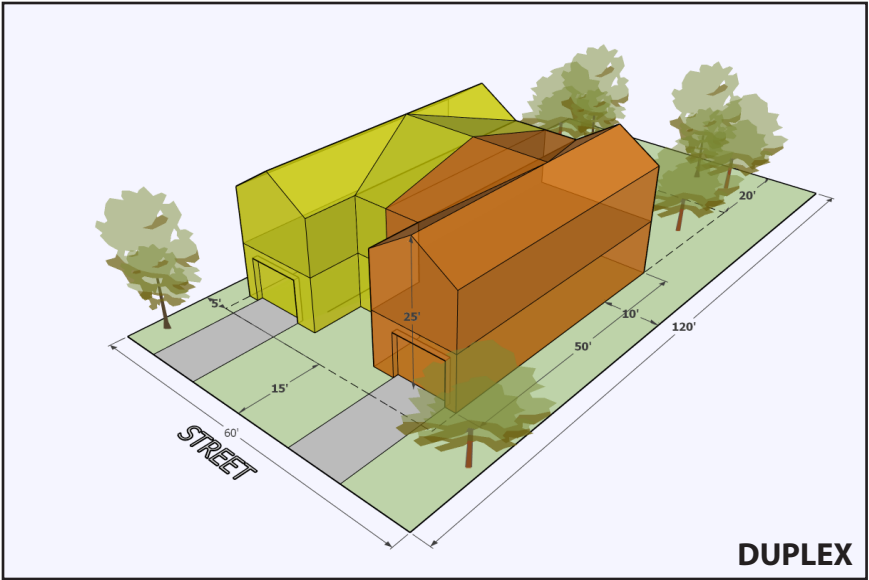
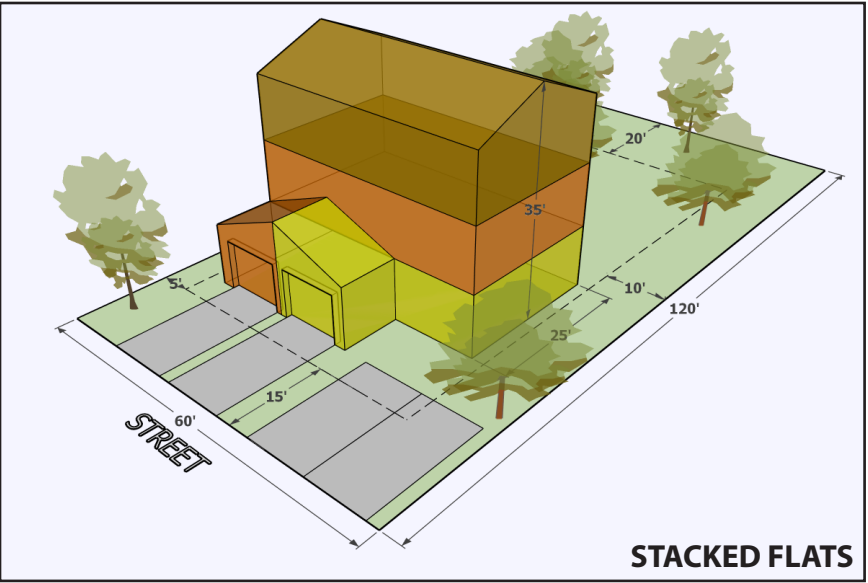
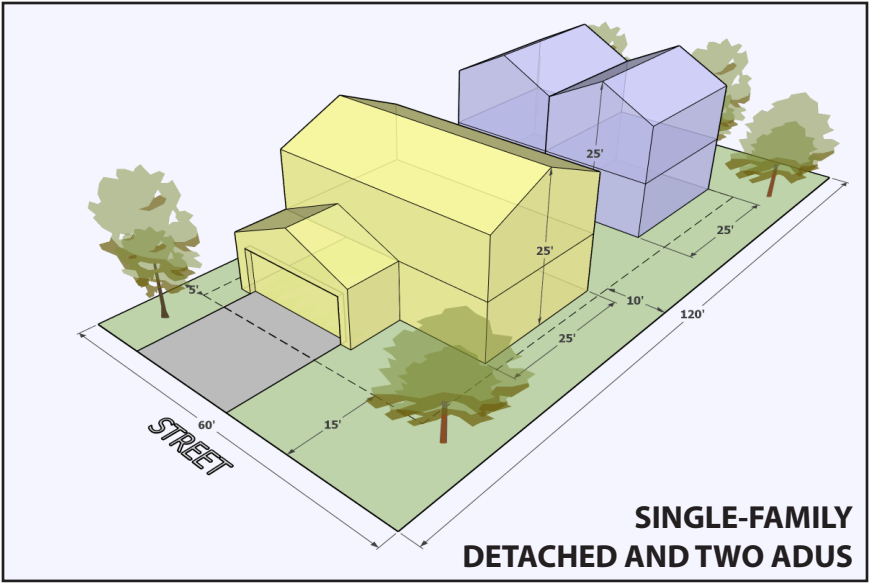
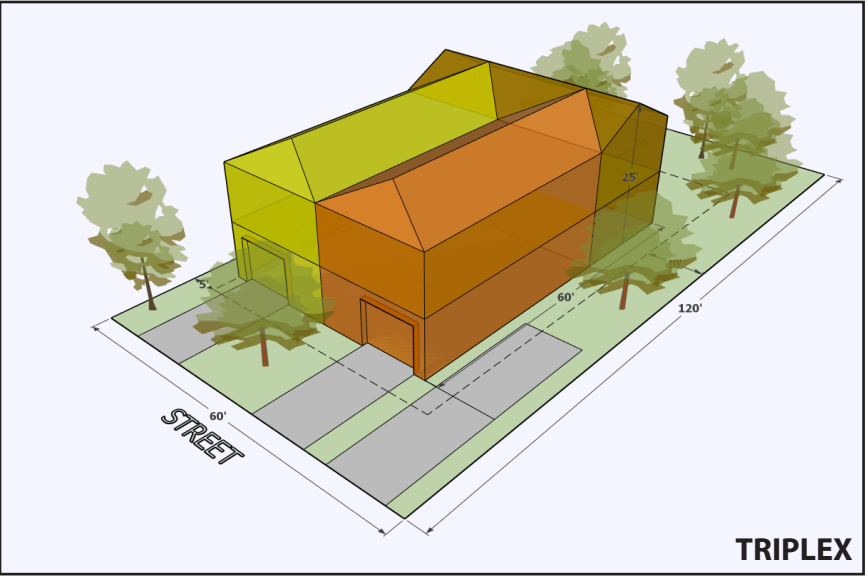
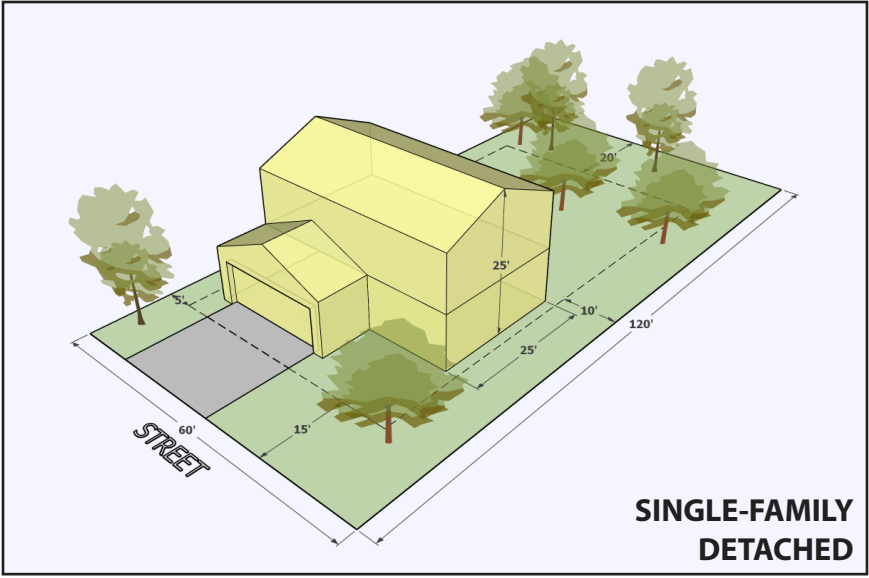
LEGEND

- SINGLE-FAMILY DETACHED
- ACCESSORY DWELLING UNIT
- MIDDLE HOUSING UNIT #1
- MIDDLE HOUSING UNIT #2
- MIDDLE HOUSING UNIT #3

DEVELOPMENT ASSUMPTIONS

1. Development examples use typical 7,200 square foot (SF) R-4 lot.
2. R-4 development standards are shown, including setbacks, lot coverage, and height standards.
3. Illustrates two parking spaces needed per unit because the lot is over 6,000 SF. Cottage housing is shown as one parking space per unit as it often needs parking reduction to be feasible.
4. Parking spaces shown as standard 10'x20' size.

NOTE: These development scenarios are illustrative and for demonstration purposes only.



CITY OF KENMORE

Middle Housing, Accessory Dwelling Units, and Affordable Housing Code Amendments

**City Council
April 21, 2025**



HB 1110 Middle Housing and HB 1137 Accessory Dwelling Units

- Passed by legislature in 2023
 - Requires the City of Kenmore to adopt housing policies and implementing regulations to allow more middle housing in residential zones
 - Units include duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, and cottage housing as permitted uses
 - Maintain base development standards consistent with underlying single-family use
-



Project Overview

- 2024 Population – Just under 25,000
- Council directed staff in January 2024 to plan for Tier 2 requirements (Over 25,000, under 75,000 in population)

Requirements	Tier 2 Requirements– over 25,000 population
Middle Housing Types	At least six of nine middle housing building types must be allowed
Base Unit Density	At least 2 units per lot
Increased Unit Density	At least 4 units per lot when near major transit or when at least 1 affordable housing unit is provided



Project Timeline

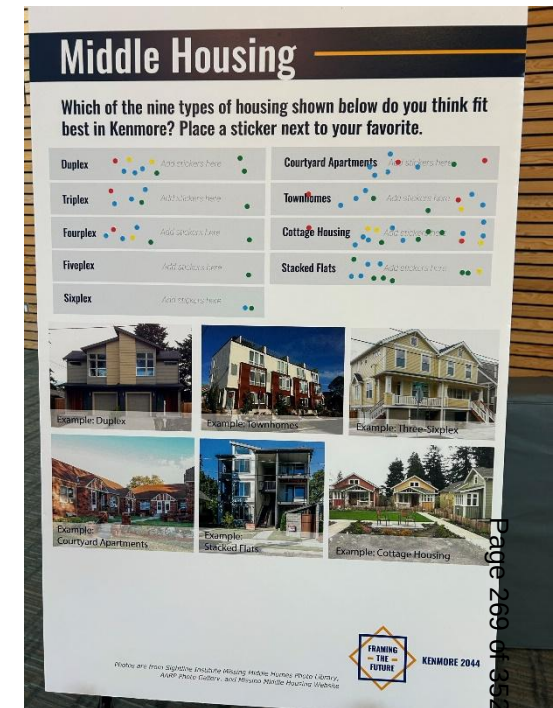
- **2022: Comprehensive Plan Amendments** to Housing & Land Use Elements adopted but not middle housing Regulations. Council requested more community engagement.
- **2023: Community Engagement** “Framing the Future of Housing”. Final report to Council 9/25/23.
- **2024: Comprehensive Plan Amendments** to Housing & Land Use Elements adopted consistent with state law.
- **2024: Community Engagement:** Open house, booth at Farmers Market, website updates, newsletter posts, social media posts.



Project Timeline

2025 Code Amendments

- Reviewed code amendments with Development Services & Public Works Departments
- Planning Commission meetings to develop and refine code amendments considering community input received through community engagement.
- Planning Commission Public Hearing: To receive community comments and feedback on proposed amendments to city codes.



Types of Middle Housing



Duplex



Triplex



Stacked Flats



Cottages



Townhouses



Courtyard Apartments

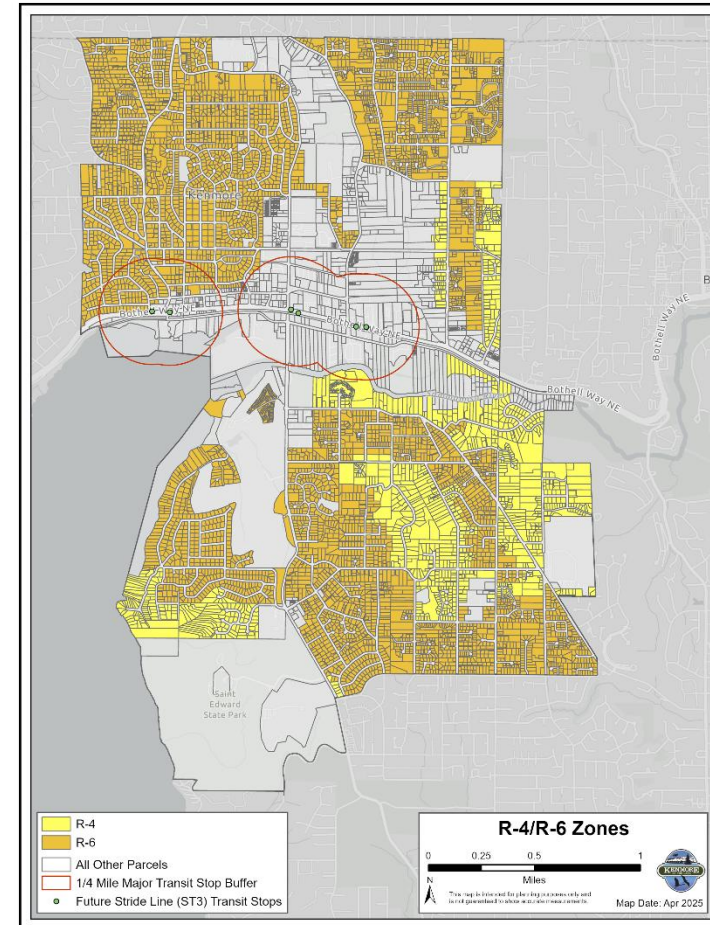
Middle Housing Amendments

- Establish unit density standards
 - 2-units per lot and 4-unit per lot standards, including applicability
- Establish affordability requirements (term, affordability levels, and covenants and deed restriction)
- Establish parking requirements for middle housing types



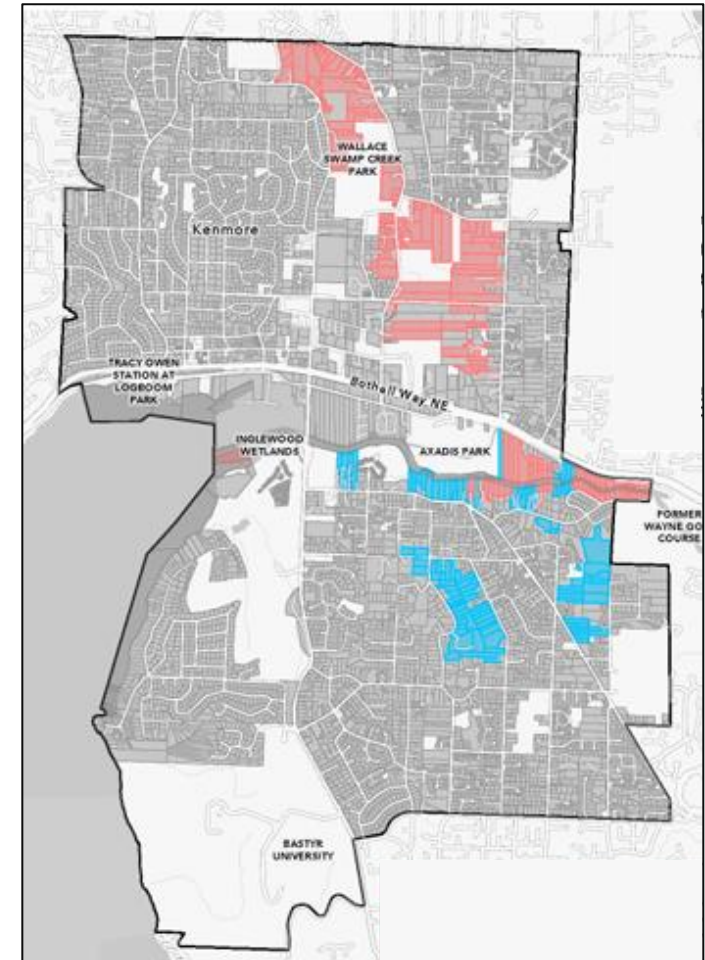
Middle Housing – Where Permitted

- Applies to R-6 zoned parcels and parcels in R-4 zone that are not adjacent to waterways (streams, rivers)
- Planning Commission recommended pursuing the Alternate to Density approach and excluding all R-1 areas and portions of R-4 areas adjacent to waterways



Middle Housing – Where Permitted

- Alternate to Density Requirements: Permits a city to implement the unit per lot density requirements for “at least” 75 percent of lots in the city that are primarily dedicated to single-family detached residential
- Middle housing regulations **do not** apply to R-1 and R-4 parcels adjacent to waterways
- Protection of critical areas (wetlands, streams, buffers)



Public Benefits and Development Incentives

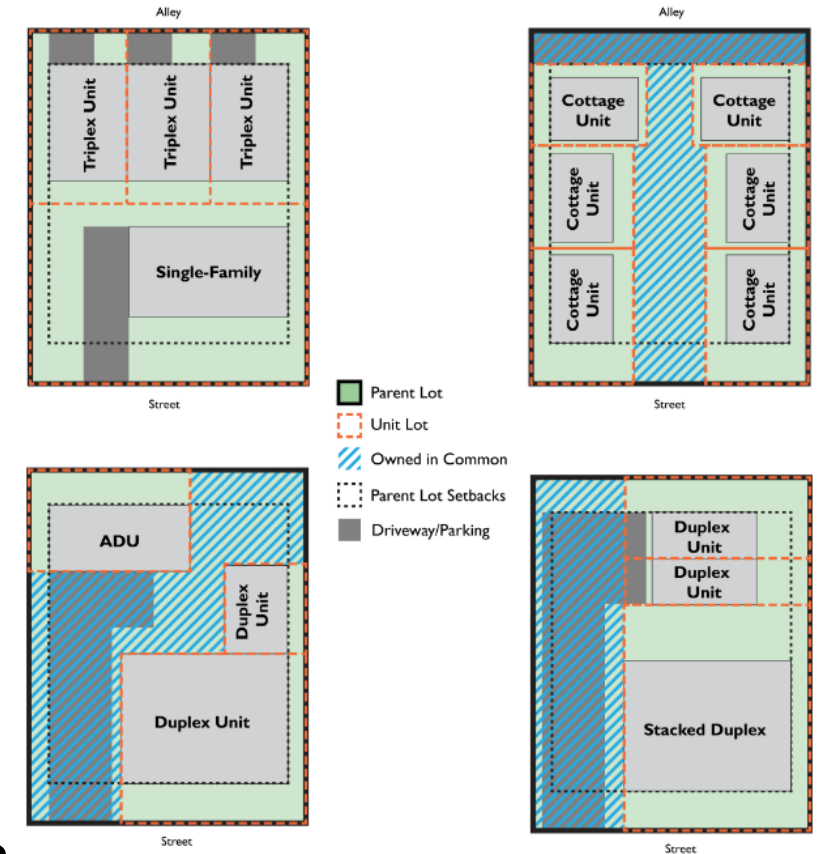
- Public benefits and development incentives include:
 - Promoting a variety of housing types
 - Increasing flexibility through setbacks
 - Promoting smaller unit types and retaining existing primary units

APPLICABLE MIDDLE HOUSING TYPE	NEIGHBORHOOD BENEFIT	DEVELOPMENT INCENTIVE
Duplex, Triplex, Cottage Housing	Building height limited to 27' with a maximum of two stories.	Reduce rear and street setbacks to 10'.
Duplex, Stacked Flat	Redevelop an existing single-family unit with a duplex or stacked flat and maintain the base floor footprint of the existing home.	Density bonus of two additional units totaling up to four units per lot
Cottage housing	Gross floor area for an individual cottage set to a maximum of 1,200 square feet.	Density bonus of up to 50% of the unit density



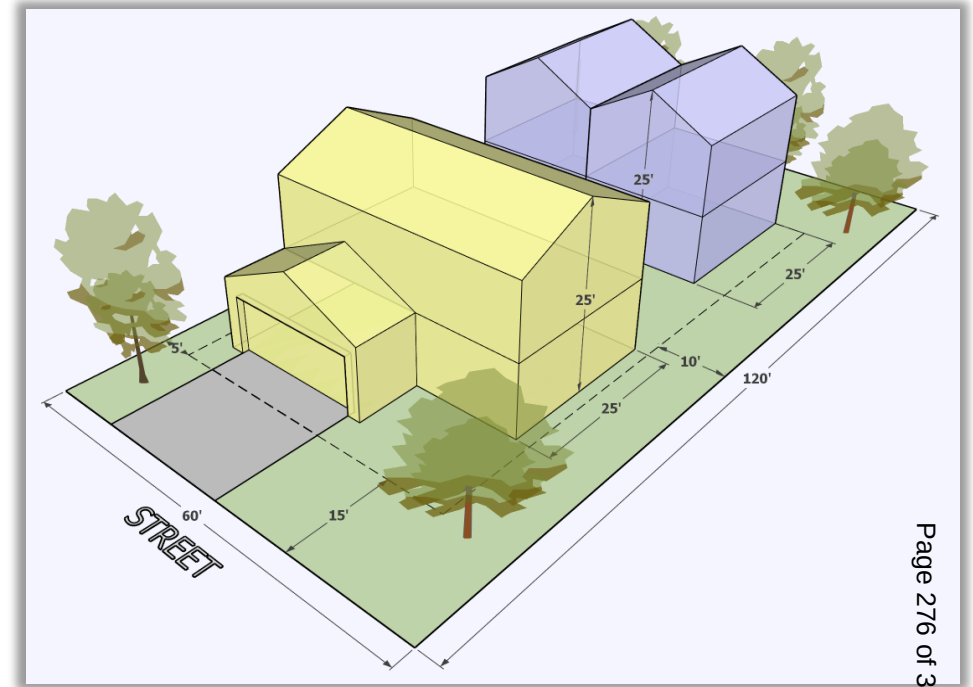
Unit Lot Subdivisions

- New Chapter 17.20 in KMC
- Required by SB 5258 (2023), cities shall include in short plat regulations procedures for unit lot subdivisions. This process allows the division of a parent lot into separately-owned (fee simple) unit lots.
- Requires development of the overall parent lot to meet bulk development standards
- Follows processes and requirements for short plats



House Bill 1337 – Accessory Dwelling Units

- Required by HB 1337 (2023), cities shall allow for up to two ADUs on all single-family zoned properties
- Requirements outlined in the bill include:
 - Remove owner occupancy requirement
 - Revise floor area maximum requirements to allow at least 1,000 square feet
 - Remove public street improvement requirement



Affordable (Inclusionary) Housing

- Apply to all residential housing developments in the R4 and R6 zones of four units or more
- Projects creating 4 – 9 new units will require 0.4 – 0.9 affordable units. Larger projects (≥ 10 units) will require one or more affordable units
- Homeownership units will be affordable at 80% of area median income (AMI), rental units affordable at 50% AMI.



