

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - PO Box 82607, Kenmore WA 98028 - Phone: 425-398-8900 - Fax: 425-481-3236

City of Kenmore
City Council Special Workshop Agenda
6:00 p.m., Tuesday, June 28, 2011
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Avenue NE, Kenmore. The agendas are also available on our website at: www.kenmorewa.gov. Our public meetings are accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) days prior to the meeting.

I. CALL TO ORDER - 6:00 p.m.

II. BUSINESS AGENDA

- A. Administrative Amendments to Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) of the Kenmore Municipal Code - Debbie Bent, Director of Planning & Community Development and Lauri Anderson, Senior Planner

III. ADJOURNMENT

Upcoming Meetings:

July 11, 2011 Monday Council Meeting



The City of Kenmore

18120 68TH AVENUE NE PO Box 82607
KENMORE, WASHINGTON 98028

MEMO

TO: Frederick Stouder, City Manager

FROM: Debbie Bent, Director of Planning & Community Development *DB*
Lauri Anderson, Senior Planner *LR*

DATE: June 24, 2011

SUBJECT: Administrative Amendments to Title 17 (Land Division), Title 18 (Zoning) and Title 19 (Planning Policies and Procedures) of the Municipal Code

City staff has prepared responses to Council questions raised at the June 13 meeting introducing the code amendment project, as well as those comments provided by e-mail after the meeting.

At the workshop on June 28, staff will be prepared to further discuss the proposed amendments with councilmembers. By the end of the workshop, staff will be asking for Council direction on next steps, whether additional workshops are needed, or whether additional time is needed for councilmembers to provide comments, or if Council is ready to schedule a public hearing.

Questions/Suggestions (with staff responses)

Title 17

- 1. Section 17.10.150, Definition of "financial guarantee," p. 4. Shouldn't the definition of financial guarantees be the same throughout our city documents? This definition does not match the one in 18.20.1050 (p. 42).**

Ideally, yes, the definitions would match. In this particular case, staff could amend the definitions to match. Unfortunately, there may be other instances where the definitions do not match as the words are used differently in the titles. For example, "alteration" in Title 17 (p. 2) means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof... "Alteration" in Title 18 (p. 24) means any human-induced change in an existing condition of a critical area or its buffer.

- 2. Section 17.15.040, Exemptions – Subdivision and short subdivision, p. 8. What is the relevance of lots or tracts that are one-one-hundred-twenty-eighth of a section?**

The exemptions in this section match the State exemptions identified in RCW 58.17.040.

3. **Section 17.15.150.B, Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans, p. 12.** This section makes reference to a checklist. Should this checklist be scanned into this document so that a new customer reading this document would know what was required and documented in Title 17? This leads to a bigger perspective of "checklist development" in all Titles we are reviewing. Should we take the time to develop these checklists now, and incorporate them where mentioned in these documents? Referencing application checklists in general, will this be a standard checklist with the same requirements going out to all applicants or a living document which change as situations differ. I'd like to see a standard and not a changeable checklist being utilized.

Staff is recommending that application requirements in all titles become administrative documents maintained by the Department of Land Development and Permitting (existing checklist included as Attachment 1 as a sample). Although the checklists are identical for each applicant, there may be general items required on a checklist that are not necessary for a particular application. Allowing the flexibility to eliminate such an item saves time and money for an applicant.

Putting application requirements into the codes makes a code amendment necessary each time a submittal requirement changes. For example, in 19.25.040 (p. 24), the existing text about submittal requirements asks for a certificate of sewer availability from the Seattle-King County department of public health. Actually, this certificate comes from the Northshore Utility District. Making this change if the standard stayed in the title would require a code amendment. Using a checklist, managed administratively, makes such a change much less complicated.

4. **17.20.130, Lot segregations – Clustered development, p. 19. What is clustered development? Is it like condos or cottage housing? Is it defined and clarified somewhere else?**

Clustered development allows smaller lots in one portion of a development site, with larger lots or tracts in another part of the site (generally set aside for critical area protection). Overall development density does not increase. For example, if you owned enough land to create five lots without clustering, you might be able to create 5 smaller lots, "clustered" away from a wetland, with the balance of the land placed in a critical areas tract for protection. Clustered development is required in some parts of the city—for example along Swamp Creek—to allow a property owner to retain density but keep development away from the stream and wetlands. In the context of this code section, clustered development would likely be detached single-family residences on smaller lots. Staff will check for an appropriate definition of clustered development that could be included in the code.

5. **17.25.024, Subdivision and short subdivision improvements, p. 22, and 17.25.030 Final plat and final short plat review, p. 23. Comment 1: The new regulations requiring improvements be done early could be seen by developers as an extra up front cost and therefore a financial burden like paying impact fees up front. Comment 2: Have we heard anything from the building trade on this proposed change? Seems like a great thing for the city but this could be a downer for anyone considering future construction in our city.**

The new standards would require that subdivision improvements be completed before any lots can be sold. Developers may view this as an extra up front cost as they would have to pay for plat improvements earlier in the process. On the other hand, they would avoid the extra time and cost of setting up financial guarantees for work they must do anyway (generally within two years of plat recording).

The benefit of the new standard is that lot purchasers (builders and/or homebuyers) do not run the risk of failed guarantees or delayed improvements. The city, too, would spend less time setting up and managing the paperwork associated with the guarantees—a cost-savings measure.

We have not heard from the building trade on this proposed change. We anticipate sending out the proposed amendments to participants in the city's Development Review Team (DRT) process prior to the public hearing.

6. Section 17.25.024, Subdivision and short subdivision improvements, p. 22. This section mentions additional financial guarantees in the event... Can you give me examples of that happening?

When an engineering permit is issued to authorize construction of subdivision improvements, financial guarantees valued at a percentage of the improvements are taken in to ensure performance of the work and/or restoration of the site if the work is not completed. The "additional financial guarantees" are required if the applicant wishes to record the plat prior to completing the work. At that point, the full value of the required improvements is required to be posted in a financial guarantee.

7. Section 17.25.030, Final plat and final short plat review, p. 23. Item D has been eliminated. Where will the applicant find the fees associated with his application? Will he need to go to another document to find this information? Same question on the next item, Item E. If this is deleted where will the applicant go to assess or respond to anticipated taxes and assessments?