Affordable (Inclusionary) Housing

- In Washington State, affordable housing requirements on new development must be accompanied by “zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives (RCW 36.70A.540(3))
- ARCH (A Regional Coalition for Housing) staff recommend affordability requirements only when reasonably certain, after careful analysis, that most projects will gain more from upzoning than they “lose” in affordable housing.



Feasibility Study (2024)

8+ Middle Housing Prototypes

- Number of units
- Site size
- Total project floor area

Feasibility Analysis for each Prototype

- Site acquisition cost
- New construction ("hard" and "soft") costs
- Developer profit threshold

Potential Affordable Housing Policy

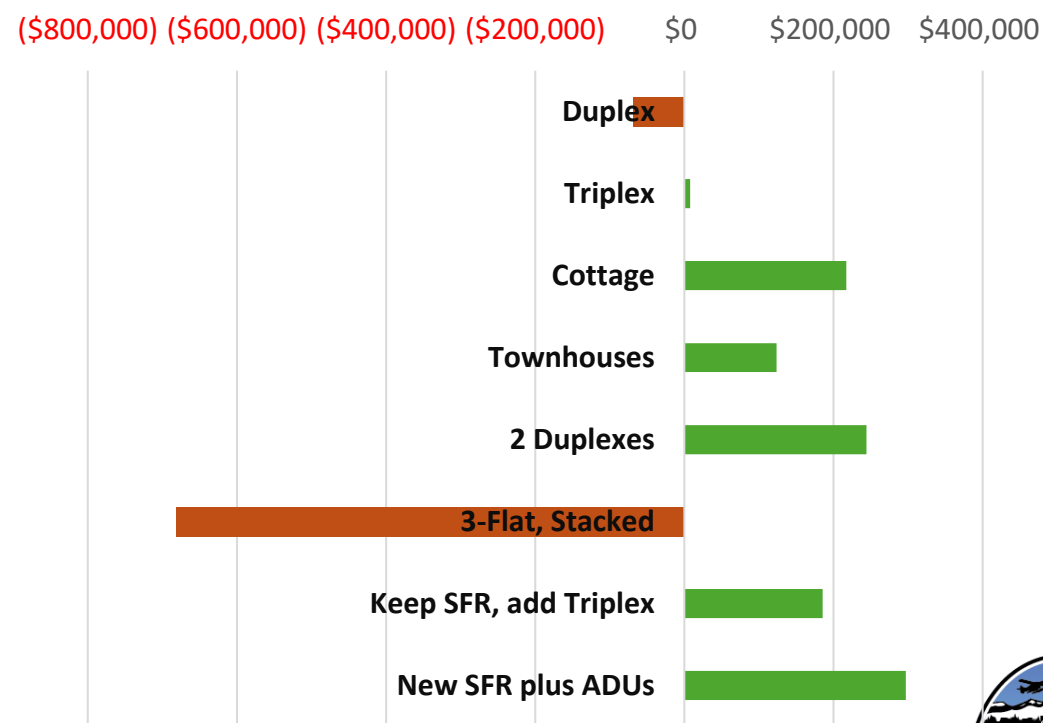
- A portion of profits above the threshold goes for affordable housing.
- Affordability requirement (e.g., 10% of units affordable at 80% AMI) converted to fee per square foot of new housing.

Tier 1 Jurisdiction			
	Middle Housing Scenario 3 Cottage Housing	Middle Housing Scenario 4 Townhouses	Middle Housing Scenario 7 Sixplex Stacked
			
Development Program			
Number of Units	3	4	6
Total Site Size (SF)	10,000	10,000	10,000
Total Project SF	5,250	6,400	6,600
Average Unit Size (SF)	1,750	1,600	1,100
Total Parking Spaces	5	5	6
Spaces per Unit	1.67	1.25	1.00
Feasibility Analysis			
Development Cost			
Site Acquisition Cost	\$1,193,756	\$1,193,756	\$1,193,756
Construction Costs	\$1,816,811	\$2,010,650	\$3,206,598
Developer Required Profit Threshold	\$441,530	\$469,533	\$642,306
Total Development Cost	\$3,452,097	\$3,673,938	\$5,042,659
Cost per Unit	\$1,150,699	\$918,485	\$840,443
Net Sales Proceeds			
Sale Price per Unit	\$1,222,200	\$993,280	\$661,540
Residual Project Profit	\$214,503	\$299,182	(\$1,079,419)
Residual Profit per Unit	\$71,501	\$74,795	(\$176,903)
Comparison Baseline Scenario			
Net Economic Benefit of Upzoning	Low Density \$676,460	Low Density \$761,139	Moderate Density (\$1,231,278)
Affordable Housing Policy			
Affordability Level of Units (% AMI)	80%	80%	80%

Net Benefits of Middle Housing Densities with Inclusionary Zoning

- All scenarios except Duplex and Stacked 3-Flat perform better than one Single-family Detached home, even when paying \$6.00 per sq ft for affordable housing
- Fees in these examples range from \$18,000 - \$38,016.

Net Project Benefit Compared to Current Single-family Zoning



Next steps

Planning Commission Recommendation	Tonight
Draft Code Discussion Meetings	May 5
	May 12
	May 27
Public Hearing, if necessary	June 9
Ordinance for Adoption	June 23



CITY OF KENMORE

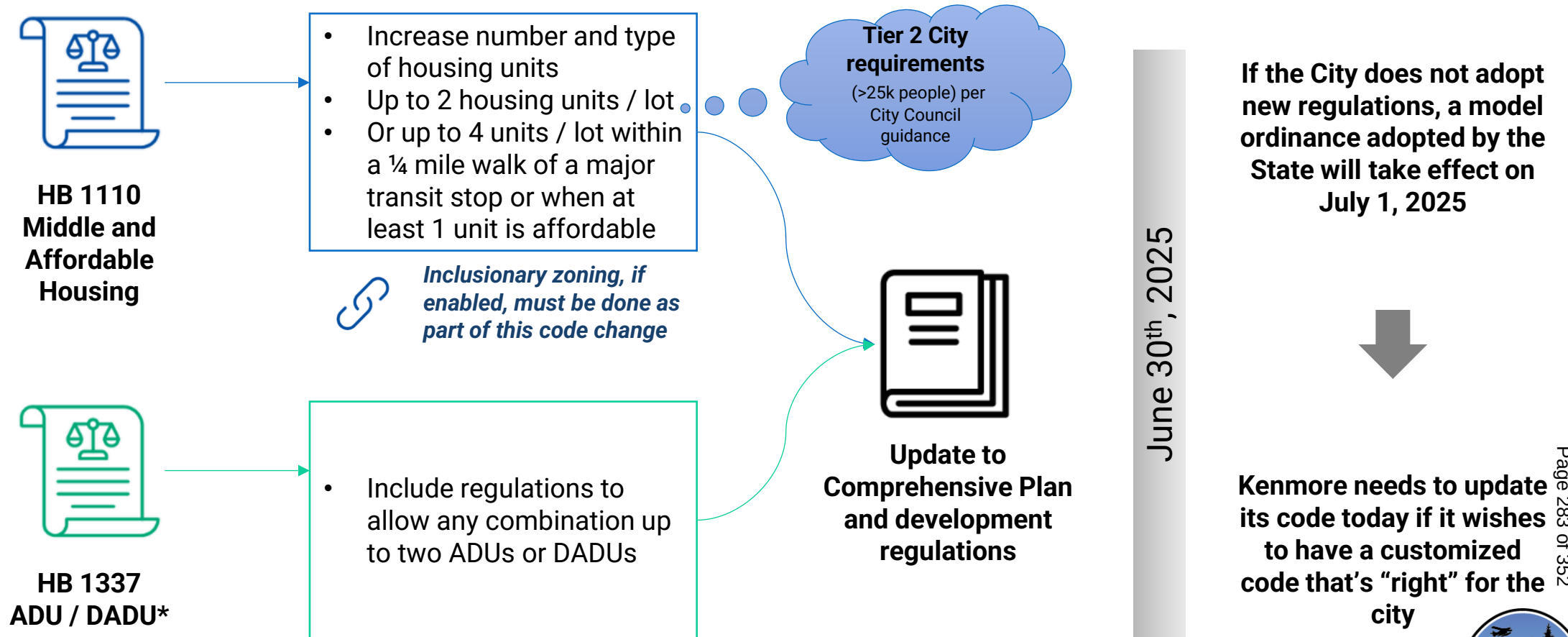
Planning Commission

Middle Housing & Inclusionary Zoning

Planning Commission Recommendation
April 21, 2025

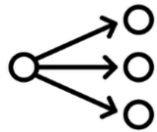


Kenmore needs to update its code before June 30



Middle Housing – Commission Considerations

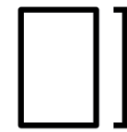
→ “Allowing for an increase in housing choice while maintaining green spaces focusing on single families”



Focus on conversion



Maintain trees and green spaces



Maintain building height



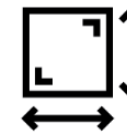
Removal of R-1s from impacted areas



Matching single family needs and code



Smaller dwellings



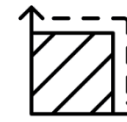
Maintain building footprints



Flexibility via setbacks and parking minimums



Promoting cottages



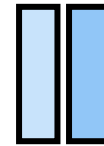
No reduction of impervious surfaces

Middle Housing – Commission Considerations

Listing of all house types enabled



Cottages

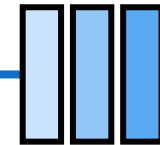


Duplex

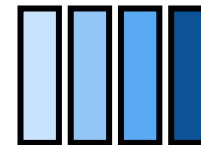
Courtyard apartments



Triplex



Stacked flats



Quadriplex/Fourplex

HB1110

HB1337



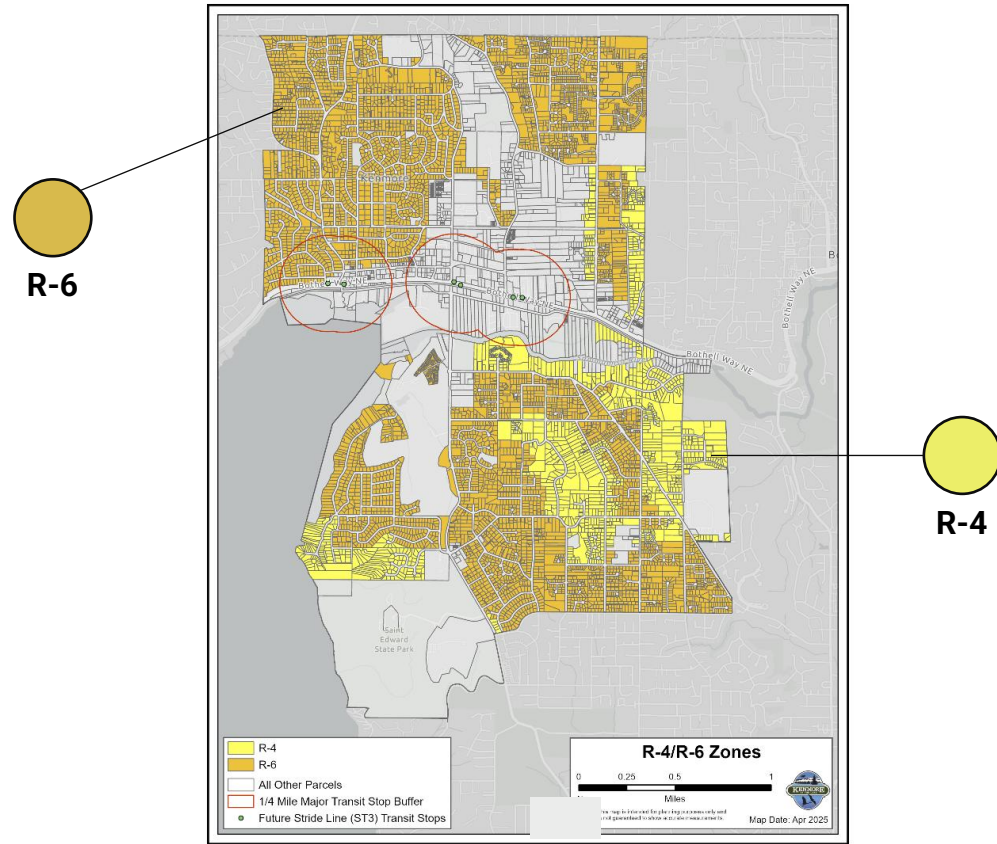
Accessory Dwelling Unit (ADU)



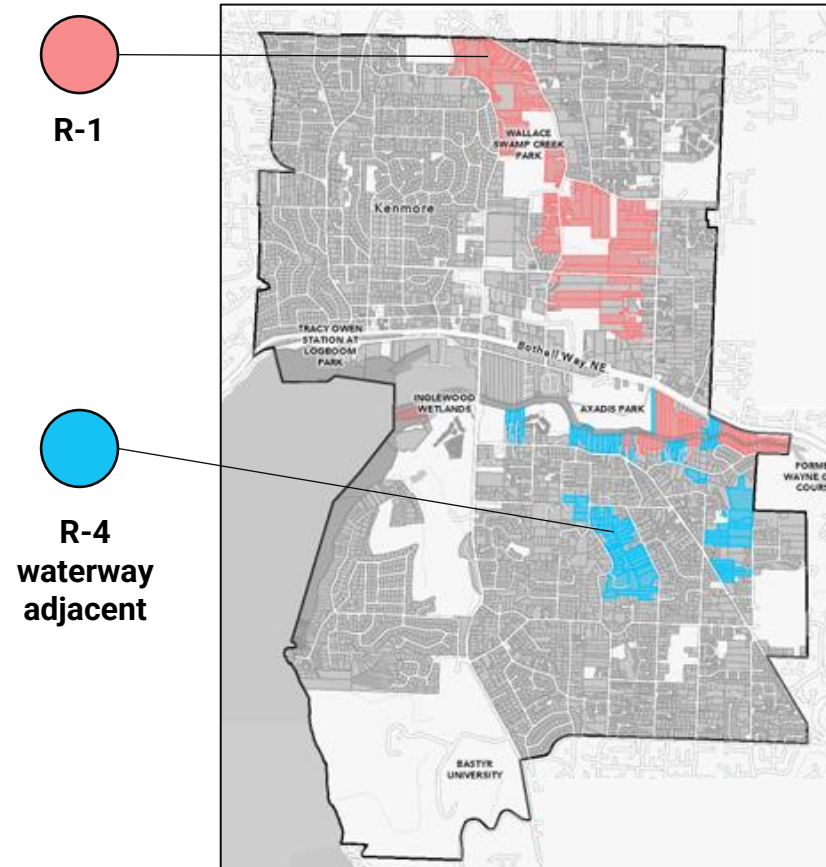
Detached
Accessory Dwelling
Unit (DADU)

Middle Housing – Areas Included/Excluded

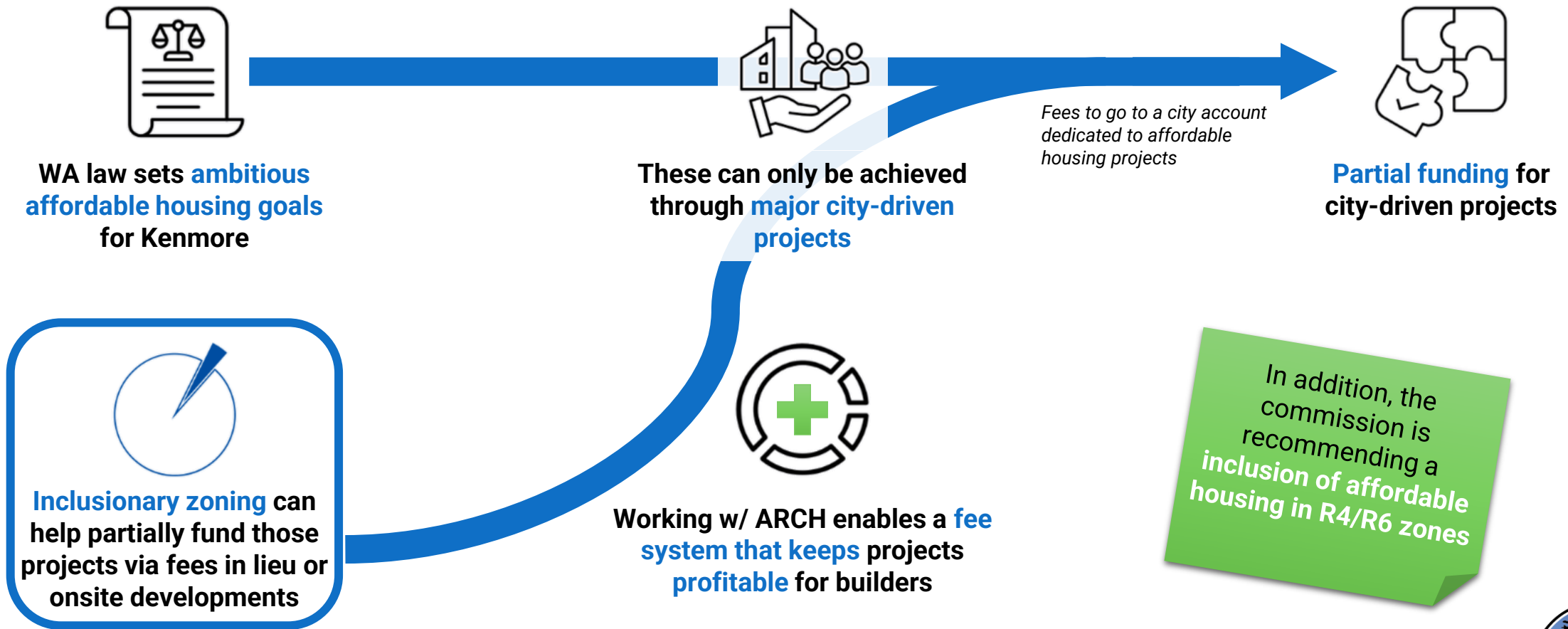
○ Areas in scope for middle housing code changes



✗ Areas excluded for middle housing code changes



Inclusionary Zoning – Key Considerations



Additional Considerations and Focus



Cottage housing



Parking



Neighborhood benefits



Environment

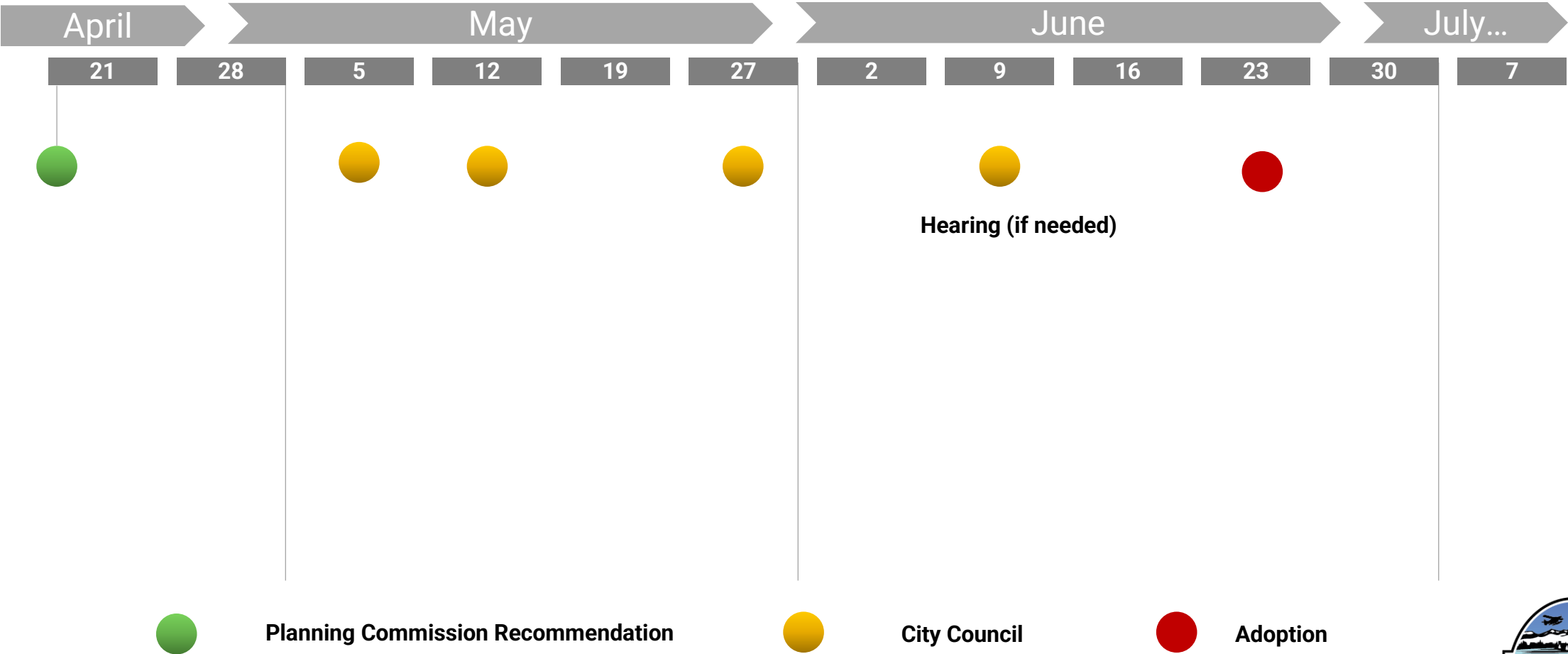


Livability



Affordability

Next Steps – Upcoming Dates



Mayor, Deputy Mayor and City Council members,

While supportive of the middle housing and ADU code amendments, and also broadly supportive of the idea of inclusionary zoning, we wish to present a minority report on the specifics of the inclusionary zoning code proposed.

For context, when compared with the amount of time Planning Commission had to study and discuss middle housing, we wish we had more time to discuss inclusionary zoning.

While we are supportive of the aims of inclusionary zoning, the specifics of its implementation matter - as regulations that are confusing or perceived to be onerous by developers could impede development of medium density housing in Kenmore. That would include the new types of middle housing that we are seeking to stimulate development of by adopting middle housing code.

ARCH recognized this by presenting two exemption options to mitigate potential unintended negative impacts.

- Exempt developments with less than 4 units
- Exempt units under 2000 sq ft

The one presented to you in the commission recommendation exempts developments under 4 units - regardless of whether those units are on the same lot.

We believe this model will have unintended consequences.

Those consequences include potentially counteracting some of our stated aims for housing choice (middle housing in general, cottage housing in particular, and small houses on small lots) as well as comprehensive plan goals around retention of existing housing structures. It may also lead to less consistency in fee-in-lieu collection for larger luxury homes.

For example:

- Under this model a larger developer could build 3 luxury single family homes on separate lots and not be required to pay any inclusionary zoning fees-in-lieu
- However, a smaller developer, or individual homeowner, wishing to take up our proposed neighborhood density benefit bonus of 2 ADUs for retaining the existing footprint of a home (with a duplex or stacked flats) would have to pay the fees in lieu - making their development riskier and potentially dissuading them from engaging in it.
- Cottage housing, intended to be smaller and more affordable to seniors but also designed to be grouped together in multiple units, also seems likely to be disproportionately impacted by this model
- Small houses on small lots may also be impacted by the focus on unit numbers as the condition for paying fees-in-lieu.

Additionally this type of exemption is known to have been worked around by developers.

ARCH shared that larger developers have been observed in Kirkland splitting their development entities into projects that fit under the unit number requirements to avoid fees-in-lieu and/or production of affordable units. Although we do have code to address this in adjacent developments, enforcing that code may be difficult in practice.

Finally, it may also add to developers concerns about inconsistent code across jurisdictions - as it doesn't match the inclusionary zoning approach considered by our close neighbor, Kirkland.

Kirkland staff has recommended not exempting on number of units but instead exempting smaller square foot units and remodels/renovations.

Although we do not necessarily agree that 2000 sq ft is the right exemption threshold (especially as MBAKS indicated willingness to accept a much lower threshold of 1500 sq ft) A similar approach in Kenmore may be more closely aligned with some of our stated aims:

- Smaller local developers who remodel or renovate properties would be exempt and Kenmore would be more likely to retain existing housing structures and footprints of existing homes
- A Square Footage exemption may be more likely to stimulate housing choice by incentivizing smaller properties to be built (which are generally more attainable in overall price than larger properties).
- Incentivizing smaller square footage may incentivize cottage housing and small houses on small lots more effectively – and ensure we don't counter our intended neighborhood benefits.

Therefore, while we agree that Inclusionary Zoning should be considered, we disagree on the specifics and would recommend that council spend additional time determining an approach that may be more likely to enable our stated aims for housing choice, smaller units, and retention of existing housing structures and footprints, in addition to raising fees-in-lieu for more deeply affordable housing.

Signed*,

Commissioner Dorrian

Commissioner Macias

Commissioner Olson

**Digital signatures that can be updated to written signatures when possible*

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
Discussion on new state regulations for Co-living and Residential Parking Department: Community Development Prepared by: Brittany Chue, Senior Planner Todd Hall, Principal Planner Attachments: 1. Staff Memo	☐ Information Only ☐ Receive and File ☒ Discuss ☒ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other: No action

Approvals:

Department Head DB 4/11/25 City Attorney N/A Finance Director N/A City Manager SLL 4/11/25 Optional SL 4/11/25

Summary/Background:

At the 4/21/25 City Council meeting, staff will give a PowerPoint presentation summarizing key points about new state regulations on co-living and residential parking. Staff would also like direction on a few items that will assist staff with drafting the residential parking and co-living amendments (see Attachment 2). No City Council action is required for this meeting.

Co-living

The state legislature recently passed regulations for co-living in 2024 based on the Growth Management Act from HB 1998, RCW 26.70A.535. The City of Kenmore must adopt co-living regulations by December 31st, 2025, or the model code will apply.

The purpose of the bill is to provide additional rental housing options that are market-rate and non-subsidized. RCW 26.70A.535 establishes a definition of co-living housing as a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, in which residents share kitchen facilities with other sleeping units in the building.

Cities planning under the Growth Management Act must allow co-living housing as a permitted use on any lot that allows at least six multifamily residential units, including on a lot zoned for mixed-use development. Co-living standards would apply to the following zones in Kenmore: R-6, R-12, R-18, R-24, R-48, Neighborhood Business, Community Business, Downtown Residential, Urban Residential, Downtown Commercial, Urban Corridor, Waterfront Commercial, Regional Business, and the Transit Oriented Development (TOD) zone.

Additionally, the bill prohibits cities from imposing certain regulations or restrictions on co-living housing. The following regulations apply:

- Cities may not require co-living housing to contain room dimensional standards larger than that required by the state building code, including dwelling unit size, sleeping unit size, room area, and habitable space; provide a mix of unit sizes or number of bedrooms; and include other uses.
- Cities may not require co-living housing to provide off-street parking within one-half mile walking distance of a major transit stop or provide more than 0.25 off-street parking spaces per sleeping unit.
- Cities may not require through development regulations any standards for co-living housing that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.
- Cities may only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW.
- Cities may not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540.
- Cities may not treat a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density.
- Cities may not treat a sleeping unit in co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.

Residential Parking SB 6015

Senate Bill (SB) 6015, RCW 36.70A.622, passed by the state in 2024, establishes new requirements for residential parking in the Growth Management Act (GMA). The following regulations apply:

- Sets minimum parking space dimensions no wider and longer than 8 x 20 feet (except for ADA spaces)
- Allows tandem parking spaces for all residential parking at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- Allows tandem parking spaces for all residential parking
- Allows required parking spaces to be enclosed or unenclosed
- Garages and carports may not be required to meet minimum parking requirements for residential development
- Allows required parking spaces to be paved with grass block pavers
- Allows up to six parking spaces in legally established non-conforming gravel parking areas to count toward minimum parking requirements
- No required minimum parking spaces if compliance with tree retention would otherwise make a residential development infeasible

Residential Parking SB 5184

Senate Bill (SB) 5184 was passed by the state in April 2025 and goes into effect in July 2025. The purpose of the bill is to reduce excess parking, which would reduce the costs of development and housing and increase walking and multimodal transportation options. Cities may no longer require the following:

- More than 0.5 parking space per residential dwelling unit.
- More than one parking space per 1,000 sq. ft. of commercial space.

- Any minimum parking requirements for existing buildings undergoing change of use, including vacant buildings, residences under 1,200 sq. ft., commercial spaces under 5,000 sq. ft., affordable housing, senior housing, housing for people with disabilities, facilities that serve alcohol, child care facilities, and commercial spaces in mixed-use projects

Next Steps

Staff will prepare code amendments based on City Council's guidance for a discussion at the 6/23/25 Council meeting. Staff will incorporate feedback and request the City Council schedule a public hearing for 7/14/25 with ordinance adoption at the 7/28/25 Council meeting.

Previous Council Action(s):

N/A

Fiscal Consideration:

Staff time to complete the modification of zoning regulations for City Council consideration.

City Council Priorities or Budget Objective Being Addressed:

City Council's 2025-2026 Priority #2: Preserve and increase availability of all types of housing at all income levels, including the needs of people experiencing homelessness.

City Council's 2025-2026 Priority #4: Promote sustainable Economic Development Strategies that enhance downtown and attract residents, small businesses, and visitors.

City Council's 2025-2026 Priority #5: Enhance multimodal transportation, including pedestrian and bicycle safety.



City of Kenmore, Washington

Memorandum

Date: April 21st, 2025

To: City Council

From: Brittany Chue, Senior Planner and Todd Hall, Principal Planner

Regarding: Co-living and Residential Parking Questions

Purpose: Staff would like direction on a few items that will assist staff with drafting the residential parking and co-living amendments.

Background:

The City of Kenmore's current code does not comply with the state regulations for co-living and residential parking. Staff would like to ask for guidance from the City Council on the following:

1. Co-living name: What should co-living be called in the code?

- a. Kenmore has used a similar term: Dwelling unit, microhousing.
"Microhousing dwelling unit" means an apartment with a total square footage of less than 320 square feet and a habitable space, as defined in the International Building Code as adopted in the Kenmore Municipal Code, of at least 220 square feet. The room(s) are intended for use solely by the dwelling's occupant(s), although common kitchen or bath facilities may be provided. [Ord. 16-0415 § 1 (Att. A).] ([KMC 18.20.830](#))
- b. "Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites. RCW 36.70A.535 (11)
- c. Co-living differs from a microhousing dwelling unit because co-living involves sleeping units and microhousing involves dwelling units. Co-living sleeping units must have access to a shared kitchen; whereas microhousing dwelling units are required to have a kitchen in-unit. The WA State Building Code requires sleeping units to have a minimum size of 70 sq. ft. and dwelling units to have a minimum size of 190 sq. ft. However, cities may adopt a larger minimum size for dwelling units, which Kenmore has done with the microhousing dwelling units.

- d. Kenmore used to have “dormitory” as an allowed use but it was repealed by Ord. 17-0438. (Code Section: [Title 18 Zoning, Chapter 18.20 Technical Terms and Land Use Definitions, 18.20.780 Dormitory.](#))
 - e. Other names for co-living include congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, residential suites, and micro-units.
 - f. Examples: Issaquah, WA and Kirkland, WA are using “co-living”. Snohomish County is using “dwelling, co-living”. Many of the other jurisdictions have not passed the co-living code yet.
- 2. SB 5184 Minimum Parking (pending legislation): Cities may no longer require more than 0.5 parking space per residential dwelling unit, more than one parking space per 1,000 sq. ft. of commercial space, or any minimum parking requirements for existing buildings undergoing change of use, including vacant buildings, residences under 1,200 sq. ft., commercial spaces under 5,000 sq. ft., affordable housing, senior housing, housing for people with disabilities, facilities that serve alcohol, child care facilities, and commercial spaces in mixed-use projects. Should Kenmore adopt the above regulations as they are, reduce the parking requirements further, or eliminate parking requirements city-wide?**
- a. Adopt the above state regulations with no additional changes
 - b. Require less than 0.5 parking spaces per residential dwelling unit or less than 1 parking space per 1,000 sq. ft. of commercial space
 - c. Eliminate parking requirements city-wide
 - i. Examples: Spokane, WA eliminated minimum parking requirements city-wide; Port Townsend passed an interim ordinance to convert the minimum parking requirements into recommended minimum parking; Bellingham, WA passed an interim ordinance to eliminate minimum parking requirements.

CITY OF KENMORE

City Council Meeting

Co-living and Residential Parking

April 21, 2025



Co-living Background

- Co-living Definition:
 - “a residential development with **sleeping units** that are independently **rented** and lockable and provide living and sleeping space, and residents **share kitchen facilities** with other sleeping units in the building.”



Tudor Apartments in Redmond, WA

Co-living Background

- Other names for co-living:
 - Congregate living facilities
 - Single room occupancy
 - Rooming house
 - Boarding house
 - Lodging house
 - Residential suites
 - Micro-units

*Tudor Apartments
Co-living unit
Studio/ 1 ba
151 sq. ft.*



Co-living Purpose

- [HB 1998, RCW 26.70A.535](#) passed by state in 2024
- Must be completed by December 31, 2025, or model code will apply

Purpose:

- Provide more housing options
- Provide market-rate, non-subsidized rental homes



Arete Apartments in Kirkland, WA

Co-living Regulations

- Requires the City of Kenmore to:
 - Allow co-living housing as a permitted use on any lot located within an urban growth area that allows **at least 6 multifamily residential units**, including on a lot zoned for mixed-use development.
 - Co-living cannot be held to more restrictive development standards than multifamily within those same zones

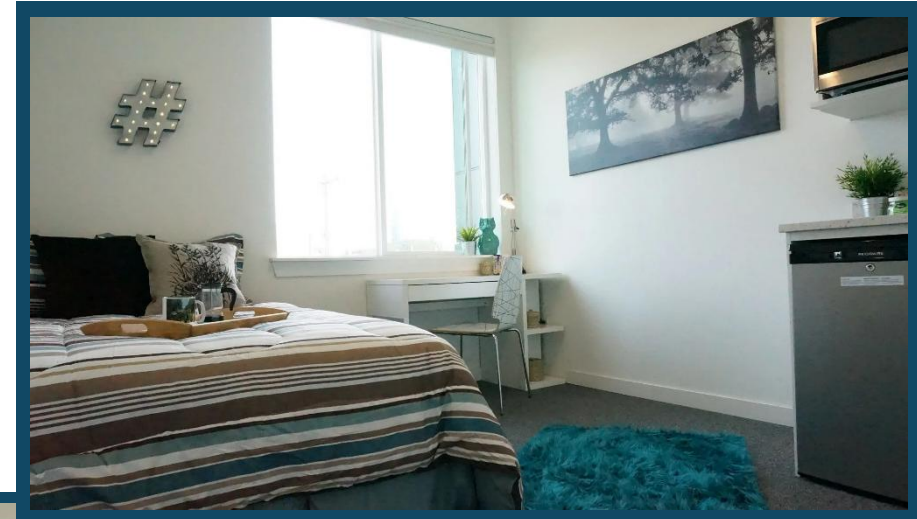


*Arete Apartments
Co-living unit
Studio / 1 ba
195 sq. ft.*

Co-living Regulations

- Parking requirements are at most 0.25 of a parking space per sleeping unit, and within 0.5 mile of a major transit stop may not be required at all.
- Density is calculated as one sleeping unit counting as 1/4 of a dwelling unit
- Sets sewer connection fee limits for co-living units (1/2 of dwelling unit)

Ramiro's Place
in Seattle, WA

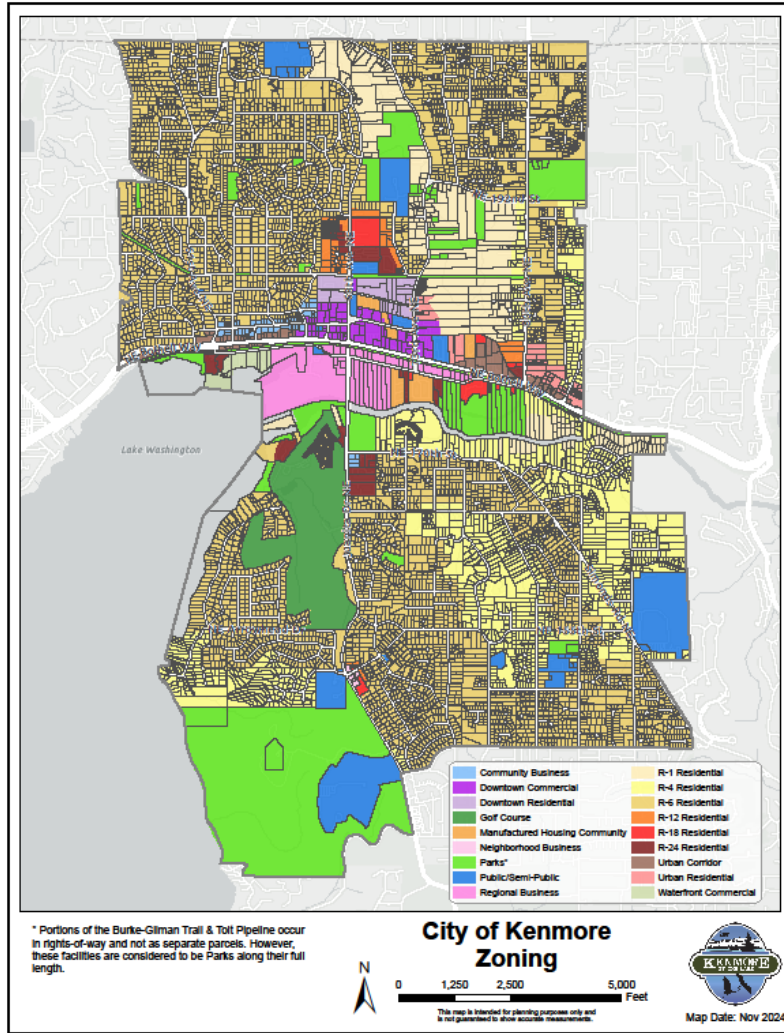


Co-living units
Studio / 1 ba.
160-220 sq. ft.

Page 302 of 352



Co-living Applicability



Zones that allow for 6+ multi-family units:

- Residential: R-6, R-12, R-18, R-24, R-48
- Mixed-Use:
 - Neighborhood Business
 - Community Business
 - Downtown Residential
 - Urban Residential
 - Downtown Commercial
 - Urban Corridor
 - Waterfront Commercial
 - Regional Business
 - Transit Oriented Development (TOD) zone



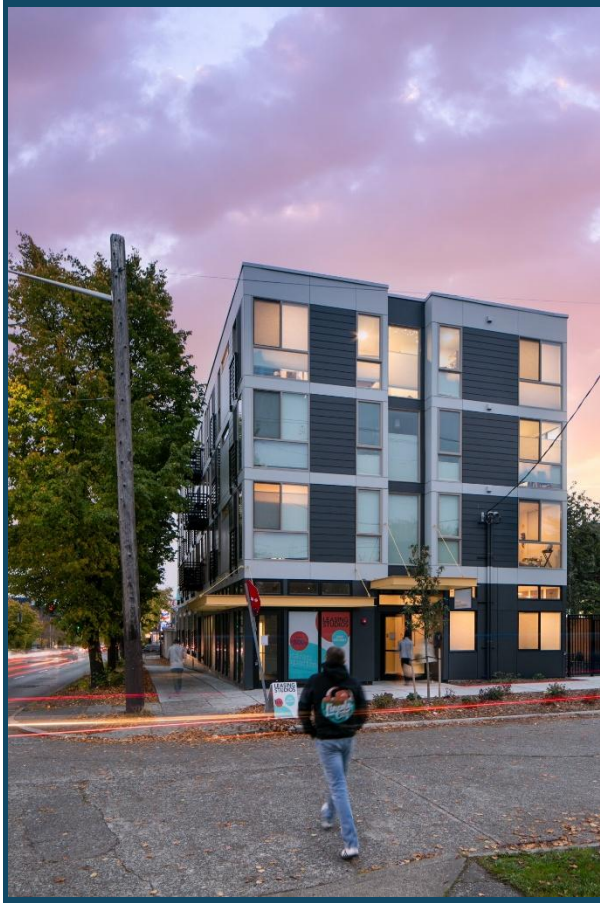
Co-living Benefits

- Housing option for people who want a low-cost, alternative to living with roommates
- Shared community spaces that facilitate social connections
- Providing affordable housing options in transit-oriented neighborhoods
- Reducing energy usage from smaller units