All fees associated with development permit applications are identified in the city's fee schedule, which is adopted annually by the City Council. The application checklists note that fees are due and the amounts are calculated either at pre-application stage or at the time of application submittal.

Information on taxes and assessments is managed by King County. The city does not have a role in this process except to identify if delinquent taxes are due—shown on the title report submitted prior to recording the plat. If due, the County will not allow recording until the accounts are settled.

8. 17.30.010, Purpose (Binding site plan), p. 26. How are condominiums defined? Where are the regulations for them?

"Condominiums" are an ownership type, not a land use, and they are defined in 17.10.080 (p. 3). The condominium use is most commonly regulated in Title 18 under "dwelling unit, multiple-family" (18.20.835, p. 38)—either as an apartment (stacked units) or a townhouse (side-by-side units). Cottage housing may also be developed as condominiums. The land division code discusses condominiums because a binding site plan is one way to divide land for condominium ownership purposes.

Title 18

- 1. Yellow highlighted strikethrough sections, throughout. Please go over the process that ensured all deleted sections were inserted elsewhere. What caught my attention was 18.05.020 (p. 2) – an important section. Where was it moved to? I don't want to micro manage; I just want to understand your process.**

The process for yellow strikethrough highlighting was to relocate text (shown in yellow underline) where appropriate. Once moved, it's very possible that portions of the yellow underline text were amended (shown in green highlighting).

The text in 18.05.020 (p. 2) discussing notification to tribes was moved after 19.25.055 (p. 27), but still shows as yellow strikethrough because the existing text in the following section, 19.25.060.E.2.c (p. 28), requires that notices of application be mailed to the affected tribes, making the moved text duplicative. It would, perhaps, have been clearer to show the text on either p. 2 or on p. 27 in green strikethrough, as if it had been completely eliminated. This was not done, to provide a trail reflecting that the subject matter of the moved text could be found in an existing code section.

- 2. 18.20.1381, Definition of "human-scaled elements," p. 49. Please tell me when "human scaled elements" are used in the discussion on zoning? Is this a major topic? If so, when does it enter the conversation?**

"Human-scaled elements" are discussed in Chapter 18.52, Downtown Design Standards. 18.52.230 (p. 277) uses the term in describing structured parking standards.

- 3. 18.20.1671, Definition of "low impact development (LID)," p. 53. What is it called when neighbors agree to tax themselves for a sewer or sidewalk project? I thought it was a Local Improvement District which is abbreviated as an LID. It was confusing to see LID used to mean Low Impact Development. It may not matter if the first LID is not used in the context of development regulations.**

Traditionally, LID has meant Local Improvement District. In recent years, the acronym has been adopted to mean Low Impact Development for stormwater purposes. LID in the context of Title 18 means Low Impact Development and the alternative meaning is not used.

- 4. 18.20.3084, Definition of "hazard tree," p. 79. Does the reference to a qualified tree specialist refer to any tree that needs to be removed or just to the ones evaluated for "wind firmness"?**

The definition of hazard tree includes, but is not limited to, trees evaluated for "wind firmness" by a qualified tree protection professional. However, any tree proposed for removal or treatment as a hazard tree must be evaluated for 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. In some cases, it might be possible for this evaluation to be made by a layperson (for example, if a tree is split, with a portion overhanging a house). In other cases, professional evaluation may be required.

5. 18.20.1510, Definition of “kennel,” p. 51. Why the criteria of... “the age of 6 months.”?

This definition is a holdover from the King County code and staff is uncertain why this age was chosen. We will research this question.

6. 18.20.2170, Definition of “Public agency or utility office,” p. 62. Why without storage? Does City Hall meet this criteria?

The description of the office without “outdoor storage” (defined in 18.20.2887, p. 75) is to distinguish the use from “public agency or utility yard” (defined in 18.20.2180, p. 63). Outdoor storage of supplies and equipment is considered a more intensive use of a site than is an office use. In the Downtown Commercial zone, for example, a “public agency or utility office” is a conditionally permitted use. “Outdoor storage” is prohibited.

City Hall does not have outdoor storage, as defined.

7. Add “zero lot line development” to definitions.

Comment noted. Staff could develop a definition for Title 18 that cross-references to section 17.20.125, Lot segregations – Zero lot line development, p. 18, that sets out the standards for zero lot line development.

8. Where are the definitions for stream and wetland class?

The definitions of streams and wetlands are found in 18.20—specifically 18.20.2900, “Stream,” p. 76, and 18.20.3280, “Wetlands,” p. 83. The classification criteria are in 18.55, “Critical Areas.” 18.55.300, Designation and rating of wetlands, p. 297 discusses wetlands classification. 18.55.400, Designation and rating of streams, p. 302, discusses classification of streams. Staff recommends that these code sections remain unchanged as they are part of the adopted Shoreline Master Program currently under review by the Department of Ecology.

9. 18.21.020, Residential zones R1, R4 and R6 – Use allowances, Table A, pages 111 to 116. This table contains many items under Permitted Uses that should be removed such as Museums, Libraries, Recycling Facilities, etc. A major discussion is required. Too, Adult Entertainment should be added to “Prohibited.”

The uses in Table A have not been changed from the current standards. In other words, museums, libraries, and interim recycling facilities are presently allowed in the R1, R4 and R6 zones, subject to the development conditions in 18.21.020(B), pages 116-122. Putting the uses into the formats utilized by more recent zoning tables has disclosed a number of seeming inconsistencies in the use tables that the Council may wish to discuss. Staff has identified this discussion as part of a future work program project. Adult Entertainment Business presently is a prohibited use in these zones (see page 112).

10. 18.21.030, R1, R4 and R6 Residential zones zoning standards, p. 122. Are 75 foot high apartments allowed in residential neighborhoods?

Technically, yes, provided the apartments comply with the use, setback and height requirements. 18.21.020 Table A, pages 111 to 116 and 18.21.020.B (page 116), indicate that apartments are allowed in the R1, R4 and R6 zones as a permitted use only subject to residential density incentives or as a conditional use only in a building

listed on the National Register as an historic site or designated as a King County landmark. 18.21.030 (p. 122) states that the base height in the R1, R4 and R6 zones is 35 feet. Section 18.21.030.D.12 states that 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 that the maximum height may not exceed 75 feet.

The proposed amendments do not change the current use/setback/height requirements regarding apartments in the R1, R4, and R6 residential zones.