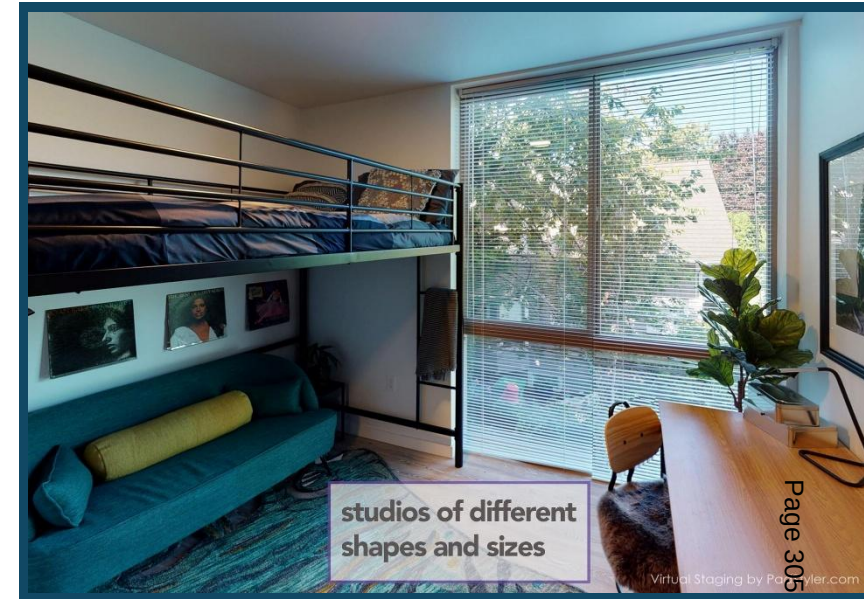
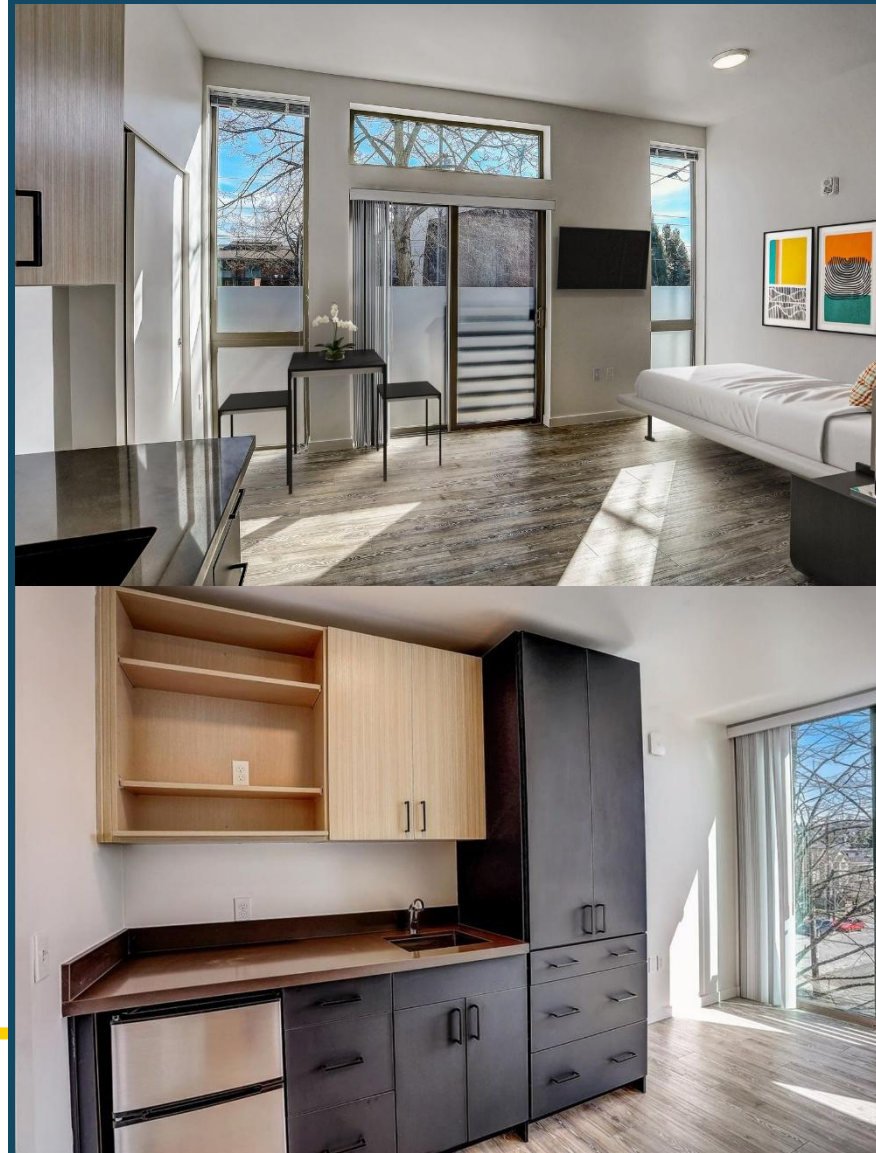


Co-Living: an important emerging UK trend, (2019), [Photograph].
Iceni. <https://www.iceniprojects.com/co-living-an-important-emerging-uk-trend/>

Co-living Examples



*The Kärssti Apartments in
Seattle, WA*



*Co-living units
Studio / 1 ba.
187-276 sq. ft.*

Co-living Examples

Why some Seattle area seniors are choosing dorm-sized apartments



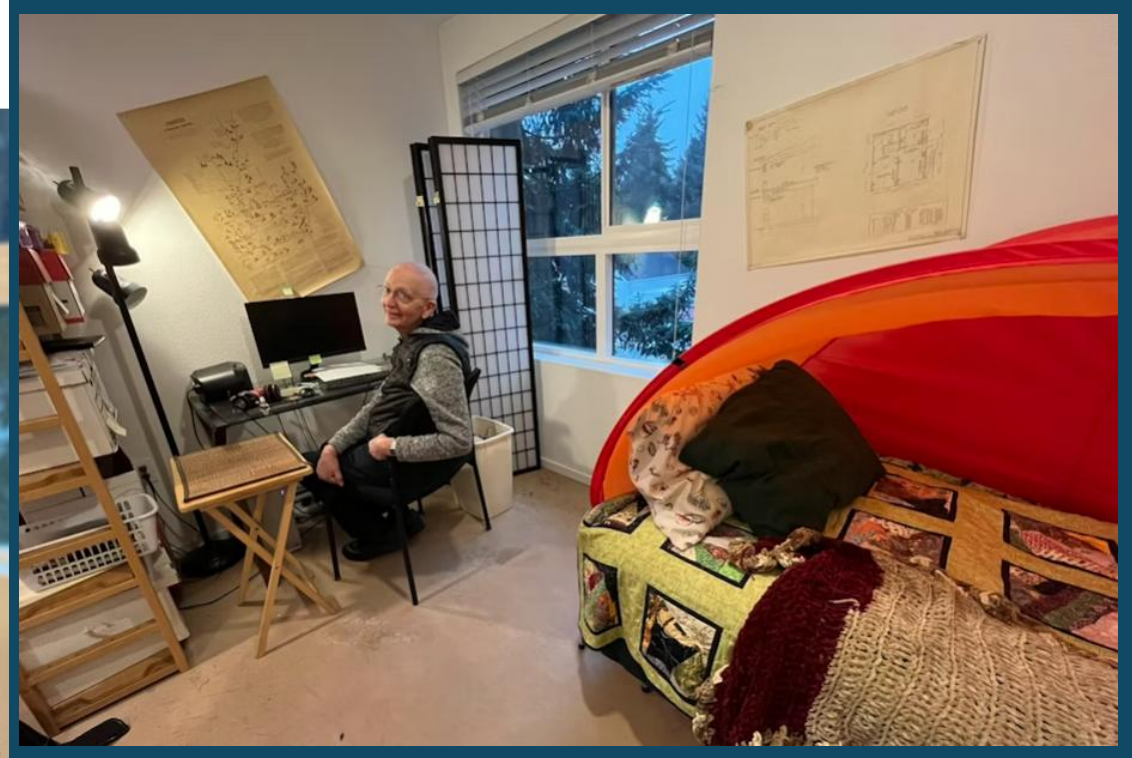
Joshua McNichols

January 24, 2024 / 5:04 am



Carl Wade at the Arete apartments in Kirkland.

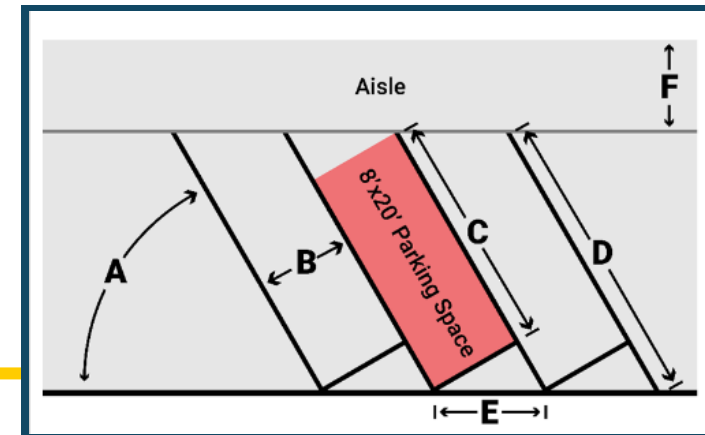
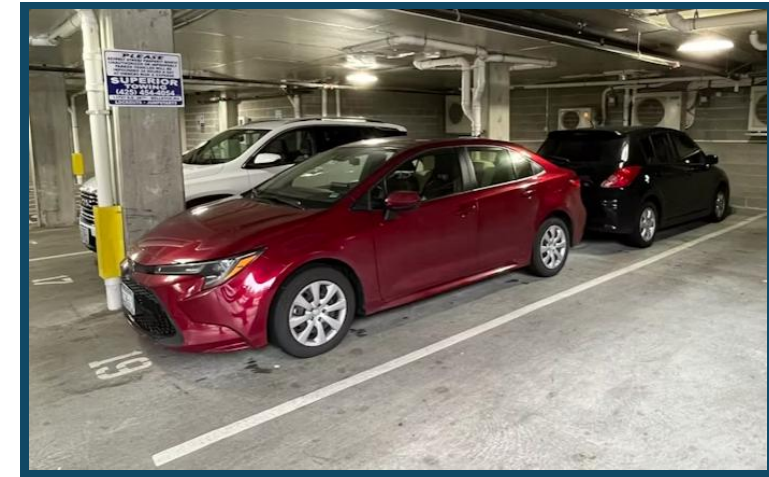
KUOW Photo/Joshua McNichols



McNichols, Joshua. (2024). Why some Seattle area seniors are choosing dorm-sized apartments [Photograph]. KUOW. <https://libguides.libraries.wsu.edu/c.php?g=1089930&p=9031832>

Residential Parking Background

- [Senate Bill \(SB\) 6015, RCW 36.70A.622](#), passed by the state in 2024, establishes new requirements for residential parking regulations in the Growth Management Act (GMA).
- SB 6015 Regulations:
 - Sets minimum parking space dimensions no wider and longer than **8 x 20 feet** (except for ADA spaces)
 - Allows **tandem parking spaces** for all residential parking
 - One space for every 20 linear feet



Tandem parking stalls shared by two residents at the Arete apartments. McNichols, Joshua. (2024). KUOW.



SB 6015 Additional Regulations

- Allows required parking spaces to be **enclosed or unenclosed**
 - Garages and carports may not be required to meet minimum parking requirements for residential development
- Allows required parking spaces to be paved with **grass block pavers**
- Allows up to **six parking spaces** in legally established **non-conforming gravel parking** areas to count toward minimum parking requirements
- **No required minimum parking** spaces if compliance with **tree retention** would otherwise make a residential development infeasible



Question

- 1. Co-living name:** What should co-living be called in the code?
- a) Co-living
 - b) Congregate living facilities
 - c) Single room occupancy
 - d) Rooming house
 - e) Boarding house
 - f) Lodging house
 - g) Residential suites
 - h) Micro-units



Next Steps

Date	Topic
June 23 rd , 2025 – City Council	Discussion of Draft Ordinances on Co-living and Residential Parking
July 14 th , 2025 – City Council	Public Hearing
September 8 th , 2025 – City Council	Council Adoption



Next Steps – June 23rd, 2025

Page No.	Chapter/ Topic	Reason/ Policy Decision	Proposed Text Amendment	Explanation/ Impacts
2	Chapter 18.21 Residential Zones	Cities must allow co-living housing as a permitted use on any lot that allows at least six multifamily residential units, including on a lot zoned for mixed-use development.	18.21 Residential Zones Add co-living as a permitted use for R-6, R-12, R-18, R-24, and R-48 tables.	The proposal is written to allow co-living as a permitted use for residential zones that allow at least six multifamily residential units.



For comments and questions:

Brittany Chue

Senior Planner, Community Development Department

bchue@kenmorewa.gov

425-984-6157



Senate Bill 5184

- Passed by state legislature in April 2025
- Goes into effect in July 2025

Purpose

- Reduced excess parking leads to:
 - ↓ Costs of development and housing
 - ↓ Reliance of automobiles
 - ↑ Walking and multimodal transportation options



City of Kenmore Parking Lot,
Google Maps, Street View, Sept. 2021.

Senate Bill 5184

Regulations – a city may not require:

- More than 0.5 parking space per residential dwelling unit.
- More than one parking space per 1000 sq. ft. of commercial space.
- Exempts minimum parking requirements for:
 - Existing buildings undergoing change of use, including vacant buildings
 - Residences under 1,200 sq. ft.
 - Commercial spaces under 5,000 sq. ft.
 - Affordable housing
 - Senior housing
 - Housing for people with disabilities
 - Facilities that serve alcohol
 - Child care facilities
 - Commercial spaces in mixed-use projects



A cafe in Norton Commons. Source: Traditional Town LLC

Questions

1. **Co-living name:** What should co-living be called in the code?
2. **SB 5184 Minimum Parking:** Would you want to look at draft amendments for SB 5184 in June 2025 with the other parking bill or review it at a future date (2026)?
3. **SB 5184 Minimum Parking:** Should Kenmore adopt the SB 5184 regulations as they are, reduce the parking requirements further, or eliminate parking requirements city-wide?



City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 4/21/2025

Subject/Topic:	Proposed Council Action/Motion:
4th Quarter 2024 Financial Report Presentation Department: Finance & Administration Prepared by: Melinda Merrell Finance Director Julie Yinger Accountant Attachments: 4th Quarter 2024 Financial Reports	☐ Information Only ☒ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other: Receive & File: 4th Quarter 2024 Financial Reports for the City of Kenmore

Approvals:

Department Head MM 4/9/25 City Attorney NA Finance Director MM 4/9/25 City Manager SLL 4/10/25 Optional N/A

Summary/Background:

The 4th Quarter 2024 Financial Reports are presented for Council review. It provides a look into the twenty-four (24) months of the biennium through December 31, 2024. This report provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2023-2024 adopted biennial budget. The budget was adopted on November 21, 2022 and amended on December 4, 2023.

Previous Council Action(s):

Council amended the 2023-2024 biennial budget on December 4, 2023, Ordinance No. 23-0587.

Fiscal Consideration:

The end of December 31, 2024, is the twenty-fourth (24th) month of the 2023-2024 biennium budget period with 100% of the biennium budget elapsed.

General Fund:

As of the 4th Quarter of 2024, the biennium to date revenues exceeded expenditures by \$6,030,903. Revenues were \$35.4 million while expenditures were \$29.4 million. Revenues (107.4%) for the biennium came in ahead of target while expenditures (88.0%) came in at 12.0% below. Expenses are running low for the biennium due to the use of ARPA funds in 2023 to cover our police costs in the amount of \$4.6 million. Including the police costs, expenses would be 101.7% for the biennium.

Other highlights for the quarter and biennium:

Property taxes, the major revenue source for the City, are cyclical with due dates in April and October each year. \$2,660,578 in property tax revenue was received for the quarter ended December 31, 2024, bringing the total for the biennium to \$11.5 million or 100.4% of the amount budgeted.

Development fees and permits ended the year ahead of the biennial target by 61%, bringing in revenue of over \$4.0 million.

With current interest rates, our investment interest is ahead of target, coming in at \$159,297 for Q4, 2024 and \$691,923 for the biennium. This is 230.6% of the budgeted biennium amount of \$300,000.

General Fund ending fund balance as of December 31, 2024, was \$9.6 million.

City Council Priorities or Budget Objective Being Addressed:

Kenmore budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date.

Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the quarterly report.

City of Kenmore

Memorandum



Date: April 10, 2025

To: Stephanie Lucash, Interim City Manager

From: Melinda Merrell, Finance Director

Regarding: 4th Quarter 2024 Financial Reports for the City of Kenmore

4th Quarter 2024 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- Street Fund Summary
- Other Funds Monthly Activity
- Investment Schedule and Portfolio Analysis
- Retail Sales and Use Tax Distribution

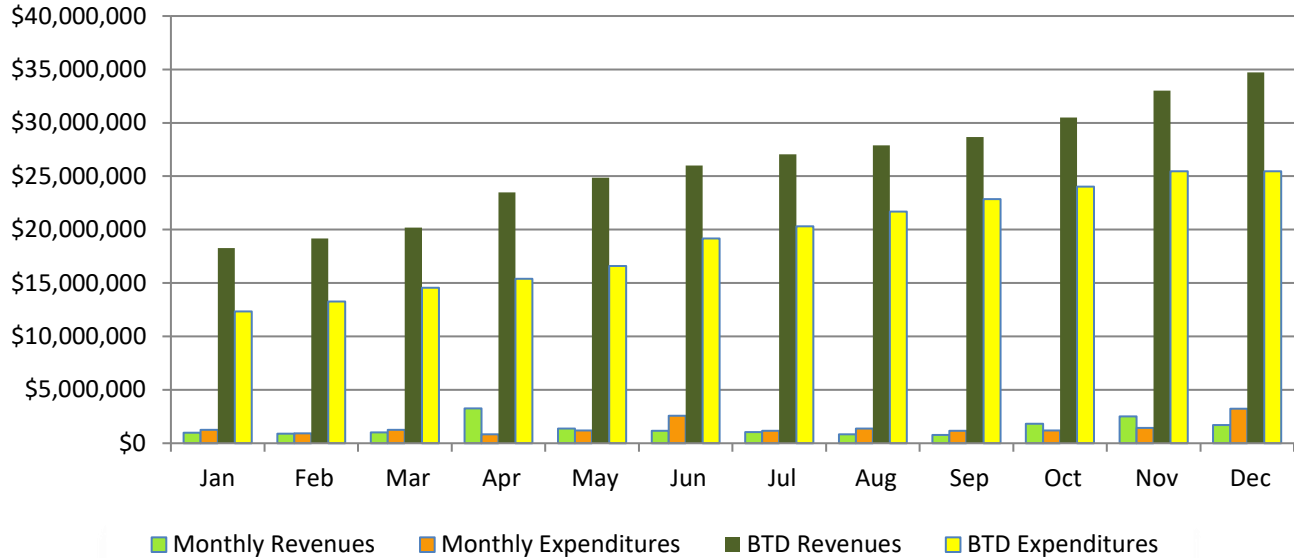
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the quarterly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, the 4th quarter is the twenty-second through the twenty-fourth months of the 2023-2024 biennial budget period.

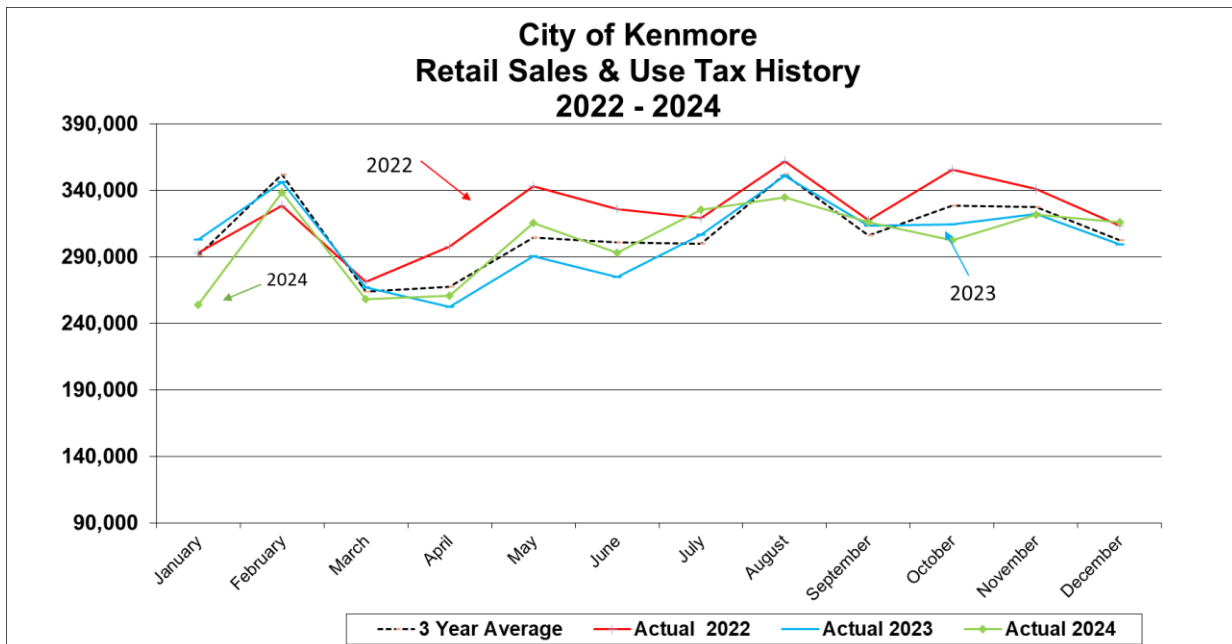
For the quarter ending December 31, 2024, revenues exceed expenditures in the General Fund by \$207,243. Biennium-to-date, revenues exceed expenditures by \$6,030,903. This is due to the use of ARPA funds in 2023 to cover our police costs in the amount of \$4.6 million. In addition, development fees and permits revenues are running higher than anticipated by \$1.5 million as well as higher investment interest than expected in the amount of \$392,000.

The following chart illustrates the monthly revenue and expenditure activity in the General Fund for the twelve (12) month period through December 2024.