11. Has the error in the 2008 code for apartments been corrected? Provide a copy of information from 2008. Are there similar issues being addressed in the proposed amendments?

Yes, the codification error was corrected in February 2009 to correctly state the apartment use allowances in the R1, R4, R6 zones consistent with Ordinance 98-0026. Attached is a copy of the 10/17/08 City Manager's letter that responded to the question about where apartments can be built along with a copy of old section KMC 18.25.030 which incorrectly stated the apartment allowances. (See Attachments 2 and 3.) There are no similar codification errors being addressed in the proposed amendments.

12. 18.21.020.B.10, R1, R4 and R6 Development conditions, p. 117 and 18.21.040.F.5, R12, R18, R24, and R48 Development conditions, p. 130. Is meal provision a requirement for a bed and breakfast? Does one meal meet this requirement or is this an all meals criteria?

This provision does not require that a bed and breakfast guesthouse provide meals (although that is typical), but it does require that meals only be served to paying guests (no restaurant use permitted).

13. 18.21.030.D.1.a(1), R1, R4 and R6 Residential zones development conditions, p. 123. I'm not sure why we would allow anything more to be placed in a "floodplain?" Why are we doing this?

This footnote to the zoning standards means that in the R-1 zone, lots in a proposed subdivision or short subdivision must be clustered when the property is located within or contains a floodplain. In other words, the lots are to be clustered away from the critical area. (See response to Title 17, question 4, above.) This requirement should provide more protection for the floodplain and other critical areas. The city's current Food Damage Prevention rules (Title 16 of the Municipal Code) do not completely prohibit development in the floodplain.

14. 18.23.010, Community Business Zone Intent, p. 147. Why is this unit (Intent) included here and not in the previous zones? Should they be uniform? I really like the verbiage used in the CB zone and others.

Because of the format of the old zoning tables (now converted into the new tables), no intent section was written for the Residential, Neighborhood Business, or Regional Business zones. There is a general overview of the zones in 18.15.040, p. 8 which gives some indication of "intent." It also may be possible to craft intent statements for these zones using verbiage from the Comprehensive Plan. Discussion of "intent" could be part of a future work program addressing the commercially-zoned areas.

15. What is "cottage housing"?

The three Kenmore titles do not address cottage housing. According to Kirkland's zoning code, a cottage is "a detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area." A cottage housing development is typically a collection of small cottages, often with some "common" buildings or parking, managed through a condominium ownership. The City Council may wish to discuss cottage housing development in Kenmore as part of a future work program.

16. 18.30.050.B, Height – Measurement method, p. 191. What was the assumption behind requiring a survey to be conducted on building height?

This change was requested by the Building Official and Building Inspector as there have been cases over the past year when complaints were received about over-height buildings. The city does not have a surveyor on staff who can determine whether a project meets the height limit. This new requirement would place the burden of proving height (when a project is close to the maximum allowable) on the applicant.

17. Section 18.35.060, Landscaping along the Burke-Gilman public trail, p. 206. Looks like the only item left is item E. If this is true should it be labeled "A."

The staff proposal is to eliminate all subsection headings and just use the section title and text, as is done in 18.35.130, p. 210, for example. The subsection "A" can be retained, however, if desired by the Council.

18. 18.52.075.B, Design Review Process, p. 266. In the new process will there be room for a public hearing? It's not stated and I'm assuming it's not part of the new process but should something be said either way?

The process would not involve a public hearing unless it was required by the underlying permit (for example, if design review were required for a "Special Use" permit application). If desired by City Council, the "design departure" discussion could be revised to make it clear that a design departure is reviewed and processed following the permit procedures for the primary permit application, as is basic design review.

19. 18.105, Site Plan Review, p. 387. When this is reviewed I'd really like to understand this change better in more detail. No question yet, but better understanding is needed on my part. Request summary of city's response to the issues raised in Attachment 7 of time and enlargement of the CSDP code coverage areas.

Existing Chapter 18.90, Commercial Site Development Permit (CSDP), p. 370, applies to new multifamily development (3 or more units); new commercial, office and institutional development; new mixed use projects; and modifications which will result in an increased level of drainage review, an insufficient number of parking or loading spaces, a change in the number of ingress/egress points, increased peak hour traffic trips, or impacts to critical area or shoreline setbacks and buffers.

The purpose of the existing CSDP process is to provide a comprehensive site review process for an entire site (regardless of lot lines) to establish conditions prior to building, grading or engineering permit applications. The CSDP may include project phasing over a period of years and is the only comprehensive site plan

permit required by the city—all others are for “exceptions” to the rules (variance, reasonable use) or to address special requests (communication facilities, shoreline substantial development, conditional uses, etc.). The CSDP process, itself, does not contain criteria for approval of the permit, but ensures that all of the development standards for the site are met.

In many cases, the CSDP results in overlapping layers of review. For example, the standards reviewed through the CSDP are the same standards reviewed through the building permit. The unique aspect of the CSDP is that public notice and a comment period are required—not generally the case with a building permit.

In an effort to streamline the permit process, staff has attempted to further refine those locations in the city that, because of their location, size, proposed use, or scope merit a public review before a land use decision is issued. This has resulted in the new Site Plan Review process, 18.105, p. 387. The map associated with this chapter is found in the notebook as Attachment 6. Attachment 4 to this memo provides an abbreviated comparison of the CSDP and Site Plan Review processes.

The processing times for CSDP and Site Plan Review are probably identical. As with all land use permits, they must be processed within a maximum of 120 days of receipt of a complete application. The new Development Review Team (DRT) process has been designed to enhance predictability and reduce ongoing cycles of permit review—with the goal of ultimately reducing overall permit processing times.

The real time savings associated with this code change is for projects which no longer need a CSDP or Site Plan Review. For these projects, a land use approval is not required before building permit review.

As mentioned earlier, the geographic area for Site Plan Review was narrowly scoped to exclude as many properties as feasible, while still addressing those that could benefit from public review, primarily near downtown and along SR-522. Some of these sites would need Site Plan Review regardless of size. Others would need Site Plan Review only if a number of smaller properties were aggregated into a development site of 1-acre or larger. Whether Site Plan Review or a building permit is processed, the application is required to meet all code standards.

20. 18.73.110, Home occupation, p. 346; 18.73.120, Home industry, p. 347; 18.125, Enforcement, p. 396. What projects are these sections being revised under and why specifically these?