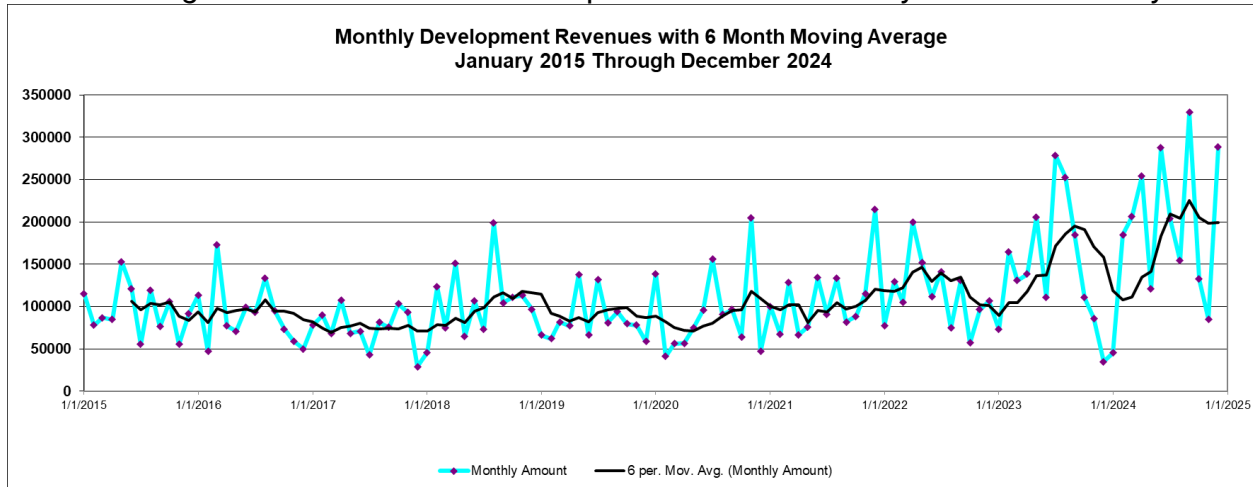


Total **revenues** for Q4, 2024 were **\$6,722,208**. Biennium-to-date revenues were \$35,394,250 which is 107.4% of the amended budgeted revenues of \$32,967,258. Primary sources of revenue for the quarter included \$2,660,578 in property taxes, \$940,368 in sales and use taxes, \$986,864 in intergovernmental & grants, \$589,367 in utility taxes and \$506,223 in development fees & permits.

A summary of sales tax revenues received in **December** is attached. These receipts are based on **October** sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last few years. The black dotted 3-year-average line is a monthly average of actual receipts during 2022, 2023, and 2024. The green line represents 2024 actual receipts by month, which in December are \$16,566 above 2023 and above the 3-year-average by \$13,829.



The following chart illustrates the Development Revenue activity over the last 10 years.



For the quarter ended December 31, 2024, expenditures were \$6,514,964. Biennium-to-date expenditures were \$29,363,347 which is 88.0% of the amended biennial budget of \$33,386,301. Human Resources is running lower than budgeted as the HR Director position was vacant as of June 2023 and will not be filled. The savings from this rolled toward the Deputy Clerk position. Legal fees are \$225K higher than budgeted due to various legal actions. As noted previously, \$4.6 million of ARPA funds were used to cover most of our Public Safety costs in 2023. Environmental Services expenses are lower than anticipated as no expenses were incurred for Grant Matches or Strategic Partnerships. Housing and Human Services expenses are running higher than expected for the biennium as \$366K has been spent on Human Services Contributions but was originally budgeted in the City Clerk's budget. Community Development expenses are lower than budgeted as the Parks Project Manager position has been vacant since June 2024.

City cash, \$38,438,676, and investments, \$8,958,974, at the end of December 31, 2024, totaled \$47,397,650. Cash increased by \$12.7 million in December 2024 due to the bond issuance for the Public Works Operations Center.

OTHER FUNDS

In the **Street Fund**, revenues exceed the expenses as of December 31, 2024, after transfers from the General Fund and Transportation Benefit District were recorded. However, revenues are lower than expected at 82.9% for the biennium vs the 100% target.

In the 4th quarter, the **Transportation Capital Fund** had expenditures in the amount of \$1,287,615 on pedestrian safety projects & street maintenance. The fund received \$370,849 in grant reimbursements during the quarter.

The **Real Estate Excise Tax Fund** received \$509,632 of real estate excise taxes (REET) in the 4th quarter 2024. For 2024, \$1.87 million of REET revenue was received. These monies

supplemented with fund reserves, supported \$2.4 million of Transportation Capital projects and \$931K for the Public Works Operations Center.

The **Park Impact Fee Fund** received \$18,347 in revenues during the quarter. For the year, we received \$402K in park impact fees and of that, \$200K was transferred to the Park Capital Fund to support those Fund activities.

In the 4th quarter, there was \$27,289 in revenue for the **Transportation Impact Fee Fund**. For all of 2024, we received \$894K in transportation impact fees which allowed for the transfer of \$250K to support the West Sammamish Bridge Fund.

The **Public Works Operations Center (PWOC) Fund** was infused with monies late in 4th quarter due to a bond issuance worth over \$12.7 million. These funds, along with other funding sources, will be used to pay for the construction of the new PWOC. For the year, the PWOC received over \$18.6 million in various funding sources and spent \$1.5 million.

The **KAPE Fund** received \$107,937 in photo enforcement infraction revenue during the quarter which was offset by \$174,233 in expenses. During 2024, KAPE revenues exceeded \$700,000 and expenses were \$696,000. The expenses included a \$250,000 transfer to the Transportation Capital Fund to help cover transportation projects.

The **Transportation Benefit District Fund** received \$162,168 in vehicle license fees during the quarter and \$700,088 during 2024. A transfer of \$730K was made to the Street Fund to help cover the streets maintenance and operation costs.

SUMMARY

To recap, we ended the 2023-2024 biennium with a surplus in the General Fund of just over \$6.0 million. This leaves the General Fund with a fund balance of \$9.6 million as of December 31, 2024. Across all funds, as of December 31, 2024, we have a fund balance of over \$48.6 million.

This concludes the financial report for the City of Kenmore as of the **4th quarter 2024**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore
General Fund Summary Report
December 31, 2024

	CURRENT PERIOD 2023-2024				PREVIOUS PERIOD 2021-2022				
	4th Quarter 2024	BIENNIUM TO DATE 2023-2024	% of BUDGET	AMENDED BIENNIUM BUDGET 2023-2024	4th Quarter 2021	4th Quarter 2022	BIENNIUM TO DATE 2021-2022	% of BUDGET	AMENDED BIENNIUM BUDGET 2021-2022
REVENUES									
Beginning Fund Balance		3,533,762		3,533,762			2,748,005		2,748,005
Property Taxes	2,660,578	11,535,469	100.4%	11,493,841	2,339,959	2,431,735	8,236,543	75.8%	10,865,654
Sales and Use Taxes	940,368	7,319,235	101.2%	7,231,794	926,995	1,010,055	5,436,738	80.5%	6,754,280
Utility Taxes	589,367	4,476,848	101.7%	4,400,745	148,724	302,087	1,639,261	68.3%	2,399,290
Other Taxes	57,211	402,761	99.2%	406,161	34,291	35,197	157,789	86.6%	182,200
Development Fees & Permits	506,223	4,057,188	161.4%	2,513,543	418,636	260,062	2,073,729	120.6%	1,720,003
Franchise Fees	193,159	1,754,134	97.1%	1,807,003	206,558	197,667	1,295,037	74.1%	1,746,569
Intergovernmental and Grants	986,864	3,085,524	100.9%	3,058,853	355,414	1,436,779	2,141,111	73.8%	2,902,594
Investment Interest	159,297	691,923	230.6%	300,000	-55,281	22,425	34,556	52.4%	66,000
Transfers and Other Revenues	629,140	2,071,169	118.0%	1,755,318	3,207,199	16,264	3,296,319	63.4%	5,203,180
Total Revenues	6,722,208	35,394,250	107.4%	32,967,258	7,582,494	5,712,269	24,311,083	76.4%	31,839,770

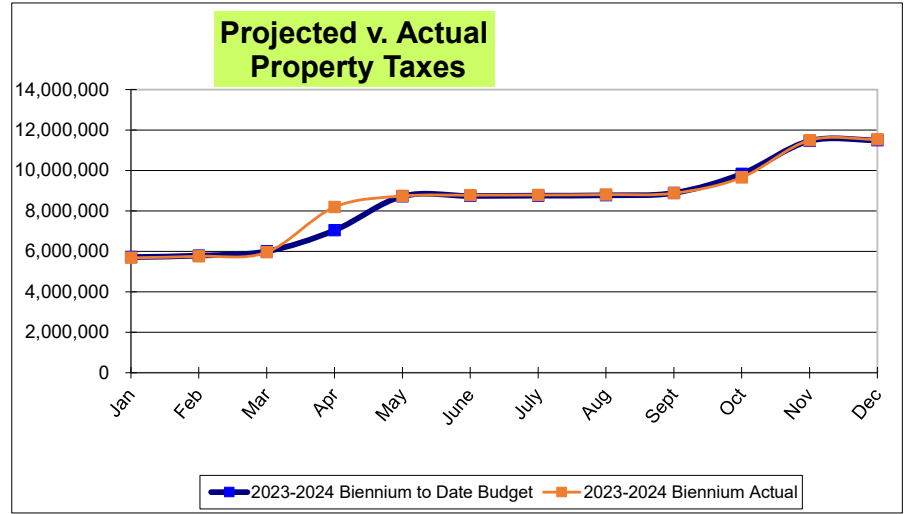
City of Kenmore
General Fund Summary Report
December 31, 2024

	CURRENT PERIOD 2023-2024				PREVIOUS PERIOD 2021-2022				
	4th Quarter	BIENNIUM	% of	AMENDED	4th Quarter	4th Quarter	BIENNIUM	% of	AMENDED
	<u>2024</u>	<u>TO DATE</u>	<u>BUDGET</u>	<u>BIENNIUM</u>	<u>2021</u>	<u>2022</u>	<u>TO DATE</u>	<u>BUDGET</u>	<u>BIENNIUM</u>
EXPENDITURES		2023-2024		BUDGET			2021-2022		BUDGET
Cost Center									
City Council	39,764	436,524	107.8%	405,013	34,066	42,270	250,518	75.3%	332,711
City Manager	566,634	3,853,857	105.8%	3,640,924	373,155	776,609	2,173,994	69.6%	3,121,846
City Clerk	124,825	1,034,080	105.7%	978,750	179,120	163,865	762,498	81.4%	937,052
Finance	297,943	2,955,953	94.1%	3,141,637	201,357	216,803	1,680,733	76.0%	2,212,820
Human Resources	25,254	219,959	43.1%	510,304	49,127	64,094	206,237	64.6%	319,432
Legal	196,026	925,980	132.3%	700,000	134,925	189,486	718,925	127.2%	565,000
Interfund Transfers/Non Department	1,153,029	1,581,029	76.9%	2,057,093	2,303,405	827,212	2,303,405	33.7%	6,830,617
Public Safety *	2,303,369	5,927,639	59.5%	9,956,950	1,167,974	1,454,372	5,586,433	61.0%	9,152,371
Special Projects	71,713	365,024	0.0%	0	0	0	0	0.0%	0
Engineering	265,438	1,914,198	109.7%	1,745,035	214,192	280,879	1,116,925	66.1%	1,689,574
Environmental Services	131,133	509,093	88.9%	572,820	0	0	0	0.0%	0
Housing & Human Services	182,681	835,167	151.7%	550,700	0	0	0	0.0%	0
Community Development	177,269	1,610,804	79.0%	2,038,723	243,453	216,538	1,262,678	74.5%	1,695,828
Developmental Services	439,349	3,294,762	97.7%	3,371,076	347,610	314,364	2,000,509	70.3%	2,845,428
Parks & Facility Maintenance	540,537	3,899,277	104.9%	3,717,276	468,240	390,586	1,993,503	74.5%	2,676,904
Total Expenditures	6,514,964	29,363,347	88.0%	33,386,301	5,716,623	4,937,079	20,056,358	61.9%	32,379,582
Expenditures (over) under Revenues	207,243	6,030,903		(419,043)	1,865,871	775,190	4,254,725		(539,812)
Ending Fund Balance		9,564,665		3,114,719			7,002,730		2,208,193

* The use of ARPA funds in 2023 to cover our police costs in the amount of \$4.6 million

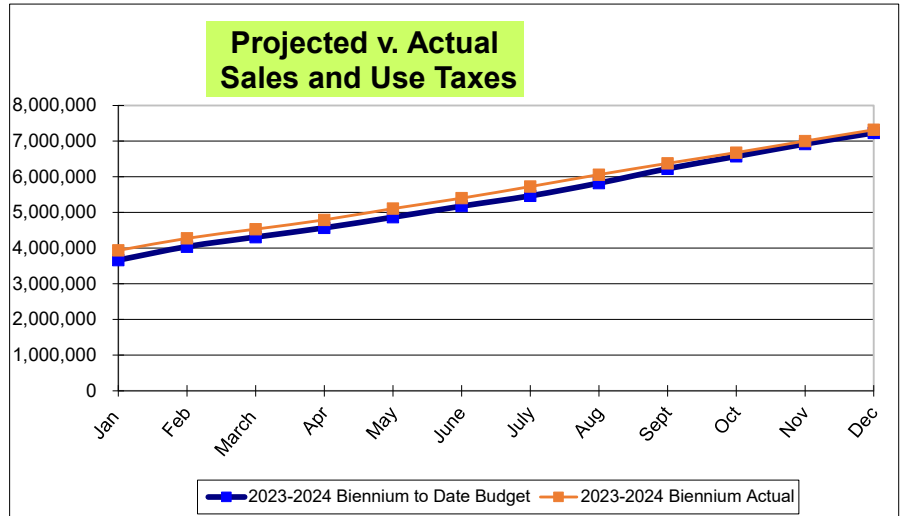
PROPERTY TAXES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	5,718,686	5,682,911
Feb	5,790,377	5,757,312
Mar	6,003,265	5,955,928
Apr	7,041,225	8,190,910
May	8,723,357	8,736,838
June	8,739,552	8,778,012
July	8,755,610	8,785,923
Aug	8,772,675	8,807,909
Sept	8,889,229	8,874,891
Oct	9,829,713	9,653,976
Nov	11,460,914	11,493,546
Dec	11,493,841	11,535,469
2023-24	11,493,841	11,535,469
Year To Date		
Actual v. Projected		100%



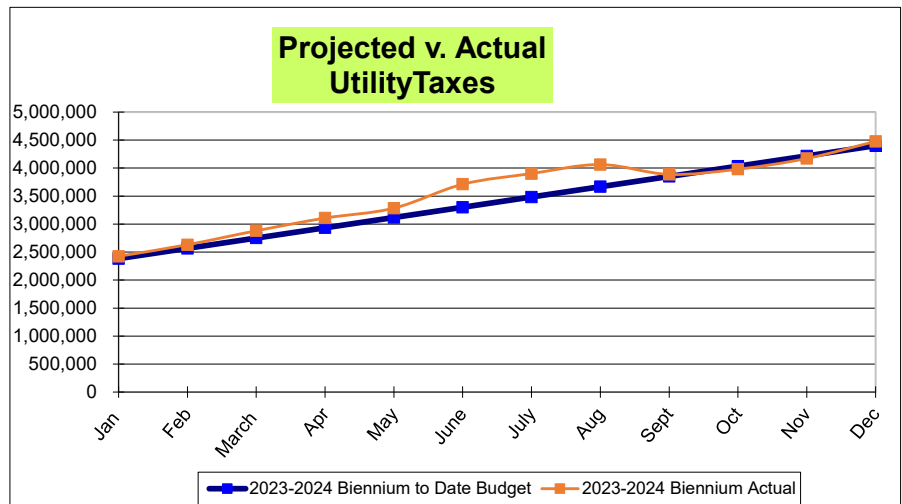
SALES & USE TAXES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	3,666,126	3,936,916
Feb	4,043,065	4,275,141
March	4,311,344	4,533,492
Apr	4,570,332	4,794,028
May	4,868,136	5,109,516
June	5,178,369	5,402,407
July	5,467,277	5,727,588
Aug	5,824,991	6,062,960
Sept	6,228,834	6,378,867
Oct	6,573,480	6,681,203
Nov	6,922,134	7,003,166
Dec	7,231,794	7,319,235
2023-24	7,231,794	7,319,235
Year To Date		
Actual v. Projected		101%



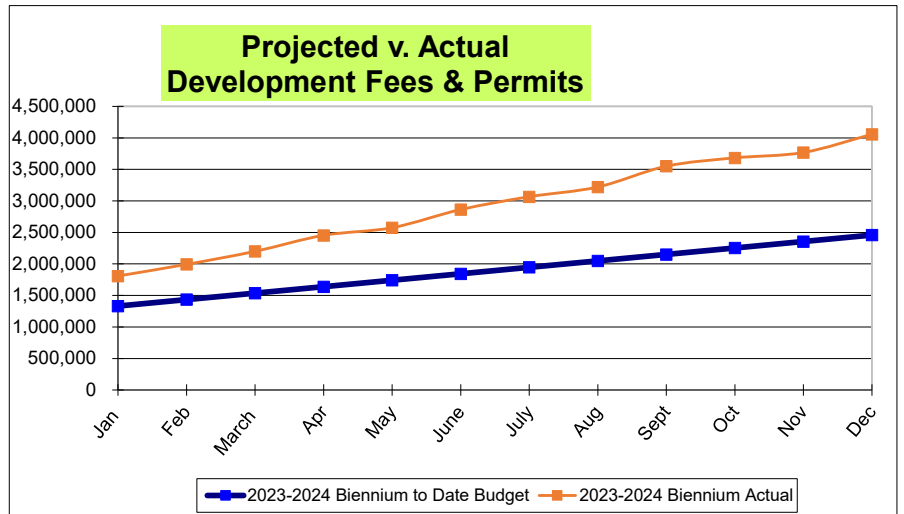
UTILITY TAXES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	2,383,732	2,424,079
Feb	2,567,096	2,631,798
March	2,750,461	2,880,420
Apr	2,933,825	3,107,555
May	3,117,190	3,283,990
June	3,300,555	3,711,572
July	3,483,920	3,901,987
Aug	3,667,285	4,063,308
Sept	3,850,650	3,887,481
Oct	4,034,015	3,980,565
Nov	4,217,380	4,172,389
Dec	4,400,745	4,476,848
2023-24	4,400,745	4,476,848
Year To Date		
Actual v. Projected		102%



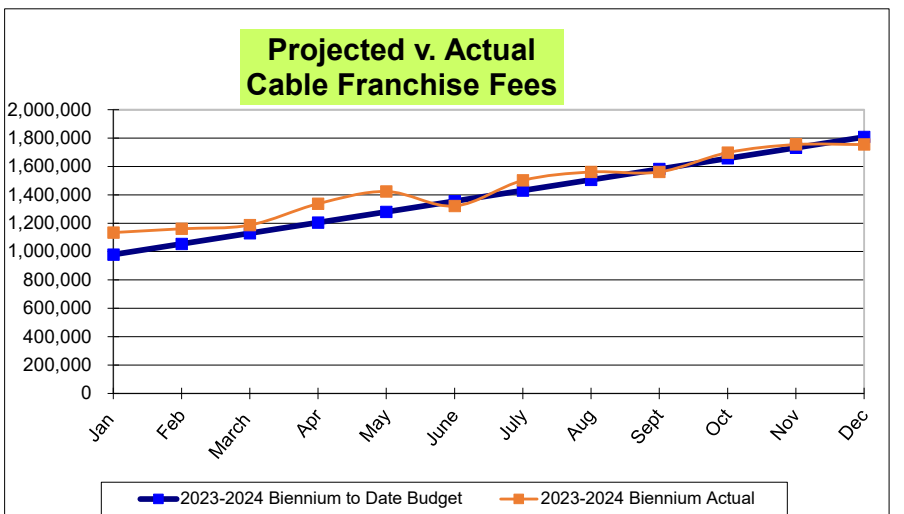
DEVELOPMENT FEES & PERMITS

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,331,642	1,808,629
Feb	1,434,076	1,993,540
March	1,536,510	2,199,950
Apr	1,638,944	2,454,109
May	1,741,378	2,575,459
June	1,843,812	2,862,997
July	1,946,246	3,066,830
Aug	2,048,680	3,221,272
Sept	2,151,114	3,550,965
Oct	2,253,548	3,683,474
Nov	2,355,982	3,768,841
Dec	2,458,416	4,057,188
'2023-24	2,458,416	4,057,188
Year To Date		
Actual v. Projected		165%



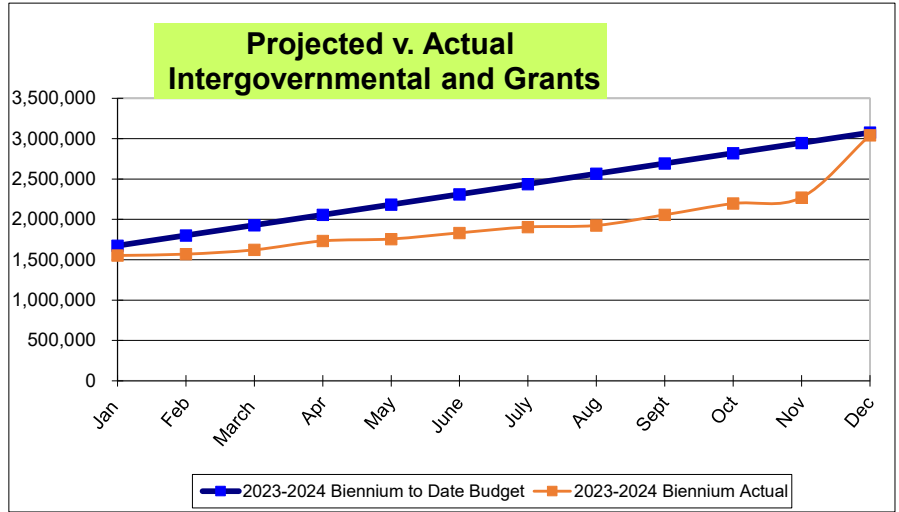
CABLE/WATER/SEWER FRANCHISE FEES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	978,796	1,134,055
Feb	1,054,088	1,160,630
March	1,129,380	1,186,730
Apr	1,204,672	1,337,062
May	1,279,964	1,423,550
June	1,355,256	1,321,004
July	1,430,547	1,501,321
Aug	1,505,838	1,560,974
Sept	1,581,129	1,560,974
Oct	1,656,420	1,697,413
Nov	1,731,711	1,754,134
Dec	1,807,003	1,754,134
'2023-24	1,807,003	1,754,134
Year To Date		
Actual v. Projected		97%



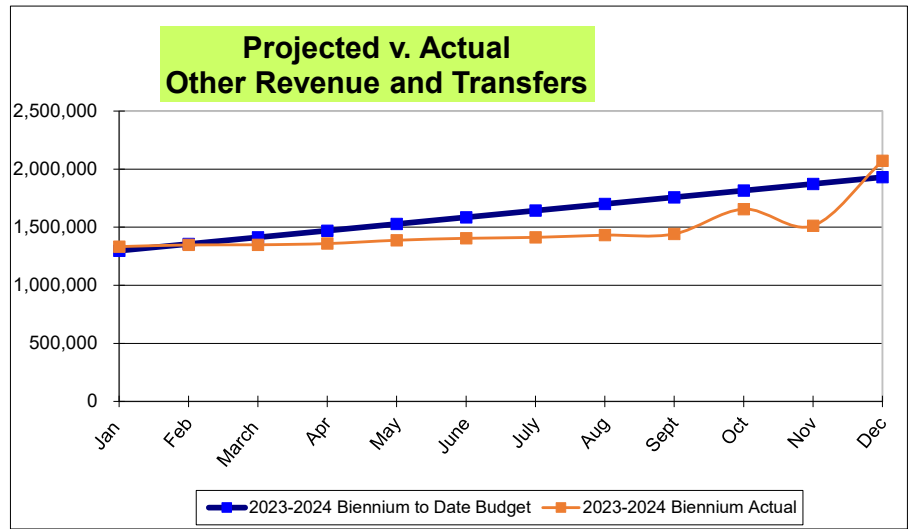
INTERGOVERNMENTAL & GRANTS

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,674,799	1,553,163
Feb	1,802,091	1,569,613
March	1,929,382	1,622,899
Apr	2,056,673	1,733,407
May	2,183,965	1,757,268
June	2,311,256	1,833,680
July	2,438,547	1,905,982
Aug	2,565,839	1,925,356
Sept	2,693,130	2,057,059
Oct	2,820,421	2,197,042
Nov	2,947,713	2,272,265
Dec	3,075,004	3,043,923
'2023-24	3,075,004	3,085,524
Year To Date		
Actual v. Projected		99%



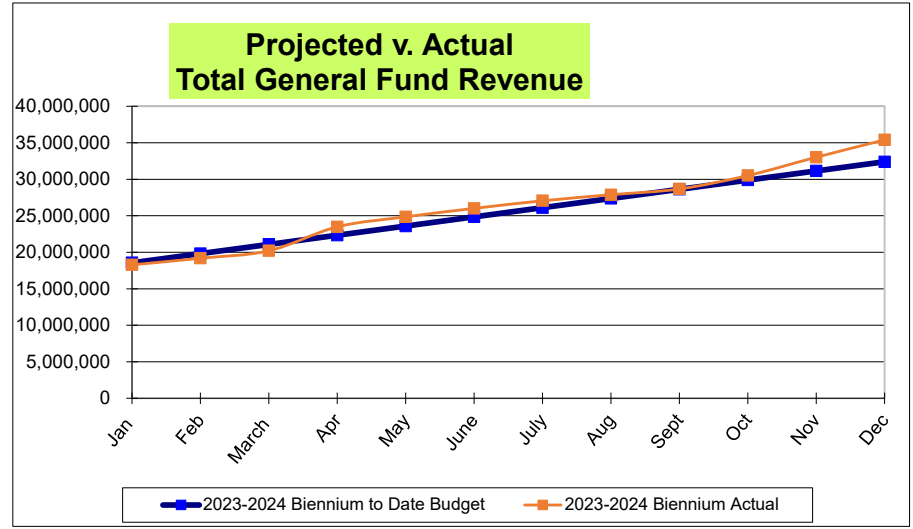
OTHER REVENUES AND TRANSFERS

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,297,742	1,332,943
Feb	1,355,261	1,347,337
March	1,412,779	1,348,628
Apr	1,470,298	1,359,059
May	1,527,816	1,387,684
June	1,585,335	1,404,404
July	1,642,853	1,412,537
Aug	1,700,371	1,431,559
Sept	1,757,890	1,442,029
Oct	1,815,408	1,655,909
Nov	1,872,927	1,512,877
Dec	1,930,445	2,071,169
'2023-24	1,755,318	2,071,169
Year To Date		
Actual v. Projected		107%



TOTAL GENERAL FUND REVENUE

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	18,557,268	18,278,141
Feb	19,815,448	19,180,951
March	21,073,628	20,204,890
Apr	22,331,808	23,483,106
May	23,589,988	24,854,384
June	24,848,168	26,009,585
July	26,106,348	27,050,533
Aug	27,364,528	27,883,025
Sept	28,622,708	28,672,042
Oct	29,880,888	30,503,855
Nov	31,139,069	33,015,863
Dec	32,397,249	35,394,250
'2023-24	32,222,121	35,394,250
Year To Date		
Actual v. Projected		109%

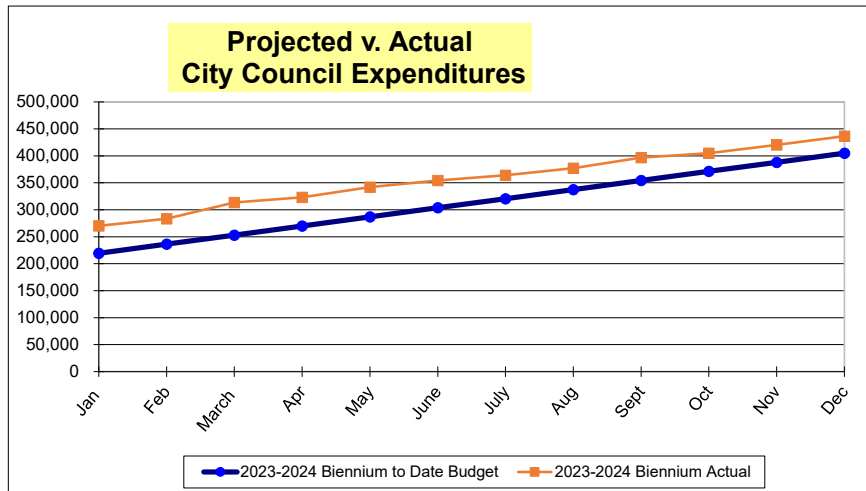


City of Kenmore
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December 31, 2024

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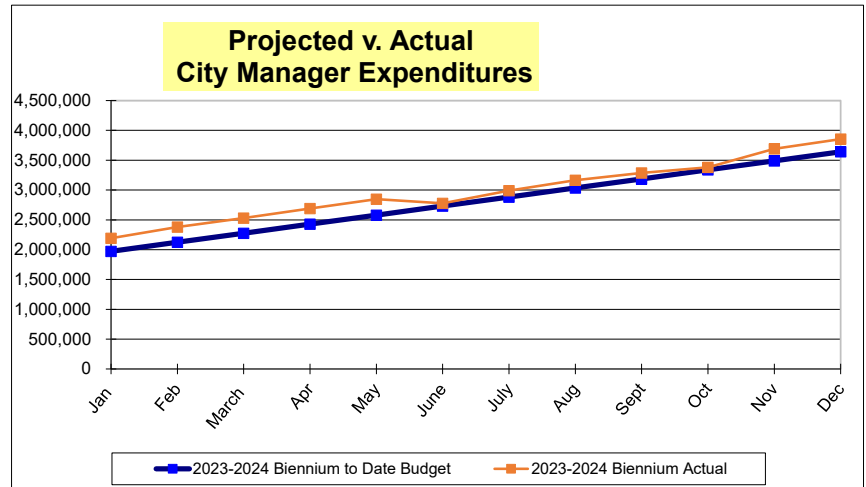
CITY COUNCIL

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	219,388	270,249
Feb	236,263	283,467
March	253,139	313,709
Apr	270,014	323,264
May	286,890	342,203
June	303,765	354,309
July	320,640	364,125
Aug	337,514	376,972
Sept	354,389	396,760
Oct	371,263	404,781
Nov	388,138	420,278
Dec	405,013	436,524
2023-24	405,013	436,524
Year To Date		
Actual v. Projected		108%



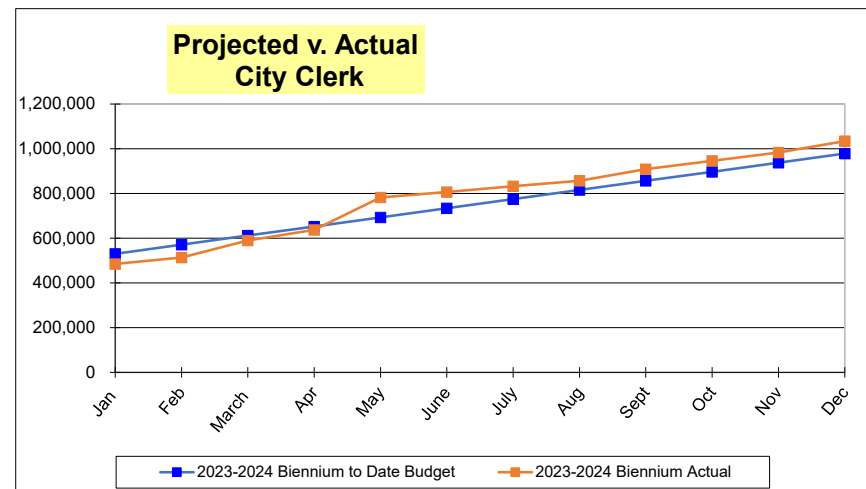
CITY MANAGER

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,972,165	2,192,192
Feb	2,123,870	2,381,206
March	2,275,576	2,529,561
Apr	2,427,281	2,689,597
May	2,578,986	2,845,969
June	2,730,691	2,776,994
July	2,882,396	2,988,539
Aug	3,034,101	3,164,577
Sept	3,185,807	3,287,223
Oct	3,337,512	3,382,303
Nov	3,489,218	3,692,865
Dec	3,640,924	3,853,857
2023-24	3,640,924	3,853,857
Year To Date		
Actual v. Projected		106%



CITY CLERK

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	530,156	485,150
Feb	570,938	513,689
March	611,719	589,396
Apr	652,500	636,895
May	693,281	781,921
June	734,063	806,692
July	774,844	832,598
Aug	815,625	857,058
Sept	856,406	909,255
Oct	897,188	945,996
Nov	937,969	983,136
Dec	978,750	1,034,080
2023-24	978,750	1,034,080
Year To Date		
Actual v. Projected		106%

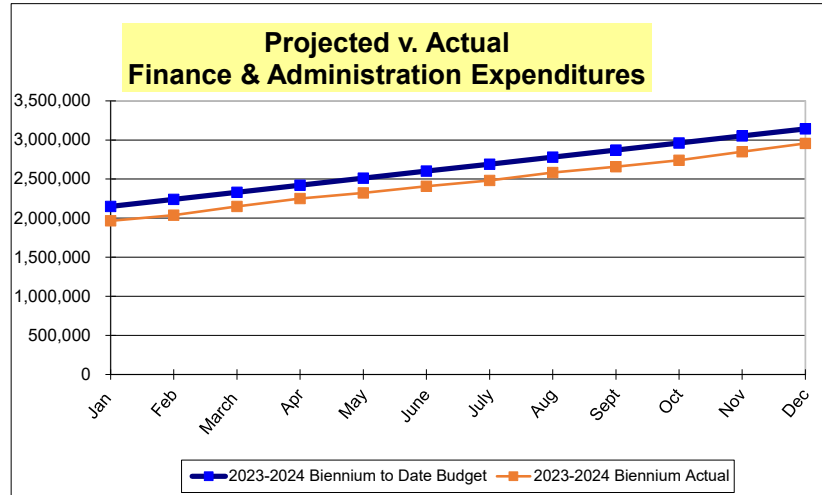


City of Kenmore
General Fund Expenditure Graphs
December 31, 2024

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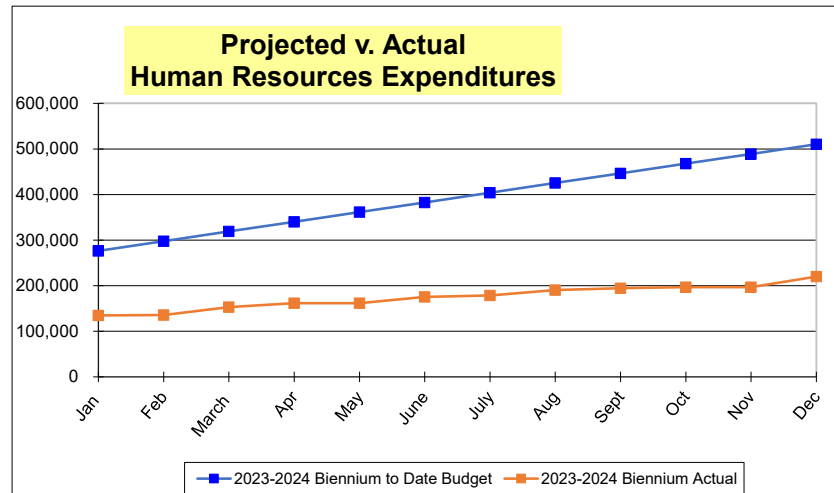
FINANCE & ADMINISTRATION

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	2,150,316	1,965,648
Feb	2,240,436	2,037,350
March	2,330,556	2,151,201
Apr	2,420,676	2,251,762
May	2,510,796	2,323,676
June	2,600,917	2,407,942
July	2,691,037	2,483,169
Aug	2,781,157	2,582,557
Sept	2,871,277	2,658,010
Oct	2,961,397	2,739,406
Nov	3,051,517	2,849,460
Dec	3,141,637	2,955,954
2023-24 Year To Date	3,141,637	2,955,953
Actual v. Projected		94%



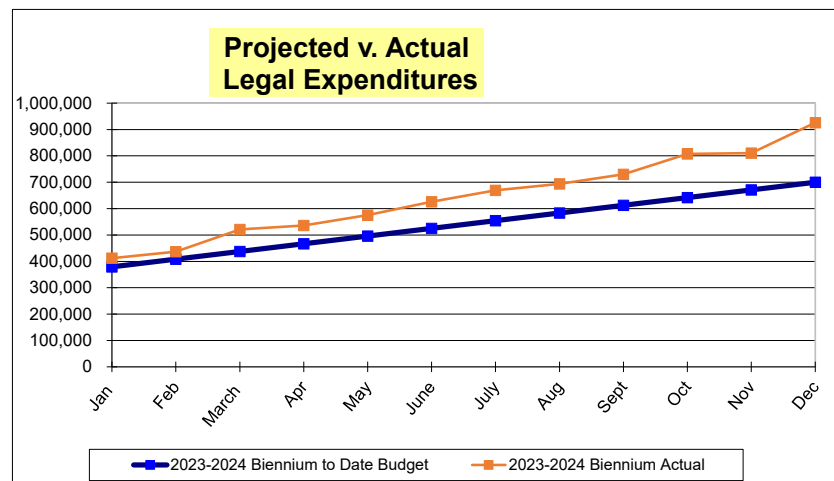
HUMAN RESOURCES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	276,419	134,833
Feb	297,681	135,812
March	318,944	152,919
Apr	340,207	161,744
May	361,469	161,807
June	382,732	175,547
July	403,995	178,737
Aug	425,257	190,272
Sept	446,519	194,706
Oct	467,781	196,829
Nov	489,042	197,031
Dec	510,304	219,959
2023-24 Year To Date	510,304	219,959
Actual v. Projected		43%



LEGAL

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	379,171	412,025
Feb	408,337	436,484
March	437,504	520,813
Apr	466,671	536,076
May	495,837	575,864
June	525,004	625,852
July	554,171	669,653
Aug	583,337	694,235
Sept	612,503	729,954
Oct	641,669	807,837
Nov	670,834	810,689
Dec	700,000	925,980
2023-24 Year To Date	700,000	925,980
Actual v. Projected		132%

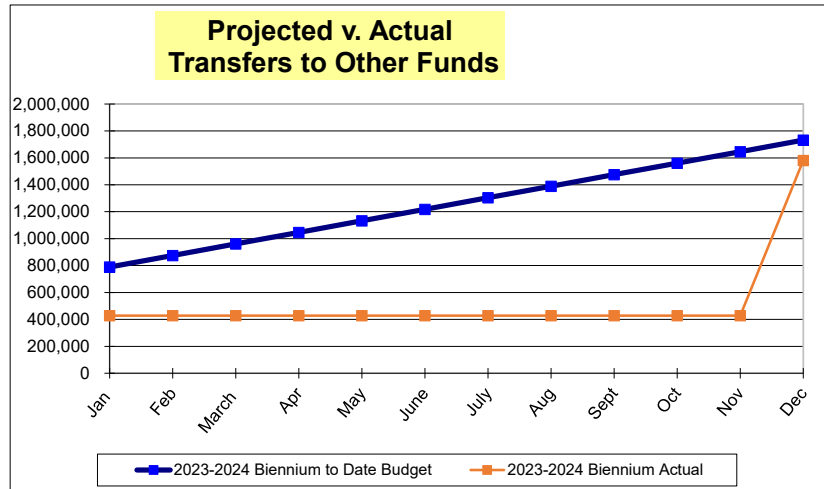


City of Kenmore
General Fund Expenditure Graphs
December 31, 2024

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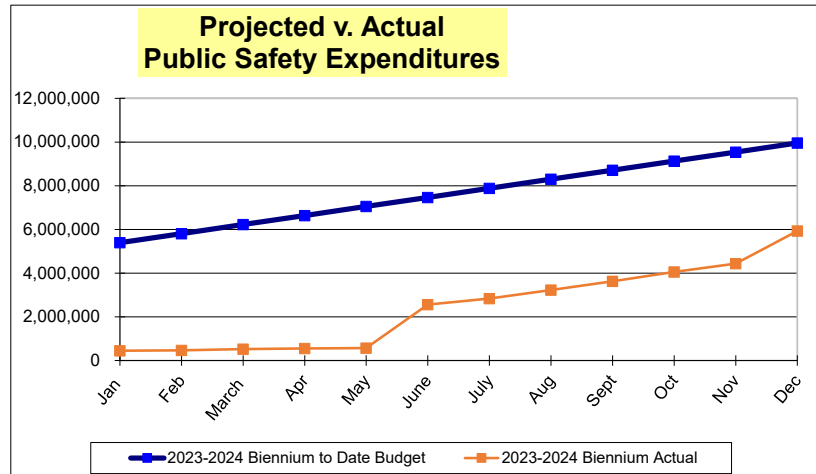
TRANSFERS TO OTHER FUNDS

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	789,260	428,000
Feb	874,972	428,000
March	960,685	428,000
Apr	1,046,397	428,000
May	1,132,109	428,000
June	1,217,821	428,000
July	1,303,533	428,000
Aug	1,389,246	428,000
Sept	1,474,958	428,000
Oct	1,560,670	428,000
Nov	1,646,382	428,000
Dec	1,732,095	1,581,029
2023-24	2,057,093	1,581,029
Year To Date		
Actual v. Projected		91%



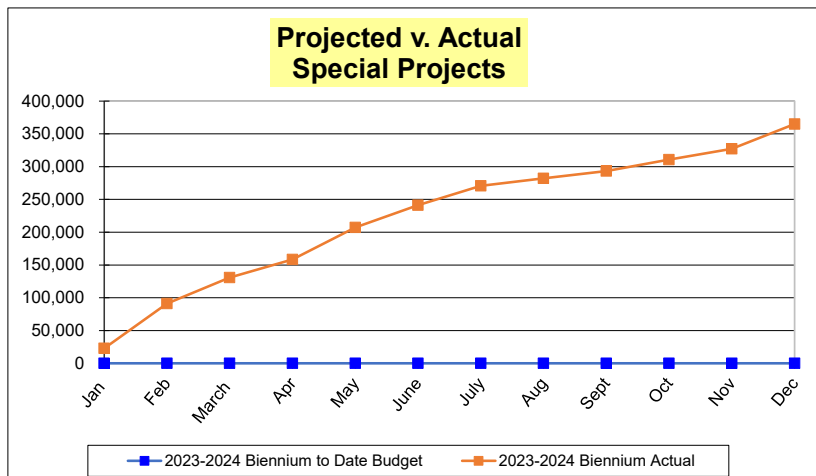
PUBLIC SAFETY

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	5,393,349	448,795
Feb	5,808,222	463,538
March	6,223,095	524,255
Apr	6,637,968	554,985
May	7,052,841	574,854
June	7,467,714	2,557,538
July	7,882,586	2,839,878
Aug	8,297,459	3,230,470
Sept	8,712,332	3,624,271
Oct	9,127,205	4,052,829
Nov	9,542,078	4,433,485
Dec	9,956,950	5,927,639
2023-24	9,956,950	5,927,639
Year To Date		
Actual v. Projected		60%