Addressing home occupations and home industries, in the context of a city business licensing and registration program, is part of a joint work program for the Department of Land Development and Permitting and the City Manager's Office for the 2011/2012 budget period. Amendments to the city's code enforcement standards, prepared by the Department of Land Development and Permitting, are scheduled for Council consideration within the next month.

21. 18.120.020.B.1, Master plans authorized, p. 394. What are the assumptions that have been made allowing for the proposal of Master plans for a minimum of 10 year planning period?

The 10-year time horizon for a Master Plan in the Parks, Golf Course, or Public and Semi-Public zones was adopted by the City Council in 2008. A Master Plan is defined in 18.20.1685 (p. 54) as a narrative and map describing *long-term* land uses. Reviewing the background file for the 2008 amendments, no discussion of the proposed 10-year horizon was found. An assumption can be made, however, that 10 years was chosen to reflect the long-term nature of the proposal.

Title 19

- 1. 19.25.090, Notice of decision, p. 32. Even with the 500 feet notification, we got a lot of complaints on the Community Business zoning issue that people up the hill from 181st were not notified. This sounds like there would be less notification. I am against that. We need to do everything we can to get citizens educated on issues that affect them closely.**

A "notice of application" is provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions subject to review under the State Environmental Policy Act (SEPA), as described in 19.25.060, p. 27. This public notice includes a minimum 21-day public notice period. A second public notice is sent out if a formal public hearing is required, to anyone who commented on the application or requested notice of the hearing. The notice required under 19.25.090 is the "notice of decision," which is sent out after the decision is made and is primarily to provide information on the appeals process. Staff is recommending that the notice of decision not be sent to individuals unless they submitted comments on the application at the time of the earlier notice of application (or during the hearing) or unless they specifically requested notice of the decision. It is highly unlikely that someone who was not actively following a permit process would want notice of how to appeal the final decision.

- 2. 19.35.060.A.1a-e, Categorical exemptions, p. 49. What were the assumptions made generating these changes considered significant? Were other jurisdictions reviewed or just staff's personal judgment or experience?**

The basic State Environmental Policy Act (SEPA) exemptions are set by the State in WAC 197-11-800. The State allows these exemptions to be increased to a maximum threshold that they have established, and these maximums are the staff recommendation. With the exception of Lake Forest Park, all other jurisdictions surveyed (Kirkland, Bothell, Redmond, and Shoreline) have increased at least one of the exemptions to the maximum allowable. For Shoreline and Bothell, the fill or excavation threshold has been increased to 500 cubic yards. Likewise Kirkland has increased their fill or excavation threshold to this maximum. Kirkland also has increased the residential structure exemption to 9 dwelling units (the same as their subdivision threshold). Redmond has increased all of their thresholds to the maximum allowable—comparable to what Kenmore staff is proposing.

General Questions (includes all titles)

- 1. General Question: Will these changes be grandfathered or will properties have to adhere to these changes when these are adopted?**

Whenever the code is changed, existing uses which conformed to the rules in effect at the time they were permitted are considered "legal, nonconforming uses" subject to 18.100.020 through 18.100.090 (pages 364-365), unless other code language

specifically provides alternative standards. Legal, nonconforming uses generally cannot be expanded or intensified, although the code sets out exceptions and identifies a conditional use permit as a means to expand an existing legal nonconformance.

The proposed code amendments are targeted mostly to new development and would not be likely to create nonconformances. One exception would be the prohibition on keeping roosters in the city. New language in 18.70.090, p. 345, sets out special language for this concern, stating that animals being lawfully kept prior to the adoption date of the ordinance would be allowed to remain until they are sold, moved or have lived out their life.

2. Why are the sections not numbered consecutively?

As a general practice, code sections are not numbered consecutively in order to allow new sections to be inserted without the ripple effect of changing every following section number and related code references. Subsections, on the other hand, are numbered consecutively. Code Publishing, the company that codifies the city's ordinances discusses this topic at the beginning of the Municipal Code, stating, "The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the KMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits."

Formatting/Organization (includes all titles)

1. The purpose for the phrases in italics should be clarified somewhere early in the document.

Italicizing is described at the beginning of each definitions section in Titles 17, 18 and 19. See Title 17, page 2; Title 18, p. 21; and Title 19, p. 3. It may be advisable to relocate these comments to the beginning of each "definitions" section, with a "scope of chapter" section as in Title 18, p. 21.

2. Can we have an index? For a person who knows the regulations, this outline with titles and numbers makes sense. They can find what they want. For the uninitiated it is difficult. For example, I wanted to find the stream and wetland classification system. That is crucial if someone has water on their property. It was not in the definitions. I could find setbacks based on class, but I could not find the actual definitions. There are many examples where I had a question and I had to stroll through pages of material over and over. Sometimes I found what I was looking for. Sometimes I could not find it. The way my brain works is to cross reference information to see how the pieces fit together.

The Municipal Code, as a whole, has an index. Staff will review that index to be certain major topics are included.

3. 18.21, Residential zones, p. 84. There is something odd about the overall layout of section 18.21.020. There are several tables. They are labeled Table A, Zone Use Allowance for R 1, R 4, R 6. Table C (Not actually labeled). Zoning standards for low level R. Table E, Use Allowances for R 12, R 18, R 24, R 48.

Table G, Zoning for high level R. Tables are usually separate items from the A, B C outline system. They should be sequential. These should be Tables A, B, C, D.

This would be a good change for purposes of consistency. Staff estimates that this change will take three hours of staff time, not only to do the relabeling but to double-check all cross-references throughout the Municipal Code.

4. **18.21, Residential zones, p. 84. Comment 1: The sections after the tables are called Development Conditions. These are really just explanations for the superscripts in the Table. In the sections on the Community Business Zone 18.293, Downtown Residential Zone 18.274, and Downtown Commercial Zones 18.265, the Table and superscripts are treated differently. They are Table A for Allowed uses and Table B for Zoning Standards. The superscripts are simple listed after the Tables. I believe that is the more standard format. Just remove the "Development Condition" title and list the explanations that are connected with the preceding Table. Comment 2: In some tables such as on Page 111, section 18.21.021, superscripts are used. In some tables such as Page 170, section 18.26.040, numbers in parentheses are used. I think all tables should have the same system of connecting the topic with the notes for clarification. I like the superscripts.**

This would be a good change for purposes of consistency. Staff estimates that this change will take three hours of staff time, not only to do the relabeling but to double-check all cross-references throughout the Municipal Code.

General comments (no staff response needed)

- I think there is a huge benefit in having our in house team develop these regulations since they will be the ones who have to interpret them for developers and our citizens.
- I like the definition section.
- I am in favor of the change in the definition of a short plat from 4 up to 9. It is consistent with state law. I never knew we had an option. It still has to comply with all size and zoning laws. It just simplifies and speeds up the process. This will cost developers and citizens less. It think it will be a financial benefit if the short plat cuts 6 months or so off of the present long plat process.

Attachments

Attachment 1: Sample short plat application checklist

Attachment 2: Copy of 10/17/08 City Manager's letter

Attachment 3: Old version of KMC 18.25.030

Attachment 4: Comparison of CSDP and Site Plan Review processes

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CITY OF KENMORE, WA PRELIMINARY SHORT PLAT CHECKLIST

18120 68th Ave NE, Kenmore, WA 98028

425-398-8900

www.kenmorewa.gov



Staff use Area	Permit Number: _____																						
	Project Number: _____																						
	Related Permit(s): _____																						

	DRT		Date Stamp																				
1	A Permit Application needs to be completed and submitted with this checklist. This checklist identifies the minimum requirements and number of copies the applicant must submit for the City of Kenmore to accept the application. Should any of the following minimum items not be provided, the application will not be accepted at the counter. Acceptance does not deem the application complete. Submittal Requirements: Applicant, please check each box under the applicant heading on this checklist to confirm items included in your submittal. If you think an item is not applicable, you must contact the appropriate department prior to your intake, to have the item(s) initialed as not required.																						
2	General: <table border="0"> <thead> <tr> <th>Appl.</th> <th>Staff</th> <th></th> <th># of Copies</th> </tr> </thead> <tbody> <tr> <td>☐</td> <td>☐</td> <td>A completed permit application</td> <td>5</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>A completed supplemental permit application</td> <td>5</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Certificate of Water Availability. Available at Northshore Utility District located at 6830 NE 185th St Kenmore, WA 98028 or phone 425-398-4400.</td> <td>5</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Certificate of Sewer Availability. Available at Northshore Utility District located at 6830 NE 185th St Kenmore, WA 98028 or phone 425-398-4400.</td> <td>5</td> </tr> </tbody> </table>			Appl.	Staff		# of Copies	☐	☐	A completed permit application	5	☐	☐	A completed supplemental permit application	5	☐	☐	Certificate of Water Availability. Available at Northshore Utility District located at 6830 NE 185 th St Kenmore, WA 98028 or phone 425-398-4400.	5	☐	☐	Certificate of Sewer Availability. Available at Northshore Utility District located at 6830 NE 185 th St Kenmore, WA 98028 or phone 425-398-4400.	5
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3	☐	☐	Plat Maps (18"x 24") 5 Must be prepared by a licensed surveyor in the State of Washington. The following information must be shown on the plat map: ▪ Plat map size, a minimum of 18"x24" drawn to a legible engineering scale ▪ Name of person who prepared the plat map, surveyor seal and signature. ▪ Name and address of owner, applicant, engineer ▪ North arrow and vicinity map. Show sufficient detail to clearly locate the project in relation to arterial streets, natural features, and municipal boundaries ▪ Tax parcel number ▪ Legal description of the property boundary and dimensions of all proposed lots ▪ Area in square feet or acres of the total property and each new lot. ▪ Existing and proposed impervious surface calculations and breakdown of the total impervious area ▪ Zoning designation of property and surrounding properties ▪ Topographic contours with intervals at a maximum of 5 feet ▪ All adjacent streets, including street name, right-of-way width, and improvements (i.e. pavement width, sidewalk, shoulders). Provide radius of cul-de-sacs. ▪ Location and dimension of proposed streets/access (width, radius of cul-de-sacs, and sidewalks) ▪ Sight distance measurements at all access locations ▪ Location, dimension, and use of existing and proposed easements. Reference recording numbers ▪ Existing structures, retaining walls, septic tanks, drainfields and wells, and distances to existing and proposed property lines. Identify if any structures are to be removed or demolished. ▪ Boundaries of critical areas (streams, wetlands, flood hazard areas, shorelines, landslide hazard, erosion hazard, seismic hazard) and boundaries of required buffers and building setbacks.																				

	Appl.	Staff		# of Copies
4	☐	☐	Conceptual Civil Plans - Conceptual plans of proposed water distribution systems, storm sewers, sewage systems, proposed location of detention vault/pond. - Plans prepared per King County Road Standards and KMC 12.50; and 2009 King County Surface Water Design Manual and KMC 13.35.	5
5	☐	☐	Drainage Review - This off-site analysis must be prepared in accordance with the requirements of the adopted 2009 King County Surface Water Design Manual and KMC 13.35. - This off-site analysis must assess potential off-site drainage impacts associated with development of the project and to help propose appropriate mitigation of impacts. - A higher level of off-site analysis may be requested prior to preliminary approval or as a condition of engineering plan submittal.	5
6	☐	☐	Sight Distance Measurements - Measure sight distance measurements at all access locations. - If sight distance does not meet King County Road Standards, as adopted by Kenmore, then a Road Standards Variance shall be submitted.	5
7	☐	☐	Road Standards Variance (if required) - Variance justification to deviate from any of the road standards in KMC 12.50 or King County Road Standards prepared in accordance with the KCRS. - Completed road standards variance application (separate application).	5
8	☐	☐	Copies of applications for other requested permits Submit copies of application materials and plans	5
9	☐	☐	Critical Area Studies (if required) - A wetlands delineation and categorization report (if wetlands are present on or adjacent to the subject property). - A stream delineation and assessment study (if streams are located on or adjacent to the subject property). - A geologic hazards report/soils report (if steep slopes, landslide hazard, seismic hazard, or erosion hazard areas are located on or adjacent to the subject property). - A habitat management plan (if fish and wildlife habitats of importance are located on or adjacent to the subject property). - Conceptual mitigation plan prepared per KMC 18.55. - See also critical area study requirements handout.	5
10	☐	☐	SEPA Checklist (if required) See SEPA categorical exemptions in KMC 19.35.040 and WAC 197-11-800.	5
11	☐	☐	One Copy of CD (electronic submittal) - PDF file of <i>all</i> maps and plans (11" x 17") - PDF files of <i>all</i> technical reports (TIR, critical area reports, geotechnical studies, TIA, etc). - Separate PDF files from maps/plans and reports, labeled appropriately	1
12	☐	☐	Mailing Address Labels - For property owners located within 500 feet of the site, but the area shall be expanded as necessary to send to at least 20 different nearby property owners. - Mailing labels can be obtained from a title company.	3
13	☐	☐	Title Report - Date of segregation - Legal description - Existing easement agreements for ingress, egress, utilities, and drainage - Deed restrictions or other property encumbrances	5
14	NOTES: - This project qualifies for the City's Development Review Program - All permit application fees are due at application intake (see fee schedule)			