SPECIAL PROJECTS

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	0	22,781
Feb	0	91,285
March	0	130,797
Apr	0	158,536
May	0	207,414
June	0	241,325
July	0	270,655
Aug	0	282,022
Sept	0	293,310
Oct	0	310,835
Nov	0	327,389
Dec	0	365,024
2023-24	0	365,024
Year To Date		
Actual v. Projected		0%

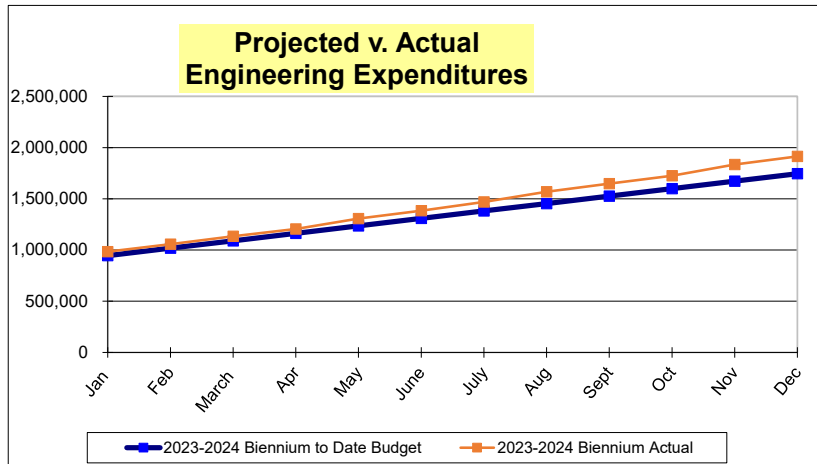


City of Kenmore
General Fund Expenditure Graphs
December 31, 2024

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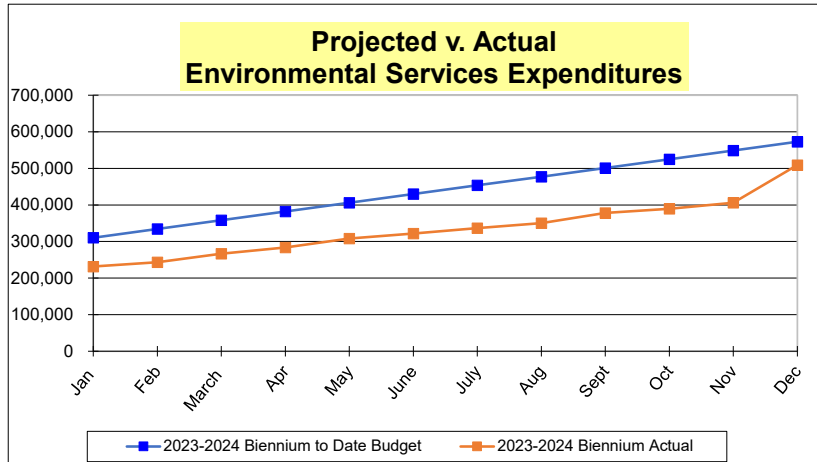
ENGINEERING

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	945,211	984,225
Feb	1,017,923	1,056,448
March	1,090,634	1,133,638
Apr	1,163,345	1,206,131
May	1,236,056	1,308,019
June	1,308,768	1,383,402
July	1,381,479	1,469,383
Aug	1,454,190	1,569,997
Sept	1,526,901	1,648,761
Oct	1,599,613	1,725,227
Nov	1,672,324	1,834,852
Dec	1,745,035	1,914,199
2023-24	1,745,035	1,914,198
Year To Date		
Actual v. Projected		110%



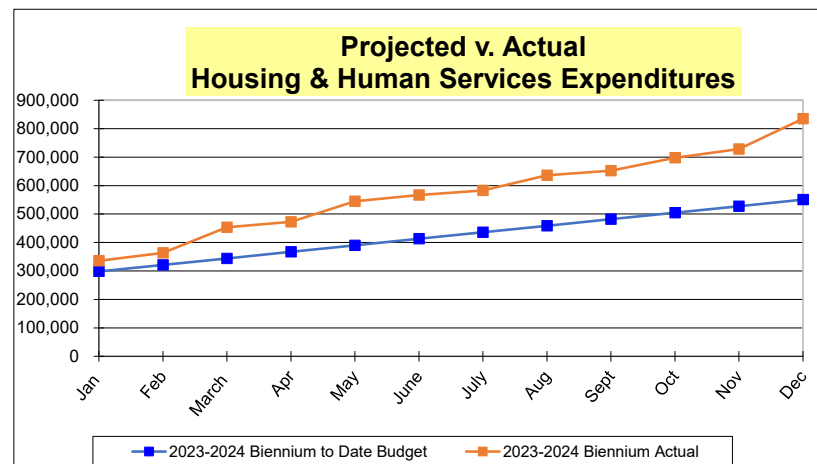
Environmental Services

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	310,284	231,695
Feb	334,151	243,469
March	358,019	266,919
Apr	381,886	283,991
May	405,754	308,097
June	429,621	321,967
July	453,488	336,749
Aug	477,354	350,110
Sept	501,221	377,960
Oct	525,087	389,306
Nov	548,954	405,997
Dec	572,820	509,093
2023-24	572,820	509,093
Year To Date		
Actual v. Projected		89%



Housing & Human Services

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	298,298	335,558
Feb	321,244	363,362
March	344,190	453,602
Apr	367,135	472,251
May	390,081	544,838
June	413,027	566,667
July	435,973	583,085
Aug	458,919	636,234
Sept	481,865	652,486
Oct	504,810	697,937
Nov	527,755	728,118
Dec	550,700	835,167
2023-24	550,700	835,167
Year To Date		
Actual v. Projected		152%

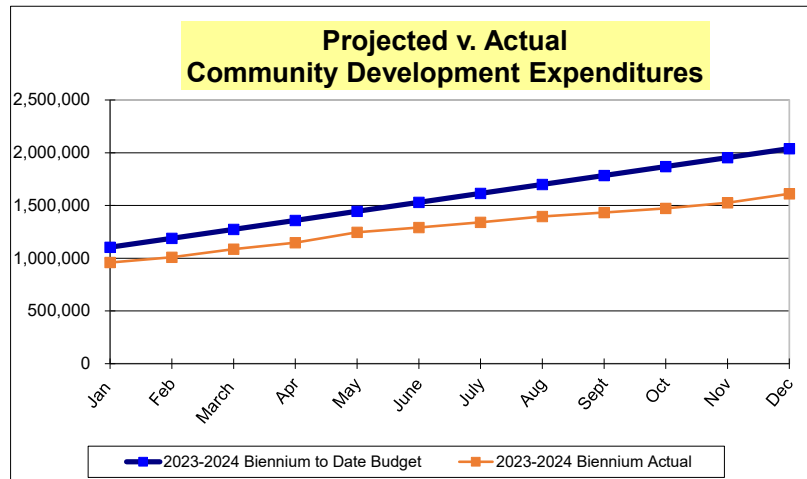


City of Kenmore
General Fund Expenditure Graphs
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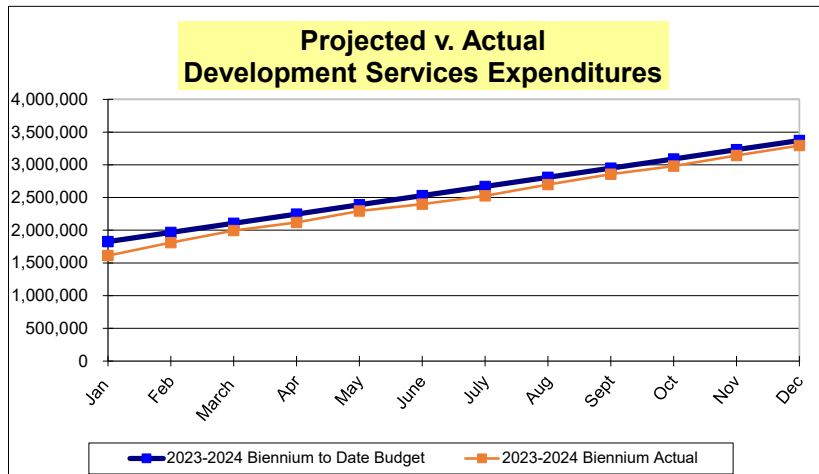
COMMUNITY DEVELOPMENT

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,104,311	958,926
Feb	1,189,258	1,009,546
March	1,274,204	1,086,476
Apr	1,359,151	1,147,317
May	1,444,098	1,245,459
June	1,529,045	1,291,866
July	1,613,992	1,340,571
Aug	1,698,938	1,396,257
Sept	1,783,885	1,433,534
Oct	1,868,831	1,473,286
Nov	1,953,777	1,526,608
Dec	2,038,723	1,610,804
2023-24 Year To Date	2,038,723	1,610,804
Actual v. Projected		79%



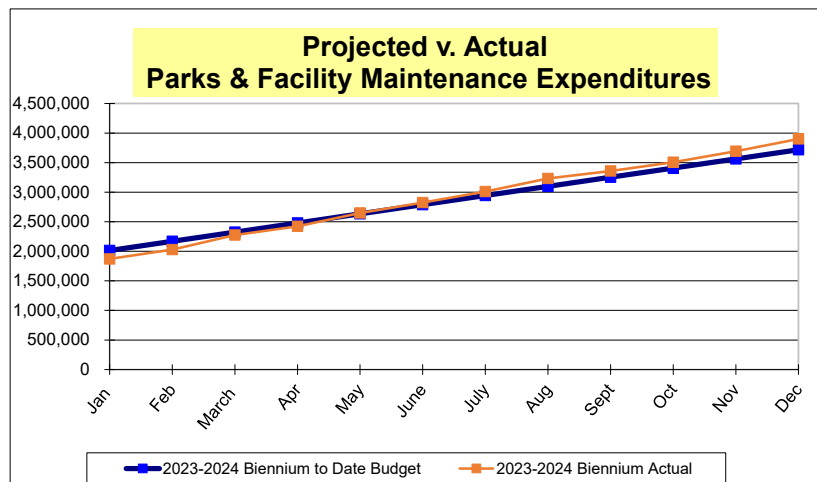
DEVELOPMENT SERVICES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	1,826,006	1,612,423
Feb	1,966,467	1,812,198
March	2,106,929	1,994,686
Apr	2,247,390	2,119,804
May	2,387,852	2,294,064
June	2,528,313	2,399,198
July	2,668,774	2,526,412
Aug	2,809,234	2,696,947
Sept	2,949,695	2,855,413
Oct	3,090,155	2,979,901
Nov	3,230,616	3,143,944
Dec	3,371,076	3,294,762
2023-24 Year To Date	3,371,076	3,294,762
Actual v. Projected		98%



PARKS & FACILITY MAINTENANCE

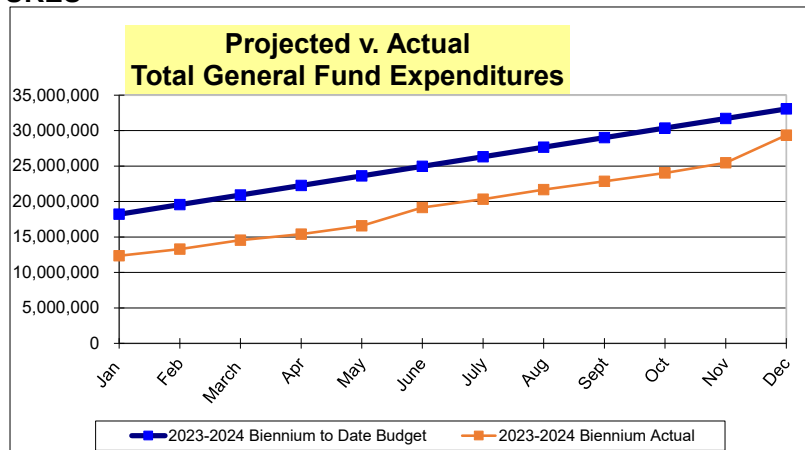
	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	2,013,531	1,871,954
Feb	2,168,417	2,028,432
March	2,323,304	2,273,517
Apr	2,478,190	2,421,443
May	2,633,077	2,649,413
June	2,787,963	2,822,748
July	2,942,849	3,008,769
Aug	3,097,734	3,233,494
Sept	3,252,620	3,358,741
Oct	3,407,505	3,504,758
Nov	3,562,391	3,693,806
Dec	3,717,276	3,899,277
2023-24 Year To Date	3,717,276	3,899,277
Actual v. Projected		105%



City of Kenmore
General Fund Expenditure Graphs
December 31, 2024

TOTAL GENERAL FUND EXPENDITURES

	2023-2024 Biennium to Date Budget	2023-2024 Biennium Actual
Jan	18,207,863	12,354,454
Feb	19,558,179	13,284,286
March	20,908,495	14,549,490
Apr	22,258,811	15,391,798
May	23,609,126	16,591,599
June	24,959,442	19,160,047
July	26,309,754	20,320,323
Aug	27,660,066	21,689,201
Sept	29,010,376	22,848,383
Oct	30,360,685	24,039,230
Nov	31,710,994	25,475,657
Dec	33,061,303	29,363,347
2023-24 Year To Date	33,386,301	29,363,347
Actual v. Projected		89%



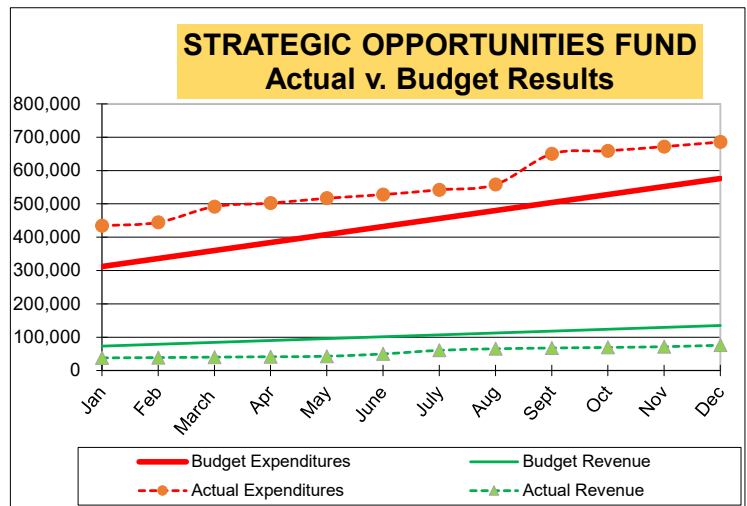
City of Kenmore
Street Fund Summary Report
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CURRENT PERIOD 2023 - 2024				
	4th Quarter	BIENNIUM TO	% of	BUDGET
	<u>2024</u>	<u>DATE</u> <u>2023-2024</u>	<u>BUDGET</u>	<u>2023-2024</u>
REVENUES				
Beginning Fund Balance		2,270,562		2,270,562
Fuel Tax	104,850	820,388	89.4%	917,905
Investment Interest	37,752	180,509	902.5%	20,000
Miscellaneous	33,725	43,887	731.4%	6,000
ROW Permit Fees/Inspections	20,765	348,629	143.1%	243,612
Multimodal Transportation	7,765	62,343	97.5%	63,948
MVA Transpo City	6,795	54,550	134.4%	40,602
Transfer from General Fund	500,000	900,000	48.4%	1,858,313
Transfer from TBD	730,000	1,180,000	100.0%	1,180,000
Total Revenues	1,441,652	3,590,306	82.9%	4,330,380

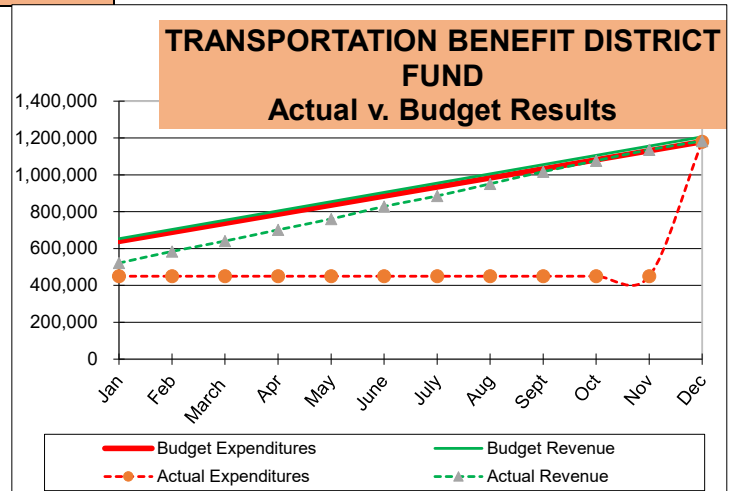
CURRENT PERIOD 2023 - 2024				
	4th Quarter	BIENNIUM TO	% of	BUDGET
	<u>2024</u>	<u>DATE</u> <u>2023-2024</u>	<u>BUDGET</u>	<u>2023-2024</u>
EXPENDITURES				
Salary and Benefits	263,166	1,574,118	94.0%	1,675,300
Maintenance & Operations	387,761	1,771,216	88.6%	1,998,800
Capital	0	79,379	144.3%	55,000
Transfer to PW Shop Fund	0	52,000	95.1%	54,682
Total Expenditures	650,927	3,476,713	91.9%	3,783,782
Revenue over (under) Expenditures	790,725	113,593		546,598
Ending Fund Balance		2,384,155		2,817,160

STRATEGIC OPPORTUNITIES FUND				
	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	312,000	434,303	73,138	37,821
Feb	336,000	444,494	78,764	38,774
March	360,000	491,833	84,389	40,109
Apr	384,000	501,977	90,015	41,291
May	408,000	516,832	95,641	42,737
June	432,000	527,733	101,267	49,693
July	456,000	542,149	106,892	60,501
Aug	480,000	557,986	112,518	65,142
Sept	504,000	649,956	118,144	67,467
Oct	528,000	659,221	123,769	69,240
Nov	552,000	671,773	129,393	71,385
Dec	576,000	685,579	135,018	75,857
2023-24 Total Actual to Date vs Total Budget	576,000	119%	135,018	56%



The purpose of the Strategic Opportunities Fund is to have funds available for the City to make key investments or take advantage of strategic opportunities as they present themselves.

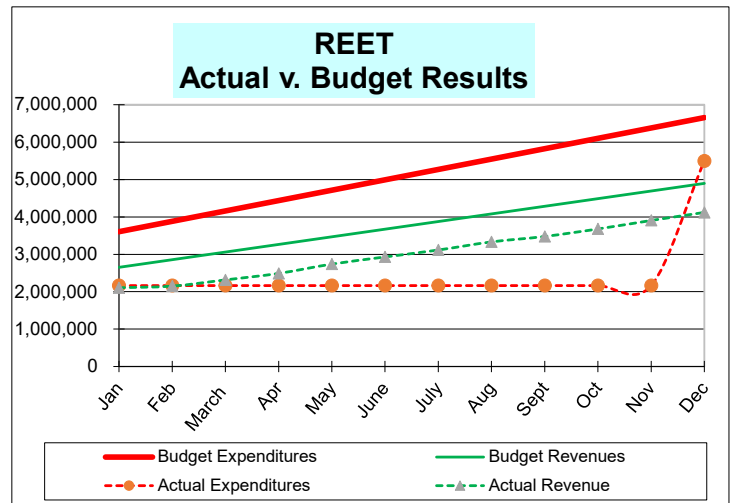
TRANSPORTATION BENEFIT DISTRICT FUND				
	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	639,171	450,000	653,419	521,481
Feb	688,337	450,000	703,681	584,622
March	737,504	450,000	753,944	640,848
Apr	786,671	450,000	804,207	701,745
May	835,837	450,000	854,470	760,815
June	885,004	450,000	904,732	828,370
July	934,171	450,000	954,995	885,639
Aug	983,337	450,000	1,005,258	951,413
Sept	1,032,503	450,000	1,055,519	1,017,332
Oct	1,081,669	450,000	1,105,781	1,076,589
Nov	1,130,834	450,000	1,156,043	1,136,276
Dec	1,180,000	1,180,000	1,206,305	1,183,695
2023-24 Total Actual to Date vs Total Budget	1,180,000	100%	1,206,305	98%



The Transportation Benefit District fund accounts for the \$40 vehicle license tab fees levied on vehicles located in the Kenmore city limits. The fee was increased from \$20 to \$40 in late 2023. The revenue generated will be used in maintaining the City's transportation system.

REAL ESTATE EXCISE TAX FUND

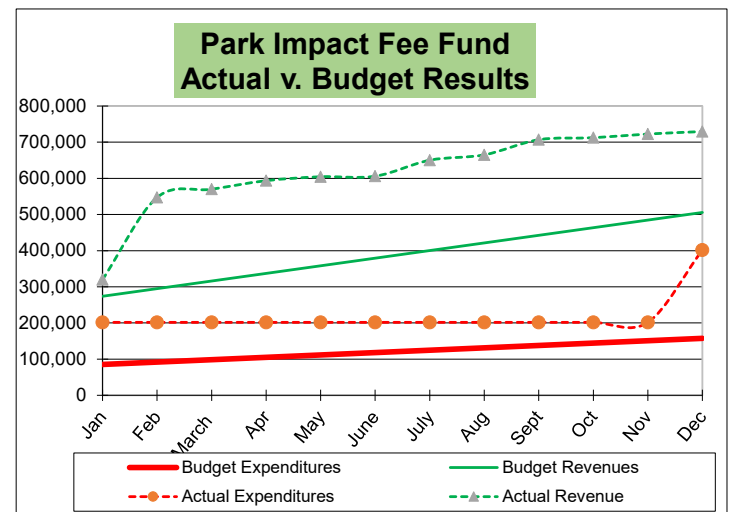
	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	3,604,900	2,163,622	2,652,091	2,105,710
Feb	3,882,200	2,163,622	2,856,098	2,149,867
March	4,159,500	2,163,622	3,060,105	2,315,946
Apr	4,436,800	2,163,622	3,264,112	2,489,696
May	4,714,100	2,163,622	3,468,119	2,738,433
June	4,991,400	2,163,622	3,672,126	2,928,987
July	5,268,700	2,163,622	3,876,133	3,115,036
Aug	5,546,000	2,163,622	4,080,140	3,331,818
Sept	5,823,300	2,163,622	4,284,147	3,477,378
Oct	6,100,600	2,163,622	4,488,154	3,677,764
Nov	6,377,900	2,163,622	4,692,161	3,904,598
Dec	6,655,201	5,495,452	4,896,168	4,119,911
2023-24	6,655,201		4,896,168	
Total Actual to Date vs Total Budget		83%		84%



The Real Estate Excise Tax Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include transfers to the Park Capital Fund for park improvements and Transportation Capital Fund for transportation improvements.

PARK IMPACT FEE FUND

	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	85,319	201,725	273,910	320,077
Feb	91,881	201,725	294,979	547,093
March	98,444	201,725	316,049	569,825
Apr	105,006	201,725	337,118	593,566
May	111,569	201,725	358,188	604,443
June	118,131	201,725	379,258	605,946
July	124,693	201,725	400,327	650,204
Aug	131,254	201,725	421,396	665,032
Sept	137,816	201,725	442,464	706,903
Oct	144,377	201,725	463,533	712,377
Nov	150,939	201,725	484,601	722,623
Dec	157,500	401,725	505,670	729,445
2023-24	157,500		505,670	
Total Actual to Date vs Total Budget		255%		144%

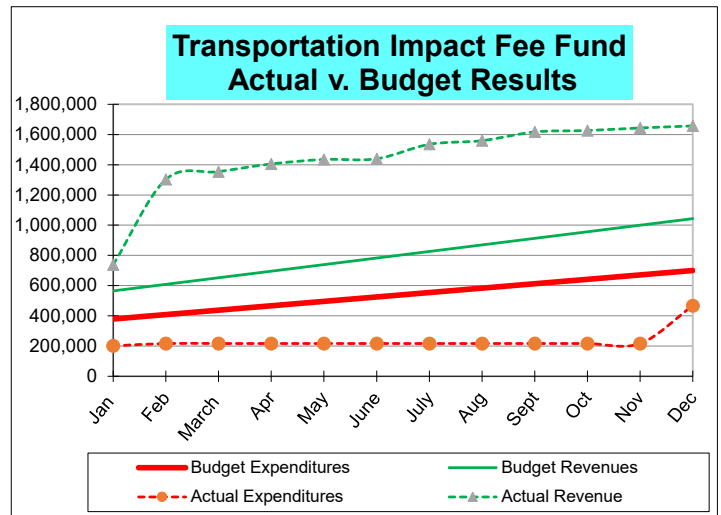


This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements.

TRANSPORTATION IMPACT FEE FUND

	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	379,171	200,890	565,136	738,604
Feb	408,337	216,856	608,609	1,302,658
March	437,504	216,856	652,081	1,354,114
Apr	466,671	216,856	695,553	1,405,402
May	495,837	216,856	739,025	1,434,825
June	525,004	216,856	782,498	1,439,640
July	554,171	216,856	825,970	1,535,313
Aug	583,337	216,856	869,442	1,559,432
Sept	612,503	216,856	912,914	1,617,142
Oct	641,669	216,856	956,388	1,626,623
Nov	670,834	216,856	999,861	1,643,485
Dec	700,000	466,856	1,043,334	1,657,014
2023-24	700,000		1,043,334	
Total Actual to Date vs Total Budget		67%		159%

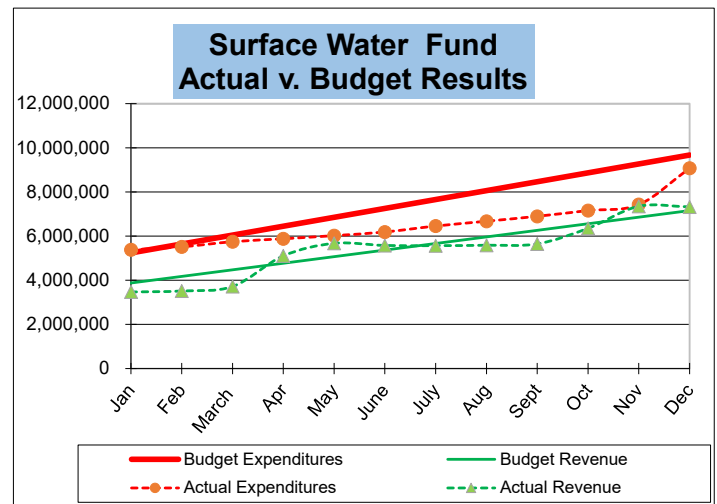
This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.



SURFACE WATER MANAGEMENT FUND

	2023-2024 Budget Expenditures	2023-2024 Actual Expenditures	2023-2024 Budget Revenue	2023-2024 Actual Revenue
Jan	5,238,766	5,384,725	3,875,989	3,468,896
Feb	5,641,747	5,513,372	4,174,141	3,513,940
March	6,044,729	5,746,178	4,472,294	3,717,775
Apr	6,447,710	5,878,688	4,770,447	5,103,747
May	6,850,692	6,021,571	5,068,600	5,671,792
June	7,253,673	6,186,287	5,366,752	5,576,096
July	7,656,654	6,455,770	5,664,905	5,568,037
Aug	8,059,634	6,673,485	5,963,058	5,586,346
Sept	8,462,615	6,896,415	6,261,209	5,647,115
Oct	8,865,595	7,158,655	6,559,361	6,352,367
Nov	9,268,576	7,426,635	6,857,513	7,352,012
Dec	9,671,557	9,076,386	7,155,665	7,322,649
2023-24	9,671,557		7,155,665	
Total Actual to Date vs Total Budget		94%		102%

This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.



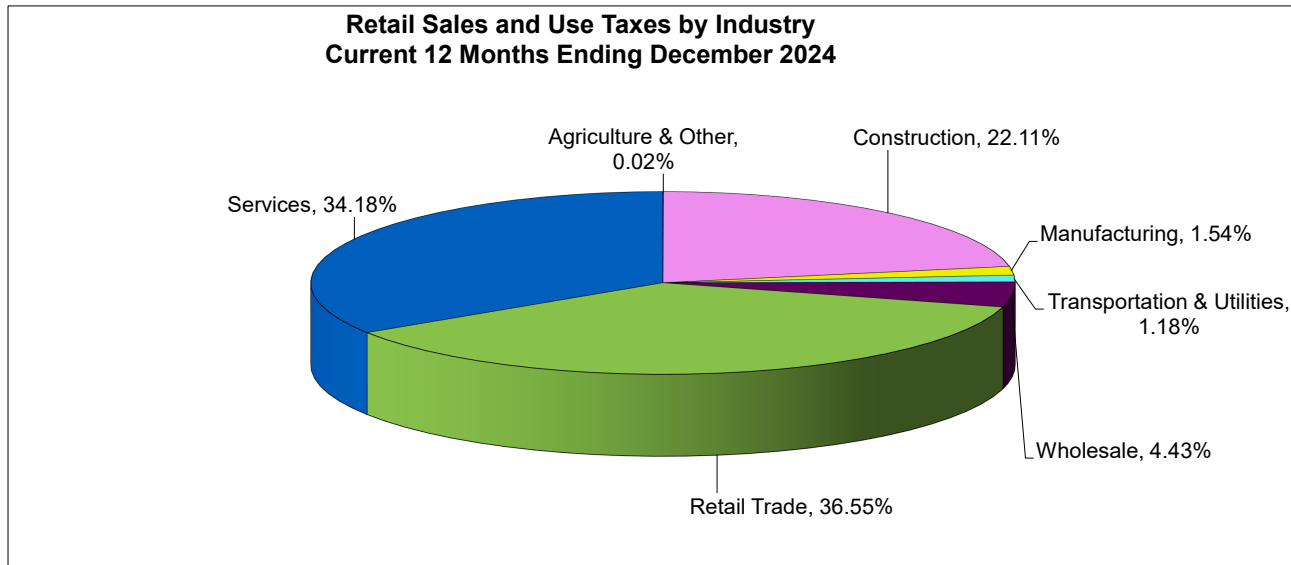
**City of Kenmore
Investment Schedule
December 31, 2024**

Average Yield to Maturity-Securities								Average Yield	3.61%
Investment #	Type	Purchase Date	Maturity Date	Rate	Yield	Principal or Balance	Yield Equivalents		
Time Value Investments									
3130AQTTO	FHLB	3/2/2022	2/28/2025	1.55%	1.67%	1,494,768.00	24,962.63		
912828XB1	US TREAS	12/4/2023	5/15/2025	2.13%	4.56%	1,497,687.50	68,294.55		
912828R36	US TREAS	1/17/2024	5/15/2026	1.63%	3.98%	996,479.38	39,659.88		
912828YU8	US TREAS	9/17/2024	11/30/2026	1.63%	3.34%	997,677.90	33,322.44		
91282CBS9	US TREAS	3/26/2024	3/31/2028	1.25%	4.20%	1,485,163.35	62,406.56		
91282CHK0	US TREAS	7/16/2024	6/30/2028	4.00%	4.16%	1,491,328.13	62,039.25		
91282CEB3	US TREAS	9/17/2024	2/28/2029	1.88%	3.35%	995,870.00	33,361.65		
Total TVI Purchases						8,958,974.26	324,046.96		
Banner Checking and Savings					0.02%	6,158,666.38	1,231.73		
Pacific Premier Savings					4.77%	3,547,489.07	169,215.23		
LGIP - Primary Account					4.60%	16,106,995.54	740,921.79		
LGIP - Bond Proceeds Account					4.58%	12,625,524.92	578,249.04		
						38,438,675.91	1,489,617.80		
Total Accounts							\$ 47,397,650.17	\$ 1,813,664.75	

City of Kenmore
Retail Sales and Use Tax Distribution
December 31, 2024

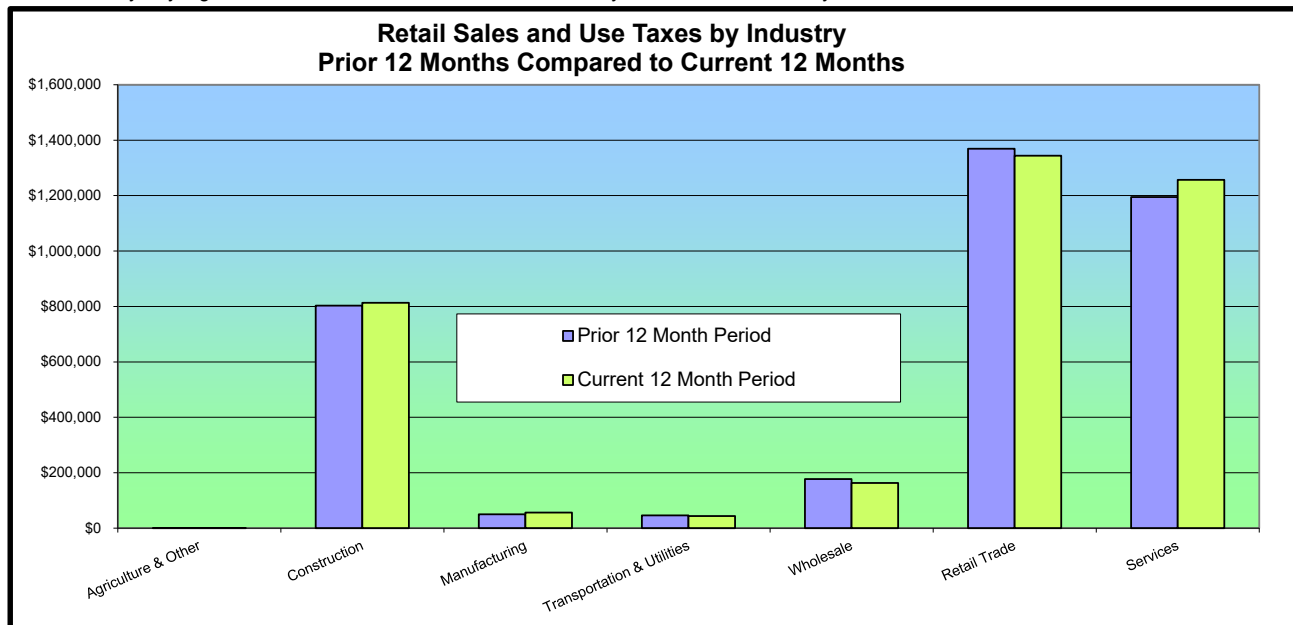
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Industry	Prior 12 Months ending December 2023	Current 12 Months ending December 2024	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$823	\$584	-29.02%	0.02%
Construction	802,714	813,099	1.29%	22.11%
Manufacturing (Printing, Publishing, Other Manuf.)	50,266	56,480	12.36%	1.54%
Transp/Comm/Utilities (Telecomm., Air Transport.)	45,769	43,560	-4.83%	1.18%
Wholesale (Lumber, Other Wholesale)	177,430	163,027	-8.12%	4.43%
Retail Trade (Eating, Merchandise, Food Stores)	1,368,800	1,344,088	-1.81%	36.55%
Services (Auction, Recreation, Auto Repair, Financial)	1,195,168	1,256,970	5.17%	34.18%
Totals	<u>\$3,640,970</u>	<u>\$3,677,809</u>	<u>1.01%</u>	100%
Increase/(Decrease)		<u>\$36,838</u>	<u>1.01%</u>	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



CITY OF KENMORE

Finance

GENERAL & OTHER REVENUE FUNDS

Year To Date as of 12/31/2024
100% of Biennium Elapsed

April 21, 2025



REVENUES– General Fund, 12/31/2024

<u>REVENUES</u>	<u>BTD 12/31/24</u>	<u>23-24 Budget</u>	<u>%</u>
Property Taxes	11,535,469	11,493,841	100.4%
Sales and Use Taxes	7,319,235	7,231,794	101.2%
Utility Taxes	4,476,848	4,400,745	101.7%
Other Taxes	402,761	270,010	149.2%
Development Fees & Permits	4,057,188	2,458,416	165.0%
Franchise Fees	1,754,134	1,807,003	97.1%
Intergovernmental and Grants	3,085,524	3,075,004	100.3%
Investment Interest	691,923	300,000	230.6%
Transfers and Other Revenues	2,071,169	1,930,445	107.3%
Total Revenues	35,394,250	32,967,258	107.4%



EXPENDITURES – General Fund, 12/31/2024

<u>EXPENDITURES</u>	<u>BTD 12/31/24</u>	<u>23-24 Budget</u>	<u>%</u>
<u>Cost Center</u>			
City Council	436,524	405,013	107.8%
City Manager	3,853,857	3,640,924	105.8%
City Clerk	1,034,080	978,750	105.7%
Finance	2,955,953	3,141,637	94.1%
Human Resources	219,959	510,304	43.1%
Legal	925,980	700,000	132.3%
Interfund Transfers/Non Department	1,581,029	2,057,093	76.9%
Public Safety	5,927,639	9,956,950	59.5%
Special Projects	365,024	0	#DIV/0!
Engineering	1,914,198	1,745,035	109.7%
Environmental Services	509,093	572,820	88.9%
Housing & Human Services	835,167	550,700	151.7%
Community Development	1,610,804	2,038,723	79.0%
Developmental Services	3,294,762	3,371,076	97.7%
Parks & Facility Maintenance	3,899,277	3,717,276	104.9%
Total Expenditures	29,363,347	33,386,301	88.0%
Excess (deficiency) of Revenues over Expenditures	6,030,903	(419,043)	



General Fund Reserves

20% Fund Balance Requirement - 2024	\$3.3 million
Actual Fund Balance - 12/31/2024	\$9.6 million

Reserve Policy

City shall maintain reserves of not less than 20% of annual operating expenditures

- To offset revenue shortfalls
- For unanticipated emergencies



INVESTMENT SCHEDULE, 12/31/24

Purchase Date		Maturity Date	Rate	Yield		Principal or Balance	Yield Equivalents
Time Value Investments							
(Bonds)	3/2/2022	2/28/2025	1.55%	1.67%		\$ 1,494,768	\$ 24,963
	12/4/2023	5/15/2025	2.13%	4.56%		1,497,688	68,295
	1/17/2024	5/15/2026	1.63%	3.98%		996,479	39,660
	9/17/2024	11/30/2026	1.63%	3.34%		997,678	33,322
	3/26/2024	3/31/2028	1.25%	4.20%		1,485,163	62,407
	7/16/2024	6/30/2028	4.00%	4.16%		1,491,328	62,039
	9/17/2024	2/28/2029	1.88%	3.35%		995,870	33,362
Total TVI Purchases	Average Yield 3.61%					\$ 8,958,974	\$ 324,047
Banner Checking and Savings				0.02%		6,158,666	1,232
Pacific Premier Savings				4.77%		3,547,489	169,215
LGIP - Primary Account				4.60%		16,106,996	740,922
LGIP - Bond Proceeds Account				4.58%		12,625,525	578,249
Total Liquid Accounts						\$ 38,438,676	\$ 1,489,618
Total Accounts						\$ 47,397,650	\$ 1,813,665



STREET FUND REVENUES, 12/31/2024

<u>REVENUES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
Fuel Tax	820,388	917,905	89.4%
Investment Interest	180,509	20,000	902.5%
Miscellaneous	43,887	6,000	731.4%
ROW Permit Fees/Inspections	348,629	243,612	143.1%
Multimodal Transportation	62,343	63,948	97.5%
MVA Transpo City	54,550	40,602	134.4%
Transfer from General Fund	900,000	1,858,313	48.4%
Transfer from TBD	1,180,000	1,180,000	100.0%
Total Revenues	3,590,306	4,330,380	82.9%



STREET FUND EXPENDITURES, 12/31/2024

<u>EXPENDITURES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
Salary and Benefits	1,574,118	1,675,300	94.0%
Maintenance & Operations	1,771,216	1,998,800	88.6%
Capital	79,379	55,000	144.3%
Transfer to PW Shop Fund	52,000	54,682	95.1%
Total Expenditures	3,476,713	3,783,782	91.9%
Excess (deficiency) of Revenues over Expenditures	113,593	546,598	



Kenmore Automated Photo Enforcement (KAPE) Fund 105

<u>REVENUES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
Photo Enforcement Infractions	\$ 921,429	\$ 800,000	115.2%
Total Revenues*	\$ 921,429	\$ 800,000	115.2%
*\$218K in 2023 and \$703K in 2024			
<u>EXPENDITURES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
Salary and Benefits	\$ 284,618	\$ 261,200	109.0%
KAPE program costs (VM)	290,242	200,000	145.1%
Traffic Safety Program	55,342	-	#DIV/0!
Supplies, Travel, Other	13,155	-	#DIV/0!
Transfer to Transportation Capital	250,000	280,000	89.3%
Total Expenditures	893,357	741,200	120.5%
Excess (deficiency) of Revenues over Expenditures	\$ 28,072	\$ 58,800	



Public Works Operations Center (PWOC) Fund 307

<u>REVENUES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
Banner Bank LTGO Bond	\$ 4,017,272	\$ 4,000,000	100.4%
Bond Proceeds (new 2024)	12,719,740	12,500,000	101.8%
Investment Interest	26,174	-	#DIV/0!
Fund Transfers	2,372,142	2,375,604	99.9%
Total Revenues	\$ 19,135,328	\$ 18,875,604	101.4%
<u>EXPENDITURES</u>	<u>BTD 12/31/24</u>	<u>23-24 BUDGET</u>	<u>%</u>
PW Operations Center Construction	881,156	16,350,000	5.4%
Debt payments, bank fees, interest	1,093,259	2,375,604	46.0%
Supplies, Travel, Other	10,759	-	#DIV/0!
Transfer to General Fund	76,056	150,000	50.7%
Total Expenditures	2,061,230	18,875,604	10.9%
Excess (deficiency) of Revenues over Expenditures	\$ 17,074,098	\$ -	



SURFACE WATER MANAGEMENT

Fund 401

Fund 401	Biennium to Date 12/31/24	Budget 2023-2024	%
Storm Drain Fees	\$ 6,994,415	\$ 7,107,090	98%
Expenses*	\$ 9,076,386	\$ 9,671,557	94%
*All Fund 401 expenses are included in this line item.			

- SWM has a cash balance of over \$2.5 million as of 12/31/2024



IMPACT FEE REVENUE FUNDS

FUND	Biennium to Date 12/31/24	Budget 2023-2024	%	Cash Balance
Park Impact Fees	\$729,445	\$505,670	144%	\$422,650
Transportation Impact Fees	\$1,657,014	\$1,043,334	159%	\$1,567,042



REET / TBD FEE REVENUE FUNDS

FUND	Biennium to Date 12/31/24	Budget 2023-2024	%	Cash Balance
REET				
Fees Used for Trans, Parks & Facilities Cap	\$4,033,151	\$4,896,168	82%	\$1,488,766
TBD				
Fees Used for Road Maint	\$1,183,695	\$1,206,305	98%	\$155,218



2023-2024 Biennium Summary

- General Fund revenues are above budget at 107.4%
- General Fund expenditures are below budget at 88.0%
- Interest revenue brought in almost \$692K for the GF or 230.6% of budget
- Development Fees & Permits revenue came in at 165.0% of budget
- Public Safety costs low due to use of ARPA funds in 2023
- New debt issued for PWOC late 2024, \$12.7 million
- Other funds tracking as expected



For comments and questions:

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425 398 8900 (x6190)