The City Of Kenmore

P. O. Box 82607 • Kenmore, Washington 98028-0607

INTERIM CITY MANAGER'S FRIDAY LETTER

Monday, October 17, 2008

Kenmore Municipal Code...Where Can Apartments be Built? (See Attached)

I have received a question regarding in which zones in the City's Comprehensive Plan can apartments be constructed. Apparently, there does exist some uncertainty as to the accuracy of the City's Municipal Code as current viewed and printed compared to what the City Council adopted when the King County Code was transferred with changes from the County. The attached is what should be in the Kenmore Municipal Code governing apartments. Debbie Bent is in the process of verifying what we think is correct, and then we will take the necessary immediate steps to remove or nullify the incorrect section of the Code.

City Council Agendas and Hearing, Business, and Ordinance Adoption Topics For Remainder of Year (See Attached) The City Council has heard me mention the number of year end "clean-up" items for Council action, particularly those on the Planning Commission docket that require public hearings, then ordinance amendments.

We try to develop then maintain a reasonably accurate "agenda forecast" or "Council docket" which changes regularly depending on the completeness and accuracy of the materials, the timeliness in relation to other agenda items, and the relationship with other items that might require or result in a significant amount of discussion by the Council or the public. Often, by the time we think the "forecast" is somewhat accurate, one of the necessary components for the placement of the item on the Council agenda has changed (consultant or report readiness; availability of people, staff, consultants, who might need to be at the meeting; toughness of the information; sufficient time for internal review, particularly my review and the Finance Director's review to insure financial completeness and accuracy consistent with adopted budgets, contracts etc).

Attached is what I think is a reasonable forecast of the items and their "readiness" to be placed on the Council agenda. One of the key factors for the fall schedule is taking into account what might result from public testimony that would require changes to documents and proposed ordinance amendments and what the resulting work would mean to a tentative schedule. The estimated minutes for each subject and the total for the meeting are, at best, wild guesses for agenda planning purposes. As you can see, the meetings, however long or short in our time estimates, will be busy.

It has taken all of us considerable time to collectively determine the nature and schedule of items for the remainder of the year. Even in the best of cases, when I think an agenda forecast might be reasonable, and I regularly share it with City Councils (which I hope to do with this one) the forecast is not a committed schedule because of the unknowns. However, I hope you find this latest version interesting if not entirely helpful.

Fred Stouder
Fred Stouder,
Interim City Manager

I:\City Manager\Fred Stouder, Interim City Manager\Friday Letters\Final copy 10 17 2008 Letter.doc

ORDINANCE NO. 98-0026

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON ADOPTING AN INTERIM ZONING CODE AND MAP,
ESTABLISHING MINIMUM LOT SIZE, MODIFYING MINIMUM DENSITY
REQUIREMENTS
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, The City of Kenmore will officially incorporate on August 31, 1998,
and

WHEREAS, as a newly incorporated city, Kenmore will have four and one-half
years from the date of incorporation to adopt a comprehensive plan and development
regulations that complies with the requirements of the Growth Management Act, and

WHEREAS, it is the intent of the City Council to actively involve the community
in the comprehensive planning process, and

WHEREAS, in order to allow sufficient time to prepare and implement a work
program for the comprehensive plan, it is necessary to adopt an interim zoning code and
map, an interim comprehensive plan, and interim development regulations, and

WHEREAS, the Kenmore City Council conducted community meetings on July
8th and 9th, 1998 to receive public comments on the appropriateness of adopting the King
County zoning code and map, the King County comprehensive plan, the Northshore Plan,
and King County development regulations on an interim basis, and

Whereas, the Kenmore City Council, based on community input, has identified
several potential changes to these plans and regulations that make them more appropriate
for Kenmore, and

WHEREAS, a public hearing was held on August 3rd, 1998 to receive public
comments on these modified plans and regulations, and

WHEREAS, the City Council hereby finds that the protection of the public health,
safety, and welfare requires adoption of said interim zoning code and map, interim
comprehensive plan and interim development regulations.

NOW THEREFORE, the City Council of the City of Kenmore does ordain as
follows:

Section 1. Interim Zoning Code Adopted. Title 21A of the King County Code
attached hereto as Exhibit "A" and incorporated in full by reference as presently
constituted or hereafter amended is hereby adopted as the interim zoning code for the
City of Kenmore, except as specifically modified herein.

Section 2. References. Unless the context requires otherwise, any reference to County or King County shall refer to the City of Kenmore, any reference to the King County Council shall refer to the Kenmore City Council, any reference to King County Hearings Examiner shall refer to Kenmore Hearings Examiner, and any reference to King County staff shall refer to the Kenmore City Manager or designee.

Section 3. Official Zoning Map Adopted. The zoning map labeled "Official Zoning Map of the City of Kenmore", dated August 17, 1998 and attached hereto as Exhibit "B" is hereby adopted as the official zoning map shall be kept on file by the City Clerk and will be on display for public review at Kenmore City Hall.

Section 4. Minimum Lot Size Established. In the R-4, R-6 and R-8 zones, a minimum lot size of 4,500 square feet, excluding any area required for public or private roads, is hereby established.

Section 5. Minimum Density Requirements. The minimum density requirements contained in this interim zoning code shall not apply to property zoned R-4, R-6 or R-8.

Section 6. P Suffix Condition Deleted. P Suffix Condition 14.c (1)(n) of the Northshore Community Plan, Kenmore Activity Center Design Review Section, Subsection E Mixed-Use Pedestrian-Oriented Areas, as amended by Ordinance 11653 is deleted, and is not adopted by the City of Kenmore.

Section 7. Section 21A.43.040 Deleted. Section 21A.43.040 of the King County code is hereby deleted and is not adopted by the City of Kenmore.

Section 8. Fee Collection. School impact fees shall be collected by the City or County as appropriate, provided that the City may enter into an agreement authorizing the Northshore School District to directly collect said fees.

Section 9. Adoption of Certain Other Laws. To the extent that any provision of the King County Code, or other law, rule or regulation is referenced in the attached Interim Zoning Code or is necessary to establish the validity, enforceability or interpretation of the Interim Zoning Code, then such provision of the King County code, or other law, rule or regulation is hereby adopted.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the City's official newspaper and shall be effective as of August 31, 1998.

PASSED by the City Council of the City of Kenmore this 17th day of August, 1998.

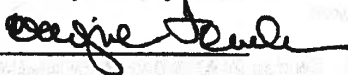
APPROVED:


Mayor, Jack V. Crawford

ATTEST/AUTHENTICATED:


Interim City Clerk, Ruth Muller

APPROVED AS TO FORM:
Interim City Attorney.

By 

Filed with the City Clerk: 8/13/98
Passed by the City Council: 8/17/98
Published: 8/24/98
Effective Date: 8/31/98
Ordinance No. 98-0026

Part of what was
adopted by Section 1, page 1
Ordinance No 98-0026

21A.08.030

ZONING

21A.08.030 A. Residential land uses.

KEY		RESOURCE				RESIDENTIAL				COMMERCIAL/INDUSTRIAL			
P	Permitted Use	A	F	H	RA	UR	D	R	RD	CS	RS	O	I
C	Conditional Use	G	O	I	V	AS	R	Z	EU	OU	EU	P	N
S	Special Use	R	R	S	R	BS	S	S	IS	US	US	P	D
		I	E	S	A	AS	A	Z	OT	UI	UI	I	U
		C	S	S	L	NE	N	D	RE	UN	DN	C	B
		U	Y	A	V		S		RE	US	NE	E	T
		L		L	E		W		OF	IS	AS		
		T					Y		RE	TE	LE		
		U					I		N	Y			
		R					A		S				
		E					L		D				

SFC #	SPECIFIC LAND USE	A	F	H	RA	UR	D	R	RD	CS	RS	O	I
DWELLING UNITS, TYPES:													
	Single detached	PC C13	PC C13		PC C13	P C13	P C13	P C13					
	Townhouse						P 12	P	P	P	P	P	P
							C						
	Apartment				O4	O4	PS O4	P	P	P	P	P	P
	Mobile home park				SH4		CS	P					
GROUP RESIDENCES:													
	Community residential facility-1				C	C	C	R	P	P	P	P	P
	Community residential facility-2							P	P	P	P	P	P
	Boarding				CS	CS	CS	P					
	Senior citizen assisted housing					P4	P4	P	P	P	P	P	P
ACCESSORY USES:													
	Permitted accessory uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	P7
	Home occupation	P	P		P	P	P	P	P	P	P	P	P
	Home industry	O			C	C	C						
TEMPORARY LODGING:													
7011	Hotel/motel (1)									P	P	P	
	Bed and breakfast guesthouse	PC C10			P10	P10	P10	P10	P10	P11	P11		
7011	Organization hotel/motel/guesthouse											P	
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.08.070; Development Standards, see K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. 21A.08.													

(King County 9-97)

21A-837

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. For properties in the F zone, a fire protection plan for the subject property shall be reviewed and approved by the Washington Department of Natural Resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire which may originate from the residential use. This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.
3. Only as part of a mixed use development subject to the conditions of K.C.C. 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to the provisions of K.C.C. 21A.12.040, K.C.C. 21A.14.030, K.C.C. 21A.14.060 and K.C.C. 21A.14.180.
4. 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 K.C.C. 21A.32.
5. Only subject to the residential density incentive provisions of K.C.C. 21A.34.
6. Only as an accessory to a school, college/university or church.
7. a. Accessory dwelling units:
 - (1) Only one accessory dwelling per primary single detached dwelling unit;
 - (2) Only in the same building as the primary dwelling unit when the lot is less than 10,000 square feet in area or when there is more than one primary dwelling on a lot;
 - (3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;
 - (a.) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic, and
 - (b.) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
 - (5) One additional off-street parking space shall be provided;
 - (6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and
 - (7) 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.
- b. One single or twin engine, noncommercial aircraft shall be permitted only on lots which abut, or have a legal access which is not a county right-of-way, to a waterbody or landing field, provided:
 - (1) No aircraft sales, service, repair, charter or rental; and
 - (2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.
8. Mobile home parks shall not be permitted in the R-1 zones.

9. Only as an accessory to the permanent residence of the operator, provided:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. No more than 5 guests per night.

10. Only as an accessory to the permanent residence of the operator, provided:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

11. Only when part of a mixed use development, and subject to the conditions of K.C.C. 21A.08.030B.10.

12. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units.

13. Required prior to approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030B7.

14. No new mobile home parks are allowed in a rural zone. (Ord. 12786 § 2, 1997; Ord. 12596 § 3, 1997; Ord. 12522 § 3, 1996; Ord. 12273 § 1, 1996; Ord. 12243 § 1, 1996; Ord. 11621 § 135, 1994; 11157 § 11, 1993; Ord. 10870 § 330, 1993).

18.25.030

Kenmore Municipal Code

OLD CODE**18.25.030 Residential land uses.**

A.

KEY		Z O N E	RESOURCE	RESIDENTIAL		COMMERCIAL		
P-Permitted Use			A	U R		N B	R B	O
C-Conditional Use			G	R E		E U	E U	F
S-Special Use			R	B S		I S	G S	F
			I	A I		G I	I I	I
			C	N D		H N	O N	C
			U	E		B E	N E	E
			L	N		O S	A S	
			T	T		R S	L S	
			U R E	I A L		H O O D		
SIC #	SPECIFIC LAND USE		A	R 1-6	R 12-48	NB	RB	O
	DWELLING UNITS, TYPES:							
*	Single Detached		P C13	P C13	P C13			
*	Townhouse			P C12	P	P3	P3	P3
*	Apartment			P5 C4	P	P3	P3	P3
*	Designated Manufactured Home		P C13	P C13	P C13			
*	Mobile Home and Manufactured Home			P2	P2			
*	Mobile Home Park			C8	P			
	GROUP RESIDENCES:							
*	Community Residential Facility-I			C	P	P3	P3	P3
*	Community Residential Facility-II				P	P3	P3	P3
*	Dormitory			C6	P			
*	Senior Citizen Assisted Housing			P4	P	P3	P3	P3
	ACCESSORY USES:							
*	Residential Accessory Uses		P7	P7	P7	P7	P7	P7
*	Home Occupation		P	P	P	P	P	P
*	Home Industry		C	C				
	TEMPORARY LODGING:							
7011	Hotel/Motel (1)						P	P
*	Bed and Breakfast Guesthouse (15)		P9 C10	P10	P10	P10	P11	
7041	Organization Hotel/Lodging Houses						P	
GENERAL CROSS REFERENCES: Land Use Table Instructions, see KMC 18.10.070 and 18.25.020; Development Standards, see Chapters 18.30 through 18.70 KMC; General Provisions, see Chapters 18.75 through 18.80 KMC; Application and Review Procedures, see Chapters 18.85 through 18.105 KMC; (*)Definition of this specific land use, see Chapter 18.20 KMC.								

B. Development Conditions.

1. Except bed and breakfast guesthouses.
2. Manufactured homes and mobile homes are only allowed in mobile home parks.

3. Only as part of a mixed use development subject to the conditions of Chapter 18.35 KMC, except that:

OLD CODE

E. If the letter "S" appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in Chapter 18.95 KMC and the general requirements of the code.

F. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

G. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitations or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

H. All applicable requirements shall govern a use whether or not they are cross-referenced in a section. [Ord. 98-0026 §§ 1, 2 (KCC 21A.08.020).]

a. In the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to KMC 18.30.040, 18.35.030, 18.35.050 and 18.35.170;

b. In the RB zone, stand-alone townhouse or stand-alone apartment developments with a base density no greater than 18 dwelling units per acre may be permitted; provided, the director finds that the applicant's property contains environmental and/or access constraints that significantly hinder commercial development; and further provided, that adequate access meeting city standards is available from other public roads. The development standards for the R18 zone found in KMC 18.30.030 shall be applicable to these developments.

4.a. Only in a building listed on the National Register as an historic site or designated as a city of Kenmore landmark subject to the provisions of Chapter 18.75 KMC.

b. In the R-1 zone, apartment units are permitted; provided that:

(1) The proposal shall be subject to a conditional use permit when exceeding base density;

(2) At least 50 percent of the site is constrained by unbuildable critical areas. For purposes of this section, unbuildable critical areas shall include wetlands, streams and slopes 40 percent or steeper and associated buffers; and

(3) The density does not exceed a density of 18 units per acre of net buildable area as defined in KMC 18.20.1850; or

c. In the R-4 through R-6 zones, apartment units are permitted; provided, that the proposal shall be subject to a conditional use permit when exceeding base density, and provided, that the density does not exceed a density of 18 units per acre of net buildable area as defined in KMC 18.20.1850.

5. Apartment units are permitted outright as follows:

a. In the R-1 zone when at least 50 percent of the site is constrained by unbuildable critical areas which for purposes of this section includes wetlands, streams and slopes 40 percent or steeper and associated buffers; and provided, that the density does not exceed a density of 18 units per acre of net buildable area as defined in KMC 18.20.1850; or

b. In the R-4 through R-6 zones; provided, that the density does not exceed 18 units per acre of net buildable area as defined in KMC 18.20.1850.

6. Only as an accessory to a school, college, university or church.

7.a. Accessory dwelling units:

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4) (a) If the accessory dwelling unit is attached to the primary dwelling unit, then the dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less;

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(7) 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. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone;

(8) In the A zone, one accessory dwelling unit is allowed on any lot under 20 acres in size, and two accessory dwelling units are allowed on lots that are 20 acres or more; provided, that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code;

(9) The accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence; and

(10) The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC 18.20.1010.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a city right-of-way, to a waterbody or landing field, provided there is:

(1) No aircraft sales, service, repair, charter or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the A zone shall not exceed 5,000 square feet of gross floor area, except for buildings related to agriculture or forestry.

8. Mobile home parks shall not be permitted in the R-1 zones.

9. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. There shall be no more than five guests per night.

10. Only as an accessory to the permanent residence of the operator, and:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by the city of Kenmore for R-1 occupancies may accommodate up to 10 persons per night.

11. Only if part of a mixed use development, and subject to the conditions of subsection (B)(10) of this section.

12. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units.

13. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(7) of this section.

14. Reserved.

15. Bed and breakfast guesthouses shall be authorized in all zones after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals served to paying guests shall be limited to breakfast;

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. At least one off-street parking stall shall be provided for each guestroom and one additional stall for each employee or worker; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager or his or her designee, and shall not create significant adverse neighborhood effects that cannot be mitigated.

C. See Chapters 18.26 and 18.27 KMC for use allowances in the downtown residential and downtown commercial zones. [Ord. 07-0275 § 2; Ord. 07-0272 § 2; Ord. 07-0267 §§ 1, 2, 11; Ord. 03-0179 § 1; Ord. 03-0175 § 14; Ord. 99-0052 §§ 4, 5; Ord. 98-0026 §§ 1, 2, 14 (KCC 21A.08.030).]

EXISTING PROCESS

	Building Permit	CSDP
Process	Administrative Type 1; no city appeal	Administrative Type 2; 500' public notice; appeal to Hearing Examiner
Applicability	• single family • duplexes	• 3+ multifamily • commercial • office • institutional • mixed use • industrial • major modifications

PROPOSED PROCESS

	Building Permit	Site Plan Review ¹
Process	Administrative Type 1; no city appeal	Administrative Type 2; 1000' public notice; appeal to Hearing Examiner
Applicability	• single family • duplexes • 3+ multifamily (except specific sites) • commercial (except specific sites) • office (except specific sites) • institutional (except specific sites) • mixed use (except specific sites) • industrial (except specific sites) • major modifications (except specific sites)	• development on specific properties² • development on sites identified by the city manager • certain uses in the P, GC or PSP zones • major modifications on specific sites • if requested by an applicant

¹can request waiver of site plan review from city manager

²includes mapped properties and 3+-acre sites in the PSP zone